City of Doncaster Council

# CONSTITUTION

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# PART 1

# SUMMARY AND EXPLANATION

# PART 1
# SUMMARY AND EXPLANATION

## 1. The Constitution

The City of Doncaster Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are chosen by the Council.

### 1a. What is in the Constitution?

The following is a description of each of the major parts of the Constitution:-

Part 1 - Summary and Explanation

This is a short and accessible description of the document called the Constitution and of the methods by which decisions are taken by the Council.

Part 2 - Articles of the Constitution

There are 9 Articles which set out the fundamental rules and which define what the Council is; how its Mayor and Members are elected and work; how citizens can access the Council and its decision making structures; how policy is formed and how decisions are made, recorded, publicised and scrutinised; the work of certain officers and, finally, how the Constitution may be changed.

Part 3 - Responsibility for Functions

This identifies which part of the Council has responsibility for specific functions. Particularly important is the division of responsibilities between the Executive and the Full Council and the record, known as the “scheme of delegation” of who can take decisions in relation to those functions.

Part 4 - Rules of Procedure

This brings together eight sets of detailed rules which govern how every part of the Council operates.

Part 5 - Codes of Conduct

This contains a Statement of Vision and Values and sets out codes of conduct for Members and Officers and a protocol for Member and Officer relationships.

# PART 1
# SUMMARY AND EXPLANATION

Part 6 - Members

This has three parts. The first are job profiles which identify key rights and responsibilities across the diverse range of the duties of the Mayor and Members. The second is the scheme of Members' allowances, and the third sets out the arrangements for Members to declare their interests, in accordance with the Members' Code of Conduct.

# PART 1
# SUMMARY AND EXPLANATION

1b. What is the Purpose of the Constitution?

(a) The purpose of the Constitution is to ensure efficient, transparent and accountable decision making in achieving the purposes and goals of the Council.

(b) The Council has agreed a Corporate Plan which summarises the Council's key outcomes to be achieved through operating this Constitution. The table below shows the closest alignment between the Mayor's priorities and the outcomes in the Corporate Plan. However, it should be noted that the majority of the Mayor's priorities will help to progress more than one outcome.

| Corporate Plan Outcome | Mayoral Priority |
|---|---|
| 1. All people in Doncaster benefit from a thriving and resilient economy. | • Creating jobs and housing<br>• Be a strong voice for our veterans<br>• Protecting Doncaster's vital services |
| 2. People live safe, healthy, active and independent lives. | • Safeguarding our communities<br>• Bringing down the cost of living |
| 3. People in Doncaster benefit from a high quality built and natural environment. | • Creating jobs and housing<br>• Safeguarding our communities<br>• Bringing down the cost of living |
| 4. All families thrive. | • Protecting Doncaster's vital services |
| 5. Council services are modern and value for money. | |
| 6. Working with our partners we will provide strong leadership and governance, working in partnership. | |

(c) In following this Constitution, the Council will:-

(i) provide clear leadership to the community through the work of Members and Officers;

(ii) develop overview and scrutiny as a powerful and accessible tool to facilitate the involvement of citizens and other stakeholders in Council decision making and in holding decision makers to account.

(iii) make known who is to take decisions, when and on the basis of what information decisions are to be taken, and publish the reasons for decisions which have been taken.

(iv) demonstrate continuous improvement in the delivery of services.

(v) demonstrate absolute integrity and probity, using the Audit Committee to promote high ethical standards.

(vi) take steps to promote equality and to eliminate unlawful discrimination in the Council and the Borough.

(vii) take steps to promote the economic, social and environmental well-being of the area.

(viii) take steps to reduce crime and disorder.

# PART 1
# SUMMARY AND EXPLANATION

2. How the Council Operates

The Council is composed of a directly elected Mayor and 55 Councillors. Both the Mayor and Councillors are elected for four year terms (starting on the fourth day after being elected and ending on the fourth day after the date of the ordinary election four years later). Councillors are accountable to residents of their Ward and, whilst they have an overriding duty to the whole of the Borough, they have a special duty to their constituents, including those who did not vote for them.

The Mayor is covered by the same rules which apply to Councillors and except where stated, or is obvious from the context, references in the constitution to Members or Councillors include the Mayor.

The term Executive is widely used. This refers to the Mayor and the Cabinet Members acting individually or together. In some circumstances it also includes officers taking certain decisions.

The Executive is responsible for carrying out all of the Local Authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. The Executive will consist of the elected Mayor together with at least 2, but not more than 9, Councillors appointed to the Executive by the Mayor. These Councillors will together form the Cabinet.

Councillors agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Audit Committee oversees that Code of Conduct and trains and advises elected Members on its operation.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the majority of the Council's overall policies and set the budget each year.

The Mayor is personally responsible for appointing a Cabinet of between two and nine Councillors and for allocating responsibility to these Cabinet Members. These responsibilities are called portfolios.

# PART 1
# SUMMARY AND EXPLANATION

3. Summary of Roles of All Councillors

Roles and Functions of all Councillors

(a) **Key roles**. All Councillors will be eligible to perform one or more of the following roles:

- Ward Member
- Chair of Full Council
- Member of Full Council
- Cabinet Member
- Overview and Scrutiny Member
- Representative on Outside Bodies
- Group Leader
- Member of a regulatory committee, e.g. Planning or Licensing Committee

Job Profiles covering these roles (and that of the Mayor) are set out in Part 6(i) of this Constitution.

Cabinet Members may not also be Members of Overview and Scrutiny Committees or Chair of Council.

(b) **Rights and duties**

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Councillors will not make public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone, other than another Councillor, third party or officer entitled to know it.

(iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution**.**

# PART 1
# SUMMARY AND EXPLANATION

The Mayor

(a) **Roles and Functions.** The Mayor will carry out the following roles:

(i) be the Local Authority's principal public spokesperson;

(ii) give overall political direction to the Council;

(iii) appoint the Cabinet and Deputy Mayor;

(iv) decide on the scheme of delegation for executive functions;

(v) chair meetings of the Cabinet ; and

(vi) represent the Local Authority on external bodies (where the function of the outside bodies relates to executive functions of the Council) and appoint Members to such outside bodies.

(b) **Mayor as Member of the Council**. The Mayor will be treated as a Councillor unless the law or context requires otherwise.

In particular the Mayor:

(i) is subject to the same rules about qualification and disqualification as any other Councillor;

(ii) must follow the rules about disclosure of interests and comply with the Councillors' Code of Conduct set out in Part 5 of this Constitution;

(iii) may be a Member of, attend and speak at any meeting of the Council, its Committees and Sub-Committees, except the Overview and Scrutiny Committees. The Mayor may only speak at an Overview and Scrutiny Committee when invited to do so and may not vote at those meetings;

(iv) if a Member of a political group, will be taken into account when calculating seat allocations on Committees and Sub-Committees of which he/she is a Member, if they have to reflect the political composition of the Council as a whole in accordance with the Local Government and Housing Act 1989;

(v) is subject to the Members' Allowances Scheme set out in Part 6 of the Constitution; and

(vi) is subject to the same rules about casual vacancies as apply to all Councillors.

(c) **Title of Mayor**. Although the title of Mayor may only be used by the Elected Mayor, on appropriate ceremonial occasions the Chair of the Council may bear the title of Civic Mayor.

**Deputy Mayor**

(a) **Appointment**. At the first annual meeting of the Council after his/her election, the Mayor will inform the Council which Member of the Executive will act as Deputy Mayor.

(b) **Term of Office.** The Deputy Mayor will hold office until the end of the Mayor's term of office unless he/she is no longer a Member of the Authority or the Executive, resigns as Deputy Mayor, or is removed by the Mayor from the office of Deputy Mayor.

(c) **Duties of the Deputy Mayor.** If for any reason the Mayor is unable to act, or the office of Elected Mayor is vacant, the Deputy Mayor will act in his/her place until a new Mayor is elected or again able to act. If the Mayor is unable to act or the office is vacant, at the same time as the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, then the Cabinet must act in the Mayor's place, or arrange for a Member of the Cabinet to do so.

(d) **Removal from Office.** The Mayor may remove the Deputy Mayor from office at any time by serving a notice in writing to the Chief Executive. The notice must also appoint a new Deputy Mayor in order to be effective. The removal and appointment will take effect immediately on receipt of the notice by the Chief Executive. A change of Deputy Mayor must be reported by the Mayor to the next meeting of the Cabinet and the next meeting of the Full Council.

Other Cabinet Members

The Mayor shall appoint at least 2 and no more than 9 Councillors as Cabinet Members. The Cabinet need not be politically proportionate. Members of the Cabinet will hold office until:-

(a) they are removed from office by the Mayor who must give written notice of any removal to the Chief Executive. The removal will take effect immediately on receipt of the notice by the Chief Executive;

(b) they are no longer Councillors; or

(c) they are disqualified from being Councillors under the Localism Act 2011.

A motion of no confidence in one or more Members of the Cabinet by the Full Council is NOT sufficient to terminate the office of that Member or those Members.

Members of the Cabinet may not be Members of Overview and Scrutiny Committees.

Meetings are only closed to the public where confidential or exempt issues are being discussed. A definition of confidential and exempt information is set out in the Access to Information Procedure Rules contained within Part 4 of the Constitution.

The Executive has to make decisions which are in line with the Council's Budget and Policy Framework. 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.

# PART 1
# SUMMARY AND EXPLANATION

4. How Decisions are Made

The Mayor and Cabinet, together known as the Executive, are the part of the Council which is responsible for most of the day to day decisions. When major or “key” decisions are to be discussed or made, these are published, in advance, in the Forward Plan. An explanation of the Forward Plan is set out in the Access to Information Procedure Rules in Part 4 of this Constitution. If these major decisions are to be discussed with Council Officers at a meeting of the Executive this, too, will usually be open for the public to attend.

5. Overview and Scrutiny

The Overview and Scrutiny Management Committee is responsible for ensuring robust and independent overview and scrutiny. This function supports the work of the Executive and the Council as a whole and allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern.

The work of Overview and Scrutiny Sub-Committees (locally known as Panels) is co-ordinated by the Management Committee. The Sub-Committees send reports and recommendations to the Executive and to the Council on its policies, budget and service delivery.

The Overview and Scrutiny Management Committee is also responsible for holding the Executive to account over the individual decisions it makes. In exceptional circumstances, the decisions of the Executive can be put on hold through the “call-in” mechanism and sent back by the Overview and Scrutiny Management Committee to the Executive to be reconsidered in the light of the recommendations of the Overview and Scrutiny Management Committee.

# PART 1
# SUMMARY AND EXPLANATION

6 The Council's staff

The Council has people working for it (sometimes called officers, staff, or employees), to give advice, implement decisions and manage the day to day delivery of services. Some employees have a specific duty to ensure the Council acts within the law and uses its resources wisely. These officers are the Chief Executive (the Head of Paid Service), the Monitoring Officer and the Chief Financial Officer.

Some officers will take decisions under delegations from the Council and the Executive.

7. Management Structure

The Officers of CDC are arranged in 5 Directorates. Each of these is headed by an Executive Director who reports directly to the Chief Executive. The Council's current management structure can be viewed on the Council's website.

8. Members of the public.

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

(a) **Voting and petitions**. Members of the public on the electoral roll for the area have the right to vote in elections and petition the Council on matters concerning the Borough.

(b) **Information**. Members of the public:

(i) have the right, and are encouraged, to attend meetings of the Full Council, Committees and Sub-Committees, the Executive (and any Executive Committee) when key decisions are being considered, except where confidential and exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) can find out what key decisions will be taken by the Executive and when;

(iii) can see reports and background papers (except where they are confidential or exempt), and any records of decisions made by the Full Council, Committees and Sub-Committees and the Executive; and

(iv) can inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation**. Members of the public have the right to ask questions in accordance with the Council Procedure Rules set out in Part 4 of this Constitution and contribute to the work of the Overview and Scrutiny Management Committee and Sub-Committees.

(d) **Complaints**. Members of the public have the right to complain to:

(i) the Council, under its complaints scheme;

(ii) the Ombudsman (if unsatisfied by the Council's complaints scheme);

(iii) the Monitoring Officer about a breach of the Councillors' Code of Conduct.

Responsibilities of Members of the Public

In exercising their rights members of the public will respect the Council, its Members, employees and its property.

# PART 1
# SUMMARY AND EXPLANATION

9. Definitions

The words and phrases defined in this definition section shall have the meaning set out below unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.

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| **Access to Information** | There are a number of legislative provisions which are integral to City of Doncaster Council's decision-making processes. The Council's rules relating to access to meetings and documentation relating to meetings; including exempt and confidential information, can be found in Part 4 of this Constitution. |
| **Advisory Committee** | A Committee appointed by the Council to advise the Council or the Executive on matters relating to the discharge of its functions. |
| **Annual Meeting** | The meeting of the full Council at which the Civic Mayor is elected. Other business related to the beginning of a new municipal year is also conducted. |
| **Articles in the Constitution** | Set out the overall framework of what is to be done and by whom. Standing Orders, Codes of Conduct and the other documents forming part of the Constitution set out how the Articles will be put into effect. |
| **Authority, the** | City of Doncaster Council |
| **Borough Strategy** | The key long-term document for improving quality of life in Doncaster. |
| **By-Election** | Casual vacancies for Councillors and the Elected Mayor are filled at By-elections conducted according to the law operating at the time of the vacancy. |

# PART 1
# SUMMARY AND EXPLANATION

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| **Budget** | The budget is defined as:<br><br>(i) The identification and allocation of financial resources for the following financial year(s) by the Full Council including:-<br><br>• Revenue Budgets;<br>• Capital Budgets;<br>• The Council Tax base;<br>• The Council Tax level;<br>• Borrowing requirements;<br>• Prudential Indicators;<br>• The Medium-Term Financial Strategy; and<br>• The Level of Uncommitted Reserves. |
| | (ii) Any resolution of Full Council identified as a budgetary decision causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase above that stated in the approved budget. |
| **Cabinet** | The Elected Mayor is assisted by the Cabinet which is often referred to as 'The Executive'. The Cabinet consists of between 2 and 9 Members of the Full Council each chosen by the Mayor. Cabinet Members are delegated a particular area, or several areas, of work to concentrate on and be responsible for. These areas of work are called Portfolios. |
| **Cabinet Members** | Those Councillors appointed by the Elected Mayor to the Executive. Each Cabinet Member will be responsible for a portfolio (area of work) and attend, speak and vote at meetings of the Executive. |
| **Call-in** | A process whereby non-executive Members can suspend an executive decision within seven days of it being taken (known as the 'call-in period'). The Overview and Scrutiny Management Committee will then meet to consider the decision and may refer it back to the decision-maker for reconsideration. |

# PART 1
# SUMMARY AND EXPLANATION

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| **Chair** | The person who presides over a meeting. The Civic Mayor chairs the meetings of the Full Council. Chairs of Council committees are appointed by Full Council. The Elected Mayor will usually chair meetings of the Executive. |
| **Chief Executive** | The most senior Officer of the Council who is designated as the Head of the Paid Service as defined in Section 4 of the Local Government and Housing Act 1989. See definition of **Head of Paid Service** below. |
| **Chief Financial Officer** | The officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the authority. Doncaster's Chief Financial Officer is the officer appointed to the position of Chief Financial Officer and Service Director of Finance and Technology Also known as Section 151 Officer. |
| **Chief Officers** | The Chief Executive, Executive Directors and Service Directors. |
| **Civic Mayor/Chair of Council** | A Councillor, not being a Member of the Executive, elected by the Council at the Annual Meeting to the position of Chair of the Council. The Civic Mayor of City of Doncaster Council is the first citizen of the borough and, as such, will normally carry out the ceremonial duties of the Council.<br>In addition to his or her roles and duties as a Councillor, the Chair will have the additional responsibilities set out in Part 6 of this Constitution. |
| **Clear Day** | A working day, not including weekends or bank holidays. Access to Information legislation requires that agendas and reports are published "five clear days" in advance. This excludes both the day of the meeting and the day on which the meeting is called. |
| **Code of Conduct for Members** | The document which has been adopted by Doncaster setting out what is expected of Members and co-opted members of the Authority in terms of their conduct and behaviour, as set out in Part 5 of this Constitution. |

## PART 1
## SUMMARY AND EXPLANATION

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| **Committee** | A group of Members (perhaps including non-voting co-opted members) appointed to discharge a specific function. The Authority has various types of committees. There are committees both of the Council and of the Executive. The terms of reference of the Council committees and sub-committees are set out in Part 3 of this Constitution. |
| **Confidential Information** | Defined in section 100A(3) of the Local Government Act 1972 as information provided to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public, or, information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court. The management of confidential information is explained in the Access to Information Procedure Rules set out in Part 4 of this Constitution. See also definition of **exempt information**. |
| **Constitution** | A document adopted by City of Doncaster Council which sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. |
| **Contract Procedure Rules** (sometimes referred to as Contract Standing Orders) | Are contained in Part 4 of this Constitution and set out the rules and procedures which govern procurement and entering into contracts within the Council. |
| **Co-opted Member** | A Member of any committee or sub-committee of the Council (who is not an Independent member, as defined below) and not a Councillor or Officer of the Council. Co-opted members do not normally have voting rights on committees. One exception is the parent governor and church representatives on the Children's Overview & Scrutiny Panel who by law are voting members. |
| **Corporate Plan** | This provides a high level summary of the Council's current priorities. |

# PART 1
# SUMMARY AND EXPLANATION

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|---|---|
| **Council Functions** | Those functions of the Authority which cannot be exercised by the Executive. These functions may be undertaken by the Full Council, a Committee, a Sub-Committee, a Joint Committee of the Council, an Officer or any other person authorised by the Full Council to carry out council functions. Council functions cannot be undertaken by the Executive. |
| **Councillor** | An individual democratically elected to serve on the Council. There are restrictions as to who can hold office as a Councillor. Councillors are also often referred to as 'Members'. |
| **Delegated Power/Delegated Authority** | Authority, delegated by the Elected Mayor or the Council, to another decision-making body or individual decision maker to make decisions or discharge functions. |
| **Deputy Mayor** | A Member of the Cabinet appointed by the Elected Mayor to act as his/her deputy. In specified circumstances, the Deputy Mayor may exercise any and all of the powers of the Elected Mayor. |
| **Elected Mayor** | Is elected by the voting public of Doncaster for a 4 year term and is responsible for all of the Council's Executive functions. |
| **Executive** | The Executive is made up of the Elected Mayor and between 2 and 9 other Councillors, one of whom is appointed as the Deputy Mayor. The Executive carry out all of the Authority's functions which are not the responsibility of any other part of the Authority, whether by law or under the Constitution. The term 'Executive' may refer to the Executive meeting as a whole (see definition of the **Cabinet**), any Sub-Committee of the Executive, or a single Member of the Executive, or an officer to the extent that any of these is responsible for the exercise of a particular executive function. |

# PART 1
# SUMMARY AND EXPLANATION

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| **Executive Arrangements** | Defined in section 10 of the Local Government Act 2000 as arrangements by a local authority for and in connection with the creation and operation of an Executive of the authority; and under which certain functions of the authority are the responsibility of the Executive. |
| **Executive Committees** | Committees set up by the Executive and to which the Executive has allocated Executive functions under section 15 of the Local Government Act 2000. Members of Executive Committees will be Members of the Executive. |
| **Executive Functions** | Any functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution. The division of functions between the Executive and the Council are set out in Part 3 of this Constitution. |
| **Exempt Information** | Information falling within the 7 categories set out in Schedule 12A of the Local Government Act 1972 (as amended) and subject to the relevant qualifications set out in that schedule. The management of exempt information is explained in the Access to Information Procedure Rules set out in Part 4 of this Constitution. |
| **Extraordinary Meeting** | A meeting of the Executive, any Committee or Sub-Committee of the Council or any Scrutiny body, which was not on the calendar of meetings agreed at the Annual Meeting but is called by the Chair, the Monitoring Officer, Chief Financial Officer or Chief Executive to consider a particular item, or items, of business in accordance with Access to Information provisions. |

# PART 1
# SUMMARY AND EXPLANATION

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| **Financial Procedure Rules** (sometimes referred to as Financial Standing Orders) | Are contained in Part 4 of this Constitution and set out in the rules and procedure, which govern financial management and control within the Council. |
| **Forward Plan** | A document prepared by the Chief Executive on behalf of the Elected Mayor which contains details of all the matters likely to be the subject of Key Decisions to be taken by either the Executive or its committees or officers. |
| **Full Council** | A meeting which all Councillors of the authority and Elected Mayor are entitled to attend. |
| **Head of Paid Service** | The officer appointed by the Authority in accordance with section 4 of the Local Government and Housing Act 1989 who has overall corporate management and operational responsibility within the Council. At City of Doncaster Council the Head of the Paid Service is the officer appointed to the position of Chief Executive. |
| **Independent Member** | A member of any Committee who is not a Councillor or an officer of the Council. |
| **Joint Committee/Joint Arrangements** | A committee comprising Members of two or more local authorities created under section 102(1) of the Local Government Act 1972. (See Article 8). |

# PART 1 - SUMMARY AND EXPLANATION

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| **Key Decision** | Defined in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as an Executive decision which in the opinion of the Elected Mayor is likely to:<br>• Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or<br>• Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.<br>The level of expenditure/savings which this Authority has adopted as being financially significant are:<br><br>(a) in the case of the revenue budget, gross full-year effect of £250,000 or more.<br><br>(b) in the case of the capital budget, £1,000,000 or more in respect of a single project or otherwise across one financial year.<br><br>Further guidance on Key Decisions is included in the Access to Information Procedure Rules in Part 4 of this Constitution and in Article 8. |
| **Member** | A Councillor generally or, in relation to a committee or sub-committee, a Member of that committee or sub-committee. The Elected Mayor will be treated as a Member of the Council unless the law or context requires otherwise. |
| **Members' Allowance Scheme** | Contained in Part 6 of this Constitution and sets out the scheme under which the Elected Mayor, Councillors, Independent members and Co-opted members are entitled to receive allowances in respect of carrying out their duties and for fulfilling any special responsibilities allocated to them. |

# PART 1
# SUMMARY AND EXPLANATION

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| **Monitoring Officer** | The officer appointed by the Authority in accordance with Section 5 of the Local Government and Housing Act 1989 to report to it on any proposal, decision or omission by the Authority, or its committees or sub-committees, or its officers, which has given, or may give rise, to a contravention of law or statutory code of practice. The Monitoring Officer is the 'qualified person' for the purposes of determining whether disclosure of particular information under the Freedom of Information Act 2000 would be likely to prejudice the effective conduct of public affairs and is the principal advisor to the Audit Committee on ethical governance covering the behaviour of both Members and Officers. In Doncaster the Monitoring Officer is the Service Director Legal and Democratic Services. |
| **Officers** | The Council's staff. |
| **Overview and Scrutiny Committee** | A committee established by Council to undertake overview and scrutiny functions as set out in section 21 of the Local Government Act 2000 and subsequent legislation. It consists of Councillors who are not Members of the Executive and reflects the political balance of the Council. The Committee holds the executive to account through consideration of executive decisions. It is also able to undertake policy reviews of Council functions and anything else affecting the economic, social or environmental well-being of the borough's residents. |
| **Panel** | The name applied in Doncaster to the standing sub-committees of the Overview and Scrutiny Management Committee. |
| **Partnership Arrangement** | An arrangement between City of Doncaster Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration. |

# PART 1
# SUMMARY AND EXPLANATION

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|---|---|
| **Policy Framework** | A set of plans and strategies set down by legislation (for list see Part 3). Approving or adopting the elements of the policy framework is a function reserved to the full Council. |
| **Political Assistant** | Not an ordinary officer of the Council but one appointed under section 9 of the Local Government and Housing Act 1989. Some rules apply differently in relation to these officers from how they apply to other council officers. |
| **Portfolio** | The responsibilities or roles allocated to a Cabinet Member by the Elected Mayor. The Elected Mayor may also hold a portfolio area of responsibility. |
| **Proper Officer** | Has a statutory definition in section 270(3) of the Local Government Act 1972 and means, in relation to any purpose, the officer appointed for that purpose by the Authority or for that area, as the case may be. A list of the Proper Officers can be found in Section 6 of Part 3 of this Constitution. |
| **Protocol** | A document forming part of the Constitution which sets out a guide to the way certain individuals and groups interact with each other. They are not rules but they do give guidance on how things should operate. Part 5 of this Constitution contains the protocols applying to Doncaster in respect of Members and Officers. |
| **Quorum** | The number of Members of the Council, the Executive, a committee or sub-committee required to be present to allow a meeting to transact business validly. The quorums for each body are set out in the relevant procedure rules in Part 4 of this Constitution. |
| **St Leger Homes of Doncaster** | An Arms Length Management Organisation (ALMO) responsible for managing council homes in Doncaster. This includes managing council housing, collecting council housing rents and repairing and maintaining council homes. It is a not-for-profit organisation. |
| **Section 151 Officer** | The officer appointed in accordance with section 151 of the Local Government Act 1972 and who has responsibility for the administration of the financial affairs of the authority. This position is also known as the Chief Financial Officer and in Doncaster the position is currently held by the Council's Chief Financial Officer and Service Director of Finance and Technology |

# PART 1
# SUMMARY AND EXPLANATION

| | |
|---|---|
| **Standing Orders** (known locally as Procedure Rules) | Rules which the Council has adopted to regulate its business and proceedings. There are also separate Standing Orders relating to the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part 4 of this Constitution. |
| **Sub-Committee** | A group of Members (including where appropriate co-opted members) appointed by a committee to take responsibility for one or more aspects of its functions or function. |
| **Vice-Chair** | Will deputise for the Chair of the body, including chairing the meeting in the Chair's absence.<br><br>The Vice-Chair of Council carries out the functions of the Civic Mayor/Chair of Council in their absence. As a general principle, the Vice-Chair of Council will assume the position of Chair of Council at the Council's Annual General Meeting in the next Municipal Year. |
| **Ward** | A sub-division of the Borough. Doncaster has 21 wards and the electors in each ward elect a total of 2 or 3 Councillors to represent them on the Council. |

# PART 2

# ARTICLES OF THE CONSTITUTION

# 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

Parts 1 to 6 of this Constitution are the Constitution of City of Doncaster Council.

1.03 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which in its opinion is closest to the purposes outlined in Part 1, Section 1 of the Constitution.

References in the Constitution to any Statute or Statutory Instrument shall include references to any statutory modification or re-enactment of the same for the time being in force.

**Review and Revision of the Constitution**

1.04 Duty to Monitor and Review the Constitution

The Monitoring Officer in conjunction with the Elections and Democratic Structures Committee and, where relevant, the Audit Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.05 Review of Constitution by Monitoring Officer

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

1. observe meetings of different parts of the Member and Officer structure;

2. undertake an audit trail of a sample of decisions;

3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 1 - THE CONSTITUTION

4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

1.06 Changes to the Constitution

(a) Changes to the Constitution will only be approved by the Full Council, subject to (c) below. The Elections and Democratic Structures Committee has overall responsibility for reviewing the Constitution and recommending changes to Full Council.

Where such changes are related to the Code of Conduct, ethical governance and corporate governance issues, the Audit Committee will report direct to Council any proposed changes.

(b) Amendments to the Constitution may only be made by a resolution of a simple majority of Members present at a Council Meeting, unless the law prescribes otherwise.

(c) The Monitoring Officer is authorised to make minor amendments, consequential upon statutory or regulatory change, or to rectify errors, or to update arrangements consequential upon other external factors.

(d) To change from a Mayoral form of Executive to another form of Executive, the Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. The change will not take effect until the end of an Elected Mayor's term of office.

**Statutory and Guidance References**

**Local Government Act 2000 ss30, 37**
**DCLG New Council Constitutions Chapters 10 and 15**

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 1 - THE CONSTITUTION

### Suspension, Interpretation and Publication of the Constitution

1.07 Suspension of the Constitution

(a) **Limit to suspension**. The Articles of this Constitution may not be suspended. The Rules specified below may be suspended only to the extent permitted within those Rules and the law.

(b) **Procedures to suspend**. A motion to suspend any rule will not be moved without notice unless at least one half of the Councillors entitled to vote are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Part 1 of the Constitution.

(c) **Rules capable of suspension**. The following Rules may be suspended, and then only to the extent that the Rules allow:

(i) Council Procedure Rules
(ii) Access to Information Rules (in cases of urgency)
(iii) Budget and Policy Framework Rules (in cases of urgency)
(iv) Financial Procedure Rules
(v) Contract Procedure Rules
(vi) Employment Procedure Rules

Interpretation

(a) The ruling of the Chair of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Part 1 (Summary and Explanation).

(b) Detailed rules as to interpretation are set out in Rule 38 of the Council Procedure Rules set out in Part 4 of this Constitution.

Publication

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

| **Statutory and Guidance References** |
| --- |
| **None** |

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 2 - MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

(a) **Composition**. The Council will comprise the Elected Mayor and 55 Members, otherwise called Councillors. Two or three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) **Eligibility**. Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

2.02 Conduct

The Mayor and Councillors and co-opted Members of Committees or Sub-Committees 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.

2.03 Allowances

The Mayor and Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 3 - THE FULL COUNCIL

3.01 Functions of the Full Council

Only the Full Council will exercise the following functions:

(a) adopting and changing the Constitution;

(b) election of the Chair and Vice-Chair;

(c) receiving reports from the Mayor setting out the composition and responsibilities of the Cabinet and the current scheme of delegations;

(d) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;

(e) making decisions about any Executive function which is covered by the Budget and Policy Framework where the decision is wholly or partly contrary to the Budget or Policy Framework (subject to the Urgency Procedure in Rule 16 of the Access to Information Rules or Rule 5 in the Budget and Policy Framework Procedure Rules in Part 4);

(f) agreeing and/or amending the terms of reference for Committees and Sub-Committees and deciding on their composition;

(g) appointing representatives to outside bodies unless the appointment is an Executive function;

(h) adopting a Members allowances scheme under Article 2.03;

(i) changing the name of the area, conferring the title of freedom of the borough;

(j) confirming the appointment of the Chief Executive;

(k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(l) receiving an annual report from Overview and Scrutiny Management Committee;

## ARTICLE 3 - THE FULL COUNCIL

(m) adopting or amending a Code of Conduct for Members;

(n) determining motions of confidence in the Mayor or Members of the Cabinet;

(o) all other matters which, by law, must be reserved to the Full Council, including setting the Council Tax;

(p) conflict resolution under the Budget and Policy Framework Procedure Rules;

(q) acceptance of delegations from another local authority under Article 7;

(r) local choice functions set out in part 3.5 of the Constitution.

3.02 Delegation by Full Council

(a) The Full Council will establish and maintain the regulatory and other Committees, and Sub-Committees set out in Part 3.

(b) The Full Council may delegate any of its functions, other than those reserved to Full Council, to Committees or Sub-Committees, including ad hoc Committees and Sub-Committees, and Officers not listed in Part 3.

(c) The Chief Executive will maintain a list of ad hoc Committees and Sub-Committees established at any time. The list will be available with copies of this Constitution.

3.03 Full Council Meetings

There are three types of Full Council meetings:

(a) the annual meeting;

(b) ordinary meetings;

(c) extraordinary meetings.

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

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 3 - THE FULL COUNCIL

3.04 Responsibility for Functions

The Chief Executive will maintain the lists in Part 3 of this Constitution which sets out the responsibilities of the Full Council's functions.

3.05 State of the Borough Debate

The Chair of the Full Council may call a State of the Borough debate annually on a date and in a form to be agreed with the Elected Mayor.

3.06 References to the Full Council

In this Constitution references to the Full Council, where the context allows, include references to Committees or Sub-Committees; Joint Committees or other joint arrangements and officers with delegated powers.

**Statutory and Guidance References**

**Local Government Act 2000 s32 and Regulations thereunder**
**Local Government Act (Functions and Responsibilities) (England) Regulations 2000**
**DETR New Council Constitutions Guidance Chapter 2**
**Leasehold Reform, Housing and Urban Development Act 1993**
**Housing Act 1985 s32, 43**
**Local Government Act 2000 (Constitutions) (England) Direction 2000**

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 4 - OVERVIEW AND SCRUTINY

4.01 Terms of Reference

The Full Council will establish and maintain an Overview and Scrutiny Management Committee and Standing Panels to discharge the functions conferred by Section 21 of the Local Government Act 2000. The Overview and Scrutiny Management Committee will have the following within its terms of reference;

1. To be responsible for co-ordinating and undertaking the Council's overview and scrutiny function in respect of all areas of Council activity, including partnership working and other matters outside the direct responsibility of the Council which affect the Borough or its inhabitants.

2. To have authority to establish such ad hoc Overview and Scrutiny Sub-Committees as are necessary to look at specific issues determined by the Scrutiny Management Committee, ensuring that the workload of Sub-Committees is coherent, achievable and supported by the necessary resources.

3. Membership of Overview and Scrutiny Management Committee, Scrutiny Sub-Committees and ad hoc panels, is not to include the Mayor or Members of the Cabinet.

4. To respond to the call-in of decisions as set out in Rule 9 of the Overview and Scrutiny Procedure Rules and Rule 8 of the Budget and Policy Framework Rules in Part 4 of this Constitution.

5. To make clear and concise recommendations to the Executive on matters that have been subject to review or scrutiny.

6. To make reports to the Full Council on matters that have been subject to review or scrutiny, including clear and concise recommendations.

7. To be responsible for drafting protocols in respect of the Overview and Scrutiny process and promoting consistency of approach by the Overview and Scrutiny Sub-Committees.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 4 - OVERVIEW AND SCRUTINY

4.02 General Role

Within their terms of reference, Overview and Scrutiny Management Committee will:

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

(ii) make reports and/or recommendations to the Full Council and/or the Executive and/or joint or area committees in connection with the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants;

(iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees; and

(v) consider how to develop and make use of individuals and community networks, locally, nationally, and internationally.

4.03 Specific Functions

(a) **Policy development and review**. Overview and Scrutiny Management Committee will, at its discretion:

(i) assist the Full Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues;

(ii) conduct research, community and other consultation in the analysis of policy issues and possible options;

(iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(iv) question the Mayor and/or Members of the Executive and/or committees and chief officers about their views on issues and proposals affecting the area; and

(v) liaise with residents, partners, stakeholders and other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 4 - OVERVIEW AND SCRUTINY

(b) **Scrutiny**. Overview and Scrutiny Management Committee will, at its discretion:

(i) review and scrutinise the decisions made by and the performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;

(ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service area;

(iii) question the Mayor and Members of the Cabinet and/or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

(iv) make recommendations to the Executive and/or appropriate committee and/or Full Council arising from the outcome of the scrutiny process;

(v) review and scrutinise the performance of other public bodies, external organisations, partners and stakeholders in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees and local people about their activities and performance; and

(vi) question and gather evidence from any person.

(c) **Finance**. Overview and Scrutiny Management Committee will exercise overall responsibility for the finances made available to them.

(d) **Annual report**. Overview and Scrutiny Management Committee must report annually to Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

(e) **Officers**. Overview and Scrutiny Management Committee will exercise overall responsibility for the work programme of the officers supporting their work.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 4 - OVERVIEW AND SCRUTINY

4.04 Proceedings of Overview and Scrutiny Management Committee and Overview and Scrutiny Sub-Committees

The Committee and Sub-Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

4.05 Matters not within the Terms of Reference of Overview and Scrutiny Management Committee

A list of matters not normally within the Terms of Reference of the Overview and Management Committee are set out in Rule 18 of the Overview and Scrutiny Procedure Rules.

**Statutory and Guidance References**

**Local Government Act 2000 Sch 1**
**DETR New Council Constitutions Guidance Chapter 3**
**Local Government Act 1999 s5**

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 5 - REGULATORY AND OTHER COMMITTEES AND SUB-COMMITTEES OF THE FULL COUNCIL

5.01 Regulatory and other Committees and Sub-Committees

(a) The Full Council will appoint the Committees and Sub-Committees set out in Part 3 of this Constitution to discharge the functions described in that Part.

(b) Ad hoc Committees and Sub-Committees may be established at any time and decisions taken by them within their Terms of Reference are effective, notwithstanding that Part 3 of this Constitution has not been amended to reflect their establishment.

**Statutory and Guidance References**

**Local Authorities (Functions and Responsibilities) (England) Regulations 2000**
**Local Government Act 1972 Sections 101, 102**
**Local Government Act 2000 s11, Sch 1**
**DETR Guidance**

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 6 – AREA COMMITTEES

6.01 Area Committees

The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Council will consult with relevant Parish and Town Councils and the Chair of relevant Parish Meetings when considering whether and how to establish Area Committees.

6.02 The Chief Executive has responsibility for publishing a list of any Area Committees, their Terms of Reference, the composition and Membership of the Committees, budgets and any limitation on delegation as are established under Article 6 from time to time and for amending Part 3 to reflect any changes.

6.03 Conflicts of Interest - Membership of Area Committees and Overview and Scrutiny Management Committee or Sub-Committees

(a) **Conflict of interest**. If the Overview and Scrutiny Management Committee or Sub-Committees are scrutinising specific decisions or proposals in relation to the business of an Area Committee of which the Councillor concerned is a Member, then the Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Monitoring Officer.

(b) **General policy reviews**. Where the Overview and Scrutiny Management Committee or Sub-Committees are reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

6.04 Area Committees - Access to Information

Area Committees will comply with the Access to Information Rules in Part 4 of this Constitution.

6.05 Agendas and notices for Area Committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 6 – AREA COMMITTEES

6.06 Executive Members on Area Committees

A Member of the Executive may serve on an Area Committee if eligible to do so as a Councillor. The Mayor may be appointed as a Member of any Area Committee.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 7 - JOINT ARRANGEMENTS

7.01 Arrangements to Promote Well Being

The Full Council or the Executive in order to promote the economic, social or environmental well being of its area, may;

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

7.02 Joint Arrangements

(a) The Full Council may establish joint arrangements with one or more local authorities and/or their executive to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a Joint Committee with these other local authorities. Any Member of the Council, including the Mayor or Members of the Executive may be appointed by the Full Council under this rule.

(b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.

(c) Except as set out below, the Executive may only appoint Executive Members to a Joint Committee and those Members need not reflect the political composition of the local authority as a whole.

(d) The Executive may appoint Members to a Joint Committee from outside the Executive in the following circumstances:

- where a Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the Joint Committee any Councillor who is a Member for a ward which is wholly or partly contained within the area;

the political balance requirements in section 15 of the 1989 Local Government and Housing Act do not apply to such appointments.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 7 - JOINT ARRANGEMENTS

(e) Where joint arrangements involve both executive and non-executive functions then arrangements will be approved by Full Council with the agreement of the Executive and the appointments will be made/endorsed by both bodies.

(f) The Chief Executive will ensure details of any joint arrangements including any delegations to Joint Committees are included in the schemes of delegations in Part 3 of this Constitution.

7.03 Access to Information

(a) The Access to Information Rules in Part 4 of this Constitution apply.

(b) If all the Members of a Joint Committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive with such modifications as are necessary to accommodate participating inconsistencies between the regimes operating in each of the participating authorities.

(c) If the Joint Committee contains Members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

7.04 Delegation to other Local Authorities

(a) The Full Council may delegate non-Executive functions to another local authority or, the executive of another local authority.

(b) The Executive may delegate Executive functions to the Executive of another local authority.

(c) Any such delegation may only be made with the agreement of the other local authority and that agreement must conclude whether the delegation is to the Executive or the Full Council of the other authority.

7.05 Delegation from other Local Authorities

The decision whether or not to accept such a delegation of non-executive functions from another local authority shall be reserved to the Full Council meeting.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 7 - JOINT ARRANGEMENTS

7.06 Contracting Out

The Full Council and/or the Executive may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

**Statutory and Guidance References**

**Local Government Act 2000 s2, 19, 20**
**Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000**
**DETR New Council Constitutions Guidance Chapter 6**

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 8 - DECISION MAKING

8.01 Responsibility for Decision Making

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

8.02 Principles of Decision Making

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

(a) furthering the delivery of the Council's Corporate Plan Outcomes and Borough Strategy.

(b) consistency with the budget and policy framework except where there are identified and compelling reasons for inconsistency.

(c) encouraging appropriate openness and accountability through consultation and participation.

(d) ensuring ethical and financial probity and the good management of financial, human and physical resources.

(e) pursuing lawful, proportionate and reasonable decision making taking in to account all relevant factors and having regard to the European Convention on Human Rights.

(f) consistency with this Constitution.

(g) objectives and outcomes will be clear and defined.

(h) following the Codes of Conduct for Members and Employees, set out in Part 5.

(i) the promotion of equality and the elimination of unlawful discrimination.

(j) the promotion of the economic, social and environmental well-being of the Borough.

(k) the reduction of crime and disorder.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 8 - DECISION MAKING

8.03 Types of Decision

(a) Decisions reserved to Full Council. Decisions relating to the functions listed in Article 3.01 will be made by the Full Council and not delegated.

(b) Key decisions

(i) A key decision is any Executive decision which is:

(a) likely to result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision relates; or

(b) likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority; or

(c) related to the approval or variation of the Policy and Budget Framework that is reserved to the Full Council.

(ii) The level of expenditure/savings which this Authority has adopted as being financially significant are:

(a) in the case of the revenue budget, gross full-year effect of £250,000 or more.

(b) in the case of the capital budget, £1,000,000 or more in respect of a single project or otherwise across one financial year.

(iii) A decision is not to be treated as a key decision if:-

(a) it is a direct consequence of implementing a previous key decision and the income, expenditure or savings were in the contemplation of the decision maker when the decision was made; or

(b) it relates to expenditure for the day to day provision of services that was in the contemplation of the Full Council when the Revenue Budget was approved and is inevitable expenditure (e.g. the recruitment of staff or provision of day to day supplies); or

(c) it relates to expenditure that must be incurred to comply with the terms of contracts won by the Council in competitive tender; or

(d) it relates to expenditure on a care plan which the Council has a duty or power to provide as defined by s46 of the National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970, Ss17 and 20 Children Act 1989.

(iv) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules or the Urgency Procedure set out in Rules 15 and 16 of the Access to Information Rules as set out in Part 4 of this Constitution.

8.04 Decision making by the Full Council

Subject to Article 8.08, the Full Council meeting will follow the Council Procedure Rules and the Access to Information Rules set out in Part 4 of this Constitution when considering any matter.

8.05 Decision making by the Executive

Subject also to Article 8.08, the Executive will follow the Executive Procedure Rules and the Access to Information Rules set out in Part 4 of this Constitution when considering any matter.

8.06 Decision making by Overview and Scrutiny Committees

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

8.07 Decision making by other Committees and Sub-Committees established by the Full Council

Subject to Article 8.08, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

8.08 Decision making by Council bodies acting as Tribunals

The Council, a Committee, Sub-Committee, Councillor or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which is lawful with regard to the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 8 - DECISION MAKING

| Statutory and Guidance References |
| --- |
| **Local Government Act 2000 and Regulations thereunder**<br>**Human Rights Act 1998**<br>**Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012** |

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 9 - FINANCE, CONTRACTS AND LEGAL MATTERS

9.01 Financial Management

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

9.02 Contracts

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

9.03 Legal Proceedings

The Service Director of Legal & Democratic Services is authorised to institute, defend or participate in and settle 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 Service Director of Legal & Democratic Services considers that such action is necessary to protect the Council's interests.

9.04 Authentication of Documents

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

9.05 Common Seal of the Council

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

# PART 2
# ARTICLES OF THE CONSTITUTION

## ARTICLE 9 - FINANCE, CONTRACTS AND LEGAL MATTERS

9.06 Audit Arrangements

(a) External Audit

External auditors shall be appointed to the Council to conduct, and report on, the external audit of the Council in accordance with the relevant statutory code of audit practice. The external auditor will annually produce a management letter to the Full Council summarising the findings of work undertaken in accordance with the statutory code that shall be considered by the Audit Committee.

(b) Internal Audit

In accordance with the Accounts and Audit Regulations 2006, the Council will maintain an adequate and effective system of internal audit of the accounting records and control systems of the Council. The roles and responsibilities of internal audit are expanded on in the Financial Regulations.

**Statutory and Guidance References**

**Local Government Act 1972 S135, 151, 222, 223, 234**
**Local Government Finance Act 1988 Part IV**

# PART 3

# RESPONSIBILITY FOR FUNCTIONS

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.1 INTRODUCTION

This part of the Constitution sets out which parts of the Council are responsible for carrying out particular functions.

