

# Hillingdon Council Constitution

Established 2002

Last update – 15 July 2021  
London Borough of Hillingdon



**HILLINGDON**  
LONDON

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# COUNCIL CONSTITUTION

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## INDEX TO THE CONSTITUTION OF THE COUNCIL

■	<b>Summary and Explanation.....</b>	<b>PART 1</b>	(page 5)
■	<b>Articles of the Constitution.....</b>	<b>PART 2</b>	
	The Constitution .....	Article 1	(page 9)
	Members of the Council .....	Article 2	(page 11)
	Citizens and the Council .....	Article 3	(page 13)
	The Full Council.....	Article 4	(page 15)
	Role and Functions of The Mayor .....	Article 5	(page 17)
	Select Committees .....	Article 6	(page 19)
	The Cabinet (Executive) .....	Article 7	(page 23)
	Council Committees and Bodies.....	Article 8	(page 53)
	The Standards Committee .....	Article 9	(page 67)
	Joint Arrangements.....	Article 10	(page 69)
	Officers .....	Article 11	(page 71)
	Decision Making .....	Article 12	(page 77)
	Finance, Contracts and Legal Matters.....	Article 13	(page 79)
	Review and Revision of the Constitution.....	Article 14	(page 81)
	Suspension, Interpretation and Publication of Constitution .....	Article 15	(page 83)
■	<b>Scheme of Delegation to Officers .....</b>	<b>PART 3</b>	(page 85)

## Rules of Procedure.....PART 4

Council Procedure Rules.....	A	(page 93)
Committee Standing Orders .....	B	(page 109)
Executive Procedure Rules .....	C	(page 117)
Access to Information Procedure Rules.....	D	(page 121)
Select Committee Procedure Rules .....	E	(page 131)
Officer Employment Procedure Rules .....	F	(page 149)
Budget and Policy Framework Procedure Rules.....	G	(page 155)
Procurement and Contract Standing Orders .....	H	(page 161)
Financial Rules .....	I	(page 181)
Standards Committee Procedure Rules .....	J	(page 195)

## Codes.....PART 5

Members' Code of Conduct.....	A	(page 205)
Officers' Code of Conduct.....	B	(page 209)
Protocol for Member and Officer Relations.....	C	(page 219)
Planning Code of Conduct.....	D	(page 225)
Members' Information and Communications Technology Policy.....	E	(page 237)
Hillingdon Council Petition Scheme.....	F	(page 247)

## Members' Allowances Scheme.....PART 6 (page 257)

## Management Structure .....PART 7 (page 261)

# PART 1 - SUMMARY AND EXPLANATION

## **INTRODUCTION**

### **1. The Council's Constitution**

The London Borough of Hillingdon has agreed a Constitution, which sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that they are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into seven parts within which are sixteen articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

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

Article 1 of the Constitution commits the Council to making decisions in an efficient and effective way, giving leadership within the community, working in partnership with others and taking into account local views. Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- (a) Members of the Council (Article 2).
- (b) Citizens and the Council (Article 3).
- (c) The Full Council (Article 4).
- (d) Role and Functions of the Mayor (Article 5).
- (e) Select Committees (Article 6).
- (f) The Cabinet (Executive) (Article 7).
- (g) Council Committees and Bodies (Article 8).
- (h) The Standards Committee (Article 9).
- (i) Joint Arrangements (Article 10).
- (j) Officers (Article 11).
- (k) Decision Making (Article 12).
- (l) Finance, Contracts and Legal Matters (Article 13).
- (m) Review and Revision of the Constitution (Article 14).
- (n) Suspension, Interpretation and Publication of the Constitution (Article 15).

### **3. How the Council Operates**

The Council is composed of 65 councillors, elected every four years. Councillors (who are also referred to as 'Members') are democratically accountable to residents

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

The Council has adopted a Code of Conduct to ensure high standards in the way Members undertake their duties. The Standards Committee trains and advises Members 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 debates issues of current interest, considers and approves proposals from the Cabinet, discusses matters arising from the work of select committees, and appoints Members to sit on the various council committees, and on outside bodies.

#### **4. The Council's Structure**

The Council has decided that the Leader and a group of Councillors whose appointments have been ratified by full Council, will carry out its executive functions. These Councillors have the power to make decisions either individually or collectively as a Cabinet. In addition, there are committees of the Council set up to make decisions that, by law, the Cabinet cannot make. Articles 7 and 8 explain and define what happens in practice.

#### **5. How Decisions are made**

The Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet is made up of the Leader (appointed by the Council) and up to nine other Councillors. When major decisions (known as 'key decisions') are to be discussed or made, these are published in the Cabinet's Forward Plan in so far as they can be anticipated. Where decisions are to be discussed at a meeting of the Cabinet, this is generally open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Decisions by committees dealing with non-Cabinet matters are made at meetings. They, too, are normally open to the public.

#### **6. Select Committees**

These committees support the work of the Cabinet and the Council as a whole. The committees are able to inquire into matters of local concern. This could lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Committees monitor the decisions of the Cabinet and the performance of the Council's services. The Committees will have the opportunity to comment on forthcoming decisions to be made by the Cabinet and will have the opportunity to contribute to the development of policy. Councillors on these committees can 'call-in' a decision that has been made by the Cabinet but not yet implemented.

The External Services Select Committee can examine the work of non-Council agencies in the Borough and advise the Cabinet of any issues of concern.



## **7. 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 code of practice governs the relationship between officers and Members of the Council. Officers have authority delegated to them either by the Council or the Cabinet to make decisions on routine matters. These delegations are set out in Part 3 of the Constitution.

## **8. Citizens' 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 processes.



# PART 2 - ARTICLES OF THE CONSTITUTION

## **ARTICLE 1 - THE CONSTITUTION**

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

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

### **1.02 The Constitution**

The Constitution, and all its appendices, is the Constitution of the Council of the London Borough of Hillingdon.

### **1.03 Purpose of the Constitution**

The purpose of the Constitution is to:

- (a) enable the Council to exercise its functions as a statutory body;
- (b) provide a means of improving the delivery of services to the community;
- (c) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (d) support the active involvement of citizens in the process of local authority decision making;
- (e) help Councillors represent their constituents more effectively;
- (f) enable decisions to be taken efficiently and effectively;
- (g) create a powerful and effective means of holding decision-makers to public account;
- (h) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (i) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions.

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

- (a) 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.
- (b) The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.



## **ARTICLE 2 - MEMBERS OF THE COUNCIL**

### **2.01 Composition**

The Council comprises 65 members, otherwise called Councillors. The number of Councillors elected to represent the voters of each ward will be in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

### **2.02 Eligibility**

To be eligible to hold the office of a Councillor, a person must be a British subject or a citizen of the Republic of Ireland or a relevant citizen of the European Union who has attained the age of 18 years and:

1. is and continues to be a local government elector for the area of the Authority; or
2. has during the whole of the twelve months preceding occupied as owner or tenant any land or other premises in that area; or
3. whose principal or only place of work during that twelve months has been in that area; or
4. has during the whole of those twelve months resided in that area.

### **2.03 Election and Terms of Councillors**

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2002. 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.

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

#### **(a) Key Roles**

All councillors:

1. are collectively the ultimate policy-makers and carry out a number of strategic and corporate management functions;
2. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
3. effectively represent the interests of their ward and of individual constituents;
4. respond to constituents' enquiries and representations, fairly and impartially;
5. participate in the governance and management of the Council;
6. are available to represent the Council on other bodies;
7. maintain the highest standards of conduct and ethics.

## **(b) Rights and Duties**

1. Councillors have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law. The Council's various Procedure Rules and Standing Orders provide further details on these rights.
2. Councillors will not make public information that is confidential or exempt without the consent of the Council or an authorised official of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
3. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

## **2.05 Membership of Committees**

- (a) Where they have been appointed to any committee, advisory group or subsidiary forum, Members can attend meetings of these groups unless they have been removed from membership. Members who attend meetings under this article can speak and vote.
- (b) If Members (including a co-opted member) fail to attend any meeting of the Committee or advisory group to which they are appointed/co-opted throughout a period of six consecutive months, they will cease to be a member of that committee or group unless their absence is due to a reason which has been previously approved by the Head of Democratic Services in consultation with the relevant Group Leader and/or Chief Whip.
- (c) Paragraph (b) above is without prejudice to the fact that if a Member fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the Council, he/she shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council.
- (d) The Mayor and Deputy Mayor are ex-officio, non-voting members of every committee of the Council (although this does not prevent the Deputy Mayor being appointed as a voting member of any committee of the Council).

## **2.06 Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member / Officer Relations set out in Part 5 of this Constitution.

## **2.07 Allowances**

Councillors are entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 6 of this Constitution.

## **ARTICLE 3 - CITIZENS AND THE COUNCIL**

### **3.01 Citizens' Rights**

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

#### **(a) Voting and Petitions**

Citizens on the electoral roll for the area have the right to vote in elections and sign a petition to request a referendum for an elected mayor form of Constitution.

#### **(b) Information**

Citizens have the right to:

1. attend meetings of the Council, its committees and the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting or part of the meeting is therefore to be held in private;
2. find out from the forward plan what key decisions will be taken by the Cabinet and when;
3. see public reports and background papers, and any records of decisions made by the Council and the Cabinet; and
4. inspect the council's accounts and make their views known to the External Auditor;
5. know how to contact all councillors;
6. the name and telephone number of the Council officer responsible for the provision of any Council service;
7. enquire whether the Council is holding any personal data on them on the payment of a prescribed fee and to see that data;
8. general information on various Council services provided;
9. obtain a copy of the constitution;
10. vote at local elections if they are registered;
11. present petitions to the Council;
12. ask questions at meetings of the Cabinet which they are entitled to attend.

#### **(c) Participation**

Citizens have the right to participate in the Council's Public Question Time and contribute, either as witnesses or appointed advisory members, to investigations by select committees.

#### **(d) Complaints**

Citizens have the right to complain to:

- (i) Officers of the Council;
- (ii) Local ward members and members of the Cabinet;
- (iii) The Council itself under its Complaints Scheme;

- (iv) The Local Government Ombudsman;
- (v) The Monitoring Officer about a breach of the Councillors Code of Conduct.

### **3.02 Citizens' Responsibilities**

With rights come responsibilities. The Council expects its Council Tax payers, and any person who uses a Council service for which there is a charge, to pay promptly. When exercising their rights to attend meetings, citizens have the responsibility to ensure that their behaviour does not disrupt the conduct of the meeting and that the business being discussed can be carried out. Citizens must not be violent, abusive or threatening to Councillors or officers, and must not wilfully harm property owned by the Council, Councillors or officers.



## ARTICLE 4 - THE FULL COUNCIL

### 4.01 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 Procedure Rules in Part 4 of this Constitution.

### 4.02 Membership

All 65 Members of the Council.

### 12.05 4.03 The Role of Full Council

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

### 4.04 Terms of Reference

- (a) To approve and adopt the following plans and strategies, or their successors, which together make up the Council's budgetary and policy framework:
  - 1. Budget<sup>1</sup> and Council Tax including Council tax base
  - 2. Council Plan
  - 3. Community Safety Strategy
  - 4. Development Plan Documents
  - 5. Youth Justice Plan (if required)
  - 6. Housing Strategy
  - 7. Statement of Licensing Policy
  - 8. Statement of Gambling Policy

In addition, the Full Council will consider at its annual meeting whether any additional plans or strategies, both statutory or non-statutory, should be adopted or approved.

- (b) To adopt and change the Constitution when necessary. Full Council will set the limits defining key decisions, key financial decisions and financial thresholds set out in the Constitution and also the limits for virement or other Budget changes by the Leader, the Cabinet, Cabinet Members, Committees or officers.
- (c) To approve any application to the Secretary of State in respect of any housing land transfer;

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<sup>1</sup> The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the Council Tax, controlling the Council's borrowing requirement and capital expenditure in line with CIPFA's "Prudential Code for Capital Finance in Local Authorities", and the setting of virement limits.

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

- (d) At the annual meeting immediately following the ordinary election of Councillors to appoint the Leader of the Council;
- (e) To consider a resolution to remove the Leader from office and appoint a replacement Leader;
- (f) To appoint annually the Mayor and Deputy Mayor of the Borough;
- (g) To agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them;
- (h) To appoint representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (i) To adopt an allowances scheme under Part 6 of the Constitution;
- (j) To determine any changes to the name of the area, to confer the title of Honorary Alderman or Freedom of the Borough, to confer Civic Honours and Adopted Status to units of Her Majesty's Armed Forces and to confer Freedom of Entry to the Borough;
- (k) To confirm the appointment and the dismissal of the Head of the Paid Service;
- (l) To confirm the dismissal of the Monitoring Officer and the Chief Finance Officer;
- (m) To make, amend, revoke, re-enact or adopt bye laws and to promote or oppose the making of local legislation or personal bills;
- (n) To consider those matters referred to it from time to time by the Cabinet, Select Committees and by other Council committees;
- (o) To exercise all local choice functions which the Council decides should be undertaken by itself rather than the Cabinet<sup>2</sup>;
- (p) To receive and consider reports from the Council's three statutory officers;
- (q) To permit members of the public to ask questions of the Leader and Cabinet members;
- (r) To consider and debate motions raised by Councillors, the process of which is to be set out in the Council's Procedure Rules;
- (s) To appoint Champions, upon the recommendation of the Leader, for better representation of particular groups or issues both within the Council and community and agree their terms of reference.
- (t) To consider all other matters which, by law, must be reserved to Council.

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<sup>2</sup> The Council will exercise those residual local choice functions (except for the conducting of best value reviews) as set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended insofar as they apply to the Borough and have not been reserved to the Cabinet. The Cabinet has reserved responsibility for exercising those local choice functions set out in Appendix A to Article 7.

## **ARTICLE 5 - ROLE AND FUNCTIONS OF THE MAYOR**

**5.01** The Council will appoint/elect the Mayor annually from amongst the Councillors. The Mayor shall, unless he or she resigns or becomes disqualified, continue in office until his or her successor becomes entitled to act as Mayor.

### **5.02 Deputy Mayor**

- (a) The Mayor may appoint a Councillor of the London Borough of Hillingdon to be Deputy Mayor and the person so appointed shall, unless he or she resigns or becomes disqualified, hold office until a newly elected Mayor becomes entitled to act as Mayor (whether or not he or she continues until that time to be a Councillor).
- (b) The appointment of a Deputy Mayor shall be notified to the Council in writing and be recorded in the Minutes of the Council.
- (c) The Deputy Mayor may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge all functions which the Mayor as such might discharge.

**5.03** The Mayor and, in his or her absence, the Deputy Mayor will have the following roles and functions:

#### **(a) Ceremonial Role**

The Mayor is a symbol of the authority of the Council, a symbol of an open society and an expression of social cohesion. The Mayor is the Borough's First Citizen and has social precedence unless the Monarch or direct representative is visiting the Borough. The Mayor will attend such civic and ceremonial functions as he or she or the Council decides are appropriate. The Mayor gives recognition, appreciation and encouragement to all those groups and individuals who contribute to the life of the Borough and seeks to promote public involvement in the Council's activities.

#### **(b) Chairing the Council Meeting**

In his or her capacity as Chairman of the Council Meeting, the Mayor (or Deputy) shall have, during the meeting, the following responsibilities:

- 1. To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
- 2. To preside impartially and uncontroversially 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 rule on points of order and to have the casting vote;
- 4. 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 are not on the Cabinet can hold the Cabinet to account.

### **5.04 Support Arrangements**

Appropriate officer support, facilities and training and an appropriate budget is provided to enable the Mayor and Deputy Mayor to discharge their responsibilities.



## **ARTICLE 6 – SELECT COMMITTEES**

### **6.01 Introduction**

- (a) The Council has appointed the following Select Committees to discharge the functions conferred by section 21 of the Local Government Act 2000:
  - 1. Corporate, Finance & Property Services Select Committee
  - 2. Environment, Housing & Regeneration Select Committee
  - 3. Public Safety & Transport Select Committee
  - 4. Families, Health & Wellbeing Select Committee
  - 5. External Services Select Committee
- b) The terms of reference for each of these Committees are set out in Table 1 of the Select Committee Procedure Rules which must be read together with the provisions of this Article.
- (c) The Select Committees are predominantly service-based and the Chairmen of the Committees may jointly agree to establish a Task and Finish Review Panel to undertake detailed reviews. The External Services, which has an external mandate, may also establish a Select Panel to undertake detailed reviews.
- (d) The Families, Health & Wellbeing Select Committee may establish a Panel to oversee the corporate parenting responsibilities of the Council.

### **6.02 Role of the Select Committees**

- (a) Policy development and review:

Other than the External Services Select Committee, these Committees may:

- 1. conduct reviews of policy, services or aspects of service which have either been referred by Cabinet, relate to the Cabinet Forward Plan, or have been chosen by the Committee according to the agreed criteria for selecting such reviews;
- 2. monitor the performance of the Council services within their remit (including the management of finances and risk);
- 3. comment on the proposed annual service and budget plans for the Council services within their remit before final approval by Cabinet and Council;
- 4. consider the Forward Plan and comment as appropriate to the decision-maker on Key Decisions which relate to services within their remit (before they are taken by the Cabinet);
- 5. Call-in executive decisions made but not yet implemented in line with the call-in procedure outlined in Part 4 of the Constitution;
- 6. Review or scrutinise the impact of decisions taken by the Executive after they have been implemented.
- 7. Committees will not investigate individual complaints but will consider 'Councillor Calls For Action' submissions in accordance with the Local Government and Public Involvement in Health Act 2007.

(c) External Services Select Committee

The External Services Select Committee may:

1. Undertake the powers of health scrutiny conferred by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
2. Work closely with the Health & Wellbeing Board & Local HealthWatch in respect of reviewing and scrutinising local health priorities and inequalities.
3. Respond to any relevant NHS consultations.
4. Scrutinise and review the work of local public bodies and utility companies whose actions affect residents of the Borough.
5. Identify areas of concern to the community within their remit and instigate an appropriate review process.
6. Act as a Crime and Disorder Committee as defined in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and carry out the bi-annual scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

These roles will be undertaken in accordance with the terms of reference for each Committee outlined in Part 4 of the Constitution.

(d) Finance

The Select Committees may exercise overall responsibility for the finances made available to them. However, the Head of Democratic Services has responsibility for allocating finances to the individual committees.

(e) Reporting to Council

Select Committees must report at least annually to Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

(f) Officers

Select Committees may exercise overall responsibility for their work programmes and will have dedicated officer support to assist them in carrying out their official business.

(g) Holding Office

Committee members shall hold office until they resign, are removed from office or their successors are appointed.

### 6.03 Proceedings of Select Committees

As indicated in Article 6.01 above, the Select Committees will conduct their proceedings in accordance with the Select Committee Procedure Rules set out in Part 4 of the Constitution.







# ARTICLE 7 - THE CABINET (EXECUTIVE)

## 7.01 The Executive

(a) The Executive is responsible for undertaking all of the Council's functions, except for those functions (specified in Articles 4, 8 and 9) that are reserved to the Council and that are undertaken by the Full Council or delegated to committees, sub-committees, other bodies or officers. When the Executive meet collectively, it is known as "the Cabinet". Individual councillors that are members of the Executive are known as "Cabinet Members".

(b) The Cabinet comprises up to 8 Councillors including the Leader, but the Leader may reduce this number at some future date.

## 7.02 Leader

The Leader will be a Councillor elected at the annual meeting immediately following the ordinary election of Councillors to the position of Leader of the Council. The Leader holds office until:

1. he or she resigns from office; or
2. he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension); or
3. he or she is no longer a councillor; or
4. he or she is removed from office by a resolution of the Full Council; or
5. on expiry date of fixed term save that the Council may remove the Leader from office at an earlier date.

Any Leader appointed other than at the Annual Meeting immediately following the ordinary election of Councillors shall hold office until the next Annual Meeting immediately following the ordinary election of Councillors.

## 7.03 Other Cabinet Members

(a) The Leader shall appoint other Cabinet Members. Cabinet Members hold office until:

1. they resign from office; or
2. they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
3. they are no longer Councillors; or
4. they are removed from office by the Leader; or
5. they are removed from office by the full Council following a recommendation from the Leader; or
6. on expiry date of fixed term save that the Council can remove them from office, either individually or collectively, at an earlier date but only in the event of a change in political control of the Council.

(b) As circumstances require and to cover planned and unplanned absences, the Leader may assign Cabinet portfolio responsibilities from one Cabinet Member to

another and will notify the Head of Democratic Services where this arrangement is intended to last for more than four weeks.

(c) The Leader will designate one of the Cabinet Members to be the Deputy Leader.

#### **7.04 Cabinet Assistants**

Other members of the Council may, from time to time, be designated by the Leader and notified as such to the Head of Democratic Services as a Cabinet Assistant for a particular activity or range of activities. Such a Member will not be a Cabinet Member and cannot make executive decisions, but will work with the relevant Cabinet Member. The Leader of the Council will make arrangements for, determine and review from time to time a protocol relating to the roles and responsibilities of Cabinet Assistants

#### **7.05 The Cabinet Members**

The Leader of the Council is Councillor Ian Edwards. The following Councillors have been appointed by the Leader to be Cabinet Members with their respective portfolio responsibilities:

	<b>NAME</b>	<b>CABINET PORTFOLIO</b>
1	Councillor Ian Edwards	Leader of the Council
2	Councillor Jonathan Bianco	Property & Infrastructure (Deputy Leader of the Council)
3	Councillor Douglas Mills	Corporate Services & Transformation
4	Councillor Eddie Lavery	Environment, Housing & Regeneration
5	Councillor Jane Palmer	Health & Social Care
6	Councillor John Riley	Public Safety & Transport
7	Councillor Martin Goddard	Finance
8	Councillor Susan O'Brien	Families, Education & Wellbeing

## **7.06 Proceedings of the Cabinet**

This Article is to be read in conjunction with the Executive Procedure Rules set out in Part 4 of the Constitution.

(a) The Cabinet will meet as often as required but will usually meet on a monthly basis. The Leader will keep this arrangement under review.

(b) Councillors who are not members of the Cabinet cannot make any executive decisions, nor can they act as substitute or deputy Cabinet members. In the absence of Cabinet Members, the Leader and/or Deputy Leader will act on their behalf or determine which Cabinet Member will cover an absent colleague's responsibilities.

(c) A Cabinet Assistant, Champion or Borough Advocate may attend and speak (but not vote) at any Cabinet meeting on issues within the portfolio that are discussed with the approval of the Chairman (Leader).

(d) The Chief Whip of the Majority Party may attend Cabinet meetings and speak, but not vote on any item under discussion.

(e) With the permission of the Chairman (Leader), Chairmen or in their absence Vice-Chairmen of Select Committees may attend meetings of the Cabinet and speak (but not vote) on any item previously considered by their Committee – to present the views of the Committee rather than a personal view

## **7.07 Delegation of Functions**

(a) This part of the Constitution records the arrangements made by the Council for the allocation of responsibilities and the discharge of executive functions by the Leader, the Cabinet and Cabinet Members.

(b) The Leader may review and make new arrangements for the discharge of the Cabinet scheme of delegations as set out in 7.08.

(c) However, the Leader cannot approve alterations to the definition of key decisions, key financial decisions and any financial thresholds in this article, of which any decision to alter is reserved by full Council. The Leader cannot approve any other decision, including those that are statutory and legislative, which fall within the remit of full Council.

(d) The Leader can make such new arrangements for the Cabinet scheme of delegations at any time on either a temporary or permanent basis, in accordance with the Executive Procedure Rules in Part 4 of the Constitution. Where this is the case, the Leader will notify the Borough Solicitor and Head of Democratic Services in advance of any proposed changes made. This will ensure that:

1. All Councillors are informed of those alterations;
2. The Constitution is amended accordingly;
3. The alterations are published; and

4. A report is made annually to the Full Council on the changes that have been made during the previous twelve months.

(e) Wherever arrangements are not specifically made in this article for the discharge of executive functions by Cabinet Members, those functions remain with the Leader.

## **7.08 Cabinet Scheme of Delegations**

(a) To underpin the principles of greater accountability and transparency in decision-making, all delegations to the Cabinet and Cabinet Members are set out in this section. All anticipated key decisions and other decisions, following from these delegations, will be set out in the Council's Forward Plan.

### **(b) KEY DECISIONS**

The Cabinet collectively will be responsible for taking the key decisions and key financial decisions as defined below:

1. Developing proposals that require the Council to amend its policy framework.
2. Decisions resulting in cost/savings outside of existing budget that exceed the following thresholds:-
  - 10% of the annual revenue budget for a service or any proposals in excess of £500,000.
  - variations to capital schemes on programmes in excess of £250,000 in any one year.
3. Decisions which have a significant impact on two or more wards as defined below:-
  - where the outcome will have a significant impact on the well-being of the community or the quality of service provided to a significant number of people living or working in an area.
  - Where 'Communities of Interest' as well as geographic areas are affected significantly, e.g. young people by the closure of a youth centre.

### **2. (c) CABINET DELEGATIONS**

The Cabinet makes decisions in the following circumstances:

1. matters reserved to the Cabinet as set out in Article 7.08;
2. matters delegated to individual Cabinet members where, in any particular case, the Leader directs that the decision should be reserved to the Cabinet;
3. matters delegated to the individual Cabinet members where the relevant Cabinet member decides to refer any particular matter to the Cabinet for decision; and
4. matters referred to the Cabinet by individual Cabinet Members following call-in by the relevant Select Committee.

## **The General Responsibilities of the Cabinet**

1. The Cabinet has overall responsibility for the preparation of the budget, and the policy and financial frameworks, which are to be adopted by the full Council. In discharging these overall functions and responsibilities, the Cabinet is responsible for the following:

### *Leadership in these areas:*

- i. proposing policy development, changes and new policy;
- ii. articulating existing Council policy to other organisations;
- iii. commenting on proposals from others on behalf of the Council, including through the media;
- iv. influencing others, including the media, in order to promote existing Council policy or matters reasonably collateral to it;
- v. ensuring the Council has a programme for continuous improvement of its services.

### *Partnership working with:*

any or all other organisations who can assist the Council to achieve its stated objectives or where collaboration benefits those who live in, work or visit Hillingdon;

others involved in community planning and the formation of partnerships with other local public, private, voluntary and community organisations to address local needs.

### *Decision Making:*

- viii. As indicated in Article 7.01 above the Cabinet will be responsible for undertaking all of the Council's functions, and making decisions accordingly, except for those listed in ix. below.
- ix. It will not have responsibility for those functions, which have been reserved to full Council as set out in Article 4. Neither will it have responsibility for the functions to be exercised by those Committees or other bodies outlined in Articles 8 and 9.
- x. The Cabinet will also exercise those 'local choice' functions which are set out in Appendix A to this Article.

### *Monitoring:*

- xi. To regularly monitor the performance and development of Council services.

## **Other decisions to be taken collectively by the Cabinet:**

1. Any decision having an impact on two or more wards, whether the impact is direct (e.g. where the decision relates to a road which crosses a ward boundary) or indirect (e.g. where the decision relates to the provision or withdrawal of a service which is or would be used by people from two or more wards).
2. Consideration of any report prepared by an external organisation into the performance of the Council whether in general or in relation to a particular

case, including the Council's response to it. Cabinet Member sign-off may be given to such inspections in urgent cases as set out under the delegations to Cabinet Members

3. Closure of, or significant reduction in provision of, any Council service.
4. Where the decision is one, which will involve a significant change in the manner of Council service provision.
5. The fixing of fees and charges for Council services.
6. Granting or withdrawing financial support to any external organisation, except where under agreed initiatives delegated to the Leader or Cabinet Member.
7. Writing off any bad debt in excess of £50,000, unless the Council has within the last 3 years already written off debts for the person/ organisation concerned totalling that amount in which case any further write off would be a key decision.
8. The exercise of the Council's compulsory purchase powers.
9. Authority to apply for funding from any external body which if successful would require Council matched funding either revenue or capital, and agreement to the final scheme.
10. Consideration of any policy and budget framework documents which are to be the subject of a recommendation to full Council.
11. Where the Mayor on advice from the Head of Paid Service and/or Monitoring Officer and/or Chief Finance Officer is of the view that the matter is one which ought properly to be treated as a key decision, and informs the proper officer to that effect at least 6 weeks before the decision is in the opinion of the Monitoring Officer likely to be taken.
12. To approve Planning Briefs for sites.
13. To determine school organisation proposals where objections have been received.
14. Any decisions as determined by the Leader of the Council in relation to High Speed 2 (HS2) that are delegated to officers, in consultation with the Cabinet Member for Environment, Housing and Regeneration.

#### **Procurement and Contract decisions to be taken collectively by the Cabinet:**

Refer to Schedule H – Procurement and Contract Standing Orders, for decisions to be taken by the Cabinet on contracts, tenders, land and property matters.

#### **(d) GENERAL CABINET MEMBER DELEGATIONS Preamble**

There are occasions when matters affect more than one portfolio; on such occasions the Cabinet members concerned act in conjunction with one another.

In discharging any functions that have been delegated, a Cabinet member must act lawfully. This means that the Cabinet member must act within the scope of the authority that is delegated to him or her in accordance with any limits within the delegation, this constitution, Council policies, procedure rules and the Members Code of Conduct.

All Cabinet members have responsibility for the following functions:

### **Budget**

1. To recommend to Cabinet an appropriate level of fees and charges for services appropriate for their portfolio area.
2. To agree virements as set out in the Budget and Policy Framework Procedure Rules which can be found in Part 4 of the Constitution.
3. To receive regular reports on the budgets for their portfolio area
4. To recommend to Cabinet the submission of bids from their portfolio area for additional resources from Government and other agencies.
5. To recommend to Cabinet capital and revenue bids for their portfolio area.
6. To agree for their portfolio area and on the recommendation of the appropriate Chief Officer compensation payments above £1,000 under the Council's complaints procedure or the request of the Ombudsman. (below that level will be delegated to officers).
7. To make bids for external funding where there is no requirement for a financial commitment from the council, in consultation with officers, in consultation with the Leader of the Council and Cabinet Member for Finance.

### **Service Planning and Delivery**

8. To determine which proposals for alterations to service provision within their portfolio area should be reported to Cabinet for a decision.
9. To agree service specific strategies and action plans and to agree proposals for enhancements and alterations to service provision within their portfolio area subject to being in-line with the council's policy framework and costs being contained within agreed budgets (where such strategies, plans and service changes cover more than one-portfolio, to also be agreed with the relevant Cabinet Member and the Leader of the Council)
10. To determine priorities and where appropriate agree the reallocation of approved resources for the delivery of services in their portfolio area, in conjunction with the appropriate Chief Officer.
11. To make suggestions for future policy initiatives and for amendments for the policy framework in their portfolio area, for consideration by the Cabinet and Council.
12. To receive internal audit reports for their portfolio area and to make recommendations to Cabinet for changes to the service as appropriate.
13. To consider any inspection report by an external agency and make recommendations to the Cabinet where appropriate. In cases where an external agency requires the Council's urgent consideration of an inspection report and there is no Cabinet meeting scheduled, the relevant Cabinet Member and the Leader of the Council may receive and consider the inspection report, give signed approval to the Council's response and ensure Members are notified as appropriate. The Cabinet Member may also give permission for an alternative Member-level meeting or Select Committee to formally receive the inspection

report on behalf of the Council, though such a meeting will not be able to sign-off the Council's response to the inspection.'

14. To call for monitoring reports on service development and performance within their portfolio responsibilities.
15. To ensure services contribute to the Public Health priorities of the Council in accordance with the Public Health and Social Care Act 2012.

### **Land and Property**

16. To consult with Cabinet Member for Property & Infrastructure on any land or property related matter or decision required.
17. In conjunction with the Cabinet Member for Property & Infrastructure, to determine whether land and properties in their portfolio area are to be declared surplus to requirements of the service and to report to the Cabinet.
18. In conjunction with the Cabinet Member for Property & Infrastructure, to make recommendations to Cabinet for use within their portfolio area of properties declared surplus to requirements by other services.
19. Authority to submit planning applications for projects and proposals within their Portfolio area subject to the projects and proposals being in line with the policies of the Council.
20. Refer to Scheduled H – Procurement and Contract Standing Orders for all property and land contract decisions taken by Cabinet Members.

### **Tenders and Contracts**

21. Refer to Schedule H – Procurement and Contract Standing Orders for decisions to be taken by Cabinet Members on contracts, quotations and tenders.

### **Partnerships and Consultation**

22. To review resident satisfaction and consultation with partners in their portfolio area.
23. In consultation / liaison with the Cabinet Member for Corporate Services & Transformation to promote effective partnerships between the Council and all other bodies and agencies affecting the community for their portfolio area.

### **General**

24. To deal with petitions in their portfolio area in accordance with Council procedure.
25. To recommend to the Cabinet, where there are implications for the policies of the Council, responses to be made to consultation documents from Government, GLA, LGA, London Councils and other bodies affecting their portfolio area.
26. To approve and sign consultation responses on behalf of the Council in urgent cases where there is no Cabinet meeting timetabled to consider the responses, and in such cases to inform Party Leaders and the Chairman of the relevant Select Committee of the responses when signed off.



27. To make recommendations to Cabinet and Council for revisions to officer delegations within their portfolio area.
28. To make recommendations to Cabinet on Select Committee reports that are being presented in their portfolio area.
29. To attend Select Committee meetings when so required by these committees.
30. To meet all reasonable requests for information made by those Select Committee members.
31. To determine and hear appeals against any decision made by or on behalf of Hillingdon Council as set out in Appendix A to the Cabinet Scheme of Delegations.
32. In conjunction with the relevant Officer, to sign off expenditure for approved Initiatives as agreed by the Cabinet.

### **(e) INDIVIDUAL CABINET MEMBER DELEGATIONS**

Based upon the portfolios approved by the Leader, individual Cabinet members have responsibility for the following delegations:

### **Leader of the Council**

#### **Directorate Service area reporting to the Leader\*:**

Chief Executive	
Corporate Services & Transformation Directorate	Democratic Services
	Corporate Communications
Finance Directorate	Financial strategy / MTFF

*\*these are reporting lines in general - noting that service areas may report to other Cabinet Members given their specific responsibilities which are outlined in the Cabinet Scheme of Delegations.*

#### **Specific delegations to the Leader of the Council:**

##### **Leadership, Policy and Communications**

1. To be responsible for the principal policy direction of the Council within its statutory functions.
2. To represent the Council in the community and in negotiations with the Government and regional, national and international institutions and organisations, reporting to Cabinet as necessary.
3. To identify the need for new strategies and policies for the better discharge of the Council's functions insofar as specific policies and strategies fall within the remit of other Cabinet Members or the Cabinet.
4. To agree or amend service specific policies or official codes of practices and guidance.

5. To be responsible for the overall management structure of the Council, in consultation with the Chief Executive.
6. To oversee the Hillingdon Improvement Programme and authorise expenditure on it, in conjunction with the appropriate officer.
7. To approve Council Initiatives, oversee their operation and approve grants for such initiatives to be issued by appropriate officers.
8. To be responsible for the Council's Communications Service.
9. To be responsible for and make all necessary decisions in pursuit of the Council's policy on Heathrow Expansion and High Speed 2.
10. In conjunction with the Cabinet Member for Environment, Housing & Regeneration to be responsible for the Council's Climate Change Strategy.

#### Finance, Property, Enforcement and Audit

11. Jointly with the Cabinet Member for Finance, to be responsible for overseeing the development of the short, medium and long term financial strategies to be recommended for adoption by the Council.
12. Jointly with the Cabinet Member for Finance, to make decisions on the release of monies for capital projects within their remit.
13. In conjunction with the Cabinet Member for Property and Infrastructure and the relevant Chief Officer, to oversee the development, construction and use of land and property assets across all Cabinet portfolios. This to include the Housing Development Programme, Social Housing Grants and other related grants.
14. In conjunction with the Cabinet Member for Finance, to oversee and monitor the housing revenue account budget, housing capital fund & housing rent setting.
15. Jointly with the Cabinet Member for Finance, to be responsible for the overall internal and external audit strategies and arrangements of the Council, with operational decision-making and work programmes delegated to the Corporate Director of Finance and monitoring the review of such activity undertaken by the Audit Committee.
16. Jointly with the Cabinet Member for Finance, to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
17. Jointly with the Cabinet Member for Finance, to be responsible for the overall enforcement, fraud and corruption strategies and arrangements of the Council, with operational decision-making and activity delegated to Chief Officers.

#### Decision-making

18. To take responsibility for or to assign responsibility to one or more Cabinet portfolio holders for issues not specifically allocated in these delegations or involving one or more portfolio holder.
19. To exercise any executive function not otherwise allocated to either the Cabinet or any other individual Cabinet member, or to delegate such functions to another Cabinet member, a committee of the Cabinet, or to an officer.

20. To monitor the operation of the Council's decision-making structure and make recommendations to the Cabinet and Council as appropriate.
21. To be responsible for and oversee the Council's Democratic Services function.
22. To authorise another Cabinet Member, including the Leader of the Council, to deputise and make decisions on behalf of any other Cabinet member in that person's unavailability or absence.
23. To be responsible for the resolution of differences of opinion between portfolio holders acting within their delegated powers and reporting to Cabinet as necessary.
24. To resolve any dispute over the spending of Ward Budgets after consultation with other Party Group Leaders, where appropriate. To also approve spending of the Ward Budget for the Ward represented by the Cabinet Member for Corporate Services & Transformation.
25. To approve, in consultation with the Borough Solicitor, the appointment of Counsel
26. Jointly with the Cabinet Member for Finance, to allocate funds from planning obligations.
27. Where there are extenuating medical or other circumstances, the Leader of the Council may review and consider amending, on an individual basis, the Housing Allocation Policy, in conjunction with the delegated Chief Officer.
28. To be Chairman of the Shareholder Committee for Hillingdon First Limited (Cabinet appointment)

#### Interim or urgent decision-making at particular times

*These are powers granted specifically to the Leader of the Council (in conjunction with relevant Officers and/or Cabinet Members), to make formal or informal decisions at specific times or urgently, where the need for flexible, responsive decision-making is required to provide continuity of services and safeguard residents' interests.*

#### Decision-making when deemed urgent by the Leader

29. To take all formal decisions deemed under special urgency procedures in the Council's Constitution, in conjunction with the relevant Cabinet Member(s).
30. To take contract decisions on behalf of the Cabinet, in accordance with the Procurement and Contract Standing Orders.
31. To sign-off decisions to be taken by the Chief Executive under his/her Emergency Contract Decisions delegation.
32. In the event of extreme weather and incidents affecting the Borough (not declared major incidents where other civil contingency procedures will apply) and in order to safeguard and protect residents and services, to give informal sign-off for any decision ordinarily reserved to Cabinet Members or the Cabinet when recommended by the relevant Corporate Director and that all such decisions taken be reported to a subsequent Cabinet meeting for formal ratification to ensure transparency.

### Interim powers when no Cabinet and during the closing of accounts

33. In conjunction with the relevant Cabinet Member and Corporate Director, to make formal interim decisions that would ordinarily be reserved for the Cabinet in the absence of a monthly Cabinet meeting, e.g. during August, reporting back to Cabinet for ratification to ensure transparency.
34. In conjunction with the Corporate Director of Finance and Cabinet Member for Finance, to review individual council services budget accounts and make any necessary decisions on adjustments to budgets that may be required before the presentation of the yearly Outturn Budget report to Cabinet.
35. To approve the release and use of contingency funds in urgent cases and in the absence of a Cabinet meeting.

### Civic and Ceremonial

36. To oversee the Council's relationship with the Armed Services.
37. Approve arrangements for significant civic ceremonies and Borough events and also key matters concerning the Mayoralty, in consultation with relevant Officers.
38. In conjunction with the Chief Executive, to be responsible for the operation of the London Borough of Hillingdon Civic Medal Award Scheme.
39. In consultation with the Mayor, to be responsible for the operation of the London Borough of Hillingdon Volunteer Pin Scheme.
40. To sign-off decisions to be taken by Chief Officers in relation to the award of grants from the Council's Charitable Fund.
41. To approve proposals for street naming, naming of buildings and naming of housing schemes and developments.
42. To determine the flying of flags on the forecourt of the Civic Centre and agree the list of flags and dates.

### Older People and Appointments

43. To champion the interests of Older People in the Borough. To ensure that their views are heard and taken into account by the Council. To work towards effective partnerships between Older People and our partner organisations.
44. The Leader may appoint any Councillor or Member of the Public living in the Borough as a Borough Advocate to protect and promote single-issue interests on behalf of the council and where appropriate with partner organisations and beyond. Such a person should hold significant experience within their agreed area of appointment.

*A protocol will be agreed between the Leader of the Council and a Borough Advocate to determine their exact role and length of appointment, however such a post cannot make formal decisions (which are reserved by the Cabinet or appropriate committee) and would undertake a more defined or temporary role than either a Cabinet Assistant or Champion.*

45. To determine if any of the delegations to the relevant Chief Officer, in consultation with the Cabinet Member for Environment, Housing & Regeneration, in relation to High Speed 2 (HS2), should be referred to full Cabinet for decision.

## **Deputy Leader of the Council**

1. To assist the Leader in the exercise of his or her functions, and to deputise in his or her absence.

## **Cabinet Member for Finance**

### **Directorate Service area reporting to Cabinet Member\*:**

Finance Directorate	Corporate Finance
	Procurement & Commissioning
	Exchequer & Business Assurance Services (excluding risk management/information governance)

*\*these are reporting lines in general - noting that service areas may report to other Cabinet Members given their specific responsibilities which are outlined in these Cabinet Scheme of Delegations.*

### **Specific responsibilities of the Cabinet Member are:**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-

- Financial Planning, Treasury, Capital & Systems
- Financial controls,
- Monitoring of the overall revenue and capital budgets
- Schools Budget
- Procurement policy and commissioning of services
- Statutory Accounting and Pension Fund
- Housing revenue account budget, housing capital fund
- Housing rent setting
- Housing benefit scheme

### **Specific delegations to the Cabinet Member are:**

#### **Finance**

2. Capital release - jointly with the relevant portfolio Cabinet Member to make decisions on the release of monies for capital projects.
3. Jointly with the Leader of the Council to allocate funds from planning obligations.
4. To oversee and monitor the housing revenue account budget, housing capital fund & housing rent setting, in conjunction with the Leader of the Council.

5. To approve virements between services if provided for in the budget framework.
6. To sign-off decisions to be taken by the Corporate Director of Finance during the interim period leading up to the closure of the Council's annual accounts for any necessary revenue or capital budget virements, allocation of priority growth funds or acceptance of grants that may be required for service or project delivery within the overall budget framework approved by Council. That such decisions be reported to a subsequent Cabinet meeting for formal ratification and to ensure transparency.
7. In conjunction with the Corporate Director of Finance and Leader of the Council, to review individual council services budget accounts and make any necessary decisions on adjustments to budgets that may be required before the presentation of the yearly Outturn Budget report to Cabinet.

#### Audit

8. Jointly with the Leader of the Council to be responsible for the overall internal and external audit strategies and arrangements of the Council, with operational decision-making and work programmes delegated to the Corporate Director of Finance and monitoring the review of such activity undertaken by the Audit Committee.
9. Jointly with the Leader of the Council to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
10. Jointly with the Leader of the Council to be responsible for the overall enforcement, fraud and corruption strategies and arrangements of the Council, with operational decision-making and activity delegated to Chief Officers.

#### Procurement and expenditure

11. To approve write-offs of income of a value of £5,000 or over.
12. To receive monthly/regular reports on income written off by officers under delegated powers (i.e. sums under £5,000).
13. On the request of an Appropriate Delegated Officer within the meaning of the Procurement and Contract Standing Orders, to enter into negotiations, in conjunction with this officer or any other officers nominated by him/her, with those parties who have entered into contracts with the Council.
14. In conjunction with the relevant portfolio holder(s) where required, to take any decisions as set out in the Procurement and Contract Standing Orders – Schedule H.
15. To sign-off all approved expenditure on external support, agency and consultancy advice for the Business Improvement Delivery programme.

#### Appeals

16. To make determination on the following appeals function as set out in Appendix A to this article:
  - appeals in relation to the amount of discretionary rate relief and/or the reduction or remission of rates.

## **Cabinet Member for Property & Infrastructure**

### **Directorate Service area reporting to Cabinet Member\*:**

Infrastructure, Transport & Building Services Directorate	Capital Programme - Major Projects
	Repairs & Engineering (including housing repairs)
	Building Safety / Facilities Management
	Property & Estates

*\*these are reporting lines in general - noting that service areas may report to other Cabinet Members given their specific responsibilities which are outlined in these Cabinet Scheme of Delegations.*

### **Specific responsibilities of the Cabinet Member are:**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-

- major construction projects
- housing stock management, development and construction
- housing maintenance
- stock refurbishment
- facilities management
- Building Safety
- Energy / Carbon use and consumption
- land and property holdings,
- the management of industrial and business units,
- council shops
- management of meeting halls

The Cabinet Member for Property & Infrastructure, in conjunction with the Leader of the Council and Chief Officers, will oversee the development, construction and use of land and property assets across all Cabinet portfolios.

### **Specific delegations to the Cabinet Member are:**

#### **Property**

2. In pursuance of the Council's objectives and on the recommendation of Chief Officers, to take (or recommend to Cabinet) decisions regarding land and property as set out in the Procurement and Contract Standing Orders – Schedule H.
3. To receive monthly updates of the sales programme.
4. To recommend to the Cabinet an Asset Management Policy and Plan and Capital Investment Strategy for the best use of the Council's land and property, in consultation with Cabinet Members.

5. Jointly with the Cabinet Member for Environment, Housing & Regeneration, to authorise the grant of extension of leasehold interests in properties where the Council is a freeholder, to consider requests from leaseholders of Council properties for loft conversions and to take all constitutional decisions required in relation to disposals, sales and leases for loft spaces under Council freehold.
6. To make recommendations to the Cabinet for the use of land and property, where there are competing service needs.
7. In conjunction with the Leader of the Council, to be responsible for overseeing and reporting to Cabinet on all aspects of the Housing Development Programme, social housing grants and other related external grants.
8. In conjunction with the Leader of the Council, to agree rent reviews, including rent free periods for tenants undertaking capital works or determine whether the Council carries out such capital works and agree to modify any future rent accordingly.
9. To approve programmes for housing stock investment and confirmation of adjustments to the housing programme.
10. To approve terms for the appropriation between services, on the recommendation of Chief Officers-.
11. To list Assets of Community Value.
12. Jointly with the Cabinet Member for Families, Education & Wellbeing to monitor the operation of Management Advisory Committees for projects / facilities managed by the Council to approve the establishment of any new Management Advisory Groups.
13. To approve lettings of public open space for funfairs, circuses and other similar events.
14. To be Vice-Chairman of the Shareholder Committee for Hillingdon First Limited (Cabinet appointment).

#### Capital release

15. Jointly with the Cabinet Member for Finance, to make decisions on the release of monies for capital projects within their remit.



## **Cabinet Member for Families, Education, & Wellbeing**

### **Directorate Service area reporting to Cabinet Member\*:**

Planning, Environment, Education & Community Services Directorate	Education
	Green Spaces, Sport & Culture (young people universal services, adult education, music hub, sport, libraries, culture and heritage)
Social Care & Health Directorate	Children and Families Development (including Early Years and Children's Centres)
	SEND

### **Joint service reporting to with the Cabinet Member for Health and Social Care:**

Social Care & Health Directorate	Health integration / Voluntary Sector
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*\*these are reporting lines in general - noting that service areas may report to other Cabinet Members given their specific responsibilities which are outlined in these Cabinet Scheme of Delegations.*

### **Specific responsibilities of the Cabinet Member are:**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-

- School attendance,
- Grants and awards schemes,
- Home and hospital tuition,
- Transport and travel concessions for school pupils,
- School places,
- Raising standards of education.
- All other education services to children.
- Youth services and youth centres
- Early years centres and children's centres
- Wellbeing of residents and Wellbeing strategies
- Careers service,
- Adult and Community Learning and skills development (including the Hillingdon Music Service)
- Libraries
- Sports Strategy
- Leisure services
- Cultural Services & activities
- Development of the Arts
- Theatres, Museums, Heritage Education Centres

- Maintenance of Heritage Assets

**Specific delegations to the Cabinet Member are:**

Education

2. To exercise the LEA's powers of intervention including the suspension of delegated powers from a governing body in accordance with the School Standards and Framework Act 1998 and related legislation.
3. To receive monthly reports on the performance of schools.
4. To approve or nominate appointments of Council nominees to School Governing Bodies and vary and approve Constitutions in accordance with the relevant legislation and any local procedures allowing nominations from all political groups.
5. To monitor the performance of any schools where special measures have been applied.
6. To consider Ofsted reports on schools in the Borough as necessary
7. To determine school organisation proposals where no objections have been received.
8. To approve the Agreed Syllabus from the Standing Advisory Council for Religious Education, receive their Annual Report and agree any changes to their Constitution
9. To authorise, on behalf of the local authority, any Councillor (present or within the past four years) to be appointed to the office of Governor or Director at an Academy.
10. To consider requests for School Redundancy Payments and decide whether to approve them on behalf of the Local Authority
11. In consultation with the Leader of the Council, to agree the process and determine the award of student bursaries.
12. Jointly with the Cabinet Member for Property & Infrastructure, to monitor the operation of Management Advisory Committees for projects / facilities managed by the Council and to approve the establishment of any new Management Advisory Groups.
13. To make determinations on the following functions as set out in Appendix A to this article:
  - appeals against decisions to refuse student awards.
  - appeals against decisions to refuse free travel from home to school or college.

Capital release

14. Jointly with the Cabinet Member for Finance, to make decisions on the release of monies for capital projects within their remit.

## **Cabinet Member for Health & Social Care**

### **Directorate Service area reporting to Cabinet Member\*:**

Social Care & Health Directorate	Children's Services
	Adult Social Work
	Safeguarding
	Provider & Commissioned Care
Planning, Environment, Education & Community Services Directorate	Public Health

### **Joint reporting to with the Cabinet Member for Families, Education & Wellbeing:**

Social Care & Health Directorate	Health integration / Voluntary Sector
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*\*these are reporting lines in general - noting that service areas may report to other Cabinet Members given their specific responsibilities which are outlined in these Cabinet Scheme of Delegations.*

### **Specific responsibilities of the Cabinet Member are:**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - Care services for children and adults
  - Services for children and adult clients in need with disabilities
  - Safeguarding of children and adults
  - Mental health services
  - Juvenile Justice
  - The Council's Domestic Abuse services and support
  - Services to asylum seekers
  - Corporate parenting
  - Public Health services
  - Partnerships with the Health and Voluntary sector to deliver better social care and health outcomes for residents
  - Health Control Unit, Heathrow

## **Specific delegations to the Cabinet Member are:**

### Health partnership

1. The Cabinet Member shall be the Chairman of the Health and Wellbeing Board.
2. Jointly with the Cabinet Member for Families, Education & Wellbeing develop partnerships with other bodies, including the voluntary and community sector, to help residents live better lives
3. To provide link contact between the Council and the local Clinical Commissioning Group.

### Social Care

4. To represent or recommend to Cabinet, another Councillor to represent the Council on the Authority's Adoption and Permanency Panel and Fostering Panel.
5. To consider monthly reports on sensitive services and those with significant budget implications, e.g. placements in residential homes.
6. To approve statements of purpose for Children's homes and establishments
7. To make determinations on the following function as set out in Appendix A to this article:
  - appeals against decisions to charge for home care and day care services.

### Capital release

8. Jointly with the Cabinet Member for Finance, to make decisions on the release of monies for capital projects within their remit.

## **Cabinet Member for Environment, Housing & Regeneration**

### **Directorate Service area reporting to Cabinet Member\*:**

Planning, Environment, Education & Community Services Directorate	Planning & Regeneration
	Housing
	Green Spaces, Sport & Culture (Green Spaces)
Infrastructure, Transport & Building Services Directorate	Waste Services

*\*these are reporting lines in general - noting that service areas may report to other Cabinet Members given their specific responsibilities which are outlined in these Cabinet Scheme of Delegations.*

### **Specific responsibilities of the Cabinet Member are:**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
  - Climate change, including air quality
  - Council's flood policy,
  - parks, open spaces, woodlands, allotments and other amenity land,
  - reservoirs,
  - provision and management of trees,
  - Colne Valley Park
  - Crematoriums, Cemeteries & Mortuary Service
  - housing need for the Borough,
  - homelessness duties,
  - conditions of tenancies,
  - home ownership,
  - standards of privately let housing
  - private sector housing grants,
  - new homes initiatives,
  - maximising the use of empty homes
  - the Chrysalis programme of environmental improvements,
  - Street Champions & Feel Proud [neighbourhood campaigns]
  - Regeneration, including Town Centres
  - Promoting a high quality built environment
  - sustainable development
  - Designation of conservation areas,
  - Borough wide planning policies
  - Planning enforcement policies,
  - purchase notices,
  - revocation of planning consents,
  - stop notices
  - recycling,
  - waste strategy,
  - civic amenity sites,

- refuse collection,
- street cleansing,
- trade waste.

**Specific delegations to the Cabinet Member are:**

2. To be responsible for the Council's Climate Change Strategy, in conjunction with the Leader of the Council.

Housing

3. Jointly with the Cabinet Member for Property & Infrastructure to authorise the grant of extension of leasehold interests in properties where the Council is freeholder, to consider requests from leaseholders of Council properties for loft conversions and to take all constitutional decisions required in relation to disposals, sales and leases for loft spaces under Council freehold.
3. To approve systems for consultation with tenants and lessees.
4. To approve housing management arrangements.
5. To sign-off decisions to be taken by the relevant Chief Officer in respect of the Private Sector Leasing Scheme, including Finders Fee and Guaranteed Rental Schemes.

Planning / Other

6. To represent the Council on the Uxbridge BID and similar town centre partnerships.
7. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme.
8. To be responsible for the Council's Policy on Drones and Small Unmanned Aerial Vehicles.
9. To receive monthly progress reports on the completion of planning obligation (section 106) Agreements and the use of CIL payments
10. To consider representations made on proposals for modifications to the Local Plan / Local Development Framework and to make recommendations to Cabinet as appropriate.
11. To consider representations made to proposals for supplementary planning guidance and to make recommendations to Cabinet as appropriate.
12. To work with the Leader of the Council in respect of the Council's policy on Heathrow Expansion and High Speed 2.

Capital release

13. Jointly with the Cabinet Member for Finance, to make decisions on the release of monies for capital projects within their remit.

## **Cabinet Member for Corporate Services & Transformation**

### **Directorate Service area reporting to Cabinet Member\*:**

Corporate Services & Transformation Directorate	Legal Services
	Human Resources
	Business Administration
	Business Performance
	Customer Access
	Business Improvement Delivery (BID)
Infrastructure, Transport & Building Services Directorate	ICT
Finance Directorate	Exchequer & Business Assurance Services (risk management/information governance)

*\*these are reporting lines in general - noting that service areas may report to other Cabinet Members given their specific responsibilities which are outlined in these Cabinet Scheme of Delegations.*

### **Specific responsibilities of the Cabinet Member are:**

1. To oversee and report to the Cabinet on the Council's responsibilities, initiatives and transformation proposals in respect of:-

- Legal services
- Human Resources
- Information & Communications Technology
- Information Governance
- Digital Services
- Implementation of automation software
- Business Administration
- Business Performance and Improvement
- Customer Access
- Resident experience and satisfaction
- Community Engagement
- Risk Management
- Voluntary Sector Funding & Corporate Grants
- Seeking external funding
- Strategic partnerships

## **Specific delegations to the Cabinet Member are:**

### Partnerships

2. To promote effective methods of partnership working, in consultation with the appropriate Cabinet Member if this relates to specific service areas.
3. To oversee proposed arrangements with public and other bodies for the delivery and funding of partnership initiatives which affect the Borough

### Other

4. To report to the Cabinet on the development of information technology within the Council's organisation and the arrangements to promote digital services.
5. Responsible for consultation arrangements.
6. To approve the spending of Ward Budgets.
7. Oversee the Member Development Programme and agree associated seminars and training.

### Capital release

8. Jointly with the Cabinet Member for Finance, to make decisions on the release of monies for capital projects within their remit.



## **Cabinet Member for Public Safety & Transport**

### **Directorate Service area reporting to Cabinet Member\*:**

Planning, Environment, Education & Community Services Directorate	Community Safety & Cohesion
	Anti-Social Behaviour and Enforcement Team (ASBET)
	Trading Standards, Environmental Health & Licensing
Infrastructure, Transport & Building Services Directorate	Transportation
	Highways
	Parking Services

*\*these are reporting lines in general - noting that service areas may report to other Cabinet Members given their specific responsibilities which are outlined in these Cabinet Scheme of Delegations.*

### **Specific responsibilities of the Cabinet Member are:**

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-

- Maintaining and enforcing standards in relation to
  - Anti-social behaviour
  - Parking
  - Weights & Measures
  - Consumer protection
  - Environmental Health
  - Road Safety
  - Imported Food office, Heathrow
- Community safety
- Community cohesion - promoting harmony between different cultures and races,
- CCTV, including the CCTV control room
- Emergency planning
- Fleet and Passenger Services
- Transport and travel for social services clients
- highways,
- bus routes,
- traffic
- transportation
- school crossing patrols
- local safety schemes
- All Licensing Policies and Procedures, including the Statement of Licensing Policy, Statement of Gambling Policy and Sex Establishments Policy.
- Animal welfare and licensing
- Safety of Sports Grounds

## **Specific delegations to the Cabinet Member are:**

### Parking, Transport & Highways

2. To receive monthly reports on numbers of parking penalty charge notices written off or cancelled by officers.
3. To approve variations to the cost of projects funded from the parking revenue account and other schemes, within the limits set out in the overall budget framework.
4. To approve or refuse requests for footway parking exemptions.
5. To consider comments received as a result of public consultation on traffic management proposals, including waiting and loading restrictions, clearways, controlled parking zones, local safety schemes and to approve the final form of schemes, including approval to the conditions of use for parking permits to e.g. traders, business users, residents.
6. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the programmes for street lighting, highway maintenance, traffic management, London Cycling Network, London Bus Priority Network, Parking Revenue Account funded schemes, (in consultation with other Cabinet Members as appropriate) within the financial limits set out in the budget framework.

### Community Safety

6. To monitor the implementation of the community safety strategy, including the achievement of targets in the strategy.
7. To be responsible for developing awareness throughout the Council and Borough of community safety.
8. To develop partnership working with the community, the Police, probation service, health service and other stakeholders to develop solutions to community safety concerns.
9. To approve and agree any changes to the Terms of Reference of the Hillingdon Safer Neighbourhood Board and appoint (or dismiss) the Chairman of the Board upon the recommendation of the Chief Executive of the London Borough of Hillingdon and the Hillingdon Borough Police Commander.
10. To approve specific alleygating schemes and alleygating policies and procedures.

### Capital release

11. Jointly with the Cabinet Member for Finance, to make decisions on the release of monies for capital projects within their remit.

## **7.09 DECISION-MAKING**

### **a) The Budgetary and Strategic Framework**

This Article is to be read in conjunction with the Budget and Policy Framework Procedure Rules set out in Part 4 of the Constitution.

- I. The Cabinet and/or individual Cabinet Members are responsible for the preparation of the Council's budget and the various plans and strategies that constitute the Council's strategic framework.
- II. In preparing the budget and the strategic plans, the Cabinet consults with relevant stakeholders and partner agencies in the local community.
- III. The Cabinet is also required to consult with the relevant Select Committee at appropriate stages in the formulation of budgetary and strategic plans, and to give proper consideration to the Select Committee responses. In this respect, the Cabinet needs to give advance notification to Select Committees to allow the consideration of draft plans and strategies to be built into their scrutiny work programme.
- IV. Having considered the views and recommendations of the relevant Select Committee (and also outside stakeholders and agencies), the Cabinet will then present the budget, plans and/or strategies to the Full Council for adoption.

#### **b) The Cabinet's Forward Plan**

The Chief Executive, in consultation with the Leader and Cabinet members, is responsible for updating and publishing the Forward Plan setting out the key decisions (and any other decisions) to be made, in accordance with the Access to Information Procedure Rules which can be found in Part 4 of the Constitution.

#### **c) Key Decisions Not in the Forward Plan**

Where a key decision is not included in the Forward Plan the decision may, subject to Rule 16 of the Access to Information Procedure Rules which can be found in Part 4 of the Constitution, still be taken if the circumstances set out in Rule 15 of these Rules apply.

#### **d) Urgency Provisions**

Where it is necessary for a key decision to be made without giving the prescribed notice, the decision can only be taken if the requirements of Rule 16 of the Access to Information Procedure Rules are observed.

#### **e) Officer Advice, Reports and Briefings**

Officers are responsible for providing professional advice to the Cabinet and or Cabinet members who will be taking a decision. This may take the form of a report setting out the issue, policy context, options available, results of consultation, any legal or financial considerations, and professional advice. It may be a briefing giving more detailed background information. All such written material is made available to public inspection, as long as it is not confidential or exempt under Access to Information provisions.

#### **f) Decision-taking**

Key decisions are made either by the full Cabinet, Leader, Committees of the Cabinet, individual Cabinet Members or Officers.

### **g) Decision by Cabinet or a Committee of the Cabinet**

Where a Cabinet decision is required, officers check whether it is included in the Forward Plan. Where it is for decision by full Cabinet, the following procedure applies:

1. The Democratic Services section is notified and the item placed on the agenda for the next Cabinet meeting. The agenda is then published giving at least five clear days' notice of the meeting, and Select Committee members are notified.
2. The decision is then made by the Cabinet. The decision is recorded and published as soon as reasonably practicable in accordance with the Access to Information Procedure Rules.
3. There is a right for a key decision to be called-in. If this right is exercised, paragraph 16 of the Select Committee Procedure Rules which are in Part 4 of the constitution will apply.

### **h) Decision by Individual Cabinet Members**

Where an executive decision is required, officers check whether it is included in the Forward Plan. Where it is for decision by an individual member, the following procedure applies:

1. The report dealing with the matter upon which the decision is needed, will be sent to the relevant Cabinet member. If the Cabinet member is to make a key decision, he/she will not make the decision until at least five clear days after receipt of that report.
2. On the giving of a report to the Cabinet member, the person who prepared the report will give a copy of it to the chairman of every Select Committee as soon as reasonably practicable, and make it publicly available at the same time.
3. A decision is then made by the Cabinet member. The Head of Democratic Services will be instructed to prepare a record of the decision, reasons for it and any alternative options considered and rejected. The decision will be published as soon as reasonably practicable. Therefore, the provisions of Rules 7 and 8 of the Access to Information Procedure Rules (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information.
4. There is a right for a key decision made by an individual Cabinet member to be called-in. If this right is exercised, paragraph 16 of the Select Committee Procedure Rules which are in Part 4 of the Constitution will apply.

## 7.10 Attendance at Cabinet Meetings

If a Member of the Cabinet fails for six months to attend any meeting of the executive, or any Committee of the executive or, acting alone, to discharge any functions which are the responsibility of the executive, then unless the failure was due to some reason approved by the Council, he or she shall cease to be a member of the Council.

## APPENDIX A

Hillingdon proposes that the following local choice functions should be the responsibility of its Cabinet:-

1. Any function under a local Act unless the Act in question specifies that the function must be discharged by the full Council or the function is a licensing, consent, permission or registration function.
2. The determination of an appeal against any decision made by or on behalf of Hillingdon provided that it does not relate to an application for a licence, approval, consent, permission or registration. (Hillingdon has an existing Registration and Appeals Committee which determines both statutory and non-statutory appeals).
3. The making of arrangements to hear appeals against the exclusion of pupils.
4. The making of arrangements for appeals by governing bodies.
5. The following functions involve a combination of delivery and implementation of Hillingdon's policy, direct regulation of persons and policy and strategy development;
  - Any function relating to contaminated land
  - The discharge of any function relating to the control of pollution or the management of air quality
  - The service of an Abatement Notice in respect of a statutory nuisance
  - The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in Hillingdon
  - The inspection of Hillingdon to detect any statutory nuisance
  - The investigation of any complaint as to the existence of a statutory nuisance.

These functions are to be the responsibility of Hillingdon's Cabinet unless they involve:

- determining an application from a person for a licence, approval, consent, permission or registration;
  - direct regulation of a person (which would for example, encompass the service of an Abatement Notice in respect of a statutory nuisance);
  - enforcement of any licence, approval, consent, permission, or registration.
6. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as a preliminary to the exercise of powers to make a

compulsory purchase order.

9. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as a preliminary to the exercise of powers to make a compulsory purchase order.
10. The making of agreements for the execution of highway works.
11. The following appeals functions, to be determined by the relevant Cabinet portfolio holder:
  - appeals against decisions to charge for home care and day care services.
  - appeals against decisions to refuse student awards.
  - appeals against decisions to refuse free travel from home to school or college.
  - appeals in relation to the amount of discretionary rate relief and/or the reduction or remission of rates.

# **ARTICLE 8 - COUNCIL COMMITTEES AND BODIES**

## **8.01 General Duties of Council Committees**

- (a) Council Committees and bodies are required to determine those functions of the Council that are not within the remit of the Cabinet. This includes the determination of applications or the direct regulation of a person where sufficient discretion exists.
- (b) Committees which have powers delegated to them from Full Council will report to the Council from time to time upon the exercise of their functions and, where appropriate, make recommendations. Such Committees are listed in Articles 8.02 to 8.05.
- (c) Committee members hold office until they resign, are removed from office or their successors are appointed.

## **8.02 Planning Committees**

### **(a) Introduction**

The Council has a Minor Applications Planning Committee which determines smaller scale planning applications and a Major Applications Committee which determines major planning applications or matters in relation to High Speed 2 (HS2).

### **(b) Membership**

Each of the Planning Committees has 7 Members and they will be politically balanced.

### **(c) Terms of Reference**

Each of the Planning Committees exercise the following functions:

1. To determine applications made under the provisions of the Town and Country Planning Legislation and Orders.
2. To approve directions restricting permitted development rights.
3. To confirm and modify Tree Preservation Orders where objections have been received.
4. To approve highway schemes where required as part of a planning application.
5. To authorise legal agreements required in respect of any planning applications.
6. To authorise the service of stop notices under Planning legislation.
7. To authorise the making, issue and service of notices, orders and other documents under the town and country planning and listed buildings legislation.
8. To authorise the institution of any legal proceedings in respect of notices orders and other documents made, issued and served under the town and country planning and listed buildings legislation.
9. To authorise the institution of legal proceedings to seek injunctive relief under the town and country planning and listed building legislation.

### **(c) Minor Applications Planning Committee**

The Minor Applications Planning Committee will determine all applications which are not required to be referred to the Major Applications Planning Committee and which cannot be determined under delegated authority by officers.

### **(d) Major Applications Planning Committee**

The Major Applications Committee will determine major planning applications that involve:

1. the creation of 10 or more residential units.
2. residential development on a site of 0.5 hectares or more
3. non-residential development on a site of at least 1 hectare
4. non-residential development that creates more than 1000 square metres of new gross floorspace
5. the creation of a change of use of 1000 square metres or more of gross floor space (not including housing)
6. Council owned development sites / applications where the Council is the applicant.
7. applications in respect of High Speed 2 (HS2) under the following schedules of the High Speed 2 Act:
  - (i) Schedule 17(2) – Condition relating to building works: Where footprint is above 500m<sup>2</sup>
  - (ii) Schedule 17(6) – Condition relating to road transport proposals for the movement of large goods vehicles (over 7.5 tonnes) of more than 24 movements a day (12 in, 12 out).
  - (iii) Schedule 17(9) – Conditions on bringing scheduled works and depots into use where the scheduled work is more than 500m<sup>2</sup>
  - (iv) Proposals under Schedule 17(3) Table: (2): Earthworks - where the works involve land of more than 1 hectare
  - (v) Schedule 17(12) – Condition relating to site restoration where the proposals affecting an area of more than 1 hectare

*Note: all other Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications from HS2 Ltd to the London Borough of Hillingdon requiring approval are delegated to the Deputy Director of Planning and Regeneration in consultation with the Cabinet Member for Environment, Housing & Regeneration as set out in Part 3 – Scheme of Delegations to Officers*

Additionally, the Deputy Director of Planning and Regeneration, in consultation with the appropriate Cabinet Member, may refer applications which by virtue of the level of public interest or by virtue of the economic / regeneration benefits of the proposals are felt to warrant consideration at the Major Applications Committee.



SCHEDULE OF MATTERS WHICH WILL BE REPORTED TO PLANNING COMMITTEE FOR DETERMINATION (subject to the exceptions contained in the schedule of matters which will not be reported to Committee).

- a) Applications for which petitions of 20 or more signatures or 20 or more separate written responses have been received.
- b) Any application where a Ward Councillor requests, in writing to the Head of Planning, Transportation & Regeneration within 21 days of the publication of the relevant weekly list of applications received by the Council, that it be determined by a Committee. The Ward Councillor must include in their request the valid planning reasons why they wish the application to be determined by Committee and their desired outcome for the application.

Determination of what constitutes a valid planning reason, and thus a valid referral, will be made by the Deputy Director of Planning & Regeneration in consultation with the relevant Planning Committee Chairman. In exceptional circumstances, as determined by the Deputy Director of Planning & Regeneration the 21 day rule may be waived.

NB: Should the desired outcome subsequently be in accord with the 'Officer's Recommendation' then the application will not be referred to Committee.

- c) Full Planning telecommunication mast applications where the statutory time constraints allow for determination.
- d) Personal planning applications from Councillors, Chief Officers and officers directly involved in the processing of planning applications be referred to Committee (excludes certificates of existing and proposed lawful use).
- e) Sites where enforcement action has been taken and where the development that is the subject of the planning application, relates directly to the subject of the enforcement action.
- f) Determination of minor applications in the green belt at Brunel University, Harefield hospital and Mount Vernon hospital of over 1000sq.m floorspace and determination of minor applications on other sites in the green belt where the proposal is contrary to green belt policy.
- g) Consultations on applications submitted to neighbouring planning authorities that could affect Hillingdon residents and cause loss of residential or environmental amenity.

Additionally, applications in the following categories shall be reported to Committee for determination but only where the officer recommendation is for approval:

- a) Dwellings – 10 or more dwellings or site of 0.5 hectares or more.
- b) Offices/research and development/light industry – 1000 square metres of floor space or more.
- c) Heavy industry/storage/warehousing – 1000 square metres of floor space or more or site area of over 1 hectare.

- d) Retail distribution and servicing – 1000 square metres of floor space or more or site area of 1 hectare or more.
- e) All other major development – 1000 square metres of floor space or more or site area of 1 hectare or more.
- f) Major aviation development leading to a major quantifiable increase in capacity.
- g) All departures from the development plan.
- h) Development affecting listed buildings and their settings, other than minor applications as defined by NI 157 (b) and (c) where there is a connected planning application that is capable of being determined by officers under delegated authority.
- i) Advertisement poster panels of 16-sheet size and above.
- j) Permission in Principle applications, but only where the statutory time constraints allow for determination by Committee.
- k) Changes of use to a proposed sui generis use.

#### SCHEDULE OF MATTERS WHICH WILL NOT BE REPORTED TO COMMITTEE FOR DETERMINATION:

- a) Existing and proposed certificates of lawful use and reporting to Committee on such decisions for information on a regular basis.
- b) All applications to which 42 day or 56 day prior approval constraints apply cannot be referred to Planning Committee unless:
  - (i) where time constraints allow a Committee referral and they exceed 10 units or 1000 sq.m floorspace and are recommended for approval.
  - (ii) where time constraints allow a Committee referral and a valid petition has been received and the officer recommendation is contrary to that requested by the petitioners.
  - (iii) where time constraints allow a Committee referral and 20 or more individual representations in support or objection are received.

This is subject to the following proviso:

Where a petition is received and the officer recommendation aligns with that of the petitioners, or where the above criteria apply but time constraints do not allow a Committee referral, the Head of Planning should refer the conditions imposed or recommended refusal reasons to the Chairman of the relevant Planning Committee and Opposition lead, for their comment prior to a decision being issued.

- c) Where a petition or Councillor request has been received requesting refusal of a householder application and where the officer recommendation is to refuse consent and the reasons for refusal align with those requested by the petition or Councillor.

## **8.03 Registration and Appeals Committee**

### **(a) Introduction**

The Committee deals with a wide range of Council functions, some of which are statutory and others, which are discretionary.

### **(b) Membership**

7 Council members. The Committee will be politically balanced. To establish three sub-committees of 4 Council members to be politically balanced.

### **(c) Terms of Reference**

To hear and determine:

1. Contentious applications in relation to the registration of door supervisors.
2. Applications for Nursing agencies if refusal is proposed.
3. Applications for Licensing of premises for marriages if objections have been raised.
4. Applications for Miscellaneous functions where refusal is proposed.
5. Applications for the licensing of homes under Social Services Legislation.
6. Appeals by childminders against a refusal to register or a proposal to revoke a permit.
7. Opposed or contentious applications and revocations in relation to miscellaneous licensing functions
8. Appeals by nursery school providers relating to a decision to reject or remove them from the Directory of non-maintained providers eligible to claim funding for the provision of free nursery education places; and to hear and determine appeals from parents who are not satisfied that their child has received the free nursery education to which they are entitled.
9. To establish, agree terms of reference and appoint to the following three sub-committees to hear and determine disciplinary, capability, grievance and appeals matters in relation to Chief Officers and Deputy Chief Officers (Chief Executive to Deputy Director/Head of Service tier):
  - i. Investigating and Disciplinary sub-committee
  - ii. Grievance sub-committee
  - iii. Appeals sub-committee
10. Under the terms of the Commons Act 2006, to consider and determine applications for registration of Village Greens.

## **8.04 Licensing Committee (and sub-committee appointed by the Committee)**

### **(a) Introduction**

The Committee discharges the Council's functions under the Licensing Act 2003, Gambling Act 2005, Sex Establishment Venue Licences under the Local Government (Miscellaneous Provisions) Act 1982, Street Trading determination functions under the London Local Authorities Act 1990 and the Scrap Metal Dealers Act 2013, which are statutory in nature.

### **(b) Membership**

The Committee will have 10 Members (*10 is the minimum required under regulations*). Political balance rules do not apply to the make-up of the Committee. The Licensing Committee will meet on a regular basis and the Licensing sub-committees will meet on a programmed basis to effectively discharge its functions.

There will be a single Licensing Sub-Committee which will comprise 3 Members of the Licensing Committee selected on a rota basis, with any substitute Members, if required, being selected from the Licensing Committee only. The meetings of the Sub-Committee will be chaired by either the Chairman or Vice-Chairman of the Licensing Committee. Political balance rules do not apply to the make-up of the Sub-Committee. The Sub-Committee will determine all agreed delegated licensing functions.

### **(c) Terms of Reference**

1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990; the Scrap Metal Dealers Act 2013 and The Police Reform & Social Responsibility Act 2011, except, in respect of each, the determination of the Council's Statement of Licensing Policy and the publication of that Statement.
2. To establish and appoint sub-committees to determine any applications requiring a hearing under the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990 and the Scrap Metal Dealers Act 2013 or otherwise the determination of any application not delegated to officers.
3. To arrange for the discharge of the functions governed by the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982, London Local Authorities Act 1990 and the Scrap Metal Dealers Act 2013 by its sub-committees or by officers except where prohibited by the Licensing Act 2003 and Gambling Act 2005
4. To receive and consider reports, where appropriate, on the needs of the local tourist economy, employment and investment in the

area and any other matter directly related to the licensing functions in the Borough.

## **8.05 Appointments Committee**

### **(a) Membership**

The membership of the Committee will be 7 Councillors and include at least one member of the Cabinet. The Committee will be politically balanced to determine employment matters in respect of Chief Officers. It may establish sub-committees for the appointment of Deputy Chief Officers or other relevant officers for the discharge of functions set out below:

### **(b) Terms of Reference**

1. To determine all matters (including shortlistings, interviewing, salaries and service conditions) in the recruitment, selection and appointment of the Chief Executive and Corporate Directors, subject to the financial implications being within approved budgets. Full Council approval is required for the Chief Executive's appointment.
2. Through a sub-committee, to interview and appoint Directors, other Chief Officer, Statutory or Deputy Chief Officer posts. Additionally, upon referral by the Leader of the Council, in conjunction with the Chief Executive and in accordance with the Officer Employment Procedure Rules, to interview and appoint any other Chief Officer on JNC National Conditions of Service and any other appointments as deemed necessary.
3. To establish and implement an annual appraisal and remuneration review process for the Chief Executive and Corporate Directors, based on clear performance targets and objectives.
4. To authorise a compensation package for the Council's Chief Executive on or before the termination of his/her employment with the Council.

## **8.06 Pensions Committee**

### **(a) Membership**

Councillor membership of the Committee will be 5, will be politically balanced and have voting rights. In addition, the Independent Adviser and Investment Consultant would normally attend meetings along with relevant officers in an advisory, non-voting capacity.

### **(b) Terms of Reference**

1. To exercise all functions concerning the Pension Fund including, but not limited to: governance; funding; actuarial valuations; policies; accounting and audit; risk management, budgets and resourcing; investment, and administration.

2. To review and approve all aspects of investment policy relating to the Pensions Fund, including agreeing the strategic asset allocation and authorisation or prohibition of particular investment activities.
3. To review the Investment Strategy Statement and amend it when necessary.
4. To agree benchmarks and performance targets for the investment of the Fund's assets and review periodically.
5. To agree to transfer funds into mandates managed by the London Collective Investment Vehicle (CIV) as soon as appropriate opportunities become available.
6. To receive regular reports from investment managers including the London CIV and to agree resultant actions from a review of the investments held.
7. To keep the performance of the investment managers under regular review and extend or terminate their contracts as required. To appoint new managers when necessary.
8. To agree policy guidelines for the exercise of voting rights attached to the Fund's shares.
9. To review the appointment of specialist advisors and service providers and make new appointments as necessary.
10. To approve the appointment of persons to hear appeals under the Internal Dispute Resolution Procedure.
11. To set up a Pensions Sub-Group, should it be required, comprising 3 Elected Members politically balanced and relevant officers and advisors to:
  - i. Be consulted on urgent decisions that are required to be taken by the Corporate Director of Finance in the absence of a Committee meeting;
  - ii. Assist in strategic discussions with regard to the Pensions Fund and Investment Strategy, including the monitoring of fund manager performance and associated actions or investigations and making any recommendations on such matters to the Pensions Committee for decision.
12. The Corporate Director of Finance be authorised to take urgent decisions in relation to the pensions fund and investment strategy on behalf of the Committee, and if established, in consultation with any Pension Sub-Group, reporting back to the Pensions Committee for ratification.

## **8.07 Pensions Board**

### **(a) Information**

The Pensions Board is not a decision making body, rather it has a compliance and scrutiny role to ensure the Pensions Committee effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pensions Regulator. Additionally, the Pension Board will help ensure that the London Borough of Hillingdon Pension Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

## **(b) Membership**

The membership of the Board must be equally split between employer and scheme member representatives with relevant experience and the capacity to represent.

Council has determined that membership shall be 2 employer and 2 scheme member representatives with no Councillors automatically appointed to sit on the Board. Applications for the employer representatives will be invited from a) the Council (Members will be entitled to apply for this position should they so wish) and b) all other employer bodies contributing to the fund - and then selected at interview by the Chairman and one other Member of the Pensions Committee and a Senior Officer, on the basis of capacity and/or experience. Term of Office to be four years.

## **(c) Terms of Reference**

1. The Pensions Board will meet at a frequency determined by the Board.
2. Reports to the Board will either reflect decisions taken by Pensions Committee or be reports for noting already seen by Pensions Committee.
3. The role of the Board will be to assist London Borough of Hillingdon Administering Authority as Scheme Manager: to secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS;
4. To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and in such other matters as the LGPS regulations may specify.
5. To secure the effective and efficient governance and administration of the LGPS for the London Borough of Hillingdon Pension Fund.
6. To provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest. NB: Being a member of the LGPS is not seen as a conflict of interest.
7. The Board may agree a more detailed code of practice within the parameters of these Terms of Reference, as to how it operates to comply with other relevant guidelines.

## **8.08 Audit Committee**

### **(a) Introduction**

The Audit Committee's role will be to:

- Review and monitor the Council's audit, governance, risk management framework and the associated control environment, as an independent assurance mechanism;

- Review and monitor the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and/or weakens the control environment;
- Oversee the financial reporting process of the Statement of Accounts.

Decisions in respect of strategy, policy and service delivery or improvement are reserved to the Cabinet or delegated to Officers.

## **(b) Membership**

Membership will be four elected Councillors and an independent Chairman with relevant financial expertise and that the Vice-Chairman comes from the majority group. No Cabinet Member or Member of the Executive Scrutiny Committee shall serve concurrently on the Audit Committee.

## **Internal Audit**

1. Review and approve (but not direct) the Internal Audit Strategy to ensure that it meets the Council's overall strategic direction.
2. Review, approve and monitor (but not direct) Internal Audit's planned programmes of work, paying particular attention to whether there is sufficient and appropriate coverage.
3. Through quarterly Internal Audit summary reports of work done, monitor progress against the Internal Audit Plan and assess whether adequate skills and resources are available to provide an effective Internal Audit function. Monitor the main Internal Audit recommendations and consider whether management responses to the recommendations raised are appropriate with due regard to risk, materiality and coverage.
4. Make recommendations to the Leader of the Council and Cabinet Member for Finance, Property and Business Services on any changes to the Council's Internal Audit Strategy and plans.
5. Review the Annual Report and Opinion Statement and the level of assurance this provides over the Council's corporate governance arrangements, risk management framework and system of internal controls.
6. Consider reports dealing with the activity, management and performance of internal audit services.
7. Following a request to the Corporate Director of Finance and, subject to the approval of the Leader of the Council or Cabinet Member for Finance, Property and Business Services, to request work from Internal Audit.

## **External Audit**

8. Receive and consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
9. Monitor management action in response to issues raised by External Audit.
10. Receive and consider specific reports as agreed with the External Auditor.
11. Comment on the scope and depth of External Audit work and ensure that it gives value for money, making any recommendations to the Corporate Director of Finance.



12. Be consulted by the Corporate Director of Finance over the appointment of the Council's External Auditor.
13. Following a request to the Corporate Director of Finance and, subject to the approval of the Leader of the Council or Cabinet Member for Finance, Property and Business Services, to commission work from External Audit.
14. Monitor arrangements for ensuring effective liaison between Internal Audit and External Audit, in consultation with the Corporate Director of Finance.

### **Governance Framework**

15. Maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations and, where necessary, bring proposals to the Leader of the Council or the Cabinet for their development.
16. Review any issue referred to it by the Chief Executive, Corporate Director, any Council body or external assurance providers including inspection agencies.
17. Monitor and review (but not direct) the authority's risk management arrangements, including regularly reviewing the corporate risk register and seeking assurances that appropriate action is being taken on managing risk.
18. Review and monitor Council strategy and policies on anti-fraud and anti-corruption including the 'Raising Concerns at Work' policy making any recommendations on changes to the Leader of the Council and relevant Corporate Director.
19. Oversee the production of the authority's Annual Governance Statement and recommend its adoption.
20. Review the Council's arrangements for corporate governance and make recommendations to the Corporate Director of Finance on suggested actions to improve alignment with best practice.
21. Where requested by the Leader of the Council, Cabinet Member for Finance, Property and Business Services or Corporate Director of Finance, provide recommendations on the Council's compliance with its own and other published standards and controls.

### **Accounts**

22. Review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from financial statements or from the external auditor that need to be brought to the attention of the Council.
23. Consider the external auditor's report to those charged with governance on issues arising from the external audit of the accounts.

### **Review and reporting**

24. Undertake an annual independent review of the Audit Committee's effectiveness and submit an annual report to Council on the activity of the Audit Committee.

## **8.09 Health and Wellbeing Board**

### **(a) Introduction**

In accordance with the Health and Social Care Act 2012 and any subsequent related legislation, the Health and Wellbeing Board will seek to improve the quality of life of the local population and provide high-level collaboration between the Council, NHS and other agencies to develop and oversee the strategy and commissioning of local health services.

The Board will operate as a Committee of the Council in accordance with the Committee Standing Orders and Access to Information Procedure Rules set out in this Constitution.

The core functions of the Board are not executive functions and are not therefore subject to any scrutiny call-in procedure.

The Board will seek to comply with its duties under the Equality Act 2013, Freedom of Information Act 2000 and the Data Protection Act 1998.

### **(b) Membership**

The membership of the Board shall comprise:

- 1) Cabinet Member for Health and Social Care - Co-Chairman
- 2) Cabinet Member for Families, Education and Wellbeing
- 3) LBH Chief Executive
- 4) LBH Corporate Director, Social Care and Health
- 5) LBH Director, Public Health
- 6) Hillingdon Health and Care Partners Managing Director - Co-Chairman
- 7) NWL CCG - Hillingdon Board representative
- 8) NWL CCG - nominated lead
- 9) Central and North West London NHS Foundation Trust - nominated lead
- 10) The Hillingdon Hospitals NHS Foundation Trust Chief Executive
- 11) Healthwatch Hillingdon - nominated lead
- 12) Royal Brompton and Harefield NHS Foundation Trust - nominated lead
- 13) Hillingdon GP Confederation - nominated lead

#### Co-Chairmen

The Board shall be co-chaired by the Cabinet Member for Health and Social Care and the Managing Director of Hillingdon Health and Care Partners. The Vice Chairman of the Board shall be the Cabinet Member for Families, Education and Wellbeing. Only one Co-Chairman may chair a meeting and this will be determined at the start of each meeting. Should both Co-Chairmen be unavailable to chair, the meeting will be chaired by the Vice Chairman.

#### Political Balance

There is no requirement to have all political groups within the Council represented on the Board.

### Substitutes

In the event that they are unable to attend the meeting, members of the Board must advise the Co-Chairmen in advance of the meeting and nominate a single individual substitute for them and make decisions on their behalf.

### Other Attendees

From time to time, and upon the agreement of the Co-Chairmen, other individuals, such as subject matter experts, may be invited to attend Board meetings. In addition, individuals or representatives may attend Board meetings as co-opted members where agreed by the Board.

### Voting rights

Should a formal vote be required, voting rights will apply to those set out in the list above. Co-opted members will not be permitted to vote.

### Code of Conduct

All voting Members of the Health and Wellbeing Board will be bound by the Council's Code of Conduct for Members, as adopted.