Functions fall into three categories:

i) Council functions (sometimes referred to as non-executive functions). These functions may be exercised by the Council itself or by a Committee, Sub-Committee or officer. Where a matter is delegated to a Committee or Sub-Committee, it will be set out in the Terms of Reference for that Committee/Sub-Committee.

ii) Executive functions. The Mayor may decide to arrange for these functions to be delegated to the Executive (Mayor and Cabinet), a Committee of the Executive, a single Executive (Lead) Member or an officer.

iii) Local choice functions. These are functions which the Council can choose to discharge either through a Committee/Sub-Committee or the Executive. They may also be delegated to officers.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 NON-EXECUTIVE FUNCTIONS, WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

These are local authority functions which cannot be the responsibility of the Executive. The following tables specify the delegation of Council functions to Committees, Sub-Committees and officers. The numbering in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 is used to ease reference. Where the table indicates that the function is exercisable by both a Committee or Sub-Committee and a Chief Officer, the Chief Officer may only exercise the function to the extent that is not covered within the Terms of Reference of the Committee or Sub-Committee.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### A. Functions relating to town and country planning and development control

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1-4 | Removed by the Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005 No. 929. | | |
| 5. | Power to determine application for planning permission. | Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 6. | Power to determine applications to develop land without compliance with conditions previously attached. | Section 73 of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 7. | Power to grant planning permission for development already carried out. | Section 73A of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### A. Functions relating to town and country planning and development control

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 8. | Power to decline to determine application for planning permission. | Section 70A of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 9. | Duties relating to the making of determinations of planning applications. | Sections 69, 76A and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 10. | Power to determine application for planning permission made by a local authority, alone or jointly with another person. | Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 11. | Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. | Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 12. | Power to enter into agreement regulating development or use of land. | Section 106 of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### A. Functions relating to town and country planning and development control

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 13. | Power to issue a certificate of existing or proposed lawful use or development. | Sections 191(4) and 192(2) of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 14. | Power to serve a completion notice. | Section 94(2) of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 15. | Power to grant consent for the display of advertisements. | Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 16. | Power to authorise entry onto land. | Section 196A of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 17. | Power to require the discontinuance of a use of land. | Section 102 of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### A. Functions relating to town and country planning and development control

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 18. | Power to serve a planning contravention notice, breach of condition notice or stop notice. | Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 18A. | Power to issue a temporary stop notice. | Required by Section 171E of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 19. | Power to issue an enforcement notice. | Section 172 of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 20. | Power to apply for an injunction restraining a breach of planning control. | Section 187B of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 21. | Power to determine applications for hazardous substances consent, and related powers. | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### A. Functions relating to town and country planning and development control

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 22. | Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c.34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 23. | Power to require proper maintenance of land. | Section 215(1) of the Town and Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 24. | Power to determine application for listed building consent, and related powers. | Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### A. Functions relating to town and country planning and development control

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 25. | Power to determine applications for conservation area consent. | Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), as applied by section 74(3) of that Act. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 26. | Duties relating to applications for listed building consent and conservation area consent. | Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of Department for Communities & Local Government Circular 01/01. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 27. | Power to serve a building preservation notice, and related powers. | Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 28. | Power to issue enforcement notice in relation to demolition of listed building in conservation area. | Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### A. Functions relating to town and country planning and development control

| ` | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 29. | Powers to acquire a listed building in need of repair and to serve a repairs notice. | Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 30. | Power to apply for an injunction in relation to a listed building. | Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 31. | Power to execute urgent works. | Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1. | Power to issue licences authorising the use of land as a caravan site ("site licences"). | Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 2. | Power to license the use of moveable dwellings and camping sites. | Section 269(1) of the Public Health Act 1936 (c.49). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 3. | Power to license hackney carriages and private hire vehicles. | (a) as to hackney carriages, the Town Police Clauses Act 1847;<br><br>(b) as to private hire vehicles, the Local Government (Miscellaneous Provisions) Act 1976. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 4. | Power to license drivers of hackney carriages and private hire vehicles. | Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 5. | Power to license operators of hackney carriages and private hire vehicles. | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 6. | Power to register pool promoters. | Gambling Act 2005. | Reserved to the Gambling Commission. |
| 7. | Power to grant track betting licences. | Gambling Act 2005. | Reserved to the Gambling Commission. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 8. | Power to license inter-track betting schemes | Gambling Act 2005. | Reserved to the Gambling Commission. |
| 9. | Power to grant permits in respect of premises with amusement machines. | Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 10. | Power to register societies wishing to promote lotteries. | Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 11. | Power to grant permits in respect of premises where amusements with prizes are provided. | Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 12. | Power to issue cinema and cinema club licences. | Part 3, Licensing Act 2003. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 13. | Power to issue theatre licences. | Part 3, Licensing Act 2003. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14. | Power to issue entertainments licences. | Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3 - RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 14A. | Any function of a Licensing Authority (except the approval of the Statement of the Licensing Policy and establishment of a Licensing Committee in respect of which there is not delegation). | Required by Licensing Act 2003 (c.17) and any regulations or orders made under that Act. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. (except the recommendation of the Statement of Licensing Policy). |
| 14AZA. | Powers and functions relating to late night levy requirements. | Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c.13) and any regulations made under that Chapter. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14AA. | Duty to comply with requirement to provide information to Gambling Commission. | Section 29 of the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14AB. | Functions relating to exchange of information. | Section 30 of the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14AC. | Functions relating to occasional use notices. | Section 39 of the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 14B. | Power to resolve not to issue a casino premises licence. | Section 166 of the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14C. | Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises. | Section 304 of the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14CA. | Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises. | Section 284 of the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14D. | Power to institute criminal proceedings. | Section 346 of the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14E. | Power to exchange information. | Section 350 of the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 14F. | Functions relating to the determination of fees for premises licences. | The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479) | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14G. | Functions relating to the registration and regulation of small society lotteries. | Part 5 of Schedule 11 to the Gambling Act 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 15. | Power to license sex shops and sex cinemas. | The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 16. | Power to license performances of hypnotism. | The Hypnotism Act 1952 (c. 46). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 17. | Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis. | Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 18. | Power to license pleasure boats and pleasure vessels. | Part 3, Licensing Act 2003. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 19. | Power to register door staff. (London Boroughs only) | Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. x). | |
| 20. | Power to license market and street trading. | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 21. | Power to license night cafes and take-away food shops. | Licensing Act 2003. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 22. | Duty to keep list of persons entitled to sell non-medicinal poisons. | Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 23. | Removed by the Regulatory Reform (Game) Order 2007 No. 2007. | | |
| 24. | Power of register and license premises for the preparation of food. | Section 19 of the Food Safety Act 1990 (c. 16). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 25. | Power to license scrap yards. | Sections 1 – 10 of the Scrap Metal Dealers Act 2013 (c.10). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 26. | Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. | The Safety of Sports Grounds Act 1975 (c. 52). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 27. | Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. | Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 28. | Power to issue fire certificates. | Section 5 of the Fire Precautions Act 1971 (c. 40). | Reserved to the Fire Authority. |
| 29. | Power to license premises for the breeding of dogs. | Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 30. | Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. | Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963(c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 31. | Power to register animal trainers and exhibitors. | Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 32. | Power to license zoos. | Section 1 of the Zoo Licensing Act 1981 (c. 37). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 33. | Power to license dangerous wild animals. | Section 1 of the Dangerous Wild Animals Act 1976 (c. 38). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 34. | Power to license knackers' yards. | Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 35. | Power to license the employment of children. | Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 36. | Power to approve premises for the solemnisation of marriages. | Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510). | Licensing Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal & Democratic Services. |
| 37. | Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to - | Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| (a) | an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or | | |
| (b) | an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. C. 118). | | |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS
## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 38. | Power to register variation of rights of common. | Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 39. | Power to license persons to collect for charitable and other causes. | Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 40. | Power to grant consent for the operation of a loudspeaker. | Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 41. | Power to grant a street works licence. | Section 50 of the New Roads and Street Works Act 1991 (c. 22). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 42. | Power to license agencies for the supply of nurses. | Section 2 of the Nurses Agencies Act 1957 (c. 16). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 43. | Power to issue licences for the movement of pigs. | Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 44. | Power to license the sale of pigs. | Article 13 of the Pigs (Records, Identification and Movement) Order 1995. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 45. | Power to license collecting centres for the movement of pigs. | Article 14 of the Pigs (Records, Identification and Movement) Order 1995. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 46. | Power to issue a licence to move cattle from a market. | Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 46A. | Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers. | Section 115E, 115F and 115K of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 47. | Power to permit deposit of builder's skip on highway. | Section 139 of the Highways Act 1980 (c. 66). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 47A. | Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980. | Section 115G of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 48. | Power to license planting, retention and maintenance of trees etc. in part of highway. | Section 142 of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 49. | Power to authorise erection of stiles etc. on footpaths or bridleways. | Section 147 of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 50. | Power to license works in relation to buildings etc. which obstruct the highway. | Section 169 of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 51. | Power to consent to temporary deposits or excavations in streets. | Section 171 of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 52. | Power to dispense with obligation to erect hoarding or fence. | Section 172 of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 53. | Power to restrict the placing of rails, beams etc. over highways. | Section 178 of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 54. | Power to consent to construction of cellars etc. under street. | Section 179 of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 55. | Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators. | Section 180 of the Highways Act 1980. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 56. | Power to sanction use of parts of buildings for storage of celluloid. | Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 57. | Power to approve meat product premises. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 58. | Power to approve premises for the production of minced meat or meat preparations. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 59. | Power to approve dairy establishments. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 60. | Power to approve egg product establishments. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 61. | Removed by the Food Hygiene (England) Regulations 2005 No. 2059. | | |
| 62. | Power to approve fish products premises. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 63. | Power to approve dispatch or purification centres. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 64. | Power to register fishing vessels on board which shrimps or molluscs are cooked. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 65. | Power to approve factory vessels and fishery product establishments. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 66. | Power to register auction and wholesale markets. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 67. | Removed by the Food Hygiene (England) Regulations 2005 No. 2059. | | |
| 68. | Power to register food business premises. | EC Regulation 852/2004 and 853/2004 and the Food Hygiene (England) Regulations 2005. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 69. | Power to issue near beer licence. (London Boroughs only) | Sections 16-19 and 21 of the Local London Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2 (3), section 25 of that Act. | Not applicable. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

**B. Licensing and registration functions (in so far as not covered by any other paragraph in this part)**

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 70. | Power to register premises or stalls for the sale of goods by way of competitive bidding. (London Boroughs only) | Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii). | Not applicable. |
| 71. | Power to register motor salvage operators. | Part I of the Vehicles (Crime) Act 2001 (c.3) | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 72. | Functions relating to the registration of common land and town or village greens. | Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### C. Functions relating to health and safety at work

| Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|
| Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer. | Part I of the Health and Safety at Work etc. Act 1974 (c. 37). | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### D. Functions relating to elections

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1. | Duty to appoint an electoral registration officer. | Section 8(2) of the Representation of the People Act 1983 (c. 2). | Elections and Democratic Structures Committee (No Delegation). (Recommendation to Council). |
| 2. | Power to assign officers in relation to requisitions of the registration officer. | Section 52(4) of the Representation of the People Act 1983. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 3. | Functions in relation to parishes and parish councils. | Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 4. | Power to dissolve small parish councils. | Section 10 of the Local Government Act 1972. | Elections and Democratic Structures Committee (No Delegation) (Recommendation to Council). |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### D. Functions relating to elections

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 5. | Power to make orders for grouping parishes, dissolving groups and separating parishes from groups. | Section 11 of the Local Government Act 1972. | Elections and Democratic Structures Committee (No Delegation) (Recommendation to Council). |
| 6. | Duty to appoint Returning Officer for Local Government elections. | Section 35 of the Representation of the People Act 1983. | Elections and Democratic Structures Committee (No Delegation) (Recommendation to Council). |
| ~~7.~~ | ~~Duty to provide assistance at European Parliamentary elections.~~<br><br>Removed by the EU (Withdrawal) Act 2018. | ~~Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24).~~ | ~~Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services.~~ |
| 8. | Duty to divide constituency into polling districts. | Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### D. Functions relating to elections

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 9. | Power to divide electoral divisions into polling districts at local government elections. | Section 31 of the Representation of the People Act 1983. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 10. | Powers in respect of holding of elections. | Section 39(4) of the Representation of the People Act 1983. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 11. | Power to pay expenses properly incurred by electoral registration officers. | Section 54 of the Representation of the People Act 1983. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 12. | Power to fill vacancies in the event of insufficient nominations. | Section 21 of the Representation of the People Act 1985. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### D. Functions relating to elections

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 13. | Duty to declare vacancy in office in certain cases. | Section 86 of the Local Government Act 1972. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 14. | Duty to give public notice of a casual vacancy. | Section 87 of the Local Government Act 1972. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 15. | Power to make temporary appointments to parish councils. | Section 91 of the Local Government Act 1972. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 16. | Removed by the Local Authorities (Functions and Responsibilities) (England) (Amendment No.4) Regulations 2007 No. 2593. | | |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### D. Functions relating to elections

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 17. | Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000. | Section 10 of the Representation of the People Act 2000 (c. 2). | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources and Service Director of Legal and Democratic Services. |
| 18. | Duty to consult on change of scheme for elections. | Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 19. | Duties relating to publicity. | Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 20. | Duties relating to notice to Electoral Commission. | Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 21. | Power to alter years of ordinary elections of parish councillors. | Section 53 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee (No Delegation). |
| 22. | Functions relating to change of name of electoral area. | Section 59 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee (No Delegation). |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### E. Functions relating to name and status of areas and individuals

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1. | Power to change the name of a county, district or London borough. | Section 74 of the Local Government Act 1972. | Elections and Democratic Structures Committee (No Delegation) (Recommendation to Council). |
| 2. | Power to change the name of a parish. | Section 75 of the Local Government Act 1972. | Elections and Democratic Structures Committee (No Delegation) (Recommendation to Council). |
| 3. | Power to confer title of honorary alderman or to admit to be an honorary freeman. | Section 249 of the Local Government Act 1972. | Council (No Delegation). |
| 4. | Power to petition for a charter to confer borough status. | Section 245b of the Local Government Act 1972. | Elections and Democratic Structures Committee (No Delegation) (Recommendation to Council). |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### EA. Functions relating to changing governance arrangements

Removed by Statutory Instrument 2008 No.2787.

### EB. Functions relating to community governance

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1. | Duties relating to community governance reviews. | Section 79 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 2. | Functions relating to community governance petitions. | Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 3. | Functions relating to terms of reference of review. | Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 4. | Power to undertake a community governance review. | Section 82 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 5. | Functions relating to making of recommendations. | Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### EB. Functions relating to community governance

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 6. | Duties when undertaking review. | Sections 93 to 95 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 7. | Duty to publicise outcome of review. | Section 96 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 8. | Duty to send two copies of order to Secretary of State and Electoral Commission. | Section 98(1) of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |
| 9. | Power to make agreements about incidental matters. | Section 99 of the Local Government and Public Involvement in Health Act 2007. | Elections and Democratic Structures Committee, Chief Executive and Returning Officer. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### F. Power to make, amend, revoke, re-enact or enforce byelaws

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1. | Power to make, amend, revoke, re-enact or enforce byelaws. | Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30). | Elections and Democratic Structures Committee (No delegation) (Recommendation to Council). |

### FA. Functions relating to smoke-free premises, etc

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1. | Duty to enforce Chapter 1 and regulations made under it. | Section 10(3) of the Health Act 2006. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 2. | Power to authorise officers. | Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 3. | Functions relating to fixed penalty notices. | Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006.<br><br>Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### FA. Functions relating to smoke-free premises, etc

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 4. | Power to transfer enforcement functions to another enforcement authority. | Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368). | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

### G. Power to promote or oppose local or personal Bills.

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1. | Power to promote or oppose local or personal bills. | Section 239 of the Local Government Act 1972. | Elections and Democratic Structures Committee (No Delegation) (Recommendation to Council). |

### H. Functions relating to pensions etc.

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 1. | Functions relating to local government pensions, etc. | Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11). | Chief Executive and Executive Director of Corporate Resources. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### H. Functions relating to pensions etc.

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 2. | Functions under the Fire-Fighters' Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004. | Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c.21). | Chief Executive and Executive Director of Corporate Resources. |

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | | | |
|---|---|---|---|
| 1. | Power to create footpath, bridleway or restricted byway by agreement. | Section 25 of the Highways Act 1980 (c.66) | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 2. | Power to create footpaths, bridleways and restricted byways. | Section 26 of the Highways Act 1980 (c.66). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 3. | Duty to keep register of information with respect to maps, statements and declarations. | Section 31A of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 4. | Power to stop up footpaths, bridleways and restricted byways. | Section 118 of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 5. | Power to determine application for public path extinguishment order. | Sections 118ZA and 118C(2) of the Highways Act 1980 | Planning Committee (No Delegation). |
| 6. | Power to make a rail crossing extinguishment order. | Section 118A of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 7. | Power to make a special extinguishment order. | Section 118B of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 8. | Power to divert footpaths, bridleways and restricted byways. | Section 119 of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 9. | Power to make a public path diversion order. | Sections 119ZA and 119C(4) of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 10. | Power to make a rail crossing diversion order. | Section 119A of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 11. | Power to make a special diversion order. | Section 119B of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 12. | Power to require applicant for order to enter into agreement. | Section 119C(3) of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 13. | Power to make a Site of Special Scientific Interest diversion order. | Section 119D of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 14. | Duty to keep register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980. | Section 121B of the Highways Act 1980 – Register must be kept for applications for public path extinguishments and diversion orders. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 15. | Power to decline to determine certain applications. | Section 121C of the Highways Act 1980 – to determine applications for footpath closures and diversions. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 16. | Duty to assert and protect the rights of the public to use and enjoyment of highways. | Section 130 of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 17. | Duty to serve notice of proposed action in relation to obstruction. | Section 130A of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 18. | Power to apply for variation of order under Section 130B of the Highways Act 1980. | Section 130B(7) of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 19. | Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway. | Section 135 of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 20. | Power temporarily to divert footpath, bridleway or restricted byway. | Section 135A of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 21. | Functions relating to the making good of damage and the removal of obstructions. | Section 135B of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 22. | Powers relating to the removal of things so deposited on highways as to be a nuisance. | Section 149 of the Highways Act 1980. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 23. | Power to extinguish certain public rights of way. | Section 32 of the Acquisition of Land Act 1981 (c.67). | Planning Committee (No Delegation). |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 24. | Duty to keep a definitive map and statement under review. | Section 53 of the Wildlife and Countryside Act 1981 (c. 69). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 25. | Power to include modifications in other orders. | Section 53A of the Wildlife and Countryside Act 1981. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 26. | Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981. | Section 53 of the Wildlife and Countryside Act 1981 – requires a register of applications to modify the definitive footpath map. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 27. | Removed by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006. No. 1177 | | |
| 28. | Power to prepare map and statement by way of consolidation of definitive map and statement. | Section 57A of the Wildlife and Countryside Act 1981. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 29. | Power to designate footpath as cycle track. | Section 3 of the Cycle Tracks Act 1984(c.38). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 30. | Power to extinguish public right of way over land acquired for clearance. | Section 32 of the Acquisition of Land Act 1981. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 30A. | Power to authorise stopping up or diversion of highway. | Section 247 of the Town & Country Planning Act 1990 (c.8). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 31. | Power to authorise stopping up or diversion of footpath, bridleway or restricted byway. | Section 257 of the Town & Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### I. Miscellaneous functions

***Part I: Functions Relating to Public Rights of Way***

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 32. | Power to extinguish public rights of way over land held for planning purposes. | Section 258 of the Town & Country Planning Act 1990. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 33. | Power to enter into agreements with respect to means of access. | Section 35 of the Countryside and Rights of Way Act 2000 (c.37). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 34. | Power to provide access in absence of agreement. | Section 37 of the Countryside and Rights of Way Act 2000. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### Part 2: Other Miscellaneous Functions

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 35. | Functions relating to sea fisheries. | Sections 1, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38). | Licensing Committee (No Delegation). |
| 36. | Power to make standing orders. | Section 106 of, and Paragraph 42 of Schedule 12 to, the Local Government Act 1972(c.70). | Council (No Delegation) |
| 37. | Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal). | Section 112 of the Local Government Act 1972. | See Employment Procedure Rules – Part 4, Section 8 of the Constitution. |
| 38. | Power to make standing orders as to contracts. | Section 135 of the Local Government Act 1972. | Elections and Democratic Structures Committee (No Delegation) (Recommendation to Council). |
| 39. | Duty to make arrangements for proper administration of financial affairs etc. and duty to designate a Chief Finance Officer. | Section 151 of the Local Government Act 1972. | See Employment Procedure Rules – Part 4, Section 8 of the Constitution. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### Part 2: Other Miscellaneous Functions

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 40. | Power to appoint officers for particular purposes (appointment of "Proper Officers"). | Section 270(3) of the Local Government Act 1972. | Chief Officers Appointments Committee, Chief Executive, Executive Directors and Service Directors. |
| 41. | Power to make limestone pavement order. | Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 42. | Removed by the Licensing Act 2003. | | |
| 43. | Duty to designate officer as the Head of the Authority's Paid Service, and to provide staff, etc. | Section 4(1) of the Local Government and Housing Act 1989(c.42). | Chief Officers Appointments Committee (No Delegation) (Recommendation to Council). |
| 44. | Duty to designate officer as the Monitoring Officer, and to provide staff, etc. | Section 5(1) of the Local Government and Housing Act 1989. | See Employment Procedure Rules – Part 4, Section 8 of the Constitution. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### Part 2: Other Miscellaneous Functions

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 44A. | Duty to provide staff, etc. to person nominated by Monitoring Officer. | Section 82A(4) and (5) of the Local Government Act 2000. | Chief Executive, Executive Directors and Service Directors. |
| 44B. | Powers relating to Overview and Scrutiny Committees (Voting Rights of Co-Opted Members). | Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000. | Overview and Scrutiny Management Committee (No Delegation). |
| 45. | Removed by the Accounts and Audit Regulations 2003 No. 533. | | |
| 46. | Powers relating to the protection of important hedgerows. | Hedgerows Regulations 1997 (SI 1997/1160). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 47. | Powers relating to the preservation of trees. | Section 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (SI 1999/1892). | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### Part 2: Other Miscellaneous Functions

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 47A. | Powers relating to complaints about high hedges. | Part 8 of the Anti-Social Behaviour Act 2003. | Planning Committee, Chief Executive, Executive Director of Place and Service Director of Development and Traded Services. |
| 48. | Power to make payments or provide other benefits in cases of maladministration etc. | Section 92 of the Local Government Act 2000. | Elections and Democratic Structures Committee, Chief Executive, Executive Director of Corporate Resources. |
| 49. | Replaced by Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. (Power to make Public Spaces Protection Orders) (Executive function). | | |
| 50. | Power to make or revoke an order designating a locality as an alcohol disorder zone. | Section 16 of the Violent Crime Reduction Act 2006. | Council (No Delegation). |
| 51. | Power to apply for an enforcement order against unlawful works on common land. | Section 41 of the Commons Act 2006. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.2 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL AND THEIR DELEGATIONS

### Part 2: Other Miscellaneous Functions

| | Function | Provision of Act or Statutory Instrument | Function exercised by |
|---|---|---|---|
| 52. | Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference. | Section 45(2)(a) of the Commons Act 2006. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |
| 53. | Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens. | Section 45(2)(b) of the Commons Act 2006. | Licensing Committee, Chief Executive, Executive Director of Place and Service Director of Environment. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.3 FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE FULL COUNCIL UNDER LAW

(The following plans and strategies form the **Policy Framework**)

**Those required by law to be adopted by the Full Council:**

| **Plans and strategies** | **Reference** |
|---|---|
| 1. Crime and Disorder Reduction Strategy. | Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37). |
| 2. Local Transport Plan. | Section 108(3) of the Transport Act 2000 (c.38). |
| 3. Plans and alterations which together comprise the Development Plan. | Planning and Compulsory Purchase Act 2004, Sections 15 and 17(3), SS4. |
| 4. Youth Justice Plan. | Section 40 of the Crime and Disorder Act 1998 (c.37). |
| 5. Licensing Authority Policy Statement. | Section 349 of the Gambling Act 2005. |
| 6. Sustainable Community Strategy. | Section 4 of the Local Government Act 2000. |

**Other plans and strategies which the Full Council decide should be adopted by the Full Council:**

1. Corporate Plan.
2. Health and Wellbeing Strategy.

**Statutory and Guidance References**

**Local Authorities (Functions and Responsibilities) (England) Regulations 2000**
**Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001**
**Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2006**
**DETR New Council Constitutions Guidance Chapter 2**
**Planning and Compulsory Purchase Act 2004**

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.4 FUNCTIONS TO BE EXERCISED BY FULL COUNCIL ONLY

| | (1) Function | (2) Circumstances |
|---|---|---|
| 1. | The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy of a description referred to in regulation 4(1)(b) or Schedule 3. | The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them. |
| 2. | The determination of any matter in the discharge of a function which -<br>(a) is the responsibility of the Executive; and<br>(b) is concerned with the authority's budget, or their borrowing or capital expenditure. | The Executive -<br>(a) is minded to determine the matter contrary to, or not wholly in accordance with -<br>(i) the authority's budget; or<br>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and<br>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms. |
| 3. | The determination of any matter in the discharge of a function -<br>(a) which is the responsibility of the Executive; and<br>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority. | The Executive is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.4 FUNCTIONS TO BE EXERCISED BY FULL COUNCIL ONLY

| | (1) Function | (2) Circumstances |
|---|---|---|
| 4. | The making of appointments of members by relevant Councils to Police and Crime Panels. | Paragraphs 8 to 9 of Schedule 6, Part 2 of the Police and Social Responsibility Act 2011. |
| 5. | Duty to nominate the Elected Mayor to be a member of the Police and Crime Panel. | Paragraphs 33 to 35 of Schedule 6, Part 2 of the Police and Social Responsibility Act 2011. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.5 LOCAL CHOICE FUNCTIONS

| | Function | Provision of Act or Statutory Provision | Function exercised by |
|---|---|---|---|
| 1. | Any function under a Local Act other than a function specified or referred to under Regulation 2 or Schedule 1. | | Council. |
| 2. | The determination of an appeal against any decision made by or on behalf of the Authority. | Local Authorities (Functions & Responsibilities) Regulations 2000 (S.I. 2853). | Regulatory Committee as appropriate. |
| 3. | The making of arrangements in respect of Appeals against the exclusion of pupils from maintained schools. | Subsection (1) of Section 67 of Schedule 18 to the 1998 Act. | Council. |
| 4. | The making of arrangements in respect of admission appeals. | Section 94(1), 1 (A) and (4) of, and schedule 24 to, the 1998 Act. | Council. |
| 5. | The making of arrangements in respect of children to whom Section 87 applies: appeals by Governing Bodies. | Section 95(2) of, and Schedule 25 to, the 1998 Act. | Council. |
| 6. | The conducting of best value reviews in accordance with the provisions of any order under the Act. | Section 5 (best value reviews) of the Local Government Act 1999. | The Executive. |
| 7. | Any function relating to contaminated land. | Environmental Protection Act 1990, Part IIA. | The Executive. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.5 LOCAL CHOICE FUNCTIONS

| | Function | Provision of Act or Statutory Provision | Function exercised by |
|---|---|---|---|
| 8. | The discharge of any function relating to the control of pollution or the management of air quality. | Pollution Prevention and Control Act 1990; Environment Act 1995 (Part IV); Environmental Protection Act 1990 (Part I); Clean Air Act 1993. | The Executive. |
| 9. | The service of an abatement notice in respect of a statutory nuisance. | Environmental Protection Act 1990, Section 80(1). | The Executive. |
| 10. | The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area. | Noise and Statutory Nuisance Act 1993, Section 8. | The Executive. |
| 11. | The inspection of an authority's area to detect any statutory nuisance. | S.79 Environmental Protection Act 1990. | The Executive. |
| 12. | The investigation of any complaint as to the existence of a statutory nuisance. | S.79 Environmental Protection Act 1990. | The Executive. |
| 13. | The obtaining of information as to interests in land where the function requiring the information is the responsibility of the Executive. | Town and Country Planning Act 1990 S330. | The Executive. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.5 LOCAL CHOICE FUNCTIONS

| | Function | Provision of Act or Statutory Provision | Function exercised by |
|---|---|---|---|
| 14. | The obtaining of particulars of persons interested in land where the function is the responsibility of the Executive. | Local Government (miscellaneous provisions) Act 1976, Section 16. | The Executive. |
| 15. | The obtaining of information as to interests in land where the function requiring the information is the responsibility of the Full Council. | Town and Country Planning Act 1990, Section 330. | Council. |
| 16. | The obtaining of particulars of persons interested in land where the function is the responsibility of the Full Council. | Local Government (Miscellaneous Provisions) Act 1976, Section 16. | Council. |
| 17. | The making of agreements for the execution of highways works. | Highways Act 1980, Section 278 (substituted by the New Roads and Street Works Act 1991, Section 23.) | The Executive. |
| 18. | The appointment of any individual:<br>(a) to any office other than an office in which he is employed by the authority;<br>(b) to any body other than - the authority; a joint committee of two or more authorities; or<br>(c) to any Committee or Sub-Committee of such a body, where the appointment | | The Executive. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.5 LOCAL CHOICE FUNCTIONS

| | Function | Provision of Act or Statutory Provision | Function exercised by |
|---|---|---|---|
| | relates to a function in which the Council has resolved that the appointment or revocation of any such appointment should be the responsibility of the Executive. | | |
| 19. | The review of a schedule of organisations relating to the appointment of any individual - (a) to any office other than an office in which he is employed by the authority; (b) to any body other than - the authority; a joint committee of two or more authorities; or (c) to any Committee or Sub-Committee of such a body, and the determination of whether the appointment (or revocation of any such appointment) should be made by the Full Council or the Executive.<br><br>To make or revoke appointments to those organisations deemed to be the responsibility of Full Council. | | Council. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.5 LOCAL CHOICE FUNCTIONS

| | Function | Provision of Act or Statutory Provision | Function exercised by |
|---|---|---|---|
| 20. | The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities. | Local Authorities (Functions & Responsibilities) Regulations 2000 (S.I. 2853) as amended. | The Executive. |
| 21. | The adoption of a Library Position Statement. | Section 1(2) of the Public Libraries and Museums Act 1964 (c.75). (As and when the Secretary of State may require.) | Council. |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS - PROPER OFFICER

1.1 The Local Government Act 1972 and other legislation requires local authorities to make specific statutory appointments which carry specific responsibilities. The proper officers for various statutory Council functions are set out below.

1.2 In the event of any Officers mentioned being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his/her absence, their nominated Deputy, will appoint an Officer to act in their place.

1.3 The specific delegations set out are without prejudice to the general hierarchy of delegations in Part 3.

1.4 Every appointment hereby made in relation to a provision that is replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.

1.5 Until the Council decides otherwise, the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS - PROPER OFFICER

| STATUTE AND FUNCTION | PROPER OFFICER |
|---|---|
| **REPRESENTATION OF THE PEOPLE ACT 1983** | |
| Section 8 – The Registration Officer for the purpose of the registration of electors. | Chief Executive. |
| Section 28 – Acting Returning Officer at an election of a Member of Parliament. | Chief Executive |
| Section 67 – Giving Public Notice of the appointment of an election agent. | Chief Executive |
| S131 – Providing accommodation for holding election count. | Chief Executive |
| **LOCAL GOVERNMENT ACT 1972** | |
| Section 83 (1) – The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act. | Chief Executive |
| Section 83 (3)(b) – The officer before whom a declaration of acceptance of office of Chair of Council may be made. | Chief Executive |
| Section 84 – The officer to whom written notice of resignation of elected office shall be delivered. | Chief Executive |
| Section 86 – To declare any vacancy in any office under the Section. | Chief Executive |
| Section 88 (2) – The officer by whom a meeting of the Council for the election of the vacant office of Chair person of the Council may be convened. | Chief Executive |
| Section 89 (1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough | Chief Executive |
| Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given | Chief Executive |
| Section 99 + Schedule 12 – To give notice and send summonses in respect of any Council meeting | Chief Executive |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS
## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS - PROPER OFFICER

| STATUTE AND FUNCTION | PROPER OFFICER |
|---|---|
| Section 100 – To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press | Chief Executive<br>Service Director Legal & Democratic Services |
| Section 100B (2) – The officer to exclude from committees, sub-committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded | Chief Executive<br>Service Director Legal & Democratic Services |
| Section 100B (7)(c) - The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration | Chief Executive<br>Service Director Legal & Democratic Services |
| Section 100C (2) – The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the Executive from which the public were excluded | Chief Executive<br>Service Director Legal & Democratic Services |
| Section 100D (1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive | Chief Executive<br>Service Director Legal & Democratic Services |
| Section 100D (5) – The officer to determine which documents constitute background papers and Section 100H – ability to charge for the provision of such documents | Chief Executive<br>Service Director Legal & Democratic Services |
| Section 100F (2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection | Chief Executive<br>Service Director Legal & Democratic Services |
| Section 100G – To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like | Chief Executive<br>Service Director Legal & Democratic Services |
| Section 115 – The officer to whom money properly due from officers shall be paid | Chief Financial Officer and Service Director of Finance and Technology |
| Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies | Chief Financial Officer and Service Director of Finance and Technology |
| Section 151(and Section 114 of the Local Government Finance Act 1988) S210 To Exercise functions relating to charities | Chief Financial Officer and Service Director of Finance and Technology |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS – PROPER OFFICER

| STATUTE AND FUNCTION | PROPER OFFICER |
|---|---|
| S.223 Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984 | Chief Executive<br>Executive Director of Corporate Resources<br>Service Director Legal & Democratic Services |
| Section 225 (1) – The officer to receive and retain statutory documents on behalf of the Authority | Chief Executive |
| Section 228 – Account of any proper officer to be open to inspection by any member of the authority | Chief Executive |
| Section 229 (4)(5) – The officer to receive and retain statutory documents on behalf of the Authority | Chief Executive |
| Section 233 – The officer to receive documents required to be served on the Authority | Chief Executive |
| Section 234 (1) & (2) – The officer to authenticate documents on behalf of the Authority | Chief Executive |
| Section 238 – The officer to certify printed copies of bylaws | Chief Executive |
| Section 248 – The officer responsible for the keeping of the role of freeman | Chief Executive |
| Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent | Chief Executive |
| Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions | Chief Executive |
| Schedule 29 [paragraph 41] – The officer responsible for the exercise of functions under Section 9 (1) & (2), 13 (2) (h) and (3) (b) and 20 (b) of the Registration Services Act 1953 (Proper Officer) | Chief Executive |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS – PROPER OFFICER

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

| STATUTE AND FUNCTION | PROPER OFFICER |
|---|---|
| Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings | Chief Executive |
| Section 16 – Notices requiring details of interest in land | Chief Executive |

### LOCAL GOVERNMENT AND HOUSING ACT 1989

| | |
|---|---|
| Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 – provision of certificates as to whether a post is politically restricted | Chief Executive, Service Director Legal & Democratic Services |
| Section 4 – The officer to be designated Head of the Paid Services | Chief Executive |
| Section 5 – The officer to be designated Monitoring Officer | Service Director Legal & Democratic Services |
| Section 15 – 17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups | Chief Executive |

### LOCAL GOVERNMENT ACT 2000

| | |
|---|---|
| The officer responsible for ensuring a proper record is made of Executive decisions and that a document giving details of all key decisions to be taken on behalf of the Authority is published at least 28 clear days before a key decision is made, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 | Chief Executive |
| To establish and maintain the Members Register of Interests (Section 81 LG A2000) and ensure it is available for public inspection | Chief Executive |
| To ensure that copies of the constitution are available for inspection | Chief Executive |

# PART 3 - RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS – PROPER OFFICER

| STATUTE AND FUNCTION | PROPER OFFICER |
|---|---|
| To make payments of relevant allowances in accordance with the Council's members allowances scheme | Chief Executive |
| To defray expenses of any Members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough | Chief Executive |

**LOCAL LAND CHARGES ACT 1975**

| | |
|---|---|
| Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975 | Chief Executive |

**NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951**

| | |
|---|---|
| Proper officer to seek an order for removal of persons into care | Executive Director of Adults Wellbeing and Culture |

**REGISTRATION SERVICES ACT 1953**

| | |
|---|---|
| Proper officer for Births Deaths and Marriages | Service Director of Legal and Democratic Services |

**LOCAL GOVERNMENT ACT 2003**

| | |
|---|---|
| Requirement to report to Council annually on the robustness of estimates and financial reserves | Chief Financial Officer and Service Director of Finance and Technology |

**PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS 1995 AND THE MILK AND DAIRIES GENERAL) REGULATIONS 1969**

| | |
|---|---|
| Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases | As may be appointed from time to time by the Director of Place |

**CIVIL EVIDENCE ACT 1995**

| | |
|---|---|
| To certify Council records for the purposes of admitting the document in evidence in civil proceedings. | Service Director of Legal and Democratic Services |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS – PROPER OFFICER

| STATUTE AND FUNCTION | PROPER OFFICER |
|---|---|
| **CRIME AND DISORDER ACT 1998** | |
| Section 12 – to apply for the discharge or variation of a Child Safety Order | Executive Director of Children, Young People and Families |
| Sections 17 and 37 to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons | All Directors |
| **CRIMINAL JUSTICE AND POLICE ACT 2001** | |
| Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items) | The Chief Executive, Executive Directors and Service Directors |
| **LOCAL GOVERNMENT FINANCE ACT 1988** | |
| Section 116 – Notification to the Council's auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114) | Chief Financial Officer and Service Director of Finance and Technology |
| Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required. S114, S115 & II5A Responsibility for Chief Finance Officers reports to the Council Executive | Chief Financial Officer and Service Director of Finance and Technology |
| **LOCAL GOVERNMENT (CONTRACTS) ACT 1997** | |
| Certification of relevant powers to enter into contracts S3&4 – Officer designated with authority to sign | Chief Financial Officer and Service Director of Finance and Technology |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS – PROPER OFFICER

### OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

| | |
|---|---|
| Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority | Chief Executive or his/her nominee |

### LOCAL GOVERNMENT ACT 1974

| Purpose of Appointment | Proper Officer |
|---|---|
| Section 30 (5) Giving public notice of receipt of report by a Local Commissioner (Ombudsman) | Service Director of Legal and Democratic Services |

### LOCAL GOVERNMENT ACT 2000: THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 (SI 2012/2089)

| Purpose of Appointment | Proper Officer |
|---|---|
| Regulation 7 (2)<br>Exclusion of whole or part of any report to the Executive where meeting is likely to be a private meeting. | Service Director of Legal and Democratic Services |
| Regulation 7 (7) (c)<br>Provision to the public or press of other documents supplied to Members of the Executive in connection with the item discussed. | Service Director of Legal and Democratic Services |
| Regulation 10 (1)<br>Informing the relevant Overview and Scrutiny Committee Chair/Members of key decisions to be made where the publication of the intention to make a key decision is impracticable. | Service Director of Legal and Democratic Services |
| Regulation 10(3)<br>Making available a notice setting out the reasons why publication of intention to make a key decision is impracticable. | Service Director of Legal and Democratic Services |
| Regulation 12<br>Producing a written statement of Executive decisions made at meetings. | Service Director of Legal and Democratic Services |
| Regulation 13<br>Producing a written statement of Executive decisions made by individual members. | Service Director of Legal and Democratic Services |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS – PROPER OFFICER

| STATUTE AND FUNCTION | PROPER OFFICER |
|---|---|

| Purpose of Appointment | Proper Officer |
|---|---|
| Regulation 14<br>Making a copy of written statements of Executive decisions and associated reports available for inspection by the public. | Service Director of Legal & Democratic Services |
| Regulation 15<br>Making available for inspection a list of background papers. | Service Director of Legal & Democratic Services |
| Regulation 16<br>Determining whether documents contain exempt information | Service Director of Legal & Democratic Services |

### LOCAL GOVERNMENT ACT 2000: SECTION 34: LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000 (SI 2000/760)

| Purpose of Appointment | Proper Officer |
|---|---|
| Section 34<br>Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000 | Chief Executive |

### LOCAL GOVERNMENT ACT 2000: LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

| Purpose of Appointment | Proper Officer |
|---|---|
| 1 (Part II)<br>Notifications to the Executive concerning appointments and dismissals | Service Director, Chief Executives |

### REGULATION OF INVESTIGATORY POWERS ACT 2000

| Purpose of Appointment | Proper Officer |
|---|---|
| Maintaining of RIPA authorisations | Service Director of Legal & Democratic Services |
| Authorising confidential material or use of a vulnerable person or juvenile as a covert human intelligence source (under the Codes of Practice pursuant to s71 of the Regulation of Investigatory powers Act 2000) | Chief Executive |

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.6 SPECIFIC FUNCTIONS AND DELEGATIONS – PROPER OFFICER

| STATUTE AND FUNCTION | PROPER OFFICER |
|---|---|

### LOCAL GOVERNMENT ACT 2003

| Purpose of Appointment | Proper Officer |
|---|---|
| All finance-related Officer duties | Chief Financial Officer and Service Director of Finance and Technology |

### HOUSING ACT 1985

| Purpose of Appointment | Proper Officer |
|---|---|
| Section 606<br>Receive complaints and make reports on the condition of houses | Director of Place |

### LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 1986

| Purpose of Appointment | Proper Officer |
|---|---|
| All functions | Chief Executive |

### LOCAL GOVERNMENT FINANCE ACT 1988

| Purpose of Appointment | Proper Officer |
|---|---|
| Sections 114, 115 and 115A<br>Responsibility for Chief Finance Officer Reports to the Council/Executive | Chief Financial Officer and Service Director of Finance and Technology |
| Section 116 (1)<br>Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the “Chief Financial Officer” under this Act | Chief Financial Officer and Service Director of Finance and Technology |

### FREEDOM OF INFORMATION ACT 2000

| Purpose of Appointment | Proper Officer |
|---|---|
| Section 36<br>To authorise exemption for release for prejudice effective conduct of public affairs | Chief Executive, Service Director Legal & Democratic Services |

# PART 3 -
# RESPONSIBILITY FOR FUNCTIONS

## 3.7 EXECUTIVE FUNCTIONS – SCHEME OF DELEGATIONS

As Mayor of City of Doncaster Council, under the powers and duties invested in me by the Local Government Act 2000, I make this following Scheme of Delegations.

Date: 11th August 2025

……..
Ros Jones
Mayor of City of Doncaster Council

Constitution\Version6\Part 3\
This section last updated – Aug 2025

1. All functions of the Council are executive functions except those reserved by law or by the constitution to the Full Council or to Council Committees.

**Elected Mayor**

2. The Mayor is personally responsible for the discharge of all Executive Functions and may take any decision in relation to any such function, whilst recognising the specific and/or statutory responsibilities placed on individual portfolio holders.

***Functions Reserved to the Mayor***

1. Appointment of Cabinet and Deputy Mayor.

2. Determination of Scheme of Delegations.

**Cabinet**

| The Cabinet will consist of: | | |
|---|---|---|
| Cabinet Member | **Ward** | **Portfolio Remit** |
| Ros Jones, Mayor | N/A | Budget, Policy and Economic Development |
| Councillor Glyn Jones Deputy Mayor | Hexthorpe & Balby North | Environment, Housing and Safer Communities |
| Councillor James Church | Bentley | Neighbourhoods, Planning and Public Health |
| Councillor Sue Farmer | Balby South | Children, Young People and Families |
| Councillor David Nevett | Edenthorpe and Kirk Sandall | Adults, Wellbeing and Culture |

3. The Mayor delegates all Executive Functions to the Cabinet who collectively may take any decision in relation to any such function – subject only to the reservations set out in paragraph 5. Cabinet Members may also in respect of any issue decide that the matter is one which should be decided by the Mayor and/or Cabinet. In exercising this delegation, Cabinet Members will follow the principles and conditions shown at Appendix 3.

4. The Cabinet is collectively responsible for the financial decision making and budgetary functions set out in Appendix 5.

**Cabinet Members**

5. Subject to paragraphs 2, 3 and 4 above, the Mayor delegates all Executive Functions shown in Appendix 1 which involve decisions that are strategic, high profile or controversial and which fall within the portfolio of each Cabinet Member as set out in Appendix 1, to that Cabinet Member, subject to the Mayor's directions from time to time to individual Cabinet Members in respect of controversial, high profile and/or financially significant decisions. In exercising delegations, Cabinet Members will follow the principles and conditions shown at Appendix 3. In the event that the Mayor is absent or unable to act the Deputy Mayor must act in her place and may take any decision which the Mayor may ordinarily take. In the event that the Deputy Mayor is unavailable or absent the following Cabinet Members will assume the role of Deputy Mayor in the following order:-
Councillor Sue Farmer, Councillor James Church and Councillor David Nevett.

6. The Mayor has specific responsibility for those functions in relation to financial decision making and budgetary responsibility referred to in the Council's Financial Procedure Rules as set out at Appendix 6.

7. The establishment of advisory groups to assist in the discharge of Executive functions shall be reserved to the Mayor. No such group shall be established without formally recording the following:-

   (i) The purpose and scope (explicitly stating that it is a non-decision making body)
   (ii) The membership of the Body and how that is appointed
   (iii) The costs and benefit of establishment
   (iv) The arrangements for servicing the Body, including the keeping of minutes
   (v) Stating to whom the recommendations are made and that the decision makers discretion is not fettered by the making of those recommendations

   A record of each group established shall be maintained by the Chief Executive.

**Cabinet Committees**

8.

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| No Cabinet Committees are established. |

**Joint Arrangements**

9.

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| The following Joint Arrangements are established to discharge executive arrangements.<br><br>i Joint Advisory Committee for South Yorkshire Archaeology<br>ii South Yorkshire Joint Advisory Committee on Archives<br>iii South Yorkshire Joint Trading Standards Committee<br>iv South Yorkshire Local Pensions Board<br>v Yorkshire and Humberside Grid for Learning Joint Committee<br>vi Barnsley, Doncaster & Rotherham (BDR) Waste Partnership (Joint Waste Board)<br>vii Yorkshire Purchasing Organisation |

**Area Committees**

10.

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|---|
| There are no Area Committees discharging executive functions. |

**Chief Executive/Executive Directors**

11. The Mayor delegates, subject only to the reservations in the lists at paragraphs 2 to 10 above, all Executive Functions to the Chief Executive, also to Executive Directors, who may take any decision in relation to the functions delegated to them as set out in paragraph 13. The Chief Executive (in consultation with the Mayor as appropriate) will determine from time to time the service responsibilities of each Executive Director and the extent to which their delegations shall be exercised. The Chief Executive and Executive Directors have a specific delegation to approve Member attendance at events both within and outside the UK. The Mayor must be informed, prior to any approval, of Cabinet Member attendance at events both within and outside of the UK, and those decisions cannot be delegated to Service Directors or Heads of Service.

**Service Directors and Heads of Service**

12. The Mayor delegates, subject only to the reservations in the lists at paragraphs 2 to 11 above, to each Service Director all Executive Functions which fall within their service area, as shown at paragraph 11 above. The Executive Director to whom the Service Directors report will determine from time to time, what the service responsibilities of each Service Director, are and the extent to which their delegations shall be exercised. Service Directors can authorise member attendance at events within the UK.

13. A list of the Executive Functions delegated to Officers is set out at Appendix 2. In exercising delegation, Officers will follow the principles and conditions set out at Appendix 4.

14. Notwithstanding the Scheme of Delegations for the discharge of Executive Functions, the law requires the Council to appoint certain statutory officers that are responsible for the governance of the Council and have specific statutory powers. These are shown below.

**Head of Paid Service**

15. The Chief Executive is the Head of Paid Service for the purpose of Section 4 of the Local Government and Housing Act 1989.

***Section 151 Officer***

16. The Service Director of Finance & Technology is the officer with responsibility for the administration of the Council's financial affairs for the purposes of Section 6 Local Government and Housing Act 1989 and Section 151 Local Government Act 1972.

**Monitoring Officer**

17. The Service Director of Legal & Democratic Services is the Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989 and will advise, and report as appropriate, on issues of legality, decision making procedure, maladministration, standards of conduct and probity and compliance with the budget and policy framework, and generally to exercise the functions of the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989, the Local Government Act 2000 and accompanying regulations.

**Director of Public Health**

18. The Director of Public Health is the Officer with responsibility for the Council's Public Health functions for the purposes of Section 30 of the Health and Social Care Act 2012 and discharging the responsibilities for Public Health within Doncaster in accordance with the requirements of the Health and Social Care Act 2012 and the NHS Act 2006.

**Executive Director of Children's Services**

19. S18 of the Children Act 2004 requires that an Authority appoint a Director of Children's services. The purposes for which the Director of Children's Services is appointed are local authority education functions ,social services functions for children; functions in relation to young person's leaving care; functions conferred on the authority under sections 10–12 and 17 of the 2004 Act; any functions delegated to the authority by an NHS body under section 31 of the Health Act 1999, so far as relating to children; and any other function prescribed by the Secretary of State by regulations. The authority may include in the remit of the Director of Children's Services such additional functions as they consider appropriate.

**Executive Director of Adults Services**

20. The Children Act 2004 amended Section 6 of the Local Authority Social Services Act 1970. This requires a local authority with social services

responsibility in England to appoint an officer as the Director of Adult Social Services. The Director of Adult Social Services is made accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible, in respect of adults.

## APPENDIX 1

**ROS JONES, MAYOR**
**(Leading on Budget, Policy and Economic Development)**

| | |
|---|---|
| Executive Director of Policy, Partnerships and Investment, Chief Executive's | Corporate Strategic Human Resources<br>• Employment Policy and Workforce Strategy Development & Workforce data<br>• Management of industrial and employee relations (IR&ER), including recognised Trade Unions<br>• IR & ER negotiation and consultation frameworks<br>• Transactional HR (Payroll, Training Booking, Recruitment Administration)<br>• Occupational Health and Employee Well-Being<br>• Organisational Change and Transformation<br>• Organisation and Culture Development<br>• Leadership and Management Development<br>• Employee engagement, behaviours and performance standards<br>• Corporate Recruitment & Agency Staffing<br>• Corporate Reward & Recognition<br>• Workforce Planning, Skills & Development, including Apprenticeships<br>• Equalities, Diversity and Inclusion |
| | Communications and Engagement including:<br>• Strategy development<br>• Communications (internal and external media)<br>• Marketing, Campaigns, Branding, Press and PR<br>• Digital/Web and Intranet<br>• Executive and Leadership Offices |
| | Customer Services including:<br>• Customer Service Strategy<br>• Customer Contact Centre<br>• Complaints and Local Government Ombudsman<br>• Civic Office One-Stop-Shop |

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|---|---|
| Service Director of Policy, Economic Development and Environmental Sustainability | Economic Development: -<br>• Support for businesses and enterprise<br>• Attracting Inward Investment<br>• Tourism<br>• Destination Marketing<br>• City Centre Strategy<br>• Events<br>• External Funding including:<br>  ○ Accountable body for a range of funding streams<br>  ○ Grant search support<br>  ○ Development and submission of strategic funding submissions<br>• SYMCA engagement and strategy (Economic / Major Project) |
| | Policy, Performance and Intelligence:<br>• Corporate Policy and Performance<br>• Borough Strategy/Corporate Plan<br>• Strategic Partnership (Team Doncaster) Lead<br>• Performance Management Framework<br>• Policy & Strategy Lead & Co-ordination<br>• Intelligence, Research & Analysis/Needs Analysis<br>• Data Quality - Expertise and Quality Assurance<br>• Parish Council JCC support<br>• SYMCA engagement and strategy (Other) |
| | Improvement & Change:<br>• SYMCA engagement and strategy (Other)<br>• Project and Programme Management – Expertise and Quality Assurance of Council Projects<br>  ○ Corporate e.g. Assets / ICT<br>  ○ Adult Social Care<br>  ○ Children's Social Care<br>  ○ Place<br>• External Inspection Support & Preparation<br>• Service Review and Improvement<br>• Organisational Change Programme – e.g. Thrive. |
| Executive Director of Corporate Resources | Overall responsibility for the setting of the Medium Financial Strategy of the Council and effective governance arrangements within the Council in line with the Budget and Policy Framework. |
| | Providing leadership for major projects including the South Yorkshire Airport City programme. |

| | |
|---|---|
| Service Director of Legal and Democratic Services | • Land Charges<br>• Legal Services<br>• Democratic Services<br>• Overview &Scrutiny<br>• Member Support – Member Services<br>• Civic Office<br>• Electoral Services<br>• Coroners<br>• Registrars<br>• Freedom of Information<br>• Data Protection<br>• Data Sharing<br>• Information Management<br>• Records Management<br>• Procurement and Contracts Management |
| Chief Financial Officer and Service Director of Finance and Technology | Strategic Finance/Budget Strategy |
| | Revenues and Benefits, including:<br>• Council Tax Billing, Collection and Enforcement<br>• Business Rates Billing, Collection and Enforcement<br>• Housing Benefits and Council Tax Support administration<br>• Financial Assessments for Child Care charges and personal budgets<br>• Financial Assessments for Child Care Services<br>• Free School Meals administration<br>• Local Assistance Scheme<br>• Discretionary Housing Payments<br>• Disabled Person's Travel Permits |
| | Finance, including:<br>• Financial Management<br>• Capital Programmes<br>• Budgeting and Monitoring<br>• Insurance<br>• Treasury Management<br>• Completion of Financial Government Returns/ Reports & National Consultation Responses<br>• Statement of Accounts and External Audit<br>• Banking Arrangements |
| | Internal Audit Services, including:<br>• Planned Audit Work<br>• Advice and Consultancy<br>• Counter Fraud Work |

| | |
|---|---|
| Chief Financial Officer and Service Director of Finance and Technology (Cont'd/..) | Financial & Business Systems, including:<br>• Financial Systems<br>• Professional Business Support<br>• Payment Processing<br>• Debt Management<br>• Social Care Payments<br>• Printing and Outgoing Mail<br>• Incoming Post and Document Scanning |
| | Digital and ICT<br>• ICT & Digital Strategy<br>• TGB Governance<br>• ICT Support<br>• ICT Asset, Licence, and Contract Management<br>• ICT Architecture<br>• ICT Application Development and Support<br>• Data, Voice and Mobile Services<br>• Digital Training<br>• Integrated People Solution (Adults, Children's and Education) |
| Service Director of Development and Traded Services | Major Transport Scheme Initiation<br>Major Transport Scheme Feasibility, Design, Procurement and Delivery<br>Major physical regeneration projects delivery<br>Investment Zone |

**COUNCILLOR GLYN JONES DEPUTY MAYOR**
**(Cabinet Member for Environment, Housing and Safer Communities)**

| | |
|---|---|
| Executive Director of Adults, Wellbeing and Culture (Statutory DASS) | Strategic Lead for Homelessness |
| Service Director of Strategic Housing, Property and Safer Communities | Compliance with Legal and Statutory Duties<br>Housing Standards and Regulator<br>Strategic Housing:-<br>• Affordable Housing<br>• New Homes<br>• Delivery of the Council House Build Programme<br>• Housing Needs Assessment<br>• Housing Regeneration and private sector empty homes<br>• St Leger Homes Client Role, including Building Safety Group<br>• Strategic input on Homelessness<br>• Sheffield City Region partnership working<br>• Private sector housing stock condition and housing retrofit |
| | Property Services:<br>• Strategic Asset Management, including:<br>  • Sale and Acquisition of Assets<br>  • Asset Management Plans and Systems<br>  • Property Advisory Service<br>  • Management of Commercial Property Portfolio<br>  • Council Accommodation Planning<br>• Professional Building Maintenance<br>• Facilities Management<br>• Energy<br>• Design<br>• Stores<br>• Statutory Planned Maintenance |
| | Community Safety and City Centre, including:<br>• Safer Stronger Doncaster Partnership (SSDP) and associated themes within the Community Safety Strategy<br>• Neighbourhood Response Team<br>• CCTV, Out of Hours Contact (ARC) and security issues<br>• Management of the City Centre and Engagement Officers<br>• Prevent Agenda, which includes prevention of extremism and radicalisation and the Channel programme<br>• Hate Crime, Alleygate repairs and maintenance and the Borough-wide weekly community tensions assessment |

| | |
|---|---|
| Service Director of Environment | Street Scene, including:<br>• Street Cleansing (including Fly Tipping and Graffiti)<br>• Grounds Maintenance<br>• Trees and Woodlands<br>• Parks Management (including Play Infrastructure and Technical Services)<br>Waste Management and Recycling<br>Environment and Sustainability functions<br>Air Quality and Pollution Control<br>Flood Management |
| | Regulation and Enforcement including:<br>• Planning Enforcement (operator) * See also SD Development and Traded Services<br>• Environmental Enforcement<br>• Trading Standards<br>• Licensing and Business Safety<br>• Environmental Health<br>• Food and Animal Health<br>• Resilience and Emergency Planning<br>• Anti-Social Behaviour Enforcement<br>• Parking Enforcement and Car Parks Management<br>• Gypsy and Traveller Liaison<br>• Private Sector Housing Enforcement |
| | Highways, including:<br>• Bridges Infrastructure<br>• Roads<br>• Safer Roads<br>• Public Rights of Way<br>• Street Lighting<br>• Drainage<br>• Traffic Management<br>• Flood Management<br>• Network Management<br>• Asset Maintenance |
| Service Director of Development and Traded Services | Transportation, including:-<br>• Strategic Transport Policy<br>• Regional Transport Activity<br>• Local Transport Plan<br>• Bridges Infrastructure<br>• Roads<br>• Fleet Transport |

| | |
|---|---|
| Service Director of Policy, Economic Development and Environmental Sustainability | Environmental Sustainability: -<br><br>• Sustainability Unit implementing the Environment and Sustainability Strategy<br>• Built and Natural environment initiatives for carbon reduction and nature recovery<br>• Influencing behavior change and consumption<br>• Green technology and economy projects<br>• Countryside Unit<br>• SYMCA engagement and strategy (Sustainability) |

**COUNCILLOR DAVID NEVETT**
**(Cabinet Member for Adults, Wellbeing and Culture)**

| | |
|---|---|
| Executive Director of Adults, Wellbeing and Culture (Statutory DASS) | Strategic owner and lead for adult social care, adult safeguarding, strategic commissioning for adults and domestic and sexual abuse (all age). |
| | Coordination of health and care alongside Doncaster's NHS bodies |
| | Doncaster Safeguarding Adults Partnership Board |
| | All age Carers strategy |
| | Practice development within Adult Social Care |
| Service Director of Integration and Partnerships | Therapy, reablement and hospital discharge<br>• Occupational Therapy services (Adults and Children)<br>• Home adaptations and community equipment<br>• Integrated Discharge Team<br>• Short Term Enablement Programme (STEPs) Community Reablement Service<br>• Positive Step Intermediate Care Assessment Unit<br>• Home Emergency Alarm Team<br>Safeguarding, workforce strategy and quality assurance<br>• Safeguarding Personal Assets Team (SAPAT)<br>• Safeguarding Adults Hub<br>• Workforce team<br>• Commissioning arrangements for homecare, care homes, supported living, day support, community equipment, Direct Payments<br>Domestic and Sexual Abuse<br>• Domestic and Sexual Abuse Team<br>• Domestic and Sexual Abuse partnership strategy and action plan<br>Strategic partnership responsibilities<br>• Court of Protection and Deputyship<br>• Urgent and Emergency Care including Home First model<br>• Adult Social Care Market Shaping, contracting and workforce<br>• Directorate link with Safer Stronger Doncaster Partnership |
| Service Director of Adult Social Care | Specialist social work teams and direct provision<br>• Community Adult Learning Disability team<br>• Transitions (preparation for adulthood)<br>• Mental Health Social Work Team<br>• Approved Mental Health Professional Service (AMHPs)<br>• Deprivation of Liberty Safeguards Team (DOLS)<br>• Amersall Court – Residential Care<br>• Hamilton Court – Supported Living<br>• Wickett Hern – residential short breaks<br>• Eden Lodge - residential short breaks<br>• Supportive Multi-Ability Inter-Generational Life Experiences (SMILE) – day opportunities |

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|---|---|
| Service Director of Adult Social Care (Cont'd/…) | • Sensory Team<br>• Support to Doncaster prisons<br>Locality Social work<br>• Locality social work teams<br><br>Coordinated support for people at risk of homelessness with multiple morbidities<br>• Complex Lives Team<br>Tactical coordination of Team Doncaster for Central Locality<br>• Central Locality Lead<br>• Central Locality Bronze multi-agency coordination<br>Strategic partnership responsibilities<br>• Caldicott Guardian and member of Senior Information Risk Owner (SIRO) Board<br>• Transforming Care Partnership<br>• Application of Mental Health Act and Deprivation of Liberty Safeguards<br>• Complex Lives Alliance |
| Head of Service for Culture and Commercial | Heritage and Culture Service, including:-<br>• Doncaster Culture Strategy and Partnership Development<br>• Culture (Heritage and Library) Services<br>• Events Team<br>• Archives<br>• Local History<br>• Doncaster Music Service and Hub and Events<br>• Buy Doncaster |
| Service Director of Policy, Economic Development and Environmental Sustainability | Parish Councils Joint Consultative Committee Attendee |

**COUNCILLOR JAMES CHURCH**
**(Cabinet Member for Neighbourhoods, Planning and Public Health)**

| | |
|---|---|
| Director of Public Health | Surveillance and assessment of the population's health and wellbeing (including managing, analysing and interpreting information, knowledge and statistics) |
| | Health and Well Being Board - Chair |
| | Director of Public Health Annual Report |
| | Local Authority's Public Health response as a responsible Authority under the Licensing Act |
| | Local Authority's role in cooperating with police, probation service and prison service to assess risks posed by violent or sexual offenders |
| | Emergency Preparedness, Resilience and Response for emergencies that pose a risk to public health and duties related to the Authority's role in the Local Health Resilience Forum |
| | Get Doncaster Moving – Physical Activity and Sport |
| | Leisure Services |
| | Combatting Drugs Partnership |
| | Development of a Community Prevention Model |
| | Health in All Policies |
| | Public Mental Health |
| | Child Death Overview Panel |
| | Approaches to reduce health inequalities |
| | Public Health delivery:<br>• Children, young people and families<br>• Working Age and healthy lives<br>• Well Doncaster Community based approaches |
| | Co-ordinate health care public health advice to Integrated Care Board (ICB):<br>• Strategic planning: assessing needs; reviewing service provision; deciding priorities.<br>• Procuring services: planning capacity and managing demand; designing shape and structure of supply. |
| Public Health Consultant | Health Protection assurance - identify, address and monitor local health protection incidents, outbreaks and emergencies. |
| | Health Protection Assurance Group |
| | Liaison with NHS England, clinical networks and clinical senates. |
| | Tobacco Control Alliance |
| | Supporting reviewing and challenging delivery of key public health funded and NHS delivered services such as Immunisation and screening programmes.<br>Public Health training placement coordination |
| Chief Investigator - HDRC | Research active Council |
| | Knowledge into practice and policy |
| Public Health Principal | Public Health Delivery:<br>• Vulnerable people and improving lives<br>• Wider Determinants of public health |
| | Wellbeing essentials and fairness |

| | |
|---|---|
| Service Director of Policy, Economic Development and Environmental Sustainability | Corporate Health, Safety and Welfare Strategy and development |
| | Parish Councils Joint Consultative Committee Attendee |
| Service Director of Development and Traded Services | Traded Services, including:-<br>• Schools Catering<br>• Civic Catering<br>• Doncaster Markets Client Function<br>• Bereavement Services (Cemeteries & Crematoria)<br>• Metro Clean<br>• Pest Control<br>• Dog Wardens |
| | Development Management:-<br>• Planning Applications<br>• Waste & Minerals Planning Applications<br>• Planning Enforcement (Client) *See also SD Environment<br>• Building Regulations<br>• Safety at Sports Grounds<br>Planning Policy:-<br>• Local Plan<br>• Supplementary Planning Documents<br>• Regional Engagement & Policy<br>• Landscaping, Trees and Hedgerows<br>• Design, Master Planning & Conservation |
| Executive Director of Policy, Partnerships and Investment, Chief Executives | Thrive Model and Neighbourhoods & Wellbeing area teams<br><br>• Area and Neighbourhood management including: -<br>• Early intervention and prevention (all age) to tackle issues early in the localities to seek to prevent escalation to higher level services and /or prior to enforcement level work.<br>• Tackling anti-social behaviour, hate crime, criminal damage and low-level crime issues using prevention and early intervention methods, working in partnership across Team Doncaster. Support undertaken is prior to escalation to higher level services or enforcement work<br>• Supporting vulnerable victims<br>• Tackling local issues with partners and communities in localities working to support “community relationships’<br>• Develop and lead the community-led support model<br>• Development of a Community Prevention model (thrive model – way of working)<br>• Thrive Model formerly Locality Working Model<br>• Veterans strategic lead and development of the statutory duty relating to the covenant work.<br>• Supporting elected members in their community leadership role via coordination of local ward member meetings and engagement |

| | |
|---|---|
| Executive Director of Policy, Partnerships and Investment, Chief Executives (Cont'd/…) | • Translation and Interpretation Service (DITU)<br>• Refugee Settlement Schemes/Controlling Migration/Monitoring of the dispersed asylum programme/Homes for Ukraine scheme and all government funded resettlement schemes<br>• Wellbeing Service (corporate city-wide service) |

## COUNCILLOR SUE FARMER

### (Cabinet Member for Children, Young People and Families)
### Designated Statutory Lead Member for Children's Services

| | |
|---|---|
| Executive Director of Children, Young People and Families (Statutory DCS) | • Responsibility for the leadership, strategy and effectiveness of local authority children's services.<br>• Ensure that children's services are integrated across the council.<br>• Lead, promote and create opportunities for co-operation with local partners (for example, health, police, schools, housing services, early years, youth justice, probation, higher and further education, and employers) to improve the well-being of children and young people.<br>• Join up local commissioning plans for clinical and public health services with children's social care and education, where appropriate, to address the identified local needs through the Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy.<br>• Ensure that there are clear and effective arrangements to protect children and young people from harm.<br>• Participate in Local Safeguarding Partnership.<br>• Ensure coherent planning between all agencies providing services for children involved in the youth justice system (including those leaving custody), secure the provision of education for young people in custody and ensure that safeguarding responsibilities are effectively carried out.<br>• Understand local need and secure provision of services, taking account of the benefits of prevention and early intervention and the importance of cooperating with other agencies to offer early help to children, young people and families.<br>• Sufficiency of social care placements, and access to recreational leisure time.<br>• Promote participation in education or training of young people, including by securing provision for young people aged 16-19 (or 25 for those with learning difficulties/disabilities).<br>• Oversee family approaches.<br>• Maintain strategic oversight of Early Help strategy and Placement Sufficiency strategy.<br>• One Adoption South Yorkshire<br>• Ensure Equitable and Inclusive Lifelong Learning for all.<br>• Work with headteachers, school governors and academy sponsors and principals to support and drive for high educational standards for all children and young people, paying particular attention to the most disadvantaged groups. |

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|---|---|
| Service Director of Partnerships and Operations | • Youth Strategy<br>• Children and Young People Plan<br>• Early Intervention and Prevention, including Early Help, Family Hubs, Start for Life Early Years<br>• Partnership Development & Engagement<br>• Wellbeing and Mental Health<br>• Local Office of the Children's Commissioner<br>• Participation and Engagement, including Youth Council, Youth Advisory Board and Young Advisors<br>• All Information, Advice and Guidance (IAG), including Local offer, Family Information Service<br>• Support, Advice, Information Doncaster Special Educational Needs and Disabilities (SAIDSEND)<br>• Quality Assurance Early Years Private, Voluntary or Independent (PVI) settings<br>• Short Breaks<br>• Early Years and Portage<br>• Locality Working Model, including the Your Family Teams and Regenerative Neighbourhoods<br>• Lead for the North Locality<br>• Home to School Transport<br>• School Crossing Patrol<br>• Business Support<br>• Operational and Strategic Commissioning |
| Service Director of Children's Social Care | • Advocacy and Engagement Service<br>• Children's Social Care Referral Service and Emergency Social Services Team (ESST)<br>• Child Protection, Child in Need Assessment and Social Work Services Service – Multi Systemic Therapy (MST)<br>• Children and Young People in Care Service including Fostering, residential Services, Leaving Care (16+) up to 25<br>• Multi Agency Safeguarding Hub (MASH)<br>• Independent Reviewing Service/Child Protection conferencing<br>• Family Support Service (targeted) including counselling<br>• Therapeutic and Support services: Multisystemic Therapy for Child Abuse and Neglect team (MST- CAN); Domestic Abuse Navigators Service (DANS); Psychological services<br>• Support Services: Families Together, Child Exploitation<br>• Youth Offending Service and EPIC<br>• Hub Host for One Adoption South Yorkshire<br>• Placement sufficiency for care of young people<br>• Learning Academy: social work recruitment; retention; training<br>• Safeguarding Business Unit |

| | |
|---|---|
| Service Director of Education and Skills | Lead for Education, inclusion, pupil welfare, transition SEND Strategy |
| | Children and Young People with Special Educational Needs and Disability (SEND) |
| | Virtual School for Children Looked After, Children in Need (CIN) and children with a social worker. |
| | Language Support English as an Additional Language and Gypsy, Roma and Traveller Services |
| | School Governor Support |
| | School Forum |
| | International Partnership Developments |
| | Education, Standards and Effectiveness |
| | All age Education and Skills |
| | Education Psychology |
| | Standing Advisory Council on Religious Education (SACRE) |
| | Statutory Education Provision, Post 16, secondary, primary, junior, infants, special schools and alternative provision |
| | All age sufficiency and place planning – School admissions and childcare sufficiency and post 16 placements 0-25 |
| | Skills and post 16 Education and Careers Enterprise |
| | Adult and Family Learning |
| | Strategic Partnership lead for Inclusion |
| | Autism, and Social Interaction and Communication Education and Training Service (ASCETS) |
| | Initial Teacher Training (ITT) Accountable Body |
| | Hearing and Visual Impairment Services |
| | Behaviour Support |
| | Attendance and Education Welfare |
| | Joint Strategic Improvement and Performance |
| | Education Safeguarding |
| | Remake Learning |
| | Learning City Developments |
| Executive Director of Policy, Partnerships and Investment, Chief Executives | Equalities Champion |

## APPENDIX 2

### CHIEF EXECUTIVE (HEAD OF PAID SERVICE)

The Chief Executive is the Head of Paid Service for the purposes of Section 4 Local Government and Housing Act 1989 with the following specific responsibilities:

1. The overall corporate management and operational responsibility (including overall management responsibility for all staff).

2. The overall provision of professional advice to all parties in the decision making process (the Executive, Overview and Scrutiny, the Council and other Committees).

3. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Local Authority's decisions (Executive or otherwise).

4. Representing the Authority on partnership and external bodies (as required by the Mayor).

5. In consultation with the Mayor, to take such action as may be necessary to protect the interests of the Council and keep citizens safe in any emergency situations.

6. To ensure the Council has an appropriate and effective Health and Safety Policy.

7. To act as Returning Officer for elections and referenda.

8. To deal with any operational matters not otherwise delegated in any period between the last meeting of the Council until the new Council is set up following statutory elections.

9. To give direction in any circumstances that any officer does not exercise a delegated function for whatever reason including interim replacement.

10. To take action on any matter delegated to other Executive Directors as the Chief Executive sees fit.

11. Duties and responsibilities that are relevant and appropriate under the Council's Financial Procedure Rules and to Contract Procedure Rules, including, without prejudice, the power to accept quotations and tenders for the supply or hire of goods, materials, plant or services.

12. Agree HR and OD employment policies and procedures, in particular recruitment, retention, change/reorganisation, redundancy, redeployment, capability, conduct and dismissal of staff under Section 112 of the Local Government Act 1972.

13. Approval of press releases and official statements to press enquiries on behalf of the Authority.

14. To approve the granting and supervision of exemptions from posts being designated as politically restricted, in consultation with the Monitoring Officer.

## CHIEF EXECUTIVE'S DIRECTORATE

<table>
<tr><td rowspan="3">Executive Director of Policy, Partnerships and Investment, Chief Executive's</td><td>Corporate Strategic Human Resources<br><br>• Employment Policy and Workforce Strategy Development & Workforce data<br>• Management of industrial and employee relations (IR&ER), including recognised Trade Unions<br>• IR & ER negotiation and consultation frameworks<br>• Transactional HR (Payroll, Training Booking, Recruitment Administration)<br>• Occupational Health and Employee Well-Being<br>• Organisational Change and Transformation<br>• Organisation and Culture Development<br>• Leadership and Management Development<br>• Employee engagement, behaviours and performance standards<br>• Corporate Recruitment & Agency Staffing<br>• Corporate Reward & Recognition<br>• Workforce Planning, Skills & Development, including Apprenticeships<br>• Equalities, Diversity and Inclusion</td></tr>
<tr><td>Communications and Engagement<br><br>• Strategy development<br>• Communications (internal and external media)<br>• Marketing, Campaigns, Branding, Press and PR<br>• Digital/Web and Intranet<br>• Executive and Leadership Offices</td></tr>
<tr><td>Customer Services<br><br>• Customer Service Strategy<br>• Customer Contact Centre<br>• Complaints and Local Government Ombudsman<br>• Civic Office One-Stop-Shop</td></tr>
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|---|---|
| Executive Director of Policy, Partnerships and Investment, Chief Executive's (Cont'd/…) | Thrive Model and Neighbourhoods & Wellbeing area teams<br><br>• Area and Neighbourhood management including: -<br>• Early intervention and prevention (all age) to tackle issues early in the localities to seek to prevent escalation to higher level services and /or prior to enforcement level work.<br>• Tackling anti-social behaviour, hate crime, criminal damage and low-level crime issues using prevention and early intervention methods, working in partnership across team doncaster, support undertaken is prior to escalation to higher level services or enforcement work<br>• Supporting vulnerable victims<br>• Tackling local issues with partners and communities in localities working to support "community relationships<br>• Develop and lead the community-led support model<br>• Development of a Community Prevention model (thrive model – way of working)<br>• Thrive Model formerly Locality Working Model<br>• Veterans strategic lead and development of the statutory duty relating to the covenant work.<br>• Supporting elected members in their community leadership role via coordination of local ward member meetings and engagement<br>• Translation and Interpretation Service (DITU)<br>• Refugee Settlement Schemes/Controlling Migration/Monitoring of the dispersed asylum programme/Homes for Ukraine scheme and all government funded resettlement schemes<br>• Wellbeing Service (corporate city-wide service) |
| Service Director of Policy, Economic Development and Environmental Sustainability | Environmental Sustainability: -<br><br>• Sustainability Unit implementing the Environment and Sustainability Strategy<br>• Built and Natural environment initiatives for carbon reduction and nature recovery<br>• Influencing behavior change and consumption<br>• Green technology and economy projects<br>• Countryside Unit<br>• SYMCA engagement and strategy (Sustainability) |

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| Service Director of Policy, Economic Development and Environmental Sustainability (Cont'd/…) | Economic Development: -<br><br>• Support for businesses and enterprise<br>• Attracting Inward Investment<br>• Tourism<br>• Destination Marketing<br>• City Centre Strategy<br>• Events<br>• External Funding including:<br>  ○ Accountable body for a range of funding streams<br>  ○ Grant search support<br>  ○ Development and submission of strategic funding submissions<br>• SYMCA engagement and strategy (Economic / Major Project) |
| | Policy, Performance and Intelligence: -<br><br>• Corporate Policy and Performance<br>• Borough Strategy/Corporate Plan<br>• Strategic Partnership (Team Doncaster) Lead<br>• Performance Management Framework<br>• Policy & Strategy Lead & Co-ordination<br>• Intelligence, Research & Analysis/Needs Analysis<br>• Data Quality - Expertise and Quality Assurance<br>• Parish Council JCC support<br>• SYMCA engagement and strategy (Other) |
| | Improvement & Change: -<br><br>• SYMCA engagement and strategy (Other)<br>• Project and Programme Management – Expertise and Quality Assurance of Council Projects<br>  ○ Corporate e.g. Assets / ICT<br>  ○ Adult Social Care<br>  ○ Childrens Social Care<br>  ○ Place<br>• External Inspection Support & Preparation<br>• Service Review and Improvement<br>• Organisational Change Programme – e.g. Thrive. |
| | Corporate Health, Safety and Welfare Strategy and development |

**DIRECTOR OF PUBLIC HEALTH**
**(Chief Executive's Directorate)**

| | |
|---|---|
| Personally | Overall responsibility for all services and issues concerning Public Health, and for professional advice to the Cabinet, Executive and Council as the designated statutory Director of Public Health (including exercising the duties and functions set out in the statutory guidance for Director of Public Health) |
| | Representing the Authority on partnership and external bodies (as required by the Mayor or Chief Executive) |
| | Surveillance and assessment of the population's health and wellbeing (including managing, analysing and interpreting information, knowledge and statistics) |
| | Health and Well Being Board |
| | Director of Public Health Annual Report |
| | Local Authority's Public Health response as a responsible Authority under the Licensing Act |
| | Local Authority's role in cooperating with police, probation service and prison service to assess risks posed by violent or sexual offenders |
| | Emergency Preparedness, Resilience and Response for emergencies that pose a risk to public health and duties related to the Authority's role in the Local Health Resilience Forum |
| | Get Doncaster Moving – Physical Activity and Sport |
| | Leisure Services |
| | Combatting Drugs Partnership |
| | Development of a Community Prevention Model |
| | Health in All Policies |
| | Public Mental Health |
| | Child Death Overview Panel |
| | Approaches to reduce health inequalities |
| | Public Health delivery:<br>• Children, young people and families<br>• Working Age and healthy lives<br>• Well Doncaster Community based approaches |
| | Co-ordinate health care public health advice to Integrated Care Board (ICB):<br>• Strategic planning: assessing needs; reviewing service provision; deciding priorities.<br>• Procuring services: planning capacity and managing demand; designing shape and structure of supply. |
| Public Health Consultant | Health Protection assurance - identify, address and monitor local health protection incidents, outbreaks and emergencies. |
| | Health Protection Assurance Group |
| | Liaison with NHS England, clinical networks and clinical senates. |
| | Tobacco Control Alliance |
| | Supporting reviewing and challenging delivery of key public health funded and NHS delivered services such as Immunisation and screening programmes. |
| | Public Health training placement coordination |

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| Chief Investigator – HDRC | Research active Council |
| | Knowledge into practice and policy |
| Public Health Principal | Public Health Delivery:<br>• Vulnerable people and improving lives<br>• Wider Determinants of public health |
| | Wellbeing essentials and fairness |

## EXECUTIVE DIRECTOR OF PLACE

| | |
|---|---|
| Personally | Overall responsibility for all services and issues concerning the Place Directorate |
| | Representing the Authority on partnership and external bodies (as required by the Mayor or Chief Executive) |
| Service Director of Development and Traded Services | Development Management:-<br>• Planning Applications<br>• Waste & Minerals Planning Applications<br>• Planning Enforcement (Client) *See also SD Environment<br>• Building Regulations<br>• Safety at Sports Grounds |
| | Planning Policy:-<br>• Local Plan<br>• Supplementary Planning Documents<br>• Regional Engagement & Policy<br>• Landscaping, Trees and Hedgerows<br>• Design, Master Planning & Conservation |
| | Major Transport Scheme Initiation |
| | Major Transport Scheme Feasibility, Design, Procurement and Delivery |
| | Transportation including:-<br>• Strategic Transport Policy<br>• Regional Transport Activity<br>• Local Transport Plan<br>• Bridges Infrastructure<br>• Roads |
| | Major physical regeneration projects delivery |
| | Investment Zone |
| | Traded Services, comprising:-<br>• Schools Catering<br>• Civic Catering<br>• Doncaster Markets Client Function<br>• Bereavement Services (Cemeteries & Crematoria)<br>• Fleet Transport<br>• Metro Clean<br>• Pest Control<br>• Dog Wardens |
| Service Director of Environment | Street Scene including:-<br>• Street Cleansing (including Fly Tipping and Graffiti)<br>• Grounds Maintenance<br>• Trees and Woodlands<br>• Parks Management (including Play Infrastructure and Technical Services) |

| | |
|---|---|
| Service Director of Environment (Cont'd/…) | Regulation and Enforcement including:-<br>• Planning Enforcement (Operator) *See also SD Development and Traded Services<br>• Environmental Enforcement<br>• Trading Standards<br>• Licensing & Business Safety<br>• Environmental Health<br>• Food and Animal Health<br>• Resilience and Emergency Planning<br>• Air Quality and Pollution Control<br>• Anti-Social Behaviour Enforcement<br>• Parking Enforcement and Car Parks Management<br>• Gypsy and Traveller Liaison<br>• Private Sector Housing Enforcement |
| | Waste Management and Recycling |
| | Highways, including:-<br>• Bridges Infrastructure<br>• Roads<br>• Safer Roads<br>• Public Rights of Way<br>• Street Lighting<br>• Drainage<br>• Traffic Management<br>• Flood Management<br>• Network Management<br>• Asset Maintenance |
| Service Director of Strategic Housing, Property and Safer Communities | Compliance with Legal and Statutory Duties |
| | Housing Standards and Regulator |
| | Strategic Housing:-<br>• Affordable Housing<br>• New Homes<br>• Delivery of the Council House Build Programme<br>• Housing Needs Assessment<br>• Housing Regeneration and private sector empty homes<br>• St Leger Homes Client Role, including Building Safety Group<br>• Strategic input on Homelessness<br>• Sheffield City Region partnership working<br>• Private sector housing stock condition and housing retrofit<br>• Service Director Lead for South Locality |

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| Service Director of Strategic Housing, Property and Safer Communities (Cont'd/…) | Property Services:-<br>• Strategic Asset Management including:-<br>  ○ Sale and Acquisition of Assets<br>  ○ Asset Management Plans and Systems<br>  ○ Property Advisory Service<br>  ○ Management of Commercial Property Portfolio<br>  ○ Council Accommodation Planning<br>• Professional Building Maintenance<br>• Facilities Management<br>• Energy<br>• Design<br>• Stores<br>• Statutory Planned Maintenance |
| | Community Safety and City Centre including:-<br>• Safer Stronger Doncaster Partnership (SSDP) and associated themes within the Community Safety Strategy<br>• Neighbourhood Response Team<br>• CCTV, Out of Hours contact (ARC) and security issues<br>• Management of the City Centre and Engagement officers<br>• Prevent agenda, which includes prevention of extremism and radicalisation and the Channel programme<br>• Hate Crime, Alleygate repairs and maintenance and the Boroughwide weekly community tension assessment. |

## EXECUTIVE DIRECTOR OF CORPORATE RESOURCES

| | |
|---|---|
| Personally | Overall responsibility for all issues and services concerning the Corporate Resources Directorate. Representing the Authority on partnership and external bodies (as required by the Mayor or Chief Executive) |
| | Overall responsibility for the setting of the Medium Financial Strategy of the Council and effective governance arrangements within the Council in line with the Budget and Policy Framework. |
| | Providing leadership for major projects including the South Yorkshire Airport City programme. |
| Chief Financial Officer and Service Director of Finance and Technology | Finance:<br>• Financial Management<br>• Budget Strategy<br>• Capital Programmes<br>• Budgeting and Monitoring<br>• Insurance<br>• Treasury Management<br>• Completion of Financial Government Returns/Reports & National Consultation Responses<br>• Statement of Accounts and external audit<br>• Banking arrangements |
| | Internal Audit Services:<br>• Planned Audit work<br>• Advice and Consultancy<br>• Counter Fraud Work |
| | Financial & Business Systems:<br>• Financial Systems<br>• Professional Business Support<br>• Payment Processing<br>• Debt Management<br>• Social Care Payments<br>• Printing & Outgoing Mail<br>• Incoming Post and Document Scanning |
| | Revenues and Benefits, comprising:-<br>• Council Tax Billing, Collection and Enforcement<br>• Business Rates Billing, Collection and Enforcement<br>• Housing Benefits and Council Tax Support administration<br>• Financial Assessments for Social Care charges and personal budgets<br>• Financial Assessments for Child Care Services<br>• Free School Meals administration<br>• Local Assistance Scheme<br>• Discretionary Housing Payments<br>• Disabled Person's Travel Permits |

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|---|---|
| Chief Financial Officer and Service Director of Finance and Technology (Cont'd/…) | Digital & ICT :<br>• ICT & Digital Strategy<br>• TGB Governance<br>• ICT Support,<br>• ICT Asset, License and Contract management<br>• ICT Architecture<br>• ICT Application Development and support<br>• Data, Voice and Mobile Services<br>• Digital Training<br>• Integrated People Solution (Adults, Children's & Education) |
| Service Director of Legal & Democratic Services | Land Charges |
| | Legal Services |
| | Democratic Services |
| | Overview and Scrutiny |
| | Member Support – Members' Services |
| | Civic Office |
| | Electoral Services |
| | Coroners |
| | Registrars |
| | Freedom of Information |
| | Data Protection |
| | Data Sharing |
| | Information Management |
| | Records Management |
| | Procurement and Contracts Management |

## EXECUTIVE DIRECTOR OF CHILDREN, YOUNG PEOPLE AND FAMILIES (Statutory DCS)

| | |
|---|---|
| Personally | Overall responsibility for all services for and issues concerning children and young people, as the designated statutory Director of Children's Services (DCS), including exercising the duties and functions set out in the statutory guidance for Directors of Children's Services |
| | Representing the Authority on partnership and external bodies (as required by the Mayor or Chief Executive) |
| Service Director of Education and Skills | Statutory lead for Education, inclusion, pupil welfare, transition SEND Strategy |
| | Children and Young People with Special Educational Needs and Disability (SEND) |
| | Virtual School for Children Looked After, Children in Need (CIN) and children with a social worker. |
| | Language Support English as an Additional Language and Gypsy, Roma and Traveller Services |
| | School Governor Support |
| | School Forum |
| | International Partnership Developments |
| | Education, Standards and Effectiveness |
| | All age Education and Skills |
| | Education Psychology |
| | Standing Advisory Council on Religious Education (SACRE) |
| | Statutory Education Provision, Post 16, secondary, primary, junior, infants, special schools and alternative provision |
| | All age sufficiency and place planning – School admissions and childcare sufficiency and post 16 placements 0-25 |
| | Skills and post 16 Education and Careers Enterprise |
| | Adult and Family Learning |
| | Strategic Partnership lead for Inclusion |
| | Autism, and Social Interaction and Communication Education and Training Service (ASCETS) |
| | Initial Teacher Training (ITT) Accountable Body |
| | Hearing and Visual Impairment Services |
| | Behaviour Support |
| | Attendance and Education Welfare |
| | Joint Strategic Improvement and Performance |
| | Education Safeguarding |
| | Remake Learning |
| | Learning City Developments |
| | Representing the Authority on partnership and external bodies (as required by the Mayor, Chief Executive and the Executive Director) |
| Service Director of Partnerships and Operations | Youth Strategy |
| | Children and Young People Plan |
| | Early Intervention and Prevention, including Early Help, Family Hubs, Start for Life Early Years |

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|---|---|
| Service Director of Partnerships and Operations (Cont'd/…) | Partnership Development & Engagement |
| | Wellbeing and Mental Health |
| | Local Office of the Children's Commissioner |
| | Participation and Engagement, including Youth Council, Youth Advisory Board and Young Advisors |
| | All Information, Advice and Guidance (IAG), including Local offer, Family Information Service |
| | Support, Advice, Information Doncaster Special Educational Needs and Disabilities (SAIDSEND) |
| | Quality Assurance Early Years Private, Voluntary or Independent (PVI) settings |
| | Short Breaks |
| | Early Years and Portage |
| | Locality Working Model, including the Your Family Teams and Regenerative Neighbourhoods |
| | Lead for the North Locality |
| | All age safeguarding business unit |
| | Home to School Transport |
| | School Crossing Patrol |
| | Business Support |
| | Operational and Strategic Commissioning |
| | Representing the Authority on partnership and external bodies (as required by the Mayor, Chief Executive and the Executive Director) including mental health, domestic abuse and child exploitation |
| Service Director of Children's Social Care | Advocacy and Engagement Service |
| | Children's Social Care Referral Service and Emergency Social Services Team (ESST) |
| | Child Protection, Child in Need Assessment and Social Work Services Service – Multi Systemic Therapy (MST) |
| | Children and Young People In Care Service including Fostering, residential Services, Leaving Care (16+) up to 25 |
| | Multi Agency Safeguarding Hub (MASH) |
| | Independent Reviewing Service/Child Protection conferencing/Local Authority Designated Officer (LADO ) |
| | Family Support Service (targeted) including counselling |
| | Therapeutic and Support services: Multisystemic Therapy for Child Abuse and Neglect team (MST- CAN); Domestic Abuse Navigators Service (DANS); Psychological services |
| | Support Services: Families Together, Child Exploitation |
| | Youth Offending Service and EPIC |
| | Hub Host for One Adoption South Yorkshire |
| | Placement sufficiency for care of young people |
| | Learning Academy: social work recruitment; retention; training |
| | Safeguarding Business Unit |
| | Representing the Authority on partnership and external bodies (as required by the Mayor, Chief Executive and the Executive Director) including mental health, domestic abuse and child exploitation |

**EXECUTIVE DIRECTOR OF ADULTS, WELLBEING AND CULTURE**
**(Statutory DASS)**

| | |
|---|---|
| Personally | Overall responsibility for all services for and issues concerning adult social care, adult safeguarding, strategic commissioning for adults, domestic and sexual abuse (all age) and culture and heritage, and for professional advice to the Cabinet and Executive as the designated statutory Director of Adult Social Services (DASS). |
| | Coordination of health and care alongside Doncaster's NHS bodies |
| | Doncaster Safeguarding Adults Partnership Board |
| | Strategic Lead for Homelessness |
| | All age Carers strategy |
| | Practice development within Adult Social Care, including as co-chair of the Making It Real Board |
| | Representing the Authority on partnership and external bodies (as required by the Mayor or Chief Executive) |
| Head of Service for Culture and Commercial (Reports to Director) | Heritage and Culture Service, including:-<br>• Doncaster Culture Strategy and Partnership Development<br>• Culture (Heritage and Library) Services<br>• Events Team<br>• Archives<br>• Local History<br>• Doncaster Music Service and Hub and Events<br>• Buy Doncaster |
| Service Director of Integration and Partnerships | Therapy, reablement and hospital discharge<br>• Occupational Therapy services (Adults and Children)<br>• Home adaptations and community equipment<br>• Integrated Discharge Team<br>• Short Term Enablement Programme (STEPs) Community Reablement Service<br>• Positive Step Intermediate Care Assessment Unit<br>• Home Emergency Alarm Team<br>Safeguarding, workforce strategy and quality assurance<br>• Safeguarding Personal Assets Team (SAPAT)<br>• Safeguarding Adults Hub<br>• Workforce team<br>• Commissioning arrangements for homecare, care homes, supported living, day support, community equipment, Direct Payments<br>Domestic and Sexual Abuse<br>• Domestic and Sexual Abuse Team<br>• Domestic and Sexual Abuse partnership strategy and action plan<br>Strategic partnership responsibilities<br>• Court of Protection and Deputyship<br>• Urgent and Emergency Care including Home First model<br>• Adult Social Care Market Shaping, contracting and workforce<br>• Directorate link with Safer Stronger Doncaster Partnership |
| | Representing the Authority on partnership and external bodies (as required by the Mayor, Chief Executive and the Executive Director) |

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|---|---|
| Service Director of Adult Social Care | Specialist social work teams and direct provision<br>• Community Adult Learning Disability team<br>• Transitions (preparation for adulthood)<br>• Mental Health Social Work Team<br>• Approved Mental Health Professional Service (AMHPs)<br>• Deprivation of Liberty Safeguards Team (DOLS)<br>• Amersall Court – Residential Care<br>• Hamilton Court – Supported Living<br>• Wickett Hern – residential short breaks<br>• Eden Lodge - residential short breaks<br>• Supportive Multi-Ability Inter-Generational Life Experiences (SMILE) – day opportunities<br>• Sensory Team<br>• Support to Doncaster prisons<br>Locality Social work<br>• Locality social work teams<br>Coordinated support for people at risk of homelessness with multiple morbidities<br>• Complex Lives Team<br>Tactical coordination of Team Doncaster for Central Locality<br>• Central Locality Lead<br>• Central Locality Bronze multi-agency coordination<br>Strategic partnership responsibilities<br>• Caldicott Guardian and member of Senior Information Risk Owner (SIRO) Board<br>• Transforming Care Partnership<br>• Application of Mental Health Act and Deprivation of Liberty Safeguards<br>• Complex Lives Alliance |
| | Representing the Authority on partnership and external bodies (as required by the Mayor, Chief Executive and the Executive Director) |

# APPENDIX 3

## EXERCISE OF DELEGATION BY THE MAYOR AND CABINET MEMBERS

Where decisions are taken or powers are exercised by the Mayor or Cabinet Members acting under individual delegations from the Mayor, the following principles and conditions shall apply:-

1. Powers and duties shall be exercised in accordance with the Law, the Council's Procedure Rules, Financial Procedure Rules, Contract Procedure Rules and any policies relevant to the functions delegated. Members must also be mindful of the requirements under the Member Code of Conduct and where appropriate make it known if there is an interest to declare. Where a Member has an interest, that Member should take no part in the decision.

2. Decisions taken in the name of the Mayor or individual Cabinet Members shall be taken personally by the individual with delegated powers.

3. Decisions must be taken on the basis of a written report setting out all the information and advice relevant to the decision, evaluating any alternative courses of action and recording the outcome of any consultation undertaken.

4. Rule 21(4) of the Access to Information Procedure Rules requires the Mayor or Cabinet Member taking a decision to prepare, or instruct the Chief Executive to prepare, a record of the decision including a statement of the reasons for it and any alternative options considered and rejected.

5. The Financial Procedure Rules set out the requirements of the Council in ensuring principles of accounting good practice and financial probity are adhered to. Compliance with these rules is required in order to protect the interests of the decision maker and of the Council.

6. Any delegated powers can also be exercised at any time by the Mayor, or unless the Mayor directs otherwise, by the Cabinet collectively.

7. In exercising delegated powers consistency with the Council's Budget and Policy Framework will be of paramount importance.

8. Due regard must be had to the principles of decision making set out at Article 8.02 (a) to (k) of the Constitution.

# APPENDIX 4

## EXERCISE OF DELEGATION BY OFFICERS

In deciding whether or not to exercise delegated powers, Officers shall consult with the Mayor/Deputy Mayor or relevant Cabinet Member. Whilst the Scheme of Delegation sets out at paragraph 5 the types of decisions Cabinet Members should take, it is expected that each Executive Director will meet with their respective Portfolio Holders to agree arrangements for consulting with them on certain types of decisions to be taken by officers within their Directorate. Where decisions are taken or powers are exercised by Officers under delegations from the Mayor, the following principles and conditions shall apply:-

1. Powers shall be exercised in accordance with the Law, the Council's Procedure Rules, Financial Procedure Rules, Contract Procedure Rules and any policies relevant to the functions delegated.

2. Decisions shall be taken in the name of, but not necessarily personally by, the Officer with the delegated power. Any Officer with delegated powers may authorise another Officer to act in their name. Such decisions remain the responsibility of the Officer with the delegation.

3. Key decision making must be taken on the basis of a written report setting out all the information and advice relevant to the decision, evaluating any alternative courses of action and recording the outcome of any consultation undertaken.

4. It is the responsibility of Officers who take delegated Non-Key Decisions to keep an appropriate record of the date the decision was taken, the principal considerations involved in reaching the decision and the reasons for the decision.

5. In exercising delegated authority regard must be had to:-

   (i) the policy directions given by the Mayor;

   (ii) the comments and views of relevant Cabinet Member(s);

   (iii) the principles set out in Article 8.02 (a) to (k) of the Constitution; and

   (iv) the requirement to demonstrate the need to provide continuous improvement of the delivery of services.

6. In exceptional circumstances (in particular where set out in the Council's urgency procedures) Officers will together with the relevant Cabinet Member consult the Overview & Scrutiny Management Committee Chair or relevant Scrutiny Panel Chair. Officers shall always be entitled to refer matters for decision to the appropriate Member body where they consider they should do so.

7. In exercising these delegated powers the officers concerned shall have broad discretion, subject to these rules, to use the most efficient and effective means available, including the deployment of staffing and other

resources within their control and the procurement of other resources necessary whether within or outside the Council.

8. Officers shall act so as to achieve for their service the policies and objectives of their Service and always having regard to the overall and corporate interests of the Council.

9. In the absence of an Executive Director, decisions delegated to that Executive Director may be taken by their authorised deputy.

10. Any power delegated to officers may, unless the Mayor directs otherwise, also be exercised by the Mayor or the Cabinet collectively, and where the Mayor directs, by individual Cabinet Members.

11. Decisions about the overall structure of the Directorate and the make-up of services within the Directorate are reserved to the relevant Executive Director, in consultation with the Portfolio Holder and in accordance with Council procedures and guidance.

**Statutory and Guidance References**

**Local Government Act 2000, Ss 10, 15**
**Local Authorities (Functions and Responsibilities) (England) Regulations 2000**
**DETR New Council Constitutions Guidance Chapter 4**

# APPENDIX 5

| **FUNCTIONS RESERVED TO THE CABINET COLLECTIVELY (FINANCIAL PROCEDURE RULE REFERENCE SHOWN IN BRACKETS)** | |
|---|---|
| (i) | Proposing the Budget and Policy Framework and Capital Programme to the Full Council and discharging Executive functions in accordance with the Budget and Policy Framework agreed by Full Council (A.4). |
| (ii) | Approving the Strategic Risk Management Policy Statement and Strategy and promoting a culture of risk management awareness throughout the Council (A.5 and C.2). |
| (iii) | Approval of the Council's Anti-Fraud and Corruption Policy (A.8). |
| (iv) | Agreeing the annual Revenue Budget (including medium-term financial forecast) proposed by the Elected Mayor prior to its submission to the Full Council for approval (B.1). |
| (v) | Agreeing the multi-year capital programme proposed by the Elected Mayor, prior to its submission to the Full Council for approval (B.3). |
| (vi) | Receiving regular reports on the latest forecast budget position and any significant deviations from expectations for prudential indicators (B.7, B.10). |
| (vii) | Approving proposals for virement between Directorates of over £250,000. [Note: Key decision approval is required, i.e. by Elected Mayor and/or Cabinet and/or Portfolio Holder] (B.14). |
| (viii) | Receiving reports from the Chief Financial Officer on proper insurance cover, as appropriate (C.3). |
| (ix) | Approving revised rent, licence fees, easement or wayleave payments or compensation claims in excess of £250,000 per annum (C.19). |
| (x) | Approval of land and property disposals where the estimated disposal value of individual property assets is equal to or greater than £1,000,000 (C.20). |
| (xi) | Approval to proceed with disposals at less than the Best Consideration where the estimated disposal value would otherwise have been at or above £250,000 (C.20). |
| (xii) | Receiving regular reports on the Treasury Management activities, including as a minimum, an Annual Strategy Report in advance of the forthcoming financial year and an Annual Report detailing the performance of actual activity six months after the financial year (C.30). |

| | |
|---|---|
| (xiii) | Noting details of any debts written-off over £50,000, which will be included in financial management reports to Cabinet (D.9). |
| (xiv) | Approving delegation of Financial Management arrangements relating to, and specifically, agreeing partnerships (E.3). The Council representative on any partnership, trust or other organisation must refer all financial decisions to Cabinet, including considering any recommendations that would create a commitment or liability for the Council (E.4). |

## APPENDIX 6

**FUNCTIONS RESERVED TO CABINET MEMBERS**
**(FINANCIAL PROCEDURE RULE REFERENCE SHOWN IN BRACKETS)**

A. Elected Mayor

(i) The Elected Mayor determines the Scheme of Delegations which will govern the framework for financial decision-making and budgetary responsibility (A.6).

(ii) Approving proposals for virement between Directorates of over £250,000. [Note: Key decision approval is required, i.e. by Elected Mayor and/or Cabinet and/or Portfolio Holder] (B.14).

(iii) The Chief Financial Officer will consult with the Elected Mayor before authorising the writing-off of debts of £250,000 or over (D.9).

B. Relevant Portfolio Holder

(i) Approving proposals for virement between Directorates of over £250,000. [Note: Key decision approval is required, i.e. by Elected Mayor and/or Cabinet and/or Portfolio Holder] (B.14).

(ii) Any exceptions to the annual percentage change for all discretionary fees and charges for the forthcoming financial year, as proposed by Cabinet, will be agreed by the relevant Portfolio Holder prior to the annual Council budget meeting (B.15).

(iii) Any new fees and charges proposed within the financial year or any changes to existing fees and charges will be approved by the Chief Financial Officer in consultation with the relevant Portfolio Holder, subject to key decision rules and reported to Cabinet in the quarterly monitoring report (B.16).

**Statutory and Guidance References**
**Local Government Act 2000, Ss 10, 15**
**Local Authorities (Functions and Responsibilities) (England) Regulations 2000**

# PART 3 - RESPONSIBILITY FOR FUNCTIONS

## 3.8 FULL COUNCIL FUNCTIONS - SCHEME OF DELEGATIONS

(a) The Council has resolved to delegate all Council functions, which are not specifically reserved to Full Council, to the Committees described in this Scheme of Delegation with the terms of reference as set out.

(b) The Council has resolved to delegate all Council functions which are not specifically reserved to Full Council, and which the law allows to be delegated, to the Officers described in Part 3.2 of this Constitution.

(c) A Committee of the Council has a specific delegation to approve the attendance of any Member of the Committee or co-optees at conferences, events and meetings including travel outside the UK.

The Chief Executive and Executive Directors have a specific delegation to approve Member attendance at events both inside and outside the UK. The respective Committee Chair must be informed of any approval of Member attendance at events outside the UK and these decisions cannot be delegated to Service Directors or Heads of Service. Service Directors or Heads of Service can authorise attendance at events within the UK.

(d) The Head of Paid Service (Chief Executive) has a specific delegation to discharge those functions relating to the national and local terms and conditions of service staff excluding those functions exclusively relating to Chief Officers, which are covered within the remit of the Chief Officers' Appointments Committee. This delegation excludes any changes affecting the majority of staff, e.g. major changes to terms and conditions or large scale redundancies, which require a report to Full Council.

(e) The Monitoring Officer is authorised to approve requests in writing for Member absence in excess of six months, if satisfied that the grounds for such a request are reasonable. (Members are asked to make requests prior to the expiry of the fifth month of absence.)

In the event that any such approval is granted, a report will be presented to the next available meeting of Council.

In the event that the Monitoring Officer does not feel able to approve the request Council will be asked to consider the extension.

(f) The Chief Executive determines and maintains a record of Executive Director, Service Director and Heads of Service responsibilities.

(g) Any person with delegated powers may not further delegate those powers but may authorise others to act in their name.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8 FULL COUNCIL FUNCTIONS - SCHEME OF DELEGATIONS

(h) Ad hoc delegations by Full Council.

By resolution of the Full Council delegations to ad hoc Committees, Committees, Sub-Committees, Officers or joint arrangements will be effective notwithstanding that the delegation is not set out in this Part.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.1 EXERCISE OF FULL COUNCIL DELEGATION BY OFFICERS

Where decisions are taken or powers are exercised by Officers under delegations from the Council, the following principles and conditions shall apply:-

1. Powers shall be exercised in accordance with the Law, the Council's various Procedure Rules set out in this Constitution and any policies relevant to the functions delegated.

2. Decisions shall be taken in the name of, but not necessarily personally by, the Officer with the delegated power. Any Officer with delegated powers may authorise another Officer to act in their name. Such decisions remain the responsibility of the Officer with the delegation.

3. It is the responsibility of Officers who take delegated decisions to keep an appropriate record of the date the decision was taken, the principal considerations involved in reaching the decision and the reasons for the decision. In exercising delegated authority regard must be had to:-

   (a) Reasonableness and proportionality of a decision. (Taking into account only relevant considerations, disregarding irrelevant considerations; taking account of any impact on the human rights of individuals).

   (b) The lawfulness of the decision. (There must be a statutory power and the decision must be in accordance with the relevant Procedure Rules contained within the Constitution and all other procedural and legal requirements. The person making the decision must be properly authorised to do so.)

   (c) The decision being taken for a proper purpose. (A purpose consistent with the legal power which enables the decision.)

   (d) Financial information and advice.

   (e) Absolute standards of integrity and probity.

4. In taking any decision Officers must have regard to and apply as appropriate the principles of decision making contained at Article 8.02 (a) to (k) of the Constitution.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.1 EXERCISE OF FULL COUNCIL DELEGATION BY OFFICERS

5. In deciding whether or not to exercise delegated powers, Officers shall comply with any protocol agreed by the relevant Committee in the exercise of delegation and shall consider consulting with the relevant Elected Member and/or Overview and Scrutiny Chair and shall always be entitled to refer matters for decision to the appropriate Member body where they consider they should do so.

6. In exercising these delegated powers the Officers concerned shall have broad discretion, subject to complying with all relevant law, the Council's Procedural Rules and approved budgets and Capital Programmes to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary whether within or outside the Council.

7. Officers shall act so as to achieve for their service the policies and objectives of their Service and always having regard to the overall and corporate interests of the Council.

8. In the absence of the Chief Executive or an Executive Director or Service Director, decisions delegated to that Executive Director or Service Director may be taken by their authorised deputy.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## PLANNING COMMITTEE

This Committee is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act, 1972.

1. Exercise of the Full Council's functions under Part 3 of this Constitution including:

    i. Functions relating to Town and Country Planning and Development Control;

    ii Miscellaneous functions relating to the creation, diversion, extinguishment stopping up of footpaths and bridleways and the diversion or extinguishment of a rail crossing.

    iii. Functions relating to complaints about high hedges.

2. Advise and recommend to the Executive on the preparation, content and implementation of supporting planning policy.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

### EMPLOYEE RELATIONS DISPUTES RESOLUTION COMMITTEE

This is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act, 1972.

1. To consider disputes of a collective nature, or which have collective application, not resolved through the Corporate Negotiating Group, in line with Part 3 – Disputes Resolution, of the Industrial Relations Framework.

### CHIEF OFFICERS' APPOINTMENTS COMMITTEE

This Committee is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

1. To exercise the Full Council's functions under Part 3 and the Employment Procedure Rules of this Constitution in respect of appointment of Chief Officers of Chief Executive (Head of Paid Service), Directors, Monitoring Officer and Chief Financial Officer (Section 151 Officer).

2. To establish an appointment panel comprising up to five members of the Chief Officers' Appointments Committee, that will include two members of the Cabinet nominated by the Mayor for each Chief Officer Post to be appointed to. Full Council approval is required for the appointment of the three Relevant Officers – Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer).

3. To compromise any claims or agree terms for the settlement of any dispute involving Chief Officers (of Chief Executive (Head of Paid Service), Directors, Monitoring Officer and Chief Financial Officer (Section 151 Officer).

# PART 3 - RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## CHIEF OFFICERS INVESTIGATORY SUB-COMMITTEE

This Sub-Committee is a Sub-Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972 and in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; including the appointment of such relevant independent persons.

**DELEGATED MATTERS:-**

In relation to the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer).

i. To discharge the functions of the Panel as defined by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

ii. To consider any allegations made against the Chief Executive (Head of Paid Service), Monitoring Officer or Chief Financial Officer (Section 151 Officer) and decide if further investigation is required, to undertake suspension and take disciplinary action short of dismissal.

iii. To carry out an investigation and determine if a question of discipline exists which requires disciplinary action to be taken.

iv. To make recommendations to Full Council for approval of any proposed dismissal before notice is given to the Chief Executive (Head of Paid Service), Monitoring Officer or Chief Financial Officer (Section 151 Officer).

## CHIEF OFFICERS' APPEALS COMMITTEE

This Committee is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act, 1972.

1. To hear appeals against decisions of the Chief Officers' Appointments Committee.

2. To hear appeals against any action short of dismissal taken by the Investigatory Sub-Committee against the Chief Executive (Head of Paid Service), Chief Financial Officer (Section 151 Officer) and Monitoring Officer.

3. To hear appeals against decisions to dismiss or action short of dismissal taken by the Chief Executive.

# PART 3 - RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## LICENSING COMMITTEE

This Committee is a Committee of the Council constituted:

(1) In relation to its functions under the Licensing Act 2003, under Section 6 of that Act.

(2) In relation to its functions under the Gambling Act 2005.

(3) In relation to their functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.

(4) In relation to its other functions, under Sections 101 and 102 of the Local Government Act 1972.

**Terms of Reference**

**FOR RECOMMENDATION TO COUNCIL:-**

1. In respect of the relevant prescribed period to consider the adoption of the Statement of Licensing Policy.

2. During the relevant prescribed period to keep the Statement of Licensing Policy under review, and to recommend any revisions to it.