## **(c) Sub-Committees and Working Groups**

The Board may establish and appoint to sub-committees *and working groups*. The Board may delegate any of its functions to sub-committees *or working groups* or request them to undertake task and finish reviews or project work in the pursuit of the Board's goals.

Members of a sub-committee or working group may be any member of the Board. Additional members of a sub-committee or working group will be agreed by the Board.

Sub-committees and working groups will cease to exist upon a decision by the Board.

## **(d) Terms of Reference**

1. To fulfil statutory requirements to improve the health and wellbeing of the local population, specifically to:
  - (a) Lead on the duty to assess and publish information about the needs of the local population (joint strategic needs assessment (JSNA));
  - (b) Deliver the duty to prepare and publish a Joint Health and Wellbeing Strategy based on the JSNA, to consider Health and Social Care Act flexibilities in developing the strategy and involve local residents and others as appropriate;
  - (c) Promote integrated and partnership working across areas,

including through the promotion of joined up commissioning plans across the NHS, social care and public health; and

- (d) Support, be involved in and provide opinion on joint commissioning plans and the review of how well the Health and Wellbeing Strategy is meeting needs. This includes providing an opinion on how well the Clinical Commissioning Group (CCG) contributes to the delivery of the Joint Health and Wellbeing Strategy.

2. To be responsible for:

- (a) Providing leadership in developing a strategic approach for health and wellbeing in Hillingdon;
- (b) Developing the statutory Health and Wellbeing Strategy;
- (c) Ensuring that the Health and Wellbeing Strategy is informed and underpinned by the JSNA and is focused upon:
  - Improving the health and wellbeing of the residents of Hillingdon;
  - The continuous improvement of health and social care services;
  - The reduction of health inequalities;
  - The involvement of service users and patients in service design and monitoring; and
  - Integrated working across health and social care where this would improve quality;
- (d) Reviewing performance on delivering the Health and Wellbeing Strategy and other key strategic targets;
- (e) Holding partner agencies to account for performance on agreed priorities in conjunction with the External Services Select Committee;
- (f) Influencing and approving the Clinical Commissioning Group (CCG) commissioning plan and annual update;
- (g) Collaborative working to develop social care and health related commissioning plans to improve the health and wellbeing of residents of the Borough and monitor implementation and performance;
- (h) Monitoring the performance of Public Health and reviewing its services in conjunction with the Families, Health and Wellbeing Select Committee; and
- (i) Reviewing the Terms of Reference and operation of the Board regularly, making recommendations to Council as required.

**8.10** In addition to the committees listed above, the Council will appoint a number of bodies/panels which do not have powers delegated to them from full council and have not been appointed by the Council in accordance with section 101 of the Local Government Act 1972.

## **ARTICLE 9 – THE STANDARDS COMMITTEE**

### **9.01 Standards Committee**

The Council has established a Standards Committee. Its functions are not within the remit of the Cabinet.

### **9.02 Membership**

4 Council Members not including the Leader of the Council. The Committee will be politically balanced.

### **9.03 Terms of Reference**

1. To promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives;
2. To assist Councillors, Co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct;
3. To monitor the operation of the Members' Code of Conduct;
4. To grant dispensations to Councillors, Co-opted Members, Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;
5. To consider and hear allegations into the alleged misconduct of Members.
6. To oversee the operation of the Officers' Code of Conduct
7. To consider periodic reports on a range of standards and ethics indicators
8. To consider appeals from staff concerning designations of Politically Restricted Posts under the Local Democracy, Economic Development and Construction Act 2009

### **9.04 Complaints**

In the event that the Standards Committee is required to adjudicate on any issue coming before it, (including in particular, complaints of misconduct against Members or co-opted members of the Council), any such adjudication will be undertaken in accordance with procedures as set out in the Standards Committee Procedure Rules which can be found in Part 4, Schedule J of the Constitution.



## **ARTICLE 10 – JOINT ARRANGEMENTS**

### **10.01 Arrangements to Promote Well-Being**

The Cabinet, 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

### **10.02 Joint Arrangements**

- (a) The Council and/or the Cabinet may establish joint arrangements with one or more local authorities to exercise functions in any of the participating authorities – such arrangements may involve the appointment of a Joint Committee with those other local authorities.
- (b) Except as set out below, the Cabinet may only appoint Cabinet members to a Joint Committee and those members need not reflect the political composition of the local authority as a whole.
- (c) The Cabinet may appoint members to a Joint Committee from outside the Cabinet where the Joint Committee is discharging a function in relation to five or more local authorities. In this case, the Cabinet may appoint to the Joint Committee any member of the Council and the political balance requirements do not apply to such appointments.
- (d) Details of any joint arrangements which the Council has entered into can be found in Appendix C to this Article.

### **10.03 Access to Information**

The Access to Information Rules In Part 4 of this Constitution apply to all arrangements entered into by the Council or Cabinet that involve the delegation of functions by the Council or Cabinet.

### **10.04 Delegation to and from Other Local Authorities**

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

The Council has entered into a Service Level Agreement with the London Borough of Harrow in respect of Breakspear Crematorium. Under the terms of this Agreement, the London Borough of Harrow has agreed to delegate to the Council the management and maintenance of the Breakspear Crematorium Service on behalf of both Boroughs.

### **10.05 Contracting Out**

The Council may contract out to another body or organisation non-executive functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994 or

under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making. For functions which are the responsibility of the Cabinet, it will be for the Cabinet to decide whether to contract out a function or service and to whom to award the contract.

## **APPENDIX C**

### **1. The Association of London Government Joint Committee**

The effective co-ordination and formulation of policy and discharge of functions and any other related Joint Committees acting on behalf of the constituent authorities and as set out in the Schedules of the Agreement made under sections 101 and 102 of the Local Government Act 1972.

### **2. The LHC Joint Committee**

The establishment and provision of a specialist architectural service to assist LHC constituent authorities in connection with housing design, improvement, repair and maintenance and, in particular;

- (a) to establish, develop and manage bulk quotation arrangements for the procurement of building components and services for the use and benefit of all LHC constituent authorities.
- (b) to undertake such specialised technical tasks as may from time to time be deemed beneficial and appropriate to all LHC constituent authorities.



# ARTICLE 11 – OFFICERS

## 11.01 Management Structure

### (a) General

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

### (b) Chief Officers

The Council engages persons for the following posts, who will be designated Chief Officers:

Post	Function and Areas of Responsibility
Chief Executive (Head of Paid Service)	<ul style="list-style-type: none"><li>• Working closely with the Leader of the Council and Cabinet to agree strategy and targets for the council</li><li>• Providing leadership and direction in the achievement of the Council's strategic objectives</li><li>• Managing highest level external relationships</li><li>• Supporting other Directors to address specific priority issues</li></ul>
Corporate Director of Finance	<p>Responsible for:</p> <ul style="list-style-type: none"><li>• Corporate Finance</li><li>• Statutory Accounting &amp; Pension Fund</li><li>• Financial Planning, Treasury, Capital Systems</li><li>• Exchequer and Business Assurance</li><li>• Procurement</li></ul> <p>Is the appointed Chief Finance Officer</p>
Corporate Director of Social Care & Health	<p>Responsible for:</p> <ul style="list-style-type: none"><li>• Provider and Commissioned Care</li><li>• Adult Social Work</li><li>• Children's Services</li><li>• Safeguarding, Partnership &amp; Quality Assurance</li><li>• Special Educational Needs &amp; Disabilities</li><li>• Health Integration &amp; Voluntary Sector Liaison</li><li>• Public Health</li></ul>

Post	Function and Areas of Responsibility
Corporate Director of Planning, Environment, Education & Community Services	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>• Planning &amp; Regeneration</li> <li>• Green Spaces, Sport &amp; Culture</li> <li>• Housing</li> <li>• Education (day to day management of the Education Service on behalf of the Corporate Director of Social Care and Health, reporting to him as necessary)</li> <li>• Trading Standards, Environmental Health &amp; Licensing</li> <li>• Community Safety &amp; cohesion</li> </ul>
Corporate Director of Infrastructure, Transport & Building Services	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>• Property &amp; Estates</li> <li>• Capital Programme – Major Projects</li> <li>• Repairs &amp; Engineering</li> <li>• Highways</li> <li>• Waste Services</li> <li>• ICT</li> <li>• Transportation</li> <li>• Parking Services</li> <li>• Building Safety</li> </ul>
Corporate Director of Corporate Services & Transformation	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>• Democratic Services</li> <li>• Legal Services</li> <li>• Human Resources</li> <li>• Corporate Communications</li> <li>• Business Performance</li> <li>• Programme Management (BID)</li> <li>• Business Administration</li> <li>• Customer Access</li> </ul>
Director of Public Health	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>• Statutory public health matters</li> </ul> <p>Reporting to the Corporate Director of Social Care &amp; Health</p>

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

The Council designates the following posts:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Borough Solicitor	Monitoring Officer
Corporate Director of Finance	Chief Finance Officer

The Monitoring Officer and the Chief Finance Officer may appoint a Deputy to carry out their functions in cases of absence or illness.

The three statutory officer posts will have the functions described in Articles 12.02-12.04 below.

**Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

**11.02 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 are co-ordinated, the number and grades of officers required for the discharge of functions and the organisation of officers.

**(b) Restrictions on Functions**

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

**11.03 Functions of the Monitoring Officer**

**(a) Maintaining the Constitution**

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

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

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer reports to the Full Council or to the Cabinet in relation to an Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or

omission has given rise to maladministration. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.

**(c) Supporting the Standards Committee**

The Monitoring Officer contributes to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

**(d) Conducting Investigations**

The Monitoring Officer conducts investigations into matters referred to him and make reports or recommendations in respect of them to the Standards Committee or appropriate body.

**(e) Proper Officer for Access to Information**

The Monitoring Officer ensures that the Access to Information rules set out in this Constitution are adhered to.

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

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

**(g) Providing Advice**

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

**(h) Restrictions on Posts**

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

#### **11.04 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 reports to the Full Council or to the Cabinet (in relation to a Cabinet Function) and to the Council's External Auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency to the Council, or if the Council is about to enter an item of account unlawfully.

**(b) Administration of Financial Affairs**

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

**(c) Contributing to Corporate Management**

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

**(d) Providing Advice**

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

**(e) Give Financial Information**

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

**11.05 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 its opinion sufficient to allow their duties to be performed.

**11.06 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations, in the event that such a Protocol comes into force, set out in Part 5 of this Constitution.

**11.07 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution and the Council's Standing Orders.



## **ARTICLE 12 - DECISION MAKING**

### **12.01 Responsibility for Decision-making**

The Council issues and keeps 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 4 of this Constitution. The Council also adopts rules to govern the procedures to be followed at its meetings and those of the Cabinet and committees.

### **12.02 Principles of Decision-making**

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

- (a) clarity of aims and desired outcomes;
- (b) a presumption in favour of openness;
- (c) proportionality – that the action to be taken is proportionate to the desired outcome;
- (d) reasonableness and rationality (the ‘Wednesbury principles’);
- (e) due consultation and the taking of professional advice from officers;
- (f) respect for human rights; and
- (g) making clear what options were considered and rejected in the making of a decision and giving the reasons for that.

### **12.03 Types of Decision**

#### **(a) Decisions reserved to the Full Council**

Decisions relating to the functions listed in Article 4.04 will be made by the Full Council and not delegated.

#### **(b) Key Decisions**

- (i) The definition of a key decision is fully set out in Article 7.08 (b).
- (ii) A decision-maker may only make a key decision in accordance with the requirements of the Access to Information and Executive Procedure Rules set out in Part 4 of this Constitution.

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

Subject to Article 13.08, the Council Meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **12.06 Decision Making by the Cabinet**

Subject to Article 13.08, the Cabinet will follow the Access to Information and Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.06 Decision Making by Select Committees**

These committees will follow the Select Committee Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.07 Decision Making by other Committees and Sub-Committees established by the Council**

Subject to Article 13.08, other Council committees and sub-committees will follow the Committee Standing Orders set out in Part 4 of this Constitution.

#### **12.08 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 and/or 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 13 - FINANCE, CONTRACTS AND LEGAL MATTERS**

## **13.01 Financial Management**

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

## **13.02 Contracts**

Every contract made by the Council will comply with the Contract Standing Orders and associated Code of Practice on Procurement set out in Part 4 of this Constitution.

## **13.03 Legal Proceedings**

The Borough Solicitor 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 Borough Solicitor considers that such action is necessary to protect the Council's interests.

## **13.04 Authentication of Documents**

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Borough Solicitor 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.
- (b) Any contract, which does not relate to a land transaction, and with a value exceeding £10,000 entered into on behalf of the Council in the course of the discharge of a Cabinet function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the Common Seal of the Council attested by at least one officer. All Contracts relating to land transactions shall be in writing and signed or sealed in accordance with the requirements of this Article.

## **13.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor. 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 Borough Solicitor should be sealed. The Borough Solicitor will attest the affixing of the Common Seal or some other person authorised by him or her.



# **ARTICLE 14 - REVIEW AND REVISION OF THE CONSTITUTION**

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

The Monitoring Officer monitors and reviews the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

## **14.02 In undertaking this task the Monitoring Officer may:-**

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him or her by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in the Council with those in other comparable authorities, or with national examples of best practice.

## **14.03 Changes to the Constitution**

### **(a) Approval**

Changes to the Constitution, will only be considered by the Full Council after consideration of the proposal by the Leader.

### **(b) Change in the Form of Executive**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change in the form of Executive arrangements.



# **ARTICLE 15 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

## **15.01 Suspension of the Constitution**

### **(a) Limit to Suspension**

The Articles of this Constitution may not be suspended. The Rules specified below 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 number of councillors are present. The extent and duration of the suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

### **(c) Rules Capable of Suspension**

1. Council Procedure Rules.
2. Contract Standing Orders and associated Code of Practice on Procurement.
3. Committee Standing Orders.

The above rules may only be suspended following a vote by members on the motion to suspend. The motion will identify which parts of the Standing Orders are to be suspended and the reasons for and duration of the suspension.

## **15.02 Interpretation**

The ruling of the Mayor as to the interpretation 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 shall have regard to the purposes of the Constitution contained in Article 1.

## **15.03 Publication**

- (a) The Monitoring Officer will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's Declaration of Acceptance of Office on the member first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies of this Constitution are available for inspection at council offices, libraries, and other appropriate locations and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.



# PART 3 - SCHEME OF DELEGATION TO OFFICERS

## PART 3 - SCHEME OF DELEGATION TO OFFICERS

### FUNCTIONS DELEGATED TO OFFICERS

#### Preamble

The full Council or the Cabinet have delegated the following functions to officers of the Council.

All delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed by the Cabinet or appropriate Committee.

Any action under these delegations shall strictly be in accordance with:

- (a) policies approved by the Council, the Leader, Cabinet, a Cabinet Member or a Council committee
- (b) the approved budget and approved management and business plans
- (c) the Council's Financial Regulations, Standing Orders and Contract Rules.

When exercising delegated powers on key matters, officers should maintain a close liaison with the relevant Cabinet Member and refer any proposed action to the Leader, Cabinet Member, or the Cabinet if so required by the Leader or the relevant Cabinet Member.

### **Delegations to the Chief Executive**

The Chief Executive is the officer responsible and accountable for:

- Working closely with the Leader of the Council and Cabinet to agree strategy and targets for the Council.
- Providing leadership and direction in the achievement of the Council's strategic objectives.
- Managing highest level external relationships.
- Supporting other Corporate Directors to address specific priority issues.

#### Specific delegations to the Chief Executive are:

1. To be the Council's Head of Paid Service for the purposes of the Local Government and Housing Act 1989.
2. To authorise generally or on any particular occasion an officer to exercise the delegated powers of any other officer.

3. To give directions that a delegated power shall or shall not be exercised in a particular way and on the application of delegated powers in general, except for any statutory powers vested in the Corporate Director of Social Care and Health, the Corporate Director of Finance and the Borough Solicitor.
4. To agree the terms and conditions of employment of all staff (other than the Chief Executive) and the creation, deletion or amendment of all the Council's HR policies and procedures and to approve proposals for discretionary enhanced early retirement packages for officers following written agreement by a majority of the Members of the Appointments Committee.
5. To suspend the statutory s151 Officer and Monitoring Officer pending an immediate summoning of the Investigations and Disciplinary Committee.
6. In respect of a Council capital project or revenue service, where an emergency or exceptionally urgent situation arises in relation to a commercial contract where:
  - a) The Leader and Chief Executive agree the urgency;
  - b) There is no Cabinet meeting imminent;
  - c) Any delay would seriously jeopardise the Council's finances or its ability to deliver services and;
  - d) A previous executive decision has been made or proposed in respect of the capital project or service provision concerned,

authority is granted to the Chief Executive, subject to the written agreement of the Leader of the Council, to incur expenditure and make any new and necessary contractual decisions in order to secure the successful delivery of the project or service.

In such instances, the Council's Procurement and Contract Standing Orders can be waived. Any decisions taken must be reported to a subsequent Cabinet meeting for formal ratification.

7. In conjunction with the Leader of the Council, to oversee the Hillingdon Improvement Programme and authorise expenditure on it.
8. Subject to the endorsement of the Leader of the Council and relevant Cabinet Member(s), to authorise the transfer of non-executive powers under delegated authority granted by Council to another body in the best interests of the London Borough of Hillingdon.
9. To exercise all matters relating to Section 36 of the Counter Terrorism & Security Act 2015 in respect of the duty on local authorities and partners of local [CHANNEL] panels to provide support for people vulnerable to being drawn into terrorism (PREVENT AGENDA) and to establish joint [CHANNEL] panel arrangements with other local authorities.



## **Delegations to the Corporate Director of Finance**

The Corporate Director of Finance is the officer responsible and accountable for:

- Corporate Finance
- Statutory Accounting & Pension Fund
- Financial Planning, Treasury, Capital Systems
- Exchequer and Business Assurance
- Procurement

### Statutory delegations to the Corporate Director

1. To act as and exercise the functions of the “chief finance officer” meaning the officer designated under section 151 of the Local Government Act 1972.

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

## **Delegations to the Corporate Director of Social Care and Health**

The Corporate Director of Social Care and Health is the officer responsible and accountable for:

- All functions by being designated the statutory Director of Children’s Services.
- All adult social services functions by being designated the statutory Director of Adult Social Services.

Specific service areas responsible and accountable are:

- Provider and Commissioned Care
- Adult Social Work
- Children’s Services
- Safeguarding, Partnership & Quality Assurance
- Special Educational Needs & Disabilities
- Health Integration & Voluntary Sector Liaison
- Public Health (statutory delegations are to the Director of Public Health)

### Statutory delegations to the Corporate Director

1. Specifically, the Corporate Director is to have overall responsibility for those functions which relate to children which are set out in:
  - a. The Children Act 2004 and in particular Section 18 which for the avoidance of doubt includes the functions conferred on or exercisable by the Council in its capacity as a local education authority.
  - b. Such other functions conferred on or exercisable by the Council as may be prescribed by the Secretary of State by regulation or which the Council may consider appropriate.

2. Specifically, the Corporate Director of Social Care and Health is to be responsible for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970, as amended by the Children Act 2004.

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

#### Delegations to the Director of Public Health

Reporting and accountable to the Corporate Director of Social Care and Health, to be the statutory and responsible officer for the Borough's health emergency planning and infection control and also the local authority's public health functions pursuant to:

1. The Health and Social Care Act 2012 and any subsequent related legislation.
2. A responsible authority under the Licensing Act 2003.
3. The Healthy Start and Welfare Food Regulations 2005 as amended.
4. Relevant sections of the NHS Act 2006, as amended by the 2012 Act.
5. Section 325 of the Criminal Justice Act 2003.
6. Any other relevant primary or secondary legislation.

#### **Delegations to the Corporate Director of Infrastructure, Transport and Building Services**

This Corporate Director is the officer responsible and accountable for:

- Property & Estates
- Capital Programme – Major Projects
- Repairs & Engineering
- Highways
- Waste Services
- ICT
- Transportation
- Parking Services
- Building Safety

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

## **Delegations to the Corporate Director of Planning, Environment, Education and Community Services**

This Corporate Director is the officer responsible and accountable for:

- Planning & Regeneration
- Green Spaces, Sport & Culture
- Housing
- The day to day management of the Education Service on behalf of the Corporate Director of Social Care and Health, reporting to him as necessary.
- Trading Standards, Environmental Health & Licensing
- Community Safety & cohesion

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

## **Delegations to the Corporate Director of Corporate Services and Transformation**

This Corporate Director is the officer responsible and accountable for:

- Democratic Services
- Legal Services
- Human Resources
- Corporate Communications
- Business Performance
- Programme Management (BID)
- Business Administration
- Customer Access

The full list of delegations granted by Council to the Corporate Director, along with those under Section 101 of the Local Government Act 1972 which are sub-delegated, are set out in the Internal Scheme of Delegations which form an appendix to the Constitution.

## **General Delegations to the Chief Executive and Corporate Directors**

These delegations are to the Chief Executive and Corporate Directors who may discharge the function through one of his/her staff.

1. To take any steps necessary for the day to day management and administration of any matters within the designated area of responsibility and to take overall responsibility for the performance of their service area.
2. To take all such action as ordinarily falls within the scope of professional responsibility and deal with all other matters delegated or to be delegated by Council, Cabinet, Cabinet Member or the Chief Executive.

3. To manage any budget for which the Corporate Directors have lead responsibility within the approved cash limit, provided that no action is taken which would result in growth in future years or which would affect a budget which is not under the chief officer's direct control. This includes authorising virements in accordance with the Budget and Policy Framework Procedure Rules which can be found in Part 4 of the Constitution.
4. To exercise the Council's functions in obtaining registrations, licences, certificates or other similar documents required by the Council, its officers or in respect of its premises from any authority or body not being the Council.
5. To exercise the Council's right of objection against any application made by third parties for registration, certificates, licences, orders and other similar matters.
6. To register, issue or grant licences (not being occupational licences), notices, certificates, orders or similar documents which the Council are authorised or required to register, issue, grant, give or make by or under any enactment.
7. To exercise discretion in writing off or remitting in whole or in part debts of up to £5,000 due to the Council, but only after all reasonable steps to recover them have been taken.
8. Within their designated area of responsibility and subject to 1) any corporate property standards, 2) Procurement and Contract Standing Orders and 3) with the agreement of the Corporate Director of Infrastructure, Transport & Building Services to acquire or grant easements and leases for a term not exceeding seven years less 2 days and to acquire or dispose of any other interests in land the value of which does not exceed £10,000.
9. Subject to compliance with any corporate property standards and the Procurement and Contract Standing Orders, to take any steps for the proper and effective management of such property falling within their designated area of responsibility, subject to the agreement of the Corporate Director of Infrastructure, Transport & Building Services.
10. In accordance with the Council's Personnel Procedures, but subject to the Officer Employment Procedure Rules, to appoint to, dismiss from and amend posts within the chief officer's area of responsibility.
11. In accordance with the Council's HR Procedures to suspend, other than the three Statutory Officers, Chief Officers and Deputy Chief Officers within their area of responsibility.
12. To agree compensation payments not exceeding £1000 under the Council's Complaints Procedure.
13. To make decisions in respect of quotations, tenders, consultants, agency & temporary workers and contracts in accordance with the Procurement and Contract Standing Orders – Schedule H.

14. To exercise all of the powers of Approved Officers for the purposes of the Procurement and Contract Standing Orders.
15. To enter into agreements, on behalf of the Council incurring match funding or a revenue commitment from the Council, subject to the Cabinet having previously agreed the proposal including the final level of Council commitment.
16. In conjunction with the Leader and relevant Cabinet Member, to sign-off expenditure for approved Initiatives.

### **Delegations to the Borough Solicitor**

1. To be the Council's Monitoring Officer for the purposes of the Local Government and Housing Act 1989.
2. To institute any legal or formal proceedings on behalf of the Council which the Council could institute and to defend any prospective or actual legal or formal proceedings instituted against the Council, its members or officers and to appear by Counsel or in person or to authorise an officer to so appear in any proceedings and to verify a document by signing a Statement of Truth under the Civil Procedure Rules on behalf of the Council and to settle any actual or prospective proceedings.
3. To certify copies of original documents for use in court proceedings.
4. To suspend the Chief Executive pending an immediate summoning of the Investigations and Disciplinary Committee
5. To authorise, on behalf of the local authority, any Officer to be appointed to the office of Governor or Director at an Academy.

### **Delegations to the Head of Democratic Services**

1. To act as the Electoral Registration Officer and the (Acting) Returning Officer for local and other elections.
2. To certify the minutes of the Council, a committee or sub-committee and any report to such a meeting as a true copy.
3. To designate approved duties for Members to claim travelling, subsistence and dependent care allowances.
4. To make arrangements to hear appeals against pupil exclusions and appeals by Governing Bodies.

## Proper Officers for the Purposes of the Constitution

1. Officer to be advised of the Mayor's view that a matter is one that ought to be treated as a key decision – **Head of Democratic Services**.
2. Officer to ensure that Access to Information rules as set out in the constitution are adhered to – **Monitoring Officer**.
3. Officer to act as proper officer for registration of Births, Deaths and Marriages – **Head of Democratic Services**.
4. Officer to be requested to call Council meetings in addition to ordinary meetings - **Head of Democratic Services**.
5. Officer to be notified of the name of the person to whom it is proposed to make an offer of appointment as Chief Executive, Chief Officer and Deputy Chief Officer - **Head of Human Resources**.
6. Officer to notify every member of the Cabinet of the name of a person to whom it is wished to make an offer of appointment as Chief Executive, Chief Officer and Deputy Chief Officer, and to whom any objections by the Leader to the proposal can be made – **Head of Human Resources**.
7. Officer to be notified of the name of the person to whom it is proposed to dismiss as Chief Executive, Chief Officer and Deputy Chief Officer – **Head of Human Resources**.
8. Officer to notify every member of the Cabinet of the name of a person [Chief Executive, Chief Officer or Deputy Chief Officer] who it is proposed to dismiss, and to whom any objections by the Leader to the proposal can be made – **Head of Human Resources**.
9. Officer to refer firm proposals for the budget and policy framework to Council for decision – **Head of Democratic Services**.
10. Officers who will issue and accept invitations from independent persons to constitute and administer a Panel in accordance with Section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer - **Head of Human Resources and Head of Democratic Services**.

# PART FOUR - *RULES OF PROCEDURE*

## **COUNCIL PROCEDURE RULES (SCHEDULE A)**

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

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

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) note the appointment of the Deputy Mayor;
- (iv) receive any announcements from the Mayor and/or Head of Democratic Services
- (v) elect the Leader (at the annual meeting immediately following the elections)
- (vi) note the appointment by the Leader of the Deputy Leader;
- (vii) note the Members to be appointed to the Cabinet by the Leader;
- (viii) appoint at least one select committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (ix) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (x) approve a programme of ordinary meetings of the Council for the year (if not previously approved);
- (xi) review the operation of the Constitution;
- (xii) receive [without comment] a statement by the Leader of the Council; and
- (xiii) consider any business set out in the notice convening the meeting.

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

At the annual meeting, the Council will:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors and any independent co-opted Members, to serve on each Committee and outside body.
- (v) receive nominations of Councillors to act as substitute members of Committees; and

- (vi) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place at 7.30pm at the Civic Centre, in accordance with the programme decided by the Council, unless agreed otherwise by the Mayor. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor;
- (v) (with the exception of the Budget setting meeting) take questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Cabinet, Select Committees and the Council's other Committees and take questions and answers on any of those reports;
- (viii) receive reports about and take questions and answers on the business of joint arrangements and external organisations;
- (ix) consider motions;
- (x) hear adjournment debates
- (xi) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Select Committees for debate.

## **3. EXTRAORDINARY MEETINGS**

### **3.1 Calling Extraordinary Meetings**

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer
- (iv) the Chief Finance Officer; and
- (v) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **3.2 Business**

At an extraordinary meeting, the scope of questions and motions shall be limited to matters arising for consideration at that meeting.



#### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

Substitute members will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting;

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

The time and place of meetings will be determined by the Head of Democratic Services in consultation with the Chief Whips and notified in the summons.

The Mayor (or in his/her absence the Deputy Mayor) may in consultation with the Chief Whips take the following action in relation to meetings:-

- (a) Call a special meeting and determine a date and time.
- (b) Determine a date and time for an adjourned meeting.
- (c) Vary the date or time of a meeting.
- (d) Vary the venue of a meeting.

Provided that in the event of a disagreement between the Chief Whips the views of the Chief Whip of the largest Party Group shall prevail.

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

The Head of Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Local Government Act 1972 and the Access to Information Rules. At least five clear days before a meeting, the Head of Democratic Services will send a summons signed by him or her by post or electronic mail to every Member of the Council or leave it at their usual place of residence or other specified address. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **7. CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor.

#### **8. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Members (17). During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETING**

If a meeting of the Council continues until 10.30pm the Mayor shall invite a Member to propose that the meeting should continue, and to specify how the remaining business shall be dealt with, and in what order. This motion shall be moved, seconded and put to the vote, without debate.

Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **10. QUESTIONS FROM THE PUBLIC**

### **10.1 General**

Members of the public may ask questions of the Leader or a Member of the Cabinet at ordinary meetings of the Council (not including the Annual meeting or the budget setting meeting), subject to the requirements of 10.3 and 10.5. Question time will be limited to 30 minutes. A background information document (maximum length 1 typed side A4) can be submitted at the same time as the question for circulation with the agenda.

### **10.2 Order of questions**

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

### **10.3 Notice of questions**

A question may only be asked if notice has been given in writing or by electronic mail to the Head of Democratic Services and received no later than midday, 7 working days before the day of the meeting. In the case of a bank holiday falling in this period, that day shall count as a 'working day'. Each question must give the name and address of the questioner.

### **10.4 Number of questions**

At any one meeting no person may submit more than 1 question and no more than 2 such questions may be asked on behalf of one organisation.

### **10.5 Scope of questions**

The Head of Democratic Services may amend or reject a question if it:

- is not from a resident of the borough;
- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- does not contain sufficient detail or information to allow for an informed and detailed answer to be given or, if local authority resources are referred to, does not provide sufficient detail to allow them to be accurately quantified;
- appears to be overtly 'political' in nature / part of or related to a party political / election campaign;

- is substantially the same, similar in nature or concerning the same subject matter as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information as defined in the Access to Information Rules.

## **10.6 Record of questions**

The Head of Democratic Services will enter each question in a register open to public inspection during normal office hours and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all accepted questions will be circulated to all members at the meeting and will be made available to the public attending the meeting.

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

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

## **10.8 Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer within 5 working days of the meeting.

## **10.9 Reference of question to the Cabinet or a Committee**

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

# **11. QUESTIONS BY MEMBERS**

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

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

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

Subject to Rule 11.3, a Member of the Council may ask a Member of the Cabinet a question on any matter in relation to which the Council has powers

or duties or which affects the Borough.

### **11.3 Notice of Questions**

At ordinary meetings (not including the Annual meeting or the budget setting meeting) of the Council each Member shall be entitled to ask one question under Rule 11.2 if either:

- (a) they have given notice in writing or by email of the question to the Head of Democratic Services by midday, 7 working days before the day of the meeting. In the case of a bank holiday falling in this period, that day shall count as a 'working day'; or
- (b) the question relates to urgent matters, they have the consent of the Mayor about the question and the content of the question is given to Head of Democratic Services by noon on the day of the meeting.

### **11.4 Order of Questions**

The order of business for Council meetings will list questions in the priority notified to the Head of Democratic Services by the Chief Whip of the relevant Group. Each Group be entitled to ask a question in turn, beginning with the largest Group followed by the second and third Groups.

### **11.5 Response and Time Limit for Questions**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) there will be a time limit of 45 minutes at each Council meeting for questions asked under the provision of Rule 11.2. Any questions not reached shall be answered in writing within 5 working days of the meeting.

### **11.6 Supplementary Question**

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

## **12. MOTIONS ON NOTICE**

### **12.1 Notice**

Except for motions which can be moved without notice under Rule 13, each Member shall be entitled to give written or email notice of one motion for each Ordinary Council meeting (not including the Annual meeting or the budget setting meeting) which must be signed by the Member concerned and delivered to the Head of Democratic Services not later than midday, 7 working days before the day of the meeting. In the case of a bank holiday falling in this period, that day shall count as a 'working day'. These will be entered in a register open to public inspection.

## **12.2 Motion Set Out in Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

## **12.3 Order of Motions**

The order of business for Council meetings will list motions in the priority order notified to the Head of Democratic Services by the Chief Whip of the relevant Group. Each Group is entitled to ask a motion in turn, beginning with the largest Group followed by the second and third Groups.

## **12.4 Scope**

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

## **12.5 Insufficient Information**

The Council will not make a decision on a motion if, in the opinion of the Mayor, there is insufficient information. Such a motion shall be referred without further debate to the appropriate decision making body for consideration of a detailed report.

# **13. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 3 hours in duration;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 24.3 or to exclude them from the meeting under Rule 24.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

## **14. RULES OF DEBATE**

### **14.1 No Speeches until Motion Seconded**

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

### **14.2 Right to Require Motion in Writing**

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

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

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

### **14.4 Content and length of speeches**

A speech must be relevant to the question under discussion. Except by consent of the Council the speech of a member moving a motion under Rule 12 shall not exceed five minutes and other speeches shall not exceed three minutes.

### **14.5 When a Member may Speak Again**

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### **14.6 Amendments to Motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

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

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

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

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

#### **14.9 Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of an amendment shall have a right of reply to a debate on the amendment.
- (c) The mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. This right of reply shall be exercised immediately before the reply by the mover of the amendment.

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

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 3 hours in duration;

- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 24.3 or to exclude them from the meeting under Rule 24.4.

#### **14.11 Closure Motions**

- (a) A Member who has not spoken in the debate may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If seconded, and provided that all political groups have had the opportunity to speak and, in the Mayor's opinion, there has been sufficient debate, the following shall apply:
  - (i) on a motion to proceed to next business, the mover of the original motion and/or amendment under discussion will be given the right of reply and a vote will then be taken.
  - (ii) on a motion that the question be now put, a vote will be taken immediately and if it is passed the mover of the original motion and/or amendment will then be given the right of reply before a vote on the motion or amendment
  - (iii) on a motion to adjourn the meeting or the debate a vote will be taken immediately.

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

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

#### **14.13 Personal Explanation**

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

### **15. ADJOURNMENT DEBATE**

#### **15.1 Number and Scope**

At each ordinary Council Meeting provision shall be made to hold not more than two adjournment debates on issues for which the Council has a responsibility or which affect the Borough. It will not be the intention of an adjournment debate to seek a decision of Council.



## **15.2 Right to Raise an Issue**

The right to raise an issue for debate shall be open to non-Cabinet Councillors, selected by ballot. Each non-Cabinet Councillor can select one issue per ordinary Council meeting and notify the Head of Democratic Services accordingly.

## **15.3 Length of Debate and Speeches**

Each debate will be of up to fifteen minutes duration and there shall be up to five speakers with each speech not exceeding three minutes.

## **16. CALL IN OF DECISIONS**

When a decision of the Cabinet, Cabinet Committee or individual Cabinet member has been called in as being contrary to the Policy Framework or Budget, or because it is a Key Decision that was not dealt with as such by the Cabinet the procedure as set out in paragraph 16 of the Select Committee Procedure Rules will apply.

The Head of Democratic Services will consult with the Mayor and Chief Whips and agree a date and time for a Council meeting to be called. When considering the date the Mayor, Chief Whips and Head of Democratic Services would consider any advice from the Monitoring Officer or Chief Financial Officer about timeliness in calling the meeting to comply with statutory or other deadlines. In any event the meeting will be called as soon as is reasonably practicable.

## **17. CONFLICT RESOLUTION PROCEDURE**

In the event that there is a conflict between the Council and the Cabinet in relation to the Budget and Policy Framework, the Conflict Resolution Procedure as set out in the Budget and Policy Framework Procedure Rules, which can be found at Part 4(G) of the Constitution, will apply.

## **18. PREVIOUS DECISIONS AND MOTIONS**

### **18.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 17 Members.

### **18.2 Motion Similar to One Previously Rejected**

A motion or amendment which, in the Mayor's judgement, is in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 17 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **19. VOTING**

### **19.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the Council Chamber at the time the question was put.

### **19.2 Mayor's Casting Vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### **19.3 Show of Hands**

Unless a recorded vote is demanded under Rule 19.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **19.4 Recorded Vote**

If 7 members present at the meeting demand it, the names for and against the Motion or amendment or abstaining from voting will be taken by roll call and entered into the minutes.

### **19.5 Recorded Vote on the Annual Budget Debate**

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, recorded votes will be taken at the annual budget setting meeting on any motion, amendment to motion or substantive motion regarding the General Fund Revenue Budget, Housing Revenue Account and Capital Programme.

### **19.6 Right to Require Individual Vote to be Recorded**

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting but reasons will not be given.

### **19.7 Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **20. MINUTES**

### **20.1 Signing the Minutes**

The Mayor will sign the minutes of the proceedings at the next available ordinary meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **20.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

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

### **20.3 Form of Minutes**

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

## **21. MATTERS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

If any question arises at a meeting relating to an employee's salary or conditions of service or disciplinary action taken against an employee such question shall not be the subject of discussion until it has been decided whether to exclude the press and public. No question relating to the conduct of an employee shall be considered by the Council unless such question has first been considered by the decision making body having primary responsibility and upon such question first being raised by a member at a meeting of the Council it shall immediately stand referred to the body having primary responsibility for consideration and report. The employee concerned shall have the right, should such employee so desire, to attend and be represented before a body considering the matter to state the employee's case.

## **22. RECORD OF ATTENDANCE**

### **22.1 Signing In**

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

### **22.2 Valid Attendance**

For an attendance to be considered valid the Member:

- must be a Member of the committee, sub-committee, panel, working group etc that they are attending

- must be present for at least 50% of the items on the agenda, (excluding standard items such as 'Apologies', 'Minutes' and 'Declarations of Interest'), unless given leave to depart earlier by the Chairman of the meeting.

## **23. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 25 (Disturbance by Public).

## **24. MEMBERS' CONDUCT**

### **24.1 Standing to Speak**

When a member speaks at full Council they must stand and address the meeting through the Mayor, unless he/she is given dispensation by reason of special circumstances. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **24.2 Mayor Standing**

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

### **24.3 Member Not to be Heard Further**

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

### **24.4 Member to Leave the Meeting**

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

### **24.5 General Disturbance**

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

## **25. DISTURBANCE BY PUBLIC**

### **25.1 Removal of Member of the Public**

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

### **25.2 Clearance of Part of Meeting Room**

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

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

### **26.1 Suspension**

All of these Council Rules of Procedure except Rule 19.6 and 20.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### **26.2 Amendment**

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

## **27. REMOTE & VIRTUAL MEETINGS**

In respect of remote meetings where provided for by law, the Council may pass a continuing motion to vary, revoke or update these Standing Orders to facilitate the remote transaction of any business and voting.



## COMMITTEE STANDING ORDERS – SCHEDULE B

### 1. CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

#### (1) Chairmen and Vice-Chairmen of Committees

The first meetings of Committees following the Annual Council meeting shall appoint the Chairman and Vice-Chairman.

#### (2) Resignation of Chairman or Vice-Chairman

A Chairman or Vice-Chairman may resign by notice in writing to the Head of Democratic Services who shall report the resignation to the next meeting of the Committee for a replacement to be appointed.

### 2. APPOINTMENT OF SUB-COMMITTEES

(1) The first meeting of a Committee, normally after the annual meeting of the Council, shall appoint its sub-committees for the remainder of the municipal year.

(2) Where these Standing Orders give provisions for Committees, these shall similarly apply to sub-committees, except where otherwise indicated.

### 3. ORDER OF BUSINESS AT COMMITTEE

(1) The Order of business at every meeting of a Committee shall be:-

- (a) To choose a person to preside if the Chairman and Vice-Chairman are absent.
- (b) To agree the minutes of the previous meeting which shall then be signed by the person presiding.
- (c) To receive reports of the Officers.
- (d) Any other business specified in the summons or raised by a Member in S.O.11 (Rules of Debate in Committee Meetings)

(2) The Order of business under 1(a) to (c) may be varied by a motion which shall be moved and seconded and put without discussion.

### 4. ADJOURNMENT OF COMMITTEES

(1) A Committee may adjourn any meeting to another day or hour or the same day to another venue.

(2) An adjournment may be decided:-

- (a) by the Chairman in the event of a disturbance (see S.O.15 (Disturbance at meetings) or
- (b) by a resolution passed on a motion which shall be moved and seconded without comment and put without discussion.

## **5. QUORUM OF COMMITTEES**

- (1) No business shall be transacted at a meeting of a Committee unless there is present at least one third of the whole number of Members of the body concerned or 3 Members of the Committee whichever is the greater.
- (2) No business shall be transacted at a joint meeting of Committees unless 3 Members of each Committee are present.
- (3) A quorum of the Audit Committee shall be 4 Members of the Committee.

## **6. RECORD OF ATTENDANCE AT COMMITTEES**

Members attending a Committee meeting shall sign their names in the attendance book or on the sheet provided for that purpose.

## **7. ATTENDANCE AT COMMITTEES**

- (1) Notice of all meetings of Committees shall be sent to every member of the Council. A member of the Council who has moved a motion which has been referred to any Committee shall be given notice of the meeting of the Committee at which it is proposed to consider the motion.
- (2) Any Member of the Council may attend any meeting of a Committee to which they have not been appointed. The right shall not extend to attendance at such meetings which are appointments, disciplinary or appeal bodies relating to employees. One Councillor from each Party Group with seats in a ward shall have the right to speak but not vote on issues directly affecting their ward, where they are not a Member of the Committee. The Chairman of the meeting shall decide what constitutes a ward issue. Other Non-Members of Committees may, with the consent of the Chairman, speak but not vote.
- (3) Paragraph (2) of this Standing Order shall not prejudice the legal rights of a member when attendance at any such meeting is necessary in order that the member may have access to information reasonably necessary to enable the proper performance of the member's duties.
- (4) The Mayor and the Leaders of Party Groups (or in their absence their Deputies) shall have the right to attend any meeting of a Committee and to speak but not vote.

## **8. REPORTS AND SUPPLEMENTARY OR ADDENDUM REPORTS TO COMMITTEES**

- (1) Agendas and reports to Committees and Joint Committees shall be despatched at least five clear days before the date of the meeting.
- (2) Any report despatched at shorter notice shall only be considered at the meeting if the appointed Chairman decides that it should be dealt with for reasons of urgency.



## **9. VOTING**

- (1) The mode of voting at meetings of Committees shall be by show of hands.
- (2) The Chairman of a meeting who is a voting Member shall have a second or casting vote which may be exercised if there is an equality of votes. If the Chairman is a non-voting Member and there is an equality of votes he/she may vacate the Chair in favour of the Vice-Chairman or in the absence of the Vice-Chairman may call for nominations to take the Chair in the place of the Chairman. In the event of the Vice-Chairman taking the Chair or of an election being made to the Chair the motion shall immediately be put to the vote without further debate and thereafter the Chairman shall resume the chairing of the meeting.
- (3) A member's support for, abstention or dissent from a decision shall be recorded in the minutes if, immediately after a vote is taken, the member so requests.
- (4) Where there are more than two persons nominated for any position to be filled on a Committee, and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

## **10. ARRANGEMENTS FOR MEETINGS**

- (1) The Chairman of a Committee, (or in his/her absence the Vice-Chairman) may take the following action in relation to meetings after consultation with Chief Whips and/or Lead Members of Groups with Members on the body concerned:
  - (a) Call a Special Meeting and determine a date and time.
  - (b) Determine a date and time for an adjourned meeting.
  - (c) Cancel a meeting.
  - (d) Vary the date or time of a meeting.
  - (e) Decide the venue of a meeting.