**FOR RECOMMENDATION TO THE EXECUTIVE AND THEN TO COUNCIL:-**

1. In respect of the relevant prescribed period to advise on the preparation, content and implementation of the Statement of Gambling Policy.

2. During the relevant prescribed period to keep the Statement of Gambling Policy under review, and to recommend any revisions to it.

**DELEGATED MATTERS:-**

1. To discharge the functions of the Council that are licensing functions within the meaning of the Licensing Act 2003 as amended.

2. To discharge the functions of the Local Authority as set out in the Gambling Act 2005.

3. The appointment of Licensing Sub-Committees under Section 10 of the Licensing Act 2003.

4. The appointment of Licensing Sub Committees in relation to functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

5. To determine Policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council.

6. To exercise the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions except where the function has been delegated to Officers of the Council

## LICENSING SUB-COMMITTEES

These Sub-Committees are Sub-Committees of the Licensing Committee appointed by that Committee and constituted:

(1) Pursuant to Section 10 of the Licensing Act 2003, in relation to their functions under the Licensing Act 2003, under Section 6 of that Act.

(2) In relation to their functions under the Gambling Act 2005.

(3) In relation to their functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.

(4) In relation to the other licensing and registration functions as set out in Part 3 of the Council's Constitution.

### Terms of Reference

1. To determine applications under the Licensing Act 2003, where relevant representations are received.

2. To determine applications under the Gambling Act 2005, where relevant representations are received.

3. To determine applications in relation to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions, where relevant representations are received.

4. To determine applications and reviews in relation to the licensing of private hire and hackney carriage drivers, operators and vehicles except where those functions have been delegated to officers under the Council's Hackney Carriage and Private Hire Licensing Policy.

5. To determine all other applications and reviews in relation to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions, except where those functions have been delegated to officers.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

This Committee is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

**1. TO MAKE RECOMMENDATIONS TO FULL COUNCIL IN RELATION TO:-**

i. Submission of proposals to the Secretary of State for pilot schemes for local elections.

ii. To change the name of a parish.

iii. The making and revision of Byelaws.

iv. Promotion of or opposition to local or personal bills.

v. Boundary, structural and electoral reviews.

vi. Any proposed revisions to the Council's Constitution except those in relation to the Code of Conduct, Ethical Governance and Corporate Governance issues.

vii. To monitor, review and make recommendations on the operation of the Council's decision-making structures.

**2. TO EXERCISE THE FUNCTIONS OF FULL COUNCIL IN RELATION TO:-**

i. Electoral Registration and Elections.

ii. All other Full Council functions not specifically dealt with by other Committees or reserved to the Council.

# PART 3 - RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## AUDIT COMMITTEE

This Committee is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

Statement of Purpose

1. The Audit Committee is a key component of City of Doncaster Council's Corporate Governance. The committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

2. The committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

**FOR RECOMMENDATION TO COUNCIL:-**

(a) The adoption or revision of the Members' Code of Conduct.

**DELEGATED MATTERS: -** (the Committee may recommend any matter to Full Council when it considers it expedient to do so, after taking advice from the Head of Paid Service)

**1. Governance, risk and control**

I. To review and where appropriate make recommendations to Council on proposed revisions to the Council's Constitution and other policies and procedures in relation to Corporate Governance issues.

II. To review any issue referred to it by the Chief Executive or a Director or any council body as the Chair considers appropriate within the general Terms of Reference of the Audit Committee. To report and make recommendations to the Executive or Council on major issues within the remit of the Committee.

III. To have rights of access to other Committees of the Council and to strategic functions as it deems necessary.

IV. To receive periodic reports from appropriate Directors on probity and corporate governance issues not specifically referred to elsewhere within the Committee's Terms of Reference.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

V. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.

VI. To monitor the effective development and operation of risk management in the council.

VII. To monitor progress in addressing risk-related issues reported to the committee.

VIII. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

IX. To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.

X. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

XI. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

XII. To monitor the counter fraud strategy, actions and resources.

XIII. To maintain oversight of any major issues arising from Police or other enquiries into the conduct of the Council in order to minimise disruption to other branches of the Authority.

XIV. To consider reports on breaches and waivers to the Council's contract procedure rules on a twice yearly basis

XV. To annually review and monitor compliance with the Council's policy under the Regulation of Investigatory Powers Act 2000.

XVI. To review the governance and assurance arrangements for significant partnerships or collaborations.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

### 2. Financial and governance reporting

**Governance reporting**

I. To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.

II. To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

**Financial reporting**

I. To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.

II. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

III. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

**Ethical Governance**

I. To promote and maintain high standards of conduct by Members and Officers and to receive an annual report by the Monitoring Officer on matters of ethical governance, including details of complaint handling activity in relation to allegations of Member misconduct.

II. To hear appeals against decisions of the Monitoring Officer not to grant a dispensation.

III. To monitor and review the Council's Whistleblower's policy.

IV. To monitor and review the Council's Anti-Fraud, Bribery and Corruption policy.

### 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

V. To monitor and review the Council's Money Laundering policy.

VI. To monitor and review protocols for standards of behaviour for Members and Officers.

VII. To monitor and review protocols for Members and Officers on relationships and dealings with outside organisations and individuals.

VIII. To monitor and review Member and Officer procedures relating to gifts and hospitality and disclosable pecuniary interests and other interests.

IX. To monitor and oversee the response by the Council to complaints to the Ombudsman.

X. To deal with complaints of alleged Member misconduct referred to the Monitoring Officer under Section 28(6) of the Localism Act 2011.

XI. To arrange for the exercise of all the above functions in relation to Parish Councils wholly or mainly in its area and to the members of those Parish Councils.

**3. Arrangements for audit and assurance**

To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

**External audit**

I. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.

II. To liaise with the Officers of the Council regarding Public Sector Audit Appointments and the appointment of the Council's external auditor.

III. To consider the external auditor's annual report, relevant reports and the report to those charged with governance.

### 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

IV. To consider specific reports as agreed with the external auditor.

V. To comment on the scope and depth of external audit work and to ensure it gives value for money.

VI. To consider additional commissions of work from external audit.

VII. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

VIII. To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

**Internal audit**

I. To approve the Internal Audit Charter.

II. To review proposals made in relation to the appointment of external providers of internal audit services and to provide comments / views.

III. To approve the risk-based internal audit plan, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

IV. To approve significant interim changes to the risk-based internal audit plan and resource requirements.

V. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.

VI. To consider any impairments to independence or objectivity arising from additional roles and responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.

VII. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services where used.

### 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

These will include:

a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.

b) Regular reports on the results of the Quality Assurance Improvement Programme (QAIP).

c) Reports on instances where the internal audit function does not conform to the Global Internal Audit Standards for the UK Public Sector, considering whether the non-compliance is significant enough that it must be included in the Annual Governance Statement (AGS).

VIII. To consider the Head of Internal Audit's annual report:

a) The statement on the level of conformance with the Global Internal Audit Standards for the UK Public Sector and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.

b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the AGS.

IX To consider summaries of specific internal audit reports as requested.

X. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or where there are concerns about progress with the implementation of agreed actions.

XI. To contribute to the QAIP and in particular, the external quality assessment of internal audit that takes place at least once every five years.

XII. To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations.

XIII. To provide free and unfettered access to the Audit Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

**4. Accountability arrangements**

I. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

II. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

III. To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

## HEARINGS SUB-COMMITTEE

## TERMS OF REFERENCE

This Sub-Committee is a Sub-Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

1. To consider complaints of alleged member misconduct referred to it by the Monitoring Officer in consultation with the Independent Person in accordance with Section 28 of the Localism Act 2011.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## AWARDS, GRANTS AND TRANSPORT (APPEALS) COMMITTEE

This Committee is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

1. To consider and determine appeals for grant aid from students who do not meet the approved criteria for assistance, under either local or national award regulations.

2. To consider and determine appeals for the payment of expenses of children attending community, foundation voluntary or special schools to enable them to take part in any school activity or educational facility who do not qualify for assistance under the approved policies of the Authority.

3. To consider and determine appeals for the granting of scholarships, exhibitions, bursaries or other allowances to persons over compulsory school age who do not qualify for assistance under the approved policies of the Authority.

4. To consider and determine appeals for the provision of free home to school or college transport – including whether a particular walking route(s) is safe, or the payment of reasonable travelling expenses, to persons who do not qualify for either under the approved policies of the Authority.

# PART 3 – RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE (OSMC)

This Committee is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

1. To be responsible for co-ordinating and undertaking the Council's scrutiny and overview function in respect of all areas of Council activity including partnership working and particularly the responsibility to: -

   (a) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive;

   (b) make reports or recommendations to the Authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive;

   (c) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive;

   (d) make reports or recommendations to the Authority or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive;

   (e) review and scrutinise relevant public bodies and partners in the Borough, including the Council's contribution and relationship with them and, where necessary, request them to address overview and scrutiny and local people about their activities and performance or particular decisions, initiatives or projects; and

   (f) make reports or recommendations to the Authority or the Executive on matters which affect the Authority's area or the inhabitants of that area.

2. To carry out functions necessary to operate the call-in procedure set out in the Overview and Scrutiny Procedure Rules.

3. To have authority to establish ad hoc Overview and Scrutiny (Panels) and appoint Chairs to look at specific issues determined by the Overview and Scrutiny Management Committee. Membership of Overview and Scrutiny Panels to be drawn from a pool of all Council Members, excluding the Executive.

4. To be responsible for drafting protocols in respect of the Overview and Scrutiny process.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## STANDING OVERVIEW & SCRUTINY PANELS

These Panels are Sub-Committees of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

### Terms of Reference

1. The Panels will conduct enquiries and investigations, in relation to those functions of the Council (and other matters of local interest), referred to them in the Annual Work Plan and any additional issues referred by the Overview and Scrutiny Management Committee.

2. The work of the Panels will be undertaken in accordance with the requirements of the Council's Constitution including the Overview and Scrutiny Procedure Rules and any Overview and Scrutiny protocols.

3. The Panels be empowered to establish ad hoc Working Groups from within its membership, to undertake project and policy development work, to meet the objectives and targets of its annual Work Plan.

4. The Panels may review and scrutinise relevant public bodies and partners in the Borough, including the Council's contribution and relationship with them and, where necessary, request them to address overview and scrutiny and local people about their activities and performance or particular decisions, initiatives or projects.

## PANEL/COMMITTEE RESPONSIBLE FOR OVERVIEW AND SCRUTINY OF CRIME AND DISORDER REDUCTION

In addition to the Terms of Reference detailed above at 1-4, or in addition to the Terms of Reference for the Overview and Scrutiny Management Committee where this responsibility becomes the responsibility of OSMC, this Panel/Committee will also include the following Terms of Reference:

5. Review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities who comprise the local Crime and Disorder Reduction Partnerships (e.g., the Police, Fire and Rescue Authority and any relevant NHS Body or Health Service Provider).

6. To make reports and recommendations to the responsible authorities with respect to the discharge of those functions.

7. To require the attendance of an officer of the responsible authority.

8. To consider the activities of the CDRP at least once in every 12 month period.

9. To consider any Councillor Calls for Action relating to crime and disorder issues.

**PANEL/COMMITTEE RESPONSIBLE FOR HEALTH OVERVIEW & SCRUTINY**

This Panel or Committee is a Sub-Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972

The generic Terms of Reference for Overview & Scrutiny Standing Panels/OSMC apply to the Overview and Scrutiny Panel/Committee responsible for Health Overview and Scrutiny.

In addition, because the Council has delegated powers under relevant legislation to the Health Scrutiny Panel, the following Terms of Reference will also apply to this Panel.

1. To review and scrutinise any matter relating to the planning, provision and operation of health services in the local regions.

*2*. To make reports and recommendations to the relevant NHS body or health service provider, the OSMC, the Executive and the Council on any matter reviewed or scrutinised using the specific powers of Health Scrutiny.

3. To require the attendance of an officer of a relevant NHS body or health service provider to answer questions and provide explanations about the planning, provision and operation of health services in the area and invite interested parties and take account of relevant information provided by the Local Health Watch organisation or contractor when it refers a matter to the authority.

4. To require a NHS body or service provider to provide information about the planning, commissioning, provision and operation of health services in the Local Authority's area subject to exemptions outlined in the Health and Social Care Act 2012.

5. To consider matters referred by a Local Health Watch or its contractor.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

6. To require (under the Health and Social Care Act 2012) NHS bodies or relevant health service provider to refer service development proposals which involve substantial change or variation of their service to the Local Authority or if powers are delegated, the Health Overview and Scrutiny Panel.

7. Be consulted by the Secretary of State and comment on how it uses its powers to “call-in” proposals to make reconfigurations to local health services by a relevant NHS body or health service provider.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

### 3.8.2 TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

## DONCASTER HEALTH AND WELLBEING BOARD

1. Purpose

1.1 The purpose of the Board is to improve the health and wellbeing for the residents of the City of Doncaster and to reduce inequalities in health outcomes. The Health and Social Care Act 2012 assigns specific functions to the Health and Wellbeing Board including leading on the Joint Strategic Needs Assessment (JNSA) and the development of a Joint Health and Wellbeing Strategy (JHWS). The Health and Wellbeing Board will provide leadership and facilitate collaboration to improve health by addressing the wider determinants of health. The board is not a commissioning body and accountability for commissioning decisions will remain with the commissioners.

2. Aims

2.1 The primary aim of the Board is to be the system leader to promote integration and partnership working between organisations. to ensure local democratic accountability of health.

3 Role and Functions

3.1 In accordance with the requirements of the Health and Social Care Act 2012, the Doncaster Health and Wellbeing Board is a formally constituted Committee of the Council in accordance with the requirements of the Local Government Act 1972, as amended. However, the board will function as a partnership board to bring together the collective influence of partners to focus on the wider and social determinants of health at a population level.

For recommendation to Council.
Adoption of the Health and Wellbeing Strategy.
Health and Wellbeing Board Annual Report and workplan

3.2 Key Responsibilities

- Provide strategic leadership to improve health and wellbeing and ensure that statutory duties are complied with.
- To lead action in Doncaster to improve people's lives and remain responsible for promoting greater integration and partnership between the NHS, public health, VCFS and local government.
- To provide a mechanism to identify opportunities to influence the wider determinants of health in order to create the right conditions for long-lasting improvements to population health and wellbeing.
- Promote integrated, partnership working including through joined up commissioning plans.
- Work effectively with and through partnership bodies, with clear lines of accountability and communication, including the Local Safeguarding Boards;

- Build effective relationships with supra-local structures e.g. NHS England, Integrated Care Partnership, South Yorkshire Combined Mayoral Authority, Office for Health Improvement and Disparities, UK Health Security Agency
- Take a strategic approach and promote integration across health and adult social care, children's services, including safeguarding and the wider determinants of health.
- Focus on driving up whole system quality and ensure that opportunities for gains in both productivity and efficiency that are available across the local economy are maximised.
- To advocate the needs of the local population as defined in the Health and Wellbeing Strategy in both regional and national decision-making.

3.3 Duties

In discharging the role above, the specific duties of the Health and Wellbeing Board are as follows:

- Assess the needs of the local population by undertaking the development and publication of a JSNA[1]
- To oversee the development, publication and implementation of a Joint Local Health and Wellbeing Strategy for Doncaster[2]
- Produce a Pharmaceutical Needs Assessment[3]
- To provide an opinion on whether the Council is discharging its duty to have regard to the JSNA, and the JLHWS, in the exercise of its functions[4]
- To review the extent to which NHS South Yorkshire ICB (the ICB) has contributed to the delivery of the JLHWS[5]
- To provide an opinion to the ICB on whether their draft five-year plan takes proper account of the JLHWS[6] and, to provide an opinion to NHS England on whether the five-year plan published by the ICB takes proper account of the JLHWS[7]
- Be consulted by NHS South Yorkshire ICB on the production of their annual report.
- To contribute to the NHS South Yorkshire Integrated Care Partnership's Integrated Care Strategy, setting the direction for the Integrated Care Board.
- To agree and monitor the delivery of the Better Care Fund and make recommendations on the financial strategy to deliver the Better Care Fund to the relevant statutory bodies.
- To support joint commissioning and encourage integrated working and pooled budget arrangements8 in relation to the priorities outlined in the JLHWs.
- To receive and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Board.
- Ensure that the priorities of the JLHWS are addressed across all policy areas to ensure residents have the building blocks in place for good health and wellbeing.

4. Arrangements for the Conduct of Business

4.1 Conduct of Meetings

Meetings are to be conducted in accordance with the Council's Procedure Rules.

4.2 Chair of the Board

The Chair of the Board will be appointed at the Council Annual General Meeting each year.

4.3 Quorum

The quorum will be no less than four members of the Board.

4.4 Membership

Doncaster's Health and Wellbeing Board provides a forum for political, professional and community leaders in Doncaster to promote integration and partnership working to improve population health and wellbeing and reduce health inequalities in the city. The membership consists of a mixture of mandatory members, who are required under statute to be members of the Health and Wellbeing Board, and some additional members who have been invited to join the Board. The membership is as follows:

- Director of Public Health
- Executive Director of Children, Young People & Families (DCS)
- Executive Director of Adults, Health and Wellbeing (DASS)
- Representative of Healthwatch Doncaster
- Representative(s) from Integrated Care Board (ICB)
    - Executive Place Director (Doncaster), NHS South Yorkshire ICB
    - Place Medical Director, NHS South Yorkshire ICB
- Portfolio Holder with responsibility for Public Health
- Portfolio Holder with responsibility for Children's Services

In addition to the above, Council has agreed to the following Members:-

- Chief Executive of Rotherham, Doncaster and South Humber NHS Foundation Trust (RDaSH)
- Chief Executive of Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust (DBTHFT)
- Chief Executive, Primary Care Doncaster
- Executive Director of Place, City of Doncaster Council
- Chief Executive, St Leger Homes
- Portfolio Holder with responsibility for Adult Social Care
- Representative of South Yorkshire Fire and Rescue
- Representative of South Yorkshire Police
- Representative Reform UK Group
- Representative Conservative Group
- Representative of the Health and Social Care Forum
- Representative of Citizens Advice Doncaster Borough
- Representative of Doncaster Culture and Leisure Trust (DCLT)
- Representative of VCFS infrastructure

In order to maintain consistency, it is assumed that Board members will attend all meetings as far as possible. Each member can name 1 deputy, who should be well briefed on the Board's purpose and activities.
Citizens or other representatives from the wider health and wellbeing community in Doncaster may be invited to attend the Board to contribute to discussions. The Board may also co-opt members where it will be beneficial to ongoing conversations and related work.

Doncaster Council's Public Health team and legal and democratic services team.

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.9 JOINT ARRANGEMENTS

Joint Authorities:

(a) South Yorkshire Fire and Rescue Authority
(b) South Yorkshire Mayoral Combined Authority (including the Transport Committee of the Authority)
(c) Police and Crime Panel
(d) South Yorkshire Pensions Authority

Joint Committees:

(a) Joint Advisory Committee for South Yorkshire Archaeology
(b) South Yorkshire Joint Advisory Committee on Archives
(c) South Yorkshire Joint Trading Standards Committee
(d) South Yorkshire Local Pensions Board
(e) Yorkshire and Humberside Grid for Learning Joint Committee
(f) Barnsley, Doncaster & Rotherham (BDR) Waste Partnership (Joint Waste Board)
(g) Yorkshire Purchasing Organisation.

**Statutory and Guidance References**

**Local Government Act 2000, S.20**
**DETR New Council Constitutions Guidance Chapter 6**

## 3.10. AREA COMMITTEES

No Area Committees are currently established by the Full Council or the Executive.

**Statutory and Guidance References**

**Local Government Act 2000, S.18**
**DETR New Council Constitutions Guidance Chapter 6**

# PART 3
# RESPONSIBILITY FOR FUNCTIONS

## 3.11. OVERVIEW AND SCRUTINY COMMITTEES

(a) Full Council will establish the Overview and Scrutiny Management Committee established under Article 6 and will appoint and maintain such standing Overview and Scrutiny Sub-Committees as necessary.

(b) The proper officer will maintain and publish a list of any ad hoc Overview and Scrutiny Sub-Committees established from time to time.

# PART 4

# RULES OF PROCEDURE

# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

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# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

These Procedure Rules are Standing Orders made under S135 Local Government Act 1972.

### 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 March, April or May.

The annual meeting will:

(i) elect a person to preside if the Chair is not present;

(ii) elect the Chair of Council;

(iii) elect the Vice Chair of Council;

(iv) receive declarations from Members of interests in the matters to be considered at the meeting;

(v) approve the minutes of the last meeting;

(vi) receive any announcements from the Chair, Mayor and/or Chief Executive (limited to a maximum of 3 minutes per person, except in exceptional circumstances which will be at the discretion of the Chair);

(vii) appoint at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are not reserved to full Council nor are Executive functions (as set out in Part 3, Table 1 of this Constitution);

(viii) be told by the Mayor about the composition and Constitution of the Executive for the coming year, and the names of Councillors he/she has chosen to be Members of the Executive;

(ix) be told by the Mayor about the Executive Scheme of Delegations (as set out in Part 3.7 of this Constitution);

(x) approve a programme of ordinary meetings of the Council for the year; and

(xi) consider any business set out in the notice convening the meeting.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

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

At the annual meeting, the Council meeting will:

(i) decide which Committees to establish for the municipal year;

(ii) decide the size and terms of reference for those Committees;

(iii) decide the allocation of seats and any substitutes to Political Groups in accordance with the political balance rules;

(iv) receive nominations of Councillors to serve on each Committee and outside body where appointments to those bodies is reserved to full Council; and

(v) 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 Executive.

## 2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

(i) elect a person to preside if the Chair and Vice-Chair are not present;

(ii) receive apologies;

(iii) consider the extent to which the public and press may be excluded from the meeting;

(iv) receive declarations by Members of interest in the matters to be considered at the meeting;

(v) approve as a correct record the minutes of the last meeting;

(vi) receive any announcements from the Chair, the Mayor, Members of the Cabinet or the Chief Executive (limited to a maximum of 3 minutes per person, except in exceptional circumstances which will be at the discretion of the Chair);

(vii) receive any reports relating to Statutory Plans and/or major policy initiatives;

(viii) consider motions of which notice has been submitted by Members of the Council in accordance with Rule 15 in the order in which they are recorded as having been received.

(ix) receive any reports from the Executive, Overview and Scrutiny and the Council's Committees and receive questions and answers on any of those reports;

(x) receive questions to the Elected Mayor, Cabinet Members and/or the Chair of a relevant Regulatory Committee from, and provide answers to, the public further to Rule 13;

(xi) receive questions to the Elected Mayor, Cabinet Members and/or the Chair of the Overview and Scrutiny Management Committee from, and provide answers to, Members further to Rule 15.2;

(xii) receive the minutes, reports about and questions and answers on the business of Joint Authorities, Joint Arrangements and external organisations;

(xiii) consider any other business specified in the summons to the meeting, including the debating of any petition containing more than 10,000 signatures (and presentation of other petitions falling below this threshold from Members of the Council and/or members of the public) and receiving deputations from the public.

## 3. EXTRAORDINARY MEETINGS

### 3.1 Calling Extraordinary Meetings

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

(i) the Council by resolution;

(ii) the Chair of the Council;

(iii) the Monitoring Officer, Chief Financial Officer or Chief Executive;

(iv) any five Members of the Council if they have signed a requisition for such a meeting and presented it to the Chair of the Council 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;

## 1. COUNCIL PROCEDURE RULES

(v) any requisition under 3.1(iv) may be presented to the Chair by being left for him/her with the Chief Executive;

(vi) where it is decided to call an extraordinary meeting of the Council under (ii) or (iv) above, the Members calling the meeting shall tell the Chief Executive they have done so, the business to be transacted and the date and time for which the meeting is called. The Chief Executive shall then ensure that the necessary notices and summonses are published and sent.

3.2 **Business**

The business that may be conducted at an extraordinary meeting shall be restricted to consideration of the business to be transacted specified by the Council, individual or Members further to Rule 3.1 above and such other business as agreed by the Chair and being specified in the summons to the meeting.

4. **ORDER OF BUSINESS**

The order of business at meetings of the Council may be varied by:

(i) the Chair, with the consent of the Members present, or

(ii) a resolution of the Council, moved, seconded and put without comment,

but the order of business of items 1.1(i)-(v) and 2(i)-(v) shall not be varied.

5. **URGENT ITEMS**

If the Chair decides that an item of business not included in the agenda for the meeting sent with the summons may be taken for reasons of urgency (which must be specified) that item shall, subject to any decision under Rule 4 be taken at the end of the other items of business.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 6. APPOINTMENT OF SUBSTITUTE MEMBERS

#### 6.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members to attend the Employee Relations (Disputes Resolution) Committee, the Chief Officers Appointments Committee and the Chief Officer Appeals Committee.

#### 6.2 Number

For the Committees specified in 6.1 above, the Council will appoint the same number of substitutes in respect of each Political Group as that group holds ordinary seats on that Committee or Sub-Committee.

#### 6.3 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not (if being a substitute for the Chair or Vice-Chair of the Committee of Sub-Committee) preside at the meeting unless appointed as Chair at any particular meeting.

#### 6.4 Substitution

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; and

(iii) after notification in writing has been received by the Chief Executive by no later than 12.00 noon on the working day prior to the date of the meeting of the intended substitution.

The notification must state the name of the Committee or Sub-Committee Member who will be absent, the name of the substitute Member, the date of the meeting (or such longer period during which the substitution shall have effect) and be signed by the Committee or Sub-Committee Member or the relevant group leader.

# PART 4 - RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 7. REVISIONS TO COMMITTEE MEMBERSHIPS

7.1 Group Leaders may change their Group representation on Committees and Sub-Committees by giving written notice to the Monitoring Officer. Such notification will take effect from the date of receipt by the Monitoring Officer unless the notice specifies a later date. Such notifications will be reported to the next appropriate meeting of Council.

### 8. TIME AND PLACE OF MEETINGS

8.1 All meetings of the Council shall be held at the Civic Office, Waterdale, Doncaster, DN1 3BU unless the Chief Executive decides that it would be appropriate that a meeting of the Council be held at another place in the Borough. In considering other venues the Chief Executive shall have regard to ease of access by the public including people with a disability and the provision of public transport.

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

### 9. NOTICE OF AND SUMMONS TO MEETINGS

9.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. The notice shall be published at the Civic Office, Waterdale, Doncaster, DN1 3BU. At least five clear days before a meeting, the Chief Executive will send a summons signed or otherwise authenticated by him or her by post to every Member of the Council or leave it at their usual place of residence (or such other address as has been notified to the Chief Executive). Alternatively, where a Member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), the Chief Executive will send the summons in electronic form to that 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.

### 10. CHAIR OF MEETING

10.1 The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee and Sub-Committee meetings, references to the Chair also include the Chair of Committees and Sub-Committees.

10.2 If present at a meeting of the Council the Chair shall preside.

10.3 If the Chair is absent from a meeting of the Council the Vice-Chair, if present, shall preside.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

10.4 If both the Chair and Vice-Chair are absent from a meeting of the Council such Member of the Council as shall be chosen by the Members of the Council shall preside.

### 11. QUORUM

11.1. The quorum of a meeting will be one quarter of the whole number of Members unless more than one third of the Members become disqualified when the quorum shall be determined in accordance with paragraph 45, Schedule 12 of the Local Government Act 1972.

11.2 The Chair shall be taken at the time specified in the summons calling the meeting and business shall commence as soon as the quorum is present.

11.3 If after the expiration of 15 minutes after the specified time a quorum is not present no meeting shall take place and the business shall be postponed in accordance with 11.6 below.

11.4 During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, the meeting will adjourn immediately for 15 minutes.

11.5 If after 15 minutes, the Chair, after counting the number of Members present declares that there is still no quorum present, the Chair shall declare the meeting is adjourned and the names of those who are present and those who are absent shall be recorded in the minutes of Council.

11.6 If a meeting is adjourned further to 11.5 above, (notwithstanding any provision in these rules that Notices of Questions and Motions shall lapse) remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### 12. DURATION OF MEETING

12.1 Council will normally transact all items of business on the published agenda.

12.2 If a meeting has lasted for 3 hours the Chair shall interrupt the meeting and call for a vote of Members present on whether the meeting shall continue. If Members decide that the meeting shall not continue, the Chair will call for a vote immediately on the item under discussion. The vote will then be taken in the usual way (including the recording of votes) without any further discussion.

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

### QUESTIONS AT COUNCIL MEETINGS

"Question Time" sessions for public questions under Rule 13 (lasting for a maximum of 30 minutes in total) and for Member questions under Rules 15.2, 15.3 and 15.8 (maximum of 60 minutes in total) shall be held at ordinary meetings of the Council.

### 13. QUESTIONS BY THE PUBLIC

#### 13.1 General

Members of the public i.e. people who are residents of the Borough may ask questions of Members of the Executive and/or the Chair of a relevant Regulatory Committee if the question concerns a regulatory matter, e.g. Planning and Licensing.

#### 13.2 Order of questions

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

#### 13.3 Notice of questions

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

#### 13.4 Number of questions

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

No person may submit more than 2 questions and no more than 2 questions may be asked on behalf of an organisation in any 6 month period.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 13.5 Scope of Questions

Questions should be limited to a maximum of 100 words and should relate to Borough wide issues and be relevant to some matter for which the Local Authority has a responsibility or which affects the Borough.

The Chief Executive may reject a question if it:

- is not a matter for which the Local Authority has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past 6 months; or
- requires the disclosure of confidential or exempt information***;***
- is submitted by a questioner who is a not a resident of the Borough, or;
- relates to an individual planning or licensing application.

### 13.6 Record of questions

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions to be asked will be circulated to all Members and will be made available to the public attending the meeting.

### 13.7 Considering the question at the meeting

The Chair will read out the question as it appears upon the agenda. A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Regulatory Committee to whom the question is put shall be provided to the questioner at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair's permission. If a questioner who has submitted a written question is unable to attend the meeting, a copy of the answer given will be provided to them following the meeting.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

13.8 **Oral answers**

An answer to a question may be given by a Member to whom it is addressed or by another Member on his/her behalf and shall be given orally, limited to maximum of 3 minutes, subject to the discretion of the Chair.

13.9 **Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer provided within 2 weeks of the meeting.

13.10 **Supplementary question**

If the Chair permits, a member of the public asking a question under Rule 13.1 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and shall be put and answered without discussion.

13.11 **Reference of question to the Executive or a Committee**

Unless the Chair 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 Executive or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

13.12 **Record of answers**

Any question asked by a Member of the public together with the answer given, shall be recorded in the minutes of the meeting.

14. **PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

14.1 **Petitions**

Subject to 14.2 at a meeting of the Council a member of the public or any Member may present a petition, signed by 50 or more persons who live, work or study in the Local Authority area (including under 18's), which is relevant to some matter in relation to which the authority has functions, or which affects the area of the authority or part of it, or the inhabitants of the area, or some of them.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

14.2 A member of the public or Member wishing to present a petition shall give notice by contacting the Council's Governance Team at least 10 working days before the meeting.

14.3 The presentation of a petition by a member of the public or a Member on their behalf shall be limited to no more than 5 minutes and shall be confined to reading out, or summarising the substance of the petition, indicating the number and description of the signatories and making relevant further supporting remarks.

14.4 If presented at a meeting of the Council, the petition shall immediately be referred without discussion to the appropriate Executive Member, Committee or Sub-Committee.

14.5 In accordance with the Council's Petition Scheme, any petition received by the Council which contains more than 10,000 signatures will be debated by the Full Council. The Council will endeavour to consider the petition at its next ordinary meeting. Petitions received will not be considered at the Annual General Meeting or Extraordinary Council meetings. The petition organiser, or an Elected Member on their behalf, will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. The Council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one on which the Council's Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision.

14.6 The Chair may agree to receive a petition at other appropriate locations in the Borough. When the Chair agrees to do so, the Ward Councillors for the area in which the person submitting the petition resides, shall be notified and invited to attend.

14.7 Following its presentation the petition shall be given to the Chief Executive.

14.8 **Deputations by the Public**

14.8.1 **General**

Members of the public may request that a deputation should be received by a meeting of the Council or a Committee or Sub-Committee of the Council.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

14.8.2 **Notice**

The request shall be made in writing to the Chief Executive at least 10 working days before the meeting. The notice shall indicate the matter to which the deputation relates, the name and address of the 5 people who will form the deputation (who must be local government electors for the area) and which of them will be the spokesperson.

14.8.3 **Scope of Deputation**

Deputations should relate to Borough wide issues and be relevant to some matter for which the Local Authority has a responsibility or which affects the Borough.

The Chief Executive may reject a request that a deputation be received if it:

* is not a matter for which the Local Authority has a responsibility or which affects the Borough;

* may be defamatory, frivolous or offensive

* covers substantially the same matter which has been considered at a meeting of the Council in the past 6 months; or

* may raise confidential or exempt information.

14.8.4 On being called by the Chair, the spokesperson may speak for not more than 5 minutes on matters relevant to the deputation.

14.8.5 Members of the Council, Committee or Sub-Committee may, during a further period not exceeding 5 minutes ask questions of Members of the deputation. Such questions shall be asked and answered without discussion.

14.8.6 After hearing a deputation to the Council and receiving any answers to questions the matter shall be referred without discussion to the Executive or appropriate Committee or Sub-Committee for consideration, unless the deputation relates to a function specifically reserved to the Council.

14.8.7 Petitions shall be presented and deputations received in the order in which notice of them is received by the Chief Executive, without making any distinction between petitions and deputations.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 15. QUESTIONS BY MEMBERS

### 15.1 On reports of the Executive or Committees

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

### 15.2 To the Elected Mayor, Cabinet Members and Chairs of Overview and Scrutiny Management Committee, Audit Committee, Elections and Democratic Structures Committee and Health and Wellbeing Board - 'Question Time'

15.2.1 At ordinary meetings of the Council there shall be an opportunity for a Member of the Council to ask the Mayor, the relevant Cabinet Member or the Chairs of the Overview and Scrutiny Management Committee, Audit Committee, Elections and Democratic Structures Committee and Health and Wellbeing Board any question without notice which is relevant to the discharge of their role and responsibilities.

15.2.2 Arrangements for "Question Time" shall be at the discretion of the Chair subject to the following:

(a) At each ordinary meeting of the full Council there shall be an opportunity for Members to ask questions of the Executive and the Chairs of the Overview and Scrutiny Management Committee, Audit Committee, Elections and Democratic Structures Committee and Health and Wellbeing Board.

(b) So far as is reasonably practicable, advance notice must be given to Members of the Council which identifies the Cabinet Members to whom questions may be put at any particular ordinary Council meeting.

(c) A Cabinet Member may nominate another Cabinet Member to receive questions in their absence.

(d) Each Member shall be allowed a maximum of 2 minutes to ask their question without notice, subject to the discretion of the Chair.

(e) If the Chair permits, a Member asking a question under Rule 15.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and shall be put and answered without discussion.

15.2.3 An answer may take the form of:

(a) a direct oral answer which should be limited to a maximum of 3 minutes, subject to the discretion of the Chair;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated to Members of the Council within 2 weeks of the date of the Council meeting at which it was raised and be available as a public record.

15.3 **Questions on notice at full Council**

Subject to Rule 15.5, a Member of the Council may ask:

- the Chair;
- a Member of the Executive;
- the Chair of any Committee or Sub-Committee;
- a Member of the Council appointed to any Joint Authority or Joint Committee or Committee of which the Authority is a constituent authority and is nominated by the Joint Authority or Joint Committee or Committee for that purpose;
- a Member of the Council who is as a result of action taken by or on behalf of the authority a Member or Director of any company

a question on any matter in relation to which the Council has powers or duties or which affects the City of Doncaster and such questions shall be limited to a maximum of 100 words.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 15.4 Questions on notice at Committees and Sub-Committees

Subject to Rule 15.5, a Member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the City of Doncaster and which falls within the terms of reference of that Committee or Sub-Committee.

### 15.5 Notice of questions

A Member may only ask a question under Rule 15.3 or 15.4 if either:

(a) they have given notice by delivering it in writing or by electronic mail to the Chief Executive no later than midday of the 7th working day before the day of the meeting.

(b) the question relates to urgent matters, they have the consent of the Chair and the content of the question is given to the Chief Executive in writing prior to the start of the meeting.

No Member shall give notice of more than one question for any meeting of the Council. All questions shall be limited to a maximum of 100 words.

### 15.6 Response

Every question shall be put and answered without discussion, but the Member to whom it is put may decline to answer it.

A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Committee or Sub-Committee to whom the question is put shall be provided to the Member asking the question at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish.

If a Member who has submitted a written question is unable to attend the meeting, the Chair will read out the question on the Member's behalf, and a copy of the answer given will be provided to the Member following the meeting.

An answer may take the form of:

(a) a direct oral answer which will be limited to a maximum of 3 minutes, subject to the discretion of the Chair;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated to Members of the Council within 2 weeks of the date of the Council meeting at which it was raised and be available as a public record.

15.7 **Supplementary question**

If the Chair permits, a Member asking a question under Rule 15.3 or 15.4 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and shall be put and answered without discussion.

15.8 **Questions on notice to Officers**

If a Member of the Council wishes to ask a question of an Officer or other person who is, as a result of action taken by or on behalf of the authority a Member or Director of a company he/she shall give notice to the Chief Executive in accordance with 15.5. Unless the Officer refuses to answer, the question shall receive a written answer in the same way as under 15.6(c).

15.9 **Record of answers**

Any question asked by a Member under 15.2 or 15.3 together with any answer given shall be summarised and printed in the minutes of the meeting.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 16. MOTIONS ON NOTICE

#### 16.1 Notice

Except for motions which can be moved without notice under Rule 17 and urgent motions, written notice of every motion, signed by the mover and seconder, must be delivered to the Chief Executive not later than midday of the 7th working day before the date of the meeting. The Chief Executive shall record the date and time at which every motion is received (including any notice of motion which is not accepted) and enter them in a book open to public inspection.

The Chief Executive shall not accept any notice of motion which, by reason of enactment or law or provision in these Rules (other than below), could not be considered at the meeting for which it is given.

**Urgent motion**

The Chair may accept a motion to be considered as a matter of urgency (in which case the reason for urgency shall be specified).

#### 16.2 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.

#### 16.3 Scope

Motions must be relevant to matters for which the Council has a responsibility or which affect the area of the authority or part of it, or the inhabitants of the area, or some of them.

16.4 The Chief Executive may reject a motion if it:

* is not a matter for which the Local Authority has a responsibility or which affects the Borough;

* is defamatory, frivolous or offensive;

* is substantially the same as a motion which has been put at a meeting of the Council in the past 6 months; or

* requires the disclosure of confidential or exempt information.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

16.5 A motion shall only be moved by the Member who has signed the notice, or by another Member authorised by that Member and notified to the Chief Executive not later than the commencement of the meeting.

16.6 Where notice of a motion has been accepted for any meeting of the Council, but is neither moved nor seconded at the meeting, nor referred to any Committee or Sub-Committee the notice shall lapse and the motion shall not be moved without further notice.

16.7 **Motions for Budget Council**

Any motion to amend the Executive's Budget proposals will only be permissible if it has been certified by the Chief Financial Officer at least 2 working days prior to the Council's Budget Meeting as being reasonably calculated and sufficiently deliverable as to be robust and sustainable in the medium term and continue to ensure that reserves are maintained at an adequate level which protects the Council's financial standing.

17. **MOTIONS WITHOUT NOTICE**

The following motions may be moved and seconded without notice:

(a) to elect a Chair, Deputy Chair or to appoint a Chair 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 extend the time limit for speeches;

(o) to suspend a particular Council Procedure Rule or Finance Procedure Rule;

(p) to exclude the public and press in accordance with the Access to Information Rules;

(q) to not hear further a Member named under Rule 25.3(i) or to exclude them from the meeting under Rule 25.3(ii);

(r) to give the consent of the Council where its consent is required by this Constitution;

(s) to refer a petition which has been presented to the Council or the subject matter of a deputation which has addressed the Council to the Executive or a Committee or Sub-Committee for consideration;

## 18. RULES OF DEBATE

The rules of debate set out in Council Procedure Rule 18 shall apply to all meetings of the Council and its Committees and Sub-Committees.

If two or more Members offer to speak the Chair shall call one of them to speak at any one time.

### 18.1 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 (provided that, in a Committee or Sub-Committee of 5 or fewer Members, an amendment shall not need to be seconded).

## 1. COUNCIL PROCEDURE RULES

18.2 **Right to require Motion in writing**

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

18.3 **Seconder's Speech**

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

18.4 **Length of Speeches**

Except with the consent of the meeting signified without comment, the mover of a motion shall not speak for more than 10 minutes and no other speaker shall speak for more than 5 minutes. A Member who moves an amendment is not moving a motion, and the length of time allotted to the mover of a motion does not include any permitted under a Right of Reply.

18.5 **Content of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. The Chair shall warn a Member for irrelevance, tedious repetition, failure to address the Chair, unbecoming language or offensive remarks about a Member or Officer. If the Member does not take notice the Chair may order him/her to end his/her speech and may take further action under Council Procedure Rule 25. No Member shall use offensive expressions in reference to any Member or Officer of the Council or any third party.

18.6 **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.

18.7 **Amendments to Motions**

(a) An amendment to a motion must be seconded and be relevant to the motion. Amendments 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 simply 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 had been disposed of provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if he/she thinks this will benefit the conduct of business.

(c) An amendment must be voted on before the motion is voted on.

(d) If an amendment is not carried, other amendments to the original motion may be moved and seconded.

(e) If an amendment is carried, the motion is amended and takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(f) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, before hearing any further speeches on the substantive motion.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 18.8 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 (if still present). The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

### 18.9 Withdrawal of Motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder (if still present). 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.

### 18.10 Right of Reply

A right of reply is confined to answering points raised by previous speakers, new material shall not be introduced.

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

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# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

18.11 **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 25.2(i) or to exclude them from the meeting under Rule 25.2(ii).

18.12 **Closure Motions**

(a) A Member may move, without comment, the following closure 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) A closure motion shall be moved, seconded and put without discussion.

(c) A closure motion may not be moved or seconded by the mover or seconder of the motion or any Member who has spoken on the motion.

(d) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the closure motion to the vote. If the closure motion is carried the motion shall lapse.

(e) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the closure motion to the vote. If it is carried he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(f) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has been sufficiently discussed he/she may refuse to accept the closure motion and shall instead move a motion "that the question be now put" as at (e) above.

(g) If the Chair is of the opinion that the motion has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. The motion (if the debate is adjourned) or the remaining business (if the meeting is adjourned) shall then stand over as uncompleted business to the next meeting.

(h) If any closure motion is lost a further closure motion in the same or similar terms shall not be permitted within a period of 15 minutes thereafter.

18.13 **Point of Order**

A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules 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 Chair on the matter will be final.

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# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

18.14 **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 Chair on the admissibility of a personal explanation will be final.

19. **STATE OF THE BOROUGH DEBATE**

19.1 **Calling of Debate**

The Chair may call a state of the Borough debate annually on a date and in a form to be agreed with the Elected Mayor.

19.2 **Form of Debate**

The Chair will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the Borough debate. Council Procedure Rules may be suspended by the Chair on the advice of the Monitoring Officer to ensure maximum flexibility.

19.3 **Chairing of Debate**

The debate will be Chaired by the Chair.

19.4 **Results of Debate**

The results of the debate will be:

(i) disseminated as widely as possible within the community and to agencies and organisations in the area; and

(ii) considered by the Mayor in proposing the budget and policy framework to the Council for the coming year.

# PART 4
# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 20. PREVIOUS DECISIONS AND MOTIONS

#### 20.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past 6 months cannot be moved unless the notice of motion is signed by the number of Members that would constitute a quorum of the Council or is a recommendation of the Executive or a Committee or Sub-Committee of the Council.

#### 20.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 6 months cannot be moved unless the notice of motion or amendment is signed by the number of Members that would constitute a quorum of the Council or is a recommendation of the Executive or a Committee or Sub-Committee of the Council.

### 21. VOTING

#### 21.1 Majority

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

#### 21.2 Chair's casting vote

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

#### 21.3 Show of hands or electronic voting

Unless a recorded vote is held under Rule 21.4, the Chair will take the vote either by show of hands or electronically by using the available technology, or if there is no dissent, by the affirmation of the meeting.

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# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

21.4 **Recorded vote**

Recorded votes will be held at Council Budget setting meetings on any decision relating to the Budget or Council Tax. Immediately after such a vote is taken, the names of the persons who cast a vote for the decision or against the decision or who abstained from voting will be recorded in the minutes of the proceedings of that meeting.

At any other time, if a demand is made at a meeting by the required number of Members, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered in to the minutes.

The required number of Members is:

(a) one third of the Members entitled to vote at the meeting; or

(b) where the authority is divided in to Political Groups, in accordance with the Local Government and Housing Act 1989, in the case of a meeting of the Council, such number as is equal to the number of Members of the second largest Political Group, and in the case of a meeting of a Committee or Sub-Committee the number of seats on that body allocated to the second largest Political Group among the Members of the Council, whichever is the less.

21.5 **Right to require individual vote to be recorded**

Where any Member requests it immediately after the vote is taken his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

21.6 **Voting on appointments**

Where a vote is required on a motion to appoint or elect a Member of the Council to a position to be filled by the authority and there are 2 or more Members nominated for that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting 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.

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## 1. COUNCIL PROCEDURE RULES

### 22. MINUTES

#### 22.1 Signing the minutes

Minutes of a meeting of the Council shall be made available to each Member of the Council at least 5 clear days before the meeting of Council at which such minutes are to be submitted for confirmation.

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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. If no question is raised, or as soon as any such question has been disposed of, the Chair shall sign the minutes.

#### 22.2 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.

#### 22.3 Form of minutes

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

### 23. RECORD OF ATTENDANCE

Every Member of the Council attending a meeting of the Council or of any of its Committees or Sub-Committees of which he/she is a Member shall sign his/her name in the attendance book or sheet provided for that purpose, and every Member attending some other meeting, conference or inspection on approved duty shall sign his/her name in the register kept for that purpose.

### 24. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in this Constitution or Rule 26 (Disturbance by Public).

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# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 25. MEMBERS' CONDUCT

#### 25.1 Chair standing

When the Chair stands during a debate, any Member speaking at the time must stop immediately. The meeting must be silent.

#### 25.2 Improper conduct

If the Chair is of the opinion that a Member has persistently disregarded the ruling of the Chair by behaving improperly or offensively or deliberately obstructing the business, the Chair may notify the meeting of that opinion and may take any of the following courses of action, either separately or in sequence:

(i) Member Not to be Heard Further

Move that the Member be not heard further. If seconded, the motion will be voted on without discussion. If carried the Member shall not speak further at the meeting.

(ii) Member to Leave the Meeting

Move that the Member leaves the meeting. If seconded, the motion will be voted on without discussion. If carried, the Member named shall immediately leave the meeting.

(iii) Adjourn the Meeting

Adjourn the meeting for such a period as he/she considers appropriate.

(iv) Order Member to Leave/be Removed from the Meeting

Order the Member to leave the meeting or if necessary, the Member to be removed.

#### 25.3 General disturbance

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

25.4 **Disclosable Pecuniary Interests**

If a Member has a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) he/she must leave the room (including the public gallery) during any item of business (including discussion and any voting) on having, or having disclosed, a Disclosable Pecuniary Interest in that item, unless where permitted to remain as a result of a dispensation.

25.5 **Disclosure of Other Registerable Interests**

Where a matter arises at a meeting which directly relates to a Member's Other Registerable Interest (as defined in the Members' Code of Conduct), he/she must disclose the interest. He/she may only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must leave the room (including the public gallery), unless where permitted to remain as a result of a dispensation.

26. **DISTURBANCE BY PUBLIC**

26.1 **Removal of Member of the public**

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

26.2 **Clearance of part of meeting room**

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

26.3 **Adjournment of Meeting**

If proceedings are interrupted the Chair may adjourn the meeting for so long as he/she thinks necessary.

27. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

27.1 All of these Council Procedure Rules except Rule 1, 7-11, 21, 22.2, 23, 24, 31 and 34 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 and a majority of those present support the motion. Suspension can only be for the duration of the meeting.

27.2 **Amendment**

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, where it will be considered alongside a report by the Monitoring Officer.

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# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 28. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of full Council. None of these Rules apply to meetings of the Executive. Rules 5, 7-12, 15-18 (but not Rule 15.2), 21-38 apply to meetings of Committees and Sub-Committees.

### 29. ADDITIONAL PROVISIONS FOR COMMITTEES AND SUB- COMMITTEES

29.1 The Council may at any time resolve to appoint a Committee or Sub-Committee, and if so shall decide on the terms of reference, and the number of voting Members and may decide on the appointment and functions of non-voting Members and on the limitation of the powers of any such Committee to appoint Sub-Committees or Sub-Groups.

29.2 The Council may, subject to any statutory provision, or provision in this Constitution at any time resolve to dissolve a Committee or Sub-Committee or may amend resolutions made under rule 1.2.

29.3 Every Committee or Sub-Committee or other Sub-Group shall continue to discharge the functions committed to them until the Council resolve otherwise.

29.4 Subject to s.102(5) of the 1972 Act (Councillor not re-elected to cease to be a Member of a Committee), s.80 of the 1972 Act (Loss of office through disqualification) and 29.10 below every person appointed as a voting Member of a Committee or Sub-Committee (and every person appointed to exercise other functions in relation to a Committee or Sub-Committee) shall continue as such until the appointment is terminated by the Council.

29.5 The Chair of Council shall be entitled to attend and speak at any meeting of a Committee but not vote unless appointed as a voting Member.

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# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

29.6 A Member of the Council who is not otherwise entitled to attend and speak at a Committee, Sub-Committee or other Sub-Group shall be entitled to do so, but not to vote:

(a) during the consideration of any motion of which notice has been given further to these rules which he/she has moved or seconded at a meeting of the Council and which has been referred to that Committee, Sub-Committee or other Sub-Group, or

(b) with the agreement of the Chair.

29.7 **Appointments to be politically proportional**

Whenever:

(a) the Council is required to review the allocation of seats on Committees between Political Groups, or

(b) the Council resolves to carry out such a review, or

(c) a Committee is required to review the allocation of seats on a Sub-Committee or other Sub-Group between Political Groups, or

(d) a Committee resolves to carry out such a review

the Chief Executive shall submit a report to the Council or Committee as the case may be showing what allocation of seats would in his/her opinion, best meet the requirements of section 15(4) of the Local Government and Housing Act 1989.

29.8 In the light of such a report as is mentioned in 29.7 the Council or Committee, as the case may be, shall determine the allocation of seats to Political Groups.

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## 1. COUNCIL PROCEDURE RULES

29.9 Whenever an appointment of a voting Member of a Committee or Sub-Committee or other Sub-Group falls to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes then the Council or the Committee, as the case may be, at a meeting at which the wishes of the Political Group are expressed, or at the next meeting after those wishes are expressed, or where there is a failure to express such wishes shall make or terminate the appointment accordingly.