At least two of the Party Whips or Lead Members will have to agree on the dates and times of special meetings or the cancellation of meetings.

- (2) A special meeting may also be called on the requisition of at least one third of the whole number of the Committee, or 3 Members of the Committee whichever is the greater, delivered in writing to the Head of Democratic Services.
- (3) The summons to a special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

## **11. RULES OF DEBATE IN COMMITTEE MEETINGS**

### Motions

- (1) A motion accepted by the Chairman as being in order shall be put in writing if the Chairman so requires.

### Amendments

- (2) An amendment shall be relevant to the motion and shall be to leave out, insert or add words: but such omission, insertion or addition of words shall not have the effect of nullifying the motion.
- (3) Only one amendment may be moved and discussed at a time.

### Seconder

- (4) A motion (other than under Standing Order 14(1)(b)(i)) shall not be discussed unless it has been seconded.

### Alteration of Motion

- (5) The mover of a motion may alter the motion if the alteration is one which could be made as an amendment; an alteration requires the agreement of the seconder and the Committee signified without debate.

### Withdrawal of Motion or Amendment

- (6) The mover of a motion or amendment may seek leave for its withdrawal; any withdrawal requires the agreement of the seconder and the Committee signified without debate.

### Right of Reply

- (7) The mover of a motion shall have a right of reply to a debate immediately before the motion is put to the vote.

The mover of an amendment shall have a right of reply to a debate on the amendment. The mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. This right of reply shall be exercised immediately before the reply by the mover of the amendment.

### Motions During Debate

- (8) When a motion or amendment is under debate only the following motions may be moved:-
  - (a) to amend a motion
  - (b) to adjourn a meeting or debate
  - (c) to proceed to the next business
  - (d) that the question be now put

- (e) that a member be not further heard or that a member do leave the meeting
- (f) to exclude the press and public

#### Next Business, Adjournment, Question be Put

- (9) A Member who has not spoken in the debate may move but without comment at the conclusion of any speech:-
  - (a) That the Committee proceed to the next business
  - (b) That the question be now put
  - (c) That the Committee do now adjourn or that the debate be adjourned

Provided that the motion is seconded, that all political groups have had the opportunity to speak and that the Chairman is satisfied that there has been sufficient debate, the following procedure shall apply:-

- (a) On a motion to proceed to the next business the mover of the original motion and/or amendment under discussion will be given the right to reply and a vote will then be taken.
- (b) On a motion that the question be now put a vote will be taken immediately and if it is passed the mover of the original motion and/or amendment will then be given the right of reply under paragraph (7) of this Standing Order before a vote on the motion or amendment.
- (c) On a motion to adjourn the meeting or a debate a vote will be taken immediately.

#### Point of Order/Personal Explanation

- (10) A member may raise a point of order or in personal explanation and is entitled to be heard.

A point of order must relate to a breach of a Standing Order or statutory provision and the member shall specify the breach in question.

A personal explanation shall be confined to the member's speech earlier in the debate and clarification of a point which may appear to have been misunderstood.

#### Ruling of Chairman

- (11) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### Seconding of Motions and Amendments

- (12) In the event of a motion or amendment being moved at a meeting of a Committee and not being seconded by another member, it shall then be formally seconded by the Chairman of the meeting for the purposes of discussion.

## **12. PROCEEDINGS OF COMMITTEES**

- (1) Subject to the provisions of this Standing Order the press and public shall be admitted to all meetings of Committees. They shall be excluded only by resolution.
- (2) The press and public may be excluded from a meeting if it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt or confidential information.
- (3) Exempt information is specified in Part I of Schedule 12A of the Local Government (Access to Information) Act 1985 but subject to any qualifications contained in Part II of Schedule 12A. Part III of Schedule 12A has effect for the interpretation of the Schedule.
- (4) Confidential information is defined in section 100A (3) of the Local Government (Access to Information) Act 1985. and is information given to the Council by a Government Department on terms which forbid its public disclosure, or information which cannot be publicly disclosed by a Court Order.
- (5) If any question arises at a meeting relating to an employees salary or conditions of service or disciplinary action taken against an employee, such question shall not be the subject of discussion until it has been decided whether to exclude the press and public.
- (6) Reports which in the opinion of the Head of Democratic Services contain exempt information must be marked 'Not for Publication' and there must be stated on every copy of the report the description of the exempt information. Members shall, by resolution, confirm or vary this designation.
- (7) All agenda, reports and other documents and all proceedings of Committees shall be treated as confidential unless and until they have been made public in the ordinary course of the Council's business or shall have been communicated to the Press by the Council or the Committee.

## **13. SPEAKING RIGHTS & PETITIONS**

- (1) When a proposed development falling within a Conservation Area is considered by a Planning Committee, a representative of the relevant Area Panel will be entitled to attend and address the committee for a maximum of five minutes. Notification of the intention to speak and the name of the speaker must be supplied to the Head of Democratic Services in the usual manner.
- (2) The procedures for petitions and speaking rights at Committee meetings are set out in Schedule F – Hillingdon Council Petition Scheme.

## **14. CLOSURE OF MEETINGS OF COMMITTEES**

All meetings shall finish at or before 10.30pm unless the majority of those present and voting determine to continue the sitting.

## **15. DISTURBANCE OF MEETINGS**

- (1) Members of Committees:
  - (a) If at any meeting any member, in the opinion of the Chairman, notified to the Committee, commits an act of misconduct by persistently disregarding a ruling or behaving improperly or offensively or wilfully obstructing the business of the Council, the Chairman or any other member may move "That ..... be not further heard." If seconded this motion shall be put and determined without discussion.
  - (b) If a member so named continues the act of misconduct after a motion under the foregoing paragraph has been carried the Chairman shall either:-
    - (i) move "That ..... do leave the meeting". This will be put and determined without seconding or discussion.  
*or*
    - (ii) adjourn the meeting for such period or to such other venue as deemed expedient.
- (2) Public
  - (a) The Chairman shall warn any member of the public who interrupts the proceedings.
  - (b) If that person continues the interruption the Chairman shall order the removal of that person from the meeting.
- (3) General Disturbance
  - (a) In the event of a general disturbance the Chairman may adjourn the meeting for such period or to such other venue as deemed expedient.
  - (b) Members of the public are not permitted to bring any banner or placard into a meeting.

## **16. SUSPENSION OF STANDING ORDERS**

A motion to suspend Standing Orders shall require the support of at least half of the members of the Committee present.

## **17. CASUAL VACANCIES**

- (1) A member may at any time resign membership of a Committee by notice in writing delivered to the Head of Democratic Services. The resignation shall take effect upon the receipt by the Head of Democratic Services of such notice and shall be reported to the next meeting of the Committee and to the next meeting of the Council.
- (2) A Chairman may at any time resign such office by notice in writing delivered to the Head of Democratic Services. The resignation shall take effect upon receipt of such notice and shall be reported to the next meeting of the Committee of which the office was held.
- (3) A person elected or appointed under the Local Government Act 1972 to fill any casual vacancy shall hold office until the date upon which the person in whose place that person was elected or appointed would have regularly retired, and shall then retire.

## **18. ANY OTHER BUSINESS**

- (1) Any member wishing to raise a matter at a meeting of any Committee shall give written notice of the matter together with written information about the matter to the Head of Democratic Services at least eight clear days before the date of the meeting.
- (2) Any matter so raised shall involve an issue of policy falling under the references and delegations of the body concerned and shall not concern an individual case where there is a right of appeal to the Council's Appeals Committee.
- (3) Where the subject is delegated to an officer, the Member shall raise the matter at that level provided that where the Member is dissatisfied with the decision taken he or she may raise it with the Committee in accordance with paragraphs (1) and (2) above.
- (4) Notwithstanding the provisions of paragraph (1) above a member may raise a matter where less than eight clear days notice has been given if, by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the matter should be considered as one of urgency.

## **19. REMOTE & VIRTUAL MEETINGS**

In respect of remote meetings where provided for by law, the committee may pass a continuing resolution to vary, revoke or update these Standing Orders to facilitate the remote transaction of any business and voting.

## **20. HEALTH AND WELLBEING BOARD**

These Committee Standing Orders apply to the Health and Wellbeing Board set out in Article 8 of the Constitution, with the following exceptions to these rules taking precedence at any time:

1. Any speaking rights for Elected Members who are not Members of the Board do not apply to meetings of the Board or any of its sub-committees or working groups.
2. A Quorum of the Board shall be 50% of its membership. A Quorum of any sub-committees or working groups of the Board shall be 50% of their membership or 3 members (whichever is the greater).
3. Any meeting of the Board may establish and appoint to its sub-committees or working groups.
4. Upon any recommendations from the Board, membership will be approved by full Council.
5. Upon request from an organisation, approval of any appointments to the Board as a Co-opted Member will be agreed by the Board, in consultation with the Co-Chairmen and the Head of Democratic Services.
6. Decisions shall be made on the basis of a vote and show of hands of a majority of members present. Subject to the vote being tied, the Co-Chairman chairing that meeting will have a second or casting vote.
7. The Board and any sub-committees or working groups shall meet as required, with the agreement of the Co-Chairman and/or in the circumstances where the Co-Chairman receives a request in writing by more than 50% of the members of the Board.

# EXECUTIVE PROCEDURE RULES – SCHEDULE C

## 1. HOW DOES THE EXECUTIVE OPERATE?

### 1.1 Who May Make Executive Decisions?

The arrangements for the discharge of Cabinet functions may be set out in the executive arrangements. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for Cabinet functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a committee of the Cabinet;
- iii) an individual member of the Cabinet;
- iv) an officer;
- vi) joint arrangements; or
- vii) another local authority.

### 1.2 Sub-Delegation of Executive Functions

- (a) Unless the Council directs otherwise, the Cabinet may delegate further to a committee of the Cabinet or an individual Cabinet Member
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### 1.3 The Council's Scheme of Delegation and Executive Functions

- (a) The Leader may review and make new arrangements for the discharge of executive functions by the Cabinet and Cabinet Members at any time on either a temporary or permanent basis. These will be set out in Article 7.
- (b) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

### 1.4 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

- (c) If the exercise of an Cabinet function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

## **1.5 Executive Meetings – When and Where?**

The Cabinet will meet as often as required at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader. Where provided for by law, the Leader of the Council may determine whether to hold such meetings and take executive decisions remotely or virtually.

## **1.6 Quorum**

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet, or 3, whichever is the larger.

## **1.7 How are Decisions to be Taken by the Executive?**

- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

# **2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?**

## **2.1 Who Presides?**

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader will preside. If neither the Leader nor the Deputy Leader are present, executive members will appoint a member from those present to preside at the meeting.

## **2.2 Who May Attend?**

These details are set out in Article 7 and the Access to Information Rules in Part 4 of this Constitution.

## **2.3 What Business?**

At each meeting of the Cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;



- (iii) matters referred to the Cabinet (*whether by a Select Committee, Audit Committee or by the Council*) for reconsideration by the Cabinet in accordance with the provisions contained in the Select Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Select Committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

**See also Rule 2.5 below.**

## **2.4 Consultation**

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Select Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **2.5 Who Can Put Items on the Executive Agenda?**

The Leader will decide upon the schedule for the meetings of the Cabinet. The Head of Democratic Services will place items on the agenda of a Cabinet meeting or a meeting of a Cabinet Committee following a request from:-

- (i) The Leader.
- (ii) Any member of the Cabinet.
- (iii) The full Council.
- (iv) Select Committees. Only one item, which is referred, by each Committee is to be permitted for each Cabinet meeting or a meeting of a Cabinet Committee.
- (i) The Chief Executive.
- (ii) The Monitoring Officer.
- (iii) The Chief Finance Officer.
- (iv) Audit Committee

## **2.6 Petitions**

The procedures for petitions and speaking rights to the Cabinet Member or Cabinet are set out in Schedule F – Hillingdon Council Petition Scheme.



# ACCESS TO INFORMATION PROCEDURE RULES – SCHEDULE D

## 1. SCOPE

These rules apply to all meetings of the Council, Select Committees and Council Committees and bodies and meetings of the Cabinet (together called meetings).

## 2. ADDITIONAL RIGHTS TO INFORMATION

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

## 3. RIGHTS TO ATTEND MEETINGS

Members of the public and media are welcome and encouraged to attend all meetings, subject only to the exceptions in this Constitution.

## 4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting, unless the meeting is convened at shorter notice as a matter of urgency, by posting details of the meeting at the Civic Centre, Uxbridge UB8 1UW, the designated office and on the Council's website [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk),

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

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and Council website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the Summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection at the designated offices and on the Council's website from the time the item was added to the agenda.

## 6. SUPPLY OF COPIES

The Council will supply to any person on payment of a charge for postage and any other costs copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) any written record of an executive decision
- (d) any reports considered by an individual decision-maker, which are open to public inspection
- (e) any background papers
- (f) if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.
- (g) the Forward Plan.

## **7. ACCESS TO MINUTES AND OTHER REPORTS AFTER THE MEETING**

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

- (a) the minutes of the meeting – or in relation to the cabinet, records of decisions made, together with reasons, for all meetings of the cabinet – excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.01 List of Background Papers**

The relevant Corporate Director will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of cabinet reports, the advice of a political advisor.

### **8.02 Public Inspection of Background Papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers. Background papers will also be available for inspection on the Council's website [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

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

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and be available to the public at the Civic Centre, Uxbridge UB8 1UW, the designated office and on the Council's website [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

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

### **10.01 Confidential Information – Requirement to Exclude the Press and Public**

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

## **10.02 Exempt Information – Discretion to Exclude Public**

The public and press 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 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

## **10.03 Meaning of Confidential Information**

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

## **10.04 Meaning of Exempt Information**

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

	<b>Category</b>
<b>1</b>	Information relating to any individual.
<b>2</b>	Information which is likely to reveal the identity of an individual.
<b>3</b>	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
<b>4</b>	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
<b>5</b>	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
<b>6</b>	Information which reveals that the authority proposes—  (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
<b>7</b>	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

General Qualifications for the above categories:

- Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
  - (a) the Companies Act 1985[3];
  - (b) the Friendly Societies Act 1974[4];
  - (c) the Friendly Societies Act 1992[5];
  - (d) the Industrial and Provident Societies Acts 1965 to 1978[6];
  - (e) the Building Societies Act 1986[7]; or
  - (f) the Charities Act 1993[8].
- 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[9].
- Information which—
  - (a) falls within any of paragraphs 1 to 7 above; and
  - (b) is not prevented from being exempt by virtue of the two bullet points above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

If the Monitoring Officer thinks fit, the Council may exclude access by the public and press to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

## **12. APPLICATION OF RULES TO THE CABINET**

**12.01** Rules 11 – 21 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies. A key decision is as defined in Article 7.09 of this Constitution.

**12.02** If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 clear days of the public notice being given of the decision to be taken, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies. A key decision is as defined in Article 7.09 (b) of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

## **13. PROCEDURE BEFORE TAKING KEY DECISIONS**

**13.01** Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice in connection with the matter (called here a forward plan) has been published at least 28 clear days before the decision is to be taken setting out:
- the matter in respect of which decision is to be made;
  - where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of its membership;
  - the date on which, or period during which, the decision is to be taken;
  - a list of documents submitted to the decision taker for consideration in relation to the matter and details of how to inspect copies of these documents; and
  - a note that other documents relevant to the decision may be submitted to the decision-maker and details how to inspect copies of these documents; and
- (b) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

**13.02** A Forward Plan will be prepared by the Chief Executive in consultation with the Leader and Cabinet Members to cover a period of at least one month in advance. It will be prepared on a rolling monthly basis and may be used to give the online statutory notice of future key decisions. See also Article 7.09(c).

**13.03** A Forward Plan may contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet or under joint arrangements in the course of the discharge of a Cabinet function 28 clear days following the publication of the Plan. It will describe the same particulars set out in 13.01 (a):

## **14 PRIVATE MEETINGS OF THE CABINET**

**14.01** If Cabinet, a Cabinet committee, individual members of the Cabinet, or a committee or sub-committee operating under joint arrangements in the course of the discharge of an executive function takes a decision to hold a meeting, or part of a meeting, during which the public are excluded subject to Rule 10 (Meetings – Public Exclusion) and/or Rule 11 (Reports: Exclusion of Public Access), public notice will be made at least 28 clear days before the meeting date of the intention to hold a private meeting, including the reasons it is likely that the public will be excluded from all or part of the meeting.

**14.02** A further notice will be published five clear days before the meeting, which will include details of any representations made to the decision-maker about public access to the meetings, and the response of the decision-maker to such representations.

## **15. GENERAL EXCEPTION**

**15.01** If it is impracticable to make public notice of a matter which is likely to be a key decision, at least 28 clear days before the date on which the decision is to be taken, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the Head of Democratic Services has informed the chairman of a relevant Select Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (b) the Head of Democratic Services has made copies of that notice available to the public at the offices of the Council and on the Council's website [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk), and;
- (c) at least 5 clear days have elapsed since the Head of Democratic Services complied with (a) and (b).

## **16. SPECIAL URGENCY**

**16.01** If by virtue of the date by which a decision must be taken, Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of a relevant Select Committee that the taking of the decision is urgent and cannot be reasonably deferred.

**16.02** If there is no chairman of a relevant Select Committee, or if the chairman of each relevant committee is unable to act, then the agreement of the Mayor of the Council, or in his/her absence the Deputy Mayor will suffice.

**16.03** As soon as reasonably practicable after the decision-maker has obtained agreement under Rules 16.01 or 16.02, the Head of Democratic Services will make available to the public at the designated office and on the Council's website ([www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)) a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

## **17. REPORT TO COUNCIL**

### **17.01 When a Select Committee can Require a Report**

If a Select Committee thinks that a decision has been taken which was not:

- (a) treated as a key decision and;
- (b) a relevant Select Committee are of the opinion that the decision should have been treated as a key decision,

the committee may require the Cabinet or executive decision-maker [through the Cabinet] to submit a report to the Council. The power to require a report rests with the committee, but is also delegated to the Head of Democratic Services, who shall require such a report on behalf of the committee when so requested by (the Chairman and a majority of



Members). Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Select Committee.

### **17.02 Cabinet's Report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

### **17.03 Reports on Special Urgency Decisions**

The Leader will submit regular reports, at least annually, to the Council on any executive decisions taken in the circumstances set out in Rule 16 (special urgency). The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **18. RECORD OF DECISIONS**

**18.01** As soon as reasonably practicable after any formal meeting of the Cabinet or any of its committees, whether held in public or private, the Head of Democratic Services or, where no officer was present, the person presiding at the meeting, will produce a written statement of every decision taken at that meeting, which will include:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the decision-maker at the meeting at which the decision was made;
- d) a record of any declarations of interest relating to the matter decided made by any member of the decision-making body; and
- e) in respect of any declarations of interest, details of any notes of dispensation granted

**18.02** As soon as reasonably practicable after any individual member has made an executive decision, that member must produce or instruct the proper officer to produce a written statement of that decision which will include:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the member when making that decision;
- d) a record of any declarations of interest relating to the decision which have been made by any executive member who is consulted by the decision-maker; and
- e) in respect of any declarations of interest, details of any notes of dispensation granted.

## **19. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

The Cabinet will also consider matters in public, which are not key decisions, unless they are confidential or exempt as defined in paragraphs 10.03 and 10.4 of these rules.

## **20. SELECT COMMITTEES ACCESS TO DOCUMENTS**

### **20.01 Rights to Copies**

Subject to Rule 20.02 below, an Select Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the Cabinet.
- (c) any decision that has been made by an officer of the authority in accordance with executive arrangements

The Cabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the request has been received by the Executive.

### **20.02 Limit on Rights**

A Select Committee will not be entitled to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (b) any document or part of a document that contains the advice of a political adviser.

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

### **21.01 Material relating to public meetings**

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business to be transacted at a public meeting at least five clear days before that meeting, unless either (a) or (b) below applies:

- a) where the meeting has been convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- b) where an item is added to the agenda at shorter notice, such a document must be available for inspection when the item is added to the agenda

## **21.02 Material relating to private business previously transacted**

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting, or where an executive decision has been made by an individual member or officer in accordance with executive arrangements unless either (a) or (b) below applies:

- a) it contains exempt information falling within paragraphs 1, 2, 4, 5 or 7 of the categories of exempt information, save that in respect of paragraph 3, only so far as it contains information which relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
- b) it contains the advice of a political adviser (NB no such post is currently established)

Such document must be made available for inspection within 24 hours of the conclusion of the meeting or of the decision being made.

## **21.02 Material Relating to Key Decisions**

Subject to 21.01 (a) and (b) above, all members of the Council will be entitled to inspect any document in the possession or under the control of the Cabinet or its committees which relates to any key decision unless the circumstances in 21.02 (a) or (b) above applies.

## **21.03 Nature of Rights**

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

## **22. FILMING, RECORDING & REPORTING OF MEETINGS**

**22.01** Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law. Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

**22.02** Anyone present at a meeting as it takes place, is not permitted to carry out an oral commentary or report and must remain seated throughout the meeting. This is to prevent the business of the meeting being disrupted.

**22.03** Anyone attending a meeting is asked to advise the Head of Democratic Services that they wish to report on the meeting and how they wish to do so. This is to enable Democratic Services staff to guide

anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

**22.04** Any person present to film the proceedings of a meeting must respect the wishes of members of the public who do not wish to have their image recorded.

**22.05** For meetings held at the Civic Centre, members of the public are welcome to use the Council's public Wi-Fi facilities. Occasionally, meetings take place in venues not run by the Council and in such circumstances members of the public are advised to check with the venue whether Wi-Fi is available.

## **SELECT COMMITTEE PROCEDURE RULES (SCHEDULE E)**

### **1. What will be the Number and Arrangements for Select Committees?**

The Council's overview and scrutiny arrangements are set out in summary in Article 6. The Council has four Select Committees with a council service mandate and the ability to call-in executive decisions:

- Corporate, Finance & Property Services Select Committee
- Housing, Planning & Environment Select Committee
- Transport, Community Safety & Standards Select Committee
- Families, Health & Wellbeing Select Committee

Chairmen of these Select Committees may agree to establish a single Task and Finish Review Panel, subject to their Terms of Reference and operation set out in Table 1.

The Families, Health & Wellbeing Select Committee may establish a Panel to oversee the corporate parenting responsibilities of the Council, as set out in their Terms of Reference in Table 1.

The Council has one Select Committee with an external mandate:

- External Services Select Committee

This Committee may agree to establish a Task and Finish Select Panel, subject to their Terms of Reference and operation set out in Table 1.

The detailed Terms of Reference of all Select Committees are set out in Table 1 to this Schedule.

The Council will appoint to these committees as it considers appropriate from time to time.

### **2. Who may sit on Select Committees?**

All Councillors except Members of the Cabinet and Cabinet Assistants may be Members of a Committee. However, no Member may be involved in scrutinising a decision with which he/she has been directly involved or has a prejudicial interest.

All Councillors may attend a Select Committee meeting and address the Chairman of that Committee only at his/her discretion. Members may not directly or indirectly question Members, Officers and individuals from outside the Council giving evidence unless they are members of the Committee concerned.

### **3. Co-optees**

Each Select Committee shall be entitled to recommend to Council the appointment of permanent non-voting co-optees, or agreed as a committee a non-voting co-optee for a limited duration as an advisor to assist with a specific review or work activity.

### **4. Education Representatives**

The Families, Health & Wellbeing Select Committee shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) Such other representatives of faiths and denominations as may be appointed by the Council subject to a direction being issued by the Secretary of State.
- (d) 3 parent governor representatives elected by parents.

Education representatives may only attend (in part) as members of this Committee meeting, for education related items / decisions on the agenda, which they may speak and vote on.

### **5. Meetings of the Select Committees**

Each Select Committees will determine its timetable of meetings in order to carry out its programme of work. The Chairman of a Committee may call a special meeting having consulted the Chief Whips of Party Groups and Opposition Leads. A special meeting may also be called on the requisition of at least two thirds of the whole number of the Committee delivered in writing to the Head of Democratic Services.

### **6. Quorum**

The quorum for a Select Committees shall be 4 Members of the committee.

### **7. Who Chairs Select Committees Meetings?**

The posts of Chairmen of the Committees will be decided by the Membership of that particular committee.

## **8. Work Programme**

The Select Committees will be responsible for setting their own work programme, within their terms of reference. In doing so, they shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council. Work programmes will span across municipal years, to provide for in-depth reviews and ensure flexibility in reporting to Cabinet.

## **9. Requests from Council / Cabinet to review specific matters**

Select Committees shall respond, as soon as their work programme permits, to requests from the Council and the Cabinet, including individual Cabinet members for matters for which they have delegated authority, to review particular areas of Council activity. Where they do so, Select Committees shall report their findings and any recommendations back to the Cabinet, or if it is outside the budget and policy framework, the Council. The Council and/or the Cabinet shall normally consider the report of the Select within one month of receiving it.

## **10. Undertaking their Policy Review and Development role**

- (a) The role of the Select Committees in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Select Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) Select Committees (or a Panel) may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. Such advisers and assessors would only be invited to speak on matters connected with their appointment. The Committees may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask external witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget provision is not exceeded. The Senior Democratic Services Manager will manage the overall budget, allocating amounts to individual Select Committees to spend as necessary.

## **11. Reporting to Cabinet / Council**

- (a) Once it has formed recommendations on proposals for development, the Committee will prepare a formal report and submit it to the Head of Democratic Services for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a

- departure from or a change to the agreed budget and policy framework).
- (b) If a Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to two minority reports may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet shall normally consider the report of the Committee within one month of it being submitted to the Head of Democratic Services.
- (d) Reports from Panels must be presented to Cabinet from and on behalf of their parent Committee(s) or as set out in Table 1.
- (e) Reports from Committees within the remit of the Health & Wellbeing Board or any other Council Committee shall be referred to Cabinet first with a recommendation that the report then goes to the Board/Committee concerned.
- (f) Select Committees and Panels may undertake reviews and submit reports spanning across municipal years, except in the year leading up to local council elections.

## **12. Making sure that reports are considered by the Cabinet**

- (a) The Forward Plan / agenda for Cabinet meetings shall include an item entitled 'Issues arising from Select Committees'. The reports of Select Committees referred to the Cabinet shall, subject to Rule 2.5 of the Executive Procedure Rules, be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda), normally within one month of the Committee completing its report/recommendations.
- (b) Committee Members will, in any event, have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Committee following a consideration of possible policy/service developments, the Committee will be able to respond in the course of the Cabinet's consultation process in relation to any Key Decision, following formal consultation.

## **13. Rights of Committee Members to Documents**

- (a) In addition to their rights as Councillors, Members of Select Committees have the additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Select Committees as appropriate depending on the particular matter under consideration.

## **14. Cabinet Members and Senior Officers Formally Giving Account to a Select Committee or Panel**

- (a) In accordance with their terms of reference, a relevant Select Committee or Panel may review or scrutinise any decisions made or actions taken in connection with the discharge of any Council functions,



subject to the matter being within their Terms of Reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer (third tier and above) to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the reasons for their action;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance

and it is the duty of those persons to attend if so required.

- (b) When calling senior officers and/or Members to account, the Committee or Panel will remain bound by the Code of Conduct for Members and Co-opted Members. Any discussion concerning an employee's salary or conditions of service would normally be dealt with in the confidential part of the meeting.
- (c) Committees and Panels shall take care to ensure that the questioning of Members, officers and individuals from outside the Council is conducted in a fair and balanced manner.
- (d) Committees and Panels have the right to criticise the Council and its actions but this shall not extend to personal criticism of individuals.
- (e) Where any Member or officer is required to attend a Committee or Panel under this provision, the Chairman of that Committee will inform the Head of Democratic Services. The Head of Democratic Services shall inform the Member or officer in writing or by email giving at least 10 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Panel. Where the account to be given to the Committee or Panel will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (f) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee or Panel shall in consultation with the Member or officer arrange an alternative date for attendance.

## **15. Informal attendance by Members, officers, officials and external witnesses**

Any Cabinet Member, Member, senior officer and also more junior officers may be invited to attend to assist any Select Committees or a Panel on policy topics or any other matter within their work programme or remit.

The External Services Select Committee has the ability to request the attendance of local external officials from the Police and NHS under its statutory responsibilities and may also invite representatives from other public and private organisations providing services to the public in Hillingdon.

A Select Committees or Panel may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, other stakeholders and shall invite such people to attend.

**16. Call-in process by a Select Committee (other than the External Services Select Committee)**

- (a) When a decision is made by the Cabinet, a Cabinet Member, Cabinet Sub-Committee, or a Key Decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including by electronic means, and shall be available at the Civic Centre normally within 2 working days of being made. The notice of the decision will bear the date on which it is published and notified to all Members of the Council and will specify that the decision will come into force, and will then be implemented, on the expiry of 5 working days from 5pm, after the publication of the decision, unless that decision is called-in.
- (b) During that period, the Head of Democratic Services shall arrange for a call-in of a decision for scrutiny if so requested in writing by a majority of members of the relevant Select Committee who shall give their reasons for requesting that the decision be called in at the time of making the request.
- (c) The request to call-in must be via the approved online form issued by the Head of Democratic Services and the ruling by the Head of Democratic Services on the relevant Select Committee (and therefore Members of) to initiate and hear a call-in based on their Terms of Reference shall be final.
- (d) The Head of Democratic Services shall then notify the relevant decision-maker (Cabinet, Cabinet Member or Officer), Chief Executive and Corporate Director that a valid call-in has been received and that the decision must be put on hold and not implemented.
- (e) The Head of Democratic Services, in consultation with the Chairman of the relevant Select Committee, will then call a meeting of that Committee as soon as possible and in any event, to be held within 10 working days of the valid call-in request.
- (f) The Select Committee will receive the original report on the decision, any additional information required given the reasons for the call-in and may invite relevant officers / Cabinet Member(s) to the meeting to give account.
- (g) If the Select Committee agrees to uphold the decision made, then via majority vote, the decision stands and can be implemented with immediate effect.
- (h) If, having considered the decision further, the Select Committee object to or are still concerned about the decision, then via majority vote, it may:
  - i. refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns. The decision-making body or person, considering all factors, then will make a final decision on the matter and that decision stands and comes into immediate effect.

- ii. refer the matter to full Council, but only in the circumstances set out below.

If for any reason following a valid call-in request, the Select Committee does not formally meet within 10 working days of the date of the request, the original decision shall take effect at the end of the 10-day period.

#### Referral of call-in to full Council

A decision will not be referred to full Council unless either the Committee believes it to be contrary to the Policy Framework or Budget or considers that it was a Key Decision that was not dealt with as such by the Cabinet. If it is referred to the decision maker, they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.

If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary, and the decision will be effective in accordance with the provision below.

If the Council does object, it has no authority to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

#### **17. Waiver of call-in period under urgent circumstances (urgency or special urgency decisions by the Cabinet or Cabinet Member)**

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or Cabinet member is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests or could lead to an (increased) risk of damage to people or property. The record of the decisions, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Chairman of the relevant Select Committee (or Vice-Chairman in their absence) must be informed that the decision will be implemented immediately upon him/her agreeing that the decision is reasonable and to it being treated as a matter of urgency. In the absence of the Chairman or Vice-Chairman then the Mayor (or Deputy Mayor if required) can take this decision. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

#### **18. Procedure at Select Committees Meetings**

Select Committees and any Panels shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest ;
- (iii) referrals from Cabinet/Council for reviews by the Select Committees if applicable; and
- (iv) the business otherwise set out on the agenda for the meeting as determined by the Committee's Work Programme or the Chairman.

#### **19. Principles of undertaking reviews or investigations**

Where a Select Committees or Panel conducts reviews or investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

#### **20. Protocol on Overview & Scrutiny and Cabinet Relations (*adopted by Council 12.09.19*)**

In addition to the procedures set out in Schedule E, a Protocol in Table 2 sets out the practical expectations of **Select Committees** Members and Cabinet Members to ensure an effective relationship that adds value to overview and scrutiny governance in Hillingdon.

## TABLE 1 - TERMS OF REFERENCE

The Following Terms of Reference are common to the following Select Committees:

- Corporate, Finance & Property Services Select Committee
  - Environment, Housing & Regeneration Select Committee
  - Public Safety & Transport Select Committee
  - Families, Health & Wellbeing Select Committee
1. To conduct reviews of policy, services or aspects of service which have either been referred by Cabinet, relate to the Cabinet Forward Plan, or have been chosen by the Committee according to the agreed criteria for selecting such reviews;
  2. To monitor the performance of the Council services within their remit (including the management of finances and risk);
  3. To comment on the proposed annual service and budget plans for the Council services within their remit before final approval by Cabinet and Council;
  4. To consider the Forward Plan and comment as appropriate to the decision-maker on Key Decisions which relate to services within their remit (before they are taken by the Cabinet);
  5. To review or scrutinise decisions made or actions taken by the Cabinet, a Cabinet Member, a Council Committee or an officer.
  6. To make reports and recommendations to the Council, the Leader, the Cabinet, a Select Committees or any other Council Committee arising from the exercise of the preceding terms of reference.
  7. To exercise the right set out in the Select Committee Procedure Rules to call-in and recommend for reconsideration any key decisions made but not yet implemented by the Cabinet, a Cabinet Member, a Council Cabinet Sub-Committee or an officer. This would include any key decision that needs further information from the decision-maker to explain why it was taken.
  8. In accordance with the Local Government and Public Involvement in Health Act 2007, to consider 'Councillor Calls For Action' (CCfA) submissions.

The CCfA is a process designed to help Councillors resolve issues and problems on behalf of their residents, acting as a last resort for people who have been unable to get issues resolved through other means. CCfA should not be regarded merely as a scrutiny process and an issue can only become a CCfA once a Councillor has exhausted all other steps to resolve an issue in his or her ward such as a petition hearing, correspondence with elected Members and officers, questions to Council etc...Whilst CCfA's may be submitted by all Councillors on any issue, there are certain exceptions which are:

- (a) An issue relating to a planning appeal, licensing appeal or where a person has an alternative avenue to resolve an issue (e.g. through an appropriate complaints process)
- (b) Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Select Committee

### Procedure

- (a) A Member may submit a CCfA in writing to the Head of Democratic Services who will seek to confirm with the Member concerned if all other potential avenues to resolve the issue in question have been exhausted and that the

request does not fall within the exemptions detailed above. If necessary the Head of Democratic Services will discuss the matter with the Leader of the Council, the appropriate Cabinet Member and the Chief Whip.

- (b) If satisfied that the CCfA is valid the Head of Democratic Services will submit the request to the appropriate Committee Chairman for inclusion on the agenda for the next meeting of the **Select Committees**.
- (c) Relevant officer(s) and / or representatives from partner organisations may be invited to attend and information can be requested from such organisations.
- (d) Discussion would take place at Committee to explore potential solutions and the item would end with the Committee recommending a course of action to the appropriate body – including detailed financial consequences and budgetary proposals.
- (e) The process may not necessarily resolve the issue immediately but the process will act as a spur for Members and officers to work together to jointly develop policies to overcome the problem.

Note: Select Committees will not investigate individual complaints.

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## Environment, Housing & Regeneration Select Committee

### Membership

7 Councillors appointed on a proportional basis.

### Terms of Reference

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolio	<ul style="list-style-type: none"> <li>• Cabinet Member for Environment, Housing &amp; Regeneration</li> </ul>
Relevant service areas	<ol style="list-style-type: none"> <li>1. Planning &amp; Regeneration</li> <li>2. Housing</li> <li>3. Green Spaces, Sport &amp; Culture (only Green Spaces)</li> <li>4. Waste Services</li> </ol>

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Climate Change
- Local impacts of Heathrow expansion
- Local impacts of High Speed 2

## Public Safety & Transport Select Committee

### Membership

7 Councillors appointed on a proportional basis.

### Terms of Reference

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolio	<ul style="list-style-type: none"><li>• Cabinet Member for Public Safety &amp; Transport</li></ul>
Relevant service areas	<ol style="list-style-type: none"><li>1. Community Safety &amp; Cohesion</li><li>2. Anti-Social Behaviour and Enforcement Team (ASBET)</li><li>3. Trading Standards, Environmental Health &amp; Licensing</li><li>4. Transportation</li><li>5. Highways</li><li>6. Parking Services</li></ol>

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Enforcement activities across the Council

## Families, Health & Wellbeing Select Committee

### Membership

7 Councillors appointed on a proportional basis, and if appointed up to 2 voting church and 3 voting parent governor education representatives. Such representatives are only able to vote on education issues as defined in the Education Act. Attendance by education representatives shall be as set out in paragraph 4 of these rules.

### Terms of Reference

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolios	<ul style="list-style-type: none"><li>• Cabinet Member for Families, Education &amp; Wellbeing</li><li>• Cabinet Member for Health &amp; Social Care</li></ul>
Relevant service areas	<ol style="list-style-type: none"><li>1. Children's Services (including corporate parenting)</li><li>2. Adult Social Work</li><li>3. Safeguarding</li><li>4. Provider &amp; Commissioned Care</li><li>5. SEND</li><li>6. Public Health</li><li>7. Health integration / Voluntary Sector</li><li>8. Education</li><li>9. Children and Families Development (including Early Years and Children's Centres)</li><li>10. Green Spaces, Sport &amp; Culture (only young people universal services, adult education, music hub, sport, libraries, culture and heritage)</li></ol>

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topic:

- Domestic Abuse services and support

This Select Committee may establish a Panel to support strong oversight of the Council's corporate parenting responsibilities. The Committee may appoint 3 Members to this Panel based on political balance. Membership may include non-Cabinet Members not on the Committee. The Committee may also appoint relevant Council officers and other external stakeholders to the Panel and agree its chairmanship and operation. In agreeing its operation, the Committee will provide for the Panel not to be able to establish any other sub-group or body to carry out its responsibilities.



## Corporate, Finance & Property Services Select Committee

### Membership

7 Councillors appointed on a proportional basis.

### Terms of Reference

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolios	<ul style="list-style-type: none"><li>• Leader of the Council</li><li>• Cabinet Member for Property &amp; Infrastructure</li><li>• Corporate Services &amp; Transformation</li><li>• Cabinet Member for Finance</li></ul>
Relevant service areas	<ol style="list-style-type: none"><li>1. Democratic Services</li><li>2. Corporate Communications</li><li>3. Capital Programme - Major Projects</li><li>4. Repairs &amp; Engineering (including housing repairs)</li><li>5. Building Safety / Facilities Management</li><li>6. Property &amp; Estates</li><li>7. Corporate Finance</li><li>8. Procurement</li><li>9. Exchequer &amp; Business Assurance Services</li><li>10. ICT</li><li>11. Legal Services</li><li>12. Human Resources</li><li>13. Business Administration</li><li>14. Business Performance</li><li>15. Customer Access</li><li>16. Business Improvement Delivery (BID)</li></ol>

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Resident Experience
- Strategic Partnerships
- Community Engagement

## **Task and Finish Review Panels**

### **Membership**

Membership of a Review Panel may include non-Cabinet Members not on the 'parent' Committee(s) or co-opted Members as set out in paragraph 3 above. Panel membership will be subject to the usual political balance rules.

### **'Review' Panel Terms of reference**

Chairmen of the:

- Corporate, Finance & Property Services Select Committee
- Environment, Housing & Regeneration Select Committee
- Public Safety & Transport Select Committee
- Families, Health & Wellbeing Select Committee

may jointly agree to establish Task and Finish Review Panels as set out in these Procedure Rules on the following matters:

1. Focussed reviews within a particular Committee's remit
2. Cross-cutting reviews that cover the remit of more than one Committee;
3. Any functions, but within the purview of the Council, not included within the remit of any Committee;

A single Task and Finish Review Panel may be in operation at any one time and co-ordination of this will be by the four Select Committees Chairmen. The Chairmen will jointly agree the review topic, terms of reference, membership and chairmanship of any Panel. They will also agree the timescale for undertaking the review, including which Committee it will report back its findings to for consideration, prior to any report being presented to Cabinet. For reviews that span across the remit of more than one committee, any findings from a Panel will be reported to the Corporate Services, Finance & Property Select Committee, unless the Chairmen jointly agree otherwise.

## **External Services Select Committee**

This Committee has an external mandate and reviews the performance and accountability of local service providers other than the Council. It also has statutory responsibilities to scrutinise the local health sector and community safety partnership.

### **Membership**

7 Councillors appointed on a proportional basis.

### **Terms of Reference**

1. To undertake the powers of health scrutiny conferred by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
2. To work closely with the Health & Wellbeing Board & Local HealthWatch in respect of reviewing and scrutinising local health priorities and inequalities.
3. To respond to any relevant NHS consultations.

4. To scrutinise and review the work of local public bodies and utility companies whose actions affect residents of the Borough.
5. To identify areas of concern to the community within their remit and instigate an appropriate review process.
6. To act as a Crime and Disorder Committee as defined in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and carry out the bi-annual scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

The External Services Select Committee may establish, appoint members and agree the Chairman of a Task and Finish Select Panel to carry out matters within its terms of reference, but only one Select Panel may be in operation at any one time. The Committee will also agree the timescale for undertaking the review. The Panel will report any findings to the External Services Select Committee, who will refer to Cabinet as appropriate.

## TABLE 2 – PROTOCOL ON OVERVIEW & SCRUTINY AND CABINET RELATIONS (adopted by Council 12.09.19)

This protocol sets out the practical expectations of Select Committee Members and Cabinet Members to ensure an effective relationship that adds value to overview and scrutiny governance in Hillingdon.

Notwithstanding their independent role, **Committee Members** are expected to:

- Take into account suggestions from Cabinet Members as well as other stakeholders, on the development of their multi-year work programmes or policy reviews to ensure strong organisational and community support;
- Ensure appropriate early engagement with Cabinet Members on draft policy review recommendations in order to gauge support.
- Seek early engagement with the relevant Cabinet Member, Cabinet Member for Finance and Leader of the Council to consider the viability of draft policy review recommendations that may have a financial consequence;
- Seek the support of the relevant Cabinet Member, Leader of the Council and Corporate Director when it considers to compel a particular contractor providing Council services to provide information or attend a meeting;
- Through Democratic Services, ensure Corporate Directors and Cabinet Members are kept regularly informed about the committee's activity and multi-year work programmes.
- Liaise with the relevant Corporate Director, Cabinet Member and Leader of the Council should exceptional financial or officer resources be required in order to undertake a particular future work activity or policy review.

Respecting the independent role of the committees, **Cabinet Members** are expected to:

- Never personally seek to direct the activity of a committee, though they may make suggestions or request matters of interest to be considered by a Committee;
- Ensure their attendance to provide information when requested by the Committee (noting that further informal and formal provisions by a committee for this are set out in the Constitution).
- Actively support the provision of relevant council information and other requests from the Committee as part of their work programme;
- Fully and openly, consider any findings from a committee following a formal scrutiny call-in or from any final recommendations presented to Cabinet from a policy review.
- Where feasible, provide opportunities for committees to provide their input on forthcoming executive reports as set out in the Forward Plan to enable wider pre-decision scrutiny (in addition to those statutorily required to come before committees);
- Ensure all recommendations from committees approved by the Cabinet are implemented in a timely and effective manner by officers, and that this be monitored regularly by Corporate Directors, as it is with the Committees themselves.

In the unlikely event that that a difference in view occurs between the parties, the Committee Chairman, Committee Member or Cabinet Member should inform the Statutory Scrutiny Officer, who will seek to resolve the matter in accordance with this protocol, the Council's Constitution and other relevant guidance and will consider the

best interests of both overview & scrutiny and the executive. Should the matter not be resolved, any final determination will be by the Monitoring Officer. The Statutory Scrutiny Officer will report on the effectiveness of this protocol as part of the Annual Report to Council each year.



# OFFICER EMPLOYMENT PROCEDURE RULES – SCHEDULE F

## 1. Definitions

In these rules the following definitions apply:

### (a) ‘Chief Officer’ is:-

- (i) a person for whom the Council’s Chief Executive is directly responsible and includes the statutory Chief Officers;
- (ii) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the Council’s Chief Executive; and
- (iii) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the Council itself or any Committee or Sub-Committee of the Council.

### (b) ‘Deputy Chief Officer’ is a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory Chief Officers.

### (c) ‘Proper Officer’ means an officer appointed by the Council for the purposes of the provisions in Schedule I Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.

### (d) ‘Appointor’ means, in relation to the appointment of a person as an officer of the Council, the Council or, where a Committee, Sub-Committee or officer is discharging the function of appointment on behalf of the Council, that Committee, Sub-Committee or officer.

### (e) ‘Dismissor’ means, in relation to the dismissal of an officer of the Council, the Council or, where a Committee, Sub-Committee or another officer is discharging the function of dismissal on behalf of the Council, that Committee, Sub-Committee or other officer.

## 2. Recruitment

### (a) Declarations

1. The Council requires all candidates for appointment as an officer to state in writing whether they are related to an officer or elected Member of the Council and to state the name and nature of the relationship.
2. No candidate so related to a Councillor or an officer will be appointed without the authority of the Chief Executive or the Monitoring Officer who shall satisfy himself/herself that the correct processes have been followed and that the appointment has been validly made.

**(b) Seeking Support for Appointment**

1. Seeking the support of any elected Member, directly or indirectly, for employment by the Council, or for any contract with the Council shall be strictly prohibited and shall be held to disqualify an applicant. This shall prohibit any applicant from sending particulars of his or her qualifications and copies of his or her testimonials to Members. The content of this paragraph will be included in recruitment information.
2. No Councillor will seek support for any person for any permanent or temporary appointment with the Council.

**3. Recruitment of Chief Executive, Corporate Directors and other Chief Officers and Deputy Chief Officers**

Where the Council proposes to appoint a Chief Executive, a Corporate Director or other Chief Officer or a Deputy Chief Officer, and it is not proposed that the appointment be made exclusively from among existing officers, the Chief Executive or Corporate Director, in conjunction with the Head of Human Resources, will:

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

**4. Appointment, Dismissal of and Disciplinary Action Against Staff Below Deputy Chief Officer Level**

- (a) Except where a specific appointment is referred to an Appointments Sub-Committee, the function of appointment and dismissal of, and taking disciplinary action against, all Council staff at or below Deputy Chief Officer level who are not on Chief Officer conditions of service is to be delegated to the Council's Chief Executive or by an officer nominated by him or her.
- (b) Nothing in paragraph (a) above shall prevent a person from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by –
  - (i) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
  - (ii) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.



## **5. Appointment of the Chief Executive**

The Appointments Committee will short-list, interview and recommend to the full Council an appointment of the Chief Executive. The Committee's membership is to include at least one member of the executive.

The full Council must approve the appointment of a Chief Executive before an offer of appointment is made.

## **6. Appointment of Chief Officers, Deputy Chief Officers and other relevant officers (other than the Chief Executive)**

The Appointments Committee will interview and appoint Chief Officers who are Corporate Directors. An Appointments Sub-Committee will interview and appoint all other Chief Officers and Deputy Chief Officers (including Directors / Heads of Service) and additionally, upon referral by the Leader of the Council in conjunction with the Chief Executive, a sub-committee may interview and appoint any other Chief Officer on JNC National Conditions of Service and any other appointments as deemed necessary.

## **7. Offers of Appointment to the Chief Executive, Chief Officers and Deputy Chief Officers and other relevant officers**

Where the Appointments Committee or its sub-committee appoints to the above posts, an offer of an appointment must not be made by the appointor until –

- (i) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (ii) the proper officer has notified every member of the Cabinet of the authority of –
  - the name of the person to whom the appointor wishes to make the offer;
  - any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
  - the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- (iii) either –
  - the Leader has, within the period specified for objection, notified the appointor that neither he nor any member of the Cabinet has any objection to the making of the offer;
  - the proper officer has notified the appointor that no objection was received by him within that period from the Leader;or -
  - the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

## **8. Dismissal of the Chief Executive**

The process set out in Paragraph 11 of these Rules will apply.

The full Council must approve the dismissal of a Chief Executive before notice of dismissal is given to him/her.

## **9. Dismissal of Chief Officers (other than the Chief Executive) and Deputy Chief Officers**

This will follow the process set out in the Council's Employment and Disciplinary Policies and Procedures and the appropriate National Conditions of Service. For the Monitoring Officer and Chief Finance Officer, the process set out in Paragraph 11 of these Rules will apply.

There is a right of appeal against dismissal to a Sub-Committee of the Registration and Appeals Committee.

## **10. Notices of Dismissal to the Chief Executive, Chief Officers and Deputy Chief Officers**

A notice of the dismissal of a Chief Executive, Chief Officer or Deputy Chief Officer must not be given by the dismisser until –

- (i) the dismisser has notified the proper officer of the name of the person who the dismisser wishes to dismiss and any other particulars which the dismisser considers are relevant to the dismissal;
- (ii) the proper officer has notified every member of the Cabinet of the Council of –
  - the name of the person who the dismisser wishes to dismiss;
  - any other particulars relevant to the dismissal which the dismisser has notified to the proper officer; and
  - the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- (iii) either –
  - the Leader has, within the period specified for objection, notified the dismisser that neither he nor any member of the Cabinet has any objection to the dismissal;
  - the proper officer has notified the dismisser that no objection was received by him within that period from the Leader;or -
  - the dismisser is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

## **11. Disciplinary Action Against the Council's Statutory Officers (as prescribed by Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015);**

- (a) No disciplinary action in respect of the Council's Chief Executive, its Monitoring Officer or its Chief Finance Officer (as defined in Regulation 2 of the Local Authorities [Standing Orders] [England] Regulations 2001), except action described in paragraph (b) below, may be taken by

the Council, or by a Committee, a Sub-Committee, a Joint Committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with the following procedure:

- i) The Head of Democratic Services and the Head of Human Resources acting on behalf of the Council will invite relevant independent persons to be considered for appointment to an Independent Panel, with a view to appointing at least two such persons to the Panel.
- ii) In paragraph i) “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 considers appropriate.
- iii) Subject to paragraph iv), the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph i) in accordance with the following priority order—
  - a relevant independent person who has been appointed by the Council and who is a local government elector;
  - any other relevant independent person who has been appointed by the Council;
  - a relevant independent person who has been appointed by another authority or authorities.
- iv) The Council is not required to appoint more than two relevant independent persons in accordance with paragraph iii) but may do so.
- v) The Panel must be appointed at least 20 working days before the meeting of the Council to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer.
- vi) Before Full Council votes on whether or not to approve a dismissal, it must take into account, in particular—
  - any advice, views or recommendations of the Panel;
  - the conclusions of any investigation into the proposed dismissal; and
  - any representations from the Chief Executive, Monitoring Officer or Chief Finance Officer, as appropriate.
- vii) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration paid to the Standards Committee Independent Person.

In paragraph a) “disciplinary action” means ‘any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.

- (b) The action mentioned in paragraph (a) above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

**12. Disciplinary Action against other Officers below Deputy Chief Officer level**

Any disciplinary action in relation to capability and misconduct taken against all other Council Officers will be in accordance with the Council's Employment and Disciplinary Policies and Procedures and the appropriate National Conditions of Service.

## BUDGET AND POLICY FRAMEWORK PROCEDURE RULES – SCHEDULE G



- (a) The Cabinet and/or individual Cabinet Members are responsible for the preparation of the Council's budget and the various plans and strategies that constitute the Council's strategic framework.
- (b) In preparing the budget and the strategic plans, the Cabinet consults with relevant stakeholders and partner agencies in the local community.
- (c) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the policy framework, and its arrangements for consultation after publication of its initial proposals. The timetable will normally<sup>3</sup> allow a six-week period for consultation on those initial proposals. Select Committee chairmen will be notified of the timetable and will have the opportunity to investigate, research or report in detail on the Cabinet's proposals before the end of the consultation period.
- (d) The Cabinet will consider any responses from Select Committees and other consultees and take them into account in drawing up firm proposals for submission to the Council. Its report to Council will reflect the comments made by consultees and its response to them.
- (e) Once the Cabinet has approved firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- (f) The Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals. Any decision will be made on the basis of a simple majority of votes cast at the meeting.
- (g) If Council accepts the Cabinet proposals without amendment, the Council's decision has immediate effect. If not, the Council's decision is made "in principle" and is subject to the Conflict Resolution Procedure, as set out in the Annexes to this Article.
- (h) Once the decision has been taken by the Council it will be publicised and implemented.
- (i) Once plans or strategies have been adopted by the Council, they may be amended by the Cabinet only in the following circumstances-
  - 1. Where it is necessary to comply with the law or Government guidance.
  - 2. Where the modification is assessed, on the advice of officers, to be of a minor nature and will not effect a significant or fundamental change to the policy.
- (j) The Council's budgets include the General Fund Revenue Budget, the Housing Revenue Account Budget and the Capital Budget. These budgets

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<sup>3</sup> Exceptions may be required where legislative timetables or Government requirements limit the time available.

once agreed, may only be amended in accordance with the following Virement Scheme:

1. The Cabinet may authorise:
  - Virements within or between service budgets in excess of the delegated authority of a Corporate Director or Cabinet Members (or where the Corporate Director or Cabinet Member does not wish to utilise such authority).
  - Virements between budgets managed by more than one Corporate Director or within more than one portfolio area above £250,000.
  - The release of specific contingency provisions.
  - The release of general contingency provisions to meet unavoidable increases in the net cost of existing services or capital schemes or to meet new costs not otherwise provided for.
  - Virements that may result in the reduction of a service, if this is required to ensure that the budget is not overspent.
  - Virement between service programmes in the Capital Budget.
  - Virements that increase commitments in future years, irrespective of value.
2. Cabinet Members may authorise (within their portfolio areas):
  - Virements within a service budget from £50,000 to £250,000
  - Virements between service budgets from £10,000 to £250,000
  - Virements within a service capital programme from £10,000 to £250,000

Cabinet Members should consult the Cabinet Member for Finance, Property and Business Services and the use of these delegations is to be reported to the Cabinet in writing.

3. A Corporate Director may authorise (within their service areas):
  - Virements within a service budget up to £50,000
  - Virements between service budgets up to £10,000
  - Virements within a service capital programme up to £10,000

Use of these delegations is to be reported to the relevant Cabinet Member.

4. The Corporate Director of Finance may authorise:
  - The allocation of sums from the inflation provision on the basis of actual inflation, e.g. pay awards, contract price increases.
  - Virements between budget heads for technical reasons e.g. arising from redistribution of the impact of capital financing, central support cost allocations, accounting changes or changes of service groupings.

(k) All virements are subject to the agreement of the Corporate Director of Finance.

(l) Use of the Council's general reserves or balances is reserved to the full Council, as is any virement between the General Fund Revenue Budget, the Housing Revenue Account Budget and the Capital Budget. The full Council

may, by way of a resolution, allow the Cabinet to use the general reserves or balances during a financial year in support of functions designated to the Cabinet.

- (m) Where a Select Committee consider that a Cabinet decision is contrary to the framework, it must seek advice from the Monitoring Officer or the Chief Financial Officer. Regardless of delegations to the Cabinet, if it is concluded by the officers that it is a departure, the matter must be referred to the full Council to endorse, amend or ask the Cabinet to reconsider in the light of the officers advice. The procedure for call-in is set out in paragraph 16 of the Select Committee Procedure Rules which are in Part 4 of the constitution.

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## ANNEXE

### **CONFLICT RESOLUTION PROCEDURE**

This procedure sets out the steps to be taken to resolve a conflict between the Council and the Cabinet on a proposed plan or strategy. A separate section deals with the steps to be taken to resolve a conflict between the Council and the Cabinet on the setting of the Council Tax.

#### **Conflict Resolution on adoption of plans or strategies**

1. The Cabinet shall submit draft plans and strategies to the Council for adoption if required under the arrangements for the approval of the budget and policy framework.
2. After consideration of the draft plan or strategy the Council may take one of the following courses of action:
  - a) Adopt the plan or strategy or
  - b) Submit objections to the Cabinet, or
  - c) Invite the Cabinet to make amendments specified by the Council.
3. If the Council decides to take course b) or c) it must inform the Leader of the Council of its objections or proposed amendments together with its reasons and instruct the Cabinet to reconsider the plan or strategy.
4. The Head of Democratic Services must submit the Council's objections or amendments to a meeting of the Cabinet within **10 working days** of the receipt of the instruction to the Leader and must arrange a special meeting of the Cabinet if one is not programmed within this period.
5. In considering the Council's objections or proposed amendments the Cabinet may take one of the following courses of action:
  - a) Agree a revised draft plan or strategy for submission to the Council.
  - b) Set out the reasons it disagrees with the Council's objections or proposed amendments.
6. Within **10 working days of the meeting of the Cabinet** the Head of Democratic Services shall submit the revised draft plan or strategy or the statement of reasons for disagreeing with the Council's objections or proposed

amendments to the next meeting of the Council or, if one is not programmed, ask the Mayor to convene a special meeting for this purpose.

7. At the Council meeting the Leader or some other member of the Cabinet shall propose the revised draft plan or strategy or state the reasons the Cabinet disagrees with the Council's objections or proposed amendments. No seconder shall be required
8. The Council shall consider the reaction of the Cabinet to its previous objections or amendments and after debate shall make a final decision on the basis of a simple majority.

#### **Conflict Resolution on Budget Setting**

9. The Cabinet shall submit its draft proposals to the Council for the setting of the Council Tax.
10. After consideration of the draft proposals the Council may take one of the following courses of action:
  - a) Adopt the proposals, or
  - b) Submit objections to the Cabinet, or
  - c) Invite the Cabinet to make amendments specified by the Council.
11. If the Council decides to take course b) or c) it must inform the Leader of the Council of its objections or proposed amendments together with its reasons and instruct the Cabinet to reconsider the draft proposals.
12. The Head of Democratic Services must submit the Council's objections or amendments to a meeting of the Cabinet within **2 working days** of the receipt of the instruction to the Leader and must arrange a special meeting of the Cabinet if one is not programmed within this period.
13. In considering the Council's objections or proposed amendments the Cabinet may take one of the following courses of action:
  - a) Agree revised proposals for submission to the Council.
  - b) Set out the reasons it disagrees with the Council's objections or proposed amendments.
14. Within 7 working days of the meeting of the Cabinet the Head of Democratic Services shall submit the revised proposal or a statement of reasons for disagreeing with the Council's objections to either
  - a) an adjourned meeting of the Council or
  - b) the next ordinary meeting or
  - c) a special meeting called by the Mayor for the purpose.
15. At the Council meeting the Leader or some other member of the Cabinet shall propose the revised proposals or state the reasons the Cabinet disagrees with the Council's objections or proposed amendments. No seconder shall be required



16. The Council shall consider the reaction of the Cabinet to its previous objections or amendments and after debate shall make a final decision on the basis of a simple majority.

In arranging meetings of the Council, the statutory deadlines shall be borne in mind and must be complied with unless the Monitoring Officer advises the Mayor that to do so will not enable the Council to meet its statutory obligations to set a budget.



# PROCUREMENT & CONTRACT STANDING ORDERS – SCHEDULE H



## Standing Order 1

### Compliance

- 1.1 Every contract awarded by or on behalf of the Council in respect of:-
- a) Goods;
  - b) Works; or
  - c) Services
- of any category or commodity, shall be procured and awarded, in accordance with:
- a) These Standing Orders
  - b) The Public Contracts Regulations 2015
  - c) EU directives and regulations or other applicable statutory regulation being in force in the United Kingdom
  - d) The Council's Financial Regulations and Standing Orders,
  - e) Corporate Procurement Strategy and any Procurement Standard Operating Procedures issued under paragraph 1.2.
- 1.2 The Chief Executive, in consultation with the Leader of the Council, the Cabinet Member for Finance and the Chief Finance Officer, may issue, from time to time, Procurement Standard Operating Procedures setting out, in further detail, procedures to be followed when awarding contracts under these Contract Standing Orders, together with guidance on relevant best practice for procurement.
- 1.3 Compliance with the procedures set out in the Procurement Standard Operating Procedures is mandatory under these Standing Orders, together with the application of best practice. Application of the Procurement Standard Operating Procedures is to be consistent across all Council Departments, including all areas where the procurement function is delegated. It is the responsibility of the Approved Officer to ensure compliance with the procedures is maintained where procurement is delegated to an external supplier or organization.
- 1.4 These Standing Orders shall be read together with the Procurement Standard Operating Procedures. The Procedures and Standing Orders carry equal weight, and therefore a breach of the Procedures will have the same effect as a breach of these Standing Orders.
- 1.5 Corporate Directors, Directors, Deputy Directors and Heads of Service shall ensure that all officers who procure goods, works or services comply with these Standing Orders and the Procurement Standard Operating Procedures. Only officers who are deemed to be qualified and competent by the Head of Procurement, in conjunction with the appropriate Corporate Director, may procure goods, works or services. These officers are to be identified within

each Department's individual Scheme of Delegations, and known as "Approved Officers". The Head of Procurement and each Corporate Director shall maintain a register of Approved Officers.

- 1.6 An Approved Officer shall be designated for all contracts, irrespective of value, and be competent in managing the supply of goods, works or services as appropriate. For the avoidance of doubt, this does not mean sourcing and placement of contracts.
- 1.7 The Head of Procurement shall be responsible for maintaining a register of all contracts where the total contract value is £50,000 or greater.
- 1.8 No contract shall be procured unless written approval is obtained in accordance with the Scheme of Delegations. Such written approval will confirm there is adequate provision within the appropriate capital or revenue budgets or other financial provision, i.e. grant funding.
- 1.9 Pursuant to paragraph 1.8, before obtaining written approval, Approved Officers shall consult the Register of Contracts to ascertain if the Council has a contract for the goods, works or services required. If such a contract is in existence, the Approved Officer shall use the appropriate contract in force, and not procure another.
- 1.10 It shall be the duty of every Officer of the Council placing contracts or committing expenditure to obtain and demonstrate value for money, and that the goods, works and services are fit for the intended purpose.

## **Standing Order 2**

### **Ethics & Probity**

- 2.1 Officers shall preserve the highest standards of honesty, integrity, impartiality and objectivity. This includes compliance with the Employees' Code of Conduct.
- 2.2 Pursuant to paragraph 2.1, breaches of compliance will be referred to the Chief Finance Officer and the Head of Procurement in the first instance, who in conjunction with the Head of Business Assurance, will authorise any investigation. The outcome of any investigation may be referred to the Head of Human Resources to determine if disciplinary action should be taken, in accordance with the Employee's Code of Conduct.
- 2.3 In accordance with Section 117 of the Local Government Act 1972, The Borough Solicitor shall maintain a record of any officer who has a pecuniary interest in a contract with the Council, and notify in writing their Head of Service where, in the course of their work, have a personal financial or non-financial interest.
- 2.4 Any officer procuring goods, works or services must declare gifts and hospitality received or offered, in accordance with the Employees' Code of Conduct.

### **Standing Order 3**

#### **Member authority, Planning Ahead and the Decision-Making Process**

##### **3.1 Member authority**

Hillingdon's decision-making process requires for the majority of contract decisions to be determined by the Cabinet or a Cabinet Member(s) to provide for important Member oversight and accountability when using public monies. It is the prerogative of the Cabinet or Cabinet Member to decide to accept or not accept any tender recommended by Officers.

Council sets the financial thresholds by which tenders shall be accepted by Members as set out in Standing Order 6.

##### **3.2 Planning ahead**

Before any invitation to tender, Corporate Directors and their officers shall plan ahead and build into their project timetable the necessary informal approvals, notifications (via the Forward Plan) and the period of the formal decision-making process. Sufficient time should be planned to consider all service provision issues, including alternative decisions by the Cabinet or Cabinet Member.

Corporate Directors should first seek the informal approval of their Cabinet Member to invite tenders. For tenders that have a corporate impact, the Leader of the Council should also be consulted beforehand. Cabinet Members will expect officers to have considered all alternative options before presenting them with a proposal to tender a contract.

The Corporate Directors shall then ensure that the Forward Plan is updated with regard to forthcoming tender decisions which require formal approval by the full Cabinet or a Cabinet Member. Advance notice of at least 3-4 months should be given on the Forward Plan.

##### **3.3 Decision-making process and timings & transparency**

Any tender decision identified on the Forward Plan shall require a formal tender summary report to be prepared providing full tender evaluation information, using the sign-off procedures and templates approved by Democratic Services. For tender decisions to a particular meeting of the full Cabinet, officers should adhere to the report deadlines set out by Democratic Services. For tender decisions to a Cabinet Member(s), officers should ensure they are taken within the month notified.

From the time the report is ready, the formal decision-making process can take approximately 1 month before a decision is made. This time period is mainly for legal reasons, but also to ensure that Members have time to read the report. In addition, after any decision is made by the Cabinet or Cabinet Member, 5 days must expire for the 'scrutiny call-in' period before any decision can formally take effect and any contract can be signed, executed or sealed.

In exceptional circumstances to speed-up the democratic decision-making process, Special Urgency or Urgency procedures may be invoked to the relevant body authorised to make the decision (Leader of the Council/Cabinet Member or the Cabinet) but only with the prior agreement of the Leader of the Council via the relevant Corporate Director. Such procedures are set out in Part 4 D - Access to Information Procedure Rules. For transparency, ordinarily all Cabinet and Cabinet Member decisions to accept (or not accept) a particular tender are made public immediately following the decision, including the name of the successful tenderer / organisation and the value of the contract.

## **Standing Order 4**

### **Invitations to Tender**

- 4.1 a) Tenders or quotations shall be invited for all proposed contracts with an estimated total contract value, equal to or exceeding the minimum thresholds as set out in the Procurement Standard Operating Procedures. These thresholds are as follows: -

<b>Total Value</b>	<b>Minimum number of quotations or tenders</b>	<b>Award criteria</b>
£0 – £25,000	3 Quotations	Most economically advantageous
£25,000 – £100,000	5 Quotations	Most economically advantageous quotation
£100,000 & above	5 Tenders	Most economically advantageous tender

Pursuant to paragraph 1.1, every invitation to tender shall comply with all regulations and directives in force at that time.

- b) Where the award criteria is based on most economically advantageous tender, unless agreed in writing by Cabinet Member for Finance or the Leader of the Council, in conjunction with the Head of Procurement, there will be three tiers of weighting reflecting the varied nature of services the Council procures:
- i. Goods / works and services considered to be a commodity and / or ones that are not considered to impact the strategic outcomes of the Council shall be based on a minimum 80% weighting in favour in price.
  - ii. Goods / works and services where the quality of outcome is heavily influenced by the supplier selection (e.g. consultancy and professional services) shall be based on a maximum of 80% weighting in favour of quality.
  - iii. All other requirements, where price and quality are deemed to be of equal importance when considered in the context of the Council's operating and financial environment, should be undertaken on the basis of equal cost / quality split. It is expected that the majority of requirements will fall under this tier.

- 4.2 EU directives and regulations shall apply to the procurement of contracts with an estimated aggregate value equal to or exceeding the EU thresholds listed below that are in force at the time of tender, as set out in the Procurement Standard Operating Procedures and pursuant to paragraph 4.3:-

<b>Goods and services</b>	<b>£181,302 or greater</b>	<b>Minimum 5 Tenders to be sought</b>	<b>Most economically advantageous tender or lowest price</b>
Works	£4,551,413 or greater	Minimum 5 Tenders to be sought	Most economically advantageous tender or lowest price

*\* The Head of Democratic Services may update the above OJEU figures in the Standing Orders, as and when prescribed from time to time.*

- 4.3 Unless it is in the best interests of the Council, or forms part of a provision of duty of care, no requirement for goods, works or services may be sub-divided into smaller contracts with the intention of circumventing the requirements of paragraph 4.1, or for the purpose of avoidance of EU statutory requirements, as stated in the Public Contracts Regulations 2015.
- 4.4 Pursuant to paragraph 4.1 and the requirement for obtaining best value and adequate competition, competitive tenders or quotations shall not be required if the Approved Officer is satisfied, and has obtained written agreement from the Head of Procurement and the Leader of the Council, that:
- (i) it is not reasonably practicable or prudent in meeting the Council's objectives to obtain competitive tenders or quotations; or
  - (ii) there would be no effective or genuine competition; or
  - (iii) it is necessary to safeguard life or property; or
  - (iv) the works, services or goods will be obtained through an approved buying consortium, or from their nominated suppliers; or
  - (v) the works, services or goods will be obtained through a corporately tendered and managed contract that has been established for all officers of the Council to use, and
  - (vi) all such decisions are authorised by the Head of Procurement in writing.
- 4.5 Before proceeding in accordance with paragraph 4.1 in relation to any expenditure, the Approved Officer shall consult the Procurement Standard Operating Procedures, to confirm and determine how the goods, works or services should be tendered. Appropriate guidance shall also be sought from the Procurement Team.
- 4.6 Tenders for all proposed contracts with an estimated total contract value greater than £50,000 shall be conducted by the Procurement Team, unless otherwise instructed by the Head of Procurement. All such tenders shall be published on the appropriate eTendering portal as advised by the Procurement Team.

## **Standing Order 5**

### **Advisory Note**

Supplementary to Standing Order 5, please note that currently all tenders are managed through capital e-sourcing which will contain a record of all tenders received and opened.

## **Custody, Receipt & Opening of Tenders by Democratic Services**

5.1 The Approved Officer shall ensure that custody, opening and acceptance of tenders is in accordance with the Procurement Standard Operating Procedures.

### 5.2. Receipt and custody of tenders

- (a) Tenders shall be returned by the tenderer to the Civic Centre. Electronic tenders shall be returned to the email address specified in the tender instructions, or uploaded to the appropriate e-tendering portal as specified.
- (b) On receipt by the Council, tenders shall be date-and time-stamped on their envelope or outer wrapper. Each electronic tender received shall be electronically date stamped.
- (c) The Mail Room Supervisor, or equivalent officer responsible for receiving mail or online documents, shall:
  - (i) provide a receipt for tenders received, on request;
  - (ii) keep a record of the number of tenders received;
  - (iii) after the time and date specified for their return, hand all tenders received to the officer responsible for them, and obtain a receipt / signature.
- (d) Tenders shall be kept in secure custody until they are opened. Electronic tenders shall be stored in a secure folder.

### 5.3. Register of tenders

A register of tenders received shall be maintained by each Corporate Director and updated by each Approved Officer as necessary. The register should contain details of each tender, the signatures of the officer opening the tenders and the witness and the signature of the officer to whom the tenders were passed for custody after opening. Where tenders are received electronically this register shall be maintained within the appropriate eTendering portal as advised by the Procurement team.

### 5.4 Tender opening

- (a) Tenders shall be opened at one time and only in the presence of such officer or officers as the Head of Democratic Services and/or Approved Officer or the Corporate Procurement Unit may determine.
- (b) An officer from the Corporate Procurement Unit or Democratic Services should be present when tenders are opened.



- (c) The tenders shall be opened one at a time and the opening sequence recorded, together with any appropriate comments or notes.
- (d) As each tender is opened the name of each tenderer and the amount of the tender must be recorded in the tender register.

## 5.5 Late Tenders

- (a) A tender received after the last date and time when tenders should be received must be recorded as a late tender in the tender register.
- (b) Such a late tender shall only be opened and considered for acceptance on the authorisation of the Head of Procurement and the Head of Democratic Services.
- (c) The Head of Procurement and the Head of Democratic Services may consider that a tender received late should be considered for acceptance under the following circumstances:
  - (i) there is a bona fide reason, recorded in writing, for the tender being late; and
  - (ii) other tenders that have arrived on time have not been opened.
- (d) Where a tender received late is for a contract greater than £50,000, the Head of Procurement and Head of Democratic Services shall in addition seek approval from the Borough Solicitor prior to considering it for acceptance.
- (e) Where a tender received late is for a contract value of greater than £250,000, the Head of Procurement and Head of Democratic Services shall in addition seek approval from the Borough Solicitor prior to considering it for acceptance.
- (f) In circumstances where the Head of Procurement and the Head of Democratic Services are uncertain whether a late tender should be opened and considered for acceptance, the matter should be referred to the Borough Solicitor for legal advice.

## **Standing Order 6**

### **Acceptance of tenders and financial thresholds for authority**

#### **6.1 General Rules**

Where tenders or quotations have been received in accordance with the Procurement Standard Operating Procedures, they can only be accepted if the Approved Officer has satisfied themselves that: -

- a) All approvals required by Cabinet, Cabinet Member or Delegated Officers set out in these Standing Orders, the Council's Constitution and Financial Regulations have been obtained first;
- b) the tender is compliant;
- c) the tender offers best value in accordance with the Procurement Standard Operating Procedures.
- d) all appropriate risks have been assessed and mitigated, as required by Procurement Standard Operating Procedures.

#### **6.2 Acceptance of tenders or quotations**

A tender or quotation summary report recommending final contractor selection will be required prior to acceptance. This document will form the basis for decisions required as set out below.

- (a) In the case of a tender or quotation which does not exceed £24,999 for which budgetary provision exists, the Approved Officer shall be authorised to accept the most satisfactory quote or tender using the designated financial system.
- (b) In the case of a tender or quotation which is between £25,000 and £99,999 for which budgetary provision exists, the Approved Officer, with informal written acceptance provided by the relevant Cabinet Member portfolio holder and / or Leader of the Council shall be authorised to accept the most satisfactory tender.
- (c) In the case of a tender which between £100,000 and £499,999 for which budgetary provision exists, the relevant Cabinet Member portfolio holder in conjunction with the Leader of the Council or Cabinet Member for Finance shall be authorised to accept the most satisfactory tender through the formal democratic process.
- (d) In the case of a tender of £500,000 and above for which budgetary provision exists, the Cabinet shall be authorised to accept the most satisfactory tender through the formal democratic process.
- (e) Additional authority may be provided for (or required) as set out in section 6.3 in order to accept tenders outside the ordinary thresholds above or for those significant in nature.
- (e) A re-assessment of the Contractors financial stability shall be carried out where the tender value exceeds £100,000. This would normally be undertaken during the pre-qualification and/or at the tender submission stage of the process. This information should be presented in any report to the Cabinet or Cabinet Member.
- (f) Tenders or quotations can only be accepted in accordance with the agreed award criteria i.e. most economically advantageous or lowest price.

In the case of decisions required by the Cabinet or Cabinet Member then the procedures in Standing Order 3.3 shall be followed.

### 6.3 Authority levels for tender or quotation acceptance

- (a) Council has agreed the following financial thresholds for authority to accept a tender or quotation:

£0 –£24,999	Approved Officer using designated Financial System *
£25,000 - £99,999	Approved Officer with informal written acceptance from relevant Cabinet Member or Leader of the Council *
£100,000 - £499,999	Formal democratic decision by the relevant Cabinet Member and the Leader of the Council or Cabinet Member for Finance *
£500,000 or greater	Formal democratic decision by the Cabinet */**

- (b) *\* Any tender, at any value, if deemed a 'key decision', must be indicated on the Forward Plan in advance and determined formally*

If any such decision on any tender is to have a significant impact upon communities, people or services within 2 or more wards and/or significantly outside the approved budget (by meeting the criteria for key decisions) then it must be taken by Leader & relevant Cabinet Member or the Cabinet, dependent on value as a formal democratic decision and prior details included within the Council's Forward Plan, except if taken under urgency rules. The Council's definition of a key decision is set out in Article 7.

- (c) *\*\* Tenders above £500,000 in the absence of a regular Cabinet meeting and if decision deemed urgent by the Leader of the Council*

Cabinet is the primary body where tenders over £500k in value are considered in the ordinary course of events. In the absence of a Cabinet meeting where a decision is required that if not taken may prejudice service or project delivery or if a decision is deemed urgent by the Leader of the Council, then the Leader of the Council and relevant Cabinet Member may take a formal democratic decision on the matter, with it being reported to a subsequent Cabinet for ratification via a formal report.

- (d) These thresholds and authority requirements shall also apply to single tender actions, contract extensions and variations.  
 (e) In the case of a formal democratic decision required by the Leader of the Council / Cabinet Member or the Cabinet then the procedures in Standing Order 3.3 shall be followed.

### 6.4 Agency / Temporary Workers and Consultants

Council has agreed different financial thresholds for authority for appointing individual temporary workers and accepting tenders for appointment of consultants as follows:

Acceptance of tender for appointment of consultants *	Any value if within establishment and budget	Corporate Director	In writing
	Any value outside establishment or budget	Chief Executive with sign-off by the Leader of the Council	In writing
Approval of individual temporary workers *	Any value if within establishment and budget	Corporate Director	In writing
	Any value outside establishment or budget	Chief Executive with sign-off by the Leader of the Council	In writing

\*NB: If the value is £50,000 or greater these shall be reported to Cabinet for noting only.

Reference to 'consultants' within Standing Order 6.4 means small practice consultants of fewer than 3 people who are engaged by the Council against a specific brief but are assessed to fall outside of IR35 intermediaries Legislation. For engagement of larger consultancy contracts, these should be tendered in accordance with Standing Order 4 and approved in accordance with Standing Order 6. In circumstance where there is uncertainty around which process to follow further guidance should be sought from the Head of Procurement.

In the case of decisions required by the Cabinet or Cabinet Member then the procedures in Standing Order 3.3 shall be followed.

- 6.5 Where individual orders for goods, works or services are placed with a single contractor independently of each other and the cumulative value over the period of a financial year moves between the authorisation levels in Standing Orders 6.3, officers should seek the necessary approval in accordance with the total cumulative value.

## **Standing Order 7**

### **Execution of Contracts**

- 7.1 Every contract that is entered into by the Council shall be in writing and executed in accordance with the following:-

£10,000 – £49,999	Signed by, the Head of Procurement in writing.  As set out in 9.2 for purchases below £10,000 where no formal contract is in place, purchase orders shall be considered as a form of contract.
£50,000 - £99,999	Signed by the Chief Finance Officer in writing
£100,000 or greater	Sealed with the Common Seal of the Council and attested by a Member of the Council and the Borough Solicitor or any other officer authorised by the Borough Solicitor and the Leader of the Council in writing.

- 7.2 Pursuant to Standing Order 1, a record of each contract executed in accordance with paragraph 7.1, shall be entered on a Register of Contracts maintained for that purpose by the Head of Procurement.
- 7.3 No Council officer may call off a contract for goods, works or services unless that contract is in writing and executed in accordance with paragraph 7.1.
- 7.4 Legal Services shall be responsible for ensuring that all contract executions are managed correctly, in accordance with paragraph 7.1. Sufficient copies of each contract shall be signed, and an electronic version will be passed to the Procurement Team, whereupon this will be stored in the Contracts Library.

## **Standing Order 8**

### **Contract Extension and Variation**

- 8.1 Before approval is granted to extend or vary contracts, Corporate Directors and their officers shall give due consideration to all potential options that may exist to repackage goods, works and services. An appraisal of such options shall be produced and provided to the appropriate Cabinet Member for review in accordance with the provisions of Standing Order 3. Only where the Cabinet Member approves the option that a contract shall be extended or varied shall such approval be sought.
- 8.2 Contracts may only be extended where the express provision in the agreement exists to do so and the appropriate approval to extend has been provided. This approval shall be sought in accordance with the levels of tender acceptance contained in Standing Order 6.3.
- 8.3 Contracts may only be varied where the express provision in the agreement exists to do so and the appropriate approval to vary the contract has been

provided. This approval shall be based upon the approval required to execute the contract as contained in Standing Order 7.1.

- 8.4 Where any single proposed contract variation or cumulative value of agreed contract variations is likely to exceed the value originally approved then Officers should, at the earliest opportunity, seek approval to exceed the value from the relevant Cabinet Member and the Leader of the Council. If this exceeds 15% or more of the total contract value originally approved, a summary report shall be made to the Head of Procurement. Approval of the proposed contract variation shall be in accordance with Standing Order 8.2 and therefore may require either approved officer approval with informal written acceptance by the Cabinet Member, a formal Cabinet Member or Cabinet decision.

## **Standing Order 9**

### **Purchase Orders & Government Procurement Cards**

- 9.1 Where formal contractual arrangement are in place, purchase orders shall be considered as the method of commitment with a supplier and shall be required for all goods, works and services, irrespective of value, and raised in accordance with Procurement Standard Operating Procedures, pursuant to paragraph 1.1. No goods, works or services shall be procured without the prior establishment of a legitimate purchase order, duly approved in accordance with the Council's Financial Regulations and the Scheme of Delegations.

Exemptions to this shall be approved in writing by the Chief Finance Officer and Head of Procurement as appropriate.

- 9.2 For purchases below £10,000 where no formal contract is in place, purchase orders shall be considered as a form of contract and shall be required for all goods, works and services, and raised in accordance with Procurement Standard Operating Procedures, pursuant to paragraph 1.1. No goods, works or services shall be procured without the prior establishment of a legitimate purchase order, duly approved in accordance with the Council's Financial regulations and the Scheme of Delegations.

Exemptions to this shall be approved in writing by the Chief Finance Officer and Head of Procurement as appropriate.

- 9.3 The Council recognises the need to ensure efficient processes are used to procure lower value goods, works and services. Therefore Government Procurement Cards may be used to procure goods, works and services as follows:-
- a) Purchases less than £500
  - b) Single purchases where the supplier will not be used again
  - c) Urgent or emergency purchases where it is not possible to raise a purchase order, pursuant to paragraph 9.2

Exemptions to this shall be approved in writing by the Chief Finance Officer and Head of Procurement as appropriate.

## **Standing Order 10**

### **Delegated Authority / Local Authority Maintained School Procurement**

- 10.1 Delegated Authority to procure goods, works or services may be awarded only with the written approval of the Chief Executive, Chief Finance Officer and the Head of Procurement, and only when the application for Delegated Authority is supported by a detailed business case prepared in accordance with the Procurement Standard Operating Procedures.
- 10.2 Departments, Service Areas or Officers who have been awarded Delegated Authority shall comply with these standing orders and the Procurement Standard Operating Procedures at all times. Breaches of compliance will result in the removal of Delegated Authority, as required by the Head of Procurement, and possible disciplinary action may also be initiated.
- 10.3 Local authority maintained schools are required to abide by the Council's Standing Orders with respect to purchasing, tendering and contracting. Governing Bodies are also empowered under paragraph 3 of schedule 1 to the Education Act 2002 to enter into contracts, and in most cases they do so on behalf of the Local Authority as maintainer of the school. The Council has therefore set the following delegated authority and criteria for the acceptance, consistent with the Financing Scheme for Schools approved by Cabinet:

<b>Value Range</b>	<b>Process to follow</b>	<b>Description</b>	<b>Approval</b>
Up to £3,000	Best Value	Officers to demonstrate best value has been achieved	Headteacher
£3,001 - £10,000	Quotes	Three written quotes required	Headteacher
£10,001 – £50,000	Quotes	Minimum of 5 written quotes	Governing Body
£50,001 - £100,000	Tenders	Minimum of 5 tenders	Governing Body
£100,000 and above	Tender	Minimum of 5 tenders	Governing Body and Local Authority
£181,302 and above *	OJEU notice	European tender (goods/services)	Governing Body and Local Authority

Governing Bodies are required to obtain a counter-signature on contracts with the Local Authority where the value of the contract exceeds £100,000. The only exceptions to this are:

- a) contracts of employment entered into by aided or foundation schools;
- b) contracts for the works or fees associated with building projects at aided schools where the project is the governors' liability;

- c) contracts for the works or fees associated with building projects at foundation schools where the funding (including DfE funding) provided via the Local Authority is less than £100,000 (i.e. in practice this exemption is likely to occur only where a foundation school has generated the funding for the project itself through land disposal, sponsorship or other fund-raising).

The Local Authority counter-signatory for the London Borough of Hillingdon will be the Corporate Director of Finance or as sub-delegated by the Director in the Directorate's Scheme of Delegations.

*\* The Head of Democratic Services may update the above OJEU figures in the Standing Orders, as and when prescribed from time to time.*

## **Standing Order 11**

### **Exemptions from Standing Orders**

- 11.1 In any circumstances not provided for by the preceding Standing Orders, an Approved Officer will consult with the Chief Finance Officer and the Head of Procurement, in the first instance, where an exemption is required.
- 11.2 These Standing Orders shall not apply to the following services or actions that are managed by separate policies and guidelines:
  - 1. Contracts for the acquisition or lease of land and/or real estate.
  - 2. Contracts for permanent or fixed term employment.
  - 3. Direct Payments to citizens following care assessment, for example, payments provided under Self Directed Support or individual budgets.
  - 4. When the Chief Executive's Emergency Contract Delegation Protocol is invoked, with the agreement of the Leader of the Council (see Annex A for protocol). Such decisions will be reported to Cabinet for ratification.
  - 5. When the Leader of the Council deems a decision urgent under their Emergency Powers delegation. Such decisions will be reported to Cabinet for ratification.
- 11.3 Where these Standing Orders may conflict with any separate rules or guidance, and the Procurement Standard Operating Procedures, the Head of Procurement, the Cabinet Member for Finance, Property and Business Services and the Borough Solicitor will determine which takes precedence.



## **Standing Order 12**

### **Property Standing Orders**

#### **12.1 Application**

1. This procedure rule applies where there is a Property (including land and/or buildings) transaction.
2. "Property transaction" means the acquisition or disposal of a freehold interest in property (including land and/or buildings) or a lease of greater than 7 years or other dealing with land, whether or not buildings, plant and equipment, fixtures and fittings, or other assets are included in that transaction. A transaction concerning only plant and equipment, fixtures and fittings, or other assets is not a Property transaction. The grant of a temporary licence to occupy is not a Property transaction.
3. "major disposal" means a Property transaction which consists of either a disposal of the freehold where the consideration exceeds £100,000, or the grant of a lease of greater than 7 years where the rent exceeds £30,000 per annum or where the premium exceeds £100,000.
4. "the property procedures" means the procedures adopted by Property & Estates from time to time for the management, use, acquisition and disposal of property, in consultation with the Corporate Director of Infrastructure, Transport & Building Services and the Borough Solicitor.
5. "best consideration" means the legal obligation upon the Council to achieve a consideration, which is the best that can reasonably be obtained.
6. Principles to be applied are that policy decisions on property, (e.g. property policies and decisions on what property to purchase or sell), should be made by the Cabinet or by the Cabinet Member for Property & Infrastructure. Professional decisions, (e.g. how to market, negotiations etc) should be delegated to officers.