29.10 Subject to the approval of the Council and to any resolutions by the Council every Committee may appoint Sub-Committees or other Sub-Groups for such purposes as they think fit, and may make arrangements for a Sub-Committee or other Sub-Group to discharge any of the functions of the authority which the Committee may discharge.

30. **MEETINGS OF COMMITTEES AND SUB-COMMITTEES**

30.1 **Time and place of ordinary meetings**

The Council at the Annual Meeting shall fix the date and time and place of Ordinary Meetings of Committees and may fix the date and time and place of Ordinary Meetings of Sub-Committees and other Sub-Groups.

30.2 If the Council do not fix the date, time or place of an Ordinary Meeting of a Committee, Sub-Committee or other Sub-Group then the relevant Committee may do so.

30.3 The Chair of a Committee or Sub-Committee or the Chair of Council may call an Extraordinary Meeting of a Committee or Sub-Committee at any time.

30.4 The Chair of a Committee or Sub-Committee, or the Chair of Council, may if he/she considers it necessary (and after consultation so far as practicable with such persons as appear to him/her to be representative of the Political Groups to which seats on the Committee or Sub-Committee have been allocated) cancel a meeting of the Committee or Sub-Committee or may change any of the details of place, date or time already fixed for the meeting.

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# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 31. EXTRAORDINARY MEETING

31.1 If a requisition for an Extraordinary Meeting of a Committee or Sub-Committee signed by at least 2 or one quarter of the total number of the voting Members of a Committee or Sub-Committee, whichever is greater, has been presented to the Chair; and

31.2 Where it is decided to call an Extraordinary Meeting of a Committee or Sub-Committee under 31.1 above, the Members calling the meeting shall tell the Chief Executive they have done so, the business to be transacted and the date, time and place for which the meeting is called. The Chief Executive shall then ensure that the necessary notices and summonses are sent out.

31.3 Any requisition under 31.1 may be presented by being left with the Chief Executive.

31.4 All meetings of Committees and Sub-Committees shall be held at the Civic Office, Waterdale, Doncaster, DN1 3BU unless the relevant Committee, Sub-Committee or Chief Executive otherwise directs.

### 32. COMMITTEE AGENDAS

32.1. The agenda for every Committee or Sub-Committee meeting will:-

(a) (i) receive apologies for absence;

(ii) receive declarations by Members of interests in matters to be considered at the meeting;

(iii) approve as a correct record the minutes of the last meeting;

(b) receive items of business which are referred to the Committee or Sub-Committee by the Council or by another Committee or Sub-Committee.

(c) receive reports submitted to the Committee or Sub-Committee by the Chief Executive or any Executive Director or Service Director.

(d) receive any item of business directed to be included by the Chair.

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# RULES OF PROCEDURE

## 1. COUNCIL PROCEDURE RULES

### 33. DURATION OF MEETING

33.1 Unless the majority of Members present vote for the meeting to continue, any meeting of a Committee or Sub-Committee which has continued for 3 hours shall adjourn and the matter then under discussion and all other business not yet considered shall be adjourned to a date to be fixed or to the next Ordinary Meeting.

### 34. QUORUM FOR COMMITTEES OR SUB-COMMITTEES

34.1 The quorum of the Council in Committee shall be one third of the whole number of Members entitled to be present.

34.2 The quorum of a Committee shall be one quarter of the voting Members, and in any event no fewer than 3 voting Members.

34.3 The quorum of a Sub-Committee shall be 3 voting Members, except where the Membership of the Committee is 3 or fewer, in which case the quorum shall be 2 Members.

### 35. APPOINTMENT OF CHAIR & VICE-CHAIR

35.1 Appointments of the Chair and Vice-Chair of a Committee shall be made by the Council or in default, by the Committee at its first meeting.

35.2 The Chair and Vice-Chair of a Sub-Committee shall be appointed at the Annual Council Meeting or at the first meeting of the Sub-Committee after the Annual Meeting of the Council, or by the Committee on the appointment of a Sub-Committee by a Committee.

35.3 The Chair, if present, shall preside at every meeting. In the absence of the Chair the Vice-Chair, if present, shall preside. In the absence of both Chair and Vice-Chair, the Committee or Sub-Committee shall elect a Member of the Council from among their number to preside at the meeting.

### 36. URGENT DECISIONS

36.1 The Chief Executive, an Executive Director or a Service Director may, in consultation withthe Chair or Vice-Chair of the appropriate Committee or, in their absence, with the Chair or Vice-Chair of Council take action in matters of urgency.

36.2 In all cases a written record shall be made of the action taken, who was consulted and the reason for urgency and a copy shall be sent to the Chief Executive.

## 1. COUNCIL PROCEDURE RULES

36.3 The officer taking the action under 36.1 shall report such action to the first available meeting of the appropriate Committee or Sub-Committee.

### 37. RECORDING/FILMING PROCEEDINGS AND MOBILE PHONES

37.1 The filming and recording of the public sessions of any Council, Cabinet, Committee, Sub-Committee or Panel meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.

37.2 The Chair of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography, intrusive camera or lighting equipment or the behaviour of the person filming the meeting.

37.3 All those visually recording a meeting are requested to only focus on recording Councillors, Officers and the public directly involved in the conduct of the meeting.

37.4 Any mobile phone or other electronic communications device taken to a meeting should not be used in such a way as to interfere with the proceedings during the meeting.

### 38. INTERPRETATION AND APPLICATION

38.1 The decision of the Chair on the advice of the Monitoring Officer or his/her representative on the construction, application or interpretation of these Council Procedure Rules and on any question of order not provided for in these rules shall be final.

38.2 In these Council Procedure Rules, unless the context otherwise requires the singular includes the plural and the masculine includes the feminine.

# PART 4
# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

### 1. SCOPE

These rules apply to all meetings of the Full Council and its Committees and Sub-Committees, Overview and Scrutiny Management Committee and Panels, Area Committees (if any) and public meetings of the Executive (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 may attend all meetings subject only to the exceptions in these rules.

### 4. NOTICES OF MEETING

4.1 Except in cases of special urgency (see Rule 16), the Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Civic Office, Waterdale, Doncaster, DN1 3BU.

4.2 In all cases in these rules, 'five clear days' do not include weekends or national holidays and exclude both the day of the meeting and the day on which the meeting is called.

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

(a) The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Office, Waterdale, Doncaster, DN1 3BU at least five clear days before the meeting.

(b) If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons had 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 from the time the item was added to the agenda.

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# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

### 6. SUPPLY OF COPIES

The Council will supply copies of:-

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

### 6a. URGENT ITEMS

An item not on the agenda may be considered if it is the Chair's opinion that special circumstances make it necessary to consider an item as a matter of urgency and minutes of the meeting record the special circumstances which make it necessary to consider the item as a matter of urgency.

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

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

(a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive - excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

# PART 4
# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

### 8. BACKGROUND PAPERS

#### 8.1 List of Background Papers

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

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

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

#### 8.2 Public Inspection of Background Papers

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

Background papers relating to Executive reports will be published on the Council's website.

### 9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Office, Waterdale, Doncaster, DN1 3BU.

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

#### 10.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings wherever it is likely that confidential information would be disclosed.

#### 10.2 Exempt Information - Discretion to Exclude Public

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

## 2. ACCESS TO INFORMATION PROCEDURE RULES

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 by law.

10.3 **Meaning of Confidential Information**

Confidential information is defined in section 100A(3) of the Local Government Act 1972 as information provided to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public, or, information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

10.4 **Meaning of Exempt Information**

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

| Category | Condition |
|---|---|
| 1. Information relating to any individual. | Information 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. |
| 2. Information which is likely to reveal the identity of an individual. | Information 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. |

## 2. ACCESS TO INFORMATION PROCEDURE RULES

| | |
|---|---|
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) | Information is not exempt information if it is required to be registered under:-<br>(a) the Companies Act 1985;<br>(b) the Friendly Societies Act 1974;<br>(c) the Friendly Societies Act 1992;<br>(d) the Industrial and Provident Societies Act 1965 to 1978;<br>(e) the Building Societies Act 1986; or<br>(f) the Charities Act 1993. |
| | Information 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. |
| 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority. | Information 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. |

# PART 4
# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

| | | |
|---|---|---|
| 5. | Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. | Information 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. |
| 6. | Information which reveals that the Authority proposes:-<br><br>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person: or<br><br>(b) to make an order or direction under any enactment. | Information 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. |
| 7. | Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. | Information 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. |

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.

# PART 4
# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

Information which falls within any of paragraphs 1 to 7 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 (The “Public Interest Test”).

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

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

# PART 4

# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

**PROTOCOL**

**DISCLOSURE OF CONFIDENTIAL OR EXEMPT INFORMATION BY MEMBERS**

Under paragraph 4.1 of the Members' Code of Conduct, there are only limited situations where a Member is entitled to disclose confidential information. One of these is where the disclosure is reasonable and in the public interest, and is made in good faith and in compliance with the 'reasonable requirements' of the Council. These requirements are set out below.

Where a decision has been made under these Rules to exclude public access on the basis that confidential or exempt information would otherwise be disclosed, or in any other circumstances where a Member wishes to disclose a document containing confidential or exempt information, the Council requires the Member to approach the Monitoring Officer for a decision as to whether that information should be disclosed by taking the following steps: -

1) The Member must submit a request in writing to the Monitoring Officer stating:

   - the information which he/she proposes to disclose;
   - to whom it is proposed disclosure will be made to; and
   - the rationale for its disclosure stating why they consider it to be reasonable and in the public interest to do so.

2) The Member should give reasonable notice of their intention to make such a disclosure (usually 5 working days notice unless exceptional circumstances apply which are set out in the request).

The Monitoring Officer will consider whether, if the Council received a Freedom of Information request at the time, the Council would not be obliged to disclose that information. In such a case disclosure will be refused. The Monitoring Officer in coming to his/her decision will give particular consideration to the public interest reasons for disclosure proposed by the Member, and to the Member's right of freedom of expression and the particular importance of that right for elected representatives.

Members will also have regular access to personal information. Members are likely to use personal information in a variety of roles and in some instances they may be required to register with the Information Commissioner dependent on the role or roles in which they are using personal data.

In addition, in their use of personal data, Members need to be aware of their own personal responsibilities to ensure that their use of such data is fair and lawful and in accordance with good practice. Members also need to take appropriate security to protect personal information that they hold.

Further advice can be obtained from the Council's Information Management Officer.

# PART 4
# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

### 12. APPLICATION OF RULES TO THE EXECUTIVE

(a) Rules 13-23 apply to the Executive and its Committees.

(b) When the Executive 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) apply. A key decision is as defined in Article 8 of this Constitution.

(c) If the Executive or its Committees meet to discuss a key decision to be taken collectively, with an Officer other than a Political Assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings whose sole purpose is for Officers to brief Members.

### 13. PROCEDURE BEFORE TAKING KEY DECISIONS

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

(a) a notice (called here a forward plan) has been published in connection with the matter in question

(b) at least 28 clear calendar days have elapsed since the publication in connection with the matter in question

(c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

### 14. THE FORWARD PLAN

#### 14.1 Period of Forward Plan

A forward plan will be prepared each calendar month by the Mayor and will:

(a) cover a period of four months

(b) take effect on the first day of the second month of the previous plan

(c) amended forward plans may be prepared at any time and will take effect on a date specified in the plan, not less than 14 or more than 21 days before it comes into effect.

14.2 **Contents of Forward Plan**

The Forward Plan will contain matters which the Mayor has reason to believe will be subject of a key decision to be taken by the Executive, a Committee of the Executive, individual Members of the Executive, Officers, Area Committees or under Joint Arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following, so far as the information is available or might reasonably be obtained:-

(a) that a key decision is to be made on behalf of the Local Authority;

(b) the matter in respect of which a decision is to be made;

(c) where the decision taker is an individual, his/her name and title, and where the decision taker is a body; its name and details of Membership;

(d) the date on which, or the period within which, the decision will be taken;

(e) a list of the documents submitted to the decision taker for consideration in relation to the matter;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(g) that other documents relevant to those matters may be submitted to the decision maker; and

(h) the procedure for requesting details of those documents (if any) as they become available.

Confidential or exempt information or particulars of the advice of a political adviser or assistant may not be contained within the Forward Plan.

# PART 4
# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

### 15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;

(b) the Chief Executive has informed the Chair of the relevant Overview and Scrutiny Panel or if there is no such person, each Member of that Panel in writing, by notice, of the matter about which the decision is to be made and reasons for its urgency;

(c) the Chief Executive has made copies of that notice available to the public at the offices of the Council and on the Council's website; and

(d) at least 5 clear days have elapsed since the Chief Executive complied with (c) above.

Where such a decision is taken collectively, it must be taken in public.

### 16. SPECIAL URGENCY

16.01 (a) 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 taker (if an individual) or the Chair of the body making the decision, obtains the agreement of:

(i) the Chair of the relevant Overview and Scrutiny Panel; or

(ii) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Panel is unable to act, the Chair of the Overview and Scrutiny Management Committee; or

(iii) if there is no such person, or if the Chair of the Overview and Scrutiny Management Committee is unable to act, the Chair of Council; or

(iv) where there is no Chair of either the relevant Overview and Scrutiny Panel, Overview and Scrutiny Management Committee or of Council, the Vice-Chair of the Council.

that the making of the decision is urgent and cannot reasonably be deferred.

(b) Where there is doubt, the Chief Executive will determine which is the relevant Overview and Scrutiny Committee.

16.02 **Annual Report on Special Urgency Decisions**

The Mayor will submit an annual report to the Full Council at its last ordinary meeting of each Municipal Year on the Executive decisions taken in the circumstances set out in Rule 16 of the Access to Information Procedure Rules (special urgency) in the preceding twelve months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## 17. KEY DECISIONS NOT TAKEN IN ACCORDANCE WITH THESE RULES

The powers of Overview and Scrutiny Management Committee and Panels when they believe decisions have been taken outside of these rules are set out in Rule 21 of the Overview and Scrutiny Procedure Rules.

## 18. RECORD OF DECISIONS

After any meeting of the Executive or any of its Committees, whether held in public or private, the Chief Executive or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable.

The record will include:
(a) details of the decisions, including the date when they were made
(b) a statement of the reasons for each decision
(c) any alternative options considered and rejected at that meeting
(d) details of any declaration of interest (and any dispensation granted by the Monitoring Officer).

The record will be available for inspection by members of the public at the offices of the Council and on the Council's website.

# PART 4
# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

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

The Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

### 20. NOTICE OF AND ATTENDANCE AT MEETINGS OF THE EXECUTIVE

(a) There will be three types of meeting of the Executive and Committees of the Executive:

(i) Public Decision Making Meetings
(ii) Private Decision Making Meetings
(iii) Private Non-Decision Making Meetings

(b) All key decisions (as defined in Article 8.03) will be taken in public unless they are exempt for one or more reasons set out in Rule 10.4 or contain confidential information under Rule 10.3 of these Rules.

(c) Notice of all decision making meetings, including an agenda will be served on all Members of the Council.

(d) Notice of all decision making meetings will be served on all Executive Members, to include all reports and associated papers.

(e) Notice of all decision making meetings to include all reports and associated papers will be served on the Chief Executive, the Chief Financial Officer and the Monitoring Officer, each of whom will be entitled to attend any such meeting.

(f) Overview and Scrutiny Members and other interested parties may attend private meetings of the Executive by invitation.

(g) Those entitled to notice of meetings of the Executive or Committees of the Executive will receive five clear working days' notice.

(h) Rule 18 applies to all meetings of the Executive or Committees of the Executive.

# PART 4
# RULES OF PROCEDURE

## 2. ACCESS TO INFORMATION PROCEDURE RULES

### 21. KEY DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

21.1 **Reports intended to be taken into account**

Where an individual Member of the Executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report, except in cases of special urgency under Rule 16.

21.2 **Provision of Copies of Reports to Overview and Scrutiny Panel**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Overview and Scrutiny Panel as soon as reasonably practicable, and make it publicly available at the same time.

21.3 **Restrictions of Access to Reports**

Reports referred to in Rule 21 are subject to the restrictions on access set out in Rule 11.

21.4 **Record of Individual Decision**

As soon as is reasonably practicable after an Executive decision has been taken by an individual Member of the Executive or by an Officer, he/she will prepare, or instruct the Chief Executive to prepare, a record of the decision, including a statement of the reasons for it, alternative options considered and rejected and details of any declaration of interest (and any dispensation granted by the Monitoring Officer). This record will be available for inspection by members of the public at the offices of the Council and on the Council's website. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political or Mayor's assistant.

### 22. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

22.1 **Rights to Copies**

Subject to Rule 23.2 below, Members of the Overview and Scrutiny Management Committee or Panels will be entitled to copies of any document which is in the possession or control of the Executive or its Committees and which contains material relating to:-

## 2. ACCESS TO INFORMATION PROCEDURE RULES

(a) any business transacted at a meeting of the Executive or its Committees; or

(b) any decision taken by an individual Member of the Executive, or

(c) any executive decision taken by an Officer.

Where a member of an Overview and Scrutiny Committee or Panel requests such a document, the Executive must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear working days after the Executive receives the request.

22.2 **Limit on Rights**

Members of the Overview and Scrutiny Management Committee or an Overview and Scrutiny Panel will not be entitled to:-

(a) any document that is in draft form;
(b) any part of a document that contains exempt or confidential information, unless that information is relevant to:-
    (i) an action or decision they are reviewing or scrutinising or intend to scrutinise; or
    (ii) any review contained in any programme of work of such a committee or panel; or
(c) any document containing the advice of a political adviser or assistant.

Where the Executive determines that a Member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in Procedure Rule 22.2, it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

## 23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

23.1 **Material relating to previous business**

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive or its Committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies:

(a) it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or

(b) it contains the advice of a political adviser.

23.2 **Material relating to key decisions**

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its Committees which relates to any key decision unless Rule 23.1 (a) or (b) applies.

23.3 **Nature of Rights**

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

**Statutory and Guidance References**

**Local Government Act 1972 s100A-H, Sch. 12A**
**Local Government Act 2000 s22**
**Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**
**DETR New Council Constitutions Guidance Chapter 7**

# PART 4
# RULES OF PROCEDURE

## 3. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

These Procedure Rules are Standing Orders made under s135 Local Government Act 1972 and Local Government Act 2000 requirements.

1. The Framework for Executive Decisions

The Full Council will adopt the budget and policy framework as defined in these Rules and Section 3 of Part 3 of this Constitution. Once in place, it is the responsibility of the Executive to implement it.

The Budget shall mean:-

(i) The identification and allocation of financial resources for the following financial year(s) by the Full Council including:-

- Revenue Budgets;
- Capital Budgets;
- The Council Tax base;
- The Council Tax level;
- Borrowing requirements;
- Prudential Indicators;
- The Medium-Term Financial Strategy; and
- The Level of Uncommitted Reserves.

(ii) Any resolution of Full Council identified as a budgetary decision causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase above that stated in the approved budget.

2. Process for Developing the Framework (including the Dispute Resolution Procedure)

(a) The Executive will draw up proposals in relation to the budget, and the plans and strategies listed in Part 3.

(b) The proposals will include:

(i) a timetable for development and adoption of the proposal.

(ii) details of any consultation, research or other investigation already undertaken or proposed to be undertaken by the Executive.

## 3. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

(c) The proposal will be given to the relevant Overview and Scrutiny Panel or Management Committee which will be given at least 4 weeks to respond to the proposals from the date the proposal is notified.

(d) Not less than 4 weeks after the initial proposal, the Executive will report the proposal to the Full Council showing how any response from the Overview and Scrutiny Committee and the outcome of consultation, research or investigations were taken into account.

(e) The Full Council will consider the proposal and may:

(i) adopt or approve submission to the relevant secretary of State (where that is required);

(ii) object to the proposal and instruct the Executive to reconsider in the light of those objections.

The instruction to the Executive will allow at least 5 working days for the Executive to either submit a revised proposal or to respond to the objections in relation to the original proposal, giving reasons for the response.

(f) The Full Council will, within 7 working days of receipt by the Chief Executive of the response of the Executive, consider that response and may either;

(i) by a simple majority of those voting, approve the original or revised proposal for adoption or submission to the Secretary of State

(ii) by a two thirds majority of those voting, amend or modify the revised or original proposal.

3. <u>Calculation of Budget Requirements and Precepts.</u>

(a) Where by the 8th February in any financial year the Executive submits to the Full Council estimates upon which to base the calculation of the budget requirements and precepts and the Full Council objects then the dispute resolution process set out in paragraph 2 will apply.

(b) Paragraph 3(a) applies to calculations under sections 32-37 and 43-49 and Chapter IV of the Local Government Finance Act 1992 but not sections 52(I),(J), or (U) of that Act.

4. Decisions Outside the Budget and Policy Framework

(a) Individual Members of the Executive and any Officers, Area Committees or Joint Arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework except;

(b) If the Executive or any body or individual exercising an Executive function wishes to take a decision which may be wholly or partly outside the Budget and Policy Framework then;

(i) that body or person must seek the advice of the Monitoring Officer and/or Chief Finance Officer as appropriate;

(ii) If the advice of the Monitoring Officer and/or Chief Finance Officer is that the decision is wholly or partly outside the Budget and Policy Framework the decision must be referred to the Full Council for decision; unless;

(iii) the decision is urgent, in which case rule 5 applies.

5. Urgent Decisions Outside the Budget or Policy Framework

(a) A decision is urgent if;

(i) it is not practical to convene a quorate meeting of the Full Council; and

(ii) the Chair of a relevant Overview and Scrutiny Committee or Panel agrees that the decision is a matter of urgency.

(b) The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair or Vice-Chair of the relevant Overview and Scrutiny Panel's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

(c) In the absence of the Chair or Vice-Chair of the relevant Overview and Scrutiny Panel the consent of the Chair or Vice-Chair of Overview and Scrutiny Management Committee and in their absence, that of the Chair of the Council or Deputy Chair of the council, will be sufficient.

(d) In the absence of all the Members listed in (b) and (c) the consent of the Monitoring Officer and/or Chief Finance Officer will be sufficient.

(e) Following the decision, the decision taker will provide a full report to the next available Full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

(f) When there is uncertainty, the Chief Executive will determine which is the relevant Overview and Scrutiny Chair.

6. Virement

(a) Financial Procedure Rules may provide for limitations on transfers between or within the elements of the Budget

(b) Any part of the Budget and Policy Framework may specify the extent to which the Executive may transfer funds within the framework.

7. In-Year Changes to Policy Framework

(a) The Executive may vary the Policy Framework in circumstances where:-

(i) The relevant part of the Policy Framework provides for the Executive to determine a variation;

(ii) It is necessary to ensure compliance with the law, ministerial direction or government guidance;

## 3. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

(iii) In relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Full Council following consultation, but where the existing policy document is silent on the matter under consideration.

(iv) The result is a closure or discontinuance of a service or part of service in order to meet a budgetary constraint;

(b) Therefore recommendations from the Executive to the Full Council informing the Policy Framework may contain recommendations as to in what circumstances each part of the proposed Policy Framework may be varied by the Executive.

(c) When the Executive varies the Policy Framework under this Rule it will report the variation and the reasons for it to the next available meeting of the Full Council.

8. Call-In of Decisions Outside the Budget or Policy Framework

(a) Under Rule 9 of the Overview and Scrutiny Procedure Rules, any 4 Members of the Council, providing they are not all from the same political group, or any 5 Members of the Council from the same political group, may call in a decision which they believe to be outside the budget and policy framework.

(b) Where an Overview and Scrutiny Panel or Management Committee (whether or not the decision has been called in) is of the opinion that an Executive decision is, or if made would be, wholly or partly outside the Budget and Policy Framework, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer (as appropriate).

(c) The Monitoring Officer and/or Chief Finance Officer shall prepare a report for the Executive and provide a copy to each Member of the Council.

(d) The Executive will meet within 5 working days of being given a copy of the report of the Monitoring Officer and/or Chief Finance Officer and decide what action to take.

# PART 4
# RULES OF PROCEDURE

## 3. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

(e) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Panel or Management Committee may refer the matter to a Full Council meeting.

(f) No further action will be taken in respect of the decision or its implementation until the Full Council has met and considered the matter.

(g) The Full Council shall meet within 10 working days of the request by the Overview and Scrutiny Panel or Management Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or Chief Finance Officer.

(h) If for any reason a quorate meeting of Full Council has not determined the issue referred to them under this Rule within 10 working days the Chief Executive will immediately call an Extraordinary Full Council Meeting.

(i) The Full Council may either:

(i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework, the decision to take immediate effect; or

(ii) amend the Budget and Policy Framework to allow the decision to take immediate effect; or

(iii) determine that the decision is wholly or partly outside the Budget and Policy Framework and require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

(j) Urgent decisions under Rule 5 may not be the subject of call-in.

# PART 4
# RULES OF PROCEDURE

## 3. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

9. Where a decision has been taken and implemented and it appears to an Overview and Scrutiny Management Committee or Panel, that it is wholly or partly outside the Budget or Policy Framework, on advice from the Monitoring Officer and/or Chief Finance Officer, then the Committee or Panel may submit a report to the Full Council and/or the Executive with or without recommendations.

10. Where any proposal, notice or other document is to be given by or to the Executive or the Full Council under these rules it is to be given, in writing, to the Chief Executive who is responsible for serving and/or publishing it.

11. The Chief Executive will call, at the earliest practical time, any meeting required to be called under these rules.

**Statutory and Guidance References DETR New Council Constitutions Guidance Chapters 2 and 7**

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# PART 4
# RULES OF PROCEDURE

## 4. EXECUTIVE PROCEDURE RULES

### 1.1 Executive Decisions

The Mayor will determine in a scheme of delegations (set out in Part 3 of this Constitution) which may provide for Executive decisions to be made by:-

(a) the Mayor, personally;

(b) the Executive as a whole;

(c) a Committee of the Executive;

(d) an individual Member of the Executive personally;

(e) an Officer;

(f) an Area Committee;

(g) Joint Arrangements; or

(h) another Local Authority.

### 1.2 Delegation by the Mayor

At the annual meeting of the Full Council, the Mayor will provide to the Full Council details of a written scheme of delegations made by him/her for inclusion in Part 3 to this Constitution. The scheme of delegations will contain the following information about Executive functions in relation to the coming year:-

(i) the names, addresses and wards of the Members appointed to the Executive by the Mayor;

(ii) the name of the Deputy Mayor, the extent of any delegations to them and the circumstances in which the Deputy may act in the place of the Mayor.

(iii) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;

## 4. EXECUTIVE PROCEDURE RULES

(iv) the Terms of Reference and Constitution of such Executive Committees as the Mayor appoints and the names of Executive Members appointed to them;

(v) the nature and extent of any delegation of Executive functions to Area Committees, any other authority or any Joint Arrangements and the names of those Executive Members appointed to any Joint Committee for the coming year; and

(vi) the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the office to whom the delegation is made.

### 1.3 Sub-delegation of Executive Functions

(a) Where the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangement or an Officer.

(b) If the Mayor delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive or to an Officer.

(c) Unless the Mayor directs otherwise, a Committee of the Executive to whom functions have been delegated by the Mayor may delegate further to an Officer.

(d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the function.

### 1.4 Amendment of Delegations by the Mayor

(a) The Mayor may amend the scheme of delegation at any time by serving notice of the change on the Chief Executive.

(b) The Chief Executive will notify the body or individual affected by the change as soon as reasonably practicable on receipt of notice of the change.

## 4. EXECUTIVE PROCEDURE RULES

(c) Subject to the provisions for the removal of Executive Members from office, as set out in Section 3 of Part 1 of this Constitution, the change in delegation will take effect when the Chief Executive is notified, notwithstanding that this Constitution has not been amended to reflect the change. The Chief Executive must report the change in delegation to the affected individual or body as soon as practicable.

(d) The Chief Executive will report the change to the next available meeting of the Full Council and amend Part 3 of the Constitution accordingly.

1.5 **Conflicts of Interest**

(a) Where the Mayor 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 Executive has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.

(c) If the exercise of an Executive function has been delegated to a Committee of the Executive, 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.

1.6 **Number and Location of Executive Meetings**

The Executive will meet at least 12 times per year at times to be agreed by the Mayor. The Executive shall meet at the Civic Office, Waterdale, Doncaster, DN1 3BU, or other locations to be agreed by the Mayor.

1.7 The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

# PART 4
# RULES OF PROCEDURE

## 4. EXECUTIVE PROCEDURE RULES

1.8 **Quorum**

The quorum for a meeting of the Executive shall be 3, including either the Mayor or Deputy Mayor. Where the Mayor and Deputy Mayor are not present at a meeting of the Executive, the quorum will be 4.

1.9 **Decisions of the Executive**

(a) Executive decisions which have been delegated to the Executive 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 Executive decisions are delegated to a Committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

(c) Executive decisions delegated to individuals will be recorded on a form for that purpose and will be ineffective if not so recorded.

## 2. CONDUCT OF EXECUTIVE MEETINGS

2.1 **Chairing**

(a) If the Mayor is present he/she will take the Chair.

(b) In the absence of the Mayor, the Deputy Mayor will take the Chair.

(c) In the absence of the Mayor and the Deputy Mayor, the Mayor will notify the Chief Executive in writing by no later than 9.00 a.m. on the day of the meeting, the name of the Executive Member to preside and Chair the meeting.

2.2 **Notice of and attendance at Executive Meetings**

Rule 21 of the Access to Information Procedure Rules sets out who is entitled to notice of and attend meetings of the Executive.

# PART 4
# RULES OF PROCEDURE

## 4. EXECUTIVE PROCEDURE RULES

### 2.3 Executive Meeting Agenda

At each meeting of the Executive the following business will be conducted:-

(i) consideration of the minutes or decision record forms of the last meeting;

(ii) a period of time not exceeding 20 minutes in total be allocated for questions from members of the public/Elected Members to the Elected Mayor;

(iii) declarations of interest, if any;

(iv) matters referred to the Executive (whether by an Overview and Scrutiny Committee or by the Full Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

(v) consideration of reports from Overview and Scrutiny Committees; and

(vi) 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.

### 2.4 Consultation

All reports to the Executive from any Member of the Executive 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 Overview and Scrutiny Committees, 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.

# PART 4
# RULES OF PROCEDURE

## 4. EXECUTIVE PROCEDURE RULES

### 2.5 Placing items on the Executive Agenda

The Mayor will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a Committee of it or any Member or Officer in respect of that matter. The Chief Executive will comply with the Mayor's requests in this respect.

(a) The following may require the Chief Executive to include items on the agenda for Executive meetings:

(i) the Mayor

(ii) any Member of the Executive

(iii) the Full Council

(iv) Overview and Scrutiny Management Committee or Panel

(v) the Chief Executive, the Monitoring Officer and/or the Chief Finance Officer

(b) the Chief Executive will consult with the Mayor to ensure that the agenda is manageable in length. Only exceptionally will more than two items from the Full Council or Overview and Scrutiny be placed on the same agenda.

(c) Where there is no Executive meeting within 10 days of the request for an item to be placed on the agenda then the person who made the request can serve a notice on the Chief Executive requiring a meeting to be called within 5 days.

# PART 4
# RULES OF PROCEDURE

## 4. EXECUTIVE PROCEDURE RULES

### QUESTIONS AND STATEMENTS AT EXECUTIVE MEETINGS

"Question Time" sessions for questions/statements from members of the public and Elected Members under Rule 3 (lasting for a maximum of 20 minutes in total) shall be held at ordinary meetings of the Executive.

### 3. QUESTIONS AND STATEMENTS BY THE PUBLIC/ELECTED MEMBERS

#### 3.1 General

Members of the public i.e. people who are residents of the Borough and Elected Members may ask questions and/or make statements at any ordinary meeting of the Executive in relation to an item of business on the agenda.

#### 3.2 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Council's Governance Team no later than 5.00 p.m. of the third working day before the day of the meeting. Each question or statement must give the name and address of the person submitting it. Questions/statements should be sent to the Governance Team, Floor 2, Civic Office, Waterdale, Doncaster, DN1 3BU or by email to Democratic.Services@doncaster.gov.uk.

#### 3.3 Scope of Questions

Each person will be allowed to submit one question/statement per meeting. Questions/statements should be limited to a maximum of 100 words.

The Mayor may reject a question/statement if it:

- is not a matter which relates to an item of business on the agenda for the next scheduled ordinary meeting of the Executive;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Executive in the past three months;
- requires the disclosure of confidential or exempt information; or
- is submitted by a person who is a not a resident of the Borough.

## 4. EXECUTIVE PROCEDURE RULES

3.4 **Considering the question/statement at the meeting**

Copies of all questions/statements to be heard will be made available to the public attending the meeting. The Mayor will invite the person(s) to read out their question/statement. A copy of the intended response from the Mayor shall be provided to the person submitting a question/statement at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair's permission. If a person who has submitted a question or statement is unable to attend the meeting, the Mayor will read out the question/statement on the person's behalf, and a copy of the answer given will be provided to them following the meeting.

3.5 **Supplementary question**

If the Chair permits, a member of the public or Elected Member asking a question or making a statement under Rule 3.1 may ask one supplementary question without notice. The supplemental question must arise directly out of the original question/statement or the reply and shall be put and answered without discussion.

3.6 **Written answers**

Any question which cannot be dealt with during public question time due to lack of time or any other reason will be dealt with by a written answer provided within 2 weeks of the meeting.

3.7 **Record of answers**

Details of all questions/statements made and the responses given shall be included in the decision record of the meeting.

4. **RECORD OF DECISIONS**

Decisions by the Executive will be recorded in accordance with Rules 18 and 21.4 of the Access to Information Rules in Part 4 and made available for public inspection in accordance with Rule 7 of the Access to Information Rules.

5. **ACCESS TO INFORMATION RULES**

Detailed rules setting out duties in relation to public access to the Executive decision making process are set out in Rules 13-21 of the Access to Information Rules.

**Statutory and Guidance References**
**DETR New Council Constitutions Guidance Chapters 4 and 7**

# PART 4
# RULES OF PROCEDURE

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

### 1. Arrangements for Overview and Scrutiny

(a) The Full Council will appoint an Overview and Scrutiny Management Committee with the terms of reference set out in Article 4.01.

(b) The Full Council will establish such Standing Overview and Scrutiny Panels as are necessary with terms of reference set out in Part 3 of the Constitution and delegate any in-year changes to the Overview and Scrutiny Management Committee, having regard to any requirement for political balance. (These Panels are Sub-Committees of the Council constituted under Sections 101 and 102 of the Local Government Act 1972).

(c) Overview and Scrutiny Management Committee may establish such ad hoc Overview and Scrutiny Panels as it deems necessary from time to time.

(d) The Chief Executive will maintain and publish an up to date list of ad hoc Overview and Scrutiny Panels and their terms of reference.

### 2. Membership of Overview and Scrutiny Panels and Management Committee.

(a) The Mayor and Members of the Executive may not be Members of an Overview and Scrutiny Panel or Overview and Scrutiny Management Committee.

(b) Membership of the Overview and Scrutiny Management Committee will include the Chairs of the Standing Panels.

(c) If Chairs are unable to attend the Overview and Scrutiny Committee meetings then Vice-Chairs of the Standing Panels will act as their nominated substitute.

(d) Proportionality will be disapplied to the Overview and Scrutiny Management Committee and Panels.

(e) The Full Council will appoint the following co-optees to the Overview and Scrutiny Panel with education within its terms of reference, who so far as the law allows, have voting rights, and delegate any in-year changes to the Overview and Scrutiny Management Committee.

(i) at least one Church of England Diocese representative;

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

(ii) at least one Roman Catholic Diocese representative;

(iii) between 2 and 5 parent governor representatives (to be elected in accordance with the Parent Governor Representatives (England) Regulations 2001).

(f) The Full Council may appoint, to any Overview and Scrutiny Panel, such standing, voting and or non-voting co-optees as it believes will enhance the process of Overview and Scrutiny and delegate any in-year appointments to the Overview and Scrutiny Management Committee. This will normally include:-

(i) Representatives of faiths other than those in (b) above;

(ii) Representatives from further education institutions;

(g) Trades Union representatives, young people (and others not eligible to be co-opted onto the Committee or Panels) may be invited to attend as participating observers who may speak but not vote and may have more limited rights to access information.

(h) Co-optees and invitees may be paid their reasonable expenses and subsistence allowances at the same rates as are payable to Elected Members.

### 3. Chairing Overview and Scrutiny Management Committee and Panels

(a) The Full Council will appoint the Chair and Vice-Chair of Overview and Scrutiny Management Committee.

(b) The Full Council will appoint the Chair and Vice-Chair of standing Overview and Scrutiny Panels at all times ensuring that not all Chairs and Vice-Chairs are drawn from the same party group.

### 4. Number and Timing of Meetings

(a) The Overview and Scrutiny Management Committee will meet at least 6 times per year on dates to be fixed at the Annual Council Meeting.

(b) Further meetings of Overview and Scrutiny Management Committee may be called in accordance with Council Procedure Rules.

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

(c) Overview and Scrutiny Management Committee may determine meetings of Overview and Scrutiny Panels or leave the calling of meetings to the Panel under Council Procedure Rules.

(d) Meetings will be held at venues appropriate to the business of the meeting. Choice of venue will be designed to encourage attendance and participation, particularly by those with a disability or who use public transport.

### 5. Quorum

The Quorum for Overview and Scrutiny Management Committee shall be 3.

### 6. Work Programme

(a) Overview and Scrutiny Management Committee will determine its own work programme. Taking account of any matters referred to it by the Full Council or the Executive.

(b) Overview and Scrutiny Management Committee will periodically consider matters affecting the area and/or its inhabitants which are not functions of the Full Council, for example healthcare provision, policing and crime and disorder reduction and the activities of the Local Strategic Partnership.

(c) Subject to matters being referred to them by other parts of the Full Council or Executive, Overview and Scrutiny Management Committee will determine the Overview and Scrutiny work programmes.

(d) Overview and Scrutiny Management Committee and Panels will ensure that the wishes of non voting Co-Optees, Invitees and Members of groups other than the largest Political Group are taken into account.

(e) Terms of reference for ad hoc Overview and Scrutiny Panels are to be drafted by the Overview and Scrutiny Management Committee. The ad hoc Panel will comment on the draft terms of reference at its first meeting. Overview and Scrutiny Management Committee will receive recommendations from the ad hoc Panel prior to finally determining the terms of reference.

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

(f) Overview and Scrutiny Management Committee will establish and agree an Overview and Scrutiny protocol to assist in the operation of its functions. This will be reviewed periodically to ensure that the operation of the functions remains 'fit for purpose'.

### 7. Agenda Items

(a) Meetings of Overview and Scrutiny Committee will conduct the following business:-

(i) apologies for absence;

(ii) declarations of interest;

(iii) consideration of minutes of the last meeting;

(iv) A period of time not exceeding 20 minutes in total be allocated for statements from up to 5 members of the public who will be asked to give their name and address and interest/affiliation (if any). Statements should propose action(s) which may be considered or contribute to the future development of the Committee's Work Plan or relate specifically to an item on the agenda;

(v) any matters referred to it via the call-in mechanism;

(vi) any matters referred to it by the Executive;

(vii) any matters referred to it by the Full Council or its Committees;

(viii) any matter referred to it by the Monitoring Officer and/ or Chief Finance Officer;

(ix) any matters referred by a standing or ad hoc Overview and Scrutiny Panel;

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

(x) any matters referred to it by one or more Members of the Committee;

(xi) any matters referred to it by any Member or Co-Opted Members of any standing or ad hoc Overview and Scrutiny Panel including any issues that are referred to in accordance with the Councillor Call for Action process;

(xii) any matters referred by the Doncaster Federation of Tenants and Residents Associations or executive bodies of health agencies or other partnerships that are of a strategic nature and are not eligible for consideration as part of any appeals process;

(xiii) any matter referred to it in accordance with the Council's petition scheme;

(xiv) matters set out on the agenda for the meeting;

(xv) Annually - an annual Overview Scrutiny Plan;

(xvi) The revised Forward Plan;

(xvii) As necessary reports from Scrutiny Panel Chairs as to use of the urgency provisions.

(b) The Proper Officer shall be responsible for publishing the agenda and shall consult with the Chair or Vice-Chair to avoid overloading any agenda.

(c) Meetings of Overview and Scrutiny Panels will conduct the following business:-

(i) apologies for absence;

(ii) declarations of interest;

(iii) consideration of Minutes of the last meeting;

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

(iv) a period of time not exceeding 20 minutes in total be allocated for statements from up to 5 members of the public who will be asked to give their name and address and affiliation (if any). Statements should propose action(s) which may be considered or contribute to the future development of the Panel's Work Plan or relate specifically to an item on the agenda;

(v) any matters referred to it by the Executive;

(vi) any matters referred to it by the Full Council or its Committees;

(vii) any matter referred to it by the Monitoring Officer and/or Chief Finance Officer;

(viii) any matters referred to it by Overview and Scrutiny Management Committee OR another standing or ad hoc Overview and Scrutiny Panel;

(ix) any matters referred to it by any Member or co-opted Member of the Council or its Committees and Sub-Committees, including any issues that are referred in accordance with the Councillor Call for Action process;

(x) matters set out in the agenda of the meeting;

(xi) any matters referred by the Doncaster Federation of Tenants and Residents Associations or executive bodies of Health Agencies or other partnerships that are of a strategic nature and are not eligible for consideration as part of any appeals process;

(xii) any matter referred to it in accordance with the Council's Petition Scheme;

(xiii) Review of progress/outstanding work programme.

# PART 4
# RULES OF PROCEDURE

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

### 8. Policy Review and Development

(a) The role of Overview and Scrutiny Management Committee and Panels in relation to the development of the Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules. The rules include the process for referring Executive decisions wholly or partly outside the Budget and Policy Framework to the Full Council.

(b) In relation to the review and development of policy other than in Budget and Policy Framework, Overview and Scrutiny Management Committee may receive requests from the Executive to undertake work and will also develop its own work programme.

(c) In planning their workload Overview and Scrutiny Management Committee will have regard to its own Work Plan as well as The Forward Plan of key decisions in relation to policy review and development.

(d) The planning of workloads will also take into account the programme of Best Value Reviews.

### 9. Scrutiny of Decisions ("Call-In")

(a) Call-in is an exceptional step to be taken only when Members with the power to call in decisions consider it to be a proportionate step which will be of benefit to the delivery of services under the Budget and Policy Framework or will improve the decision making process.

(b) The following Executive decisions will be notified to all Members by the Chief Executive:-

(i) all decisions by the Mayor;

(ii) all decisions of the Cabinet;

(iii) all decisions of a Committee of the Cabinet;

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

(iv) all decisions by individual Executive Members;

(v) key decisions delegated by the Executive to Officers

as soon as reasonably practicable after the decision has been taken.

(c) Executive decisions will not be implemented for 7 working days from the date they are notified. This period shall be known as the “call-in period”. Executive decisions will state the end of the call-in period and the name of the person responsible for implementing the decision.

(d) At any time during the call-in period any 4 Members of the Council (provided that not all the Members are from the same Political Group), or any 5 Members of the Council from the same Political Group, may trigger a call-in by satisfactorily completing and signing a form approved by the Council for this purpose and delivered to the Monitoring Officer within the required timescales. The Monitoring Officer will rule on the validity of the call-in.

(e) The Proper Officer will inform the decision maker and the person responsible for implementation as soon as is reasonably practicable that the decision has been called in.

(f) A decision which is called in will not be implemented for a period of 10 working days after the end of the call-in period OR until a meeting of Overview and Scrutiny Management Committee meets to consider the called-in decision, whichever is the sooner.

(g) Within 10 working days of the end of the call-in period a meeting of the Overview and Scrutiny Management Committee will consider the called-in decision. The Committee may:-

(i) refer the decision back to the Executive for reconsideration in the light of the recommendations from the Committee;

(ii) request that the decision be deferred until Overview and Scrutiny Management Committee or Panels have considered relevant issues and made recommendations to the Executive;

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

(iii) take no action in relation to the called-in decision but consider whether issues arising from the call-in need to be added to the work programme of an existing or new Overview and Scrutiny Panel;

(iv) if, but only if (having taken the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determines that the decision is wholly or partly outside the Budget and Policy Framework refer the matter, with any recommendations, to the Council after following the procedure in Rule 8 of the Budget and Policy Framework Procedure Rules. Only in this case is there a continuing bar on implementing the decision.

(h) The Chief Executive will be notified of the outcome of the Overview and Scrutiny Committee deliberations under paragraph (k) and will inform the decision maker and the person responsible for implementation of the decision as soon as is reasonably practicable.

(i) If the Overview and Scrutiny Management Committee refers the decision back to the Executive with a recommendation(s) the Executive may:-

(i) Accept the recommendation in full or in part and amend its decision accordingly;

(ii) Decide that further work needs to be undertaken and defer the item until this is completed. The Overview and Scrutiny Management Committee should be kept informed of the work as it progresses and be formally notified of when it is to be reconsidered;

(iii) Not accept the view of the Overview and Scrutiny Management Committee and confirm its original decision;

(iv) Refer the issue for discussion at the next appropriate Council meeting,

(j) The Executive will respond in writing to the Overview and Scrutiny Management Committee's recommendations. If it decides not to follow OSMC's recommendation(s) ((i) (iii) above) it will clearly state its reasons for not doing so.

(k) The called in decision will be implemented following consideration at a meeting of the Cabinet or upon receipt of a written response from the Executive to the Chair of OSMC and/or the Proper Officer confirming the decision as there is no scope for further review or challenge.

(l) References to days in this rule are to working days of the Council.

(m) Key Decisions agreed to be urgent by the relevant Overview and Scrutiny Chair (as set out in rule 16 of the Access to Information Rules ) and Executive decisions which have previously been called in may not be the subject of the call-in procedure.

(n) Day to day management and operational decisions taken by Officers are not subject to the call-in procedure.

**10. Rights to Documents and Information**

(a) In addition to their rights as Councillors, Members of Overview and Scrutiny Management Committee and Panels will have additional rights to access such documents and information in the possession of the Executive as is necessary for them to undertake any review or scrutiny of an action or decision or is relevant to any part of the work programme of the Committee or Panels, subject only to any common law or statutory rule of confidentiality (including those set out in rule 10.4 of the Access to Information Procedure Rules in Part 4) or any court order preventing access.

(b) Notwithstanding 10(a) access to documents and information must be reasonable and proportionate to the matter under consideration.

(c) The Chief Executive will determine whether or not access is to be given where there is controversy.

(d) Nothing in these rules may prevent detailed liaison between the Mayor and/or the Executive and Overview and Scrutiny Management Committee or Panels.

# PART 4
# RULES OF PROCEDURE

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

### 11. Members and Officers Giving Evidence

(a) As well as reviewing documentation Overview and Scrutiny Management Committee and Panels may require the Mayor, Members of the Executive, Chairs and Vice-Chairs of Committees or Sub-Committees and employees of the Council to attend and give written or oral evidence.

(b) In requiring the attendance of employees, the Overview and Scrutiny Management Committee or Panels must consider who is the most appropriate Officer to give the evidence, taking into account the Overview and Scrutiny protocol.

(c) As far as possible questions to employees should be limited to questions of fact and explanation relating to policies, decisions or actions. Employees may explain the justification or objective of policies, decisions and actions and explain how administrative factors had an influence. Employees should not be asked to comment on the relative merits of politically contentious issues.

(d) In asking questions of those giving evidence proceedings will be conducted fairly and all Members of the meeting will be given the opportunity to speak and ask questions.

(e) All Attendees and Officers giving evidence to the meeting will be treated with courtesy and respect.

### 12. Attendance by Others

(a) Individuals and representatives of organisations not part of the Council may be invited to give evidence to the Overview and Scrutiny Management Committee or Panels. They may be paid reasonable expenses and/or fees for so doing.

(b) The same principles of fairness, courtesy and respect as are set out in relation to the treatment of employees will apply to others giving evidence.

**13. Other Enquiries**

(a) Overview and Scrutiny Management Committee may conduct or commission reasonable enquiries or research, including the appointment of advisors, going on site and other fact finding visits, conduct of surveys, public meetings and other consultation. Reasonable expenses incurred in such exercises may be paid.

(b) Innovation in the work of Overview and Scrutiny Management Committee and Panels is encouraged.

**14. Whipping**

Whipping will generally not be appropriate at meetings of Overview and Scrutiny Management Committee or Panels.

**15. Matters within the Terms of Reference of More than One Overview and Scrutiny Panel**

(a) Where, in the opinion of the Chair of an Overview and Scrutiny Panel, the matters under discussion are relevant to matters referred to other Scrutiny Panel(s) he/she shall consider to what extent to invite the participation of the Chair and/or other Members of the other Panel in the deliberations.

(b) Where required by a Panel, the Chair of an Overview and Scrutiny Panel will report to that Panel making the request, the extent to which consideration has been given under rule 15(a).

(c) Where there is uncertainty over which Panel should take the lead in reviewing an issue that falls within the remit of more than one Overview and Scrutiny Panel, the matter shall be referred to the OMSC for determination.

# PART 4
# RULES OF PROCEDURE

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

### 16. Reports of Overview and Scrutiny Management Committee or Panels

(a) Any Overview and Scrutiny Panel may, at any time, at its own request or in response to a request from the Overview and Scrutiny Management Committee, submit a progress, interim, final or follow-up report on any matter within its terms of reference, to the Management Committee.

(b) Overview and Scrutiny Management Committee may refer any report from an Overview and Scrutiny Panel back to that Panel for any reason or refer it on, along with any additional recommendations to the Executive, the Full Council or its Committees, Committees and Sub-Committees, the Monitoring Officer and/or the Chief Finance Officer.

(c) Any Member(s) of any Overview and Scrutiny Management Committee or Panel who has/have attended at least 75% of meetings of that Committee or Sub-Committee of which an issue was discussed may submit a minority report to the Committee for consideration.

(d) Where the Chair or Vice-Chair of Overview and Scrutiny Management Committee agrees, for reasons which will be set out in the report, an Overview and Scrutiny Panel may refer a matter straight to the Full Council, Executive, Monitoring Officer and/or Chief Finance Officer directly, or where appropriate external organisations e.g. NHS Trust.

(e) Reports are referred by delivering them to the Chief Executive.

### 17. Consideration of Reports of Overview and Scrutiny Management Committee or Panels

(a) Reports from Overview and Scrutiny Management Committee received by the Proper Officer will be placed on the next available agenda of the Executive, Full Council, Committee or Sub-Committee, subject only to consultation between the Proper Officer and the Mayor or relevant Chair to avoid impractical agendas.

(b) Where the report relates to future decisions of the Executive, Full Council, Committee or Sub-Committee, it shall inform the taking of that decision and the decision will record what consideration was given to that report.

(c) If a report referred to the Executive has not been considered by the Executive within 6 weeks of referral, the Chief Executive will place the report on the next available Full Council agenda and the Full Council will consider the report and make recommendations to the Executive.