#### **12.2 Approval of Major Disposals**

1. The principle and method of each major disposal must be approved by the Head of Property & Estates making recommendations to the Cabinet Member for Property & Infrastructure or the Cabinet. When determining such matters they shall consider a report:
  - a) specifying the property (land and buildings) to be disposed of;
  - b) confirming that the property has been declared surplus to the Services'/Council's requirements;
  - c) advising upon the proposed method of disposal, and providing the reasons for selecting that method;
  - d) in matters where the Council must achieve best consideration, confirming that the proposed method of disposal which has been selected, is most likely to achieve this;
  - e) in matters where it is proposed that the disposal should be for less than best consideration, giving reasons for and against seeking best consideration and, following consultation with the Borough Solicitor, specifying the relevant legal powers of the Council to

accept less than best consideration.

2. The principal terms of major disposals (except where the approved method of disposal is by auction) must be approved by the Head of Property & Estates making recommendations to the Cabinet Member for Property & Infrastructure or the Cabinet as appropriate. When determining such matters, they shall consider a report confirming either that the consideration agreed represents 'best consideration', or, following consultation with the Borough Solicitor, specifying the relevant legal powers of the Council to accept less than best consideration.
3. In major disposals where the approved method of disposal is the inviting of tenders or offers, the disposal must be advertised in at least one local, national, international or specialist newspapers or publications, as determined by Corporate Property and Construction.

### **12.3 Dealing with tenders and offers**

1. The receipt and opening of tenders and offers will be conducted in accordance with Standing Order 5 and the Council's Procurement Standard Operating Procedures
2. In cases where the duty to achieve 'best consideration' (the best price that can reasonably be obtainable) applies, when a tender or offer representing 'best consideration' is received late, or is otherwise invalid as described in Standing Order 5, the Head of Property & Estates will consult with the Borough Solicitor and the Cabinet Member for Property & Infrastructure. If they agree that the tender or offer should be considered for acceptance and it is possible that other tenderers/offers will otherwise be prejudiced, all tenders/offers shall, at the Council's discretion, be given the opportunity to resubmit their tenders/offers within a given timescale.
3. In cases where the duty to achieve 'best consideration' does not apply, when a tender is late or contains errors, the provisions in the Council's Procurement Standard Operating Procedures will apply.

### **12.4 Disposals and Acquisitions by Auction**

1. In disposals where the approved method of disposal is by auction, up to three auctioneers approved by Head of Property & Estates must be invited to provide a written quotation as to service offered, commission and additional costs. The most advantageous quote, taking into account pricing and service level offered, must be selected.
2. A "reserve price", when recommended by the auctioneer, will be set by the Head of Property & Estates, in consultation with the Borough Solicitor and the Cabinet Member for Property & Infrastructure. The reserve price must be disclosed only to the auctioneer and the Council's legal and property officers attending the auction. The legal officer shall, upon a sale being 'knocked down' be authorised to sign contracts or relevant papers on the day of the sale.

3. In the case of any acquisition of land, property and artefacts at auction, the price bands and/or limits for bidding and the authority for a particular officer to acquire on behalf of the Council, will be determined by the Corporate Director of Infrastructure, Transport & Building Services, with the agreement of the Leader of the Council and (if land/property) Cabinet Member for Property & Infrastructure. Following the auction, any successful acquisition will need to be formally ratified by the relevant body within existing delegations and thresholds in the Constitution and if property/land related, those given to Officers, the Cabinet Member for Property & Infrastructure or the Cabinet as set out in section 12.6 below.

## **12.5 Approval of Property Transactions (including Land and Buildings) other than major disposals**

1. The principal terms of property transactions (other than acquisitions which are dealt with below), for the disposal of a freehold or leasehold interest in property (except where the method of disposal is by way of auction) and also other than those defined as major disposals in these Standing Orders, must be approved by the Head of Property & Estates in accordance with the Scheme of Delegations. The Head of Property & Estates must report each approval to the appropriate Cabinet Member in their Portfolio area or the Cabinet.
2. The principle and method of each acquisition, irrespective of value, and whether it relates to the acquisition of a freehold or leasehold interest or a licence, must be approved by the Head of Property & Estates making recommendations to the Cabinet Member for Property & Infrastructure or the Cabinet.

## **12.6 Authority levels for property matters**

Council has agreed the following financial thresholds for property matters:

<b>General Acquisition and disposal:</b> Acquisition and disposal of land and property and also grant of easements and wayleaves	<b>Under £10k</b>	Corporate Director of Infrastructure, Transport & Building Services	Informal - in writing
	<b>£10k - £250k</b>	Cabinet Member for Property & Infrastructure	Formal Democratic Decision - Report
	<b>£250k or greater</b>	Cabinet	Formal Democratic Decision - Report

<b>Purchase of Private Properties:</b> Acquisition and purchase of private properties in order to supplement affordable housing provision within the Borough	<b>All Values</b>	Leader of the Council and Cabinet Member for Property & Infrastructure  <b>Note: formal democratic capital release approval is also required.</b>	Formal Democratic Decision - Report
<b>Private Sector Leasing Scheme</b> (which includes the Finders Fee and Guaranteed Rental Schemes): authority to take any necessary decision, including those on expenditure, property and/or leases, in order to implement this Scheme.	<b>All Values</b>	Corporate Director of Planning, Environment, Education & Community Services, following informal sign-off by the Cabinet Member for Environment, Housing & Regeneration.	Informal - in writing
<b>Right to Buy - Housing Buy Back Scheme:</b> Authority to purchase and acquire properties, agree any necessary purchase prices and/or parameters and any other property transactions or decisions required to effectively implement the Scheme	<b>All Values</b>	Corporate Director of Infrastructure, Transport & Building Services following informal sign-off by the Leader of the Council.  <b>Note: formal democratic capital release approval is also required.</b>	Informal - in writing
<b>Disposal at Less than Best Value</b> - disposal of any property for less than best consideration, including discounted rent on any property or premises owned by the Council	<b>All Values</b>	Cabinet	Formal Democratic Decision - Report
<b>Property Licenses and Leases:</b> (including any surrenders, alterations or variations)	Under 7 years and under £10K	Corporate Director of Infrastructure, Transport & Building Services	Informal - in writing
	Under 7 years and £10k - £100k	Cabinet Member for Property & Infrastructure	Formal Democratic Decision - Report
	Under 7 years and above £100k	Cabinet	Formal Democratic Decision - Report

	7-25 years and any value up to £250k	Cabinet Member for Property & Infrastructure	Formal Democratic Decision - Report
	Over 25 years and any value	Cabinet	Formal Democratic Decision - Report

Any proposed property or land decision that will have a significant impact on two or more wards in the Borough and where the well-being of the community or change to the service level provided will affect a significant number of people, then this decision must be reported to Cabinet for determination (or ratification to a subsequent Cabinet meeting following a decision being made by the relevant body).

In the case of a formal democratic decision required by the Leader of the Council, Cabinet Member or Cabinet then the procedures in Standing Order 3.3 shall be followed.

## **12.7 Application of the Property Procedures and Standards**

All property (including land) transactions must be conducted in accordance with the property procedures and standards, except:

- a) When the Chief Executive's Emergency Contract Delegation Protocol is invoked, with the agreement of the Leader of the Council (see Annex A for protocol).
- b) When the Leader of the Council deems a decision urgent under their Emergency Power delegation. Such decisions will be reported to Cabinet for ratification.

## **12.8 Formalities**

1. All contracts and other documentation entered into pursuant to all land transactions shall be in writing, and shall be signed or sealed with the Common Seal of the Council, as appropriate.
2. The Common Seal of the Council shall be attested by a Member of the Council and the Borough Solicitor or any other officer authorised by the Borough Solicitor in writing.
3. An entry of every sealing of a contract shall be made and consecutively numbered in a book kept for that purpose.

## **ANNEX A**

### **Chief Executive's Emergency Contract Delegation - Protocol**

In respect of a Council capital project or revenue service, where an emergency or exceptionally urgent situation arises in relation to a commercial contract where:

- e) The Leader and Chief Executive agree the urgency;
- f) There is no Cabinet meeting imminent;
- g) Any delay would seriously jeopardise the Council's finances or its ability to deliver services and;
- h) A previous executive decision has been made or proposed in respect of the capital project or service provision concerned,

authority is granted to the Chief Executive, subject to the written agreement of the Leader of the Council, to incur expenditure and make any new and necessary contractual decisions in order to secure the successful delivery of the project or service.

In such instances, the Council's Procurement and Contract Standing Orders can be waived. Any decisions taken must be reported to a subsequent Cabinet meeting for formal ratification.

This delegation is also set out in Part 3 - Officer Scheme of Delegations.

# FINANCIAL RULES FOR THE LONDON BOROUGH OF HILLINGDON – SCHEDULE I

## STATUS OF FINANCIAL RULES

The Chief Finance Officer has statutory responsibility for ensuring that the Council has sound procedures for financial administration. The foundation for achieving this is the Council's financial rules. They provide 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.

The rules identify the financial responsibilities of the full council, Cabinet and Select Committee members, the head of paid service, the Monitoring Officer, the Chief Finance Officer and other chief officers. Cabinet members and chief officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, such as school governors, references to the chief officer in the rules should be read as referring to them.

All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

The Chief Finance Officer is responsible for maintaining a continuous review of the financial rules and submitting any additions or changes necessary to the full council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the financial rules to the council and/or to the Cabinet members.

Following formal approval and adoption of the financial rules, the Chief Finance Officer will issue detailed Financial Regulations, as part of a Financial Procedures manual. These will be kept under review and updated periodically. These detailed financial procedures set out how the rules will be implemented. Supplementary advice and guidance will be issued by the Chief Finance Officer as necessary. Separate Financial Regulations exist for schools.

All Members, officers and others acting on behalf of the authority are required to follow Financial Rules and Regulations and other guidance issued by the Chief Finance Officer. All are responsible for ensuring they understand how the rules apply to them, taking advice before acting, if in any doubt. Officers should seek advice in the first instance from their line manager, the Head of Finance for their department or Internal Audit. Members should seek advice from the Chief Executive, the Chief Finance Officer or the Chief Internal Auditor.

Chief officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's financial rules and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments, or are available electronically. Cabinet Members and officers need to ensure they are

working from the up-to-date copy. The Chief Finance Officer will supply copies to Cabinet members.

## **FINANCIAL RULE A: FINANCIAL MANAGEMENT**

### **INTRODUCTION**

- A.1** Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

### **THE FULL COUNCIL**

- A.2** The full Council is responsible for adopting the authority's constitution and members' code of conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its constitution. The full council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.
- A.3** The full council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

### **THE CABINET**

- A.4** The Cabinet is responsible for proposing the policy framework and budget to the full council, and for discharging executive functions in accordance with the policy framework and budget.
- A.5** Cabinet decisions can be delegated to a committee of the Cabinet, an individual Cabinet member, an officer or a joint committee.
- A.6** The Cabinet is responsible for establishing protocols to ensure that individual Cabinet members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

### **COMMITTEES**

#### **Select Committees & Audit Committee**

- A.7** Select Committees Members are responsible for considering Cabinet decisions before or after they have been implemented and for holding the Cabinet to account. They are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority. An Audit Committee also considers reports from the external and internal auditors and consider how the work of external and internal audit can best be used.



## Standards Committee

- A.8** The Standards Committee is established by the full council and is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the council on the adoption and revision of the Member Code of Conduct, and for monitoring the operation of the code.

## Other Regulatory Committees

- A.9** Planning, certain pensions functions and licensing are not executive functions but are exercised through multi-party planning, pensions and licensing and appeals committees under powers delegated by the full Council. These committees report to the full Council.

## THE STATUTORY OFFICERS

### Head of Paid Service (and Chief Executive)

- A.10** The Head of Paid Service is responsible for the corporate and overall strategic management of the authority as a whole. He or she must report to and provide information for the Cabinet, the full council, the overview and scrutiny arrangements and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full council's decisions (see below).

### Monitoring Officer

- A.11** The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the standards committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A.12** The Monitoring Officer must ensure that Cabinet decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the Cabinet and of those made by officers who have delegated executive responsibility.
- A.13** The Monitoring Officer is responsible for advising all councillors and officers about who has authority to take a particular decision.
- A.14** The Monitoring Officer is responsible for advising the Cabinet or full council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.
- A.15** The Monitoring Officer (together with the Chief Finance Officer) is responsible for advising the Cabinet or full council about whether a decision is likely to be

considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- implementing a new policy
- committing expenditure in future years to above the budget level
- incurring interdepartmental transfers above virement limits
- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

**A.16** The Monitoring Officer is responsible for maintaining an up-to-date constitution.

#### Chief Finance Officer

**A.17** The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 1996.

**A.18** The Chief Finance Officer is responsible for:

- the proper administration of the authority's financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue and capital budgets
- treasury management.

**A.19** Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full council, Cabinet and external auditor if the authority or one of its officers:

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

Section 114 of the 1988 Act also requires:

- the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally

- the authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

## CHIEF OFFICERS

**A.20** Chief officers are responsible for:

- ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer
- signing contracts on behalf of the authority.

**A.21** It is the responsibility of chief officers to consult with the Chief Finance Officer and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.

## HEADS OF FINANCE

**A.22** Heads of Finance are responsible for promoting high financial standards within their service area. This includes interpreting financial rules and advising accordingly. They are responsible for advising chief officers on financial matters. They have an over-riding duty to support the Chief Finance Officer in promulgating good financial management.

## OTHER FINANCIAL ACCOUNTABILITIES

### Virement

**A.23** The full council is responsible for agreeing procedures for virement.

**A.24** Chief officers and Cabinet Members are responsible for agreeing in-year virements within delegated limits, in consultation with the Chief Finance Officer (and relevant chief officer where required). They must notify the Chief Finance Officer of all virements.

### Treatment of Year-End Balances

**A.25** The full council is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

### Accounting Policies

**A.26** The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

### Accounting Records and Returns

**A.27** The Chief Finance Officer is responsible for determining the accounting procedures and records for the authority.

## The Annual Statement of Accounts

- A.28** The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Audit Committee is responsible for approving the annual statement of accounts.

## Breaches of the Rules

- A.29** Chief Officers must report all but minor breaches of financial procedures to the relevant Cabinet Member and the Chief Finance Officer. Breach of the rules may lead to disciplinary action for staff or a reference to the Standards Committee for Members.

## **FINANCIAL RULE B: FINANCIAL PLANNING**

### INTRODUCTION

- B.1** The full council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:
- The Council Plan
  - The general fund revenue budget
  - The housing revenue account budget
  - The capital programme and budget

### POLICY FRAMEWORK

- B.2** The full council is responsible for approving the budgetary and policy framework. The framework comprises the plans and strategies as set out in Article 4 of the Constitution.

Other plans and strategies may be added, by decision of full council at its annual meeting.

- B.3** The full council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full council by the Monitoring Officer.
- B.4** The full council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the council.

## Preparation of the Corporate Plan and Best Value Performance Plan

- B.5** The Head of Paid Service is responsible for proposing the corporate plan and the best value performance plan (BVPP) to the Cabinet for consideration before its submission to the full council for approval.

## Preparation of Other Plans

- B.6** The Chief Officer with responsibility for the service covered by each plan is responsible for proposing it to the Cabinet for consideration before its submission to the full council for approval. Where plans cover more than one service, the head of paid service will nominate a chief officer to take responsibility.

## BUDGETING

### Budget Format

- B.7** The general format of the budget will be approved by the full council and proposed by the Cabinet on the advice of the Chief Finance Officer. The draft budget shall include allocation to different services and projects, proposed taxation levels and contingency and reserve funds, sufficient to comply with statutory requirements.

### Budget Preparation

- B.8** The Chief Finance Officer is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Cabinet, before submission to the full council. The full council may amend the budget or ask the Cabinet to reconsider it before approving it.
- B.9** The Cabinet is responsible for issuing guidance on the general content of the budget in consultation with the Chief Finance Officer as soon as possible following approval by the full council.
- B.10** It is the responsibility of chief officers to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.

### Budget Monitoring and Control

- B.11** The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis.
- B.12** It is the responsibility of chief officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

- B.13** The exercise of delegated authority on financial matters by individual Cabinet members or the Cabinet as a whole is subject to the over-riding requirement to ensure that cash limits are adhered to.

#### Resource Allocation

- B.14** The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full council's policy framework. This will include the preparation of a medium-term budget strategy for consideration by the Cabinet.
- B.15** No officer or Cabinet Member may enter into expenditure commitments (or approve reductions in income) for future years, either on revenue or capital, that are likely to exceed the relevant budget provision, except with the agreement of the Cabinet.

#### Preparation of the Capital Programme

- B.16** The Chief Finance Officer is responsible for ensuring that a capital programme and budget is prepared on an annual basis for consideration by the Cabinet before submission to the full council.

#### Guidelines

- B.17** Guidelines on budget preparation are issued to members and chief officers by the Cabinet following agreement with the Chief Finance Officer. The guidelines will take account of:
- legal requirements
  - medium-term planning prospects
  - the corporate plan
  - available resources
  - spending pressures
  - best value and other relevant government guidelines
  - other internal policy documents
  - cross-cutting issues (where relevant).

#### Maintenance of Reserves

- B.18** It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the full council on prudent levels of reserves for the authority.

## **FINANCIAL RULE C: RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **INTRODUCTION**

- C.1** It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

### **RISK MANAGEMENT**

- C.2** The Cabinet is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.
- C.3** The Chief Finance Officer is responsible for preparing the authority's risk management policy statement, for promoting it throughout the authority and for advising the Cabinet on proper insurance cover where appropriate.
- C.4** Chief officers are responsible for identifying and controlling hazards and containment of losses. They must notify the Chief Finance Officer of any new risks or changes which affect insurable risks. They must also notify the Chief Finance Officer of any losses, claims or incidents that may give rise to a claim.

### **INTERNAL CONTROL**

- C.5** Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.
- C.6** The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.7** It is the responsibility of chief officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

### **AUDIT REQUIREMENTS**

- C.8** The Accounts and Audit Regulations 1996 issued by the Secretary of State for the Environment require every local authority to maintain an adequate and effective internal audit. Internal audit have a right of access to all documents, systems and facilities, the right to require information and explanations from any member of staff and the right to remove documents. Chief Officers are required to give proper consideration to internal audit recommendations.

- C.9** The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998. The Annual Audit Letter arising from the audit will be circulated to all Members and be the subject of a formal report.
- C.10** The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

## PREVENTING FRAUD AND CORRUPTION

- C.11** The Chief Finance Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy. Anyone who becomes aware of any actual or suspected financial irregularity or loss, whether of money or assets, shall normally notify their line manager in the first instance. If necessary, the matter may alternatively be raised with one of the officers listed in the Whistle-blowing policy, or with the external auditor. All losses must be reported to the Chief Internal Auditor with details of those in excess of £1,000 for report to the external auditor.

## ASSETS

- C.12** Chief officers should ensure that records and assets are properly maintained and securely held. Property must be adequately insured. Each department must maintain an up-to-date inventory of its equipment and other assets with a value in excess of £250.
- C.13** Chief officers should ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- C.14** Disposals of land or buildings are subject to the scheme of delegations and any other requirements agreed by the Cabinet.

## TREASURY MANAGEMENT

- C.15** The authority has adopted CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- C.16** The full council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's *Code of Practice for Treasury Management in Local Authorities*. The policy statement is proposed to the full council by the Cabinet. The Chief Finance Officer has delegated responsibility for implementing and monitoring the statement.
- C.17** All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the finance director i.e. the Chief Finance Officer



- C.18** The Chief Finance Officer is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.19** All executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management in Local Authorities*.
- C.20** The Chief Finance Officer is responsible for reporting to the Cabinet not less than annually on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. This will include an annual report on treasury management in the succeeding financial year.

## STAFFING

- C.21** The full council is responsible for determining how officer support for executive and non-executive roles within the authority will be organised.
- C.22** The Head of Paid Service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the job evaluation or other agreed systems for determining the remuneration of a job.
- C.23** Chief officers are responsible for controlling total staff numbers by:
- ☐ advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels
  - ☐ adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
  - ☐ the proper use of appointment procedures.

## **FINANCIAL RULE D: SYSTEMS AND PROCEDURES**

### **INTRODUCTION**

- D.1** Robust systems and procedures are essential to an effective framework of accountability and control.

### **GENERAL**

- D.2** The Chief Finance Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by chief officers to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer. However, chief officers are responsible for the proper operation of financial processes in their own departments, including the preparation and updating of procedure manuals.
- D.3** Any changes to agreed procedures by chief officers to meet their own specific service needs must be agreed with the Chief Finance Officer.
- D.4** Chief officers should ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer.
- D.5** Chief officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Appropriate security measures must be maintained. Chief officers must ensure that staff are aware of their responsibilities under both data protection and freedom of information legislation.

### **INCOME AND EXPENDITURE**

- D.6** It is the responsibility of chief officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the chief officer's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control but in all cases, write-off will be subject to the agreement of the Chief Finance Officer.

### **PAYMENTS TO EMPLOYEES AND MEMBERS**

- D.7** The Chief Finance Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, for payment of allowances to members, and for the payment of pension, retirement and redundancy benefits.

### **OTHER PAYMENTS**

- D.8** The Chief Finance Officer is responsible for approving all methods of making payments to suppliers, including the use of payment cards, direct debits,

standing orders and electronic systems. Use of imprest accounts is also subject to the approval and guidance of the Chief Finance officer.

## TAXATION

- D.9** The Chief Finance Officer is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.
- D.10** The Chief Finance Officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

## BANKING FACILITIES

- D.11** The Council's banking arrangements are the responsibility of the Chief Finance Officer. No bank, building society or post office account in respect of Council activities shall be opened, except by the Chief Finance Officer or in accordance with his or her guidance. All notifications of authorised signatories to accounts other variations shall be made through the Chief Finance Officer unless he or she directs otherwise.

## TRADING ACCOUNTS/BUSINESS UNITS

- D.12** It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.

## **FINANCIAL RULE E: EXTERNAL ARRANGEMENTS**

### **INTRODUCTION**

- E.1** The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

### **PARTNERSHIPS**

- E.2** The Cabinet is responsible for approving frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3** The Cabinet can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the Cabinet remains accountable for them to the full council.
- E.4** Individual members of the Cabinet or the head of paid service (or his or her nominee) may represent the authority on partnership and external bodies, in accordance with the scheme of delegation.
- E.5** The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the authority.
- E.6** The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.7** Chief officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

### **EXTERNAL FUNDING**

- E.8** The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

### **WORK FOR THIRD PARTIES**

- E.9** The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies.

# STANDARDS COMMITTEE PROCEDURE RULES



## 1. INTRODUCTION

- 1.1 Any complaints of misconduct against Members (this definition includes co-opted members) should be made to the Monitoring Officer of the Council.
- 1.2 In accordance with the Protocol for handling complaints against Members, the Monitoring Officer may initially refer the complaint to the appropriate Whips' office for consideration.

The Monitoring Officer may also refer the complaint to the Standards Committee who will determine the complaint in accordance with the procedures set out in this Schedule.

### Interpretation

- 1.3 'Subject Member' means the Member of the Council who is the subject of an allegation which has been made.
- 1.4 'Investigator' means the Monitoring Officer or his or her nominated representative appointed to carry a full investigation into the circumstances surrounding the complaint.
- 1.5 'Legal advisor' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.
- 1.6 For the purpose of these Rules, 'misconduct' means any conduct by a Member, which is in breach of the Revised Code of Conduct adopted by the Council on 5 July 2012
- 1.7 'Independent member' means a person appointed by the Council under the terms of the Localism Act 2011, who will attend meetings of the Standards Committee in a non-voting capacity, when the Committee is meeting to consider any complaints of misconduct against Members or co-opted members.

## 2. MAKING A COMPLAINT

- 2.1 In order that members of the public are aware of the procedures for making a complaint against a Member of the Council, the Council will publicise its complaints system:
  - on its website;
  - within its own newspaper;
  - in local libraries and other public areas.
- 2.2 Should any subsequent changes be made to the system, then these will be publicised in a similar manner.

- 2.3 All complaints should be made in writing on the prescribed form (subject to the requirements of the Disability Discrimination Act 2000) and should specify:
- The complainant's name, address and other contact details;
  - The complainant's status e.g. member of the public, Councillor, officer etc;
  - Who the complaint is about and to which authority the Member in question belongs;
  - Full details of the alleged misconduct including where possible dates, witness details and any other supporting information;
  - Equality monitoring data if applicable.
- 2.4 Support will be provided to complainants where English is not their first language.
- 2.5 It should also be made clear to a complainant that his/her identity will normally be disclosed to the Subject Member, unless they specifically request otherwise.

### **3. ASSESSMENT**

- 3.1 Upon receipt of a written complaint, the Monitoring Officer will normally:
- Satisfy himself that the complaint falls within the remit of the Council to consider and is not one that falls within the scope of Part I, Chapter 7, Section 34 of the Localism Act 2011 (relating to non-disclosure of Pecuniary Interests);
  - Satisfy himself that the complaint has been subject to consideration by the appropriate Whips' Office in accordance with the adopted Protocol, or that the reasons why this process has not been followed, as stated in the complaint form, are sufficient for it to be referred directly to the Standards Committee.
  - Acknowledge receipt in writing within 3 working days, requesting any additional information that may be required to assist with the assessment of the complaint \*
  - Notify the Subject Member that a complaint has been made, giving details of the complainant (unless the complainant has made a request for confidentiality and the Standards Committee has yet to determine whether to grant it), details of the sections of the Code of Conduct to which the alleged breach relates and requesting / inviting any additional information that may be required to assist with the assessment of the complaint \*;
  - Notify the Subject Member that a full written summary will be provided once the Standards Committee has met to consider the complaint;
  - Arrange for a meeting of the Standards Committee to be held within 20 working days;
  - Prepare a report for the Standards Committee, summarising the complaint and giving full details of the alleged breach along with any additional information the Committee may need to assist with its deliberations.

\* at this stage seeking additional information should not in any way amount to an investigation e.g. interviewing witnesses etc, but should be a factual clarification of any ambiguities;

- 3.2 The Standards Committee, including the non-voting, independent member, will meet to assess the validity of the complaint.

- 3.3 Before the Committee begins its assessment, it should satisfy itself that a complaint:
- is against one or more named Members of the Council and that those Members were in office at the time of the alleged misconduct and the Code of Conduct was in force at that time;
  - if proven, would be a breach of the Code of Conduct under which the Member was operating at the time of the alleged misconduct.
- 3.4 If the complaint fails the tests above then it cannot be investigated and the complainant must be informed that no further action will be taken.
- 3.5 To ensure that all complaints are dealt with in a fair and even-handed manner, the Committee will ask itself the following questions and follow any further criteria which is subsequently agreed:
- Has the complainant submitted enough information to satisfy the Committee that the complaint should be referred for investigation or other action?
  - Is the complaint about someone who is no longer a Member of the authority, but is a Member of another authority? If so, does the Committee wish to refer the complaint to the Monitoring Officer of that other authority?
  - Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
  - Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
  - Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
  - Is the complaint too trivial to warrant further action?
  - Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
- 3.6 The Committee will reach one of the following decisions on a complaint about a Subject Member's actions in relation to the Code of Conduct within 20 working days:
- **referral of the complaint to the Monitoring Officer.** If the matter is to be the subject of a local investigation, the Monitoring Officer will decide who is to be appointed as the investigator (see paragraph 1.4 above).
  - **that no action** should be taken in respect of the complaint.
- 3.7 The decision of the Committee will be made known in a written summary detailing the main points considered, the conclusion on the complaint and the reasons for that conclusion.
- 3.8 The written summary must be available for public inspection for six years once the subject Member has been sent a copy.
- 3.9 **Other Action** - It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The Committee must consult the Monitoring Officer before reaching a decision to take other action which will be dependent on the nature of the complaint but may include:

- arranging for the Subject Member to attend a training course;
- arranging for that Member and the complainant to engage in a process of conciliation;
- instituting changes to the procedures of the Council if they have given rise to the complaint.

## **Notification of Decision**

### **No Action**

- 3.10 If the Committee decides to take no action over a complaint, then within 5 working days it will give notice in writing of the decision and the reasons for it.
- 3.11 Where no potential breach of the Code is disclosed, the Committee will explain in the decision notice what the allegation was and why they believe this to be the case.
- 3.12 This notice will be given to the relevant parties i.e. the complainant, the Subject Member and the Chief Executive.

### **Referral to Monitoring Officer**

- 3.13 Within 5 working days a summary of the complaint will be sent to the relevant parties stating that the Committee has referred the matter to the Monitoring Officer for investigation or other action. The decision notice will also explain why a particular referral decision has been made.
- 3.14 The Committee does not have to give the Subject Member a summary of the complaint, if it decides that doing so would be against the public interest or would prejudice any future investigation. The Committee should take advice from the Monitoring Officer in deciding whether it is against the public interest to inform the Subject Member of the details of the complaint made against them.
- 3.15 It should also take advice from the Monitoring Officer in deciding whether by informing the Subject Member of the details of the complaint, it would prejudice a person's ability to investigate it.

## **4. WITHDRAWING A COMPLAINT**

- 4.1 Should a complainant ask to withdraw their complaint prior to the Standards Committee having made a decision on it, the Committee will need to decide whether to grant the request using the following criteria which may be added to subsequently:
- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
  - Is the complaint such that action can be taken on it, for example an investigation, without the complainant's participation?
  - Is there an identifiable, underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured by the Subject Member, or an associate of theirs, to withdraw the complaint?



## **5. MULTIPLE COMPLAINTS**

- 5.1 The Standards Committee may take a view on the best way to handle multiple complaints about the same matter bearing in mind the most practical use of time and resources.
- 5.2 A number of complaints about the same matter may be considered by the Committee at the same meeting. If so, the Monitoring Officer should be asked to present one report and recommendation that draws together all the relevant information and highlights any substantively different or contradictory information.
- 5.3 However, the Committee must still reach a decision on each individual complaint and follow the notification procedure for each complaint.

## **6. VEXATIOUS AND REPEAT COMPLAINTS**

- 6.1 Whilst the Standards Committee must consider every complaint it receives about behaviour in relation to the Code of Conduct, it may give regard to the Council's existing policy on persistent and vexatious complainants when doing so.
- 6.2 Should a complaint be resolved as a result of the Whips' Protocol and all parties have signified the same in writing, it shall not be open to the complainant submitting the original complaint to further submit the same complaint against the same Member to the Monitoring Officer at a later date.
- 6.3 If the Committee has already dealt with the same complaint by the same person against the same Subject Member, or a complaint which is substantially about the same issues merely re-worded and the Monitoring Officer does not believe that there is any new evidence, then a complaint does not need to be considered.
- 6.4 A person may make frequent allegations about Members, most of which may not have any substance. Despite this, new allegations must still be considered as they may contain a complaint that requires some action to be taken.
- 6.4 Even where restrictions are placed on an individual's contact with the Council, they cannot be prevented from submitting a complaint.

## **7. CONSIDERATION**

- 7.1 Should the Standards Committee decide that a complaint is justified and refer it to the Monitoring Officer for investigation, the Monitoring Officer will arrange to convene a meeting of the Committee, including the non-voting, independent member, to consider the investigation report into the complaint and, if required, conduct a hearing.
- 7.2 Both the complainant and the Subject Member will be invited to the meeting which will normally be held in public. However, there will be occasions when confidential and/or exempt information within the meaning of the Local Government (Access to Information) Act 1985 will need to be considered by

the Committee. The Monitoring Officer will in these circumstances advise the Committee whether it is appropriate for all or part of the hearing to be held in private and to restrict the release into public of any or all of the paperwork.

- 7.3 After considering the Monitoring Officer's report, the Committee will either:
- make a finding of no failure; or
  - determine that the matter should proceed to a hearing
- 7.4 As soon as reasonably practicable after accepting the Monitoring Officer's finding of no failure, the Committee shall give written notice of that finding to:
- the Subject Member;
  - the Standards Committee of any other authority concerned;
  - the complainant.
- 7.5 The Committee must also arrange for a notice to be published on the web site of the Council, stating that there has been no breach of the Code of Conduct on the part of the Subject Member.
- 7.6 The only circumstances in which the Notice will not be published is if the Subject Member requests this.

### **The Hearing of the Complaint**

- 7.7 The Committee should work fairly and in a way that encourages the confidence of Members and the public. The procedures should comply with the principles of natural justice and Article 6 of the Human Rights Act 1998 (the right to a fair hearing within a reasonable time). A copy of the Hearing Procedures is appended to this Schedule.
- 7.8 The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person.
- 7.9 The Committee may take legal advice from its legal advisor at any time during the hearing or while it is considering the outcome. The substance of any legal advice given to the committee should be shared with the Subject Member and the investigator if they are present.

### **Witnesses**

- 7.10 Although the Subject Member is entitled to call any witnesses he or she wants, the Committee may limit the number of witnesses if it believes that the number called is unreasonable.
- 7.11 The Committee also has the right to govern its own procedures as long as it acts fairly. For this reason, the Committee may choose not to hear from certain witnesses if it believes that they will simply be repeating the evidence of earlier witnesses or if a witness will not be providing evidence that will assist the Committee to reach its decision.

## **Evidence**

- 7.12 The Committee controls the procedure and evidence presented at a hearing, including the way witnesses are questioned.
- 7.13 The Subject Member must be allowed to make representations, either verbally or in writing and challenge any of the findings of fact contained in the Monitoring Officer's report. If the Subject Member prefers, these representations can be made through his or her nominated representative. The Subject Member must also be given the opportunity to give evidence to the Committee and call witnesses to give evidence.
- 7.14 In many cases, the Committee may not need to consider any evidence other than the investigator's report. If more evidence is needed or if people do not agree with certain findings of fact in the investigator's report, the Committee may need to hear from witnesses.
- 7.15 The Committee can question witnesses directly. It can also allow witnesses to be questioned and cross-examined by the Subject Member or the investigator or their representatives. The Committee can ask that these questions be directed through the Chairman.
- 7.16 If the Subject Member fails to attend a hearing of which that Member has been given notice, the Committee may:
- unless it is satisfied that there is sufficient reason for such failure, consider the allegation and make a determination in the absence of the Subject Member; or
  - adjourn the hearing to another date.
- 7.17 The Committee may, at any stage prior to the conclusion of the hearing, adjourn it and require the Monitoring Officer to seek further information or undertake further investigation on any point specified by it.

## **The Findings of the Standards Committee**

- 7.18 In accordance with Part 1, Chapter 7, Section 11 of the Localism Act 2011, following its hearing, the Committee can make one of the following findings:
- the Subject Member has not failed to follow the Council's Code of Conduct;
  - the Subject Member has failed to follow the Council's Code of Conduct, but no action needs to be taken; or
  - the Subject Member has failed to follow the Council's Code of Conduct and an appropriate sanction should be imposed.

## **Penalties**

- 7.19 If the Committee finds that a Subject Member has failed to follow the Code of Conduct and that he or she should be penalised, it may determine what penalty should be imposed.
- 7.20 When deciding a penalty, the Committee should make sure that it is reasonable and in proportion to the Subject Member's behaviour, reflects the

nature and seriousness of the breach of the Code and seeks where possible to make reparations for any damage caused. Before deciding what penalty to set, the Committee should consider the following questions, together with any other relevant circumstances:

- What was the Subject Member's intention? Did the Subject Member know that he/she was failing to follow the Code of Conduct?
- Did the Subject Member get advice from officers before the incident? Was that advice acted on in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety (for example, improper expense claims or procedural irregularities)?
- What was the result of failing to follow the Code of Conduct?
- How serious was the incident?
- Does the Subject Member accept that he or she was at fault?
- Did the Subject Member apologise to the relevant people?
- Has the Subject Member previously been warned or reprimanded for similar misconduct?
- Has the Subject Member failed to follow the Code of Conduct before?
- Is the Subject Member likely to do the same thing again?

7.21 After taking into consideration those matters above, the Committee may do any one or a combination of the following:

- censure the Subject Member. The Council or a Committee of the Council, can issue a formal censure through a motion;
- issue a press release or otherwise publicise a decision that the Subject Member has breached the Members' Code of Conduct;
- send the Subject Member a formal letter;
- remove the Subject Member from a Committee of the Council provided that this decision is made by the Council itself following agreement from the relevant Party Group and not by a Committee of the Council.

7.22 Any sanction imposed shall commence immediately following its imposition by the Committee.

7.23 As soon as is reasonably practicable after making a finding, the Committee will give notification of its findings and should announce its decision at the end of the hearing whenever it is practicable to do so. It is good practice to make a short written decision available on the day of the hearing, and to prepare the full written decision in draft on that day, before people's memories fade.

## **HEARING PROCEDURES FOR THE STANDARDS COMMITTEE**

### **Representation**

1. The Subject Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person.

### **Legal advice**

2. The Committee may take legal advice from its legal advisor at any time during the hearing or while it is considering the outcome.

### **Setting the scene**

3. After all the Members and everyone involved have been formally introduced, the Chairman should explain how the Committee is going to run the hearing.

### **Findings of fact**

4. The Committee should consider whether or not there are any significant disagreements about the facts contained in the investigator's report. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
5. If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report including, with the Committee's permission, calling any necessary supporting witnesses to give evidence. The Committee may give the Subject Member an opportunity to challenge any evidence put forward by any witness called by the investigator.
6. The Subject Member should then have the opportunity to make representations to support his or her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
7. At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Subject Member.
8. If the Subject Member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
9. Once the Committee has heard the evidence, the Chairman will announce the Committee's Findings of Fact.

### **Did the subject Member fail to follow the Code?**

10. The Committee then needs to consider whether or not, based on the facts it has found, the Subject Member has failed to follow the Code of Conduct.

11. The Subject Member should be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code.
12. The Committee should then consider any verbal or written representations from the investigator and the Subject Member should be invited to make any final relevant points.
13. The Committee may, at any time, question anyone involved on any point they raise in their representations.
14. The Committee will ask the room to be vacated to consider the representations and then the Chairman will then announce the Committee's decision as to whether or not the Subject Member has failed to follow the Code of Conduct.

**If the Subject Member has failed to follow the Code**

15. If the Committee decides that the Subject Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the Subject Member as to:
  - a. whether or not the Committee should set a penalty; and
  - b. what form any penalty should take.
16. The Committee may question the investigator and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
17. The Committee will ask the room to be vacated whilst considering whether or not to impose a penalty on the Subject Member and, if so, what the penalty should be. Upon the return of those present, the Chairman will announce the Committee's decision.
18. Whenever it is practicable to do so a short written decision will be provided on the day and a full written decision issued shortly after the Hearing.

## MEMBERS' CODE OF CONDUCT – A

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### CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS OF THE LONDON BOROUGH OF HILLINGDON

ADOPTED PURSUANT TO A RESOLUTION OF THE COUNCIL  
AT A MEETING ON 5 JULY 2012

#### Part 1

#### General Provisions

##### Introduction and interpretation

1. (1) This Code applies to you as a Member or co-opted member of the London Borough of Hillingdon ["the authority"]
- (2) Co-opted member means a person who is not a Member of the authority but who:-
  - a) is a member of any committee or sub-committee of the authority; or
  - b) is a member of, and represents the authority, on any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- (3) It is your responsibility to comply with the provisions of this Code.

##### Scope

2. (1) You must comply with this Code whenever you act in your official capacity as a Member or co-opted member.
- (2) For the avoidance of doubt, this Code does not apply to you in any other circumstances including your personal life.

##### The Nolan principles

3. This Code is consistent with the following seven principles of standards in public life:
  - selflessness;
  - integrity;
  - objectivity;
  - accountability;
  - openness;

- honesty;
- leadership.

## **General obligations**

4. (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person. Conferring an advantage includes gaining financial or other material benefits for yourself, your family, a friend or close associate.
- (2) 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.
- (3) 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.
- (4) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (5) 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.
- (6) 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 Part 2 below.
- (7) 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 party political purposes (especially in the period between the publication of a Notice of Election and the election date, known as the 'purdah' period). However, this paragraph will not apply in circumstances where Members pay for the use of the resources at a rate agreed by the authority. You must have regard to any applicable Local authority Code of Publicity made under the Local Government Act 1986.
- (8) 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.



## Part 2

### Registering and declaring pecuniary and non-pecuniary interests

5. (1) In accordance with Section 30 of the Localism Act 2011, 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 the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, 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.

The pecuniary interests which are specified in the above regulations are as follows:

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

Securities	<p>a beneficial interest.</p> <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's or co-opted member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(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.</li> </ul>
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- (2) 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 the authority has decided should be included in the register.
- (3) If an interest has not been entered onto the authority's register, then the Member or co-opted 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'. A 'Sensitive Interest' is one where disclosure of the details of the interest could lead to the Member or co-opted member, or a person connected with the Member or co-opted member, being subject to violence or intimidation.
- (4) 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.
- (5) 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 the above Regulations. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary interest or non pecuniary interest as defined by your authority.

## CODE OF CONDUCT & OFFICER STANDARDS & DISCIPLINARY CODE - B

### OUR PROFESSIONAL RESPONSIBILITIES AS LOCAL GOVERNMENT WORKERS

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#### Part One

##### 1. INTRODUCTION

- 1.1. In the 2013 report of the Committee on Standards in Public Life, "Standards Matter"<sup>4</sup> Sir Christopher Kelly, KCB wrote -

*"Standards of behaviour matter. They are particularly important where public money is being spent on public services or public functions. Citizens have a right to expect that holders of public office who take decisions which affect their lives should do so with impartiality, should be truthful about what they are doing and should use public money wisely."*

- 1.2. At Hillingdon council we fully echo that view - and expect that employees will, at all times, act in accordance with the trust that our residents are entitled to place in us.
- 1.3. The first report of the Committee, back in 1995, established the seven principles of public life (the Nolan principles) and whilst some updating has taken place these remain the fundamental to the standards expected of those who hold public office.

##### 2. NOLAN PRINCIPLES

- 2.1. The London Borough of Hillingdon is committed to these principles in everything that we do.
- **Selflessness** - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other materials benefits for themselves, their family, or other friends.
  - **Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
  - **Objectivity** -In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

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<sup>4</sup> [Fourteenth Report of the Committee on Standards in Public Life](#) Chair: Sir Christopher Kelly KCB  
"Standards matter: A review of best practice in promoting good behaviour in public life." TSO, (The Stationery Office) Jan 2013

- **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit to whatever scrutiny is appropriate to their office.
- **Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership** - Holders of public office should promote and support these principles by leadership and example

### 3. THE PRINCIPLES IN PRACTICE

- 3.1. The next section (Part Two) builds these principles into a Code of Conduct for employees. It is a condition of employment that employees read, understand and adhere to this Code. Failure to adhere to this Code can lead to under the Council's disciplinary policy and could, in some cases, lead to legal action.
- 3.2. This Code cannot cover every eventuality and is not an exclusive or exhaustive list of acceptable conduct at work. If you are unsure whether particular conduct or behaviour is acceptable at work, you must seek guidance from your line manager.

## Part Two

### CODE OF CONDUCT: OFFICER STANDARDS IN PRACTICE

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#### 4. OUR BEHAVIOUR AND CONDUCT

- 4.1. As officers of the Council we must be courteous and professional at all times with both residents and colleagues.
- 4.2. We also as employees have a responsibility to fully comply with the requirements of our contracts of employment including maintaining standards of attendance, conduct and performance.
- 4.3. If we fall short of the required standards actions can be taken in accordance with the Council's agreed procedures which could affect our continued employment.

#### 5. OUR PROFESSIONAL IMAGE Personal appearance

- 5.1. As officers of the council it is essential that we maintain an appropriate professional image which reflects our standing as public servants. This means that office based workers are generally expected wear conventional business dress.
- 5.2. Some workers who work outdoors or in front facing customer service roles may be expected to wear a specific uniform to wear as part of their role.
- 5.3. Those working directly with client groups may dress more casually when in these roles, but would be expected to wear business dress when attending office based meetings or when not "in the field".

## **Drugs, alcohol & smoking**

- 5.4. The Council operates a zero tolerance approach to alcohol and illegal drugs to minimise risks to safety and to ensure that work performance is not adversely affected.
- 5.5. Employees cannot consume any alcohol when due to start work, during working hours and during rest / meal breaks.
- 5.6. Illegal drugs must not be used or brought into the workplace.
- 5.7. Smoking at work or on council premises (including council vehicles and those on hire to the council) is prohibited and employees who breach this will be subject to disciplinary action. The same restrictions apply to agency workers and contractors.
- 5.8. Where employees wish to smoke, they can do so during their main meal break (but not during any scheduled or unscheduled breaks) and must do so away from council premises, grounds and vehicles.
- 5.9. Although the use of e-cigarettes is not unlawful, their use at any Council workplace is not permitted and this falls within the definition of 'smoking' for Council employees.
- 5.10. Support available to stop smoking or to deal with issues relating to alcohol and drugs is set out in the relevant policies.

## **Communications**

- 5.11. It is important that we maintain a professional image in our communications with residents and partners. Attention to detail in our written communications and publications makes all the difference and the corporate branding and style are very important and must be followed.
- 5.12. Our residents are entitled to receive prompt and helpful responses to their queries whether in person, by telephone, letter or email or social media.

## **6. OUR ORGANISATIONAL REPUTATION**

- 6.1. Integrity, objectivity and honesty are three of the Nolan principles which help us to maintain the trust and confidence placed in us by our residents.
- 6.2. There are many situations where officers of the Council have to pay special attention to ensure we meet our duties as holders of public office and these are detailed below.

### **ACCEPTING AND REFUSING GIFTS & HOSPITALITY**

- 6.3. It is really important that as public sector workers we are seen to be impartial at all times and not open to any inducement or undue influence. This means that we have to be particularly careful in relation to any gifts that we are offered. This can happen when a resident receives good service and wants to say thank you, or at particular times of the year, such as Christmas, when suppliers may send small gifts as part of their corporate seasonal gift giving.
- 6.4. To help ensure that we achieve the right balance this guidance has been developed.

## **CONFLICTS OF INTERESTS AND DECLARING THESE**

- 6.5. Conflicts of interest can potentially arise in a variety of situations and a simple rule of thumb is "if in doubt declare it". Examples of situations where a conflict can arise are set out below, with distinctions between actions required.

### **(i) Financial interests**

- 6.6. The Council enters into a huge number of contractual arrangements with suppliers and businesses, some very large and some small. There are some very important rules in relation to how these contracts are let and managed.
- 6.7. If as employees of the Council you have any financial interest in an existing contract or one that is being proposed it must be declared it as part of your conditions of employment.
- 6.8. Additionally, if your spouse, partner, relative or friend has financial interest in such a contract you must also declare that. This is so that we can take steps to ensure there can be no misunderstandings, or incorrect perceptions, that your position can or has influenced any decisions in relation to this contract.
- 6.9. These declarations must be made to the Borough Solicitor using the relevant form and should also be declared to your line manager.

### **(ii) Non Financial interests**

- 6.10. You don't have to have a financial connection to a business for a conflict of interest to potentially arise. If you are connected in any capacity to a body or organisation which works with the Council then you should declare this in writing to your manager to ensure that the matter can be considered and discussed and steps agreed to maintain your and the Council's reputation.

## **Family members & Personal relationships**

- 6.11. As a large organisation which recruits a large numbers of staff, many from within the borough, it is inevitable that family members will be employed within the Council. To ensure there are no conflicts arising from this there are some basic ground rules that we must all follow.
- 6.12. Family members (this includes those in personal relationships) should not be involved in the line management, appointment, promotion, discipline or any other employment decision relating to another family member.
- 6.13. All candidates for roles in the council are asked to declare any personal or family relationships at application stage to maintain our principle of open and fair recruitment.
- 6.14. It is also understood that personal relationships can be formed between employees at work. Where this happens you must declare the relationship so that any current or future working arrangement can be considered to ensure that there is no management line or other conflict.

## **Other Employment**

- 6.15. Taking on additional employment or running a business is another area where a conflict could arise with our Council employment. To be sure there is no conflict you will need to seek permission to take on other employment, and you must declare if you are running business. In terms of being granted

permission to take on additional work, consideration will be given to your current role, your grade and the nature of the work you are seeking to do.

- 6.16. In all of the situations listed above your line manager will discuss potential conflicts with you and make a note of the discussion held and the arrangements or actions that have been agreed to manage the situation.

## **7. OUR RESPONSIBILITIES OUTSIDE OF WORK**

### **Personal opinion**

- 7.1. It is important that we ensure that our personal views and opinions cannot be misconstrued as representing the Council's views, so it is important that you do not promote your position as a Council officer in your private and personal life.
- 7.2. If you are asked to speak to the press in your capacity as a Council officer then you must obtain permission from your Director and seek advice from the Corporate Communications who will provide professional guidance on how to handle the enquiry.
- 7.3. If you speak as private individual on any matter with the press or other media then you must not associate yourself with the Council or say anything that could be misconstrued as representing the views of the Council.
- 7.4. If you are a trade union representative and you speak to the press on a trade union matter - then you must make very clear that you speak as a trade union representative and not as a Council employee.

### **Social media**

- 7.5. The increased role of social media in our personal lives means that our views and opinions can reach a very wide audience. When using social media accounts in your personal life you should not at any time discuss matters relating to the Council, our residents or our policies. You should not identify yourself overtly as a Council officer and bear in mind that your friends are likely to be aware of your employment status.
- 7.6. If using more business oriented social media, such as LinkedIn, then you will naturally identify our employment status, this is of course acceptable, but please ensure that you are accurate, using your correct job title and that any successes you cite are genuinely your own work. Staff should refer to the ICT Acceptable Usage Policy.

## **8. OUR RELATIONSHIPS WITH ELECTED MEMBERS**

- 8.1. Whilst officers and elected members are both holders of public office, our roles and responsibilities are quite distinct. It is important that we understand what this means in practice and comprehensive guidance on this is set out at <link to Protocol for Member & Officer Relations>
- 8.2. This guidance is an essential part of any new Council officer's induction and managers should make new entrants aware of the guidance at the earliest opportunity and be on hand to offer support and advice.
- 8.3. Soliciting elected members in relation to employment matters is strictly against our code of conduct for employees. Whilst there is nothing to prevent officers mixing socially with elected members, particularly in an informal work context,

we must always strive to maintain our political impartiality and be aware of how such social contact may be perceived.

## **9. POLITICAL IMPARTIALITY**

- 9.1. As well as showing political impartiality when dealing with elected members, which applies to all officers, there are a number of posts in council that are classed as "politically restricted". This means that if you are employed in one of these posts you are not allowed to stand as candidate for Local Council, Parliamentary or European elections, hold office in a political party, canvass at elections or speak or write in public on matters of party politics.
- 9.2. The list of politically restricted posts is maintained by the Head of Democratic services, and if you are appointed to one of these posts you will be advised of the restrictions.
- 9.3. For other officers, not subject to these restrictions, it is important that you do not carry out any political activity in a way that might lead the public to think you are acting as a Council employee which could represent a conflict of interest with the stated aims of the Council.

## **10. OUR RELATIONSHIPS WITH COLLEAGUES**

### **Respect for others, dignity at work and preventing bullying and harassment**

- 10.1. Employees of the council must at all times act in manner which displays respect for difference and treat colleagues and residents in accordance with their needs.
- 10.2. We expect everyone in the Council to work together in a mature and professional manner and show respect for each other. As an employer the Council takes its responsibilities towards protecting employees from unacceptable behaviour, including bullying and harassment in the work place very seriously.
- 10.3. Our Bullying and Harassment Policy sets out how we approach this and what you should do if you feel you are being subjected to unacceptable behaviour in the workplace, and how we deal with this.

### **Dealing with conflict and differences**

- 10.4. Of course conflict and differences in opinion can arise from time to time, and in the majority of cases these can be resolved through open and constructive communication. Where this doesn't prove possible the Council has a Grievance Policy which employees can utilise.

### **Whistle blowing - matters of public interest**

- 10.5. There are a variety of ways that employees can raise concerns that they may have in relation to the interests of the Council and residents. The most appropriate of these is to raise the matter with your line manager, Head of Service or Corporate Director. Where this is not appropriate and the matter is serious enough to be considered potentially in the public interest, then the Council does have a confidential reporting procedure which can be used. The aim of this procedure is to ensure that those raising these concerns in this way



feel confident in doing so, and that those who do so in good faith and be assured that their concerns will be treated seriously and that they are protected in their actions.

### **Preventing fraud and corruption**

- 10.6. The Council takes a zero tolerance approach to fraud and corruption whether it is attempted internally or externally.

## **11. OUR OBLIGATIONS TO OUR RESIDENTS**

### **Confidentiality**

- 11.1. Our residents are at the heart of everything we do. As Council officers we have a duty to ensure that the trust residents place in us is respected. This means that we have a duty to ensure confidentiality in all of our dealings with our residents and in all of our dealings with council contractors and suppliers. Council officers are often privy to confidential personal information as well as commercially sensitive information which should not be disclosed to others. Breaching confidentiality is a very serious matter and employees who do so be dealt with robustly by the Council.

### **Looking after data**

- 11.2. As well as knowing a great deal about some of our residents we also have a lot of records and data which we are obliged to collect. The Data Protection Act governs how we use this data and how it is held and all Council employees must be aware of the requirements. Our information governance policies set out your responsibilities in this area and can be found here.

## **12. LOOKING AFTER AND USING COUNCIL ASSETS & RESOURCES**

### **ICT equipment and telephones**

- 12.1. All Council employees are supplied with the ICT equipment that they require to do their role and these range from desktops in the office to laptops, tablets and smart phones. Our staff have a responsibility to use this equipment only in accordance with the Council's policies. Reasonable personal use of ICT equipment and systems is permitted provided it does not interfere with your work and it is being used only in accordance with the policy mentioned above.

### **Copyright**

- 12.2. "Intellectual property", (software, ideas, documents etc) created during employment belong to the Council. All files, materials, the media upon which they are located and all software programmes or packages which are utilised or developed solely for or in connection with the job shall remain Council property.

## 13. SUMMARY

This Code of conduct sets out our general responsibilities as Council employees and is supplemented by a wide variety of policies many of which are referred to in this document. Not every policy is mentioned and it is important to remember that our contract of employment requires that we abide by all Council policies. Additionally we expect all employees to fully comply with statutory requirements and best practice including Health & Safety at Work, the Equality Act and other relevant legislation.

**Effective date: 26 February 2015**

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### Disciplinary Code for Employees

1. You are required to comply with the council's code of conduct and this disciplinary code. Failure to do so will lead to appropriate disciplinary action being taken.
2. The examples provided below are not exhaustive and may be more or less serious according to the particular circumstances.
3. **Gross misconduct** is a single act of misconduct that is serious enough by itself to breach your contract with us. Summary dismissal for gross misconduct is justified at the first offence. Examples of gross misconduct include:
  - Theft or fraud, including falsification of any document for personal advantage.
  - Causing loss, damage or injury through negligence or intent.
  - Physical violence (except in legitimate self defence), intimidation with threats of violence, bullying or harassment.
  - Maltreatment or sexual misconduct of any service user in the council's care.
  - Unlawful discrimination or harassment.
  - Pursuance of grievances with little or no substance that are pursued against others.
  - Any serious breach of health and safety regulations.
  - Deliberate damage to the council's property, including neglect of misappropriation of safety equipment.
  - Acts that could be subject to criminal proceedings.
  - Failure to provide satisfactory documentation as evidence of permission to work in the UK, upon request.
  - Deliberately or by omission failing to maintain registration/and or accreditation with your professional body, when required to do so for your post.
  - A serious breach of the employee **code of conduct**.
  - A serious breach of your professional code of practice, if applicable.
  - Attempted use of official position for private advantage or dishonest or improper use of information obtained in the council's employment.
  - Carrying out unauthorised private work during hours when contracted to work for the council or during periods of sickness absence.

- Soliciting or accepting gifts or gratuities other than those of a token value.
- Lobbying councillors regarding an application for employment with us.
- Unauthorised use of or access to information in breach of the Data Protection Act or any other legislation.
- Breaches of the council's ICT policy.
- Unauthorised communication or disclosure of confidential information to the media (including by way of social networking), or to any person not entitled to receive it.
- Deliberately accessing offensive, pornographic or obscene material whilst at work or through the use of the council's hardware.
- Failure to carry out a reasonable and legitimate instruction.
- Incapability at work brought on by alcohol or drugs.
- Any act that could bring the council into disrepute or lead to a loss of trust and confidence in you.
- Any acts that take place outside of work that call into question your suitability in your post.

4. **Misconduct** is not as serious as gross misconduct and will not warrant dismissal without a previous warning. In the case of misconduct, you will receive at least one written warning before a decision to dismiss is made. Examples of misconduct include:

- Offensive, abusive or disruptive behaviour (not including unlawful discrimination).
- Failure to account properly for or to make a prompt and true return of any money or property that comes into your possession during the course of duty.
- Knowingly or through neglect making a false, misleading or inaccurate oral or written statement in respect of official business.
- Deliberate involvement of councillors on staffing issues including conditions of service, rather than or in addition to the use of established channels.
- Making reckless or defamatory allegations against others.
- Sleeping on duty (except where this is expressly permitted).
- Failure to report a material fact that has a bearing on your contract of employment.
- Failure to discharge obligations in line with a statute, council policy or contract of employment without sufficient cause.
- Unauthorised absence from work including any act calculated to delay a return to work.
- Arriving late for work without sufficient cause.
- Failure to report absence from work and the reason for such absence.
- Failure to provide a medical certificate or self certificate with appropriate reasons for absence when required to do so.
- Failure to attend for a medical appointment arranged by the council without reasonable cause.
- Failure to carry out any instructions of a medical advisor appointed by the council.
- Bad timekeeping including taking unauthorised or excessive breaks.
- Negligent, careless or wilfully inadequate standards of work.
- Unjustifiable waste of council materials, equipment or resources.
- Failure to report any loss or damage to any property of the council within your area of responsibility.

- Unauthorised use of council vehicles.
  - Unauthorised use of any council facilities for private purposes.
  - Use of waste council material without express authority, including waste food.
  - Use of council labour, materials, equipment or resources for private purposes.
  - Failure to comply with accident reporting procedures.
  - Dangerous or reckless behaviour involving risk of injury or any conduct likely to diminish safety standards.
  - Breaches of the smoking policy.
5. It should also be borne in mind that the examples of misconduct given above may be regarded as gross misconduct in certain circumstances, and vice versa, according to the seriousness of the offence and the nature of your job.

**Effective date: 3 June 2013; amended September 2014**

## PROTOCOL FOR MEMBER AND OFFICER RELATIONS - C

### Introduction

Mutual respect, understanding and co-operation between Members and officers are the greatest safeguard of the integrity of the Council. It can provide a framework within which Members and officers can work together for the benefit of the Borough, its residents and the people who work here.

Both Members and officers are servants of the public and they are indispensable to one another but their responsibilities are distinct.

The purpose of this protocol is to guide Members and officers in their relations with one another. It is to a large extent a written statement of practice and convention. It seeks to reflect the principles underlying the respective Codes of Conduct, which apply to Members / co-opted members and officers in requiring high standards of personal conduct.

This protocol also applies to any consultants, agency staff and contractors working for the Council who come into contact with Members.

### **Roles, responsibilities and expectations**

Members are democratically elected and are responsible for the strategic direction, policies and the budget of the Council. Members have responsibilities to determine the policy of the Council, monitor its performance, represent the Council externally and act as advocates on behalf of their constituents. The Leader, Cabinet Members, Chairmen and Vice-Chairmen of Committees and Sub-Committees also have additional responsibilities.

Members are supported by officers who provide professional and managerial expertise in the running of the Council's business, carry out the services of the Council and implement any decisions made. Officers are responsible to the Council as a whole, though some staff will work specifically for the Party Group Offices.

### **What Members can expect from Officers:**

- a commitment to the authority as a whole, the delivery of the Cabinet's policies, to all Councillors rather than an individual political group or groups
- respect, dignity and courtesy - working in partnership
- an understanding of and support for respective roles, workloads and pressures and awareness of and sensitivity to the political environment
- timely response to enquiries and complaints and regular, up to date information on matters
- professional advice, not influenced by political views or preference
- training and development in order to carry out their role effectively
- integrity, mutual support and appropriate confidentiality

- not to have personal issues raised with them by officers outside the agreed procedures or that officers will not advance their personal interests or to influence decisions improperly
- to at all times comply with the Constitution, Cabinet and Council's policies and the Council's Financial and Contract Rules and to act within the delegated powers afforded to them by Council, Cabinet, Cabinet Members or Committee.
- to comply with the formally expressed policies of the Authority and not allow their own personal or political opinions to influence their work.
- to at all times comply with the Code of Conduct for Employees and the rules governing gifts and hospitality for officers.

#### What Officers can expect from Members:

- a working partnership
- an understanding of and support for respective roles, workloads and pressures
- political leadership and direction
- respect, dignity and courtesy
- integrity, mutual support and appropriate confidentiality
- not to be subject to bullying, any other unacceptable/inappropriate behaviour or be put under improper pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the relationship between Members and Officers, and the potential vulnerability of officers, particularly at junior levels
- not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
- to at all times comply with the Code of Conduct for Members
- to exercise any delegated powers in accordance with agreed policies as approved by the Council, the Leader, the Cabinet or a Council committee.

#### The working relationship

##### **Cabinet Members and Officers**

Officers should be conscious of the public and political mandate Cabinet Members have for the implementation of policies. Members of the Cabinet can collectively or individually take decisions and they are responsible for recommending or deciding the policies and the budget of the Council.

Once the Cabinet or Cabinet Member has taken a decision then the relevant Officer(s) must act on that decision and implement it within the agreed time scale.

Officers, when exercising their delegated powers on key matters, should maintain a close liaison with the relevant Cabinet Member and refer any proposed action to the Leader, Cabinet Member, or the Cabinet if so required by the Leader or the relevant Cabinet Member.

Only the Leader and Cabinet Members may individually direct officers to undertake a particular action or direct their work. Other Members may raise issues with officers and make suggestions in relation to them. Subject to the rules governing access to information, Officers should work with other Members to ensure they are well informed and receive feedback on issues raised. Other Members should not expect officers necessarily to implement any suggestions made.

Cabinet Assistants, undertaking project or other work on behalf of Cabinet Members, must seek the Leader's or Cabinet Members' formal approval before giving any instructions to officers. Champions and Borough Advocates do not have any authority to instruct officers or take formal decisions of any kind, unless acting on the authority of the Leader.

Cabinet Members must respect the political neutrality of officers and officers must ensure that even when they are predominantly supporting the Cabinet that their political neutrality is not compromised.

### **Select Committees and Officers**

Select Committees may require officers and Members to attend and provide any information required to answer questions, particularly to review certain policy areas. It is the duty of officers or Members to attend and answer questions if the committees so request, provided that they are given appropriate notice and the opportunity to prepare. It will usually be the case, as set out in the Constitution, that only Heads of Service and other senior managers (3<sup>rd</sup> tier and above) attend meetings and answer questions and not junior staff.

Members of these Committees should adopt an investigative (information seeking) approach to questioning rather than a confrontational one. Officers should provide relevant factual information and should never seek to conceal or 'improve' inconvenient facts, and more senior officers, or other Members should never attempt to persuade them to do so.

Whilst departmental officers will provide support and advice to both the Cabinet and Select Committees, they should ensure that there is no conflict of interest in the advice given to each of the functions. In particular, departmental officers should liaise closely with Cabinet Members in relation to information provided to the Committees and fully respect the confidentiality of draft Cabinet reports or private briefings and discussions with Cabinet Members.

### **Ward Members**

Ward Members should be kept informed and consulted on relevant matters affecting their ward, i.e. on planning, licensing and other relevant matters.

### **Visits to front-line services**

Members should inform the relevant Head of Service in advance of such visits, who should also notify the relevant Cabinet Member for information. Members should, where at all possible, avoid unannounced visits to front-line services so as to not disrupt staff and services unreasonably.

### **Requests and Members' Enquiries**

A Member is free to approach any Council Department to provide such information, explanation and advice about the Department's functions as may reasonably be required in order to assist with discharging his/her role. Such requests must be reasonable and will be met subject to any overriding legal considerations (determined

by Monitoring Officer). If the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable, they will raise the matter with the relevant Corporate Director who will discuss the issue with the relevant Group Leader or, in the absence of a Group Leader, with the Member concerned.

Should a Member wish for information that is not specific to their own Ward (e.g. is regarding matters affecting the whole Borough or is cross-cutting for a part of the Borough wider than a single Ward) then such a request must be made through the Group Leader with an explanation as to why such information is required.

Should a Member wish to raise, or be asked to raise by a member of the public, a matter in another Member's Ward there is an expectation that they will refer the matter to the appropriate Ward Member(s), unless a valid reason why this would not be appropriate is provided by the Group Leader.

Where a Member requests such factual information, that information will also be supplied to the relevant Cabinet Member, Chairman of the appropriate Committee or relevant Officers.

To assist Members in this matter, the Council operates a Members' Enquiries procedure of which Members are encouraged to make use. Details can be found on Horizon.

## **Correspondence**

Correspondence between an individual Member and an officer should not normally be copied (by the officer) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies (bcc)" should not be employed.

Official letters on behalf of a Council service should normally be sent out under the name of an appropriate officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or local consultation invites) for a letter to appear under the name of a Member (normally Cabinet Member).

## **Officers attending Party Group meetings and advice**

With the permission of the Chief Executive, senior officers may be called upon to attend Party Group meetings and support and contribute to their deliberations, provided they maintain a politically impartial stance. Officers should be required to give information and advice to political groups on matters relating to the Council's functions only and not on matters which are primarily issues of party politics or political strategy. Members should seek to avoid involving officers in any political debate. Officers should not attend, or be invited to attend, any political group meeting, which includes party political officials who are not Members.

## **Employment matters**

Members and officers must not take any part in the appointment of anyone to whom they are married, a partner, otherwise related, a friend or a business associate.



Members and officers must ensure that officers are appointed only on merit in line with the Council's recruitment and selection guidelines, with a view to their best serving the whole Council.

Officers should not seek to involve Members in employment and management issues and be fully aware that the proper channel for conveying their views is through their line management chain or through trade unions. Members should raise any matters arising from such approaches with the Chief Executive or relevant Corporate Director.

### **Raising a matter on behalf of a family member**

Members must not use, or attempt to use, their position improperly to the advantage or disadvantage of themselves or anyone else, including family members. When raising a matter about a Council service on behalf of a family member, Members should not bring undue influence on an officer, service or department in order to have the matter looked into or resolved. If Members find themselves in such a position it is better to ask a fellow Ward Councilor to write or submit any matters on their behalf.

### **Social contact**

Social contact between Members and officers in a work related context such as informal lunch/coffee or in a public setting such as a workshop, an opening ceremony or Christmas party can help break down barriers between Members and officers and assist developing good working relations.

There may be situations in which Members and officers meet in a social situation outside work because of mutual friends or relations or because of Membership of the same clubs or organisations. There is nothing to prevent such social contact but the principles on information disclosure and impartiality should be applied no less strictly than at work. Regular social contact outside work also needs to be carefully monitored by both the Member and the officer not just to maintain impartiality but also to be aware of how the contact might be perceived by others.

### **Close personal relationships**

Close personal relationships between Members and officers should be avoided if the individuals concerned have to deal with each other in their work within the Council. This applies particularly to senior officers whose duties involve working closely with Members.

If such a relationship develops the Member concerned should advise the relevant Chief Whip who will discuss the situation with the Chief Executive or relevant Corporate Director who will consider whether there is reasonable doubt about whether the officer can continue to act in a wholly impartial manner. Officers who find themselves in this position must inform their line manager who will ensure that their role in the Council is not called into question by a close and personal relationship with an elected Member.

## **Conduct and performance**

If a Member is concerned about the conduct of an officer, he/she should first report such a concern to the Head of Democratic Services, Chief Whip or Leader of the Group. They will then consider the concern and, if necessary, notify the relevant Corporate Director or Head of Service who will decide what action to take. If the concern relates to a failing in the officer's performance it will be appropriate for this to be dealt with by means of a performance review between the officer and their manager.

The poor conduct or performance of an individual officer must not be discussed at a Council, Cabinet or Committee meeting until a decision has been made to exclude the press and public. This does not preclude a Member from making public at a meeting or in another appropriate way a concern about the manner in which a Council department has acted or performed. Nor does it prevent Members at a meeting being critical of officer advice or action or of the quality of reports provided that such criticism is not personally directed at an individual who has no way of responding.

If an officer is concerned about the conduct of a Member, he/she should report such concern to the Head of Democratic Services, the Chief Executive or Monitoring Officer. Unlike for officers, the Council's Whistleblowing Policy does not cover Members.

## **Support Services and ICT to Members**

The Council provides support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business.

In the case of computer facilities, whilst they should never be used in connection with party political or campaigning activity, if Members make a contribution, at a rate agreed by the Council then they are able to use the facilities for personal use. The ICT Usage Policy for Members contained in Part 5 E of the Constitution gives further guidance.

**Effective date: 15 May 2008, amended 9 May 2019**

## PLANNING CODE OF CONDUCT FOR MEMBERS - D

### Introduction

1. This Planning Code of Conduct for Members has been prepared in accordance with advice provided in the Local Government Association's "Probity in Planning – the role of Members & Officers" together with guidance contained in Audit Commission papers and Public Interest Reports. It draws on the Model Code produced by the Association of Council Secretaries and Solicitors in consultation with the District Audit Service, the Local Government Ombudsman and Standards for England. The aim of this Planning Code of Conduct for Members is to ensure that when exercising their planning judgment, both Members and officers can be seen to be open and transparent in the decision making process.
2. The role of a Member of the planning authority is to make planning decisions openly, impartially, with sound judgment and for justifiable planning reasons. The role of a Member on a Planning Committee involves a balance between representing the needs and interests of constituents and the community with the need to maintain impartial and sound decision making on what can be highly controversial proposals.
3. The Planning Code of Conduct for Members applies at all times when any Member is involved in the planning process. This includes taking part in decision making meetings of the Planning Committees and on less formal occasions, such as meetings with officers or the public and other consultative meetings. It applies equally to planning enforcement matters or site specific policy issues as it does to planning applications. The Planning Code of Conduct for Members (this Code) is both complementary and additional to the Members' Code of Conduct.
4. Members and officers should read this Code thoroughly and apply themselves to it consistently. If Members have any doubts about the application of this Code they should seek early advice, preferably well in advance of any meeting, from the Monitoring Officer or the Head of Democratic Services.

### Relationship to Members' Code of Conduct

5. Members are reminded that this Code is designed primarily for Members of the Planning Committees and Members who, for whatever reason, find themselves involved in the planning process. The Code is supplemental to the Members' Code of Conduct found at Part 5 (A) of the Council's Constitution.
6. Members should first adhere to the Members' Code of Conduct and thereafter apply this Code together when involved in the planning process. If Members do not abide by this Code they may put the Council at risk of proceedings on the legality or maladministration of the related decision; and put themselves at risk of either being named in a report made to the Standards Committee or

Council or, if the failure is also likely to be a breach of the Members' Code of Conduct, a complaint being made to the Standards Committee.

## **Development proposals and interests**

7. The Localism Act 2011 and the new Members' Code of Conduct place requirements on Members about the registration and declaration of their interests and the consequences of having such interests. These must be followed scrupulously and Members should review their interests regularly. Ultimate responsibility for declaring an interest rests individually with each Member.

## **Pecuniary Interests**

8. A Member will have a disclosable pecuniary interest if it is one which is specified by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and the interest is the Member's, his/her spouse's or civil partners, or is the pecuniary interest of some party with whom the Member is living with as husband or wife, or as a civil partner.

The following fall within the definition of pecuniary interests:

- Any employment, office, trade, profession or vocation carried on for profit or gain;
- 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 a Member in carrying out his/her duties as a Member, or towards the election expenses of a Member.  
This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3);
- 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 –
  - (a) under which goods or services are to be provided or works are to be executed; and
  - (b) which has not been fully discharged;
- Any beneficial interest in land which is within the area of the relevant authority;
- Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer;
- Any tenancy where to the Member'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;
- Any beneficial interest in securities of a body where –
  - (a) that body to the Member'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.

9. In accordance with Section 30 of the Localism Act 2011, the Member must, within 28 days of taking office as a Member, notify the Council's Monitoring Officer of any disclosable pecuniary interest.
10. If a Member is present at a Planning Committee meeting and has a disclosable pecuniary interest in any matter to be considered at a meeting, the Member must disclose the interest to the meeting if the interest is not registered in the Council's register of interests.
11. If the interest is not entered in the Council's register of interests and is not the subject of a pending notification, the Member must notify the Council's Monitoring Officer of the interest within 28 days of the date of the disclosure.
12. The Member must not, unless he or she has been granted a dispensation by the Standards Committee, –
  - (a) participate, or participate further, in any discussion of the matter at the meeting, or
  - (b) participate in any vote, or further vote, taken on the matter at the meeting.
13. If a Member, without reasonable excuse, fails to comply with the requirements set out in the above paragraphs, he/she commits a criminal offence. It is therefore imperative that if a Member is uncertain whether or not he/she has a disclosable pecuniary interest, that appropriate advice is sought from an officer in Legal / Democratic Services.
14. Members should also consider whether they have any non-pecuniary interests in relation to a matter to be considered at a Planning Committee meeting which they should declare. For example, see paragraph 49.

### **General roles of Members and officers**

15. Members and officers have different, but complementary roles. Both serve the public. Officers are responsible to the Council as a whole, whilst Members are responsible to both the Council and the electorate.
16. Officers advise Members and the Council. Officers carry out the daily functions of the Council's business in accordance with council, cabinet or committee decisions or under powers delegated to them pursuant to the Constitution. Officers are governed by the Officers' Code of Conduct contained at Part 5 (B) of the Constitution. In addition, planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Law Society.
17. Members are bound by the Members' Code of Conduct contained in Part 5 (A) of the Constitution. Breaches of the Members' Code of Conduct can result in a

Member being reported to the Monitoring Officer of the Council and/or the Standards Committee.

18. Mutual trust, respect and understanding between Members and officers are the keys to achieving effective local government. A successful relationship between Members and officers can only be based upon mutual trust and understanding of each other's positions. This relationship, and the trust that underpins it, must never be abused or compromised.

### **Fettering discretion in the planning process**

19. Section 25 of the Localism Act 2011 came into force on 15 January 2012 and this provision makes it clear that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind simply because such person had done anything directly or indirectly that indicated what view the decision-maker took, or would or might take, about the subject matter and that it was relevant to the decision required.
20. This provision applies to all local authorities in England and Wales and is still subject to the following legal principles:
  - Members must continue to declare interests whenever they arise at meetings they attend.
  - Planning Committee Members must, when making decisions, take into account all relevant material planning considerations.
  - The case law on bias remains unaffected by Section 25 and Members will therefore need to approach all decision-making with an open mind.
  - Members should take into account all relevant considerations and discount irrelevant considerations in accordance with the Wednesbury principles of reasonable decision making.
21. Given that the law on bias has remained unchanged by the Localism Act, the safest course for Planning Committee Members is to avoid making public statements ([including expressing views in for example, e-mails( as to their support for or opposition to any application which would give the impression that they had made up their minds before the formal consideration of the application at the Committee meeting.
22. If a Member has made such a statement, then they must be satisfied that they can still consider the application with an open mind and are prepared to take into account any new information or new arguments in favour of or against the proposed development before the decision is made. If they cannot be so satisfied, then they should refrain from taking any part in the decision.
23. Members should not use any political group or other meeting prior to meetings of a Planning Committee to determine how a Member or group of Members will vote on agenda items.

## The party whip

24. Members cannot accept an instruction from anyone to determine an application in a particular manner; they must determine the issue on its merits. Accordingly, whilst they may accord appropriate weight to the views of other Members, whether expressed in the committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor which they are not prepared to state in open committee. Therefore, it is inappropriate for any party group to instruct its Members to vote in a particular way on an application or to apply any sanction to any Member who votes contrary to the group's collective views.

## Contact with developers, applicants and objectors

25. Members should refer those who approach them for planning, procedure or technical advice to officers.
26. Members should not agree to any formal meeting with applicants, developers or groups of objectors where it is possible to avoid it. Where a Member feels that a formal meeting would be useful in clarifying the issues relating to a planning matter, they should never seek to arrange that meeting themselves but should request the Corporate Director of Planning, Environment, Education & Community Services to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Planning Committee.
27. In dealing with approaches on planning matters Members should:
- follow the rules on lobbying<sup>5</sup>;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Corporate Director of Planning, Environment, Education & Community Services any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file.
28. In addition in respect of presentations by applicants / developers Members should:
- **not** attend a planning presentation unless an officer is present and/or it has been organised by officers;
  - **ask** relevant questions for the purposes of clarifying their understanding of the proposals;
  - **remember** that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate Planning Committee;

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<sup>5</sup> see paragraphs 39-45 below

- **be aware** that a presentation is a form of lobbying and Members must not express any strong view or state how they or other Members might vote.

### **Access to planning officers**

29. Officers are required to manage council services in accordance with the policy and instructions adopted by elected Members through formal Cabinet/committee decisions. Like all other officers of the Council, planning officers are appointed to serve the Council as a whole and not any political group.
30. Any Member wishing to discuss a particular planning matter with a planning officer should make an appointment with the relevant officer through formal reception arrangements (reception desk or Director/Service Head's PA). The request for such a meeting may be refused if the officer considers it may lead to a breach of any code of conduct, or prejudice the proper and effective impartial assessment of an application, or it is otherwise reasonable to refuse an appointment. Where an appointment has been refused the Member concerned may request that the matter may be reviewed by the Corporate Director of Planning, Environment, Education & Community Services, whose decision shall be final.
31. The Council is expected to make a decision on all applications within statutory timescales. This is not always possible, particularly for applications that are to be considered by committee. Applications are always included on the agenda of the first available Planning Committee after completion of the officer's report so that a decision can be taken in the shortest possible time.
32. Planning applications must be dealt with in a timely manner in accordance with statutory guidance and Members should not request officers to delay the determination or assessment of particular applications for their own personal or political convenience or following lobbying by applicants, agents/advisers or other interested parties.

### **Material considerations**

33. The emphasis in determining applications is upon a plan led system. Section 54a of the Town & Country Planning Act, 1990 requires all planning applications to be determined by reference to the Local Development Framework (LDF), if material to the application, and any other material considerations. If the LDF is material to the application then the statutory position is that the application should be determined in accordance with the LDF unless material considerations indicate otherwise.
34. Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Guidance Notes, Planning Policy Statements, Non Statutory Development Control Guidelines and case law.
35. Examples of material considerations are:-
  - appearance and character of development;
  - traffic generation, highway safety and parking;



- overshadowing, overbearing, overlooking and loss of privacy;
- noise disturbance and other loss of amenity;
- layout and density of buildings;
- relevant planning policies.

36. Matters which are not material considerations include:-

- a) boundary disputes, covenants or other property rights;
- b) personal remarks;
- c) reduction in property values;
- d) loss of private view.

37. The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, when considering applications which include an applicant's home or the effect of the development on neighbouring homes, Members should have regard to Article 8 Schedule 1 of the Human Rights Act, 1998 which states:-

- “1. *Everyone has the right to respect for his private and family life, his home and his correspondence.*
- 2. *There shall be no interference by a public authority with the exercise of this right except such is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.”*

38. What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgment for the decision maker having regard to the planning evidence.

### **Lobbying of and by Members**

39. Lobbying is a normal and perfectly proper part of the political process. Members of the public, applicants or local interest groups will often seek to influence a decision through an approach to their ward Member.

40. The Nolan Committee's Third Report states:  
*“It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the Members themselves” (para 288)*

41. Any Code of Conduct which fails to take account of the realities of the political/representative process will not carry credibility with experienced elected Members.

42. Lobbying can, unless care is taken, lead to the impartiality and integrity of a Member being called into question. Despite the removal of the rules concerning pre-determination, when being lobbied, Members, and particularly Members of the Planning Committees, should take care not to express an opinion which may be perceived as indicating that they have already made up

their mind on a particular matter before having had the benefit of considering the evidence and arguments both for and against the proposal. Members of the Planning Committees should exclude themselves from any such discussions at the earliest opportunity.

43. In such situations, Members should refer those who approach them for planning, procedure or technical advice to officers and suggest to the lobbyists that they write to the Corporate Director of Planning, Environment, Education & Community Services in order that their views can be included in the officer reports prepared for the Planning Committees or for determination under delegated powers. Even if such lobbying does not give rise to a declarable interest, Members of the Planning Committees should declare any lobbying to which they have been subject.
44. Where a Member receives information (including plans, data, correspondence etc) in respect of an application, they should pass it onto the Corporate Director of Planning, Environment, Education & Community Services as soon as practicably possible so that it can be taken into account and included in the report on the application.
45. Members should ensure that it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant evidence during the sitting of the relevant Planning Committee.

#### **Applications submitted by Members or officers**

46. Proposals to their own authority by serving and former Members and officers and their close friends and relatives can easily give rise to suspicions of impropriety if not handled properly. Proposals can take the form of either planning applications or development plan proposals. This advice also relates to enforcement matters.
47. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of favouritism. Accordingly a Member or an officer making an application should follow the procedures set out below:
  - (a) if a Member or an officer submit their own proposal to the Council which they serve, they should take no part in its processing or the decision making process;
  - (b) Members who act as agents/consultants for people pursuing a planning matter with the authority should take no part in its processing or the decision making process;
  - (c) the Member or officer concerned in (a) or (b) should inform the Monitoring Officer of such proposals no later than the date on which formal proposals are submitted.
48. For the sake of transparency in decision making, where any Member or officer or former Member or former officer is involved in a planning or related application to the Council, this shall be referred to the Corporate Director of Planning, Environment, Education & Community Services, as soon as possible who shall decide whether or not the application should be referred to

the appropriate Planning Committee, or determined in the usual way under delegated powers if the application is in accordance with development plans and all other material planning considerations. In respect of former Members or former officers this requirement shall apply for a period of four years following their departure from the Council.

49. Members of the Planning Committee must consider in accordance with the Code of Conduct for Members whether the nature of any relationship with the person (either a Member or an officer) submitting the planning application requires that they make a declaration of interest and if necessary also withdraw from the meeting.

### **Applications submitted by the Council**

50. Proposals for a Council's own development can also give rise to suspicions of impropriety. Whilst it is perfectly legitimate for such proposals to be submitted to and determined by the Local Planning Authority, it is vital to ensure that they are handled in a way that gives no grounds for accusations of favouritism. Accordingly, proposals for a Council's own development will be treated no differently from any other application.

### **Site visits**

51. Members should try to attend site visits organised by the Council where possible. However, a site visit should not be requested unless Members feel it is strictly necessary because:
- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
52. Information gained from site visits should be reported back to the Planning Committee, so that all Members have the same information. The visit should be treated only as an opportunity to seek information and to observe the site. During the visit Members should ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
53. During the visit Members should not hear representations from any other party, [with the exception of the ward Member(s) whose address must focus only on site factors and site issues]. If approached by the applicant or a third party, Members should advise them that they should make representations in writing to the authority and direct them to or inform the officer present. Members should exercise caution when expressing opinions or views to anyone.
54. Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
- the Member feels it is essential to visit the site other than through attending the official site visit; and

- the Member has first spoken to the Corporate Director of Planning, Environment, Education & Community Services about their intention to do so and why (which will be recorded on the file); and
- the Member can ensure that they will comply with these good practice rules on site visits.

### **Public speaking at meetings**

55. The Constitution<sup>6</sup> provides for a representative of a petition with 20 or more signatures of borough residents to address a committee meeting for up to five minutes on the subject of the petition. Members of the Committee may ask questions of the petitioners for up to three minutes. Where the petition is opposing a planning application and is being reported to a Planning Committee, the applicant or their agent may address the Committee for up to five minutes in support of the application.
56. Members of the Planning Committees should not allow Members of the public or other Members of the Council to communicate with them, or act in a way which gives the perception that this is happening, during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or as a Member making representations on behalf of constituents, as this may give the appearance of bias. Members should not frame questions so as to permit additional time for an individual speech by a Member of the public.

### **Pre-application discussions**

57. Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and is encouraged by organisations such as the Local Government Association and the National Planning Forum. A Member should not normally be involved in discussions with a developer or agent when a planning application is imminent or has been submitted but remains to be determined. Potentially, these negotiations could be interpreted, particularly by objectors to a proposal, as part of a lobbying process.
58. Where Members need clarification about an application which may be dealt with through appropriate pre-application discussions (for example, in the case of a large scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives), the request should be made to the Corporate Director of Planning, Environment, Education & Community Services.
59. In order to avoid the potential for criticism or challenge, pre-application discussions generally should follow the guidelines below. Subsequent discussions should also be in accordance with the following guidelines:
  - (a) officers should make it clear from the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional;

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<sup>6</sup> Committee Standing Orders Schedule B, paragraph 13

- (b) any advice given should be consistent and in accordance with the LDF. Officers should agree, prior to any meeting, on a consistent interpretation of LDF policies;
- (c) a contemporaneous note of the meeting should be prepared by the council officer attending wherever possible and a copy sent to all parties for their agreement;
- (d) the final version of the note of the meeting should form part of the planning file should a planning application subsequently be received and thereby be open to public inspection.

### **Decision making**

60. In making decisions on planning matters Members should:
- ensure that, if they request a proposal to go before the Planning Committee rather than be determined through officer delegation, that their reasons are recorded and repeated in the report to the Committee;
  - come to meetings with an open mind and demonstrate that they are open-minded;
  - comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the LDF unless material considerations indicate otherwise;
  - come to their decision only after due consideration of all of the information reasonably required upon which to base a decision. If they feel there is insufficient time to digest new information or that there is simply insufficient information before them, request that further information. If necessary, defer or refuse;
  - not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter;
  - have recorded the reasons for the Committee's decision to defer any proposal;
  - make sure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Members must be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge.

### **Planning appeals**

61. Appeals by applicants against the decisions of the Council, and which are heard by an Inspector, are open to the public and Members are able to attend. Members are encouraged to do so, as many have found them to be a good learning experience. This part of the Code is concerned with Members who wish to participate in these appeals.
62. If Members wish to attend a public inquiry or informal hearing as ward Members they are free to do so. It is strongly recommended that they discuss their participation with the Corporate Director of Planning, Environment, Education & Community Services or the Deputy Director, Planning &

Regeneration to ensure that they are aware of the process and that they do not act in a manner which may expose the Council to a claim of costs.

63. A Member cannot attend an appeal on behalf of the Planning Committees. The decision of the Committee will be documented in the minutes and the case officer will present the Council's case on its planning merits in accordance with the Committee's decision. The Inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed. Where the appealed decision was contrary to the officer recommendation, officers are generally able to present the Council's case in a satisfactory manner. On the rare occasions where this may not be possible, the case will be presented by a planning consultant employed by the Council.