(d) Where the report referred to the Executive requires, the Executive must respond to the recommendations, within a timetable laid down by the report. The response will be to the Overview and Scrutiny Management Committee or Panel which produced the report. If the response from the Executive is to decline to follow recommendations in the report, it shall give the reasons.

(e) Where the recommendations are published by Overview and Scrutiny, the Executive or Authority must publish its response within two months of receiving the notification from Scrutiny. Any exempt or confidential information must be excluded from publication but should be summarised if this would make the response incomprehensive or misleading.

**18. Matters not within the Remit of Overview and Scrutiny Management Committee or Panel**

The following matters should not normally be considered by Overview and Scrutiny Management Committee or Panels:-

(i) Day to day managerial and operational decisions by Officers;

(ii) Any matter previously agreed to be an urgent decision by the Chair of the relevant Overview and Scrutiny Management Committee or Panel;

(iii) An Executive decision which has already been the subject of consideration under the call-in procedure;

(iv) Regulatory or quasi judicial decisions of the Full Council its Committees or Sub-Committees or the Executive;

(v) Matters relating to the conduct of individual Members or Officers which are to be dealt with under the ethical framework established in accordance with Section 28 of the Localism Act 2011 and the current disciplinary rules and procedure, respectively;

(vi) Urgent decisions under Rule 16 of the Access to Information Rules or Rule 5 of the Budget and Policy Framework Procedure Rules.

**19. Best Value, Service Reviews and Inspections**

The Overview and Scrutiny Management Committee will:-

(a) consider the extent to which it, and any Panels established by it, should be involved in Best Value Reviews;

(b) be consulted by the Executive in formulating the programme of Best Value Reviews;

(c) take into account the programme of inspections, Best Value and Service Reviews and the outcome of any completed inspections or Reviews in planning and carrying out its functions.

**20. Conflicts of Interest**

(a) Members and co-opted Members of Overview and Scrutiny Management Committee or Panels will not review a decision which they were responsible or jointly responsible for making.

(b) The rules relating to declaration of interests set out in the Code of Conduct for Members will apply to Overview and Scrutiny Management Committee and Panels.

(c) If an interest will substantially affect the ability of a Member to participate in the work of the Overview and Scrutiny Committee or Panel, the Member will withdraw from the review or meeting.

# PART 4
# RULES OF PROCEDURE

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

### 21. Key Decisions Not Taken in Accordance with The Access to Information Procedure Rules

(a) If the Overview and Scrutiny Management Committee or a Panel thinks that a key decision has been taken which was not:-

(i) included in the Forward Plan set out in Rule 14 of the Access to Information Procedure Rules or, in any case, given 28 clear calendar days' notice prior to being taken; or

(ii) the subject of the general exception procedure set out in Rule 15 of the Access to Information Procedure Rules; or

(iii) the subject of an agreement with a relevant Overview and Scrutiny Chair, under Rule 16 of the Access to Information Procedure Rules;

that Committee or Panel may require the Executive to submit a report to the Full Council within such reasonable time as is specified.

(b) The power to require a report is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by resolution passed at a meeting of the relevant Overview and Scrutiny Committee or when requested to do so by any 5 Members of the Overview and Scrutiny Management Committee or relevant Overview and Scrutiny Panel.

(c) **Executive's Report to Full Council**

The Executive will prepare a report for submission to the next available meeting of the Full Council. The report to Full Council will set out particulars of the decision, the individual or body making the decision, and if the Mayor is of the opinion that it was not a key decision the reasons for the opinion.

### 22. Annual Report on Special Urgency Decisions

In any event the Mayor will submit an annual report to the Full Council at its last ordinary meeting of each Municipal Year on the Executive decisions taken in the circumstances set out in Rule 16 of the Access to Information Procedure Rules (Special Urgency) in the preceding twelve months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

# PART 4
# RULES OF PROCEDURE

## 5. OVERVIEW AND SCRUTINY PROCEDURE RULES

### 23. Update Reports to Full Council

(a) Overview and Scrutiny Management Committee will take an annual report to the Full Council and the Executive, giving such details of their work and proposed work as the Committee believes would assist the Full Council or the Executive.

(b) The Chair of the Overview and Scrutiny Management Committee will take a half yearly update report to Full Council to provide an overview of the work being undertaken by Overview and Scrutiny and progress against any priorities set out in the Annual Report.

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Doncaster Council

# DONCASTER COUNCIL FINANCIAL PROCEDURE RULES

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# PART 4 – RULES OF PROCEDURE
### 6. FINANCIAL PROCEDURE RULES

# INTRODUCTION

1.1 These **Financial Procedure Rules** form part of the overall control framework within which Doncaster Council operates. They aim to facilitate effective service delivery by setting out best practice for the administration of all financial matters throughout the Council, ensuring a high quality of financial information and enabling decision making. They enable the Council to conduct its business efficiently and operate an appropriate level of public accountability.

1.2 The Constitution defines the rules governing the procedures of the Council including responsibility for functions, Contract Procedure Rules and these Financial Procedure Rules.

1.3 The Constitution defines the framework within which the powers to make decisions, take action etc. are delegated to the appropriate level in the organisation. In particular the Constitution: -

- requires all Executive Directors to act within the terms of these Rules in the exercise of their delegated powers;
- empowers the Chief Financial Officer (CFO) to act as the Proper Officer under Section 114 of the Local Government Finance Act 1988 (as amended) and the Local Government Act 2003;
- empowers the CFO to exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 (as amended).

1.4 The Contract Procedure Rules define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with these Rules.

1.5 The Finance Manual is a comprehensive document detailing all aspects of financial systems and procedures and is designed for use on a day to day basis by staff involved in any aspect of financial administration. Any new or revised instructions on financial matters issued by the CFO will be incorporated into the Finance Manual.

## Application of the Rules

2.1 These rules apply across all parts of the Council. They govern management of financial resources and assets under the Council's direct control but also extend to the Council's partnerships, its subsidiaries, its associates, joint ventures, joint operations and any other arrangements in which the Council has an interest. This is to the extent that they are capable of being imposed by virtue of the Council's control or influence and would not be detrimental to the interests of the Council. Doncaster Schools have their own financial procedure rules, approved by governors, which are aligned to those of the Council.

2.2 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets, funds and resources under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

## Maintaining the Rules

3.1 The Council operates a system of managerial and financial control whereby the CFO has overall responsibility for the proper management of the finances of the Council as a whole but the responsibility for the day-to-day financial control and administration in Directorates and other corporate project and programme work is devolved to the relevant Executive Director.

3.2 The overall responsibilities of the CFO in respect of these rules are therefore to:

- maintain these Rules and submit any additions or changes necessary to Council for approval in consultation with the MO (Monitoring Officer) and Chief Executive;
- issue explanatory advice and guidance to underpin these Rules as necessary. Where such advice and guidance is issued, Members, officers and others acting on behalf of the Council are required to comply with the general provisions of these Rules;
- require any officer to take any action deemed necessary (as is proportionate and appropriate) to ensure proper compliance with these Rules;
- report, where appropriate, any breaches of these Rules to Members;
- report all waivers of Rules to Members approved by the CFO during the course of any financial year which the CFO has delegated authority to determine.

3.3 Should any uncertainty or dispute arise pursuant to these Rules, the matter must be referred to the CFO for interpretation and/or arbitration.

## Non-Compliance with the Rules

4.1 Failure to comply with any part of these Rules may constitute misconduct and lead to formal disciplinary action. Non-compliance will be referred for management action, to be dealt with by the relevant Executive Director in most instances. Serious breaches will be referred to the CFO who may require remedial action to be taken by the Executive Director.

4.2 Any waivers or non-compliance will be reported to Audit Committee on a 6-monthly basis.

# PART 4 – RULES OF PROCEDURE

### 6. FINANCIAL PROCEDURE RULES

## General Principles of Financial Management

5.1 The financial management staff report to the CFO and provide day to day support to all Directorates. They are able to provide assistance to any member or officer regarding financial management. The general principles of financial management operated in the Council follow best practice guidance and aim to ensure that: -

- roles and responsibilities are clearly understood;
- there is a system of financial control which ensures that transactions are authorised appropriately, with adequate separation of duties;
- financial transactions are recorded properly, with a clear audit trail;
- clear, up-to-date and accurate position reports will be provided to Directors and Cabinet to properly monitor the financial standing of the Council;
- risks are managed on an ongoing basis and, for significant projects with financial impact, risks are registered and managed;
- the Council's Enterprise Resource Planning (ERP) system and other key financial systems and processes are documented and business continuity plans in place to maintain effective financial administration at all times;
- staff are aware of and comply in spirit and substance with the Council's anti-fraud and corruption policy.

# FINANCIAL PROCEDURE RULE A: FINANCIAL MANAGEMENT – RESPONSIBILITIES

## Responsibilities of the Full Council

These are detailed in the Constitution at Article 3; the financial responsibilities are: -

A.1 Setting the Budget and Policy Framework within which the Cabinet will operate.

A.2 Approving any budgetary decision that causes the total expenditure financed from Council Tax, grants and reserves to be increased above that approved.

A.3 Approving the Treasury Management policy statement and an annual Investment strategy for the Council's cash balances.

## Responsibilities of the Elected Mayor and Cabinet

These are detailed in the Constitution; the financial responsibilities of the Elected Mayor and Cabinet are: -

A.4 Proposing the Budget and Policy Framework and Capital Programme to Council and for discharging executive functions in accordance with the Budget and Policy Framework agreed by Council.

A.5 Approving the Strategic Risk Management policy statement and strategy.

A.6 The Elected Mayor determines the Scheme of Delegation which will govern the framework for financial decision-making and budgetary responsibility, except where these financial procedure rules impose other responsibilities or arrangements. Executive decisions can be delegated by the Elected Mayor, to a committee of Cabinet, an individual cabinet member, a member of staff, or a joint committee. Where the scheme of delegation established by the Elected Mayor is silent as to where responsibility for a budget lies, the budget holder will be the officer with responsibility for the relevant service, policy or project.

## Responsibilities of Committees

**Audit Committee is responsible for: -**

A.7 Approving the Council's Annual Governance Statement.

A.8 Considering audit matters for recommendation to Cabinet including the Council's anti-fraud and corruption policy.

**Overview and Scrutiny Management Committee's financial responsibilities include: -**

A.9 Scrutinising executive decisions before or after they have been implemented and for holding the Executive to account.

A.10 Making recommendations on future policy options and for reviewing the general policy, budget and service delivery of the Council.

A.11 Providing a response within 4 weeks to the Elected Mayor's budget proposal.

## Responsibilities of Officers

A.12 Officer responsibilities for the overall management of the Council's financial affairs are variously set out by legislation, the provisions of the Council's Constitution and the Council's Scheme of Delegation.

A.13 Certain legislation requires the Council to designate particular officers as the 'proper officer' for the performance of certain functions. 'Proper Officer' functions include the responsibilities of the Head of Paid Service (HPS), the Monitoring Officer (MO) and Chief Financial Officer (CFO) in managing the overall financial affairs of the Council. Formal recognition is also given to the particular responsibilities and functions of the Head of Internal Audit (HIA) at the Council in accordance with best practice advice and guidance.

### Chief Executive

The Head of Paid Service (HPS) is designated as the Chief Executive. The financial responsibilities of the Chief Executive include: -

A.14 Advising the Elected Mayor on budget strategies as linked to the Corporate Plan and Council Policies, including the preparation of a medium-term financial strategy.

A.15 Advising the Elected Mayor in preparing a capital programme and establishing capital budgets for identified projects.

A.16 Establishing protocols to ensure that those with Executive decision-making powers consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual officer or Member must take account of legal, financial and human resource implications, other internal policies and any cross-cutting issues where relevant.

A.17 Ensuring that there is a proper scheme of delegation, which clarifies responsibilities from the Elected Mayor downwards and the skills to carry out those responsibilities. This will include developing and maintaining a resource allocation process that ensures due consideration of the Council's Budget and Policy Framework.

A.18 Establishing arrangements for the ongoing regular review, assessment and assurance of the effectiveness of the Council's internal control arrangements and for annually preparing an Annual Governance Statement.

### Monitoring Officer (MO)

The MO is responsible for: -

A.19 Promoting and maintaining high standards of conduct including those of financial administration.

A.20 Reporting any actual or potential breaches of the law or maladministration to Council and/or to the Cabinet.

A.21 Ensuring that procedures for recording and reporting key decisions are operating effectively and that executive decisions and the reasons for them are made public. The MO must also ensure that all Members are aware of key decisions made by those with Executive decision-making powers.

A.22 Advising all Members and employees about who has authority to take a particular decision.

A.23 Advising (in conjunction with the CFO), whether a decision is likely to be considered contrary or not wholly in accordance with the Budget and Policy Framework (see rule A.27 for examples of 'contrary to the budget').

### Chief Financial Officer (CFO)

A.24 The functions and responsibilities of the CFO are directed in the first instance by legislation that imposes statutory duties on the CFO for the proper management, financial administration and stewardship of Council assets and the fiduciary interests of current and future local tax payers. These responsibilities include: -

- proper administration of the council's financial affairs, systems and procedures;
- providing advice to the political and appointed Executive, Overview and Scrutiny and Council on financial and economic factors likely to influence the budget and policy framework. This may also include legal requirements, medium-term planning prospects, available resources, borrowing requirements, spending pressures, value for money and other relevant government guidelines;
- reporting on the adequacy of the Council's reserves and the robustness of budgets to the Council meeting, which approves the Elected Mayor's budget and Council Tax proposal;
- setting and monitoring compliance with financial management standards, accounting standards and policies;
- ensuring proper professional practices are adhered to in relation to the standards, performance and development of all finance staff;
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- providing high quality financial information to decision makers and preparing the annual statement of accounts in accordance with CIPFA's Accounting Code of Practice;
- preparing the revenue budget and capital programme;

- treasury management and insurance;
- ensuring adherence to the CPR, promoting value for money through compliant and best practice procurement processes;
- in exceptional circumstances personally suspending these Financial Procedure Rules, where to do so appears to be in the best interests of the Council and in its financial interests.

A.25 Section 114 of the Local Government Finance Act 1988 requires the CFO to report to the full Council, Executive and external auditor if the Council or one of its employees: -

- has made, or is about to make, a decision which involves or would involve incurring expenditure which is unlawful;
- has taken, or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council;
- is about to enter an item of account the entry of which is unlawful.

It is the duty of the CFO, in preparing the report to consult with the MO and the Chief Executive as far as practicable.

A.26 Section 114 of the 1988 Act also requires: -

- the CFO to nominate a properly qualified member of staff to deputise should the CFO be unable to perform the duties under section 114 personally;
- the Council to provide the CFO with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under section 114 of the 1988 Local Government Finance Act.

A.27 In addition, the CFO (together with the MO) is responsible for advising Members as to 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: -

- initiating new policies that may impact on agreed budgetary provisions and resource allocations;
- committing expenditure in future years over and above the Council's Budget;
- causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase, or to increase by more than a specified amount;
- incurring interdepartmental transfers above the virement limits set out in these Rules.

A.28 The CFO can choose to delegate day-to-day responsibilities to an appropriate representative(s). Where this is the case, the delegation and officer responsibilities must be clearly documented and be kept under regular review by the CFO.

### The Head of Internal Audit (HIA)

A.29 The HIA is designated by the CFO and plays a key role in providing assurance to the Members, the CFO, the HPS and Council's Management Team about the probity, practical deployment and effectiveness of financial management at the Council.

A.30 The HIA has rights of access to information and data held by officers or Members of the Council at all reasonable times and is responsible for the overall co-ordination and deployment of internal audit resources at the Council.

A.31 The HIA is responsible for reporting on any relevant matter of concern to senior management and Members of the Council outside normal line management arrangements to protect the interests of the Council and/or local tax payers.

## Responsibilities of Directors

A.32 Whilst the CFO has overall responsibility for the finances of the Council, Executive Directors are responsible for ensuring the effective discharge of the day-to-day management of their Directorate finances and/or the finances of any projects or programmes for which they are responsible. It is the responsibility of Executive Directors to make appropriate arrangements for the discharging of their financial responsibilities by Service Directors and Managers within their Directorate, delegating authority to manage budgets to an appropriate level of management and thereby creating a budget holder structure. Executive Directors should review the performance of managers in delivering their budget holder role.

Executive Directors, Service Directors and Managers responsibilities include: -

A.33 Operating sound financial management of their allocated budget and only committing the Council to expenditure where there is sufficient funding available;

A.34 Promoting and ensuring compliance with the financial management standards and practices set by the CFO in their Directorates and/or any projects or programmes for which they are responsible;

A.35 Consulting with the CFO on any matter which is liable to materially affect the resources of the Council. This must be done before any commitment is incurred, or a report made to a Portfolio Holder or to a Committee for decision;

A.36 Ensuring that Portfolio Holders are advised of the financial implications of all proposals and that these have been agreed by the CFO or their nominated representative;

A.37 Reporting suspected fraud and irregularities to the Police or external agencies in consultation with the CFO;

A.38 Safeguarding all assets and information used in their day-to-day activities within the Directorate.

# FINANCIAL PROCEDURE RULE B: FINANCIAL PLANNING AND BUDGETING

## Budget Preparation and Approval

B.1 The annual revenue budget (including medium-term financial strategy) proposed by the Elected Mayor will be agreed by Cabinet and then put forward for approval to Council. Council may amend the budget strategy or ask the Elected Mayor to reconsider it before approving it, as detailed in the Constitution (part 4, section 3).

B.2 The CFO will report on the robustness of budgets and the adequacy of Council reserves to the Council meeting which approves the Elected Mayor's budget and Council Tax proposal.

B.3 The multi-year capital programme proposed by the Elected Mayor will be agreed by Cabinet and then put forward for approval to Council annually. The annual review will update the multi-year capital programme for any new additions and revisions to the approved budgets. The CFO will advise on the affordability of capital investment plans and propose prudential indicators for the approval of Council. Relevant approval is required before a project can commence or commit to capital spend.

## Budget Management and Monitoring

B.4 Executive Directors and budget holders will control income and expenditure within their area, taking account of financial information provided by the CFO. The Chief Executive will ensure that the Management Team monitor and control expenditure against approved budgets and address any problems of overspending or resource re-allocation.

B.5 A Budget Holder may only authorise expenditure from budgets under their direct control. Throughout the financial year each Budget Holder shall monitor income (including any grants) and expenditure against those specific budgets for which they are responsible. Budget Holders shall supply accurate and timely budget monitoring information to the CFO, as and when required.

B.6 Executive Directors should report on variances within their own budget responsibility areas and should formulate and promptly implement, action plans in respect of any significant variances. They should also take any action necessary to avoid exceeding their budget allocation and must alert the CFO to any problems at the earliest opportunity.

B.7 The latest forecast budget position will be reported regularly to Executive Directors and Cabinet.

B.8 The CFO is responsible for agreeing the system and methodology of all recharges.

B.9 The CFO is responsible for agreeing any in-year additions to the capital programme, including any additional resources for approved projects. Following CFO agreement and before any commitment to spend, a project specific report in line with key decision rules, is required to approve the capital project for inclusion in the capital programme.

B.10 The CFO will report any significant deviations from expectations for prudential indicators through regular reports to Cabinet. The key objectives of the prudential indicators are to ensure that capital investment plans are affordable, prudent and sustainable.

## Virements

B.11 Virement is the transfer of resources from one budget heading to another, including movement between any earmarked reserves.

B.12 Virement is not permitted from certain budget heads, other than by the CFO, as this impacts on the Council's ability to fund non-discretionary expenditure. These excluded heads are as follows, or as may be determined from time to time by the CFO: -

- Capital Charges and Financing;
- Support Services Recharges;
- Administration and Building Recharges.

B.13 Executive Directors are responsible for agreeing in-year virements within their Directorate budgets but cannot agree virements within their Directorate for budgets funded by: -

- Corporate Capital Resources including prudential borrowing;
- Earmarked Reserves.

B.14 Proposals for virement between Directorates must be approved by the CFO, up to £250,000 and key decision approval is required for virements greater than £250,000. The value of the virement is defined as the gross annual budget.

## Fees and Charges Approval

B.15 At the annual budget meeting Council will approve the annual percentage change for all discretionary fees & charges for the forthcoming financial year as proposed by Cabinet. Council will also agree any exceptions which must be agreed by the relevant Portfolio Holder prior to the annual budget meeting. The proposals will be based on advice from the CFO taking into consideration inflation, market forces and the Council's overall financial position.

B.16 Any new fees and charges proposed within the financial year or any changes to existing fees and charges, for which the estimated income is below the key decision threshold, will be approved by the CFO in consultation with the relevant Portfolio Holder and reported to Cabinet in the quarterly monitoring report. Any new fees and charges proposed within the financial year or any changes to existing fees and charges, for which the estimated income is above the key decision threshold, will be approved by Cabinet in a specific report.

B.17 Some fees and charges are set by legislation and therefore the above paragraphs (B.15 and B.16) do not apply.

## Treatment of Year-End Under/Overspends

B.18 Any under / overspend at the year-end on the Directorate revenue budget will not be carried forward to the following financial year.

B.19 The CFO may approve a budget carry forward of a ring-fenced grant or where a grant has conditions or expectations attached, where the related expenditure is not expected to be incurred in the current financial year. The CFO may also approve a budget carry forward where not carrying the budget forward would adversely affect the Council's budget position. Cabinet will approve all other budget carry forward requests through the outturn report, taking advice from the CFO and Chief Executive.

# FINANCIAL PROCEDURE 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 strategic and operational risks to the Council. This should include the ongoing pro-active participation of all those associated with planning and delivering services.

## Risk Management

C.2 Cabinet is responsible for approving the Council's Strategic Risk management policy and to promote a culture of risk management awareness throughout the Council, which is monitored by the Audit Committee.

## Insurance

C.3 The CFO is responsible for ensuring that proper insurance exists where appropriate. Directors are responsible for updating and approving insurance schedules for the CFO. Executive Directors are also responsible for providing timely and accurate information to the CFO in relation to any insurance claims. The CFO is responsible for advising the Cabinet on proper insurance cover where appropriate.

## Internal Control

C.4 'Internal control' refers to the systems of control devised by management which must: -

- facilitate the effective exercise of the Council's functions and the achievement of the Council's aims and objectives;
- ensure that the financial and operational management of the Council is effective; and
- include effective arrangements for the management of risk.

C.5 The HIA is responsible for completing an assessment and forming an opinion on the overall adequacy and effectiveness of the Council's governance, risk management and control arrangements via an annual report to Audit Committee.

C.6 The CFO is responsible for annually preparing an Annual Governance Statement to the requirements of the Accounts and Audit Regulations 2015 (as amended).

C.7 It is the responsibility of Executive Directors to maintain adequate internal control arrangements in their service areas and 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 and service performance targets.

## Audit Requirements

C.8 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit of its accounts and supporting systems. The Council's internal audit function will fulfil this requirement and will do so in accordance with the approved Audit Charter and the United Kingdom Public Sector Internal Audit Standards (PSIAS). These require: -

- that internal auditors are given access at all reasonable times for requests to access premises, personnel, documents and assets that the auditors consider necessary for the discharge of their official duties;

- that auditors are provided with any information and explanations that they seek in the course of their work;

- audit reports and recommendations are responded to within the timescales determined by the HIA;

- that any agreed actions arising from audit recommendations are carried out within timescales agreed between both Management and Internal Audit. The relevant Director must ensure that sufficient resources are in place to implement the agreed management actions and will be required to account to the Council's Audit Committee where such actions are not achieved; and

- that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Internal Audit prior to implementation.

C.9 External Auditors shall be appointed to the Council to conduct and report on, the external audit of the Council in accordance with the relevant statutory code of audit practice.

C.10 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies that have statutory rights of access.

## Preventing Fraud and Corruption

C.11 The Chief Executive has overall responsibility for the maintenance and operation of this framework. The Chief Executive is supported in this by the Executive Director of Corporate Resources, the Executive Director of Policy, Partnerships and Investment, the Service Director of Finance & Technology, the Service Director of Legal and Democratic Services and the HIA.

C.12 This policy and strategy shall be subject to periodic monitoring and updating with the intention of ensuring that the policy remains relevant.

C.13 An Annual Fraud Report is produced showing the outcomes of the Council's anti-fraud work and a counter fraud plan is included within the annual audit plan.

C.14 Members of staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

C.15 Executive Directors must notify the CFO, via the HIA, immediately of any suspected fraud, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Executive Director, in consultation with the CFO should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration. Executive Directors are responsible for reporting suspected fraud and irregularities to the Police or external agencies, in consultation with the CFO.

## Asset Management

C.16 The Council holds tangible assets in the form of property, vehicles, equipment, electronic devices, furniture and other items (e.g. share certificates) worth many millions of pounds. It also makes use of other non-tangible assets such as intellectual property. It is essential to the financial health and well-being of the Council that these assets are safeguarded and used efficiently and effectively in supporting the delivery of Council services. All staff are responsible for safeguarding the assets and information used in their day to day activities.

C.17 The Service Director of Legal and Democratic Services shall have the custody of all title deeds under secure arrangements, maintaining a separate register of all such deeds. The Property Officer (responsible for the Council's properties) will maintain an up-to-date register of all Council land and buildings.

C.18 The CFO shall ensure that a full and accurate register of all Council fixed assets is maintained, in accordance with good practice standards and the relevant Codes of Practice. The Property Officer is responsible for arranging the valuation of all land and buildings as necessary to meet the accounting requirements of the CFO.

C.19 In the absence of any specific conditions or exemptions agreed by Cabinet and these FPR, the following have authority to undertake a review of property charges. If, in each case, the revised rent, licence fees, easement or wayleave payment or compensation claim does not exceed £250,000 per annum, the Property Officer may approve. In line with the revenue key decision threshold, if it is over £250,000 per annum, the approval of Cabinet is required.

C.20 In respect of disposals of land and property (which includes the granting of a lease): -

- processes followed should be robust and transparent and in accordance with current legislation;

- in all cases of planned disposal of land or property, the Property Officer, the Service Director of Legal and Democratic Services and the CFO must be consulted.

- In line with the capital key decision threshold, where the estimated disposal value is less than £1,000,000 the Property Officer, having taken financial and legal advice, may arrange for the disposal of land or property. Where the estimated disposal value of individual property assets is equal to or greater than £1,000,000, a key decision is required;

- in respect of disposal at less than Best Consideration where the estimated disposal value would otherwise have been at less than £250,000 (revenue key decision limit), the Property Officer may arrange for the disposal of land or property;

- in respect of disposal at less than the Best Consideration where the estimated disposal value would otherwise have been at or above £250,000 (revenue key decision limit), the Property Officer shall prepare a report to Cabinet, requesting approval to proceed with the disposal in accordance with the relevant legislation (Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003);

- all arrangements for the acquisition and disposal of land and buildings shall be in accordance with Council Asset Management Policy and be conducted by the Property Officer, including all negotiations and the preparation and certification of valuation certificates.

In respect of the acquisition of land and property: -

- where budget provision for an acquisition exists within the total Council budget, the Property Officer may approve a purchase of land or property.

## Leasing Agreements

C.21 The Property Officer is responsible for the negotiation of terms and conditions and authorising any leasing of land and property assets to or from the Council, and maintaining a complete register of land and property leases.

C.22 The Council will not lease in or out any assets other than land and property except where the CFO determines that it is in the best interests of the Council. In those cases, the CFO is responsible for the negotiation of terms and conditions and authorising any leasing of assets to or from the Council and maintaining a register of such leases.

C.23 Executive Directors are responsible for adhering to the terms and conditions for assets (excluding land and property) in their service acquired under a lease agreement, particularly in relation to wear and tear and residual condition of the asset at the end of the leasing period.

C.24 Any assets subject to a leasing agreement must not be disposed of without the prior consent of the CFO who shall be responsible for terminating the lease.

C.25 A lease is considered to be a disposal under Section 123 of the Local Government Act 1972 and the granting of a lease at less than best consideration is therefore dealt with as set out above in C.20.

## Inventory

C.26 Executive Directors are responsible for the care, custody and recording of the stocks, stores and equipment in their respective service areas; ensuring that they are kept securely, protected from loss, theft and damage etc.

C.27 Executive Directors are responsible for: -

- only holding stocks, stores or equipment that are required to meet their service's reasonable requirements;
- maintaining local inventories recording adequate descriptions of all furniture, fittings, equipment, plant and machinery above £1,000 together with all attractive and portable items below this figure; reviewing annually the stocks, stores or equipment required for their service areas; and
- review and write-off promptly obsolete items of stocks, stores or equipment.

C.28 Executive Directors shall provide the CFO with the information in relation to all inventories that is required for accounting, costing and financial records.

## Treasury Management

C.29 The Council will have due regard to all recognised codes of practice and guidance issued relating to its Treasury Management operations. The Council defines its treasury management activities as: -

"The management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of risks associated with those activities, and the pursuit of optimum performance consistent with those risks."

C.30 The Council will create and maintain the following: -

- a Treasury Management strategy statement, approved by Council, stating the policies and objectives of its treasury management activities;
- suitable treasury management practices, setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities; and
- Treasury Management Prudential Indicators as part of the Council's budget and policy framework.

C.31 The Cabinet will receive regular reports on the treasury management activities which will include as a minimum an annual strategy report in advance of the forthcoming financial year and an annual report detailing the performance of actual activity six months after the financial year.

C.32 The Council delegates responsibility for all decisions, execution and administration of its treasury management activities to the CFO. The CFO will enter into any borrowing, investment and guarantees on behalf of the Council.

# FINANCIAL PROCEDURE RULE D: SYSTEMS AND PROCEDURES

## General

D.1 The CFO is responsible for the operation of the Council's Enterprise Resource Planning ('ERP') system, the form of accounts and the supporting financial records.

D.2 Any new or changes to current systems containing financial transactions must be approved by the CFO prior to procurement and/or implementation. The CFO can request changes to be made to Directorate systems, where they do not provide the necessary financial data required. Suitable and appropriate business continuity arrangements should be established, tested and kept up to-date in respect of all important financial systems.

D.3 Executive Directors must ensure that information is processed in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under the Data Protection Act 2018, the General Data Protection Regulation, the Freedom of Information Act, the Regulation of Investigatory Powers Act and any other Council policies and guidance relating to the use of information and the use and procurement of I.T. systems.

## Scheme of Authorisation

D.4 It is the responsibility of Executive Directors, in consultation with the CFO, to ensure that a proper Scheme of Authorisation has been established within their area that is suitably documented and is operating effectively. The Scheme of Authorisation should identify staff authorised to act on the Director's behalf in income collection and placing orders/raising requisitions and making payments, together with the limits of their authority. These records should be amended promptly where changes in circumstances or personnel take place and reviewed annually to ensure that they are kept up-to-date.

## Income

D.5 Executive Directors are responsible for ensuring that all income due to the Council is identified and collected for the services provided by their Directorate. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering and collecting debts.

D.6 Executive Directors are responsible for the safeguarding of any income collected prior to banking. All relevant details must be forwarded to the CFO to allocate the income to the correct budgets.

D.7 Any changes to fees and charges must be in accordance with rule B.16.

D.8 In order to comply with the Money Laundering Regulations 2017, the Council will not accept cash income for the purchase of goods with a value greater than the sterling equivalent of €15,000 (approx. £11,000). This also applies where payment is accepted over a number of instalments and the total value of all instalments exceeds €15,000. If goods are sold exceeding this value, a payment method other than cash is required, e.g. electronic bank transfer.

D.9 Only the CFO has the legal authority to write-off bad debts. In order to do this, the following arrangements are in place: -

- The write-off of Bad or doubtful debts below £250,000 can be authorised by the CFO, who may delegate responsibilities as necessary for smaller items;

- The CFO will consult with the Elected Mayor before authorising the writing-off of debts of £250,000 or over.

In all cases, debts will not be written-off unless processes for collection have proved fruitless. All requests for write-offs will be made by the relevant Executive Director with due explanation for non-collection. All write-offs made will be properly recorded and such records retained.

## Banking Arrangements

D.10 The CFO is responsible for all matters relating to the establishment, varying and closing of bank accounts for the Council and for approving all standing orders, direct debits or other electronic payment methods from the Council's bank accounts. This includes imprest and petty cash accounts and debit/credit cards.

## Ordering and Paying for Works, Goods and Services

D.11 The CFO is responsible for approving the form of orders and associated terms and conditions.

D.12 Executive Directors should identify and maintain a list of designated officers to authorise orders.

D.13 Executive Directors should ensure that the following key controls are complied with: -

- works, goods and services are procured in accordance with the Contract Procedure Rules (CPR) and by designated officers;

- designated officers ensure that there is uncommitted budget before placing an order;

- works, goods and services received are checked to ensure they are in accordance with the order;

- there is proper separation of duties between staff responsible for ordering, receiving, checking works, services and goods and authorising invoices for payment;

- payments should not be made unless goods have been received by the Council to the correct price, quantity and quality standards, except where the CFO advises that payment in advance is the accepted practice for the type of expenditure involved, e.g. subscriptions, travel or conference facility fees;

- payments are made to the correct person for the correct amount and are properly recorded;

- where payments are made by cheque or electronically these should be made by the CFO;

- appropriate evidence of the transaction and payment documents are retained and stored for the appropriate period as defined by the document retention schedule; and

- expenditure, including V.A.T. is accurately recorded against the appropriate budget and that budgetary provision exists to cover the payment.

## Payments to Employees and Members

D.14 The CFO is responsible for all payments of salaries, wages and expenses to staff and members in accordance with approved procedures and rules.

## Taxation

D.15 The CFO is responsible for advising Executive Directors on all taxation issues that affect the Council.

D.16 The CFO is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. Executive Directors shall provide such information, maintain such records and administer taxes in a suitable manner, as the CFO requires, to fulfil these responsibilities.

# FINANCIAL PROCEDURE RULE E: EXTERNAL ARRANGEMENTS

## Introduction

E.1 The Council 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.

E.2 All projects involving the voluntary sector must be supported by an appropriate assessment of need, options appraisal, value for money and contain expected outcomes.

## Partnerships, Trusts or Other Organisations

E.3 The Council should be clear about the role and responsibility of officers or members attending or participating in any partnerships, trusts or other organisations as a result of their position within the Council. Cabinet is responsible for approving delegation of financial management arrangements relating to, and specifically, agreeing partnerships.

E.4 The Council representative on any partnership, trust or other organisation must refer all financial decisions to Cabinet, including considering any recommendations that would create a commitment or liability for the Council. Any other specific delegation arrangements in respect of partnerships will be set out in the Scheme of Delegation.

E.5 The MO is responsible for promoting and maintaining the same high standards of conduct with regard to partnerships that apply throughout the Council and representatives to partnerships should exercise these same high standards. Representatives should not be put under any actual or perceived undue pressure to carry out a particular course of action.

E.6 The CFO must ensure that accounting arrangements to be adopted relating to partnerships, joint operations and joint ventures are satisfactory. Executive Directors must also consider any overall corporate governance issues and shall take account of any legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised and brought to the attention of the respective decision-maker before agreements are entered into with partners and other external bodies and that all significant risks are effectively managed and reported upon.

E.7 All partnership agreements involving the discharge of Council Services and statutory duties by external bodies in exchange for payment shall contain the following clause: -

In order to deliver the Council's statutory responsibilities for internal audit, the HIA shall have all reasonable rights of access to information and persons of the partner body so as to ensure that the Council's internal control arrangements are sound, its financial interests protected and all income due to it and payments made by it can be vouched for and confirmed to be adequate and correct.

E.8 Executive Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work or partnerships with external bodies, before financial arrangements are made.

## External Funding

E.9 Executive Directors are authorised to apply for external funding, in consultation with the CFO, which contribute to the delivery of Council services or achievement of Council goals. Grant acceptance and/or commitment is subject to key decision rules; acceptance and/or commitment to revenue funding above £250,000 will be approved by key decision and acceptance and/or commitment to capital funding above £1,000,000 will be approved by key decision. It must be explicit in the grant determination that the funding is capital grant, otherwise the threshold for approval by key decision will be £250,000.

E.10 Grant acceptance and/or commitment relating to external funding opportunities arising after the budget has been set and which will be used to replace funding for existing approved activity (i.e. a funding swap), can be approved by the CFO and will not be subject to key decision rules, provided the terms and conditions of the funding do not change the scope of the existing approved activity.

E.11 Grant acceptance and/or commitment relating to external funding from Government, where the Council has no choice but to accept the funds and where the Council must spend or passport the funds as directed by Government, can be approved by the CFO and will not be subject to key decision rules.

E.12 Any external funding received by the Council after the budget for the year has been approved, outside of rule E.9, E.10 and E.11, will be classed as a corporate resource unless otherwise determined by the CFO.

E.13 Executive Directors are responsible for ensuring that action plans are in place (including exit strategies and match funding arrangements) for all external funding within the Directorate.

E.14 The CFO, in consultation with the respective Director, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Executive Directors are responsible for promptly informing the CFO about such funding and of any subsequent modifications to timing and amounts of anticipated funding.

E.15 Where the income is receivable against a grant claim, the respective Executive Director is responsible for producing the grant claim and shall provide sufficient information to enable the claim to be signed by the Chief Executive, CFO or any other relevant person where appropriate.

## Work for Third Parties

E.16 Current legislation enables the Council to provide a range of services to other bodies, e.g. shared services, joint ventures. The relevant Executive Director, in consultation with the CFO, is responsible for approving the contractual arrangements for work undertaken on behalf of third parties or external bodies, subject to key decision rules. In all cases consideration must be given to the financial, legal, risk and human resources implications of such arrangements both in the short and longer term.

## Grants to Outside Bodies

E.17 Executive Directors are authorised to approve grants and annual assistance to external bodies, subject to key decision rules and other requirements of these FPR and related guidance and this approval being formally recorded. Grants to Academies and Voluntary Aided schools for capital projects are exempt.

E.18 Irrespective of where approval responsibility rests, the relevant Executive Director must ensure the Council's interests are protected at all times and must be in a position to provide assurance that the following requirements have been met or will be met before any grant or other assistance is actually made: -

- the receiving body has been properly identified with suitable lead parties, its work/purpose is identified, and are bona fide, with suitable trust documents or Constitution;
- any conflicts of interest have been declared and properly managed;
- any risks to such agreements and the Council's interests are being adequately and appropriately managed on a continuous basis;
- it will be possible to confirm the proper use of the Council's assistance, including the purpose and outcomes, which contribute to the delivery of Council services or achievement of Council goals;
- arrangements for the repayment of any loan have been made;
- arrangements to gain repayment/recovery for the value of the assistance are in place in the event of default by the recipient, including taking security of assets where appropriate;
- appropriate monitoring and performance arrangements, commensurate with the value of grant, are to be set in place to ensure the predetermined expected outcomes and performance of the external organisation are being satisfactorily achieved;

- the recipient will provide evidence to the Council demonstrating the proper accounting for and use by the recipient of the assistance;

- arrangements are set in place for the recipient to provide accounting records as the Council deems necessary and the CFO and representative of the Council are given rights supporting such access to information, documents and evidence;

- a formal legally binding agreement is in place between the Council and the body covering the above conditions relating to the use of the grant or other assistance;

- for grants in excess of £10,000, arrangements should be made to monitor the financial status of the recipient in order to ensure that the Council is not providing assistance to a body that is to, or is likely to, terminate for financial reasons and hence be unable to fulfil the purpose for which assistance is being given.

E.19 Full records shall be maintained of all grants and related applications for assistance; they should identify members of staff or Members involved in the processing of applications and grants; should record the date of approval of any grant or other assistance, together with other relevant transaction information.

E.20 Executive Directors are responsible for promptly taking action where there are concerns over delivery, accounting or any other aspects of scheme administration and management. This may require recovering grant sums or the value of assistance given and assets provided by the Council.

# APPENDIX A: GLOSSARY

In these Rules, unless the context otherwise requires: -

**Asset** is any asset including material and intellectual property but excluding any estate or interest in land and buildings, i.e. 'Property' as defined by these FPR.

**Bad debt** means any debt that is unable to be collected after all reasonable efforts have been exhausted.

**Budget** is a plan expressed in financial terms.

**Budget Framework** is the overall budget approved by Council this includes the revenue, capital and HRA budgets for the medium-term.

**Budget Holder** is an officer nominated by a Director as being responsible for managing a defined sum of money, i.e. 'budget'.

**Capital Programme** is the sum of all the Council's individual capital projects.

**Capital Project** is a project which uses capital resources to build, improve, increase the market value or substantially lengthen the useful life of an asset.

**Capital Expenditure** is to acquire fixed assets that will be of use for more than one year in which they are acquired and which adds to the Council's tangible assets rather than simply maintaining existing ones.

**Council** means City of Doncaster Council.

**Chief Financial Officer (CFO)** is appointed by the Council to exercise the powers defined in Section 151 of the Local Government Act 1972.

**CIPFA** is the Chartered Institute of Public Finance and Accountancy; the professional body for people in public finance.

**CPR** means the Contract Procedure Rules.

**Depreciation** means the measure of the wearing out, consumption or other reduction, in the economic life of a fixed asset, whether arising from use, passage of time or obsolescence through technological or other changes.

**Directorate** refers to the large departments that make up the Council's management structure.

**Doubtful debts** means any debt that is unlikely to be collected after all reasonable efforts have been exhausted.

**Earmarked Reserves** are funds set aside for a specific purpose.

# PART 4 – RULES OF PROCEDURE
## 6. FINANCIAL PROCEDURE RULES

**Executive** means the body described in Part 1 of the Constitution.

**Finance Manual** is the detailed financial guidance which will assist users in the applications of these FPR.

**FPR** means these Financial Procedure Rules.

**Head of Internal Audit (HIA)** leads the Council's Internal Audit function.

**Key Decision** has the meaning as set out in the Council's constitution and is a decision that is likely to:

Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

The level of expenditure/savings which this Authority has adopted as being financially significant are: (a) in the case of the revenue budget, gross full-year effect of £250,000 or more. (b) in the case of the capital budget, £1,000,000 or more in respect of a single project or set of interdependent projects.

**Leasing Agreement** is a contract for the provision of finance to enable goods or services (but not Property) to be obtained and where ownership in any goods does not necessarily pass to the Council at the end of the contract period.

**Management Team** means the group of executive staff comprising the senior management charged with the execution of strategy.

**Medium-term Financial Strategy (MTFS)** refers to the overview of the Council's revenue position over the next four-year period.

**Member** is a Councillor generally or, in relation to a committee or sub-committee, a Member of that committee or sub-committee. The Elected Mayor will be treated as a Member of the Council unless the law or context requires otherwise.

**Monitoring Officer (MO)** is designated as the Assistant Director Legal and Democratic Services.

**Officer** means any employee of the Council or other authorised agent.

**Partnership** means an arrangement where parties agree to cooperate to advance their mutual interests.

**Portfolio Holder** is the Councillor who, as a member of the Executive, has primary responsibility for a defined area of service(s).

**Property** refers to any estate or interest in land or buildings.

**Property Officer** is a designation currently held by the Service Director of Strategic Housing, Property and Safer Communities.

**Reserves** means the accumulation of surpluses, deficits and appropriations over past years.

**Revenue** is income or expenditure, arising from or spent on, day-to-day activities and short lived commodities or consumables.

**Revenue Budget** is the Council's revenue spending plans for the year including the level of Council tax.

**Services** means the provision by a contractor of any services or similar facilities or works for the Council.

**Virement** is the transfer of resources between or within approved cost centres for both revenue and capital purposes.

# PART 4

# RULES OF PROCEDURE

## 7. CONTRACT PROCEDURE RULES


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# PART 4
# RULES OF PROCEDURE

## 7. CONTRACT PROCEDURE RULES

### SECTION 1 – SCOPE OF CONTRACT PROCEDURE RULES

### 1.0 Introduction

1.1 These Contract Procedure Rules (CPRs) are issued in accordance with section 135 of the Local Government Act 1972.

1.2 These Contract Procedure Rules form part of the overall control framework within which the Council operates. They outline the policy and procedures for all procurement and contract management activities across the Council that includes the purchase, commissioning, hire and lease of goods, services and works including concessions on behalf of the Council along with the management (including the extension and variation) of any such agreements.

1.3 Compliance with the Contract Procedure Rules ensures that:

- All providers are treated fairly and equally, and that all procurement takes place in an open and transparent way, encouraging competition.
- The rules and procedures governing the procurement and contract management processes are set out clearly for Council Members, Officers, third parties buying or commissioning on behalf of the Council, providers and other interested stakeholders.
- All elements of procurement and contract management are governed to ensure sound, robust practices.
- The Council complies with the Public Contract Regulations 2015 (PCR2015), the Procurement Act 2023 (PA2023), the Health Care Services (Provider Selection Regime) Regulations 2023, and any other legislation governing public sector procurement.
- The Council can defend against allegations of incorrect or fraudulent procurement practice, should the need arise.

1.4 The Council has a duty to make the best use of its assets and finances on behalf of the residents and businesses of Doncaster. It is important that goods, services and works are procured and managed in a way that offers value for money, delivers public benefits and is carefully regulated, lawful, and ensures transparency and accountability.

1.5 The Contract Procedure Rules should be read in conjunction with the Council's Finance Procedure Rules (FPRs), and all other Procurement and Contract Management Guides in order for Council officers and representatives to discharge their responsibilities accordingly.

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# RULES OF PROCEDURE

## 7. CONTRACT PROCEDURE RULES

### 2.0 Basic Principles of Procurement

2.1 All procurement and commissioning procedures must:

- Support the Council's Corporate Plan and other objectives and policies.
- Deliver value for money.
- Ensure fairness and transparency in awarding public contracts.
- Comply with all appropriate legal requirements.
- Ensure that risks in the process are appropriately assessed and managed.
- Encourage and promote the participation of Doncaster businesses in Council contracts.
- Maximise public benefit whilst delivering sustainability and social value.
- Comply with the Council's Procurement Strategy.

### 3.0 Procedures for Maintained Schools

3.1 Governing bodies, in association with Head Teachers and Management Teams, are required to use the Council's Schools Financial Rules – Contract Procedures Rules.

### 4.0 Compliance and Conduct

4.1 These rules apply to:

- All Members
- All Officers
- Persons or organisations responsible for awarding, managing and monitoring contracts on behalf of the Council including consultants.

4.2 The highest standards of probity are required of all those involved in the procurement, award and management of Council contracts.

4.3 Any **failure to comply** with any of the provisions of these Contract Procedure Rules, the Code of Practice, the Financial Procedure Rules or Public Procurement legal requirements by Officers **may result in disciplinary action** and may in some instances/cases constitute a criminal offence.

4.4 The Contract Procedure Rules are a minimum standard and a more prescriptive procurement regime must be followed where this is required by law or by a funder.

4.5 Measures should be taken to effectively prevent, identify and remedy conflicts of interest arising through procurement activity to avoid any distortion of competition and to ensure equal treatment of all providers.

## 7. CONTRACT PROCEDURE RULES

4.6 All Officers have a duty to report breaches of the Contract Procedure Rules to the Monitoring Officer.

### 5.0 Relevant Contracts

5.1 All relevant contracts **must** comply with the Contract Procedure Rules.

5.2 A relevant contract is any arrangement made by, or on behalf of, the Council for the purchase or hire of goods, services or works.

This includes arrangements for:

- The purchase, hire or leasing of goods and equipment.
- The delivery of services, including (but not limited to) those related to the:
  - Agency staff
  - Land and property transactions relating to development agreements.
  - Financial services
  - Consultancy services
  - Concession and Income contracts

5.3 Relevant contracts do not include:

- Employment contracts (permanent, interim or casual). Although, the appointment of recruitment services is subject to the CPRs.
- Contracts relating to the disposal or acquisition of an interest in land (except those involving development agreements).
- Certain financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments.
- Concessions relating to street traders and market stalls.
- Residential and nursing care contracts which the Council has a duty to provide under S117 Mental Health Act 1983, S17, s17A, s17B and s17ZA – ZI Children Act 1989 and S2 Local Government Act 2000.
- Health and social care contracts where the recipient of care has a personal choice and directly contracts with the care provider including direct payment included under sections 31 – 36 of the Care Act 2014, section 57 -s 58 of the Health and Social Care Act 2001, section 12A of the NHS Act 2006 and section 17A of the Children Act 1989;
- The employment of Barristers - Barristers engaged to represent the Council must be appointed through the Service Director of Legal and Democratic Services.

- Material intended for broadcast (by any means) to the general public as set out in Schedule 2, Paragraph 8 of the Procurement Act 2023.Legal services contracts and arbitration services provided they fall within the exemptions set out in Schedule 2, Paragraph 14 of the Procurement Act 2023.
- Where only one provider is able to supply for technical or artistic reasons or because of exclusive rights, for example the purchase of work of art, museum artefacts, manuscripts or archive collections items.
- Grant funding in line with the Financial Procedure Rules part E17, E18, E19 and E20.
- Licence agreements of private or public land.
- Partnership Agreements made under Section 75 of the National Health Service Act 2006 and payment by and to NHS Bodies made under Section 76 and 256/257 of the NHS Act 2006.
- Supplies purchased or sold in a public market or auction.
- Any other contracts as specified in Schedule 2 of the Procurement Act 2023.

5.4 All Health Care Services contracts regardless of value, as defined in the Health Care Services (Provider Selection Regime) Regulations 2023, must be procured in accordance with this legislation.

5.5 Letters of Intent will only be issued in very exceptional circumstances following consultation and approval of the Monitoring Officer.

5.6 The Council may enter into nil (cash) value contracts and the Contract Procedure Rules will still apply.

Any lease, hire or credit arrangement (such as vehicle or equipment leasing) which has a capital cost must be approved for inclusion in the Capital Programme in accordance Finance Procedure Rules relating to Capital expenditure, prior to commencing any procurement.

## 6.0 Exemptions to the Contract Procedure Rules

6.1 No exemptions can be made to the requirements of competition in terms of the Contract Procedure Rules, unless authorised in writing by the Monitoring Officer.

6.2 A Register of Exemptions will be maintained by the Monitoring Officer.

6.3 Any breaches to the Contract Procedure Rules will be reported to the Audit Committee on a six-monthly basis.

## 7.0 Waivers to the Contract Procedure Rules

7.1 Waivers may be permitted when the Contract Procedure Rules cannot be practically applied, and the award meets one of the following circumstances:

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## 7. CONTRACT PROCEDURE RULES

a) For, goods, services or works which are either patented or unique that it is not possible to obtain competitive prices or are only available from one organisation.

b) For the execution of works or services or the purchase of supplies involving specialist or unique knowledge or skills.

c) A contract is already in place and where further work is required that could not have been identified when the contract was let or, it would not be value for money to run a competitive process or there is a need to allow safe exit or decommissioning of a contract. The award must be time limited.

d) Reasons of urgency where it is otherwise not reasonably possible to comply with the appropriate CPR requirements (for example an emergency). Even in such circumstances officers must seek and obtain value for money wherever possible.

e) The use of time-limited grant funding from an external body, where the time limitations will not allow a competitive process to be completed and where grant conditions allow this.

f) Where relevant legislation prevent the usual procurement process as cited in the Contract Procedure Rules.

g) Is a public contract in accordance with Section 41 or 43 of the Procurement Act 2023.

h) Constitutes a trial purchase in line with point **16.0**.

7.2 Only the Monitoring Officer (or nominated deputy) has the authority to waive Contract Procedure Rules or the Chief Financial Officer (CFO) in respect of waivers for Legal and Democratic Services.

7.3 Waivers must be obtained in advance of the contract award as a waiver cannot be authorised retrospectively unless in an emergency (CPR 7.1 (d)).

7.4 Waivers **must not** be used to avoid the requirements of the Contract Procedure Rules to go to competition due to lack of time to procure. Procurement projects should be planned well in advance.

7.5 Waivers for goods & services contracts can only allowed up to the value of **£214,904 inc. VAT (£179,087 exc. VAT) £663,540 inc. VAT. (£552,950 exc. VAT)** for contracts under the Light Touch Services (Social & Other Specified Services) and **£5,372,609 inc. VAT (£4,477,174 exc. VAT)** (or current Public Procurement thresholds for works contracts unless the award is permissible as per the Procurement Act 2023.)

7.6 Waivers must demonstrate that value for money has been considered and there are clear benefits or advantages to the Council.

7.7 Waivers must demonstrate any risks to the Council associated with granting the waiver.

## 7. CONTRACT PROCEDURE RULES

7.8 Waivers must be approved via a CPR Report Form by the Monitoring Officer; this is available on the Council's intranet and must be submitted for approval in good time.

### 8.0 Contract Value

8.1 When contracting for goods, services or works, an assessment of the whole life value of the contract(s) or framework agreement must be undertaken including extensions and variants.

8.2 Contracts must be valued in accordance with the relevant legislation.

8.3 Calculating the total contract value should include:

- Be estimated by reference to the gross value of the contract (including installation, provider maintenance, options, and any income gained by all providers involved in the agreement)
- Assess the gross value of a framework agreement to be the reasonably estimated value of all contracts which may be awarded through it;
- Where the contract includes a fixed duration, cover the entire possible duration of the contract (i.e., including any options, such as extension periods or exit costs)
- Where the maximum contract duration is not certain, treat the contract as if it lasts 4 years.
- Include any Grant Funding

8.4 If the contract is truly, innovative and an estimate cannot be, provided approval to proceed must be obtained from the Monitoring Officer before commencing a procurement.

8.5 The Council shall make the best use of its purchasing power by aggregating purchases wherever possible.

8.6 Contracts shall not be disaggregated in an attempt to avoid the application of the Contract Procedure Rules.

8.7 For concession contracts, the value of the contract shall be the estimated total turnover of the concession expected to be generated over the duration of the contract, in consideration for the goods, services or works that are the object of the contract. If the concession exceeds **£5,372,609 inc. VAT (£4,477,174 exc. VAT)** it is subject to legislative requirements.

### 9.0 Procurement Process

9.1 Once the need for goods, services or works has been identified and the contract value established, Officers are required to:

a) Investigate whether the Council has an In-House Provider which can fully meet the requirements; if this is not possible;

b) Investigate whether the Council operates a Council Corporate contract or framework through which the requirement can be met; if this is not possible;

c) Use a compliant third-party framework **or** conduct a Council procurement process ensuring the route to market chosen delivers value for money.

9.2 **Using an In-House Provider**

Where an In-House Provider is available, then this provider must be used if they can meet the full needs of the contract within the timescales specified and offer value for money. Alternative arrangements must be formally approved by the relevant Executive Director responsible for the decision.

9.3 **Using Council Corporate Contracts or Frameworks**

Where the Council has a corporate contract or framework that can meet the full needs of the contract then this must be used. Alternative arrangements must be formally approved by the relevant Executive Director responsible for the decision.

9.4 **Using a Third-Party Framework Agreement**

Third-party framework agreements can be used subject to the call off arrangements and obligations of the framework being met for the contract requirements. Use of a third-party framework agreement must be approved by the Strategic Procurement Team (SPT).

When using an approved third-party framework agreement, that has been validly set up to be called off on a non-competitive basis, if the direct award is above **£250,000** this must be justified demonstrating value for money and/or time limited rationale. The decision must be approved by the Monitoring Officer (or nominated deputy) via a **CPR Request Form**.

## 10.0 Procurement Pipeline and Contracts Register

10.1 As a minimum the Council must publish a Pipeline Notice (in accordance with the PA2023) detailing the contracts above £2m, that is expected to be procured in the next 12 months. The Council will publish all known upcoming procurements above £25k that will be procured in the next 18 months.

10.2 Executive Directors shall ensure that all contracts to be procured over £25k are notified to the Strategic Procurement Team and are registered on the Procurement Pipeline as per 10.1.

10.3 Each Executive Director shall ensure that they notify the Strategic Procurement Team of any contracts awarded, extended, novated, materially varied or terminated (including those that end at the contract period awarded).

# PART 4 - RULES OF PROCEDURE

## 7. CONTRACT PROCEDURE RULES

### 11.0 Provider Due Diligence

11.1 Suitable due diligence should be conducted when contracting with providers. The due diligence request from the provider must be proportionate to the contract value and risk.

11.2 Due diligence on above threshold procurements (covered) must be conducted in accordance with the PA2023. The debarment list must be checked on above threshold procurements and must exclude (or have discretion to exclude) providers on the debarment list. This must be conducted by SPT.

11.3 The Monitoring Officer must give approval for any notification to the Minister of the Crown, under Section 59 (Notification of exclusion of provider) of the PA2023.

### 12.0 Submission, Receipt, Opening and Registration of Electronic Tendering

12.1 Requests for quotations and tenders above £50k **must** be transmitted by electronic means using the Council's e-procurement system. This will ensure:

- Evidence and record successful transmissions.
- Securely stored tenders/quotations under the control of the Head of Procurement to ensure that they are not opened until the deadline for receipt of quotations/tenders has passed.
- An audit trail that underpins the principles of the CPRs i.e., equal treatment, fairness and transparency.

### 13.0 Awarding Contracts

13.1 These CPRs should be read in conjunction with the decision-making provisions in the Council's Constitution and Financial Procedure Rules. Directors may award a contract themselves provided that approvals are already in place.

### 14.0 Document Records, Control and Retention

14.1 Documents used in formal quotations / tenders must be approved by SPT and/or Legal Services.

14.2 All quotations, tenders, submissions and contract documentation must be retained and disposed of in accordance with the Council's Retention Schedule.

14.3 A Contracts Register of all Contracts awarded with an aggregated value above **£5,000** shall be maintained by the SPT.

14.4 Each relevant Director shall maintain their own register of all other Contracts, under **£5,000** as a minimum, entered into by their directorate.

14.5 For every individual Contract above **£25,000** the Officer should make available to SPT the following documentation, as a minimum:

- A Best Value Form for awards between £25,000 and £50,000
- Quotations or Tender Submissions - if applicable

- A copy of the contract documents (the original must be sent to Legal Services) Key Performance Indicators at least annually (for contracts above £5m as per the PA2023)
- All associated delegated decisions and reports

## 15.0 Joint Procurement

15.1 Before participating or leading on joint procurement arrangements the relevant Executive Director for the purchasing department shall seek the consent of the Monitoring Officer and the S151 Officer.

## 16.0 Trial Purchases

16.1 Officers may conduct a trial of goods, services or works up to the value of **£100,000** without competition.

16.2 Following a successful trial any further purchases must be in compliance with the CPRs.

16.3 Arrangements must be made to ensure the provider(s) involved in the trial has not obtained any advantage through that involvement when compared to alternative providers of a similar supply.

16.4 The Monitoring Officer must approve proposed trial arrangements exceeding **£50,000** and this must be approved via a CPR Report Form.

## 17.0 Negotiated Contracts

17.1 Negotiation may be considered when procuring goods, services and works. Officers should be advised that there are restrictions to negotiation with above threshold (covered) procurements and advice sought.

17.2 Negotiation to obtain the best outcomes for the Council is encouraged on below £50k contracts.

17.3 Verbal negotiation must be undertaken by at least **two** Council Officers and agreed by the Monitoring Officer (or nominated deputy) and in accordance with any legislative requirements.

17.4 Written negotiation must be subject to evidenced independent process check, calculation and value for money. If the contract value is above threshold these must be conducted in line with the PA2023 and the advice of the SPT sought.

## 18.0 Contracting Rules based on value and type of contract being procured.

18.1 The below provides instruction for officers on what the minimum requirements are when procuring contracts based on both the value of the contract and the type of contract being procured i.e., goods, services and works including social and specified services.

# PART 4 - RULES OF PROCEDURE

## 7. CONTRACT PROCEDURE RULES

18.2 **Direct Award or Informal Quotation: All contracts valued up to £50,000 inclusive.**

Where the estimated value or amount of a proposed contract does not exceed **£50,000** then the authorised officer should obtain at least **one** verbal quote from a suitable provider(s) followed up by written confirmation (email permissible). Officers are encouraged to conduct an informal quotation exercise with more than one provider to ensure value for money.

- For contract awards between £25,000 to £50,000 officers must formally demonstrate value for money. A **Best Value Form** (available from SPT) must be completed and sent with the Contract Award Notice to SPT. These will be reviewed to ensure best value was sought and achieved.
- A quotation **must** be sought from a Doncaster based business unless in exceptional circumstances.
- A written record must be kept of all quotations and procedures followed.
- An internal Contract Award Notice **must** be completed for all contracts above **£5,000** and submitted to SPT to meet the requirements of the Local Government Transparency Code.
- All contracts awarded over **£25,000** must have an award notice published on the Central Digital Platform (CDP).

18.3 **Formal Quotation: Contracts valued between £50,000 (exc. VAT) to £214,904 inc. VAT (£179,087 exc. VAT)**

- Contracts with a value between £50,000 and £214,904 inc. VAT (£179,087 exc. VAT) must be let by conducting a formal quotation exercise.
- Officers must obtain at least **three** written quotations from suitable providers. Wherever possible a minimum of one quotation must be sought from a Doncaster based business unless in exceptional circumstances.
- A written record must be kept of all quotations and procedures followed
- A decision on how to conduct the quotation should be based on the contracting risk.
- Social value must form part of the evaluation criteria for all procurements above **£100,000** and must be a minimum of **10%** of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above **£5,000** and submitted to SPT to meet the requirements of the Local Government Transparency Code.
- All contracts awarded over **£25,000** must have an award notice published on the Central Digital Platform (CDP).

# PART 4 - RULES OF PROCEDURE

## 7. CONTRACT PROCEDURE RULES

18.4 **Formal Tender: Light Touch Services Contracts (specific social, health, education and other public services as defined in Section 9 PA2023, Schedule 1 Procurement Regulations 2024) valued between £214,904 inc. VAT (£179,087 exc. VAT) to £663,540 inc. VAT (£552,950 exc. VAT)**

- A minimum of **three** tenders must be sought from suitable providers. Wherever possible a minimum of one tender must be sought from a Doncaster business unless in exceptional circumstances.
- When using an approved third-party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer (or nominated deputy) via a CPR Report Form.
- Social value must form part of the evaluation criteria for all procurements above **£100,000** and must be a minimum of **10%** of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above **£5,000** and submitted to SPT to meet the requirements of the Local Government Transparency Code.
- All contracts awarded over **£25,000** must have an award notice published on the Central Digital Platform (CDP).

18.5 **Formal Tender: Works Contracts (as defined in Schedule 3 Procurement Regulations 2024) valued £214,904 inc. VAT (£179,087 exc. VAT) to £5,372,609 inc. VAT (£4,477,174 exc. VAT)**

- A minimum of **three** tenders must be sought from suitable providers. A minimum of **one** tender must be sought from a Doncaster based business unless in exceptional circumstances.
- When using an approved third-party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer via a CPR Report Form.
- Social value must form part of the evaluation criteria for all procurements above **£100,000** and must be a minimum of **10%** of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above **£5,000** and submitted to SPT to meet the requirements of the Local Government Transparency Code.
- All contracts awarded over **£25,000** must have an award notice published on the Central Digital Platform (CDP).

## 7. CONTRACT PROCEDURE RULES

18.6 **Public Procurement Tender: All contracts valued over £214,904 inc. VAT (£179,087 exc. VAT) (Goods & Services), £663,540 inc. VAT (£552,950 exc. VAT) (Social & Other Specified Services) or £5,372,609 inc. VAT (£4,477,174 exc. VAT) (Works)**

- Over these values, the requirement is to tender all contracts in accordance with the Procurement Act 2023.
- When using an approved third-party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer via a CPR Report Form.
- Social value must form part of the evaluation criteria for all procurements above **£100,000** and must be a minimum of **10%** of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above **£5,000** and submitted to SPT to meet the requirements of the Local Government Transparency Code.
- All contracts awarded at this level must adhere to the publication requirements of the PA2023.

## 19.0 General Data Protection Regulation (GDPR)

19.1 Where any Provider is given possession of or access to any personal data, the Executive Director must comply with the Council's Data Protection obligations. The Executive Director must follow the Council's Information Security and Data Protection Policies, in particular regarding contracting with data processors and sharing data and carry out a Data Protection Impact Assessment (DPIA) in consultation with the Information Governance Team (IG). Early engagement with IG is recommended.

## 20.0 Conflict of Interests (COI)

20.1 A conflict of interest arises in a procurement context where there is a conflict between the interests of the person acting in relation to a procurement and those of the procurement itself.

20.2 A conflict of interest can be categorised as follows:

- An **'actual conflict of interest'** exists where there is a conflict of interest **now**.
- A **'potential conflict of interest'** exists where a conflict of interest will arise in **future** if certain circumstances occur.

- A **'perceived conflict of interest'** exists where there are circumstances which the Contracting Authority considers likely to **cause a reasonable person to wrongly believe there to be a conflict** or **potential conflict of interest.**

20.3 Conflict of interest need to be managed effectively to ensure that the public can trust contracting authorities to carry out public procurement responsibly and impartially. It also helps to encourage suppliers to participate in procurements, providing confidence that they will be treated fairly and that there will be genuine competition. When conflicts of interest are not identified and effectively mitigated, there can be far-reaching consequences. It can lead to accusations of fraud, bribery and corruption, legal challenges and the undermining of public confidence in the integrity of public institutions.

20.4 Any Officer, Member or other person acting on the Council's behalf in relation to procurement **must** declare any potential Conflict of Interest as soon as they become aware of it. This must be declared to the SPT via a **Conflict of Interest Declaration Form** and a decision to allow continued involvement approved with mitigations if necessary or declined by the Head of Procurement and recorded on the contract file.

20.5 Above threshold procurements (covered procurements) conflict of interests must be managed in accordance with the Procurement Act 2023. A Conflicts Assessment must be prepared, reviewed and revised throughout the period of the contract and this must be confirmed publicly.

20.6 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any conflict of interest that may arise to the Contract Manager and this must be reported via a Conflict of Interest Form to the Strategic Procurement Team and approved, approved with mitigations or rejected by the Head of Procurement.

## 21.0 Contingent Labour Contracts

21.1 Contingent labour contracts include agency workers and consultants. These types of contracts should be managed in accordance with the provisions detailed below.

21.2 The corporate contract for contingent labour, managed by the Human Resources Department, must be used for all agency workers. Where unsuccessful attempts have been made to engage an agency worker via the corporate contract, then approval must be sought from the Head of Human Resources to use an alternative provider which must be procured in accordance with the CPRs.

21.3 Where a worker is not engaged as an agency worker via the corporate contract, they are deemed a consultant and should be procured in accordance with the CPRs.

# PART 4 - RULES OF PROCEDURE

## 7. CONTRACT PROCEDURE RULES

### 22.0 Off Payroll Working Regulations (IR35)

22.1 Off-payroll working applies to all types of contracts where an individual (worker) provides their services through an intermediary. The Council is responsible for determining if IR35 applies or not and, where incorrectly determined, any unpaid tax can be claimed for against the Council. The check employment status assessment tool must be completed on every worker for the role required and not the supplier or the worker.

22.2 Off-payroll working regulations (IR35) for agency workers are covered by agreed Human Resources processes titled Hiring and Managing Agency Workers. Further advice on IR35 for all agency workers is available from the Human Resources team.

22.3 Off-payroll working regulations (IR35) for consultants are covered by agreed processes and advice sought from SPT.

### 23.0 ICT Related Contracts

23.1 Any technology requirement, including hardware, software and consumables, must be procured or agreed by the ICT Department.

23.2 Any requirement for new or replacement technology or major upgrade/enhancement to existing technology, or contract changes, must be considered and approved by the Technology Governance Board. The Service Director – Finance and Technology or nominated officer must be involved in all procurement activities for Council systems and specific advice taken into account in the contract award decision.

### 24.0 Contract Award

24.1 All contract awards above **£5,000** must be recorded on the Council's Contracts Register. A Contract Award Notice **must** be completed.

24.2 The decision to award a contract shall be made by the Executive Director (or nominated deputy) on receipt of a written recommendation from the relevant officer. This must be reflected in the democratic decision record.

24.3 A contract is a legally binding agreement required for all goods, services or works entered into by a representative of the Council. A contract can be formed through verbal or, written means (including email) or via the exchange of monies.

24.4 All contracts above **£250,000** are required to be signed by the Service Director of Legal and Democratic Services.

24.5 All contracts below **£250,000** must be signed by an Executive or Service Director (or nominated deputy).

24.6 All construction related contracts must be executed as a deed (under seal).

24.7 Where a contract is above **£25,000** all required notices must be published as per the Procurement Act 2023.

## 7. CONTRACT PROCEDURE RULES

24.8 All contracts over **£250,000** shall be under seal, unless the Monitoring Officer approves other arrangements.

### 25.0 Contract Terms and Conditions

25.1 All purchases should be made using the Council's Terms and Conditions. The Council Terms and Conditions must be included with each purchase order and contract including purchase orders for low value contracts.

25.2 The following contracts with below a certain value will be let on the Council's standard terms and conditions unless there is reason not to do so:

| **Type** | **Value** |
|---|---|
| Goods | £100,000 per annum |
| Services | £180,000 (total contract value) |
| Consultancy | £100,000 per annum |

25.3 If the Council's terms and conditions are not suitable, and a provider has been asked to submit their own terms and conditions, or where there are material changes to the Councils terms and conditions, they must be formally approved in writing by the Monitoring Officer (or nominated deputy) before they can be accepted.

25.4 Where the terms and conditions of contract are not fully agreed providers shall not be allowed to commence delivery of goods, services or works.

25.5 Consideration should also be given whether or not a performance bond should be required. This should be considered for all contracts over £500,000 and should only be specified following advice from legal services and finance.

### 26.0 Contract Extensions and Variations

**Variations**

26.1 Contract variations must be carried out within the scope of the original contract and documented.

26.2 Contract variations are permissible on below threshold procurements unless the value will breach the public procurement thresholds. If there is a potential breach of the threshold (convertible contract), then this must be considered as a material variation and a CPR Report Form approved by the Monitoring Officer (or nominated deputy).

## 7. CONTRACT PROCEDURE RULES

26.3 Contract variations that materially affect or change the scope of an above threshold (covered) contract including the value are **not** allowed unless approved by the Monitoring Officer (or nominated deputy) via a CPR Report Form. A material variation may be defined under the following circumstances or in accordance with Section 74 PA2023, this list is not exhaustive:

- The variation introduces conditions which, had they been part of the initial procurement exercise, would have allowed for the admission of other tenderers than those initially selected or for the acceptance of an offer other than that originally accepted or would have attracted additional participants in the procurement procedure;
- The variation increases the value of the contract or the framework agreement substantially in favour of the provider in a manner which was not provided for in the initial contract or framework agreement;
- The variation extends the scope of the contract or framework agreement considerably.

26.4 If a material change (variation) is approved and it is subject to Section 74 of the PA2023, then notices must be published in accordance with the Procurement Act 2023.

26.5 All contract variations must be in writing and signed by both the Council and the provider except where different provisions are made within the contract documentation.

26.6 The value of each variation must be assessed, and the approval sought in a timely manner and supported by an appropriate decision record signed by the Executive Director.

26.7 If the variation relates to a contract that has previously been waived, then a new CPR Report Form should be approved by the Monitoring Officer (or the Chief Financial Officer if the contract relates to Legal and Democratic Services contracts).

**Extensions**

26.8 The term of any contract may only be extended where all the following criteria have been met:

- Provision for an extension of the term is evidenced by the original contract; and
- Where the budget provision and the extension are in line with the Financial Procedure Rules; and
- Where the contract value including the extension exceeds the key decision threshold (£250,000 – revenue budget, or £1,000,000 – capital budget), a separate key decision has been approved.
- Where the contract still delivers Value for Money.
- In the case of ICT related contracts have had the appropriate approvals.

26.9 Only the Monitoring Officer may approve an extension to the term of a contract outside the rules through a CPR Report Form.

26.10 All extensions to contracts must be formalised and signed by the Council and the provider.

26.11 All extensions must be reported to the SPT in order that the Contracts Register can be updated accordingly.

26.12 If an extension is outside the contract terms as it was awarded, then this would revert to a contract variation.

## 27.0 Novation

27.1 Novation of contracts can only be agreed by the Monitoring Officer via a CPR Report Form.

## 28.0 Termination of Contract(s)

28.1 Provision for the termination of a contract must be included within the terms and conditions of the contract.

28.2 The Monitoring Officer must agree the **early** termination of a contract This must be formalised via a CPR Request Form and authorised by the Monitoring Officer.

28.3 The Strategic Procurement Team must be consulted where there are serious concerns over the performance of a contract.

28.4 The Monitoring Officer must be consulted if the performance of a contract is giving rise for concern and consideration is given to termination.

28.5 An Exit Plan, which can cover one or more contracts, must be prepared for every contract well in advance of contract expiry. It is recommended that this should be put in place at least 6 months in advance to allow for the approvals, pre-planning process, and any re-procurement.

28.6 In accordance with Section 80(3) of the PA2023, all above threshold (covered) contracts awarded must have a ‘Contract Termination Notice’ published when the following occurs:

(a) Discharge: including for example, where contract obligations / deliverables are fulfilled, payments made and any disputes settled, by mutual agreement or contract frustration;

(b) Expiry: where the contract has reached its end date (which may include periods of extension);

(c) Termination by a party: where one party exercises a contractual or implied right to terminate the contract;

(d) Rescission: Where the contract ends, and the parties restored to the position they were in before the contract was entered into; or

(e) Set aside by court order: where the contract is declared to be invalid by legal judgement.

## 29.0 Member Involvement

29.1 The Executive Directors (or nominated deputy) are responsible for ensuring appropriate consultation has taken place with members.

29.2 Members should not become involved in the remainder of the procurement activity, unless any specific decisions are required by portfolio holders, Cabinet or the Council, in accordance with the Councils constitution and scheme of delegation.

## 30.0 Purchasing Cards

30.1 The Council uses Purchasing Cards in order to reduce transaction costs for low value purchases by reducing time spent on processing of orders and invoices or in emergencies.

30.2 Purchasing Cards should not be used to avoid the CPRs.

30.3 Purchasing cards must be used in accordance with the Purchasing Card Policy.

## 31.0 Cost Control

31.1 The Executive Director shall ensure that suitable procedures are laid down and followed for the effective cost control of all contracts they are responsible for. Such procedures shall involve a continuous monitoring of the cost being incurred on each contract with the objective of ensuring that the contract is delivered within the authorised budget and that any unavoidable extra costs are identified quickly so that appropriate action can be taken.

31.2 All contracts must have a clear review and approval mechanism for price increases i.e., be linked to the applicable index related to the contract category. If the contract is uplifted above the index detailed in the terms and conditions then this must be reported to SPT, prior to the uplift taking place.

31.3 In addition, cost control procedures for capital schemes should include as a minimum:

(a) A cost statement prepared every time a contract payment is made assessing the probable final cost. This should take into account all known factors including variations, adjustments of prime cost and provisional sums and other items such as re-measured work;

(b) A cash flow forecast based on a cost statement prepared by the relevant Executive Director, showing the expected pattern of payments to the end of the contract, updated each month until the final payment is made.

(c) A final cost report should be produced and submitted to the CFO (or nominated deputy).

31.4 As soon as it becomes apparent to the Executive Director that costs will exceed the amount authorised, the Executive Director must immediately report the situation to the CFO (or nominated deputy).

## 32.0 Contract Claims and Disputes

32.1 Some contracts will require providers to pay damages for late delivery (liquidated damages) or allow for an extension of time. To safeguard the Councils right to such damages, if the contract is over-running the officer must certify in writing that the provider ought reasonably to have completed the works within the contract period. Such a certification must be done in accordance with the contract conditions and be issued prior to the issue of the final certificate for payment.

32.2 Any events that may lead to claims for extension of time must immediately be brought to the attention of the Monitoring Officer.

32.3 Claims for extension of time must be assessed promptly and any extension award made in accordance with the conditions of contract.

32.4 If the works are not complete, the officer must issue a certificate of non-completion in accordance with any relevant contract conditions immediately after the expiry of the (extended) date for completion. It is the ultimate responsibility of the Director (or nominated deputy) to arrange for the deduction of liquidated damages.

32.5 If the provider subsequently brings forward fresh evidence of delay, the officer may award a further extension but must then also issue a revised certificate stating the revised date in accordance with any relevant contract conditions.

32.6 Before the final certificate is issued, the officer shall check that any necessary certificate has been issued in accordance with the relevant contract conditions.

32.7 The Monitoring Officer (or nominated deputy) shall be kept informed at all times of all contractual claims whether by or against the Council.

32.8 Documentary evidence must be kept relating to all aspects and stages of a claim and these should be kept by the Director at one central point.

## 33.0 Review and Amendment of Contract Procedure Rules

The Monitoring Officer is authorised to make technical amendments as necessary to ensure these procedures are consistent with legal requirements, changes in Council structures, personnel and best practice.

**Appendix A**

# GLOSSARY OF TERMS (including general procurement terms)

**Aggregation** – Where similar or same purchases made separately over a period of time (and often from multiple providers) are combined into one contract requirement.

**Assignment** – The transfer of rights from one provider to another based on the same contract.

**Audit Trail** – System or paper generated evidence showing how decisions and procedures were conducted.

**Authorised Officer –** A person given delegated authority by the responsible Executive Director who is responsible for the procurement.

**Award** – The allocation of a contract to a successful provider.

**Award Stage** – Final stage of the quotation or tendering process, with notification of the successful provider and the signing of the contract.

**Best Value Form** – To be completed by Officers when awarding all contracts between £25,000 and £50,000 and submitted to SPT.

**Bid** – A submitted quote or tender.

**Breach** – Where a contract or purchase is made that is not compliant with the CPRs.

**Central Digital Platform (CDP)** – A government system where all UK contracting authorities publish information relating to procurement. It is also where identifiers are recorded and/or issued and for suppliers to input their commonly used information.

**CFO** – The Service Director for Finance and Technology. The Chief Financial Officer is appointed by the Council to exercise the powers defined in Section 151 of the Local Government Act 1972. The Chief Financial Officer may delegate authority for certain tasks to Officers.

**Collaboration** – Process by which two or more 'organisations' (local authorities, other public sector bodies) work together to obtain a joint solution for a shared requirement. Used to capitalise on the advantages of aggregating demand, such as economies of scale or stronger positioning in the marketplace.

**Collusion** – Illegal process of agreeing to unfair activities in a procurement process, such as price fixing.

**Commissioning** – The strategic activity of assessing need and using resources (both budgets and services) to meet those needs, with procurement forming part of commissioning for the sourcing and setting up of contracts to provide services.

**Concession Contract** – An agreement between two parties where income is derived from the asset or ability to deliver services in the issuing of rights by one party to the other.

**Conflict of Interest -** Where there is a conflict between the interests of the person acting in relation to a procurement or contract management.

**Contingencies** – future events or circumstances that may occur.

**Contingent Labour** – contractors, agency workers and temporary staff.

**Contract** – Legally binding document that sets out the terms and conditions of the delivery of the works, services or goods, including performance measures.

**Contract Award Notice** – Notice of the award of a contract above £5k. If a contract is above £30k (inc. VAT) and public procurement thresholds additional contract notices will be generated by the submission of this notice.

**Corporate Contracts** – Council contracts shared across the Council.

**Contract Management** – Activities after a contract has been let to ensure the contract is delivered in accordance with the contract terms and conditions and any other specifics as detailed in the procurement exercise.

**Contract Procedure Rules** – The section of the Council's Constitution that sets out the rules that must be followed when undertaking any procurement process.

**Contracts Register** – A register of Council contracts centrally held by the Council.

**Council** – The City of Doncaster Council.

**Covered Procurements** – Contracts where the value exceeds the public procurement thresholds and must be procured in accordance with the Procurement Act 2023.

**Criteria** – Set of specific requirements that a quote or tender will be evaluated against

**Disaggregation** – Splitting a requirement for similar works, goods or services into a number of smaller contracts to avoid having to comply with the CPRs. If the value exceeds the public procurement thresholds it would be unlawful.

**Dispute** - Disagreement between Council and provider that may result in Court action.

**Doncaster Business** – A company or other organisation that has an office or premises within the City of Doncaster Council boundary area.

**Due Diligence –** checks conducted on provider(s) to ensure their eligibility and suitability to deliver a contract for the Council.

**Electronic Tendering (E-Tendering) –** Online procurement system that manages the quote and tender processes.

**Evaluation** – Detailed assessment and comparisons of bid submissions verifying how providers will meet the requirements of the contract, measured as a minimum against quality and price criteria.

**Evaluation Panel** – Group brought together with the specific aim of assessing submitted tenders against pre-set criteria, to make final recommendations on the award of contract.

**Exceptions** – Permits the undertaking of a procurement action within a specific area without the need for a competitive tender exercise but signed by the Monitoring Officer or the CFO.

**Execute –** the completion of contract documentation, including the signing, and sealing where required, of the formal contract.

**Executive Director –** The person responsible for the compliance with these procedures. A Director may formally delegate authority to other persons to deliver their responsibilities.

**Exemption** – contracts and categories of spend that are excluded from the Contract Procedure Rules (CPRs)

**Exemptions Register** – a register that holds all of the contracts and categories of spend, as approved by the Monitoring Officer or authorised representative.

**Extension** – Continuing with the contract after the initial period of the contract term and allowed for in the contract let.

**Exit Plan** – A plan on decommissioning or changing the provider of a contract.

**Financial Procedure Rules** – Control framework for the Council in relation of administration related to financial matters.

**Find a Tender –** Online repository ran by the Government where contract notices are published.

**Framework Agreement** – Used where specific works, services or goods will be needed on a number of occasions over a known duration, but the exact requirement is not known. Can be with a single or multiple providers (sometimes referred to as a 'call-off' contract). Once set up, there is no need to go to the open market as competition is held between those providers on the

framework. Frameworks can be reopened periodically to allow for new participants, if allowed for in the procurement methodology.

**Health Care Services (Provider Selection Regime) Regulations 2023** – Legislation that must be adhered to when procuring Health Care Services Contracts, or in the situation of a mixed contract where services or goods are being procured in addition to the health care services meets the provisions set out in the regulations on mixed contracts.

**HR –** Human Resources

**IR35** – Inland Revenue 35 or the Intermediaries Legislation, set off-payroll working rules for companies, intermediaries and independent contractors in the UK.

**ICT –** Information, Communications and Technology

**Invitation to Tender** – Sent to providers asking them to submit bids based on a specification indicating the requirements of the Council.

**In-House Provider -** An internal service in the Council that can deliver the requirements of the contract required.

**Joint Procurement** – Where other public bodies are included within a procurement exercise.

**Key Decision** – A decision which is likely to result in savings or expenditure of over £250,000 gross full-year effect in the case of the revenue budget, in the case of the capital budget, £1,000,000 or more in respect of a single project or set of interdependent projects. In addition, any decision that is likely to have a significant effect on two or more wards in the city.

**Letter of Intent** – A written statement indicating the Council's willingness to enter into a formal contract.

**Light Touch Services** (LTS) - A specific set of rules for certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes. The list of services is set out in Regulation 42, Schedule 1 of the Public Regulations 2024.

**Liquidated Damages** – Compensation awarded by a court judgement or a contract stipulation regarding the breach of contract.

**Marketplace** – Wording used to describe a commercial activity or a group of potential providers possibly able to meet requirements.

**Monitoring Officer** – This is the Service Director of Legal and Democratic Services. The Monitoring Officer may delegate authority for certain tasks to Officers.

**Negotiation** – Process by which a contract is reached through discussion and agreement between prospective providers and Council Officers.

**Novation** –Novation refers to where one of the contracting parties in the original contract is replaced by an entirely new party that assumes the rights and obligations of the original party.

**Pre-Procurement Procedures** – Actions where Officers complete certain actions to inform the contract to be let and the methodologies to obtain the best outcomes for the Council and citizens, this could include engagement with providers, customers and professional bodies.

**Provider** – Any person, partnership, company or other organisation, which provides or contractually offers to provide any supply to the Council.

**Public Body** – Formally established organisation that is (at least in part) publicly funded to deliver a public or government service.

**Public Procurement Law** –UK law known as the Public Contract Regulations 2015 or the Procurement Act 2023 (Public Contract Regulations 2024), detailing rules and regulations that must be complied with for all public sector procurement processes.

**Purchasing Cards** – A card that is issued to a Council Officer in accordance with the Purchasing Card Policy.

**Off Payroll Working (IR35)** – Tax regulation designed to ensure individuals working like employees pay tax at similar levels as an employee.

**Qualified Tender** – Where a provider submits a bid which has been amended to the provider's requirements, such as inserting their own terms and conditions.

**Quotation** – Formal (written) or informal (verbal) offer given by a provider upon request.

**Section 76 and 256/257 of the NHS Act 2006** – payments made between the NHS and local authorities.

**Service delivery management** – ensures that the service is being delivered as agreed to the required level of performance and quality.

**Specification** – Detailed description of what is required, including monitoring procedures.

**Stakeholder** – Individual or organisation with an active interest in the impact or effect of the Council's procurement activities

**Sub-Contracting** – Engagement of another provider by the main provider.

**Submission** – The quote or tender submitted by a provider in response to an invitation to quote or tender.

**Social Value** – positive economic, environmental wellbeing and social impacts beyond the financial cost of contracts.

**Technology Governance Board (TGB)** – A board that all technology related contracts must be approved by which is chaired by the Service Director for Finance and Technology.

**Tender** – Written response to an invitation to tender that contains a full costed proposal. Submitted via a controlled process and evaluated against set criteria.

**Tenderer** – Prospective provider who submitted a bid in response to an invitation to tender or quote.

**Tender Documents** – Set of documents provided to prospective tenderers that forms the basis on which tenders will be submitted. Includes, as a minimum, instructions to tenderers, contract terms and conditions, specification, evaluation criteria, pricing schedule, form of tender and anti-collusion statement.

**Testing the Market** – Formal procurement process to establish whether there are providers able and interested in providing quotes or bidding.

**Termination** – The ending of a contract either at the expiry date or earlier for various reasons.

**Thresholds** – Financial boundaries (based on the whole life value of a proposed contract) which determine the procurement action, for example whether a competitive action is required.

**TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006**) - Preserves the continuity of employment and safeguards employment rights of all employees transferring to a new employer i.e., where there is a change of contract provider or where current Council staff are being transferred to another provider.

**Value for Money (VfM)** – ensuring the needs of the Council are met whilst achieving the required balance of quality and price.

**Variation -** A variation is a change to the agreement of both parties to perform part of the contract differently to the way that was originally agreed, this can relate to the specification or costs. These can be referred to as Deeds of Variation, Variation Orders, Compensation Events or Contract Change Notices and are contractually binding on both parties.

**Under Seal** – A contract executed as a deed. This gives additional protections to the Council.

**Waiver** – Approval obtained prior to procurement activity, by the Monitoring Officer or Chief Financial Officer, permitting an exception to the Contract Procedure Rules.

**Whole Life Cost** – All costs incurred in the lifespan of the contract, including consumables, utilities, training and the cost of disposal.

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# PART 4
# RULES OF PROCEDURE

## 8. EMPLOYMENT PROCEDURE RULES

These Procedure Rules are Standing Orders made under the Local Authorities (Standing Orders) (England) Regulations 2001, Local Authorities (Standing Orders) Regulations 1993 & Local Authority (Standing Orders) (England) (Amendment) Regulations 2015 & Local Government and Housing Act 1989.

**Role of Chief Executive**

**1.** The functions of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the Officer designated under section 4(1) of the 1989 Act (designation and reports of Chief Executive) as the Head of the Authority's Paid Service or by an Officer nominated by him/her (and not by Members of the Council, except in accordance with Rule 8).

The Chief Executive has nominated all Executive Directors, Service Directors and Heads of Service as Officers who can carry out on his/her behalf the functions of appointment and dismissal of, and taking disciplinary action against, a Member of staff, under Rule 1**.**

**2.** Rule 1 shall not apply to the appointment or dismissal of, or disciplinary action against those officers designated as Chief Officers: which shall include -

(a) the Officer designated as the Head of Paid Service;

(b) a statutory Chief Officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;

(d) a person appointed in pursuance of section 9 of the 1989 Act (assistants for Political Groups); or

(e) a person appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the Local Government Act 2000 (Mayor's Assistant).

# PART 4
# RULES OF PROCEDURE

## 8. EMPLOYMENT PROCEDURE RULES

### 3. Recruitment and Appointment of all Officers

(a) Declarations

(i) The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor, or the Mayor, or Officer of the Council or of the partner of such persons.

(ii) No candidate so related to a Councillor or the Mayor or an Officer, or of a partner of such persons, shall be appointed without the authority of the relevant Chief Officer of the Council.

(b) Seeking Support for Appointment

(i) Subject to paragraph (iii) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or the Mayor for any appointment with the Council. The content of this paragraph (or words to similar effect) will be contained in any recruitment information.

(ii) Subject to paragraph (iii) below, no Councillor nor the Mayor will seek to support any person for appointment with the Council.

(iii) Nothing in this Rule will prevent a Councillor or the Mayor from giving a written reference for a candidate for submission in connection with an application for appointment.

### 4A. Recruitment of Chief Officers

4A.1 Where the Council proposes to appoint a Chief Officer (as defined by Rule 2 above), and it is not proposed that the appointment will be made exclusively from among their existing Officers, the Council will:

(a) Draw up a statement specifying:

(i) the duties of the Officer concerned; and

(ii) any qualifications or qualities to be sought in the person appointed

(b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) Make arrangements for a copy of the statement mentioned in paragraph (a)(i) to be sent to any person on request.

4A.2 Where a post has been advertised as provided in Procedure Rule 4.1(b), the Authority shall-

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

4A.3 Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with Rule 4.1(b).

4A.4 Every appointment of a Chief Officer (as defined by Rule 2) shall be made by the Authority and the Chief Officer Appointments Committee (COAC), where at least one member of the appointed panel will be a member of the Executive, shall discharge that function.

**4B. Recruitment of all Other Officers**

4B.1 Where the Council proposes to recruit an officer other than as defined in Rule 2 above then the Council shall only recruit in accordance with its policies relating to Recruitment that it may have in place at any one time.

# PART 4
# RULES OF PROCEDURE

## 8. EMPLOYMENT PROCEDURE RULES

### 5A. Appointment and Dismissal of Chief Officers and Deputy Chief Officers

5A.1 In this Rule, "appointor" means, in relation to the appointment of a person as an Officer of the authority, the authority or, where a Committee, Sub-Committee or Officer is discharging the function of appointment on behalf of the authority, that Committee, Sub-Committee or Officer, as the case may be.

5A.2 An offer of an appointment as :-

(a) the Officer designated as the Head of Paid Service;

(b) a statutory Chief Officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;

(d) a Deputy Chief Officer within the meaning of section 2(8) of the 1989 Act;

must not be made by the appointor until -

(a) 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;

(b) the Chief Executive has notified every Member of the Executive of the authority of -

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and

(iii) the period within which any objection to the making of the offer is to be made by the Elected Mayor on behalf of the Executive to the Proper Officer; and

## 8. EMPLOYMENT PROCEDURE RULES

(c) either -

(i) the Elected Mayor has, within the period specified in the notice under Sub-paragraph (b)(iii), notified the appointor that neither he/she nor any other Member of the Executive has any objection to the making of the offer;

(ii) the Proper Officer has notified the appointor that no objection was received by him/her within that period from the Elected Mayor; or

(iii) the appointor is satisfied that any objection received from the Elected Mayor within that period is not material or is not well-founded.

5A.3 In this Rule, "dismissor" means, in relation to the dismissal of an Officer of the authority, the authority or, where a Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the authority, that Committee, Sub-Committee or other Officer, as the case may be.

5A.4 Notice of the dismissal of

(a) the Officer designated as the Head of Paid Service;

(b) a statutory Chief Officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;

(d) a Deputy Chief Officer within the meaning of section 2(8) of the 1989 Act;

must not be given by the dismissor until -

(a) the dismissor has notified the Chief Executive of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the Chief Executive has notified every Member of the Executive of the authority of -

(i) the name of the person who the dismissor wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and

(iii) the period within which any objection to the dismissal is to be made by the Elected Mayor on behalf of the Executive to the Proper Officer; and

(c) either -

(i) the Elected Mayor has, within the period specified in the notice under Sub-paragraph (b)(iii), notified the dismissor that neither he/she nor any other Member of the Executive has any objection to the dismissal;

(ii) the Chief Executive has notified the dismissor that no objection was received by him/her within that period from the Elected Mayor; or

(iii) the dismissor is satisfied that any objection received from the Elected Mayor within that period is not material or is not well-founded.

**5B Appointment and dismissal of Officers other than Chief Officers and Deputy Chief Officers**

5B.1 Where the Council proposes to appoint or dismiss an officer other than as defined in Rule 5A above then the Council shall only appoint or dismiss in accordance with its policies relating to Appointment and Dismissal that it may have in place at any one time.

# PART 4
# RULES OF PROCEDURE

## 8. EMPLOYMENT PROCEDURE RULES

### 6. Additional Rule in Relation to Appointment of Chief Executive

Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the Chief Executive (head of the authority's paid service), the authority must approve that appointment before an offer of appointment is made to that person.

### 7. Discipline of the Chief Executive, Monitoring Officer and Chief Finance Officer

7.1 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.

7.2 (a) 'the 2011 Act' means the Localism Act 2011
(b) 'Chief finance officer', 'disciplinary action', 'head of the authority's paid service' and 'monitoring officer' have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001
(c) 'independent person' means a person appointed under s28(7) of the 2011 Act;
(d) 'local government elector' means a person registered as a local government elector is the register of electors in the authority's area in accordance with the Representation of the Peoples Acts;
(e) 'the Panel' means a committee appointed by the authority under s102(4) of the Local government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
(f) 'relevant officer' means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
(g) 'relevant officer' means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

7.3 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

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

# PART 4
# RULES OF PROCEDURE

## 8. EMPLOYMENT PROCEDURE RULES

7.5 In paragraph 7.4 'relevant independent person' means any independent person who has been appointed by the authority or, where there are fewer than two such persons , such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

7.6 Subject to paragraph 7.7, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 7.4 in accordance with the following priority order-
(a) a relevant independent person who has been appointed by the authority and who is a local government elector;
(b) any other relevant independent person who has been appointed by the authority;
(c ) a relevant independent person who has been appointed by another authority or authorities;

7.7 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 7.6 but may do so.

7.8 The authority must appoint any Panel at least 20 working days before the relevant meeting.

7.9 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular-
(a) any advice, views or recommendations of the Panel;
(b) the conclusions of any investigation into the proposed dismissal; and
(c ) any representation from the relevant officer.

7.10 Any remuneration, allowances, or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

# PART 4
# RULES OF PROCEDURE

## 8. EMPLOYMENT PROCEDURE RULES

### 8. Additional Rules in Relation to Appointment of Political Assistants

(a) no appointment of a Political Assistant to a Political Group shall be made until such posts have been allocated to all Political Groups which qualify,

(b) no Political Assistant will be allocated to a Political Group which does not qualify for one,

(c) nor shall more than one Political Assistant be allocated to a Political Group,

(d) notwithstanding Rule 8(a)-(c) a Political Assistant to the Mayor may be appointed at any time. The Mayor must notify the Council in writing of the name, and terms and conditions of any Political Assistant so appointed.

(e) the prohibition on the involvement of Members of the Council in the appointment of Officers does not apply to the appointment of Political Assistants.

### 9. Appeal Committees

Nothing in Rule 1 shall prevent a person from serving as a Member of any Committee or Sub-Committee established by the authority to consider an appeal by -

(a) another person against any decision relating to the appointment of that other person as a Member of staff of the authority; or
(b) a Member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that Member of staff.

### 10. Definitions

In these Rules:

"the 1989 Act" means the Local Government and Housing Act;
"the 2000 Act" means the Local Government Act 2000;

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

"Elected Mayor" and "Executive" have the same meaning as in Part II of the 2000 Act;

# PART 4
# RULES OF PROCEDURE

## 8. EMPLOYMENT PROCEDURE RULES

"Member of staff" means a person appointed to or holding a paid office or employment under the authority; and

"Proper Officer" means an Officer appointed by the authority for the purposes of the provisions in this Part (the Officer appointed is the Chief Executive).

**Statutory and Guidance References**

**Local Government Act 1972 s112 and Schedule 12**
**Local Government and Housing Act 1989 s.7**
**1963 Model Standing Orders - Proceedings and Business of Local Authorities**
**Local Authority (Standing Orders) (England) (Amendment) Regulations 2015**
**Local Authority (Standing Orders) (England) Regulations 2001**
**Local Authority (Standing Orders) Regulations 1993**

# PART 5

## STATEMENT OF VISION AND VALUES
## MEMBERS CODE OF CONDUCT
## CODE OF CONDUCT FOR EMPLOYEES
## PROTOCOL ON MEMBER/EMPLOYEE RELATIONS

# PART 5

## 1. STATEMENT OF VISION AND VALUES

This Authority adopts the following general principles as its ethical values:-

1. **Selflessness** - Members should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2. **Integrity** - Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

3. **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, Members should make choices on merit.

4. **Accountability** - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

5. **Openness** - Members 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.

6. **Personal Judgement** - Members may take account of the view of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

7. **Respect for Others** - Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's Statutory Officers, and its other employees.

8. **Duty to Uphold the Law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

9. **Stewardship** - Members should do whatever they are able to do to ensure that their Authorities use their resources prudently and in accordance with the law.

10. **Honesty** – Members 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.

11. **Leadership** - Members should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

**Adopted 21st May 2021**

### Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of the Council or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "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".
"the Council" means City of Doncaster Council

### Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, Council officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

### General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and Council officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.
In accordance with the public trust placed in me, on all occasions:
• I act with integrity and honesty
• I act lawfully
• I treat all persons fairly and with respect; and
• I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:
• I impartially exercise my responsibilities in the interests of the local community
• I do not improperly seek to confer an advantage, or disadvantage, on any person
• I avoid conflicts of interest
• I exercise reasonable care and diligence; and
• I ensure that public resources are used prudently in accordance with my Council's requirements and in the public interest.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

### Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor. The Code of Conduct was adopted by a meeting of City of Doncaster Council's Full Council Meeting on 21st May 2021 with immediate effect.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
• you misuse your position as a councillor
• Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:
• at face-to-face meetings
• at online or telephone meetings
• in written communication
• in verbal communication
• in non-verbal communication
• in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

### Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

### General Conduct

### 1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

1.2 I treat Council employees, employees and representatives of partner organisations and those volunteering for the Council with respect and respect the role they play. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and Council employees, where concerns should be raised in line with the Council's councillor-officer protocol.

**2. Bullying, harassment and discrimination**

As a councillor:
2.1 I do not bully any person.
2.2 I do not harass any person.
2.3 I promote equalities and do not discriminate unlawfully against any person.
The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

### 3. Impartiality of officers of the Council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.
Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### 4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:
a. given to me in confidence by anyone
b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
i. I have received the consent of a person authorised to give it;
ii. I am required by law to do so;
iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
iv. the disclosure is:
1. reasonable and in the public interest; and
2. made in good faith and in compliance with the reasonable requirements of the Council; and
3. I have consulted the Monitoring Officer prior to its release.
4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.
4.3 I do not prevent anyone from getting information that they are entitled to by law. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

### 5. Disrepute

As a councillor:
5.1 I do not bring my role or the Council into disrepute.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or the Council and may lower the public's confidence in your or the Council's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.
You are able to hold the Council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

### 6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.
Your position as a member of the Council provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will affect others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

### 7. Use of Council resources and facilities

As a councillor:

7.1 I do not misuse council resources.
7.2 I will, when using the resources of the Council or authorising their use by others:
a. act in accordance with the Council's requirements; and
b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of Council or of the office to which I have been elected or appointed.
You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a councillor.
Examples include:
• office support
• stationery
• equipment such as phones, and computers
• transport
• access and use of Council buildings and rooms.
These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

### 8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by the Council.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me by the Audit Hearings Sub-Committee following a finding that I have breached the Code of Conduct.
It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about the Council's processes in handling a complaint you should raise this with your Monitoring Officer.

**Protecting your reputation and the reputation of the Council**

### 9. Interests

As a councillor:

9.1 I register and disclose my interests. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council.

You need to register your interests so that the public, Council employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises.

The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

### 10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.
In order to protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

## Appendices

## Appendix A – The Seven Principles of Public Life

**The principles are:**

**Selflessness**

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

**Integrity**

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

**Objectivity**

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

**Accountability**

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

**Openness**

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

**Honesty**

Holders of public office should be truthful.

**Leadership**

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

# PART 5

## 2. MEMBERS CODE OF CONDUCT

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

“Disclosable pecuniary interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below. "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

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

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

**Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

### Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which affects –
a. your own financial interest or well-being;
b. a financial interest or well-being of a friend, relative, close associate; or
c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in Table 1
you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter affects your financial interest or well-being:
a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

# PART 5

## 2. MEMBERS CODE OF CONDUCT

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

| Subject | Description |
|---|---|
| **Employment, office, trade, profession or vocation** | Any employment, office, trade, profession or vocation carried on for profit or gain.<br>[Any unpaid directorship or Trustee.] |
| **Sponsorship** | Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.<br>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| **Contracts** | Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(b) which has not been fully discharged. |
| **Land and Property** | Any beneficial interest in land which is within the area of the council.<br>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income. |
| **Licenses** | Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer |
| **Corporate tenancies** | Any tenancy where (to the councillor's knowledge)—<br>(a) the landlord is the council; and<br>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of. |
| **Securities** | Any beneficial interest in securities* of a body where—<br>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and<br>(b) either—<br>(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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were<br>* 'director' includes a member of the committee of management of an industrial and provident society.<br>* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society. |

# PART 5

## 2. MEMBERS CODE OF CONDUCT

**Table 2: Other Registerable Interests**

| |
|---|
| You have a personal interest in any business of your authority where it relates to or is likely to affect:<br>a) any body of which you are in a position of general control or management and to which you are nominated or appointed by your authority<br>b) any body:-<br>(i) exercising functions of a public nature;<br>(ii) directed to charitable purposes; or<br>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)<br>of which you are a member or in a position of general control or management. |

# PART 5

# 3. CODE OF CONDUCT FOR EMPLOYEES

## INTRODUCTION

This Code of Conduct ("the Code") describes the standards of conduct and practice within which City of Doncaster Council employees should follow. The purpose of this Code is to ensure that all employees are clear about the standard of behaviour that is expected of them.

## 1. PRINCIPLES

This Code sets down standards of behaviour and conduct the Council expects of all its employees. The Council, for its part, will provide a positive and enabling culture, fair remuneration and the necessary resources, including accommodation, equipment, consumables, training and support, for a safe and effective working environment.

The Code forms part of the wider employment package of legislation, rules and guidance that relate to employment and services. The Code compliments, and should be read in conjunction with, the Council's policies and procedures on employment, conduct, gifts and hospitality, financial matters and underpins the Team Doncaster Charter, as well as other professional codes of conduct.

This Code is comprehensive but may not cover all eventualities; in such circumstances the spirit of the Code is deemed to apply. Using the Code at all times will help to provide high quality services and promote public trust and confidence – in City of Doncaster Council in particular, and local government services in general.

Breaching the Code of Conduct may lead to disciplinary action under the Council's Disciplinary Policy.

## 2. SCOPE

The Code applies equally to all employees regardless of position, grade, and length of service or terms of employment.

This code can also apply to employees in schools where the governing body has delegated powers, if the Code has been adopted by the governing body.

## 3 OPERATION OF THE CODE

The Code is a key element in the employment relationship: it is therefore an integral part of the contract of employment. It will form a major part of every employee's induction. Managers and supervisors must ensure that all employees are aware of, and understand, the Code.

In accepting a contract of employment with the Council, all employees are bound by the terms of the Code. Employees must have regard to, and understand, the Code and the standards of conduct and behaviour they must meet and display at all times.

# PART 5

# 3. CODE OF CONDUCT FOR EMPLOYEES

## 4 THE COUNCIL COMMITMENT

**The Council will ensure that:**

- Written policies and procedures are in place to confirm and encourage statutory, professional and locally agreed good practices;
- It's culture is promoted and adhered to in all respects;
- A safe and supportive working environment is provided;
- The diversity of employees is recognised;
- Sufficient resources are available to carry out duties;
- Communication with employees is open and effective;
- Employees and the recognised trade unions are appropriately consulted about changes that are likely to affect them.

## 5 MANAGEMENT AND SUPERVISION

**Managers' Responsibilities**

- Managers must ensure that all employees are aware of and understand the Code, including all temporary, casual and others employees under their guidance;
- Managers are required to take appropriate and reasonable steps if an employee fails to follow the Code;
- Managers are required to take account of the Code when dealing with conduct or performance issues.

**5.1 Managers must ensure that employees are suitable to enter the workforce and understand their roles and responsibilities by:**

- Using rigorous and thorough recruitment, selection and induction processes focused on making sure that only applicants who have the appropriate level of competence and attitude are appointed;
- Checking criminal records, and other relevant registers and indexes, assessing whether people are capable of carrying out the duties of the job they have been selected for, before confirming appointments;
- Seeking and providing reliable references;
- Giving employees clear information about their roles, responsibilities and behaviours, relevant legislation and the organisational policies and procedures they must follow in their work;
- Managing the performance of new employees and taking appropriate action, if necessary, during the probationary period.

# PART 5

## 3. CODE OF CONDUCT FOR EMPLOYEES

**5.2 Managers must support good employment practice by:**

- Making it clear that bullying, harassment or any form of unjustifiable discrimination against or by an individual or group, is not acceptable and taking action to deal with such behaviour;
- Establishing and promoting procedures for individual employees to report dangerous, discriminatory, abusive or exploitative behaviour and practice, and dealing with these reports promptly, effectively and openly;
- Making it clear that violence, threats or abuse are unacceptable, with clear policies and procedures in place for minimising the risk of violence and managing violent incidents;
- Supporting employees who experience trauma or violence in their work;
- Implementing written employment policies and procedures
- Providing appropriate and reasonable assistance to those affected by ill health or dependency on drugs, alcohol, or other substances and giving clear guidance about any limitations on their work while they are receiving treatment.
- Promoting the Council culture through Team Doncaster Charter

**5.3 Managers must ensure that training and development opportunities are in place to strengthen and develop skills and knowledge by:**

- Providing induction, training and development opportunities to help employees to do their jobs effectively and prepare for new and changing roles and responsibilities;
- Contributing to the provision of education and training, including effective workplace assessment and continuing professional development;
- Responding appropriately to employees who feel insufficiently prepared to carry out their work by providing relevant training, development and support.

**5.4 Managers must ensure that the performance of employees is managed by:**

- Undertaking annual Performance Development Reviews (PDR's), 6 monthly reviews and regular one to one meetings;
- Giving clear information and guidance about the employee's roles and responsibilities;
- Giving clear information about the performance expected of the employee;
- Managing and supervising employees to support effective working, good conduct and behaviour and supporting employees to identify areas for improvement in their performance;
- Having systems in place to enable individuals to report inadequate resources or operational difficulties, which might impede service delivery or individual performance.

## 3. CODE OF CONDUCT FOR EMPLOYEES

**5.5 Managers must ensure that employees are made aware of written policies, procedures and good practice by:**

- Monitoring written corporate policies such as human resources, health and safety, finance, procurement, diversity, risk assessment and record keeping;
- Developing and promoting service specific policies and procedures to meet statutory requirements, government initiatives and local needs.
- Completing appropriate e-learning and ensuring adherence to the council's Governance framework.

**5.6 Managers must ensure that they recognise that they are responsible for the work that they have delegated to others by:**

- Communicating effectively;
- Adequately supervising the work of others;
- Providing guidance and support as required;
- Taking corrective action if necessary;
- Promoting a learning and high performing culture.

**5.7 Managers must promote this code of conduct by:**

- Informing employees about this Code and their responsibility to comply with it at all times;
- Making customers and service users aware of the Code and informing them about how to raise matters that relate to the Code. Taking account of the Code in making any decision that relates to the conduct of employees.

## 6 EMPLOYEE RESPONSIBILITIES

Employees should read the Code and seek advice from their line manager if they are unclear about any part of it. Employees should also ensure that they apply the Code in their role

All employees must:

- Honour work commitments, agreements and arrangements and, when it is not possible to do so, explain why to their manager and other individuals appropriately;
- Be honest and trustworthy;
- Communicate in a clear, courteous, accurate and straightforward way;
- Be punctual and maintain good attendance;
- Report absence in line with the managing attendance policy;
- Not make or condone fraudulent claims.
- Immediately declare issues that might create conflicts of interest and make sure that these do not influence their judgement or practice including gifts and hospitality;

- Follow Council policies and procedures;
- Never treat other employees less favourably because they use or are involved in the Council's procedures for reporting misconduct or poor practice;
- Not behave in a way, in work or outside work, which would call into question their suitability to work for the Council including but not exclusively any criminal activity;
- Report any criminal conviction relevant to their job.

## 7 HEALTH AND SAFETY AT WORK

All employees must comply with the Council's Health and Safety and Working Time provisions including:

- Work in a safe way at all times, including driving whilst at work;
- Wear protective clothing where provided;
- Be aware of health and safety policies and procedures and safe working practices;
- Not put themselves or other people at unnecessary risk;
- Follow risk assessment policies and procedures to assess whether behaviour or circumstances present a risk of harm to themselves or others including the lone worker policy;
- Report any accidents or dangerous occurrences in line with Council policy;
- Inform their manager (or the appropriate authority) about any personal difficulties that might affect their ability to do their job competently and safely;
- Report medical conditions or medication that may affect their job;
- Advise their line manager if they undertake any additional employment or work.

## 8 DIVERSITY AND EQUALITY

All employees must:

- Act in accordance with the diversity policies and show respect and consideration for others at all times;
- Deal with and record or report complaints;
- Either challenge inappropriate behaviour and practice, or bring such behaviour to the attention of a manager;
- Participate in agreed diversity training and development.

The Council recognises and values the diversity of its workforce and will take account of ethnic and religious dress and ornamentation requirements with sensitivity by ensuring that employees are free to observe them.

# PART 5

## 3. CODE OF CONDUCT FOR EMPLOYEES

### 9 CAPABILITY

All employees must:

- Meet relevant standards of practice and work in a lawful, safe and effective way;
- Maintain clear and accurate records as required by procedures established for their work;
- Be aware of policies, procedures and good practice;
- Participate constructively in Employee Personal Development Reviews
- Undertake relevant training;
- Seek assistance from their manager if they do not feel able or are not adequately prepared to carry out any aspect of their work, or are not sure about how to proceed in a work matter.

### 10 CUSTOMER CARE

All employees must:

- Treat customers and service users with respect;
- Maintain statutory, professional and/or locally agreed standards of care at all times;
- Not discriminate unlawfully against any person;
- Respect and, where appropriate, promote the individual views and wishes of customers and clients.
- Not disclose information given in confidence or acquired and believed to be of a confidential, personal or sensitive nature without the consent of the provider, a person authorised to give consent or unless required to do so by law;
- Not prevent any person from gaining access to information to which that person is entitled
- Ensure confidential information, belonging to the Council, is not disclosed to any person not authorised to receive it.
- Comply fully with the Council's Information & Records Management and Data Protection Policies

### 11 RESOURCES

All employees must:

- Use public funds entrusted to them or handled by them in an honest, responsible and lawful manner;
- Take reasonable care of plant, equipment and materials;

- Not make personal use of Council property or facilities unless properly authorised to do so.
- Not make personal use of ICT facilities for personal use in work time

## 12 PERSONAL INTERESTS

All employees must:

- Not allow personal interests to conflict with the Council's requirements;
- Disclose or seek advice on any potential conflict of interest;
- Not use their position to improperly confer an advantage or disadvantage on any person or organisation;
- Not be involved in the appointment or any other decision relating to the employment of a relative, associate or close friend (see definition below);
- Comply with Council requirements in the registration of interests;
- Declare other employment, hospitality, benefits or gifts received as a consequence of employment.

**Definitions for the purposes of this Code:**

A *relative* means a spouse, civil partner, partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the above.
An *associate* means a fellow member of a club, association or business partner.
A *close friend* means someone held in particular affection that is in regular contact outside of work.

## 13 DRESS

All employees must:

- Wear protective clothing if provided at all times.
- Ensure that the type and style of footwear, clothes and ornamentation worn is appropriate to the work environment.
- Wear uniforms, if provided, in an unaltered, clean and presentable fashion.
- Comply with any service specific dress and hygiene requirements.
- Not wear or display items (badges, banners etc.) which indicate your support or opposition to any political party or organisation that may cause offence.

# PART 5

## 3. CODE OF CONDUCT FOR EMPLOYEES

### 14 PERSONAL AND POLITICAL RELATIONSHIPS

All employees must:

- Not allow any personal relationship to influence their conduct at work
- Declare any close personal relationship with a colleague working in the same department/section to their manager.
- Must not allow their own personal or political opinions to interfere with their work.

# PART 5

## 4. PROTOCOL ON MEMBER/EMPLOYEE RELATIONS

The following basic principles are seen to be fundamental to continuing good relations between elected members, including the Mayor and employees of the Council:-

1. Both elected members and employees will develop a relationship based on mutual respect and support.

2. Elected members and employees should recognise that they both have an essential role to play in the success of the Council and they should both seek to achieve the Council's stated vision, core values, mission statement and strategic objectives.

3. Elected members and employees need to understand the limitations to personal friendship and to the restrictions placed by agreed codes of conduct, national statutory provisions, and locally agreed standards of behaviour.

4. Elected members and employees will avoid any actions which could be perceived as being designed to achieve personal as opposed to the Council's objectives.

5. Advice to political groups must be given in such a way as to avoid compromising an employee's political neutrality.

6. Advice must be confined to Council business.

7. Relationships with a particular individual or party groups should not be such as to create public suspicion that an employee favours that Member or group above others.

8. Information communicated to an employee by a party group in confidence should not be communicated to other party groups.

9. The Mayor of the Council, has a unique role in representing the Council and the Borough and the office is entitled to particular respect from employees and Members.

10. The Mayor and members of the Executive are responsible for delivering services within the Budget and Policy Framework. This role requires appropriate Officer support but not to the detriment of support to the Council and the Overview and Scrutiny Management Committee.

# PART 5

## 4. PROTOCOL ON MEMBER/EMPLOYEE RELATIONS

11. Members involved in Overview and Scrutiny are entitled, within the relevant procedure rules, to information, advice and support from Officers but will always bear in mind that employees may also be called upon to support, advise and inform the Executive and/or the Council.

12. Similarly members of the Executive and the Council and its Committees will respect the split role which is required of some Officers.

13. Members are entitled to Officer support in representing their ward or individual electors in matters within the control of the Council. This support will usually be limited to the provision of information.

14. Employees will facilitate access by members to documents and information in accordance with common law and statutory principles. Members will not seek to obtain information outside of their entitlement under the law.

15. Co-opted members are entitled to be treated, and expected to act, according to this protocol.

16. Press releases in the name of the Council will only be issued through a press office maintained for that purpose by the Head of Paid Service.

17. Guidance to employees and members on Member/employee relations and particularly on the matters set out in this protocol is available from the Chief Executive.

**Statutory and Guidance References**

**DETR New Council Constitutions, Chapter 8**

# PART 6

## MEMBERS' JOB PROFILES
## MEMBERS' ALLOWANCES SCHEME
## REGISTRATION OF MEMBERS' INTERESTS
## LIST OF MEMBERS BY WARD

# PART 6

## 1. MEMBERS' JOB PROFILES

The role descriptors set out below are not exhaustive and aim to describe the outline responsibilities of each role, rather than being an extensive description of all functions and responsibilities.

### A. Ward Member

55 Members of the Council, are elected by a ward. The Mayor, who is elected on a City wide poll is a Member of Full Council but has no ward duties or entitlement.

Role

To be an advocate of and for the interests of the ward, individual electors, community groups and other stakeholders. To represent the interests of those individuals and groups to the Council, and deal with enquiries and representations from constituents.

Duties

i. Individually, and with other representatives of the same and other wards, to effectively represent the interests of the ward, individual and groups of constituents in the policy formulation and decision making processes of the Council and to other local and national bodies.

ii. To lead and actively encourage community involvement and engagement in consultation in policy formulation and decision making by the Council.

iii. To respond to constituents enquiries and representations fairly and impartially.

iv. To promote good community relations and take and encourage steps to eliminate unlawful discriminatory practices and attitudes within and outside the Council.

v. To act in accordance with the Members' Code of Conduct and the Protocol on Member/Employee relations.

vi. To work individually and collectively in the interests of the ward and the City.

vii. To support the 'Corporate Parenting Strategy' in ensuring outcomes fulfil the Council's responsibilities towards children in care.

# PART 6

## 1. MEMBERS' JOB PROFILES

Entitlement

i. All Members receive a basic allowance under the Scheme of Members Allowances which is detailed in Part 6(ii) of this Constitution, in part, remuneration for time and expense spent on these duties. These duties will not normally give rise to recoverable subsistence or travel expenses.

ii. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities.

iii. The extensive legal and constitutional provisions which regulate Members rights to attend meetings and access information necessary to the discharge of their duties is set out in the Access to Information Procedure Rules in the Constitution.

### B. Member of Full Council

All 55 Members of the Council and the Mayor and Members of the Cabinet are Members of the Full Council. There are restrictions on the Mayor and Executive Members participating in the Overview and Scrutiny function of the Full Council.

Role

Collectively, to determine the Budget and Policy Framework of the Council and to effectively discharge the functions which are the Responsibility of the Full Council under Part 3 of the Constitution.

Duties

i. Participate in the setting by the Full Council, following proposals from the Executive, of the Budget and Policy Framework of the Council, following the procedures in the Budget and Policy Framework Procedure Rules.

ii. Collectively, as a Full Council, to directly discharge or arrange for the discharge of the functions set out in Part 3 of the Constitution which are the responsibility of the Full Council. This may include the delegation of functions to Committees, Sub-Committees or Officers and/or to joint arrangements with other Councils.

iii. To be appointed by the Full Council as Chair, Vice Chair or Member of such Committees, Sub-Committees or joint arrangements and collectively with other Members of those bodies directly discharge or arrange for the discharge of functions delegated to them.

# PART 6

## 1. MEMBERS' JOB PROFILES

iv. To promote the economic, social and environmental well-being of the Borough and to have regard to the Borough Strategy when doing so.

v. When participating in decision making, to ensure that decisions are lawful, reasonable, proportionate and contribute to the vision, mission, core values, strategic objectives and deliver and are within the Policy and Budget Framework of the Council. To also consider how each decision can assist in the reduction of crime and the elimination of inequality and discrimination.

vi. When participating in decisions which have a direct impact on the rights and freedoms of individuals, ensure that proper processes are followed and that obligations under the principles of natural justice and human rights legislation are met.

vii. To be available to be appointed to outside bodies and;

- Where appointed as the Council's representative, to act as directed by, or in the interests of the Council,
- Where appointed as a Director, Trustee or other capacity bearing personal liability, to act in accordance with the law and in accordance with the interests of the outside body,
- Where appointed as an observer or other non decision making capacity, to represent the Council without becoming involved in decision making by the outside body.

viii. To participate in Value for Money/Service Reviews as required by the Council.

ix. To act in accordance with the Members Code of Conduct and the Protocol on Member/Employee relations.

Entitlement

i. The basic allowance includes recognition of the work undertaken by Members in relation to Full Council meetings.

ii. The detail of how Members can participate in debates, submit motions and vote are set out in the Council Procedure Rules.

ii. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities

# PART 6

## 1. MEMBERS' JOB PROFILES

### C. Chair of the Council

It is the duty of the annual meeting of the Full Council to elect one of its Members to be Chair of the Council. The Chair was historically entitled to the title of Mayor, by virtue of ancient custom and practice and Royal Charter and the Chair of the Council is entitled, on appropriate ceremonial occasions to bear the title of Civic Mayor.

Role

The Chair of the Council has a formal responsibility to chair meetings of the Full Council and an historic traditional ceremonial role. The Chair of the Council is the First Citizen of the Borough and is entitled to take precedence at civil events. The Local Government Act 2000 changes the entitlement to the title of Mayor (creating the need to distinguish between the elected Mayor, and the Chair of the Council when using the title of Civic Mayor) and gives some additional responsibilities to the Chair of the Council.

Duties

i. To chair meetings of the Full Council neutrally preserving order, ensuring that the Council Procedure Rules are followed and allowing different opinions to be fully and fairly presented and debated.

ii. The Chair of the Council, in consultation with the elected Mayor will attend and host such civic and ceremonial functions as the Council, the elected Mayor and the Chair of the Council shall determine.

iii. To determine any questions about the interpretation of the Constitution.

iv. To respond to constituents' enquiries and representations fairly and impartially.

v. To discharge procedural functions under the Constitution.

vi. To act in accordance with the Members' Code of Conduct and the Protocol on Member/Employee relations.

Entitlement

i. The Chair of the Council is, on appropriate ceremonial occasions entitled to bear the title Civic Mayor and at other times will be known as the Chair of the Council.

ii. The Chair of the Council receives support in managing civic and ceremonial duties from the Office of the Chair of the Council.

iii. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities.

## D. Elected Mayor

The Elected Mayor is elected by a Borough wide election every 4 years.

Role

The Elected Mayor has an unparalleled personal opportunity and responsibility to give political leadership and direction to the Council and the Borough and to represent the Council and the Borough locally, nationally and internationally.

Duties

i. To appoint between 2 and 9 cabinet Members

ii. To appoint a Deputy Mayor

iii. To determine a scheme of delegation

iv. To call cabinet meetings and determine the agenda

v. To take personal responsibility for the delivery, or the arrangements for the delivery through delegations, of the Budget and Policy Framework and the functions of the Council which are the responsibility of the Executive.

vi. To work closely and constructively with Overview & Scrutiny Members in leading the development of the Budget and Policy Framework, in reviews of policy and in the scrutiny of decision making.

vii. To record and make publicly available any decision taken personally

viii. To attend, answer questions, and lead debates at meetings of the Full Council

ix. To attend meetings of Overview & Scrutiny Management Committee and Sub Committees when requested to do so.

# PART 6

## 1. MEMBERS' JOB PROFILES

x. To represent the Borough locally, nationally and internationally.

xi. To lead the Council and the Borough in reducing crime and eliminating inequality of opportunity and unlawful discrimination.

xii. To act in accordance with the Members Code of Conduct and the Protocol on Member/Employee Relations.

Entitlement

i. The Elected Mayor receives a special responsibility allowance and, subject to the scheme of allowances will receive subsistence and travel expenses detailed in Part 6 (ii) of this Constitution.

ii. The Executive Office supports the Elected Mayor and the Cabinet.

iii. The Elected Mayor is entitled to be appointed to, attend, speak and vote at meetings of the Council and its Committees (except Overview and Scrutiny Committees).

iv. The Elected Mayor has the same rights to information as Members of the Council.

v. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities.

# PART 6

## 1. MEMBERS' JOB PROFILES

### E. Cabinet Members

Between 2 and 9 Cabinet Members are appointed by the Mayor.

Role

The Cabinet have collective and individual responsibility to propose the Budget and Policy Framework to the Council, and to discharge or arrange for the discharge of those functions which are the responsibility of the Executive under Part 3 of the Constitution.

Cabinet Members have a personal responsibility for taking decisions in relation to, and discharging those executive functions delegated to them by the Mayor. The delegations to Executive Members are known as their portfolio.

Duties

i. Collectively and individually to propose the Budget and Policy Framework, following consultation with Overview and Scrutiny Members and others as appropriate.

ii. Personally to take decisions and discharge directly, or arrange for the discharge, of those parts of the Executive's functions which are delegated to the Executive Member by the Mayor as part of their portfolio.

iii. To assist the Mayor in representing the Council and the Borough locally, nationally and internationally.

iv. To be available to be appointed by the Executive to outside bodies; and

- Where appointed as the Council's representative, or delegate, to act as directed by, or in the interests of the Council,
- Where appointed as a Director, Trustee or other capacity bearing personal liability, to act in accordance with the relevant law and in accordance with the interests of the outside body,
- Where appointed as an observer or other non decision making capacity to represent the Council without becoming involved in decision making by the outside body.

# PART 6

## 1. MEMBERS' JOB PROFILES

v. To assist the Mayor in driving efforts of the Council and the Borough to reducing crime and eliminate inequality of opportunity and discrimination.

vi. To undertake Ward and Full Council Members' duties.

vii. To act in accordance with the Members Code of Conduct and the Protocol on Member/Employee relations.

Entitlement

i. All Cabinet Members, as Members of Full Council, receive a basic allowance. In addition to this basic allowance, Cabinet Members also receive a special responsibility allowance detailed in Part 6(ii) of this Constitution.

ii. Member Support/Executive Office provide secretarial and administrative support for Cabinet Members. Support is also provided by Executive Directors, Service Directors and Heads of Service.

iii. Cabinet Members have the same rights to information as Members of the council.

iv. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities

# PART 6

## 1. MEMBERS' JOB PROFILES

### F. Overview and Scrutiny Members

Overview and Scrutiny Members are the Chairs, Vice Chairs and Members of Overview and Scrutiny Management Committee, Standing and Ad Hoc Overview and Scrutiny Panels.

Members of the Executive cannot be Overview and Scrutiny Members.
There will be co-opted Overview and Scrutiny Members, including church and parent governor representatives where education functions are concerned and trade union representatives.

Role

With other Overview and Scrutiny Members to effectively and efficiently discharge the Council's Overview and Scrutiny Function under s21 Local Government Act 2000, including the management of resources allocated to the discharge of that function.

Duties

i. To work closely and constructively with the Mayor and Cabinet Members, participate in the formulation of the Budget and Policy Framework by responding to proposals from the Executive within timescales set by the Executive.

ii. Drive and participate in programmes of policy review, both at the request of the Full Council and of the Executive, but equally at the initiative of Overview and Scrutiny Members. The programme of review to include consideration of anything which is of interest to the area or its inhabitants, even where the issue is not the responsibility of the Council.

iii. To effectively discharge its functions in respect of the Overview and Scrutiny of relevant partnership bodies and where there is a duty on partnership bodies to co-operate with Overview and Scrutiny e.g. authorities responsible for crime and disorder strategies, the NHS and relevant partners identified within the Local Strategic Partnership.

iv. With other Overview and Scrutiny Members, to subject decisions of the Executive (including the Mayor, Executive Committees, individual Cabinet Members and Officers taking key decisions) to appropriate but rigorous scrutiny. To evaluate and question executive decision making in order to hold the Executive to account.

# PART 6

## 1. MEMBERS' JOB PROFILES

v. As an individual, and in collaboration with other Overview and Scrutiny Members, to ensure that every decision by or on behalf of the Mayor (including Officers taking decisions) is subject to sufficient and timely scrutiny. To participate in a decision to trigger the call in procedure where, in exceptional circumstances, it is required.

vi. To ensure that the work of Overview and Scrutiny Members is available to the Executive and the Full Council, where appropriate, through the submission of reports and clear, concise recommendations.

vii. In undertaking these duties to apply the Constitution of the Council, and particularly the Overview and Scrutiny Procedure Rules, the Access to Information Rules and the Budget and Policy Framework Procedure Rules.

viii. To undertake additional functions such as required by the Council or by statute.

ix. To respond to constituents' enquiries and representations fairly and impartially.

x. To declare any interest in issues being scrutinised and to take any action, including withdrawal from the Committee or Sub-Committee required to maintain impartiality.

xi. To undertake Overview and Scrutiny functions in a constructive and non-partisan way.

xii. To act in accordance with the Members' Code of Conduct and the Protocol on Member/Employee relations.

Entitlement

i. The Chair of Overview and Scrutiny Management Committee receives a special responsibility allowance detailed in Part 6(ii) of this Constitution.

ii. The Vice Chair of Overview and Scrutiny Management Committee receives a special responsibility allowance detailed in Part 6(ii) of this Constitution.

iii. The Chairs of Standing Scrutiny Sub Committees receive a special responsibility allowance detailed in Part 6(ii) of this Constitution.

# PART 6

## 1. MEMBERS' JOB PROFILES

iv. Overview and Scrutiny Members have additional rights to access information of relevance to their areas of responsibility. These rights are set out in the Overview and Scrutiny Procedure Rules.

v. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities.

### G. Leaders of Political Groups

It is open to Members who form political groups under the Local Government (Committees and Political Groups) Regulations 1990 to appoint a Leader.

Role

The Leader of a Political Group has one formal role, to be involved in the processes relating to the composition of the group.

Entitlement

i. The Leaders of Political Groups with 5 or more Members receive a special responsibility allowance detailed in Part 6(ii) of this Constitution.

ii. Each Political Group is provided with an equipped office from which the Leader and other Members can conduct their business.

| **Statutory and Guidance References** |
| --- |
| **Local Government Act 2000 (Constitutions) (England) Direction 2000**<br>**DETR New Council Constitutions Guidance Chapter 10** |

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

The City of Doncaster Council (CDC), in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003
(as amended), hereby makes the following scheme:-

1. The scheme may be cited as the City of Doncaster Council Members' Allowances Scheme and shall have effect for the period 1st April, 2024 to 31st March, 2025 and for subsequent years commencing on the 1st April of each year.

2. In this scheme,

"Authority" means City of Doncaster Council;

"Member" means a Member of City of Doncaster Council, who shall be treated as if he/she were a Councillor;

"year" means the 12 months ending with 31st March;

"co-optee" means a person who is not a Member of City of Doncaster Council but who is a member of a committee or sub-committee of the Authority.

**Basic Allowance**

3. Subject to paragraph 6, for each year a basic allowance, as specified in Schedule 1, shall be paid to each Member.

**Special Responsibility Allowances**

4. a. For each year a special responsibility allowance shall be paid to those Members who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this scheme.

   b. Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

**Renunciation**

5. A person may by notice in writing given to the Executive Director of Corporate Resources elect to forego any part of his/her entitlement to an allowance under this scheme.

**Backdating**

6. Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the entitlement to such allowance as amended may apply, with effect from the beginning of the year in which the amendment is made.

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

### Part Year Entitlements - Basic and Special Responsibility Allowances

7. a. The provisions of this paragraph shall have effect to regulate the entitlements of a Member to basic and special responsibility allowances, where the amount payable is varied pursuant to an amendment to the Scheme or annual adjustment of allowances by reference to an index specified by the Authority or where appropriate a Member becomes, or ceases to be, a Member, or accepts or relinquishes a special responsibility in respect of which a special responsibility is payable or if suspended or partially suspended from his responsibilities or duties as a Member.

b. Regarding entitlement to basic or special responsibility allowances, if the amount payable under this Scheme to those allowances is amended or is adjusted by reference to an index then in relation to each of the periods:-

(i) beginning with the year and ending with the day before that on which the first amendment or adjustment in that year takes effect, or

(ii) beginning with the day on which an amendment or adjustment takes effect and ending with the day before that on which the next amendment or adjustment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

### Basic Allowance

c. Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, the entitlement of that Member to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office as a Member subsists bears to the number of days in that year.

Where this scheme is adjusted by reference to an index provided for in the scheme or amended and the term of office of a Member does not subsist throughout the year then the entitlement of any such Member to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Member subsists bears to the number of days in that period.

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

**Special Responsibility Allowance**

d. Where a Member has during part of, but not throughout, a year such special responsibilities as entitle him/her to a special responsibility allowance, that Member's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

e. Where an adjustment takes place by reference to an index provided for in the scheme or an amendment takes place and a Member has during part, but does not have throughout the whole, of the year any such special responsibilities as entitle him/her to a special responsibility allowance, that Member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he has such special responsibilities bears to the number of days in that period.

**Joint Authorities**

f. Where a Member is also a member of another authority he/she may not receive an allowance from more than one authority in respect of the same duties.

**Co-optees' Allowance**

8. a. Subject to paragraphs b and c below, for each year an allowance, as specified in Schedule 1, shall be paid to each Co-optee who is not a Member but who is a member of a committee or sub-committee of the Authority.

b. Where the appointment of a Co-optee begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the co-optees' allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.

c. The amount of co-optees' allowance payable to any Member who presides at a meeting of an Overview and Scrutiny Committee, where that Committee's functions under Section 21 of the Local Government Act 2000 relate wholly or partly to any Education functions which are the responsibility of the Authority's Executive, shall not be less than the minimum amount of any special responsibility allowance payable under this Scheme to a person who presides at meetings of any of the other Authority's Committees or Sub-Committees.

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

### Travel and Subsistence Allowance

9. Regarding travel and subsistence within the Borough, unless stated otherwise the travel and subsistence allowance only applies to Co-optees where specifically stated.

   a. There will be no payments for travel or subsistence allowances for official business within the Borough. However the Authority:-

      i. may provide transport where necessary for the effective discharge of Council business for the Chair of Council, Elected Mayor and Members and Co-optees;

      ii. may provide such subsistence where necessary for the effective discharge of Council business for the Chair, Elected Mayor and Members and Co-optees of the Authority.

   b. For approved duties outside the Borough boundary, reimbursement of expenditure necessarily incurred on travel and subsistence will be paid at the rates specified in Schedule 1, i.e. at the same rates as those payable to employees under NJC Conditions of Service.

   c. Rates for travel and subsistence incurred in carrying out approved duties outside the Borough will be adjusted at the same time and at the same amount as those payable to employees under NJC Conditions of Service.

      **(For the purpose of information the Authority may also provide transport for the discharge of Council business as set out in Schedule 3).**

### Claims and Payments

10. a. Payments shall be made in respect of basic and special responsibility allowances and co-optees' allowances in instalments of 1/12 of the amount specified in this scheme on the 15th of each month.

    b. Reimbursements of travel and subsistence will be made on the 15th of each month on the submission of claims and appropriate receipts.

    c. In order to claim entitlement to travelling and subsistence allowances, any claim for such allowances must be received within six weeks from the date on which entitlement to that allowance arises.

    d. Where a claim for such an allowance is received outside the six week period, the Authority shall exercise discretion as to whether payment shall be made.

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

### SCHEDULE 1

Basic Allowance

1. The basic allowance shall be £15,373 per annum with effect from the 1st April, 2025. The basic allowance to include travel and subsistence within the Borough, inclusive of any transport passes or car parking permits.

Special Responsibility Allowances

2. A Special Responsibility Allowance of the amounts set out below shall be paid to the following office holders (with effect from the 1st April, 2025).

| | Allowance |
|---|---|
| Mayor | £61,493 |
| Deputy Mayor | £19,215 |
| Civic Mayor | £15,373 |
| Deputy Civic Mayor | £1,536 |

3. a. A Special Responsibility Allowance of £15,373 shall be paid to any Member who is a member of the Cabinet and who does not receive such an allowance by virtue of paragraph 2 above.

b. A Special Responsibility Allowance of the amounts set out below shall be paid to any other Member who is the Chair of the following Committees of the Council:-

| | |
|---|---|
| Planning Committee | £9,838 |
| Elections and Democratic Structures Committee | £1,536 |
| Audit Committee | £9,224 |
| Licensing Committee | £9,224 |
| Overview and Scrutiny Management Committee | £9,224 |

c. A Special Responsibility Allowance of the amounts set out below shall be paid to any other Member who is the Vice Chair of the following Committees of the Council:-

| | |
|---|---|
| Planning Committee | £4,152 |
| Licensing Committee | £4,612 |
| Overview and Scrutiny Management Committee | £3,844 |
| Audit Committee | £2,921 |

d. A Special Responsibility Allowance amounting to £3,844 per annum shall be paid to any other Member who is the Chair of a Standing Scrutiny Panel.

e. A Special Responsibility Allowance shall be paid to any other Member who is the Leader of a political group, provided there are at least five Members of that group, based on the following membership (30 or more) £7,389 (15-29 inclusive) £2,955 (5-14 inclusive) £1,536.

f. A Member who is elected to more than one position and who is entitled to receive an allowance in respect of any of the above mentioned shall receive one Special Responsibility Allowance only which shall be the higher of the allowances to which the Member is entitled.

Co-optees' Allowances

4. A Co-optee's allowance of the amounts set out below shall be paid to a Co-optee of the following committees/sub-committees of the Council:-

| | |
|---|---|
| Children & Young People Overview and Scrutiny Panel | £769 |
| Audit Committee | £769 |

5. A co-optee who is the Chair of the Children and Young People Scrutiny Panel shall be paid an Allowance equivalent to that payable to Chairs of other Standing Scrutiny Panels, currently £3,844 per annum.

6. A co-optee's allowance of £769 per annum shall be paid to a Co-optee who is co-opted on to any other Council Committee.

7. An all-inclusive attendance per hearing allowance shall be paid to each Co-opted Member on the Audit Hearings Sub-Committee at a rate of £150 per hearing.

8. An all-inclusive attendance allowance of £50 shall be paid to each Co-opted Member on the Audit Hearings Sub-Committee for attendance at the Audit Committee meeting that considers the Annual Report of the Monitoring Officer on complaint handling and ethical governance activity.

**Index Linking**

9. The allowances specified in paragraphs (1) to (6) of this Schedule shall be index-linked to N.J.C. pay award for Local Government employees, effective from the beginning of the year. Inflationary increases to the basic and Special Responsibility Allowance to be applied separately.

## Outside Bodies

South Yorkshire Pensions Authority

10. An allowance shall be paid to a Member who represents the Council on the South Yorkshire Pensions Authority. The amount payable, with effect from the 1st April, 2023, is as follows:-

| | |
|---|---|
| Member | £4,554 |
| Chair | £11,978 |
| Vice-Chair | £7,191 |
| S.41 Spokesperson | £5,390 |

South Yorkshire Fire and Rescue Authority

11. An allowance shall be paid to a Member who represents the Council on the South Yorkshire Fire and Rescue Authority as follows:-

| | |
|---|---|
| Member | £4,358.50 |
| Chair | £16,838.83 |
| Vice-Chair | £8,418.20 |

South Yorkshire Police and Crime Panel

12. A Special Responsibility Allowance shall be paid to a Member who represents the Council on the South Yorkshire Police and Crime Panel (PCP) who is appointed as Chair or Vice-Chair of the PCP as follows:-

| | |
|---|---|
| Chair | £5,350 |
| Vice-Chair | £2,675 |
| Member | £920.00 |

[NOTE: The PCP Special Responsibility Allowances are not paid by CDC - they are paid out of the PCP's Home Office Grant Allocation.]

## Travel and Subsistence Allowances

## Within the Borough

13. Unless stated otherwise the travel and subsistence allowance for travel and subsistence within the Borough only applies to Co-optees where specifically stated.

(i) There will be no payments for travel or subsistence allowances for official business within the Borough.

(ii) The Authority may provide transport where necessary for the effective discharge of Council business for the Chair of Council, Elected Mayor, Members and Co-optees of the Authority.

(Arrangements are set out at Schedule 3.)

(iii) The Authority may provide such subsistence where necessary for the effective discharge of Council business for the Chair of Council, Elected Mayor and Members and Co-optees of the Authority.

**Outside the Borough**

14. a. Expenditure necessarily incurred by a Member (which for these purposes includes Co-optees) in the performance of an approved duty outside the area of City of Doncaster Council will be reimbursed as follows:-

(i) Travel

45p per mile.

(ii) As part of the changes to the CDC Terms and Conditions the rates for car mileage altered as at 1st May 2012. The rate per mile is now based on HM Revenue and Customs (HMRC) base rate of 45p per mile and will not increase with any pay awards, the amount will only change if the HMRC base rate increases.

(iii) Subsistence

| | |
|---|---|
| Breakfast | £10.36 |
| Lunch | £14.27 |
| Evening Meal | £17.71 |

(iv) The rates payable in respect of travel and subsistence reimbursement for approved duties outside the area of City of Doncaster Council will be the same rates as those payable to employees under NJC Conditions of Service.

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

## SCHEDULE 2

### Approved Duties

For the purposes of attendance at meetings within a period of six months to avoid disqualification, Section 85 of the Local Government Act 1972 states "*Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed to be attendance at a meeting of the authority.".*

The list of duties below refers to meetings that can attract a travel allowance if not reflected in the Members' Allowance Scheme.

(1) The attendance at a meeting of the Authority or of any Committee or Sub-Committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body.

(2) The attendance at any other meeting, the holding of which is authorised by the Authority or a Committee or Sub-Committee of the Authority, or a joint Committee of the Authority and at least one other Local Authority within the meaning of Section 270(1) of the Local Government Act 1972 or a Sub-Committee of such a Joint Committee, provided that –

(i) where the Authority is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or

(ii) if the Authority is not so divided, it is a meeting to which at least two Members of the Authority have been invited.

(3) The attendance at a meeting of any association of Authorities of which the Authority is a Member.

(4) The attendance at a meeting of the Executive or a meeting of any of its Committees, where the Authority is operating executive arrangements.

(5) The performance of any duty in pursuance of any Standing Order made under Section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened.

(6) The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.

(7) The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of Section 342 of the Education Act 1996 (approval of non-maintained special schools).

(8) The carrying out of any other duty approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Authority or any of its Committees or Sub-Committees.

(9) Meetings of Committee and Sub-Committee Chairs and Vice-Chairs or Cabinet Members with the appropriate Chief Officers, (or their nominated representatives) for the purpose of, or in connection with, the discharge of Council functions.

(10) Briefing meetings with appropriate Chief Officers (or their nominated representatives) for the purpose of enabling the Member to carry out his approved duties as the Council's representative on other bodies.

(11) Local Surgeries, but only to the extent that they deal with the discharge of Council functions and limited to two surgeries per month.

(12) Tribunals but only where they are for the purpose of, or in connection with, the discharge of Council functions. Those tribunals which have no connection with the discharge of Council functions or tribunals where Members receive remuneration do not fall within the relevant statutory definition.

(13) Site visits provided that they are undertaken by a least two Members accompanied by an Officer and the specific details of the site visits have been approved in advance by the Council, a Committee or Sub-Committee or the Executive.

(14) Any duty for the purpose of or in connection with, the discharge of the functions of the Executive.

(15) Meetings held by or with the Mayor and/or Deputy Mayor or their nominated representative(s) for the purpose of, or in connection with the discharge of Council or Executive functions.

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

(16) Members' briefing meetings, (pre-arranged by a Principal Officer of the Council) with the approval of the appropriate Chief Officer in advance, for the purpose of or in connection with the discharge of Council functions.

(17) Attendance at Youth Club Committees by the appropriate Ward Members.

(18) Attendance at training sessions organised by a Chief Officer.

(19) Attendance at Strategic seminars organised by Chief Officers of the Council.

(20) Attendance at:-

(1) Conferences

(2) Courtesy visits

(3) Twinning visits

(4) Official visits

(5) Study visits

on condition that attendance is approved by the Authority/ Executive in accordance with the Council's Constitution and Scheme of Delegation.

(21) Any other duty approved by the Authority or the Executive for the purpose of or in connection with the discharge of the functions of the Authority, or any of its Committees or Sub-Committees.

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

## SCHEDULE 3

Transport arrangements for the Elected Mayor, Chair and Members (including co-optees) for the discharge of Council functions.

1. The Authority may provide transport where necessary for the effective discharge of Council business for the Chair of Council, Elected Mayor and Members and Co-optees.

2. The Local Authority has a number of official vehicles which may be used in the discharge of the Council's functions as set out in the List of Approved Duties.

3. The Local Authority usually provides a driver.

4. The Local Authority may authorise the Elected Mayor and Members as necessary to drive a Local Authority vehicle in connection with the discharge of Council business.

# PART 6

## 2. MEMBERS' ALLOWANCE SCHEME

## SCHEDULE 4

### Special Responsibilities in respect of which an allowance may be paid

(a) Acting as Leader or Deputy Leader of a Political Group within the Authority.

(b) Acting as a Member of an Executive where the Authority is operating Executive arrangements within the meaning of Part 2 of the Local Government Act 2000.

(c) Presiding at meetings of a Committee or Sub-Committee of the Authority, or a Joint Committee of the Authority and one or more other Authorities, or a Sub-Committee of such a Joint Committee.

(d) Representing the Authority at meetings of, or arranged by, any other Body.

(e) Acting as a Member of a Committee or Sub-Committee of the Authority which meets with exceptional frequency or for exceptionally long periods.

(f) Acting as the spokesman of a Political Group on a Committee or Sub-Committee of the Authority.

(g) Acting as a Member of an Adoption Panel within the meaning of the Adoption Agencies Regulations 1983.

(h) Acting as a Member of any Committee or Sub-Committee that deals with any function arising under any enactment authorising the Authority to licence or control the carrying on of any activity.

(i) Carrying out such other activities in relation to the discharge of the Authority's functions as require of the Member an amount of time and effort equal to or greater than would be required of him/her by any one of the activities mentioned in Sub-paragraphs (a) to (h) (whether or not that activity is specified in the Scheme).

# PART 6

## 3. REGISTRATION OF MEMBERS' INTERESTS

### CITY OF DONCASTER COUNCIL

### REGISTER OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS IN ACCORDANCE WITH SECTIONS 30 AND 31 OF THE LOCALISM ACT 2011 AND THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012 (S.I. 2012 No. 1464), AND MEMBERS' PERSONAL INTERESTS IN ACCORDANCE WITH PARAGRAPH 9 OF CITY OF DONCASTER COUNCIL'S CODE OF CONDUCT FOR MEMBERS

I (full name) (capitals) _____

being a Member (or Co-opted Member) of City of Doncaster Council give notice that I have set out at PART 1 below under the appropriate headings **my Disclosable Pecuniary Interests and those of my partner (i.e. spouse or civil partner) or the person with whom I am living as husband or wife or as if we are civil partners.**

I have also set out at PART 2 below the other personal interests which I am required to notify to the Council's Monitoring Officer.

I am aware that I am required to declare these under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and in accordance with the Members' Code of Conduct adopted by the Council and I have put **'none'** where I or my partner have no such interest under any heading.

## PART 1 – DISCLOSABLE PECUNIARY INTERESTS

**1. Employment, office, trade, profession or vocation**

Please list any employment, office, trade, profession or vocation carried on for profit or gain.

1. You should show:

   a) every employment, office, trade, profession or vocation where someone else employs you or your partner.

   b) every company for which you or your partner are a remunerated Director. and your role, for example, 'Teacher' or 'Accountant'.

2. Please provide name and full address of employer/company and short description of the nature of the business.

| Name and Address of Employer/Company | Description of Business | Description of Employment or Role. |
|---|---|---|
| | | |

**2. Sponsorship**

**Name(s) of person(s) [other than a relevant authority] who has/have made any payment to me in respect of my election or any expenses incurred by me in carrying out my duties.**

You must complete this box if you have received financial assistance from a political party with your election expenses. You should also include any organisation that has paid any of your expenses to carry out your duties as a Councillor. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

***You do not need to disclose payments or allowances received from City of Doncaster Council.***

**3. Securities (e.g. shares, debentures, bonds)**

**Any beneficial interest in securities of a body where:-**

**i. that body (to your knowledge) has a place of business or land in the area of the relevant authority; and**

**ii. either -**

**a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or**

**b) the share capital of that body is of more than one class and the total nominal value of the shares of any one class exceeds one hundredth of the total issued share capital of that class.**

'Securities' means shares, debentures, debenture stock, loan stock, bonds, unit of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(1) and other securities of any description other than money deposited with a building society.

**4. Contracts**

**Description of any contract for goods, services or works made between the authority and myself or my partner or a firm in which I am or my partner is a partner, a company of which I am or my partner is a remunerated director, or a body of the description specified in (3) above, and which has not been fully discharged.**

**5. Land**

**Address or other description (sufficient to identify the location) of any land in which I and/or my partner have a beneficial interest and which is in the area of the authority.**

You should give address or brief description of all the property you or your partner ***own, lease or rent*** within the area of City of Doncaster Council. This should include your home address if you are a homeowner. Please give full details of the land, so that its location can be identified. You should include any property from which you or your partner receive rent or for which you/your partner are a mortgagee.

**6. Corporate Tenancies**

**Address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which I am or my partner is a partner, a company of which I am or my partner is a remunerated director, or a body of the description specified in (3) above.**

Please complete this section if your Business or Company, or that of your partner, has a tenancy or property, which is owned by City of Doncaster Council.

| 7. Licences<br><br>**Address or other description (sufficient to identify the location) of any land in the City of Doncaster Council's area in which I have, or my partner has, a licence (alone or jointly with others) to occupy for 28 days or longer.**<br><br>For example, an allotment or land for fishing purposes occupied for more than a month. |
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## PART 2 - OTHER PERSONAL INTERESTS

| 8. Membership on Outside Bodies<br><br>**Give details of your membership of, or position of general control or management in:**<br><br>**8.1 any body to which you have been nominated or appointed by your Council.**<br><br>**8.2 any body exercising functions of a public nature**<br><br>**8.3 any body directed to charitable purposes**<br><br>**8.4 any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).** |
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**Declaration**

I recognise that it is a breach of the Localism Act 2011 and a criminal offence to:

a) Omit information that ought to be given in this notice;
b) Provide information that is materially false or misleading;
c) Fail to give further notice, within 28 days of becoming aware of any change to the interests specified, or of acquiring any new interest, in order to bring up to date the information given in this notice.

Signed …….

Date …….....

Received by the Monitoring Officer:

Signed …….

Date …….....

**Notes:**

1. **This form must be returned within 28 days of the adoption of the Code of Conduct or within 28 days of your election or appointment to office. You must register your Disclosable Pecuniary Interests in the Register maintained under Section 29 of the Localism Act 2011 and provide written notification of details to the Council's Monitoring Officer.**

2. **You must within 28 days of becoming aware of any change to the interests specified above provide written notification to the Council's Monitoring Officer of that change.**

3. **Sensitive information: Where you consider that disclosure of the details of a Disclosable Pecuniary Interest could lead you or a person connected to you, being subject to violence or intimidation, and the Monitoring Officer agrees, any published version of the register will exclude details of the interest but may state that you have an interest, the details of which are withheld.**

# PART 6

## Elected Mayor: Ros Jones (L) - Until May 2029

## COUNCILLORS' PERIODS OF OFFICE

| WARD | UNTIL MAY 2029 | UNTIL MAY 2029 | UNTIL MAY 2029 |
|---|---|---|---|
| **ADWICK LE STREET & CARCROFT** | **BROWN** Nicola<br>R | **HOLLINGWORTH** Maria<br>R | **PLATER** Steven<br>R |
| **ARMTHORPE** | **MARRIOTT** Christopher<br>R | **NEEDHAM** Tim<br>L | **PRITCHARD** Nick<br>R |
| **BALBY SOUTH** | **CRACIUN** Ioan-Emanuel<br>R | **FARMER** Sue<br>L | |
| **BENTLEY** | **BOOTH** Rebecca<br>R | **CHURCH** James<br>L | **REASBECK** Isaiah-John<br>R |
| **BESSACARR** | **ALLEN** Nick<br>C | **CARROLL** David<br>R | **KIDGER** Chris<br>R |
| **CONISBROUGH** | **CHARITY** Jason<br>R | **REED** Rachel<br>R | **SHAW** William<br>R |
| **EDENTHORPE & KIRK SANDALL** | **JONES** Alexander<br>R | **NEVETT** David<br>L | |
| **EDLINGTON & WARMSWORTH** | **BARNETT** Stephen<br>R | **BRIGGS** Joan<br>R | |
| **FINNINGLEY** | **COX** Jane<br>C | **COX** Steve<br>C | **WALLER** Symeon<br>C |
| **HATFIELD** | **BROADHURST** Mark<br>Ind | **DAWSON** Dan<br>R | **SMITH** Nick<br>R |
| **HEXTHORPE & BALBY NORTH** | **JONES** Glyn A<br>L | **LINLEY** Russ<br>R | |
| **MEXBOROUGH** | **DODDS** Anthony<br>R | **MEGAW** Brendan<br>R | **REED** John<br>R |
| **NORTON & ASKERN** | **JACKSON** Frank<br>R | **LAWSON** Vicky<br>R | **SQUIRE** Gerald<br>R |
| **ROMAN RIDGE** | **RIMMER** Howard<br>R | **WARD** Craig<br>R | |
| **ROSSINGTON & BAWTRY** | **ANDERSON** Bob<br>L | **GUEST** Ken<br>L | **SAMMUT** Lee<br>L |
| **SPROTBROUGH** | **BLOOR** Oliver<br>R | **RANSOME** Cynthia<br>C | |
| **STAINFORTH & BARNBY DUN** | **HUGHES** Karl<br>R | **WOOD** Neil<br>R | |
| **THORNE & MOORENDS** | **KNIGHT** Dave<br>R | **LAY** Kieran<br>R | **WHITING** Glyn<br>R |
| **TICKHILL & WADWORTH** | **DUDLEY** Jackie<br>R | **GREENHALGH** Martin<br>C | |
| **TOWN** | **COBBY** Gemma<br>L | **DENNIS Robert**<br>L | **KHAN** Majid<br>L |
| **WHEATLEY HILLS & INTAKE** | **ASTON** Guy<br>R | **CUTTS** Paul<br>R | **KIDD** Jane<br>L |

| | |
|---|---|
| **Reform UK (R)** | **36** |
| **Labour (L)** | **13*** |
| **Conservative (C)** | **6** |
| **Independent (Ind)** | **1** |
| | **56** |

*includes Ros Jones, Mayor of Doncaster.