### **Member training**

64. Members may not participate in decision making at meetings of the Planning Committees unless they have attended the mandatory planning training sessions prescribed by the Council on probity and planning. This includes Members who are acting as a substitute for regular Members of these committees.
65. All Planning Committee Members (and substitutes) should endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, regulations, procedures, codes of practice and development plans, which will assist them in carrying out their role properly and effectively.

## **INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) USAGE POLICY FOR MEMBERS OF THE COUNCIL - E**

### **Introduction**

- i. The use of Information and Communications Technology (ICT) is now integral to supporting the role of an elected Member of a local authority. The Council provides all Councillors with electronic facilities, which includes computer hardware and software, access to the internet and e-mail. It is therefore essential that there is clarity not only about what equipment is available and how technical support is provided but also how technical innovation is dealt with and the manner in which the equipment, which is provided out of public funds, is used. This usage policy outlines proper use of the facilities and the Members' responsibilities in using it. It should be read in conjunction with the Members' Code of Conduct and the Protocol for Member and Officer Relations which complement this policy and contain relevant guidance and requirements.

### **Purpose**

2. The purpose of this policy is to; -
  - protect the security and integrity of the Council's computer facilities;
  - clarify the issues and give guidance about the use of the Council's equipment, including computer and telephone facilities; and
  - in doing so, protect Members who use the Council's computer facilities.

### **Members' Code of Conduct**

3. All Members of the Council have signed a written undertaking to observe the Council's Members' Code of Conduct (the Code). A Member must comply with the Code whenever he/she is acting in an official capacity.
4. There is a particular provision within the Code which provides that a Member must, when using or authorising the use by others of the resources of the authority, ensure that such resources are not used improperly for party political purposes (particularly during the period between the publication of a Notice of Election and an election day itself) and they must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. However, this will not apply in circumstances where Members pay for the use of the resources at a rate agreed by the Council.

### **Scope**

5. This policy applies to all Members of the Council and applies to the use of any council communication equipment or facilities, including computer or telephone.

### **Definitions**

6. Council equipment and facilities – This includes any items of Council

communications hardware, such as computer equipment or telephones, or software such as e-mail and internet use.

CIT – Corporate Information Technology

ICT – Information and Communication Technology

### **Use of council resources**

7. General principles for the use of Council resources are that:
- public resources (i.e. equipment, facilities, staff time etc) may only be used in accordance with the Code;
  - You must be able to defend the use of Council resources – if you feel you cannot, you are probably misusing them;
  - There is a general *de minimis* exception – by which is meant usage which would otherwise be contrary to this document, but is so small in extent, and inconsequential in its effect, that a reasonable person, knowing all the facts, would take the view that it should not be thought of as included in what is being controlled, prohibited or otherwise included with this guidance;
  - if in doubt, refer to the Code;
  - always apply common sense – it is a good barometer of what is likely to be acceptable, and what is not;
  - always seek advice before doing something you feel may be on the margins.

### **Policy**

8. Computer and telephone facilities are an essential and integral part of everyday working life and the Council's computer facilities are widely accessible and will increase in the future.
9. This policy is applicable to internal and external transactions using the Council's computer facilities or accessing the council's systems using other equipment either in the workplace or in any other location.
10. Members must ensure that they have the skills necessary to use Council computer systems before doing so and advice can be obtained from the Head of Democratic Services on the availability of suitable training.
11. High standards of conduct and probity are as relevant to the use of the Council computer facilities as they are to all other aspects of work and Members must conduct themselves in line with all appropriate Codes. For example, the relevant provision of the Members Code is set out above. Unlawful or improper computer usage may expose the Council and/or the individual Member to significant legal liabilities and negative publicity and a complaint to the Standards Committee. Breach of this policy may result in referral to the relevant Party Whip with a recommendation for withdrawal of access to certain computer facilities and may lead to action in line with the Code.
12. This document details the parameters of acceptable use and deals with the following issues: -
- Access to the Council's computer systems
  - Authority to express views



- Monitoring computer and telephone usage
- Confidentiality, security and accuracy of data
- Guidance on copyright, legal and contractual issues
- Network efficiency
- Personal use of the Council's computer facilities
- Inappropriate use, prohibited sites and offensive material
- Other use

#### **(i) Access to the Council's Computer Systems**

- (a) The Council will provide access to and use of various computer facilities as may be determined from time to time. Although the Council wishes to encourage Members to gain and improve their skills, personal understanding, knowledge and development is a secondary consideration.
- (b) Where a Member is not available, (e.g. due to sickness absence or leave) and access to data is required, the relevant party whip will be advised.
- (c) In cases where there is a need to investigate any potential breaches of this policy appropriate advice must be sought from the Head of Democratic Services, the Head of ICT and the Borough Solicitor.

#### **(ii) Authority to Express Views**

Members using Council computer facilities including e-mail and the internet must act in accordance with the Code and ensure that these facilities are used in connection with council business. They must not be used for any purpose other than those directly concerned with official Council business, or the work of elected Members. 'Official Council business' means matters relating to a Member's duties as an elected councillor; as a member of the executive, a committee, board, sub-committee or panel; or as a Council representative on another body or organisation. The e-mail facility provided should be used by Members to engage in correspondence relevant to their role with other Members, officers, other public bodies, their constituents, the public in general and to encourage citizens to contact them when appropriate.

#### **(iii) Monitoring Computer and Telephone Usage**

- (a) Use of the Council's computer and telephone facilities is regularly monitored to ensure that the standards within this policy are adhered to, probity maintained and potential breaches of codes identified.
- (b) Software systems are in place that monitor and / or record all usage, including every web site visited, chat, newsgroup, e-mails, and file transfers into and out of internal networks. Usage patterns will be monitored to ensure that council resources are being properly utilised.
- (c) The Council reserves the right to inspect any files stored in all areas of its network and equipment to assure compliance with this policy. This includes the local hard or removable (such as CDs or USB sticks) drives of any machine used by Members. All computer transactions and data within the Council's computer systems or obtained by accessing the Council's systems using other equipment either in the workplace, at their home or in any other location in working time or in their own time belong

to the Council. The Council has the absolute right to monitor, inspect or use all transactions and data in any appropriate proceedings at any time, without notice. Personal data is not exempt.

- (d) The provisions of the Human Rights Act 1998 will be observed by the Council when monitoring computer and telephone usage.
- (e) If there are any concerns as to whether the contents of these paragraphs are not being complied with, they will be referred to the Head of Democratic Services in the first instance.

**(iv) Confidentiality, Security and Accuracy of Data**

- (a) The Council is legally responsible for all information stored in its computer systems or transmitted by it and for any improper, inadvertent or negligent disclosure. This principle applies even if Members store information in the computer systems which is not related to their role as Council Members. Security of data is of primary concern and security measures are in place to ensure the confidentiality of data held by the Council, including data on clients, members, staff, property and also that which could be commercially sensitive.
- (b) Members must co-operate with all security measures and arrangements, and can be held accountable for any breaches of security or confidentiality.
- (c) User IDs and passwords maintain individual accountability for computer access and must be kept secure, confidential and not inappropriately disclosed. Document passwords and read only restrictions should also be used where appropriate.
- (d) Members must not disclose passwords or give access to unauthorised users, and are responsible for changing their passwords if they suspect that an unauthorised person may be aware of their password.
- (e) All external e-mails sent will automatically include a confidentiality and disclaimer notice.
- (f) Members must take care to address e-mails and files correctly to avoid sensitive information being sent or widely distributed to inappropriate individuals or organisations.
- (g) Much of the data held by the Council on individuals is covered by Data Protection legislation. Disclosure of this information, even unintentionally, can be in breach of the Data Protection Code of Practice. Members should ensure the accuracy of data that they are responsible for storing, updating or transmitting, and must not amend or alter e-mails they receive. Files containing sensitive or confidential Council data that are transferred across the Internet must be encrypted.
- (h) Members are advised that auto-forwarding of emails to personal address is discouraged, however should a Councillor still wish to do so they must ensure they are registered as a data controller with the Information Commissioner's Office. It should be further noted that the individual member is responsible for the security of that data and the data destruction protocols.
- (i) Members may use their own equipment to access emails and other data, however, this is only permitted if the device has the Council's security facility installed.

- (j) Systems to protect the safety and security of the Council's networks and additional devices have been and will continue to be installed. Members must not attempt to disable, defeat or circumvent any Council security facility.
- (k) Modems can provide an intruder with access to the Council's network. Therefore any computer used for independent dial-up or leased-line connections must not be part of the Council's network, unless explicitly authorised by the Head of ICT. Connections to the Internet using modems from network connected computers are specifically prohibited. To ensure security it may be necessary to prevent machines with sensitive data or applications from connecting to the Internet, or for certain users to be prevented from using certain facilities such as file transfers.
- (l) To prevent unauthorised use Members should not leave computers unattended for long periods when switched on and should use document passwords and screen savers for confidentiality if they leave their machine unattended for short periods. Internet connections will be automatically disconnected after a period of inactivity.
- (m) It is inappropriate to reveal confidential Council information, customer data, trade secrets, and any other material covered by existing Council security policies and procedures into public forums such as chats and newsgroups. Members releasing protected information, whether or not the release is inadvertent, may be in breach of existing data security policies and procedures and the Data Protection Act 1998.

**(v) Guidance on Copyright, Legal and Contractual Issues**

- (a) Members must conduct themselves honestly and appropriately when using the Council's computer facilities in line with other business dealings, copyright, software licensing rules, property rights, privacy and prerogatives of others.
- (b) Downloading and copying data and software for Members' own or work use or sending the works of others to third parties without permission can infringe copyright.
- (c) Although downloaded data from the Internet may be allowed for individual use copyright may be breached if e-mailed or if the data is incorporated into a Council document. The copyright position should always be checked and the appropriate permissions or acknowledgements sought. In the case of subscription services Members should ensure that the appropriate licences are obtained.
- (d) Downloaded software must be used only under the terms of its licence, and should be added to the appropriate inventory records. Software or files downloaded via the Internet into the Council network become the property of the Council. Members must arrange to have such software properly licensed and registered where required. To ensure personal protection from any problems software should only be downloaded after permission has been received from the Council's Head of ICT. Software downloaded without permission may be deleted automatically.
- (e) Members must safeguard council publications covered by copyright. The Council retains the copyright to any original material posted to any forum, newsgroup, chat or World Wide Web page by any Member in the course of their duties. To ensure personal protection from any problems

Members must not upload any software licensed to the Council or data owned or licensed by the Council without explicit authorisation from the Council's Head of ICT responsible for the software or data.

- (f) Transactions through these facilities must be treated in the same way as other transactions on the Council's headed paper.
- (g) The use of computer facilities can lead to contractual obligations in the same way as oral or other written forms of transactions. There are limitations as to whether in some cases these transactions can constitute valid legal agreements. Members should therefore ensure that they do not exceed their powers to enter into contracts or authorise expenditure. If Members are uncertain of the position, they should contact the Borough Solicitor or Head of Democratic Services for advice.
- (h) Computer records should not be relied on where there is a legal requirement for other record keeping to take place. Adequate records of computer transactions on behalf of the Council need to take place either through archiving, or other electronic or non-electronic back up methods. Where appropriate, confirmation of receipt of important e-mails should be gained which may be disclosed in litigation. If in doubt about the legal position, once again, advice from the Borough Solicitor must be sought.

**(vi) Network Efficiency**

- (a) Members must regularly delete or archive files no longer required or needed for immediate access.
- (b) Any file that is uploaded or downloaded must be scanned for viruses before it is run or accessed. In general this should be achieved through the use of memory resident or network virus checking software. Any files, including files received as e-mail attachments, should not be imported without first checking for viruses using approved software. If in doubt Members must consult the Council's Head of ICT via the Helpdesk number (6556).
- (c) Unnecessary or unauthorised e-mail and Internet usage causes network and server congestion, slows other users, takes up work time, consumes supplies and ties up printers and other shared resources.
- (d) Where possible Members should schedule communications-intensive operations such as large file transfers, video downloads, mass e-mailing for off-peak times.
- (e) Video and audio streaming and downloading technologies represent significant data traffic that can cause local network congestion. Video and audio downloading should be avoided where possible.
- (f) See also Appendix A on e-mail guidelines.

**(vii) Personal Use of the Council's Computer Facilities**

- (a) Whilst ICT equipment supplied by the Council is intended primarily to be used for council purposes, provided there is no cost to the Council or any liability for the Council arising from its use for secondary purposes, it is a matter for each individual Councillor as to whether or not they use it for other purposes. If Councillors do use ICT equipment for other purposes, they must satisfy themselves that this secondary use is acceptable and appropriate.

Examples would be personal e-mail correspondence, researching hobbies, downloading audio files etc. If such other use goes beyond the 'de minimis' referred to in paragraph 7 then Members may authorise an appropriate deduction to be made from their basic allowance at a rate agreed by the Council.

- (b) The Council is not liable for any problems arising out of the purchase of goods or financial transactions by members on a personal basis using the Council's computer facilities.

**(viii) Inappropriate Use, Prohibited Sites and Offensive Material**

- (a) Members must not use computer facilities to access or send transactions that are, libellous, harassing and defamatory or cause offence to an individual and their dignity or contain offensive comments based on, for example, gender, race, age, sexuality or disability or religious belief.
- (b) False statements, or information, which adversely affects a person's, or an organisation's, reputation must not be made.
- (c) Members will be liable for any statements that are not sanctioned by the Council and which may breach equalities or indeed other legislation.
- (d) Members must not access or participate in chat rooms, newsgroups, list servers, e-mail subscription services or other new information sharing technologies unless they have the documented express permission of the Head of ICT or nominated representative. In cases of any doubt advice must be sought from ICT.
- (e) Members must not deliberately access or deliberately carry out search procedures that result in access to inappropriate Internet sites or material. This may include pornographic, racist or other sites that are not appropriate for members of a public authority to use Council equipment or software to access. Members must not store, view, print or redistribute any inappropriate document or graphic file.
- (f) To ensure that Members are, as far as practicable, protected from inappropriate and offensive sites, software has been introduced to block access to such sites.
- (g) If a Member accidentally connects to a site that contains inappropriate or offensive material that has not been blocked, they must disconnect from that site immediately using the "Home" button on the web browser. Members must then immediately cease to use the search that produced the material.
- (h) No Member may use council facilities knowingly to download or distribute pirated software or data, entertainment software or games, or to play games against opponents over the Internet.
- (i) No Member may use the Council's computer facilities to deliberately propagate any virus, worm, Trojan horse, trap-door program code or any other harmful programs.
- (j) Members must not amend transactions received.
- (k) Members using the council computer facilities must identify themselves honestly, accurately and completely and must not impersonate any other person particularly when in chat rooms or newsgroups, or when setting up accounts on outside computer systems.

**(ix) Other use**

- (a) Most Councillors are elected on a party political platform and the organisation of local authorities into political groups is recognised in law.
- (b) It is legitimate to use the ICT equipment provided for activities which are pursuant to the conduct of the Council's business including the organisation of group meetings, conducting correspondence including that with political parties which arises because of a Councillor's membership of and/or role within the Council or responding to requests for information.
- (c) Members are not permitted to use any resources, including ICT resources, provided by the authority for party political purposes (see paragraph 4 above), especially in the period between the publication of a Notice of Election and the election date, known as the 'purdah' period. However, this will not apply in circumstances where Members pay for the use of the resources at a rate agreed by the authority.  
Party Political uses would include:
  - advocating support for the candidacy of one candidate or political party as opposed to another during an election period,
  - soliciting support from electors
  - preparing a party newsletter for party members or for members of the public.
  - Preparing or maintaining databases of party supporters or mailing lists to be used for eliciting support for a party or candidate

**Equipment**

- (ii) The Council will provide modern computer equipment options for Members to use. Similar equipment is also available for use in the Group Office computer rooms.
- (iii) All this equipment is fully supported by the ICT Service Desk between 8.00 am and 5.30 pm which can be contacted at ICT Service Desk on 01895 556556 or <mailto:ICTServiceDesk@Hillingdon.Gov.UK>

**Technological changes**

- (iv) The equipment provided is designed to last for the life of the Council (i.e. for four years) and be capable of handling technological changes such as new or enhanced software that may be introduced on Council systems. However, it is recognised that the speed of technological innovation means that new hardware and software may become available which might assist Members in connection with Council business. Any request for hardware or software additional to that provided generally to Members will be determined by the Head of Democratic Services (with technical input from the Head of ICT) after consultation with the Cabinet Member for Finance, Property and Business Services in accordance with the following criteria:
  - will it assist in the conduct of the Council's business?
  - is it consistent and compatible with the Council's technical standards?
  - is it relevant to a particular role carried out by Members?
  - can the cost be managed within existing budget provision?

## **Responsibilities**

- (v) The lead officer for Members' ICT is the Head of Democratic Services with technical advice and guidance from the Head of ICT. The Cabinet Member for Finance, Property and Business Services has general oversight of the operation of these guidelines.

\*\*\*\*\*

## **Appendix A**

### **E-Mail Guidelines for Members**

- (a) E-mails enable clear communication, especially for remote sites, disparate workgroups, flexible working arrangements and interdepartmental / organisational partnerships.
- (b) E-mails should not be used as a deliberate means of avoiding personal contact where one face to face discussion can avoid an exchange of numerous e-mails.
- (c) Limit the number of copies to those that are necessary.
- (d) Do not unnecessarily broadcast information widely. Constant bombardment of individuals by irrelevant or unsolicited e-mail is time wasting.
- (e) E-mails should be checked regularly or where this is not possible arrangements should be made for them to be redirected to the appropriate Party Group offices
- (f) Reply promptly to all e-mail messages requiring a reply. Where a prompt, detailed, response is not possible, send a short e-mail acknowledging receipt and giving an estimate of when you will provide a detailed response.
- (g) Do not unnecessarily print out and store hard copies of e-mails.
- (h) Do not either write in capitals as this can be perceived as shouting, or adopt a more aggressive tone in e-mails than you would in a face to face discussion and abide by the corporate standards for written communication.
- (i) E-mail and the Internet provide an immense and unprecedented way to communicate council messages. If authorised to use them, it is important to maintain clarity, consistency and integrity of the Council's corporate image and policy.
- (j) Do not attach long files or include graphics and logos if this is not necessary.
- (k) Members must regularly delete or archive files no longer required or needed for immediate access.
- (l) Summary checklist
  - Is e-mail the best way to communicate this message?
  - Think before you write.
  - Use the spell check facility
  - Think before you print.
  - Only copy in people who you would be prepared to talk to about the subject.
  - Re-read before you send.
  - Delete or electronically file/archive e-mail as soon as it is dealt with.





## HILLINGDON COUNCIL PETITION SCHEME

Hillingdon Council's petition process enjoys high resident participation and satisfaction and, as a part of that process, the Council promises to:

- **Value all petitions** – residents' views are important
  - **Give friendly advice** – how to best pursue the issue that residents have
  - **Make it easy** – different ways to submit a petition
  - **Keep you informed** – update the petition organiser about a petition's progress
  - **Let you have your say** – enable residents to speak to and directly influence Council decision-makers
- 

### Petitions Overview

The petition process allows the residents of Hillingdon to have direct influence on the decision-making process and to raise concerns that are important to them. All petitions sent or presented to the Council will receive a written acknowledgement within 5 working days of receipt. This acknowledgement will set out what the Council plans to do with the petition and when the petition organiser can expect to hear from the Council again. The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition. More than one petition can be received on a particular issue, whether for or against that issue.

### How will the Council respond to petitions?

The Council's response to a petition will depend on what the petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at an appropriate Council / Committee meeting enabling the lead petitioner to speak on the matter before a decision is made
- Holding an inquiry into the matter
- Undertaking research into the matter
- Considering the petition at a Petition Hearing with the relevant Cabinet Member, enabling the lead petitioner to speak directly to the decision-maker
- Carrying out a consultation
- Holding an informal meeting with the petition organiser
- Writing to the petition organiser setting out the Council's views about the request in the petition and what the Council can or cannot do about it

In addition to these steps, the Council will consider all the specific actions it can potentially take with regard to the issues highlighted in a petition.

## Privacy of information in a petition

By signing a petition, every signatory provides the Council with their name, address and signature (and sometimes their contact details) in order to demonstrate support for an issue and influence the decisions the Council makes. The Council will ensure the personal data within a petition is not released for any purpose other than to consider the petition as set out in this Petition Scheme and the associated public-facing democratic process. The handling of petitions falls under the “public task” legal requirement for processing personal data under the Data Protection Act 2018, necessary for activities that support or promote democratic engagement. Details of the signatories to a petition will not be available for public inspection by any third party outside the Council or published on the Council website.

Should someone signing a petition wish for their name and address to be removed from a petition either a) because they no longer support it or b) wish for their personal details to be removed for privacy reasons, then this will be done upon receipt of a request in writing to the Head of Democratic Services.

## Section A: submitting a petition

### Who can submit a petition?

Anyone who **lives** in the Borough, including under 18s, can sign or organise a paper or electronic petition.

### What makes a valid petition and how many signatures are needed?

Petitions can be either paper or electronic. For the purposes of this scheme, the Council will treat as a petition anything which identifies itself as a petition, or which a reasonable person would regard as a petition, and which is signed by people that live within the Borough. The lead petitioner must also live within the Borough. If they do not, they may choose another representative who lives in the Borough to lead their petition.

*All paper petitions received; and electronic petitions that are on a current planning applications or licensing matters (minimum 20 valid signatories):*

For practical purposes, the Council has set a requirement for at least 20 valid signatories before it is treated as a valid petition. In the case of paper petitions, a valid signature will be classed as the name, address and signature of an individual that lives in the Borough (duplicate signatories will not be counted). For electronic petitions, the Council requires a name, valid email address and an indication of residency in the Borough as part of the electronic petition system being used.

*Electronic petitions on Council services to the Cabinet Member (minimum 100 valid signatories):*

Recognising that compiling 'signatures' on an electronic petition is very much easier than a paper petition, for petitions about Council service matters, these will require at least 100 valid signatories before it is treated as a valid petition. This must include a name, valid email address and an indication of residency in the Borough as part of the relevant electronic petition system being used. This includes the Council's own electronic petition facility.

*Petitions under 20 signatures (or under 100 in the case of electronic cabinet member petitions)*

Such petitions are not valid and will be treated as a corporate complaint, service request or representation, e.g. on a planning application, whichever is appropriate, and will be passed to the appropriate department to take forward and respond. The appropriate Ward Councillors will also be notified of these petitions.

However, in the case of a Cabinet Member petition, a Ward Councillor may request that the relevant Cabinet Member treat such petitions as valid. Upon their agreement, the petition will become valid and proceed forward through the democratic process.

For petitions under 20 signatures on planning applications, ward councillors may exercise their right to call-in the application to Committee, though speaking rights for the petitioner will not apply.

**What are the guidelines for submitting a petition?**

Before submitting a petition, petitioners are advised to first check with their Ward Councillors or with the Council to see if the Council is already acting on the concerns raised.

Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition and should also state what action the petitioners wish the Council to take. If about a planning application it should state the application number. At least 20 of the signatories to a paper petition will be validated to ensure that they live in the Borough by comparing the names and addresses with records held by the Council. The Head of Democratic Services will determine the validity of signatories to an electronic petition.

Petitions should be accompanied by contact details for the petition organiser or lead petitioner (including an address and, where possible, a contact telephone number and/or email address). This is the person that will be contacted to explain how the petition will be responded to. If a paper petition does not identify a petition organiser, normally only the first person on the petition will be contacted.

If deemed appropriate by the Head of Democratic Services, a paper petition and an electronic petition that are on the same subject from the same petition organiser may be combined as a single petition and the lead petitioner will be advised accordingly.

## Electronic Petitions

Electronic petitions may be submitted through the Council's website ([www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)), although it is recognised that other online electronic petition facilities are available and the Council is happy to accept these where it can be identified that the people signing the petition live in the Borough.

When an electronic petition is created using the Council facility, it may take up to 7 working days before it is published on the Council's website. This is because of the need to check the content of the petition before it is made public and available for people to sign. If the Council considers that it cannot publish and must reject a petition, the petition organiser will be contacted within this period to explain why. Where possible, the petition organiser will have the opportunity to change and resubmit the petition within 15 working days, otherwise it may be rejected.

Once an electronic petition is accepted, the petition organiser will need to decide how long they want their petition to be open for signatories. Most petitions will run for a few weeks but the petition organiser can choose a shorter or longer timeframe, up to a maximum of 3 months. If no time is selected, the petition will automatically be kept active for 3 months.

The Council will advise further on timings in the case of electronic petitions on current planning applications so that they can be submitted before determining the matter.

When a resident wishes to sign an electronic petition using the Council facility, they will be asked to provide their name, address and a valid email address. Once this information has been validated, the petitioner's signature will be added to the petition.

### How should a petition be submitted to the Council?

The Democratic Services Team is responsible for receiving, managing and reporting all petitions sent to the Council. Paper petitions can be sent by post, hand delivered or scanned and emailed to:

Head of Democratic Services  
London Borough of Hillingdon  
Civic Centre  
High Street  
Uxbridge  
Middlesex UB8 1UW  
Email: [petitions@hillingsdon.gov.uk](mailto:petitions@hillingsdon.gov.uk)

Completed electronic petitions using an alternative system to the Council's facility can also be printed off, posted, hand delivered or scanned and emailed.

## Section B: petition rules

### **Petitions which will not be accepted by the Council**

Petitions will be on a variety of matters under the Council's remit. However, in the following circumstances, petitions will not be accepted and thereby rejected if they:

- a) Are not within the direct responsibility of the Council's services or Cabinet / Cabinet Members portfolios.
- b) Are received within six months of another petition having already been considered by the authority on the same matter.
- c) Upon receipt, directly seek to overturn a recent democratically approved decision by the Council upon which statutory and/or local public consultation has already taken place, as determined by the Head of Democratic Services.
- d) Petitions, whereby there is an existing statutory appeals or higher complaints process, e.g., ombudsman, planning inspectorate
- e) Petitions that will require the disclosure of personal data, exempt or confidential information or relate to any specific council employee(s) or contracted member of staff.
- f) Petitions, that in the opinion of the Head of Democratic Services, are vexatious, frivolous, abusive, illegal or otherwise inappropriate.

If a petition is deemed unacceptable, the petition organiser will be contacted with an explanation why the petition will not be accepted.

If a petition is about something over which the Council has no direct control (for example the local railway or hospital) for which another authority is responsible, the lead petitioner will be provided with the necessary information and advice to refer their petition directly to the relevant authority concerned.

### **Other petitions which may not be taken forward**

In the following circumstances, petitions will be responded to proactively, but may not be taken forward further by the Council, if in the opinion of the Head of Democratic Services (in consultation with the relevant Cabinet Member/Leader of the Council):

- a) They do not contain specific proposals for action;
- b) Relate to new or amended service policies, proposals or projects that are not legal, operationally feasible or financially affordable within the Council's approved service programmes or budget;
- c) Where the specific matter requested has already formally been agreed to be implemented within the Council's approved budget to the benefit of the petitioners, e.g. bowls club refurbishment in the capital programme;
- d) They could be considered through established alternative resident engagement programmes of the Council, e.g. Chrysalis or Ward Budget Scheme [unless these programmes have already been exhausted].
- e) Where the petition (including any adaptations made to it) has originated from international, national or regional bodies and organisations for their own promotional purposes to canvass support for an issue that is not specific to Hillingdon

In such cases, the petitioner organiser will be contacted appropriately for any clarification, advice or further information on their petition.

Petitions which raise issues of alleged Member misconduct will be taken as complaints arising under the Local Government Act 2000 and the Localism Act 2011 and, where appropriate, will be reported to the Council's Monitoring Officer.

### **Multiple Petitions**

For issues of practicality, where the Council receives more than one petition in relation to the same issue (e.g., a planning application), the Cabinet Member / Chairman of the relevant Committee will have discretion to amend the speaking rights, the number of speakers and speaking timings. Please note that it is not an automatic right that each petition organiser will get 5 minutes to speak if there is more than one petition.

### **Petitions received during an Election Period**

Due to restrictions imposed in the period immediately before any election or referendum, the Council may need to deal with petitions differently. If this is the case, the petition organiser will be contacted to explain the reasons and discuss the revised timescale that will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, the petition organiser will be contacted to explain the reasons.

## **Section C: considering a petition**

### **What types of petition are there?**

In considering a valid petition, it will usually fall into one of the four categories below and the process for how the Council responds to it will be different:

- a. Cabinet Member Petitions
- b. Planning Petitions
- c. Licensing Petitions
- d. Petitions to be considered at another Council committee.

### **What will the Council do when it receives a valid petition?**

Whether paper or electronic, a written acknowledgement will be sent to the petition organiser within 5 working days of receiving the petition. This acknowledgement will let the petition organiser know what the Council plans to do with the petition and when they can expect to hear from the Council again. In addition, when an electronic petition, using the Council facility, has closed for signature and receives sufficient responses, a petition acknowledgement and response will be emailed to everyone who has signed the petition and has elected to receive this information.

#### a. Cabinet Member Petitions

Such petitions are on matters relating to Council services within the remit of the Cabinet or relevant Cabinet Member.

If the petition needs more investigation, the Council will tell the petition organiser what steps the Council plans to take and how the matter can be resolved. The lead petitioner will be asked if they are satisfied with the proposed action or outcome and whether they would like to close their petition. If the lead petitioner is not satisfied, the Council will hold a petition hearing with the Cabinet Member at the earliest opportunity.

In the vast majority of cases, valid petitions will be considered by the relevant Cabinet Member at a Petition Hearing where s/he will decide what action (if any) will be taken.

A valid petition will entitle the petitioners to have their petition considered by the relevant Cabinet Member at a Petition Hearing to argue their case or promote a particular issue. Such petitions will be accompanied by an officers' report indicating the issue to be raised, the Council's powers and responsibilities for the issue raised and the options for action.

The petitioner organiser of each petition, or their representative, may address the Petition Hearing for up to 5 minutes\* and may answer questions from the Cabinet Member for a further 3 minutes. Ward Councillors will also be permitted to speak for up to 3 minutes on each petition relating to their Ward. Extending these time limits is at the discretion of the Cabinet Member.

Where a petition organiser meets a Cabinet Member at a Petition Hearing, either by right or where the Cabinet Member has agreed to meet them, the following procedures shall apply:

- A written report from officers must be published at least 5 clear working days before the meeting;
- The meeting shall normally take place at the Civic Centre, unless the Cabinet Member decides otherwise;
- The meeting shall be open to the public and press (subject to the Access to Information Act rules);
- The meeting shall be attended by officers from the appropriate service area and by a representative of Democratic Services;
- The appropriate Ward Councillors shall be informed of the date and time of the meeting and may attend and have the right to speak at the meeting for up to 3 minutes;
- The lead petitioner or their nominated representative, where they have been either invited to attend by the Cabinet Member or where they have the right to attend, shall have the right to speak about the matter raised in the petition for a maximum of 5 minutes\* and the Cabinet Member may ask them questions about the petition. Where it is a single petition, the time limit may be extended with the consent of the Cabinet Member;
- The Cabinet Member shall either announce their decision once they have heard the petitioner (and this decision shall be recorded and published), or they may decide that they wish to consider the matter and make a decision at a later date. Where the Cabinet Member decides to make a decision at a later date, the

Member shall inform the Head of Democratic Services as soon as they have made a decision and this shall be recorded and published. There shall be no further right for a petition organiser to meet with the Cabinet Member;

- The petition organiser will be informed of the decision in writing, and if their request is agreed, subsequently kept informed of progress in implementing the matter.

The relevant Cabinet Member has the power to decide whether they wish the petition to be heard at a Cabinet meeting for decision instead of being considered at a Petition Hearing. Valid petitions may be presented to the Cabinet for decision where so decided by the Cabinet Member holding the appropriate portfolio relating to the matter raised in the petition. Such petitions shall be accompanied by an officers' report indicating the issue to be raised, the Council's powers and responsibilities in relation to the issue raised and the options for action. One representative of any petition may address the Cabinet for up to 5 minutes \* and may answer questions from Cabinet Members for a further 3 minutes.

*\* Please note that the Cabinet Member (or Chairman of the Cabinet) reserves the right to vary all speaking time limits if there is more than one petition in relation to one issue.*

#### b. Planning Petitions

A valid petition will be relation to a live planning application before it has been determined and the Council will inform the petition organiser about their right to speak on the application to be considered by the Council and that they will be contacted again before the date of the relevant Planning Committee meeting about participating in the democratic process.

The petitioner organiser (or their nominated representative) will be invited to attend and speak for up to 5 minutes\* in relation to that matter at the meeting at which the application will be considered. The applicant (or their agent) will also get the opportunity to speak for 5 minutes\* where a valid petition has been accepted by the Council in relation to their application. Ward Councillors will be permitted to speak for up to three minutes in relation to an application if they have notified their intention to do so in advance to the Committee Chairman. Members of the Committee will also be able to ask questions of the petitioners for up to three minutes. Notification of the intention to speak and the name of the speaker must be supplied to the Head of Democratic Services at least 24 hours before the meeting.

All petitions in relation to Planning Committees should be received by the Head of Democratic Services no later than 48 hours prior to the meeting. Discretion to allow petitions after this deadline can only be approved by the Chairman of the relevant Planning Committee.

Any supplementary information to be presented by the petitioner, applicant or agent at the meeting should be provided to Democratic Services no later than 48 hours prior to the meeting, unless the Chairman of the Committee agrees otherwise.

If the organiser of a petition would like to address a second or subsequent meeting which is to consider the issue which gives rise to their petition (e.g. if the matter is deferred), they will need to organise another valid petition.



*\*Please note that the Committee Chairman reserves the right to vary all speaking time limits is more than one petition in relation to one issue.*

#### c. Licensing Petitions

Such petitions would be on matters, for example, in relation to street trading, entertainment, alcohol or premises related licensing, sex establishments, scrap metal or gambling.

In such cases, petitions may only be submitted to the Licensing Authority or Licensing Team as relevant representations and, if applicable, during any statutory consultation period on the matter. The lead petitioner / applicant (or their nominated representative) will then have the opportunity to address a Licensing Sub-Committee on the matter as set out in the relevant hearing protocol or legislation. The Council will advise the lead petitioner further on this different process upon receipt of such a petition.

#### d. Petitions to be considered at another appropriate Council Committee

In the case of petitions concerning subjects which would normally fall to be considered by a Council body other than those above, the Head of Democratic Services, in consultation with the Leader of the Council, will determine which Council decision making body should hear and determine the petition.

The petitioner organiser (or their representative) will be invited to attend and speak for up to 5 minutes\* in relation to that matter at the meeting at which the application will be considered.

*\*Please note that time limits may vary if there is more than one petition in relation to one issue.*

#### Petitions requesting a referendum

For further information on the submission of petitions to the Council requesting a referendum, please contact the Democratic Services Team at [petitions@hillingdon.gov.uk](mailto:petitions@hillingdon.gov.uk) or by calling 01895 250636.

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## **Is there any other way to have a say?**

The Council will always try to identify and solve problems at an early stage. The Council is committed to receiving feedback as this helps to develop and review services. It is recognised that petitions are just one way in which people can let the Council know about their concerns. Other ways that people can have their say include:

- Making a complaint using the Council's Complaints System  
(<http://www.hillingdon.gov.uk/index.jsp?articleid=5881>)
- Contacting your local Councillor  
(<http://modgov.hillingdon.gov.uk/mgMemberIndex.aspx>)
- Contacting your local MP  
(<http://www.hillingdon.gov.uk/index.jsp?articleid=18212>)

# PART 6

## MEMBERS' ALLOWANCES SCHEME 2021/22

### 1. Introduction

In accordance with Local Authorities (Members Allowances) England Regulations 2003 No. 1021 (as amended) the London Borough of Hillingdon makes the following scheme: -

### 2. Basic Allowance

For 2021/22 an allowance of **£11,798.36** will be payable to all Councillors. This figure will be increased each subsequent year in line with the annual Local Government Pay Settlement and it will be paid in equal monthly instalments. The basic allowance includes intra borough travel and subsistence costs.

### 3. Special Responsibility Allowances

Special responsibility allowances of the following amounts shall be paid in equal monthly instalments to Councillors holding the following responsibilities:

	(£)
1. Mayor	23,725.26
2. Deputy Mayor	9,252.71
3. Leader of the Council	58,700.29
4. Deputy Leader of the Council	49,447.58
5. Chief Whip of Largest Party	23,725.26
6. Cabinet Member	41,351.55
7. Chairman of Select Committee	23,725.26
8. Chairman of Planning Committee	23,725.26
9. Chairman of Licensing Committee	10,030.32
10. Vice Chairman of Licensing Committee	6,686.93
11. Chairman of Standards Committee	3,343.46
12. Standards Committee Independent Person	1,674.73
13. Chairman of Audit Committee*	3,180.83
14. Champion	6101.08
15. Council representative on Adoption and Permanency Panel	13,373.87
16. Cabinet Assistant	9,252.71
17. Leader of 2 <sup>nd</sup> Party	23,725.26
18. Deputy Leader of 2 <sup>nd</sup> Party	6101.08
19. Chief Whip of 2 <sup>nd</sup> Party	6101.08
20. 2 <sup>nd</sup> Party Lead on Select Committee	6101.08
21. Party Lead on Planning Committee	6101.08

\* Where a non-Councillor is Chairman or Vice Chairman a co-optees' allowance is payable as set out in the Scheme under section 9.

Special Responsibility Allowances will be increased each subsequent year in line with the annual Local Government Pay Settlement.

#### 4. Limit on Payment of Special Responsibility Allowances

Individual Councillors may not claim a special responsibility allowance for more than one position for which they qualify.

#### 5. Renunciation

Councillors may elect to forego any of their entitlement to an allowance under the scheme by giving written notice to the Corporate Director of Finance.

#### 6. Part-Year Entitlements

(a) This paragraph regulates Councillors' entitlement to allowances where the scheme is amended during the year or where an individual ceases to be a Councillor or accepts or relinquishes a position of special responsibility.

(b) If an amendment to this scheme is made during the year to which it refers and changes the amount which a Councillor may claim in basic allowances the annual entitlement shall be calculated using the following method: -

Annual entitlement to basic allowance	=	Days at unamended rate divided by 365	X	Annual payment at unamended rate	+	Days at amended rate divided by 365	X	Annual payment at amended rate
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(c) Where the term of office of a Councillor begins or ends part way through the year the annual entitlement to basic allowance shall be calculated using the following method:

Annual entitlement to basic allowance	=	Days as a Councillor divided by 365	X	Annual rate of allowance
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(d) Where this scheme is amended during the year to which it refers the annual entitlement to basic allowance of Councillors beginning or ending their term of office part way through the year shall be calculated using the following method:

Annual entitlement to basic allowance	=	Days as a Councillor during unamended scheme divided by 365	X	Annual payment at unamended rate	+	Days as a Councillor during amended scheme divided by 365	X	Annual payment at amended rate
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(e) Where Councillors hold positions of special responsibility during part of the year their annual entitlement to special responsibility allowance shall be calculated using the following method:

Annual entitlement for special responsibility allowance	=	Days holding position of special responsibility during unamended scheme divided by 365	X	Annual payment at unamended rate	+	Days holding position of special responsibility during amended scheme divided by 365	X	Annual payment at amended rate
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## **7. Out of Borough Travelling and Subsistence Allowances**

Councillors shall be entitled to claim for out of borough travelling allowances incurred in undertaking approved duties as agreed in advance by the Council.

The out of borough car mileage allowance for Councillors shall be paid at the same rate as those paid to officers for the Standard Mileage User Allowance.

The amounts paid for out of borough subsistence shall be in accordance with the maximum levels laid down from time to time by the Ministry for Housing, Communities and Local Government, but claims may only be made for approved duties.

## **8. Dependent / Carers Allowance**

A dependent / carers allowance shall be payable at the National Minimum Wage for Adults hourly rate based on the following criteria:

- payments should be subject to a maximum weekly payment, equivalent to seven-and-a-half hours of care per week;
- the maximum rate should be set locally to reflect local costs, in accordance with social service departments levels;
- payment should be claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required;
- only one weekly payment should be claimable in respect of the household of each Member, except in special circumstances to be judged by the Council's Standards Committee;
- the allowance should be paid as a reimbursement of incurred expenditure against receipts;
- the allowance should not be payable to a member of the claimant's own household and;
- any dispute as to entitlement and any allegation of abuse should be referred to the Council's Standards Committee for adjudication.

## **9. Co-optees' Allowances**

Where a co-optee and non-Councillor is the Chairman of the Audit Committee, an annual entitlement allowance of £3,180.83 may be paid. This will be paid on a pro-rata basis if the appointment of the co-optee begins or ends otherwise than at the beginning or end of a year. Where a co-optee is an Independent Person on the Standards Committee an annual entitlement allowance of £1,674.73 may be paid. Where a co-optee is one of the three statutory education co-optees on the Executive Scrutiny Committee, an annual entitlement allowance of £445.80 may be paid. This will be paid on a pro-rata basis if the appointment of the co-optee begins or ends otherwise than at the beginning or end of a year. These allowances will cover expenses, such as travel and subsistence, related to the duties of the postholder.

## **10. Claims and Payments**

- (a) All claims for out of borough travelling and subsistence and carers allowances must be submitted within two months of the date of the approved duty to which

they relate, made on the standard form as used by officers and returned to the Head of Democratic Services.

- (b) Payments shall be made in respect of basic and special responsibility allowances subject to sub-paragraph (c) below in Instalments of one twelfth of the amount specified in this scheme on or before the 15<sup>th</sup> of the month direct to each Member's bank or building society account.
- (c) Where the payment of allowances in one-twelfth instalments would result in a Councillor receiving more than he or she is entitled to because of a part year effect (as defined in paragraph 9 above) the payment shall be restricted to the annual entitlement.

## **11. Withholding Members' Allowances**

Where there has been an adjudication, which suspends or partially suspends a Councillor from office following a breach of the Code of Conduct, the Council may withhold all allowances paid to that Councillor with immediate effect.

## **12. Records of Allowances and Publicity**

In accordance with the 2003 regulations a detailed record will be kept of the name of the recipient and the amount and nature of each payment made. This will be available for public inspection at all reasonable times or copies supplied following the payment of a reasonable fee.

As soon as is reasonably practicable after the end of the municipal year to which the scheme relates the total sum paid to each recipient in respect of basic allowances, special responsibility allowance, dependant carers allowance and out of borough travelling and subsistence allowance will be published on the Council's website and local newspaper.

## **13. Independent Remuneration Panel**

Hillingdon Council has had regard to the recommendations made by the Independent Panel for the Remuneration of Councillors in London in developing its Members' Allowances Scheme.

# PART 7

## MANAGEMENT STRUCTURE

### Preamble

1. The Council consists of 5 Departments (Directorates) headed by a Corporate Director:
  - (a) Finance
  - (b) Corporate Services & Transformation
  - (c) Social Care & Health
  - (d) Infrastructure, Transport & Building Services
  - (e) Planning, Environment, Education & Community Services
2. These officers, together with the Chief Executive, come together to form the top officer tier in the Council, which is called the Corporate Management Team, working closely with the Leader and Cabinet.
3. The Council's departmental structure is shown below:



