IPSWICH BOROUGH COUNCIL

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Part 1

Summary and Explanation
1. **The Constitution**

1.1 The Constitution sets out how Ipswich Borough Council operates and how decisions are made.

1.2 **The purpose of the Constitution**

   The purpose of the Constitution is to:

   (a) enable the Council to provide clear leadership to the community in partnership with the public, businesses and other organisations;

   (b) support the active involvement of the public in the process of local authority decision making;

   (c) help Councillors represent their constituents more effectively;

   (d) enable decisions to be taken efficiently and effectively;

   (e) create a powerful and effective means of holding decision makers to public account;

   (f) ensure that no one will review or scrutinise a decision in which they were directly involved;

   (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

   (h) provide a means of improving the delivery and quality of our services and providing value for money.

1.3 The Constitution is divided into 14 Articles that set out the basic rules governing the Council’s business. More detailed procedures and codes of practice are provided in separate rules and 'protocols' at the end of the document.

2. **What’s in the Constitution**

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   - Article 3 - The public’s rights and responsibilities
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Article 5 - The Mayor
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Article 11 - Decision-making
Article 12 - Finance, contracts and legal matters
Article 13 – Monitoring, reviewing and approving changes to the Constitution
Article 14 - Suspending, understanding and publishing the Constitution

3. How the Council works

3.1 The Council is made up of 48 Councillors, one-third of whom are normally re-elected each year. Councillors are elected to represent, and be answerable to, people living in their ward. Councillors have an overriding responsibility to the community of Ipswich, but they have a special duty to their constituents.

3.2 Councillors adhere to the Councillors’ Code of Conduct thus ensuring high standards when carrying out their duties.

3.3 All Councillors meet together at Council meetings which are normally open to the public. At Council meetings, Councillors decide major policies and set the Budget each year. The Council has to:

(a) adopt and, where necessary, amend the Constitution;
(b) adopt the Code of Conduct;
(c) agree the major Policy and Budget Framework;
(d) appoint the Leader;
(e) appoint Councillors to Committees;
(f) appoint the Chief Executive.
4. **How decisions are made**

4.1 The Executive is responsible for most day-to-day decisions. The Executive is made up of the Leader, a Deputy Leader and up to eight Councillors as ordinary members of the Executive.

Neither the Mayor nor the Deputy Mayor may be appointed to the Executive.

When Key Decisions are to be discussed or made, these are published in the Executive’s List of Forthcoming Decisions whenever possible. If these Key Decisions are to be discussed with Council officers at a meeting, this meeting will generally be open to the public unless exempt or confidential matters are to be discussed.

The Executive has to make decisions which are in line with the Council’s overall major Policies and Budget Framework. Should the Executive wish to make a decision which is outside the framework or budget, this must be referred to the Council.

5. **Overview and Scrutiny Committee**

5.1 The Council must appoint at least one Overview and Scrutiny Committee. An Executive member may not be a member of an Overview and Scrutiny Committee.

5.2 The Overview and Scrutiny Committee supports the work of the Executive and the Council. The Committee allows members of the public to have a greater say in Council business by consulting them on matters that concern them. These inquiries lead to reports and recommendations which advise the Executive and the Council on its policies, budget and services. The Overview and Scrutiny Committee monitors services and Executive decisions. If the Committee considers that a decision has been taken which could be contrary to the public interest it may recommend that the Executive reconsiders the decision. The Executive may also consult the Overview and Scrutiny Committee on forthcoming decisions.

6. **Council staff**

The Council employs officers to give advice, implement decisions and manage or operate the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationship between Council officers and Councillors.
7. **Rights of the public**

7.1 The Council welcomes participation by the public. The public has a number of rights when dealing with the Council. These rights are set out in more detail in Article 3. Some of these are rights given by the law, others are rights the Council has decided to give. The local Citizens' Advice Bureau can provide advice on such rights.

7.2 Council Tenants have additional rights that are not covered in this Constitution.

7.3 The public’s rights include:

(a) to vote at local elections (if registered to vote);
(b) to attend Council and Committee meetings (as long as personal or confidential matters are not being discussed);
(c) to ask questions, or present a petition at Council meetings (in accordance with the Council’s policy on Petitions – see Part 4 Rules of Procedure Section 1 paragraph 9).
(d) to participate in the Council’s question time and contribute to the Council’s consultations when appropriate;
(e) to find out, from the Executive’s List of Forthcoming Decisions, what Key Decisions will be discussed or decided at its meetings, and when;
(f) to attend meetings of the Executive (as long as personal or confidential matters are not being discussed);
(g) to see reports and background papers on, and any records of, decisions made by the Council or Committees;
(h) to complain about a service provided by the Council;
(i) to complain to the Ombudsman if it is considered that the Council has not followed its procedures. (It should be noted that the Council’s complaints procedure should first be followed prior to referral to the Ombudsman. A copy of the Council’s complaints procedure and details of the Ombudsman may be obtained from the Council’s Customer Services Officer on 01473 432000);
(j) to complain to the Council’s Monitoring Officer regarding an alleged breach of the Councillors’ Code of Conduct.
(k) to inspect the Council’s accounts and make views known to the external auditor.
Part 2

Articles of the Constitution
Article 1 - The Constitution

1. The Constitution

This Constitution, and all its appendices, form Ipswich Borough Council's Constitution.

2. Purpose of the Constitution

The purpose of the Constitution is to:

(a) enable the Council to provide clear leadership to the community in partnership with the public, businesses and other organisations;

(b) support the active involvement of the public in the process of local authority decision-making;

(c) help Councillors represent their constituents more effectively;

(d) enable decisions to be taken efficiently and effectively;

(e) create a powerful and effective means of holding decision-makers to public account;

(f) ensure that no one will review or scrutinise a decision in which they were directly involved;

(g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and

(h) provide a means of improving the delivery and quality of our services and providing value for money.

3. Council Powers

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

4. Understanding and reviewing the Constitution

4.1 Where the Constitution allows the Council to choose between different courses of action, the Council will always choose the option which it considers is the closest to the aims stated above.
The Council will monitor and evaluate the operation and review the effectiveness of the Constitution as set out in Article 13.

**Article 2 - Members of the Council**

1. **Size and make up of the Council**

   The Council is made up of 48 Councillors. One or more Councillors will be elected by the voters in each ward in line with a scheme drawn up by the Local Government Committee of the Electoral Commission and approved by the Secretary of State.

2. **Eligibility**

   To qualify as a candidate for election to the Council a person must satisfy criteria provided for in Section 79 Local Government Act 1972 regarding age, citizenship and registration to vote. See also Guidance issued by the Electoral Commission.

3. **ELECTING COUNCILLORS**

   Normally in May each year, in three years out of four, an election will be held to appoint a third of the Councillors making up the Council.

4. **Term of Office**

   Each Councillor will normally hold their position for four years, starting on the fourth day after they are elected and finishing on the fourth day after the election four years later (unless they are re-elected).

5. **Governance Model**

   Ipswich Borough Council adopted the Leader and Cabinet Executive model with effect from the third day after the May 2011 election as set out in the Local Government 2000 Act. Further details are set out in Article 6.

6. **Roles of all Councillors**

   All Councillors will:

   (a) act together as the Council's policy-makers;

   (b) represent their communities and give their views when decisions are made;
(c) deal with individual questions, complaints or comments raised by constituents or organisations and represent constituents when dealing with their particular concerns;

(d) balance different interests identified within their ward and represent their ward as a whole;

(e) be involved in making decisions;

(f) be available to represent the Council on outside organisations; and

(g) maintain the highest standards of conduct and ethics.

7. Rights and duties of all Councillors

7.1 Councillors will have the right to see such documents, information, land or buildings of the Council as is necessary for the proper discharge of their functions and in accordance with the law.

7.2 Councillors will not make public, information which is ‘confidential’ or ‘exempt’ without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

7.3 For these purposes ‘confidential’ and ‘exempt’ information are defined in the Access to Information Rules in Part 4 of this Constitution.

8. Conduct

Councillors will at all times observe the Code of Conduct, the Protocol on relationships between Councillors and officers and any other relevant Codes forming part of this Constitution (set out in Part 5 of this Constitution).

9. Allowances

Councillors will be entitled to receive allowances in accordance with the ‘Councillors Allowance Scheme’ set out in Part 6 of this Constitution.
Article 3 - The public’s rights and responsibilities

1. Voting and form of constitution

1.1 Members of the public on the electoral roll for the area may vote in local elections and sign a petition to request a referendum for an elected Mayor form of Constitution.

2. Information

2.1 Members of the public have the right:

(a) to attend Council and Committee meetings (as long as confidential or exempt information will not be revealed);

(b) to attend meetings of the Executive (as long as confidential or exempt information will not be revealed);

(c) to find out, from the Executive’s List of Forthcoming Decisions, what major decisions will be discussed or decided at its future meetings;

(d) to see reports and background papers on, and any records of, decisions made by the Council and the Executive (as long as confidential or exempt information will not be revealed); and

(e) to inspect accounts and make views known to the external auditor.

2.2 The right to information is explained in more detail in Part 4 of this Constitution.

3. Taking part

Members of the public have the right to take part in both the Council’s and Executive’s question time.

4. Complaints

Members of the public have the right to complain to:

(a) the Council, through its complaints procedure;

(b) the Ombudsman; and

(c) the Monitoring Officer, if the complaint relates to a Councillor.
5. **Responsibilities of the Public**

Members of the public must not be violent, abusive or threatening towards Councillors or officers, and must not intentionally damage property of the Council, Councillors or officers. If members of the public attend an official meeting they must respect the Mayor or Chairman and obey his or her instructions so that the meeting can be conducted in an orderly way.
Article 4 - The Full Council

1. Major Policy Framework

For the purposes of Part 3 of this Constitution, the Major Policy Framework means the following plans and strategies. A decision on these may not be delegated except to the extent lawfully approved by the Council.

Plans and strategies which are drafted by the Executive and adopted by full Council:-

(a) Local Development Framework;

(b) Corporate Plan – Building a Better Ipswich 2017;

(c) Organisation Resource Strategy (which includes):
   - Finance Strategy
   - Capital Strategy
   - Asset Management Strategy
   - Human Resource Strategy
   - ICT Strategy

(d) Crime and Disorder Reduction Strategy;

(e) Community Strategy;

(f) any plan or strategy that has to be submitted to the Secretary of State or a Minister of the Crown that is required to be approved by the Council;

(g) Local Authority Policy Statement under the Gambling Act;

(h) such other plans and strategies as the Council may approve.

Plans and strategies which are drafted and adopted by the Executive but which will normally be referred to full Council for comment before adoption:-

(a) Housing Strategy;

(b) Housing Revenue Account Business Plan;

(c) Food Law Enforcement Service Plan;
(d) Comprehensive Equality and Diversity Policy;
(e) Organisational Management Strategy;
(f) Cultural Strategy;
(g) Environment Strategy;
(h) Economic Development Strategy;

All other policies plans and strategies will normally be adopted by the body that has responsibility for the functions to which the policy, plan or strategy relates.

2. **Budget**

The Budget sets out the following:-

(a) the funding the Council allocates to different services and projects;

(b) the amount the Council should set aside as a contingency fund, to deal with unexpected expenses;

(c) the Council Tax base;

(d) the Council Tax to be charged;

(e) decisions relating to the control of the Council’s borrowing requirement, its spending on fixed assets such as equipment and property and the limits on the funds available to transfer between accounts held for different purposes.

3. **Housing land transfer**

Housing land transfer is when, with the Secretary of State's approval, the Council transfers:-

(a) 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993; or

(b) land used for residential purposes (if approval needed under sections 32 or 43 of the Housing Act 1985).
4. Functions of the full Council

The functions of the Council are set out in Part 3 of this Constitution.

5. Council meetings

There are three types of Council meeting:

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

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

6. Responsibility for functions

Part 3 of this Constitution sets out the responsibilities of:-

(a) the Council;
(b) the Executive;
(c) regulatory and other committees;

The Executive functions may be carried out by:

(a) the whole Executive;
(b) a committee of some Executive members;
(c) an individual member of the Executive;
(d) a Council officer.
Article 5 - The Mayor

1. Role and function of the Mayor

The Mayor will be elected by the Council annually. The Mayor, and in their absence, the Deputy Mayor, will have the following roles and functions:

(a) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;

(b) to preside over meetings of full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

(c) to promote public involvement in the Council’s activities;

(d) to act as ambassador within Ipswich and to represent Ipswich outside the area;

(e) to attend or chair civic and ceremonial functions as the Council and as the Mayor determines appropriate.
Article 6 - The Executive

1. Role

The Executive will exercise all of the local authority’s functions that are not the responsibility of any other part of the local authority, by law or under this Constitution.

2. Leader

2.1 The Leader of the Council is elected by Full Council at its post-election annual meeting (or if Council fails to elect a Leader at that meeting, at a subsequent meeting of the Council).

2.2 The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post-election annual meeting four years hence, unless he/she is removed from office or resigns, ceases to be a member or is disqualified from being a Councillor before that day.

2.3 The Council may remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting.

3. Form

3.1 The Leader determines the size of and appoints between 2 and 9 members of the Council to the Executive in addition to him or herself, allocates any areas of responsibility to them, and may remove them from the Executive at any time.

4. Deputy Leader

4.1 The Leader appoints one of the members of the Executive to be his or her deputy to hold office until the end of the term of office as Leader (unless that person resigns as a Deputy Leader, ceases to be a member of the Council or is disqualified or is removed from office by the Leader).

4.2 The Leader may, if he or she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his or her place.

4.3 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his or her place. If the Deputy Leader is unable to act or the office is vacant, the Executive must act in the Leader’s place or arrange for a member of the Executive to do so.
5. **Proceedings of the Executive**

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

6. **Responsibility for functions**

The Leader determines the scheme of delegation for the discharge of the Executive functions of the Council (see Part 3 of this Constitution, which sets out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions).
Article 7 - Overview and Scrutiny

1. Terms of Reference

The Council will appoint the Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 or Regulations under section 32 of the Local Government Act 2000.

2. Procedure

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny procedure rules set out in Part 4 of this Constitution.

3. General role

3.1 Within the terms of reference, the Overview and Scrutiny Committee will:

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

(b) make reports and/or recommendations to the Council and/or Executive in connection with the discharge of any functions.

(c) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive.

3.2 In carrying out its functions the Overview and Scrutiny Committee (and any sub committees which it establishes) may:

(a) set up sub committees to carry out specific tasks or scrutinise specific areas;

(b) request any member of the Executive or the Chairman of any Committee to attend a meeting of the Committee and if they do so it is the duty of that Councillor to attend;

(c) request any officer of the Council to attend a meeting of the Committee and if they do so it is the duty of that officer to attend;

(d) ask to see any documents belonging to the Council which Overview and Scrutiny Committee has a need to know about for the purpose of carrying out its functions (such requests for information shall be directed in the first instance to a Head of Service with a right of appeal to the Chief Executive and then to the Executive);
(e) publish reports relating to any of its functions but not normally without first asking for the comments of the Executive.

3.3 As soon as is reasonably possible after the start of each Council year the Committee shall prepare a work programme showing the matters it proposes to scrutinise during that year. A copy of the approved programme shall be sent to the full Council for information. The Overview and Scrutiny Committee need not keep to the approved work programme.

3.4 The Committee may, by resolution, co-opt a non-Councillor onto the Committee or onto any of its sub committees or panels. Anyone so co-opted may not vote. Vacancies for co-optees to the Committee must be advertised. Co-optees must be selected in accordance with the Council’s recruitment procedure as if they were employees. Vacancies for co-optees to sub committees may be appointed in whatever way the sub committee decides.

3.5 Any member of the Overview and Scrutiny Committee has the right to require that any item relevant to the remit of Overview and Scrutiny Committee is placed on the agenda and discussed at the meeting of that committee.

3.6 The Overview and Scrutiny Committee may in connection with:

(a) a requirement made under paragraph 3.5;

(b) any other matter which is to be discussed at a meeting of the Overview and Scrutiny Committee

require any member of the Executive to attend Overview and Scrutiny Committee.

4. Reports

4.1 Each year the Overview and Scrutiny Committee shall provide a full report to Council on its activities and the activities of its sub committees.

4.2 During the year the Committee will report the outcomes of any significant issues and make recommendations to the Executive or Council, as appropriate.

5. General principles

The four general principles of Overview and Scrutiny shall be:
(a) provide a critical friend challenge to the Executive and/or other external authorities or agencies;

(b) reflect the voice and concerns of the public and its communities;

(c) take the lead and own the scrutiny process on behalf of the public; and

(d) make an impact on the delivery of public services.
Article 8 - Regulatory and other committees

1. Regulatory and other Committees

The Council will appoint the regulatory and general purposes Committees referred to in Part 3 of this Constitution to carry out the functions delegated to them.
Article 9 - Joint arrangements

1. Arrangements to promote well-being

The 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 organisation;

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

(c) carry out any functions of that person or organisation on their behalf.

2. Joint arrangements

2.1 The Council may set up joint arrangements with one or more local authorities to carry out non-Executive functions in, or give advice to, those authorities.

2.2 The Executive may set up joint arrangements with one or more local authorities to carry out Executive functions. These arrangements may involve setting up Joint Committees with these other local authorities.

2.3 The Executive may appoint only its Members to a Joint Committee.

2.4 Details of any joint arrangements, including members and functions of Joint Committees, as set out in Part 3 of this Constitution.

3. Access to information

The access to information rules in Part 4 of this Constitution apply to Joint Committees.

4. Delegation to and from other local authorities

4.1 The Council may give non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.

4.2 The Executive may give Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
4.3 The decision whether or not to accept functions given by another local authority will be made by the Executive in relation to Executive functions and the Council for non-Executive functions.

5. **Contracting out**

The Executive may give another organisation the contract to perform functions which may be carried out by a Council officer and which are governed by:

(a) an order under section 70 of the Deregulation and Contracting Out Act 1994; or

(b) contracting arrangements where the contractor acts as the Council's agent under usual contacting principles;

provided that the Council's right to make decisions is not contracted out.
Article 10 – Officers

1. Management structure

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

1.2 Chief Executive. The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

1.3 Chief Operating Officer. The Chief Operating Officer will be responsible for a range of service areas to be determined by the Chief Executive from time to time as required.

1.4 Head of Paid Service, Monitoring Officer and Chief Financial Officer.

The Council will designate the following posts as follows:-

(a) Chief Executive – Head of Paid Service
(b) Head of Corporate Services – Monitoring Officer
(c) Section 151 Chief Finance Officer – Operations Manager for Finance and Procurement Services

2. Functions of the Head of Paid Service (Chief Executive)

(a) The Chief Executive will be responsible to the full Council for the manner in which the discharge of the Council’s functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restrictions on functions. The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

3. Functions of the Monitoring Officer

(a) Maintaining the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, officers and the public.

(b) Ensuring lawfulness and fairness of decision-making. After consulting with the Chief Executive and Section 151 Officer, the
Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Audit & Governance Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit & Governance Committee.

(d) Conducting investigations. The Monitoring Officer may be required to conduct investigations into complaints and make reports or recommendations in respect of them to the Audit & Governance Committee.

(e) Proper officer for access to information. The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(f) Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, probity and policy framework issues to all councillors.

(g) Restrictions on posts. The Monitoring Officer cannot be the Chief Executive or the Chief Finance Officer

4. Functions of the Chief Finance Officer (Section 151 Officer)

(a) Ensuring financial prudence of decision making. After consulting with the Chief Executive and the Monitoring Officer, the Section 151 Officer will report to Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) Administration of financial affairs. The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
(c) Contributing to corporate management. The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing advice. The Section 151 Officer will provide advice on financial impropriety, probity and budget issues to all Councillors.

(e) Give financial information. The Section 151 Officer will provide financial information to the media, members of the public and the community as appropriate.

(f) Assessment of Robustness of Budget Calculations and Adequacy of Reserves. The Section 151 Officer will report to Council on the robustness of estimates made for the purposes of budget calculations and the adequacy of proposed financial reserves.

5. **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

6. **Conduct of officers**

Officers shall comply with the Employee Code of Conduct and the Protocol on officer/Councillor Relations set out in Part 5 of this Constitution.

7. **Employment**

The recruitment, selection and dismissal of officers will comply with the Employment Rules set out in Part 4 of this Constitution.
Article 11 - Decision making

1. Principles of decision-making

1.1 All decisions of the Authority, including the Council, its Committees, the Executive and those operating under delegated powers shall have regard to the following principles of good practice:-

(a) consideration of options, where relevant;
(b) having regard to due consultation;
(c) consideration of professional advice from officers;
(d) clarity of aims and desired outcomes;
(e) the action proposed being proportionate to the desired outcome;
(f) having respect and regard for human rights;
(g) presumption of openness;
(h) only relevant matters taken into account;
(i) due weight to all material considerations; and
(j) proper procedures being followed.

2. Responsibility for decision-making

2.1 The separation of powers between the Council and the Executive is fundamental to the operation of Executive arrangements.

2.2 Government regulations set out the decisions which the Council must make itself or that it can delegate to Committees or Officers. Any other decisions are for the Executive to take. These arrangements shall be reflected in the arrangements set out in Part 3 of this Constitution.

3. Delegation

3.1 Unless the Council specifically allocates that function to the Executive as a whole:

(a) the Leader or the Executive can delegate any Executive Functions to an Executive Committee, an Executive member or to an officer;
(b) an Executive Committee may delegate to an Executive member or an officer;

(c) an Executive member may delegate to an officer.

3.2 The Council may delegate many, but not all, of its functions to a Committee, Sub-Committee or an Officer. Unless there is any legal provision to the contrary, a Committee may delegate to a Sub-Committee or an Officer and a Sub-Committee may delegate to an Officer.

3.3 Where functions have been delegated:

(a) this shall not prevent the body or person making the delegation from exercising that function; nor

(b) prevent the person or body authorised to exercise that function from referring it to the delegator or other person or body with the required authority for a decision.

4. Natural justice/human rights etc

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

5. RECORDS OF DECISIONS

5.1 Minutes

As soon as is reasonably practicable after a meeting, whether held in public or private, the Proper Officer shall ensure that a written record is produced in respect of every decision made at that meeting.

5.2 Form of minutes

(a) The name of each Councillor present shall be recorded in the minutes.

(b) Decisions taken at a meeting may, unless there is exceptional urgency, only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications.
Minutes of meetings shall comprise:

(i) a record of any conflict of interest declared by any member of the decision-making body which made the decision;

(ii) a note of any relevant dispensation granted by the Audit & Governance Committee;

(iii) a record of a Councillor’s vote where so requested under the Procedure Rules;

(iv) the decisions taken, either in full or by reference to a full recommendation in another document;

(v) a reference to the report or other documentation upon which the decisions of the meeting were taken;

(vi) a record of any advice or information not contained in (e) above which is relevant to the decision taken;

(vii) in the case of an Overview and Scrutiny Committee, a summary of such evidence presented to it as is necessary for the effective undertaking of the Committee’s work;

(viii) any other matter required under this Constitution to be included.

6. Types of Decision

6.1 Decisions reserved to full Council.

A list of the Council (that is, non-Executive) functions is set out in Part 3. The functions reserved to Council can be delegated to Council Committees or to officers but they cannot be delegated to the Executive.

7. Key Decisions

7.1 A ‘key decision’ is an Executive decision which is likely to:

(a) result in the Council spending, or saving a significant amount compared with the Budget for the service or function the decision relates to; or

(b) have a ‘significant’ effect on communities living or working in an area made up of two or more wards.
When assessing whether or not a decision is a key decision Councillors must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will generally be considered to be a key decision if:-

(a) the amount spent is £100,000 or more of revenue expenditure (although if the decision involves expenditure of between £50,000 and £100,000 consideration must be given to whether the amount involved is “significant” having regard to the budget for the service concerned); or

(b) savings of £50,000 or more per annum, or

(c) capital expenditure of £250,000 or more (where a decision makes a commitment for spending over a period of time, it is the total commitment that must be considered to see if it is a key decision).

A key decision which is considered to have a ‘significant’ effect on communities should usually be of a strategic rather than operational nature and have an outcome which will have an effect upon a significant number of people living or working in the area and impact upon:

- the amenity of the community or;
- quality of service provided by the authority.


8.1 The Council will follow the Council’s Procedure Rules set out in Part 4 of this Constitution when considering any decision.

9. Decision making by the Executive.

9.1 The Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any decision.

10. Decision making by other committees and sub-committees.

10.1 Committees and sub committees will follow those parts of the Council procedures rules set out in Part 4 of this Constitution as apply to them.
Article 12 - Finance, contracts and legal matters

1. **Financial management**

   The Council’s financial affairs will be managed in line with the Financial Regulations set out in Part 4 of this Constitution.

2. **Contracts**

   Every Council contract will follow the Contract Regulations set out in Part 4 of this Constitution.

3. **Legal proceedings**

   The Operations Manager for Legal Services is authorised to start, defend or take part in any legal proceedings if this is necessary to bring Council decisions into effect or to protect its interests.

4. **Authentication of documents**

   If any Council document is necessary in any legal proceedings, it will be signed by the Operations Manager for Legal Services (or another person authorised by him or her (unless any other person is authorised, by law or by order of the Council, to sign the document). That signature will confirm that the document is authentic.

5. **Common seal**

   The Operations Manager for Legal Services will keep the Council’s Common Seal (the official seal) in a safe place. A decision made by the Council, or any part of it, gives authority for any document to be marked with the Common Seal and so take effect. The Common Seal will be placed on documents which, in the opinion of the Operations Manager for Legal Services, should be sealed. The Operations Manager for Legal Services or some other person authorised by him or her shall witness the affixing of the Common Seal.
Article 13 – Monitoring, reviewing and changing the Constitution

1. Duty to monitor and review the Constitution

The Monitoring Officer shall monitor and review the effectiveness of the Constitution to ensure the aims and principles of the Constitution are fully enforceable.

2. Procedure for monitoring and review of the Constitution

The Monitoring Officer may:

(a) attend meetings of the Council, the Executive, Committees and sub committees or officer meetings;

(b) examine a sample of decisions;

(c) record and analyse issues raised by Councillors, officers, and members of the public; and

(d) compare the Council’s practices with those in comparable local authorities, or with national examples of best practice.

3. Approving changes to the Constitution

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Executive (unless made under the delegated powers of the Monitoring Officer for minor matters).
Article 14 - Suspending, understanding and publishing the Constitution

1. Limits on suspending the Constitution

The Articles of this Constitution may not be suspended. The Rules of Procedure and Standing Orders in Part 4 of this Constitution may be suspended in line with the relevant Procedure Rules and Standing Orders.

2. Understanding the Constitution

The Mayor's ruling on how this Constitution should be interpreted or applied, or on any Council proceedings, cannot be challenged at any Council meeting.

3. Publishing the Constitution

3.1 The Monitoring Officer will provide details of how to access the Constitution to each Councillor when they give their declaration of acceptance of office, when first elected to the Council.

3.2 The Monitoring Officer shall ensure that copies can be inspected at Council offices, and that members of the local press and the public can buy copies of the Constitution for a reasonable fee.

3.3 The Monitoring Officer will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.
Part 3

Responsibility for Functions
This part of the Constitution sets out the Council’s terms of reference and delegation arrangements in accordance with the Local Government Act 2000 and relevant statutory regulations. The decision-making framework consists of three elements:

1. **Functions reserved to the Council**, and more minor functions which will usually be carried out by officers under delegated authority on behalf of the Council;

2. **Functions carried out by Regulatory Committees** and by delegation to officers, in accordance with the Section 101 of the Local Government Act 1972; and

3. All other functions are known as ‘Executive functions’ and are carried out by the Executive, a member of the Executive, a Committee of Executive Members, an officer or a joint arrangement with another authority.

Decisions taken by the Executive may not be overruled by the Council, provided they are within the Council’s approved major Policy Framework and Budgetary provision. They may, however, be studied by the Overview and Scrutiny Committee which has a specific responsibility to scrutinise and, in occasional circumstances, call-in a decision for re-consideration by the Executive.

In the case of the Regulatory Committees, most of the issues dealt with are applications for licences, planning permissions, and registration matters, and their decisions are not subjected to a call-in procedure.

An officer’s decision shall, where matters of substantial importance are involved, be reported to the Executive or to the next ordinary meeting of the appropriate committee. Should Councillors wish to question any specific delegation exercised by any officer, they should contact the Monitoring Officer. If they are unable to resolve the matter it will be referred to the Executive or a Committee, depending upon the nature of the issue, where the Councillor questioning the exercise of the delegation will state their case.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.
Part 3

Section 1

Functions reserved to the Council
Functions Reserved to the Council

The Council may exercise the following functions, although many of them are in practice exercised by a Committee or Officers acting under powers lawfully delegated:

1. Adopting and changing the Constitution in accordance with Article 13 of the Constitution;

2. Approving or adopting the Council’s Major Policy Framework;

3. To approve the Council’s statement of accounts, income and expenditure and balance sheet or record of receipts and payments, including:
   (a) the budget strategy for both revenue and capital spending;
   (b) capital and revenue estimates in accordance with the budget strategy;
   (c) the Housing Revenue Account;
   (d) the amount to be raised from Council house rents;
   (e) the annual review of fees and charges; and
   (f) the annual Council Tax and related matters in respect of the tax base and Collection Fund.

4. To determine statutory borrowing limits and the Council’s Investment Strategy;

5. Approving any application to the Secretary of State in respect of Housing Land Transfer;

6. Making decisions about any matter in the discharge of an Executive Function which is covered by the Major Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Major Policy Framework or contrary to or not wholly in accordance with the Budget;

7. Appointing the Leader;

8. Establishing and agreeing and/or amending the terms of reference of Committees, deciding on their composition and, where appropriate, making appointments to them;

9. Appointing the Mayor and Deputy Mayor;

10. Entering into joint arrangements and appointing members for this purpose, except where this is a matter for the Executive;

11. Delegating any of its functions to an Officer;

12. Adopting the Councillors’ Allowances Scheme as set out in Part 6;
13. Changing the name of the area or conferring the title of Honorary Alderman or Freedom of the Borough;

14. Confirming the appointment of the Head of Paid Service, Monitoring Officer, Chief Operating Officer and the Chief Finance Officer (S151 Officer);

15. Approving the Licensing Statement under the Licensing Act 2003 and the Licensing Authority Policy Statement under the Gambling Act 2005;

16. Exercising the functions of the Council set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (set out below) which include:-

(a) Functions relating to town and country planning and development control;

(b) Licensing and registration functions;

(c) Functions relating to health and safety at work (other than in the Authority’s capacity as employer);

and the functions of imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of a function specified in the said Regulations, or otherwise than by an Executive of the Authority, in the exercise of any function under a local Act and determining any other terms to which any such approval, consent, licence, permission or registration is subject, are not to be responsibility of an Executive of the Authority;

(d) Functions relating to elections;

(e) Making amending revoking re-enacting or enforcing byelaws and to promote or oppose local or personal Bills;

17. Undertaking or making arrangements for the undertaking of the following local choice functions:

(a) Any function under a local Act other than functions under Section 4 and 5 of the Ipswich Market Act 2004;

(b) The determination of an appeal against any decision made by or on behalf of the authority;

(c) The conducting of best value reviews;

(d) The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land, insofar as it relates to the other functions of the Council;

(e) The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, insofar as it relates to the other functions of the Council;
3.1.4

(f) Except insofar as the Council agrees that they are a matter for the Executive, the appointment of any individual –

(i) to any office other than an office in which he is employed by the Authority;

(ii) to any body other than the Authority or a joint committee of two or more authorities; or

(iii) to any Committee or sub committee of such a body,

and the revocation of any such appointment and for the avoidance of doubt, with regard to any appointment of an officer, the appointment will be made in the name of the designated post rather than in the name of the post holder and any appointment of a Councillor shall be made on an ex officio basis and will not be a personal appointment.

(g) Making agreements to put the staff of the Council at the disposal of other authorities;

18. Make all local choice functions as set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and

19. All other matters which, by law, must be reserved to Council or which are Council functions that have not been delegated to a Committee or an Officer or which such Committee or Officer has referred to the Council for a decision.
### Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853

**Schedule 1** FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

(as amended from time to time)

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<td><a href="#">5. Power to determine application for planning permission.</a></td>
<td>Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8). [1]</td>
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<td><a href="#">6. Power to determine applications to develop land without compliance with conditions previously attached.</a></td>
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<td><a href="#">9. Duties relating to the making of determinations of planning applications.</a></td>
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<td>11.</td>
<td>Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</td>
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<td>Power to enter into agreement regulating development or use of land.</td>
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<td>18A.</td>
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<td>22.</td>
<td>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.</td>
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<td>24.</td>
<td>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)]</td>
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<td>26.</td>
<td>Duties relating to applications for listed building 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 of the Environment, Transport and the Regions Circular 01/01].</td>
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<td>27.</td>
<td>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)]</td>
</tr>
<tr>
<td>29.</td>
<td>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)]</td>
</tr>
<tr>
<td>30.</td>
<td>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)]</td>
</tr>
<tr>
<td>30A.</td>
<td>Power to authorise stopping up or diversion of highway. [Section 247 of the Town and Country Planning Act 1990 (c.8).]</td>
</tr>
<tr>
<td>31.</td>
<td>Power to execute urgent works. [Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)]</td>
</tr>
</tbody>
</table>
### B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)

<p>| | |</p>
<table>
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</table>
| 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). |
| 2. | Power to license the use of moveable dwellings and camping sites.  
Section 269(1) of the Public Health Act 1936 (c.49). |
| 3. | Power to license hackney carriages and private hire vehicles.  
(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57);  
(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 4. | Power to license drivers of hackney carriages and private hire vehicles.  
| 5. | Power to license operators of hackney carriages and private hire vehicles.  
| 6. | Power to register pool promoters.  
Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2) [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order]. |
| 7. | Power to grant track betting licences.  
Schedule 3 to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order]. |
| 8. | Power to license inter-track betting schemes.  
Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order]. |
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<tbody>
<tr>
<td>9. Power to grant permits in respect of premises with amusement machines.</td>
<td>Schedule 9 to the Gaming Act 1968 (c. 65)(^{11}) [as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order] (^{19}).</td>
</tr>
<tr>
<td>10. Power to register societies wishing to promote lotteries.</td>
<td>Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(^{14}) [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order] (^{20}).</td>
</tr>
<tr>
<td>11. Power to grant permits in respect of premises where amusements with prizes are provided.</td>
<td>Schedule 3 to the Lotteries and Amusements Act 1976(^{14}) [as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order] (^{21}).</td>
</tr>
<tr>
<td>12. Power to issue cinema and cinema club licences.</td>
<td>Section 1 of the Cinema Act 1985 (c. 13).</td>
</tr>
<tr>
<td>13. Power to issue theatre licences.</td>
<td>Sections 12 to 14 of the Theatres Act 1968 (c. 54)(^{22}).</td>
</tr>
<tr>
<td>14. Power to issue entertainments licences.</td>
<td>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).</td>
</tr>
<tr>
<td>[14A Any function of a licensing authority] (^{24}).</td>
<td>[Licensing Act 2003 (c. 17) and any regulations or orders made under that Act] (^{26}.) (^{25}).</td>
</tr>
<tr>
<td>[14AZA Powers and functions relating to late night levy requirements.</td>
<td>Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c. 13) and any regulations made under that Chapter.] (^{27}).</td>
</tr>
<tr>
<td>[14AA Duty to comply with requirement to provide information to Gambling Commission.</td>
<td>Section 29 of the [2005 Act] (^{30}). ] (^{29}).</td>
</tr>
<tr>
<td>[14AB Functions relating to exchange of information.</td>
<td>Section 30 of the 2005 Act.] (^{32}) (^{31}).</td>
</tr>
<tr>
<td>14AC Functions relating to occasional use notices.</td>
<td>Section 39 of the 2005 Act.</td>
</tr>
<tr>
<td>14B Power to resolve not to issue a casino premises licence</td>
<td>Section 166 of the 2005 Act.</td>
</tr>
<tr>
<td>14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.</td>
<td>Section 304 of the 2005 Act.</td>
</tr>
<tr>
<td>14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.</td>
<td>Section 284 of the 2005 Act.</td>
</tr>
<tr>
<td>14D. Power to institute criminal proceedings</td>
<td>Section 346 of the 2005 Act.</td>
</tr>
<tr>
<td>14E. Power to exchange information</td>
<td>Section 350 of the 2005 Act.</td>
</tr>
<tr>
<td>14G Functions relating to the registration and regulation of small society lotteries.</td>
<td>Part 5 of Schedule 11 to the 2005 Act.</td>
</tr>
</tbody>
</table>


16. Power to license performances of hypnotism. The Hypnotism Act 1952 (c. 46).


18. Power to license pleasure boats and pleasure vessels. Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).

19. Power to register door staff. 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).
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<tr>
<td>22. Duty to keep list of persons entitled to sell non-medicinal poisons.</td>
<td>Sections 3(1)(b)(ii), 5, 6 and 11 of the <em>Poisons Act 1972</em> (c. 66).</td>
</tr>
<tr>
<td>23. Power to license dealers in game and the killing and selling of game.</td>
<td>Sections 5, 6, 17, 18 and 21 to 23 of the <em>Game Act 1831</em> (c. 32); sections 2 to 16 of the <em>Game Licensing Act 1860</em> (c. 90), section 4 of the <em>Customs and Inland Revenue Act 1883</em> (c. 10), sections 12(3) and 27 of the <em>Local Government Act 1874</em> (c. 73), and section 213 of the <em>Local Government Act 1972</em> (c. 70).</td>
</tr>
<tr>
<td>25. Power to license scrap yards.</td>
<td>Section 1 of the <em>Scrap Metal Dealers Act 1964</em> (c. 69).</td>
</tr>
<tr>
<td>26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</td>
<td>The <em>Safety of Sports Grounds Act 1975</em> (c. 52).</td>
</tr>
<tr>
<td>27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</td>
<td>Part III of the <em>Fire Safety and Safety of Places of Sport Act 1987</em> (c. 27).</td>
</tr>
<tr>
<td>29. Power to license premises for the breeding of dogs.</td>
<td>Section 1 of the <em>Breeding of Dogs Act 1973</em> (c. 60) and section 1 of the <em>Breeding and Sale of Dogs (Welfare) Act 1999</em> (c. 11).</td>
</tr>
</tbody>
</table>
### 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.

### 31. Power to register animal trainers and exhibitors.

Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).

### 32. Power to license zoos.

Section 1 of the Zoo Licensing Act 1981 (c. 37).

### 33. Power to license dangerous wild animals.

Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).

### 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).

### 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).

### 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).

### 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—


(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).

### 38. Power to register variation of rights of common.

Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).
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<tr>
<td>39. Power to license persons to collect for charitable and other causes.</td>
<td><strong>Section 5</strong> of the <em>Police, Factories etc. (Miscellaneous Provisions) Act 1916</em> (c. 31) and <strong>section 2</strong> of the <em>House to House Collections Act 1939</em> (c. 44).</td>
</tr>
<tr>
<td>40. Power to grant consent for the operation of a loudspeaker.</td>
<td><strong>Schedule 2</strong> to the <em>Noise and Statutory Nuisance Act 1993</em> (c. 40).</td>
</tr>
<tr>
<td>41. Power to grant a street works licence.</td>
<td><strong>Section 50</strong> of the <em>New Roads and Street Works Act 1991</em> (c. 22).</td>
</tr>
<tr>
<td>42. Power to license agencies for the supply of nurses.</td>
<td><strong>Section 2</strong> of the <em>Nurses Agencies Act 1957</em> (c. 16).</td>
</tr>
<tr>
<td>44. Power to license the sale of pigs.</td>
<td><strong>Article 13</strong> of the <em>Pigs (Records, Identification and Movement) Order 1995</em>.</td>
</tr>
<tr>
<td>45. Power to license collecting centres for the movement of pigs.</td>
<td><strong>Article 14</strong> of the <em>Pigs (Records, Identification and Movement) Order 1995</em>.</td>
</tr>
<tr>
<td>[46A. Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers.</td>
<td><strong>Sections 115E, 115F and 115K</strong> of the <em>Highways Act 1980</em>.</td>
</tr>
<tr>
<td>47. Power to permit deposit of builder’s skip on highway.</td>
<td><strong>Section 139</strong> of the <em>Highways Act 1980</em> (c. 66).</td>
</tr>
<tr>
<td>48. Power to license planting, retention and maintenance of trees etc. in part of highway.</td>
<td><strong>Section 142</strong> of the <em>Highways Act 1980</em>.</td>
</tr>
<tr>
<td>49. Power to authorise erection of stiles etc. on footpaths or bridleways.</td>
<td><strong>Section 147</strong> of the <em>Highways Act 1980</em>.</td>
</tr>
<tr>
<td></td>
<td>Power to license works in relation to buildings etc. which obstruct the highway.</td>
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<tr>
<td>51.</td>
<td>Power to consent to temporary deposits or excavations in streets.</td>
</tr>
<tr>
<td>52.</td>
<td>Power to dispense with obligation to erect hoarding or fence.</td>
</tr>
<tr>
<td>53.</td>
<td>Power to restrict the placing of rails, beams etc. over highways.</td>
</tr>
<tr>
<td>54.</td>
<td>Power to consent to construction of cellars etc. under street.</td>
</tr>
<tr>
<td>55.</td>
<td>Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.</td>
</tr>
<tr>
<td>56.</td>
<td>Power to sanction use of parts of buildings for storage of celluloid.</td>
</tr>
<tr>
<td>61.</td>
<td>Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</td>
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<tr>
<td>63. Power to approve dispatch or purification centres.</td>
<td>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</td>
</tr>
<tr>
<td>64. Power to register fishing vessels on board which shrimps or molluses are cooked.</td>
<td>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</td>
</tr>
<tr>
<td>65. Power to approve factory vessels and fishery product establishments.</td>
<td>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</td>
</tr>
<tr>
<td>68. Power to register food business premises.</td>
<td>Regulation 9 of the Food Premises (Registration) Regulations 1991.</td>
</tr>
<tr>
<td>69. Power to issue near beer licence.</td>
<td>Sections 16 to 19 and 21 of the London Local 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.</td>
</tr>
<tr>
<td>70. Power to register premises or stalls for the sale of goods by way of competitive bidding.</td>
<td>Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxviii).</td>
</tr>
<tr>
<td>71. Power to register motor salvage operators.</td>
<td>Part I of the Vehicles (Crime) Act 2001 (c.3).</td>
</tr>
<tr>
<td>C. Functions relating to health and safety at work</td>
<td></td>
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<tr>
<td>--------------------------------------------------</td>
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<tr>
<td>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.</td>
<td>Part I of the Health and Safety at Work etc. Act 1974 (c. 37)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. Functions relating to elections</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Duty to appoint an electoral registration officer.</td>
<td>Section 8(2) of the Representation of the People Act 1983 (c. 2)</td>
</tr>
<tr>
<td>2. Power to assign officers in relation to requisitions of the registration officer.</td>
<td>Section 52(4) of the Representation of the People Act 1983.</td>
</tr>
<tr>
<td>3. Functions in relation to parishes and parish councils.</td>
<td>Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part.</td>
</tr>
<tr>
<td>5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</td>
<td>Section 11 of the Local Government Act 1972.</td>
</tr>
<tr>
<td>7. Duty to provide assistance at European Parliamentary elections.</td>
<td>[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24)]</td>
</tr>
<tr>
<td>8. Duty to divide constituency into polling districts.</td>
<td>[sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983 ]</td>
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<tr>
<td>11. Power to pay expenses properly incurred by electoral registration officers.</td>
<td>Section 54 of the Representation of the People Act 1983.</td>
</tr>
<tr>
<td>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.</td>
<td>Section 10 of the Representation of the People Act 2000 (c. 2).</td>
</tr>
<tr>
<td>[18. Duty to consult on change of scheme for elections.</td>
<td>Sections 33(2), 38 (2) and 40(2) of the 2007 Act.]</td>
</tr>
<tr>
<td>[19. Duties relating to publicity.</td>
<td>Sections 35, 41 and 52 of the 2007 Act.]</td>
</tr>
<tr>
<td>[20. Duties relating to notice to Electoral Commission.</td>
<td>Sections 36 and 42 of the 2007 Act.]</td>
</tr>
<tr>
<td>[21. Power to alter years of ordinary elections of parish councillors.</td>
<td>Section 53 of the 2007 Act.]</td>
</tr>
<tr>
<td>[22. Functions relating to change of name of electoral area.</td>
<td>Section 59 of the 2007 Act.]</td>
</tr>
</tbody>
</table>

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

<p>| | |</p>
<table>
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<tr>
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<tbody>
<tr>
<td>1. Power to change the name of a county, district or London borough.</td>
<td>Section 74 of the Local Government Act 1972.</td>
</tr>
<tr>
<td>2. Power to change the name of a parish.</td>
<td>Section 75 of the Local Government Act 1972.</td>
</tr>
</tbody>
</table>
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.  
Section 249 of the Local Government Act 1972.

4. Power to petition for a charter to confer borough status.  
Section 245b of the Local Government Act 1972.

**[EB. Functions relating to community governance]**

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<table>
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<tbody>
<tr>
<td>1. Duties relating to community governance reviews.</td>
<td>Section 79 of the 2007 Act.</td>
</tr>
<tr>
<td>2. Functions relating to community governance petitions.</td>
<td>Sections 80, 83 to 85 of the 2007 Act.</td>
</tr>
<tr>
<td>3. Functions relating to terms of reference of review.</td>
<td>Sections 81(4) to (6).</td>
</tr>
<tr>
<td>4. Power to undertake a community governance review.</td>
<td>Section 82 of the 2007 Act.</td>
</tr>
<tr>
<td>6. Duties when undertaking review.</td>
<td>Section 93 to 95 of the 2007 Act.</td>
</tr>
<tr>
<td>8. Duty to send two copies of order to Secretary of State and Electoral Commission.</td>
<td>Section 98(1) of the 2007 Act.</td>
</tr>
</tbody>
</table>

**[F. 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).
### FA. Functions relating to smoke-free premises, etc

<table>
<thead>
<tr>
<th>Function</th>
<th>Provision of Act or Statutory Instrument</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Duty to enforce Chapter 1 and regulations made under it.</td>
<td>Section 10(3) of the 2006 Act.</td>
</tr>
<tr>
<td>2. Power to authorise officers.</td>
<td>Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.</td>
</tr>
<tr>
<td></td>
<td>Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).</td>
</tr>
</tbody>
</table>

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

Section 239 of the Local Government Act 1972.

### H. Functions relating to pensions etc.

1. Functions relating to local government pensions, etc. Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).

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).]

### I. Miscellaneous functions

1. Power to create footpath [, bridleway or restricted byway] by agreement. [Section 25 of the Highways Act 1980 (c. 60).]
<table>
<thead>
<tr>
<th>Number</th>
<th>Power Description</th>
<th>Section Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.</td>
<td>Power to determine application for public path extinguishment order.</td>
<td>Sections 118ZA and 118C(2) of the Highways Act 1980.</td>
</tr>
<tr>
<td>12.</td>
<td>Power to require applicant for order to enter into agreement.</td>
<td>Section 119C(3) of the Highways Act 1980.</td>
</tr>
<tr>
<td>3.1.21</td>
<td>Duty to assert and protect the rights of the public to use and enjoyment of highways.</td>
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<tr>
<th>3.1.21</th>
<th>Duty to serve notice of proposed action in relation to obstruction.</th>
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<tr>
<th>3.1.21</th>
<th>Power to apply for variation of order under section 130B of the Highways Act 1980.</th>
</tr>
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<tr>
<th>3.1.21</th>
<th>Power to authorise temporary disturbance of surface of footpath [, bridleway or restricted byway].</th>
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<tr>
<th>3.1.21</th>
<th>Power temporarily to divert footpath [, bridleway or restricted byway].</th>
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<tr>
<th>3.1.21</th>
<th>Functions relating to the making good of damage and the removal of obstructions.</th>
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<tr>
<th>3.1.21</th>
<th>Powers relating to the removal of things so deposited on highways as to be a nuisance.</th>
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<tr>
<th>3.1.21</th>
<th>Power to extinguish certain public rights of way.</th>
</tr>
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<tbody>
<tr>
<td>[23. ]</td>
<td>Section 32 of the Acquisition of Land Act 1981 (c. 67.).</td>
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<tr>
<th>3.1.21</th>
<th>Duty to keep definitive map and statement under review.</th>
</tr>
</thead>
<tbody>
<tr>
<td>[24. ]</td>
<td>Section 53 of the Wildlife and Countryside Act 1981 (c. 69.).</td>
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<tr>
<th>3.1.21</th>
<th>Power to include modifications in other orders.</th>
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<thead>
<tr>
<th>3.1.21</th>
<th>Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.</th>
</tr>
</thead>
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<thead>
<tr>
<th>3.1.21</th>
<th>Power to prepare map and statement by way of consolidation of definitive map and statement.</th>
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<tr>
<th>3.1.21</th>
<th>Power to designate footpath as cycle track.</th>
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</thead>
<tbody>
<tr>
<td>[29. ]</td>
<td>Section 3 of the Cycle Tracks Act 1984 (c. 38.).</td>
</tr>
<tr>
<td>31. Power to authorise stopping-up or diversion of footpath [or, bridleway or restricted byway].</td>
<td>Section 257 of the Town and Country Planning Act 1990.</td>
</tr>
<tr>
<td>33. Power to enter into agreements with respect to means of access.</td>
<td>Section 35 of the Countryside and Rights of Way Act 2000 (c. 37.).</td>
</tr>
<tr>
<td>34. Power to provide access in absence of agreement.</td>
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<td><a href="#">Section 45(2)(b) of the Commons Act 2006.</a></td>
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Note: These functions listed above can be delegated to council committees or to officers but they can’t be delegated to the Executive.
A number of functions are ‘local choice’ or ‘hybrid’

The following lists sets out the functions are the ones that the Council has opted through local choice to retain as full council functions as referred to in regulation 3 and set out in schedule 2 of the regulations as follows:

| Making agreements to put the staff of the Council at the disposal of other authorities |
| Any function under a local Act (except sections 4 & 5 of the Ipswich Market Act 2004 which are Executive functions) |
| The conducting of best value reviews |
| 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 –  
    (i) the authority;  
    a. a joint committee of two or more authorities; or  
  (c) to any committee or sub-committee of such a body, and the revocation of any such appointment. |
| Councillors’ allowances |
| Applying for consent for consent to dispose of housing land in a disposal programme under S32 HA 1985 + S135 Leasehold Reform Housing and Urban Development Act |

Hybrid/Joint functions

The following list sets out hybrid functions that are not the sole responsibility of the Executive and therefore need to also be considered by full Council under regulation 4.

| Best Value Performance Plan |
| Crime and Disorder Reduction Strategy |
| Local Authority Policy Statement under the Gambling Act 2005 |
| Community Strategy |
| Local Plan |
| Development Plan Documents |
| Capital Programme |
| Treasury Management Policy |
Any other plan or strategy that full Council wants to approve

Setting the budget and the Council Tax

Where a function is a Council function then the following allied functions are also council functions:

- imposing conditions on licences, permissions etc
- fixing the terms to which any such approval etc is subject
- enforcing Council functions
- amending or revoking any licence or permission etc
- anything conducive or incidental to a Council function

Deciding appeals against any decision (whether executive or council functions) is a council function.
Part 3

Section 2

Regulatory and Other Committees
1. **Introduction**

1.1 The Regulatory Functions consist of:

(a) Functions which the Executive may not in law exercise; and

(b) ‘Local Choice’ Functions where the Council has decided that they shall not be exercised by the Executive.

1.2 The Council has delegated to every Committee full powers to act in all matters covered by the Committee’s Terms of Reference subject to:

(a) the provisions of any financial or procedural rules for the time being in force as set out in this Constitution, except where such a rule has been specifically waived by resolution of the Council;

(b) prior Council approval to recommendations for the allocation of duties or powers;

(c) the right of Council to call for a report on any Committee decision;

(d) the right of Council to exercise the powers which have been delegated, when necessary.

1.3 Each Committee may appoint, and delegate any of its powers to Sub Committees and officers and may also authorise an officer, after consultation with the Chairman of the Committee, to take other decisions on specific urgent matters falling within its own Terms of Reference.

1.4 Each Committee may, from time to time, amend or vary the delegation of its powers to Sub Committees and officers.

1.5 Every Committee shall have the power to undertake its Functions for other local authorities.

1.6 Any Sub Committee established by a Committee must refer back to the Committee for decision any matters which the Committee reserves to itself.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.
2. Planning and Development Committee

2.1 Terms of Reference

The Planning and Development Committee has full delegated authority to exercise the Council’s powers to:

(a) make any decision about any application for planning permission and for approval of reserved matters and allowing development to go ahead without complying with a planning condition;

(b) make any decision in connection with permitted development rights under a development order;

(c) enter into planning obligation agreements ("s106 agreements");

(d) make any decision about any application for a certificate about whether or not planning permission is needed for anything (whether or not any development is said to have happened);

(e) serve completion notices;

(f) decide applications for the grant of consent for the display of advertisements;

(g) authorise people to enter land for planning reasons;

(h) require the discontinuance of a use of land;

(i) take enforcement action including:

- planning contravention notices
- any kind of enforcement notice
- injunctions
- untidy site notices
- repairs notices
- listed building compulsory purchase orders

(j) make any decision about an application for listed building, conservation area or hazardous substances consent;
(k) building preservation notices;
(l) protect listed buildings by undertaking work;
(m) determine any question as to whether or not an application is required;
(n) decide what information is required before planning permission can be granted (to include the power to decide whether or not an environmental impact assessment is needed);
(o) tree preservation orders;
(p) protect hedgerows;
(q) determine whether to take any action (or require or prohibit any action) with respect to any tree or trees;
(r) require information as to interests in land or activities carried out on land;
(s) respond to any consultation about planning matters (whether on specific applications or about policies) and to represent the Council on outside bodies relating to planning;
(t) take any action which would have the effect of removing a general or specific permission to carry out any development or to display an advertisement;
(u) decide questions about which streets should be consent or licence streets for the purposes of controlling street trading and the number and location of pitches for each such street.

2.2 The Committee’s powers with respect to the matters set out in 2.1 include, where legally possible:

- a power to attach conditions to any approval or consent;
- a power to set general conditions and regulations with respect to all licences or consents of a certain kind;
- the power to revoke certificates or consents;
- the power to set the level of any charge which the Council has power to make in connection with any of the Planning and Development Committee’s Functions;
issue any approval or consent that any person may require in order to comply with the terms of any permission or consent.

3. Licensing and Regulatory Committee

3.1 Terms of Reference

(a) The Licensing and Regulatory Committee is the Committee established as the Council’s Licensing Committee under the Licensing Act 2003 and the Gambling Act 2005 and has all the Functions conferred on the Licensing Committee by law.

(b) The Committee has also been given authority to deal with other Functions which are set out below. On these Functions it has full delegated authority to act.

(c) On the Functions conferred on the Committee, the Committee’s power to issue licences, certificates or consents and make registrations includes (where legally possible and where not a Function of the Executive):

(i) a power to attach conditions to any licence, certificate or consent;

(ii) a power to refuse to grant any licence certificate or consent;

(iii) a power to set general conditions and regulations with respect to all licences of a certain kind;

(iv) the power to revoke or suspend licences, certificates or consent;

(v) any Function for which the Council may issue any approval or consent that may be needed under the terms of any licence.

(d) The Committee may authorise a prosecution for any offence.

(e) The Committee will decide its own procedures for dealing with applications and disciplinary hearings and has the power to set enforcement policies relating to its Functions.

(f) The Functions of the Committee are matters relating to the following:
(1) licences authorising the use of land as a caravan site;
(2) licences relating to the use of moveable dwellings and camping sites;
(3) licences in connection with the hackney carriage and private hire vehicle trades;
(4) licences for sex shops, sex cinemas and sexual entertainment venues;
(5) licences for performances of hypnotism;
(6) licences for acupuncture, tattooing, ear-piercing and electrolysis;
(7) licences for pleasure boats and pleasure vessels;
(8) licences and consents for market and street trading;
(9) registration and licensing of premises for the preparation of food;
(10) registration of scrap metal dealers;
(11) licensing of premises for the breeding of dogs;
(12) licences for pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business;
(13) licensing of zoos;
(14) licensing of dangerous wild animals;
(15) licensing of knackers’ yards;
(16) licensing of people to collect for charitable and other causes;
(17) consents for the operation of loudspeakers;
(18) the granting of street works licences;
(19) permitting the deposit of builder’s skip on highway;
(20) licensing planting, retention and maintenance of trees etc. in part of highway;

(21) authorisation of the erection of stiles etc on footpaths or bridleways;

(22) licensing of works in relation to buildings etc. which obstruct the highway;

(23) consents to temporary deposits or excavations in streets;

(24) power to dispense with obligation to erect hoarding or fence in or adjoining streets;

(25) power to restrict the placing of rails, beams etc over highways;

(26) consents to construction of vaults, arches and cellars under streets or carriageways;

(27) consents to the making of openings in footways for access to cellar or vault under street;

(28) sanctioning use of parts of buildings for storage of celluloid;

(29) approvals, registration and licensing under all food safety legislation;

(30) the Council’s enforcement powers under health and safety legislation including functions under any “relevant statutory provision” within the meaning of Part I of the Health and Safety at Work Act etc;

(31) powers to create, remove or alter footpaths and bridleways, create or divert footpaths and bridleways;

(32) the duty to keep a register of information with respect to maps, statements and declarations;

(33) power to stop up footpaths and bridleways;

(34) power to assert and protect public rights of way;

(35) power to authorise works affecting footpath and bridleways;

(36) power to remove obstructions;
(37) power to close take away food shops;
(38) power to require information as to interests in land;
(39) power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway and related powers;
(40) power to issue licences and permits etc under the Gambling Act 2005;
(41) licences for motor vehicle salvage operators.

4. Employment Advisory Panel (to meet on demand) has the following functions:
   (a) To recommend the appointment of the following designated officers:
   Head of the Paid Service
   Section 151 Chief Finance Officer
   Monitoring Officer
   Chief Operating Officer
   Heads of Service
   Employees who are Chief Officers in accordance with section 2 of Local Government and Housing Act 1989
   And such other posts as may be determined from time to time by the Head of the Paid Service in consultation with the Group Leaders.
   (b) To comply with the requirements set out in Part 4 of the Constitution (Officer Employment Procedure Rules).
   (c) To advise and recommend reviews and amendments to salary and grading structures for chief officer posts in line with the agreed remuneration policy.
   (d) To consider and recommend a determination of any appeal by the Head of Paid Service, Section 151 Officer or Monitoring Officer against dismissal.
   (e) To consider and recommend a determination of any allegation of issue of misconduct, incapability or breakdown in trust against the Head of Paid Service, Section 151 Officer or Monitoring Officer.
5. **Audit and Governance Committee**

5.1 **Introduction**

5.1.1 The Chairman of the Committee is to be independent of Executive and Scrutiny functions.

5.1.2 An independent member is to be co-opted to the Committee to provide a necessary degree of independence.

5.2 **Statement of Purpose**

5.2.1 The purpose of the Audit and Governance Committee is to provide independent assurance to the Council that its overall governance arrangements are working effectively. This Committee will also be responsible for Code of Conduct and Corporate Governance matters.

5.2.2 The Audit and Governance Committee is to review the arrangements that exist to:

- Safeguard the Council’s money and assets and to provide proper value for money
- Manage the Council’s exposure to risk having regard to its control environment including potential exposure to fraud and corruption
- Ensure the adequacy of the Council’s financial reporting processes
- Consider any reports on matters falling within its terms of reference

5.3 **Terms of Reference**

5.3.1 The Audit and Governance Committee is to:

(a) agree the strategic and annual internal audit plans;

(b) monitor the execution of the internal audit plan and scrutinising the timely implementation of internal audit recommendations;

(c) review the Head of Internal Audit’s Annual Report and Opinion and internal audit reports;

(d) receive and respond to ad hoc reports and referring such reports to the appropriate committees of the Council as necessary.

(e) consider the annual external audit plan;

(f) monitor the execution of the external audit plan and the timely implementation of external audit recommendations;
(g) be satisfied that the Council’s assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;

(h) review the financial statements, the external auditor’s opinion, their Annual Governance Report and monitor the progress of management actions to address issues arising;

(i) consider the reports of external audit and other inspection agencies published and referring these items to the appropriate committee(s) of the Council as necessary;

(j) consider the effectiveness of the Council’s anti-fraud and anti-corruption arrangements

(k) monitor the effective development and operation of risk management and corporate governance in the Council;

(l) commission work from internal and external audit’ and

(m) promote the value of the audit process.

5.3.2 In relation to Codes of Conduct:

(a) to promote and maintain high standards of conduct by members and co-opted members of the Council;

(b) to assist members and co-opted members of the Council to observe the Council’s Code of Conduct;

(c) to make recommendations to the Full Council about making, changing or revoking Codes of Conduct or Protocols for Councillors, co-opted committee members and employees;

(d) to monitor the operation of Codes of Conduct and Protocols approved by the Council;

(e) to make representations to the Local Government Association and Central Government, or other organisations, about any matter relating to the general principles of conduct for Members of the Council;

(f) to consider and determine any allegations against Councillors (including members of Committees who are not members of this Council) of misconduct. (Misconduct means a breach of any Code
or Protocol adopted by the Council.) The Committee may issue a report on any finding of misconduct;

(g) to consider any applications from Members for Dispensations in relation to any interests of Members as provided for by the Localism Act 2011 and any regulations made thereunder;

(h) to appoint Sub Committees as required to deal with applications for Dispensations from Members;

(i) to be responsible for liaison between the Council and external agencies, in particular the District Auditor and the Local Government Ombudsman, in connection with any matter within the Committee’s Terms of Reference;

(j) to provide advice and guidance to Councillors and employees and make arrangements for training in connection with any matters within the Terms of Reference of the Committee;

(k) any other Function conferred upon the former standards committee by law.

5.3.3 In relation to Corporate Governance Issues:

(a) To review the Council’s performance in relation to transparency and public accountability for its decision making;

(b) To review the Council’s performance in relation to its relationship with external stakeholders in terms of disclosure, fairness and ethical practices;

(c) To review the way the Council considers and implements its wider social, economic and sustainable duties in the way it conducts its business.

6. Area Committees

Constitution and Terms of Reference

Ipswich Borough Council has constituted 5 Area Committees known as:

- North West Area comprising Whitton, Whitehouse and Castle Hill wards
- North East Area comprising Bixley, Rushmere and St John’s wards
- South East Area comprising Holywells, Gainsborough Priory Heath wards
- South West Area comprising Bridge, Gipping, Sprites and Stoke Park wards
- Central Area comprising Alexandra, St Margaret’s and Westgate wards

and reference to ‘Area’ in these terms of reference shall mean each of the above mentioned areas as the context requires.

The overarching aim of each committee is to identify area priorities and to take a strategic role in shaping the future of their Areas by developing and implementing an Action Plan for its Area.

Any committee business must be transacted in line with Area Action Plans.

The Council will allocate a budget for each Area Committee on a rolling 3 year basis in line with the Council’s Medium Term Financial Plan.

6.1 Membership and Chairing

6.1.1 Each Area Committee will consist of all the ward councillors in the Area. Substitutes are not permitted.

6.1.2 The committee will elect a chair from among the members of the Area Committee. In the absence of the chair at a meeting the committee will elect any member to act as chairman for that meeting.

6.1.3 Committees may invite other elected members or representatives of outside organisations to attend and speak at meetings but in a non-voting capacity.

6.1.4 Members of the public will be able to attend the meetings (except in cases where exempt information items are involved) and will able to speak with the consent of the Chair. If there are large numbers of members of the public wishing to speak on any item the Chair may limit the amount of time or the numbers of those permitted to speak. The Chair shall give priority to those members of the public who have expressed in advance a desire to speak at the meeting. Such expression should be given made in writing and sent to the Monitoring Officer indicating the item of business and nature of any representations or question to be raised.
6.1.5 Senior officers from the Council or other outside organisations may be invited to attend any meetings to report to the committee on specific matters within the terms of reference.

6.1.6 Area committees shall invite the respective Suffolk County Councillor(s) whose division is wholly or partly within the area of the Area Committee to be full participating members on the relevant Area Committee, and who shall be full participating members of the committee but without voting rights. A maximum of 2 other co-optee appointments may be made to each Area Committee may be made after public advertisement in accordance with s102 (3) of the Local Government act 1972, if required.

6.1.7 The Press may attend any Area Committee meeting (except in cases where exempt information items are involved)

6.1.8 No audio or visual recording or photograph may be taken during any meeting without the consent of the Chair, who may withdraw consent at any time before or during the meeting.

6.2 Voting and Quorums

6.2.1 Only the Elected Members of the Area Committee can vote. Where there is an equality of votes, the Chair shall have an additional casting vote.

6.2.2 The quorum shall be the number of wards represented by the Area Committee, plus one.

6.3 Agenda, Minutes and Meetings

6.3.1 A written agenda for each meeting shall be prepared and published in accordance with the statutory requirements.

6.3.2 Except in cases of urgency only items of business that have been published on the agenda may be considered at each meeting.

6.3.3 Minutes of meetings will record those present, details of any declarations of interest; the main issues debated, and the date and any decisions or recommendations made.

6.3.4 Any recommendations made by the Area Committee to the Executive or the Council as the case may be, must be written in such a way that presents a clear proposal or alternatives for debate.

6.3.5 Minutes will be circulated to all members of the committee and to all members of the Executive and otherwise published as required by law.
6.3.6 The Area Committees will meet 6 times a year or as required by the Chair.

6.3.7 The Area Committee shall observe the rules relating to exempt information.

6.4 Functions and Terms of Reference

6.4.1 The Committee shall deal with any matters falling within the scheme of delegations below where connected to its Area.

6.4.2 Any items of business shall normally be the subject of a written report unless otherwise specifically requested by the Executive or the Council, and the Committee shall take legal or other professional advice as required according to the nature of the business.

6.4.3 Each Area Committee shall adopt and thereafter review annually an Area Action Plan that identifies its local priorities. Each Committee must ensure that its actions contained in its Area Action Plan are defined as S.M.A.R.T actions ((Specified, Measurable, Achievable, Realistic and Time-framed) and that they identify the scope for working with other public bodies or other stakeholders.

6.4.4 Each Area Committee shall report to the Executive on an annual basis detailing its activities and achievements.

6.5 Procedures and Training

6.5.1 The normal procedures (save as modified by this document) relating to committees set out in the Council’s constitution relating to council committee meetings shall apply to Area Committees.

6.5.2 The Agenda for each Area Committee meeting may contain any item which has been approved by anyone of the following in consultation with the Chair of the Area Committee: Chief Executive, the Chief Operating Officer, the Monitoring Officer the S151 Officer or the Head of Service appointed by the Chief Executive to act as the Lead Support Officer for each Area.

6.5.3 Any Area Committee may not take any decision that is a Key Decision as defined in the Council’s constitution unless details of the proposed item of business has been published on the Council’s List of Forthcoming Decisions for the requisite period.

6.5.4 All Area Committees shall have a committee clerk in attendance at every meeting to advise the committee on procedure and to keep records of the proceedings in accordance with statutory requirements.
6.5.5 The terms of reference of the Area Committees may only be reviewed by the Leader in respect of Executive functions and by Council in respect of council functions.

6.5.6 Members of the Area Committee shall take steps to gain maintain and develop their knowledge and skills, for example by attending training appropriate to their role on the Area Committee.

6.6 Scheme of Delegation

Each Area Committees shall have the following powers and responsibilities:

6.6.1 To decide its own annual work programme and Area Action Plan and the spending of its budgets within these terms of reference and as permitted by law;

6.6.2 To make comments on strategic planning matters affecting either its own area or the Borough as a whole;

6.6.3 To act as a consultee in respect of consultations carried out by outside organisations in respect of issues affecting its area and reporting to the Executive on any responses given on such consultations;

6.6.4 To monitor and maintain an overview of council services and other stakeholder performance in its area, and to report to the Executive or council committee on these issues as the Area Committee feels necessary;

6.6.5 To make representations in the form of reports or ‘action requests' to the Executive or the Council as the case may be on any of the following matters relating to its Area:

- Provision and maintenance of Public open space, allotments, and other recreation or leisure facilities;
- Provision of facilities for local children, young people, the elderly and disadvantaged members of the community;
- Provision of Police community support officers and neighbourhood policing teams;
- Provision of Crime & Grime and other enforcement operations;
- Provision of CCTV services;
- Provision of Waste collection services;
- Provision of Energy conservation schemes;
- Provision of Street cleansing and lighting;
- Road safety issues;
• Provision of Public transport and car parking;
• Health and wellbeing issues;
• Area based regeneration schemes and Town & District Centre projects;
• Area Action Plans;
• Provision of and Use of Community assets in its Area;
• Local Community improvement schemes;
• Local Community Development issues;
• Strategies for Community engagement, consultation and involvement exercises on matters of local community interest in its area;
• On any requirement for further devolution of powers to the Area Committees.

6.6.6 To take executive function decisions in relation to any works or services to be provided in its Area out of its budgets on any of the following matters:

• Any required decisions relating to the design and layout of projects funded from corporate funds secured through S106 planning obligations that have been implemented or the Community Infrastructure Levy in relation to their Areas including developer provided new play areas and open space, and other community amenities having regard to planning policies on these matters;
• Provision of and installation of new play equipment on council owned land in its area having regard to the corporate play strategy;
• Provision and/or maintenance of areas of public open space or recreation grounds in their Area, having regard to the corporate policies for those functions;
• Instigation and/or contribution to crime prevention measures;
• Contributions to traffic calming measures required in its Area;
• Determination of any objections to proposed bus shelters in its Area;
• Determination of any objections to proposed bus stop clearway restrictions in its Area;
• Decisions relating to any other area project, power or function that Executive has formally decided to devolve to an individual Area Committee on a case by case basis.

6.6.7 To provide ‘ward intelligence’ to the Executive and relevant heads of services in relation to the Borough’s enforcement activities, the siting of CCTV cameras and other crime or anti-social behaviour in its Area.

6.6.8 To respond to any other specific matter referred to it by the Executive the council or a senior council officer.
6.6.9 To assist with policy development on matters pertinent to its Area, including the power to make recommendations to the Executive or Council on policy changes.

6.6.10 To develop an Area Action Plan to deliver locally determined priorities and objectives and to take decisions to allocate and spend the annual Area budget provided for such purposes by Council to deliver local area priorities, provided that the actions to be taken are lawful and fall within the overall remit of the terms of reference and that the estimated costs of any scheme or matter in terms of capital expenditure shall not exceed the allocated budget for the relevant year for the Area Committee.

6.6.11 Local area priorities may include consideration of schemes involving physical works, or delivery of actions referred to in the Area Action Plans developed in accordance with paragraph 6.10 may include services or supplies to or by local community groups provided the same can be met within the allocated Area Committee Budget.

6.6.12 The Area Committee may submit proposals or bids for future funding in subsequent years to the Executive as part of the budget setting process.

6.6.13 Area Committees are empowered to devolve up to 10% of their annual budgets to the Head of Service appointed by the Chief Executive to act as Lead Support Officer for the relevant Area to establish a 'Making a Difference Budget' for use after consultation with the Area Chair on small scale community initiatives in their Area (or jointly with a neighbouring Area) submitted by ward councillors to meet immediate community needs that are connected to the relevant Area Action Plan approved by the relevant Area Committee. Provided that:

- the relevant Head of Service shall consult every ward councillor in the Area on every proposal (s)he receives, and take into account any representations received in respect of the level of support or objection to the proposal received from the ward councillors in the Area, and

- the capital value of any individual proposal (or contribution thereto) may not exceed total value of £2000 with no other revenue implications, and there being available funds in the Making A Difference account for the Area

the Head of Service may after having regard to the consultations responses approve such proposals if in his opinion it contributes to the delivery of the Area Action Plan, or may reject it, or refer it elsewhere for consideration.
6.6.14 Area Committees are empowered to bid for any 'match funding' that may be available from third parties for projects in their area provided that the full project costs can be meet from secured match funding and their own budgets as allocated by the Council and that there is no impact on revenue costs elsewhere in the Council.

6.6.15 The Head of Resource Management shall provide each Area Committee with a list of other public organisations operating in their area, the statutory responsibilities of those organisations, and appropriate contact details, to enable Area Committees to source match funding proposals for any Area Committee projects or initiatives.

6.6.16 No Area Committee may commit any additional revenue expenditure or other continuing financial obligation out of its annual area budget beyond a 3 year period commencing with the financial year in which a decision is taken without the prior consent of the Executive.
Part 3

Section 3

Executive Functions
1. **Introduction**

1.1 Ipswich Borough Council has a Leader and Cabinet type of Executive.

1.2 The Leader and Cabinet as a whole are known as the Executive.

2. **Appointment and Term of Office of the Executive**

2.1 At its Annual Meeting, the Council will if necessary, by ordinary resolution, elect a Leader of the Council from amongst the Councillors.

The Leader of the Council will then appoint:

- A member of the Executive to be known as the Deputy Leader; and
- Up to 8 Councillors as ordinary members of the Executive.

The Leader may remove Councillors from the Executive at any time.

2.2 Neither the Mayor nor the Deputy Mayor may be given any appointment listed in 2.1.

2.3 The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post-election annual meeting four years hence, unless he/she is removed from office or resigns, ceases to be a member or is disqualified from being a Councillor before that day.

2.4 The Council may remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting.

2.5 Appointments as Leader or as a member of the Executive are not subject to any statutory provisions or other rules about political balance.

3. **Meetings of the Executive**

3.1 Whenever it meets, the Executive will normally follow the same rules of procedure that apply to ordinary Council Committees. The following additional provisions apply:

3.1.1 the Executive will meet at least four times a year;

3.1.2 meetings will be held at the Council’s main offices or at another venue decided by the Leader.

3.1.3 the agenda for each meeting of the Executive will contain any item which has been approved by any one of the following:

- the Leader
3.2 The Leader will chair meetings of the Executive. If the Leader is absent then the Deputy Leader will chair the meeting. If both are absent then the meeting will appoint another member of the Executive to preside.

3.3 The quorum for meetings of the Executive is three if the Leader is present, or four if the Leader is not present.

3.4 Subject to any contrary provision in any Code of Conduct, any Councillor may attend any part of any meeting of the Executive.

3.5 Any Councillor who is not a member of the Executive may (subject to the law of bias and the Code of Conduct) submit question(s) to be asked at any meeting of the Executive. Questions must relate to an item on the agenda for that meeting. These questions will be dealt with orally at the meeting. (Questions submitted under this paragraph must be received by the Monitoring Officer no later than 10am on the day of the Executive meeting.)

4. Functions and Delegations

4.1 All Executive Functions may be exercised by the Executive.

4.2 The Executive may delegate any Function exercisable by them to a committee of the Executive or to an officer.

4.3 The Leader may from time to time appoint any member of the Executive to a portfolio. No more than seven of the ordinary members of the Executive may hold portfolios at any one time. Each Portfolio Holder will take a particular interest in the areas within his or her portfolio. Whenever a report is presented to the Executive the Portfolio Holder for the subject of the report will usually present that report.

4.4 The Leader, the Deputy Leader and any holder of a portfolio may personally discharge Executive Functions in accordance with the provisions set out in paragraph 5 below.

4.5 A member of the Executive who is entitled to discharge a Function may delegate that Function to an officer. Any such delegation must be in writing and a copy of the delegation must be given to the Monitoring Officer.

4.6 Whenever the Leader appoints anyone to or removes anyone from a portfolio or whenever the Leader changes the remit of any portfolio, the Leader must
promptly record the appointment in writing and a copy must be given to the Monitoring Officer who must arrange for it to be published.

4.7 The Executive may from time to time appoint committees of the Executive.

4.8 The Executive shall propose the budget and policy framework for approval by the Council.

4.9 The Executive shall carry out all of the Council’s functions and take all decisions except:

(a) those reserved to Council, the Planning and Development Committee, the Licensing and Regulatory Committee and the Audit and Governance Committee.

4.10 The Executive shall agree the policies of the Council relation to Human Resources matters including, by way of example, those relating to:

- disciplinary matters;
- grievance matters;
- recruitment and selection;
- absence management;
- organisational change;
- early retirement.

5. **Committees of the Executive**

5.1 There are currently no Committees of the Executive appointed.

6. **Decisions by Portfolio Holders**

6.1 This scheme has effect under Section 15 of the Local Government Act 2000.

6.2 In this scheme reference to a ‘Portfolio Holder’ is a reference to the Leader, the Deputy Leader or to any member of the Executive designated by the Leader from time to time as a Portfolio Holder.

6.3 General power to make decisions

6.3.1 Each Executive member shall be responsible for specific areas of work, to be called a Portfolio. A Portfolio Holder may make any decision on an Executive Function which they reasonably consider relates to their portfolio. A list of the Portfolio Responsibilities is set out at the end of this section.

6.4 Limits on decision making:
before taking a decision, a Portfolio Holder shall receive advice from appropriate officer(s) and consult with the Leaders of all Political Groups (or their deputies if they are unavailable);

no Portfolio Holder may make a decision contrary to a policy approved by full Council;

no Portfolio Holder may make a decision if they have a personal and prejudicial interest in it;

no Portfolio Holder may make a decision which is contrary to:

- any statutory restrictions;
- Financial Regulations;
- Contract Standing Orders;
- Portfolio Holders may not take a decision if the likely financial consequences of that decision would involve exceeding the relevant budgetary provision unless this is specifically authorised by paragraph 6.6.

The law provides that Portfolio Holders are not allowed to sign contracts, although they may authorise officers to do so.

Financial delegations:

no Portfolio Holder may exercise any financial delegations contained in this section without considering a written report approved by the Section 151 Officer;

in making a decision on any financial delegations contained in this section, the Portfolio Holder shall comply with Financial Regulations;

the Finance Portfolio Holder may authorise supplementary estimates of up to £25,000;

the Finance Portfolio Holder may authorise budgets to be carried forward to the next financial year;

the Finance Portfolio Holder may write off bad debts of up to £10,000;

the Leader may take any decision under this paragraph if the Finance Portfolio Holder is not available or cannot be contacted.

This procedure must be followed whenever a Portfolio Holder takes any decision.
7.2 No decision may be taken by a Portfolio Holder unless the Portfolio Holder has received a report from an officer setting out the issues surrounding the decision in a way that the Portfolio Holder considers satisfactory. If a decision is urgent then the report may be oral and, if necessary, taken by telephone with a summary of the advice being sent by email, normally within one working day.

7.3 All decisions taken by Portfolio Holders must be properly recorded in accordance with arrangements approved by the Monitoring Officer.

7.4 Portfolio Holders may decide to refer any question to Executive.

7.5 Before making a decision which a Portfolio Holder considers to have strategic importance or important financial impact he or she shall consult other relevant Portfolio Holders including the Leader and the Finance Portfolio Holder.

8. Financial Decisions

8.1 In connection with decisions which are the responsibility of the Executive, the Executive have full authority to vire money between budget headings.

8.2 The Executive does not have the power to alter or take decisions contrary to the Council’s Treasury Management Strategy, or to change that Strategy.

9. Local Choice Functions which will be the responsibility of the Executive

9.1 Any function relating to contaminated land.

9.2 The discharge of any function relating to the control of pollution or the management of air quality.

9.3 The service of an abatement notice in respect of a statutory nuisance.

9.4 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority’s area.

9.5 The inspection of the authority’s area to detect any statutory nuisance.

9.6 The investigation of any complaint as to the existence of a statutory nuisance.

9.7 The making of agreements for the execution of highway works.


9.9 Appointments to the Board of Ipswich Buses Limited.

NOTE: A list of Portfolio Responsibilities may be seen on the Council’s website.
Appendix 1 – Governance Arrangements for Wholly owned companies

Ipswich Borough Council is the sole shareholder for five companies:

- Ipswich Borough Assets Ltd, incorporated on 7 April 2016 with company number 10110518
- Ipserv Ltd, incorporated on 22 February 2017 with company number 10633959
- Handford Homes Ltd, incorporated on 12 July 2017 with company number 10862462
- Ipserv Direct Services Ltd, incorporated on 18 December 2018 with company number 11732887
- Ipswich Buses Ltd, incorporated on 14 March 1986 with company number 02000058

These five companies, together with their two subsidiaries (Handford Lettings Ltd (company number 11655369) and Stage Event Security Ltd (company number 08700416) and the Council itself form the Ipswich Borough Council Group. The structure of the Group is shown in the chart below.

![Diagram showing the structure of the Ipswich Borough Council Group]

Each of the Companies owned by the Council have one shareholder, Ipswich Borough Council. Under the Local Government Act 2003 and the Localism Act 2011, the shareholder is the Executive. The Leader of the Council has the companies within his portfolio of responsibilities.

Ipswich Buses was incorporated in response to the 1985 Public Transport Act. It has a board of seven directors, including two independent, two councillors and the Managing Director. The remaining places are taken by two suitably qualified Council Heads of Service.

All the Companies have Articles which comply with the 2006 Companies Act and matters which Executive decided to reserve to themselves, or to their officer representative – the Council’s Head of People and Governance. Each company’s reserved matters are set out in Annex 1. Each company is required to provide Executive with its business plan and annual report. There are also formal agreements in place between the Council and the companies and between the companies.
At various points, Executive has authorised Council Officers to make decisions in relation to the companies. Those decisions made up to February 2019 are listed below, together with the report reference for the authorisation:

<table>
<thead>
<tr>
<th>Delegation</th>
<th>Exec Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorise the Chief Operating Officer in consultation with the Chief Executive, Chief Finance Officer, the Legal Services Operations Manager, the Leader of the Council and Finance Portfolio Holder to take all necessary steps to (i) incorporate a company limited by share wholly owned by the Council so as to allow the Council to exercise the power to trade contained in the Local Government Act 2003 and the Localism Act 2011; (ii) determine detailed arrangements for the management and governance of the Company to include settling the Articles and Memorandum of Association and appointing directors as detailed in this report; (iii) enter into Agreements with the Company which allow the Council to recover all costs associated with supporting the Company;</td>
<td>E/15/76 (Mar 2016) IBA</td>
</tr>
<tr>
<td>Approve the draft Working Capital Loan Agreement set out in Appendix 2 and authorise the Chief Operating Officer, the Leader of the Council and Finance Portfolio Holder to conclude the Working Capital Loan Agreement with the Company with such minor modifications as the Chief Operating Officer deems appropriate;</td>
<td></td>
</tr>
<tr>
<td>Authorise the Chief Finance Officer in consultation with the Leader of the Council and the Finance Portfolio Holder to take all necessary steps to provide for and enter into loan facilities to the Company as may be required as detailed in this report namely the Working Capital Loan Agreement and any Capital Funding Loan Agreement(s)</td>
<td></td>
</tr>
<tr>
<td>Approve the draft Working Capital Loan Agreement set out in Appendix 2 and authorise the Chief Operating Officer, in consultation with the Chief Executive, Chief Finance Officer, the Leader of the Council and Finance Portfolio Holder, to conclude the Working Capital Loan Agreement with the Company with such minor modifications as the Chief Operating Officer deems appropriate;</td>
<td>E/16/48 (Jan 2017) IPSERV</td>
</tr>
<tr>
<td>Authorise the Chief Finance Officer, in consultation with the Leader of the Council and the Finance Portfolio Holder, to take all necessary steps to provide for and enter into loan facilities to the Company as may be required as detailed in this report namely the Working Capital Loan Agreements and any Capital Funding Loan Agreement(s).</td>
<td></td>
</tr>
<tr>
<td>Approve the draft Working Capital Loan Agreement set out in Appendix 2 and authorise the Chief Operating Officer, in consultation with the Chief Executive, Chief Finance Officer, the Leader of the Council and Finance Portfolio Holder, to</td>
<td>E/17/15 (Jun 2017) Handford Homes</td>
</tr>
</tbody>
</table>
conclude the Working Capital Loan Agreement with the Company with such minor modifications as the Chief Operating Officer deems appropriate;

Authorise the Chief Finance Officer, in consultation with the Leader of the Council and the Finance Portfolio Holder, to take all necessary steps to provide for and enter into loan facilities to the Company as may be required as detailed in this report namely the Working Capital Loan Agreements and any Capital Funding Loan Agreement(s).

| (a) Approve the Business Case for incorporating IPSERV Direct Services Limited as set out in this report and its appendices. |
| (b) Subject to a) above, approve the direct award of the Council’s cleaning contract to IPSERV Direct Services Limited effective 1st April 2019  |
| (c) Subject to a) above, approve the direct award of the Council’s security contract to IPSERV Direct Services Limited effective 1st April 2019 |
| (d) Subject to b) authorises the Head of People and Governance to enter into contract with Norse Group for the provision of cleaning services until and including 31st March 2019 on such terms as she see fit, providing such terms are within budget |
| (e) Subject to c) authorises the Head of People and Governance to extend the existing security contracts with Norse Group and Oak Park Security until and including 31st March 2019 |
| (f) Subject to a), b), and c) authorise the Chief Operating Officer to take all necessary steps to incorporate and set up IPSERV Direct Services Limited and transfer provision of cleaning and security contracts to IPSERV Direct Services Limited; ensuring that the Resources Portfolio Holder and Head of Finance and Revenues are consulted on the financial elements of the contracts. |
| (g) Authorise the Head of Finance and Revenues to enter into a working capital loan agreement with IPSERV Direct Services Limited on such terms as he sees fit in consultation with the Resources Portfolio Holder. |

That Executive approves the Delegation and Reserved Matters Scheme as appended to this report

| E/18/42 (Nov 2018) IPSERV Direct Services |

15.1 That Executive agrees the proposed Articles for Ipswich Buses Ltd at Appendix 1 and authorises the Chief Executive to take all necessary steps to require adoption of the articles as detailed in this report.

15.2 That, subject to adoption of the Articles referred to in 15.1, Executive authorises the Chief Executive to adopt the Reserved Matters for Ipswich Buses Ltd as set out in Appendix

| E/16/25 (Sept 2016) IBA |
| E/16/66 (Mar 2017) IBL |
2 of this report and inform the Board of Ipswich Buses Ltd of these Reserved Matters.

| 15.5 | That Executive confirms the authorisation in E/16/48 (recommendation 13.1.c.ii) to the Chief Operating Officer to enable her to amend the model Articles for IPSERV Ltd as necessary. | E/16/66 (Mar 2017) IPSERV |
| 15.6 | That, subject to adoption of the Articles referred to in 15.5, Executive authorises the Chief Operating Officer to adopt the Reserved Matters for IPSERV Ltd as set out in Appendix 3 of this report and inform the Board of IPSERV Ltd of these Reserved Matters. |  |
| 15.7 | That Executive authorises the Chief Operating Officer to request each Board to complete a skills audit and provide the shareholder with an annual report and forward strategy each year as detailed in this report. |  |
| 15.8 | That Executive authorises the Chief Operating Officer to liaise with all Boards as appropriate with regard to future arrangements for the employment / contracting of a Finance Director and Company Secretary for all the Companies. |  |

Approve the Reserved Matters as set out in Appendix 4.  

<p>| 15.8 | That Executive authorises the Shareholder’s representative for each company to authorise amendments to the Schemes of Delegation in consultation with the Leader of the Council. | E/17/88 (Mar 2018) |
| 15.8 | That Executive authorises the Shareholder’s representative for each wholly owned company to take reserved matters decisions on their behalf during any period where Executive does not meet for more than 28 days; with such decisions being reported to the first available Executive meeting | E/17/88 (Mar 2018) |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>13.1</td>
<td>That Executive authorises Ipswich Buses Ltd to borrow funds to replace 14 aging double decked buses.</td>
<td>E/17/24 (Jul 2017) IBL</td>
</tr>
<tr>
<td>13.2</td>
<td>That Executive authorises the Head of Finance and Revenues to lend £1.12m to Ipswich Buses Ltd on such terms as he sees fit (and comply with State Aid) in consultation with the Leader and Portfolio Holder for Finance.</td>
<td></td>
</tr>
<tr>
<td>13.3</td>
<td>That subject to 13.1 and 13.2, Executive authorises the Head of Finance and Revenues to add £1.12m to the 2017/18 Capital Programme to be met from internal borrowing.</td>
<td>E/18/17 (Jul 2018)</td>
</tr>
<tr>
<td>13.3</td>
<td>That Executive directs, using its powers contained in the Articles for each company, that Handford Homes Ltd, IPSERV Ltd and Ipswich Borough Assets Ltd appoint Helen Pluck as their interim Managing Director.</td>
<td></td>
</tr>
<tr>
<td>13.4</td>
<td>That Executive, as shareholder, changes its representative to Shirley Jarrett for all matters which fall to the Shareholder’s Representative within the companies’ governance frameworks.</td>
<td></td>
</tr>
</tbody>
</table>
### Reserved Matters Schemes

The table below shows the reserved matters for each company and whether they are reserved to the Executive or to the Shareholder’s representative.

<table>
<thead>
<tr>
<th>Reserved Matters</th>
<th>HANDFORD HOMES</th>
<th>IBA</th>
<th>IPSERV</th>
<th>IBL</th>
<th>IPSERV DIRECT SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> The presentation of any petition or passing of any resolution for winding-up of the Company, the service of notice of intention to appoint an administrator in respect of the Company, the appointment of an administrator of the Company by the holder of a qualifying floating charge, the Company or the directors of the Company or the presentation of a petition for an administration order in respect of the Company.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>2.</strong> The creation, allotment or issue of any shares or the grant or agreement to grant any option over shares or any uncalled capital of the Company or the issue of any obligations convertible into shares.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>3.</strong> The admission of any person (whether by subscription or transfer) as a member of the Company.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
| **4.** The borrowing of any money from any person * or any change in the banking arrangements or facilities (including change in bank mandates) of the Company. **

*BUSES: UP TO A MAXIMUM FINANCIAL LIMIT OF £500,000

** BUSES: THE BORROWING OF ANY MONEY FROM ANY PERSON OF A SUM GREATER THAN £500,000 | X | X | X | X | X |
<table>
<thead>
<tr>
<th>Reserved Matters</th>
<th>HANDFORD HOMES</th>
<th>IBA</th>
<th>IPSERV</th>
<th>IBL</th>
<th>IPSERV DIRECT SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Delegated Officer Approval</td>
<td>Executive Approval</td>
<td>Delegated Officer Approval</td>
<td>Executive Approval</td>
<td>Delegated Officer Approval</td>
</tr>
<tr>
<td>5. The giving of any guarantee, indemnity or other security outside the ordinary course of business.</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>6. The creation of any mortgage, charge, lien (other than a lien arising in the ordinary course of trading) or encumbrance on any assets or the granting of an option to acquire any assets.</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>7. The lending of any money (otherwise than by way of deposit with a bank or other institution in the United Kingdom the normal business of which includes the acceptance of deposits or the granting of credit to any person).</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>8. The declaration or payment of any dividend or the making of any distribution.</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>9. The formation or acquisition of any subsidiary of the Company.</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>10. The acquisition by the Company of any shares or other interests in any other company or the participation by the Company in any partnership or joint venture.</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>11. The amalgamation or merger of the Company with any other company or legal entity.</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

3.3.13
<table>
<thead>
<tr>
<th>Reserved Matters</th>
<th>HANDFORD HOMES</th>
<th>IBA</th>
<th>IPSERV</th>
<th>IBL</th>
<th>IPSERV DIRECT SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. The fixing or payment of the remuneration of any Director or provision of benefits of any nature whatsoever to any Director, former Director or any associate of any Director or former Director.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>13. Any material change in the nature or scope of the business of the Company or the commencement of any new business not being ancillary or incidental to such business.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>14. The entry into any contract or arrangement (whether legally binding or not) otherwise than on arm’s-length market terms.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>15. The making of any claim, disclaimer, surrender, election or consent of a material nature for tax purposes.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>16. The factoring or assignment of any of the book debts or the Company.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>17. The entering into of any contract or arrangement of a material nature outside the normal course of business including, without limitation, the disposal of a material apart of the business or undertaking of the Company or a contract or arrangement which cannot be terminated by the Company without penalty or compensation within 12 months of its commencement.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Reserved Matters</td>
<td>HANDFORD HOMES</td>
<td>IBA</td>
<td>IPSERV</td>
<td>IBL</td>
<td>IPSERV DIRECT SERVICES</td>
</tr>
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<tr>
<td></td>
<td>Delegated Officer Approval</td>
<td>Executive Approval</td>
<td>Delegated Officer Approval</td>
<td>Executive Approval</td>
<td>Delegated Officer Approval</td>
</tr>
<tr>
<td>18. The commencement, settlement or compromise of any material legal dispute or proceeding to which the Company is a party (other than routine debt collection).</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. a) The appointment or removal or any change in the scope of authority of any director who is also a Councillor</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) The appointment or removal or any change in the scope of authority of any director who is not also a Councillor or of a senior officer of the Company.</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Any change of the accounting reference date of the Company or a material change to its accounting policies.</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Any change of auditors of the Company.</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Any delegation by the directors of any of their powers to a committee of directors.</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. Any delegation by the directors of any of their powers to any other person other than to a committee of directors.</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. Approval of the Executive may be given in writing by a person delegated by the Executive or by a person(s) delegated by the Executive to attend and vote at a Board meeting of the Company.

2. Approval of the Delegated Officer may be given in writing (having consulted with Chief Finance Officer and the Leader and Finance Portfolio Holder) or by the Delegated Officer attending and voting at a Board meeting of the Company.

3. With the exception of the Reserved Matters, the Business and all affairs of the Company shall be managed by the Board. To that end but subject always to the Reserved Matters, the Board shall have full and complete authority, power and discretion to direct, manage and control the Business and the affairs and properties of the Company, to make all decisions regarding those matters and to perform any and all other acts or activities customary or incidental to the management of the Business.

**Authority in the Company’s Articles of Association to impose restrictions on the powers of the Directors**

Article 54 of the Company’s Articles of Association, sets out that whenever IBC, or any subsidiary of IBC, shall be the holder of any issued ordinary shares of the Company, it may impose restrictions on all or any of the powers of the directors to such extent as IBC may by notice prescribe. Further to Article 54, Executive has agreed that all Reserved Matters (set out above) relating to the Company shall only be effective if duly approved by Executive or the Delegated Officer as indicated.
Part 3

Section 4

Overview and Scrutiny Functions
1. **Terms of Reference**

1.1 The Council will appoint the Overview and Scrutiny Committee to discharge the Functions conferred by section 21 of the Local Government Act 2000 or Regulations under section 32 of the Local Government Act 2000. See Part 4 (Rules of Procedure) for the proceedings of the Committee and its Sub Committees.

2. **Functions**

2.1 Within its Terms of Reference, the **Overview and Scrutiny Committee** shall:

2.1.1 scrutinise and review decisions or other actions taken with respect to Executive functions. This includes call-in;

2.1.2 scrutinise and review decisions or other actions taken with respect to non Executive Functions;

2.1.3 make reports or recommendations to the full Council or to the Executive about one or more particular issue, service or matter which affects Ipswich or its inhabitants. Reports or recommendations may be carried out on whatever issue, service or matter the Overview and Scrutiny Committee thinks fit and may be carried out on any subject if Council or the Executive requests it to do so;

2.1.4 question members of the Executive and/or Committees, and the Chief Operating Officer and/or Chief Executive, on issues and proposals affecting the area;

2.1.5 review and scrutinise the performance of the Executive in relation to its policy objectives, performance targets and/or particular service areas;

2.1.6 examination of performance and risk information against the corporate aims and objectives and key targets;

2.1.7 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people;

2.1.8 monitor the strategic direction and performance of the LAA2. Invite representatives from each Delivery Partnership as appropriate;

2.1.9 oversee the Council’s involvement in external scrutiny initiatives, such as the Suffolk Scrutiny Network;

2.1.10 consider Councillor Call for Action requests;
2.1.11 to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;

2.1.12 to have power to co-op members of the Crime and Disorder Reduction Partnership when reviewing decisions and key policy matters (note that co-opted members may have voting rights if the committee decide to grant them). The committee may co-opt either employees or non-executive members of a responsible authority;

2.1.13 to make reports or recommendations to the Council with respect to the discharge of those functions;

2.1.14 to have at least one meeting each municipal year dedicated to scrutinising crime and disorder matters.

3. Calling-in decisions

3.1 The Overview and Scrutiny Committee can call-in decisions made by the Executive and officers so that these decisions can be reconsidered. Any two members of the Overview and Scrutiny Committee or any 5 members of the Council may request a call-in of an Executive decision (see the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution).

4. Finance

4.1 The Overview and Scrutiny Committee may exercise overall responsibility for any finances made available to them.

5. Reports

5.1 Each year the Overview and Scrutiny Committee shall provide a full report to Council on its activities (and that of its Sub Committees) and make recommendations for future work programmes and different working methods if appropriate. During the year the Committee and/or Sub Committees will report the outcomes of any significant issues and make recommendations to the Executive or the Council, as appropriate.
Part 3

Section 5

Officer Delegation Scheme
1. **Introduction**

This scheme has been adopted by Ipswich Borough Council and its Executive and is the list of delegations to officers under section 101 of the Local Government Act 1972, section 15 of the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.

Reference to powers of “the Council” include the powers exercisable by the Executive.

The delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

All delegations to officers are subject to:

(a) statutory requirements;

(b) Council Standing Orders and Regulations;

(c) consideration of the Council’s policies;

(d) the requirements of the Chief Executive and/or Chief Operating Officer in relation to the day to day management and co-ordination of the Council;

(e) adequate financial provision having being made within the manager’s budget for the likely financial consequences of any decision.

Where an officer has delegated powers, the Council or the Executive or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so.

2. **Exclusions**

2.1 This Scheme does not delegate:

(a) any matter which by law may not be delegated to an officer;

(b) any matter which is specifically excluded from delegation by this scheme.

2.2 **General Limitations**

Officers in the exercise of functions delegated by this Scheme may not:

(a) contravene policies or strategies approved by the Council or the Executive;

(b) create or approve new policies and strategies;

(c) take decisions to withdraw public services;
(d) take decisions on significant new powers or duties arising from new legislation before the new powers or duties have been reported to the Council or the Executive as appropriate, (except in cases of urgency and in consultation with the appropriate Portfolio Holder or Committee Chairman);

(e) provide formal responses to any: (i) Government White Paper or (ii) Green Paper or (iii) other consultation likely to lead to: (a) significant policy changes or (b) have significant impact upon services (except in cases of urgency and in consultation with the appropriate Portfolio Holder or Committee Chairman);

(f) declare land or property surplus to requirements;

(g) agree grant criteria or approve fees and charges (except in routine cases, or as a matter of urgency, in consultation with the appropriate Portfolio Holder and committee chairman, provided the decision is within Council policy and budget);

(h) any decision made by officers under delegated powers must be within the approved Revenue and Capital budgets, subject to any discretion allowed by Financial Regulations, and must comply with the Council’s Financial Framework and Financial Instructions.

2.3 Specific Limitations in relation to Employment Related Delegations

The Council is committed to the principle of equitable treatment of employees in all its services, and all decisions about the management and disciplining of staff are subject to:

- the law
- national and local agreements on conditions of service
- disciplinary and grievance procedures
- bullying and harassment policy
- recruitment and selection procedures
- contracts of employment
- pay policies
- redeployment procedures
- comprehensive equality and diversity policy
• health and safety policy
• employee Code of Conduct
• compliance with any other policy relating to employment matters.
• The requirement for prior consultation with recognised trade unions in relation to decisions about:
  • collective redundancies
  • transfers of business ownership
  • changes to pension schemes
  • health and safety arrangements
  • significant HR policy matters

2.4 Recording and publication of Officer Decisions made under either express authorisation or the scheme of delegations

Note: that two sets of Regulations apply depending on whether a decision is taken under Executive Functions or Non-Executive functions.

Executive Functions

2.4.1 When any officer with delegation power (or is duly authorised to take such decisions) takes any Executive decision on matters that are the responsibility of the Council’s Executive and which affect external parties or the community, such as:-

• decisions about awarding contracts above a total value of £10,000;
• decisions to exercise powers of Compulsory Purchase;
• decisions on disposal of and/or provision of open space, allotment land or other green spaces;
• decisions to purchase new ICT systems;
• decisions about the holding/cancellation of car boot sales/markets or events on council-owned land;
• decisions about the operating hours of off-street car parks;
• decisions to close a park or sports centre;
• decisions resulting in the closure of a major road.

These must be recorded in writing to comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 no. 2089. The written record must be completed by the officer at the time of making the decision and include:

• details of the decision and the date it was made;
• reasons for the decision;
• any other options considered and why those options were rejected;
• details of any conflict of interest declared by any executive member consulted in relation to the decision; and
• a note of any dispensation granted in respect of any declared conflict of interest.

Non-Executive Functions

2.4.2 When any officer with delegated power takes a non-Executive decision:
- under a specific express authorisation, or
- under a general authorisation where the effect of the decision is to:
  • grant permissions or licences,
  • affect the rights of individuals,
  • award contracts or incur expenditure which, in either case, materially affects the Council’s financial position (normally this will be a contract or expenditure above a total value of £10,000).

These decisions must be recorded in writing to comply with The Openness of Local Government Bodies Regulations 2014 no. 2095.

The written record must be produced as soon as reasonably practicable (normally within 10 working days) after the decision has been made and must include:
• The date the decision was taken;
• A record of the decision taken along with reasons for the decision;
• Details of alternative options if any considered and rejected; and
• Where the decision is taken under a specific express authorisation, include the name of any member who has declared a conflict of interest in relation to the decision.

2.4.3 A copy of the record of the decision must be sent by the relevant officer to the Monitoring Officer for publication or inspection as soon as practicable after the decision has been made to enable publication within the timescale set out in 2.4.2 above.

3. Executive/Council Functions

The letter “E” in the right-hand column denotes a function which is an Executive Function. The letter “C” denotes a function which is a function of the Council.

Executive Functions cease to be Executive Functions (and the decision must be taken by full Council) if the decision maker proposes to:

(a) make a decision which is inconsistent with a policy approved by the full Council which applies to that decision; or
(b) make a decision contrary to the budget, capital programme or treasury management in circumstances where the full Council has not authorised this.

4. **Authorisations to other Officers**

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers in particular circumstances. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers shall keep a register of all authorisations granted. Copies of those delegations must also be sent:

(a) to the Monitoring Officer: in respect of every delegation given to another officer;

(b) to the Chief Operating Officer: in respect of those delegations given to another officer relating to the management of employees; and

(c) to the Head of Finance and Revenues: in respect of those delegations given to another officer to sign orders / requisitions, cheques etc.

5. **Reserve Delegations**

The delegated powers held by a post may be exercised by the line manager of that post (or by the line manager's line manager or by the Chief Executive) if:

(a) that post is vacant;

(b) the post-holder is not at work for any reason;

(c) the person who has the delegated power has a conflict of interest in the decision or matter.

**LIMITATIONS:** Any delegated powers given to the Monitoring Officer or S 151 Chief Finance officer in relation to their statutory duties may only be exercised in their absence by their duly appointed deputies.

6. **Transfer of Functions**

Where the name of a post is changed, any delegated powers possessed by the post shall be retained by the renamed post.

Where a service area is restructured, the Chief Executive has authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and shall also notify all Councillors and Heads of Service.

When a post is vacant, and an employee takes on the duties of the post in an “acting” capacity, they have the same delegated powers that they would have if they held the post.
7. **General Statement about Consultation**

7.1 A decision maker must consult the relevant Portfolio Holder if the decision relates to Executive Functions and where it may reasonably be considered that the issue is important or sensitive. Where appropriate, the matter must be referred to the Executive for a decision/guidance.

7.2 If for any reason it is not practical or lawful to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom they reasonably consider to be an appropriate substitute consultee.

7.3 Where any decision proposed under delegated powers is likely to involve the approved budget being exceeded, or is outside the approved capital programme, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.

7.4 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with appropriate Portfolio Holder(s) or Committee Chairman before exercising the delegated powers.

7.5 An officer may at his/her discretion consult the appropriate Portfolio Holder, or the Executive, or the appropriate Committee, or its Chairman before exercising delegated powers, or decide not to exercise delegated powers but refer the matter to the Executive or a committee for a decision.

7.6 In exercising delegated powers, officers will keep Ward Councillors informed of sensitive matters affecting their Wards.

8. **Delegations to Officers with Core Delegated Powers**

8.1 Without prejudice to the above, the powers listed below have been specifically delegated to the officers listed below, subject to the Limitations listed above:

- Chief Executive
- Chief Operating Officer
- Heads of Service

8.2 Subject to the Council’s Contract Standing Orders, any officer listed in 8.1 (or any officer duly authorised by any officer listed in 8.1) may enter into contracts which are:

   (a) entered into for any purpose which they consider relates to their service area;

   (b) not likely to result in net expenditure beyond the amount remaining for that year under the appropriate budget heading for that service area;
Heads of Service should check this is the case before entering into a contract;

(c) not contracts for the acquisition or disposal of any interest in land; and

(d) not contracts of employment (because these are covered in the Officer Employment Procedure Rules, Part 4, section 8).

This delegation expressly includes the power to enter into ‘partnership’ contracts with other public bodies and contracts which generate income (e.g. sponsorship contracts, grant contracts where the Council will receive money and advertising) but only after consulting the Head of Finance & Revenues and the Finance Portfolio Holder.

This delegation also expressly includes the power to administer lists of approved contractors in accordance with the Contract Standing Orders, Part 4, Section 9. [E/C]

8.3 To recruit employees and workers where authorised by the Head of Paid Service to do so.

(a) This delegation includes authority to fill posts within the establishment at a lower grade than the evaluated grade but only after consulting the Chief Operating Officer;

(b) This delegation includes authority to appoint temporary employees, following consultation with the Human Resources Operations Manager for any period of up to 23 months but only where:

(i) the appointment can be made without viring money into the staffing budget or a supplementary estimate being made; or

(ii) it is necessary in order to ensure that council services can be maintained safely; or

(iii) it is necessary in order to provide a basic council service.

And any appointment made under (b)(i), (ii) or (iii) above to be subsequently reported to the Corporate Management Team.

(c) This delegation includes the authority to recruit to a pool of casual workers but only where:

(i) such casual workers are employed on an ad hoc basis only; and

(ii) no on-going patterns of employment are established.

(d) delegation 8.3(b) applies whether or not there is a vacant established post, but if there is no such post then the Human Resources Operations Manager must be consulted about what the temporary employee should be paid.
LIMITATION: This delegation does not allow re-appointment or for a temporary appointment to be extended if it would mean that the temporary employee would acquire more than 23 months’ continuous employment.

(d) To authorise the payment of a salary on appointment at a point above the minimum of the grade, where the appointee’s experience, qualifications, current pay or other factors justify it, and in circumstances where such a payment is otherwise appropriate and reasonable and after consulting the Human Resources Operations Manager.

(e) This delegation does not include authority to appoint anyone to a post which under the Officer Employment Procedure Rules, is required to be appointed by Councillors. [E/C]

8.4 (a) To take any necessary disciplinary action in accordance with the Council’s Disciplinary and Grievance Procedure, where authorised by the Head of the Paid Service to do so.

(b) To dismiss employees for reasons other than misconduct, after consulting the Chief Operating Officer and where authorised to do so by the Head of the Paid Service. [C]

8.5 To manage employees, which expressly includes:

(a) To grant special leave of absence with pay, e.g. compassionate reasons or Carer requirements, not exceeding 4 weeks in any leave year. [C]

(b) To grant unpaid leave of absence for up to six months. [C]

8.6 To take any action which the Council has power to take in order to manage their service area including the power to apply for any registration, licence or consent in connection with the service area. [E]

8.7 To publicise the services they provide, (for example by publishing leaflets or information on the internet) after consulting the appropriate Portfolio Holder and the Press and Communication Officer. [E/C]

8.8 To serve any notice which the Council has the power to serve in order to find out which people have an interest in any land. [C]

8.9 In consultation with the appropriate Portfolio Holders, to decide the terms upon which services will be provided to the public (which may include providing services on different terms to different individuals or classes of individuals). [E]

8.10 To temporarily change opening hours for premises but not (except in the case of an emergency) so as to prejudice service delivery. [E]

8.11 In consultation with the Legal & Democratic Services Operations Manager to ban people from premises. [E]
8.12 To assist any outside body concerned with the officer’s service area and to make representations to them (but representations given must not conflict with council policy). [E/C]

8.13 To take any steps to implement a decision of the Council, a Committee or a Sub-Committee or the Executive. [E/C]

8.14 To exercise the Council’s powers:

* to enter land (and to authorise others to enter land); and
* to authorise surveillance, but in the case of covert surveillance only where designated in the Proper Officer list. [E/C]

for the purposes of any of the Council’s functions which the officer has responsibility for enforcing or investigating.

8.15 To instruct the Operations Manager for Legal & Democratic Services with respect to any matter concerning the service area requiring legal services. [E/C]

8.16 To carry out any works which the Council has power to carry out in connection with any function delegated to them (including the power to carry out works in default) and to take any steps to recover the money spent on carrying out works in default (including charging land). [E/C]

8.17 To exercise the Council’s powers in connection with any apparently lost, abandoned or uncollected property (including vehicles). [E]

8.18 The authority to tender or quote for and, if successful, to carry out any work which is put out to tender by the Council. [E]

8.19 Authority to tender for and enter into contracts to provide goods and services to any body to which the Council has express statutory authority to provide goods and services, subject to the Contract Standing Orders. [E]

8.20 Authority to use spare capacity of goods, plant or manpower by entering into contracts to carry out work for another person or body provided that where a contract is estimated to have a value of more than £25,000 in any financial year he or she shall consult the S151 Chief Finance Officer and Monitoring Officer before entering into the contract. [E]

**LIMITATION:** This delegation does not extend to any contract with an anticipated value in excess of £75,000.

8.21 Authority to sub-contract any work which needs to be done (directly or indirectly) under any contract or any work for the Council which the relevant service has won. This includes authority to make provision (by any means) for another public body to carry out the work or discharge the Council’s functions.
9. Delegations to Chief Executive & Chief Operating Officer

9.1 To waive requirements within the Contract Standing Orders for specific projects where it is legal to do so and the decision to waive Contract Standing Orders is not a key decision.

The following delegations are exercisable by the Chief Executive and the Chief Operating Officer insofar as they relate to the Service Areas under their management and control.

9.2 To transfer employees between service areas where this will not have a detrimental effect on service delivery. [C]

9.3 To grant honoraria in accordance with the Council’s policies. [C]

9.4 To authorise back payments to officers where entitlement has been established under their contract of employment or council policy. [C]

9.5 To create, vary or delete posts.

10. List of Officers with Service Specific Delegations

- Chief Executive
- Chief Operating Officer
- Monitoring Officer
- S151 Chief Finance Officer
- Head of Governance
- Head of Development
- Head of Housing & Community Services
- Head of Culture & Environment
- Head of Finance & Revenues
- Head of Sports and Programmes
- Operations Managers listed in section 11 with specific operational delegations.
10.1 **Chief Executive**

(a) The Council’s power to publish information about its services including deciding the content of any publication in consultation with the Leader. [E]

(b) The Council’s powers to take any action with respect to the Commissioner for Local Administration. [E]

(c) To exercise the Council’s powers to prepare for and deal with any disaster or emergency affecting life or property in Ipswich. [E]

(d) To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer’s duties. [C]

(e) To act as Head of the Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 and to make any decision which the Council may make as employer other than pay grading structure and job evaluation (except those decisions that are reserved to Council, the Executive or subject to a recommendation of the Employment Advisory Panel).

(f) To determine and publish the management structure of the Council.

(g) To determine the appointment and proper management of the authority’s staff (except those decisions that are reserved to Council, the Executive or subject to a recommendation of the Employment Advisory Panel).

(h) To report and consult as they consider it appropriate to do so on any of the matters within this delegation.

(i) Subject to the prior consent of the relevant Portfolio Holders, the transfer of staffing budgets allocated to a particular service area to another service area in any service grouping after notifying the Section 151 Chief Finance Officer and Chief Operating Officer and the Portfolio Holder for Finance. [E]

(j) To publish information about Council services on the internet and decide whether or not to link sites. [E]

(k) To take decisions on any Executive functions in consultation with the Leader of the Council (or in the Leader’s absence or unavailability, with the Deputy Leader) as are considered necessary on any urgent or essential matters that may arise during any pre-election period (being the period between the date of the Notice of Election and the first meeting of the Executive following that election), and to report back on any decisions taken under such authority to the first available meeting of the Executive after the commencement of the next municipal year. [E]

(l) To authorise other officers to make employment decisions.
In consultation with the Finance Portfolio Holder, Leader of the Council and Section 151 Officer to apply for funding from any third party for the purposes of the regeneration of Ipswich and in or around Ipswich. [E/C]

10.2 Chief Operating Officer

(a) To exercise all the powers of the Chief Executive in his or her absence, or unavailability or when he or she is unable to exercise them in the case of any conflict of interest.

(b) To appoint Councillors to any panel where needed for any appointment, dismissal or appeal. [C]

(c) To approve applications from employees for early retirement or voluntary redundancy/severance in accordance with Council policies. [C]

10.3 Monitoring Officer

(a) To approve, compromise or the settlement of any legal proceedings which have been started. [E/C]

(b) To approve the settlement of any claims brought by or against the Council before proceedings have been started up to a maximum sum of £30,000 in consultation with the Section 151 Chief Finance Officer in any one case and provided that if the settlement amount is not included in any existing budget provision the Finance Portfolio Holder must also be consulted. [E/C]

(c) To draft, modify or replace any document which has by law to be included in the Council’s constitution under a direction issued by the Secretary of State but which the Council is not otherwise required to have. [C]

(d) To exercise the Council’s functions under the Freedom of Information Act 2000. [E]

(e) To advertise for Independent Members of Audit & Governance Committee & Independent Persons when a vacancy arises and to arrange an interview panel to make recommendations to meetings of the full Council. [C]

(f) To amend the Constitution or the Scheme of Delegations where there has been a change of law, job title, structure or rearrangement of responsibilities between officers, grant of a delegated power to an officer by Executive or Council, or to correct typographical and clerical errors (all Councillors to be notified forthwith).

(g) To exercise the functions of the Council in respect of:
(i) The maintenance of records of notices of pecuniary and non-pecuniary interests given by any Councillor or Officer of the Council (for so long as the Council is under a legal duty to maintain this register). [E]

(ii) The provision of information to the public and to councillors about the Council’s decision-making process and individual decisions. [E]

(iii) After consulting the Leader, to nominate representatives to outside bodies where any vacancy arises after the annual Council meeting in May in any council year. [C]

(iv) The provision of facilities for Councillors. [E/C]

(h) The approval of reasons for the absence of Councillors from any meetings and the declaration of vacancies of any seats of the Council. [C]

(i) To certify resolutions and documents as being correct.

10.4 **Section 151 Chief Finance Officer**

(a) To sign any financial forms required by the External Auditor or Government department, including form NNDR 1.

(b) To amend the Contract Standing Orders or Financial Regulations where there has been a change of law, job title, structure or rearrangement of responsibilities between officers or to correct typographical, numerical and clerical errors, in consultation with the Monitoring Officer (all Councillors to be notified forthwith).

10.5 **Head of Development**

**Planning**

(a) To exercise the Council’s statutory functions as Local Planning Authority subject to the limitation below, to determine all applications and deal with consultations on, and notifications of development:

(i) for planning permission; or approval under conditions or reserved matters attached to a planning permission; alterations to a proposal already having planning permission and renewals of a planning permission;

(ii) for consent to display advertisements;

(iii) to construct overhead electricity lines;
(iv) for consent to top, lop or fell trees subject to a Tree Preservation Order or trees in Conservation Areas;

(v) for a certificate of lawful use or development (whether the development or change of use has taken place or not);

(vi) for listed building or conservation area consents;

(vii) for development by Suffolk County Council, or of its land;

(viii) for development by the Council, or of the Council's land;

(ix) for development by government departments;

(x) for development of land outside the Borough where the Council is consulted; or

(xi) for hazardous substances consent. [C]

Guidance note: Whilst there is no limit on the powers of the Head of Development’s powers to decide these matters, it is expected that the Head of Development will exercise judgment about which cases are referred to committee and in doing so will normally consider the following factors:

- the scale of the proposal;
- any controversial planning issues raised by the application;
- any views expressed by Councillors;
- the extent to which the proposal is in accordance with planning policies;
- government targets for decisions to be taken by officers under delegated powers.

(c) To give approval under any planning condition which requires the approval of the Head of Development. [E]

(d) To enter into any planning obligation agreement on behalf of the Council which relates to any planning or other application for development.

(e) To exercise the Council’s statutory functions with respect to building regulations.

(f) To manage park lodges (including the power to grant employees licences to occupy and to terminate those licences). [E]

Acceptance of Land

(a) To exercise the Council’s powers to accept land, where the land is or is to be transferred to the Council under planning obligation or for another planning purpose. [E]
10.7 **Head of Housing & Community Services**

**Council Housing:**

(a) To administer any statutory right for tenants to purchase council dwellings including exercising all the Council’s powers and discretions and performing all their duties under the law. [E]

(b) To carry out the Council’s functions and powers as freeholder of blocks of flats containing dwellings subject to long leases. [E]

(c) To receive statutory claims for home loss payments and to determine if any amount is payable and to make such payments. [E]

(d) To vary rents of properties let or licensed on a non-secure basis. [E]

(but if the property does not include a building then the Head of Housing & Community Services should consider whether or not there is any other potential use for the land which ought to be pursued).

(e) To set rents and charges for occupation of property held by the Council under the Housing Revenue Account, but not to carry out the annual rent setting of property occupied by secure tenants. [E]

(f) To authorise officers to appear in legal proceedings on behalf of the Council. [E]

(g) To grant leases of land (but not dwellings) held for housing purposes for a term of no more than 7 years and where appropriate for a consideration less than the best that could reasonably be obtained [E].

**LIMITATION:** The Portfolio Holder must be consulted before this delegation is exercised.

**Voluntary Organisations**

(a) After consulting the Portfolio Holder, to give voluntary organisations assistance by way of:

- permitting them to use Council housing premises making available furniture or other goods;
- making available the services of Council employees. [E]

(b) To allocate housing in accordance with policy guidelines laid down by the Council to new employees for a period of up to 6 months (up to a maximum of 6 such lettings at any one time), and to Council employees or ex-employees having a minimum of 3 years’ service with the Council moving out of service accommodation. [E]
Suffolk County Council

(a) To decide what assistance is to be provided to Suffolk County Council where the Council is under a duty to provide reasonable assistance to it.

Trespass

(a) To exercise the Council’s powers with respect to persons trespassing on Council Housing Land. [E]

Licensing

(a) To exercise all powers under the Licensing Act 2003 other than those reserved to the Council or the Licensing & Regulatory Committee.

(b) To exercise all powers under the Gambling Act 2005 other than those reserved to the Council or the Licensing & Regulatory Committee.

(c) To exercise all powers under the Animal Welfare Act 2018

(d) Inspection and Enforcement: To appoint Inspectors and Authorised Officers under any legislation.

(e) Where the Licensing and Regulatory Committee have decided to suspend a driver’s licence then unless the Licensing and Regulatory Committee decide to the contrary, the Head of Housing & Community Services has authority, in consultation with the driver concerned, to decide the date on which the suspension starts.

(f) The Head of Housing & Community Services must report any use of his taxi and private hire delegated powers to the next available meeting of the Licensing and Regulatory Committee.

10.8 Head of Culture & Environment

(a) To exercise the Council’s powers with respect to the provision, maintenance and development of the Christchurch Mansion, the Wolsey Art Gallery and the High Street Museum and their associated collections and exhibition programmes subject to the exercise of functions by the Joint Museum Service for Colchester and Ipswich. [E]

LIMITATION: This delegation shall not allow the Head of Culture & Environment to dispose of any part of the collections nor place them on permanent loan.

(b) The power to decide the Council funded entertainments programme at Council facilities. [E]

(c) The power to exercise the Council's discretion to impose terms and conditions and set prices in relation to any Council facilities under his or
her management or control.

(d) The power to provide entertainments or catering of any nature anywhere in Ipswich upon such terms and conditions as he/she shall determine. [E]

(e) To allow any part of any park or pleasure ground to be used for an entertainment, unless the entertainment involves the closure of the whole of a park at a time when it would otherwise be open. [E]

(f) To take all necessary steps to ensure that bylaws relating to public parks are complied with. [E]

(g) In consultation with the Finance Portfolio Holder and the Head of Finance & Revenues to apply for funding from any third party for the purposes of the management of the parks or countryside in or around Ipswich. [E/C]

(h) To fix and levy reasonable charges for the collection and disposal of waste other than household waste within specified guidelines. [E]

10.9 **Head of Finance & Revenues**

(a) To exercise all the Council’s powers with respect to the administration of the Local Council Tax Reduction Scheme, including the determination, re-determination and payment of benefit; the exercising of discretionary powers; all decisions relating to the recovery or non-recovery of recoverable overpayments and the carrying out reviews of decisions (such reviews not to be carried out by the same person who made the original decision). [E]

(b) To exercise all the Council’s powers and duties to bill, administer and collect the Council tax, the National Non-Domestic Rates and outstanding community charge liability including the power to enforce collection and exercise the Council’s discretions under the law. [E]

(c) To exercise the Council’s powers to authorise officers and agents to represent the council in any court or tribunal or at any hearing on local taxation matters, and to serve warrants in respect of these matters and to administer a Caution and/or Administrative Penalty where appropriate. [E]

**LIMITATION:**

- this delegation does not extend to setting the level of the Council Tax;
- when exercising any authorisation, the Head of Finance & Revenues will have due regard to their responsibilities as Section 151 Officer
- this delegation does not allow the Head of Finance & Revenues to change the period of time over which the council tax falls to be paid.
10.11 Head of Sport and Programmes

(a) The power to exercise the Council’s discretion to impose terms and conditions and set prices in relation to any Council facilities under his or her management or control.

(b) The power to provide entertainments or catering of any nature anywhere in Ipswich upon such terms and conditions as he/she shall determine. [E]

(c) To determine the terms and conditions upon which any leisure facility may be used by any particular class or group of persons and to run pre-payment and advance booking schemes such as the iCard. [E]

11. Operations Managers’ Operational Delegations:

11.1 Operations Manager for Legal & Democratic Services

(a) To act as the Council’s Chief Legal Advisor responsible for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council.

(b) The service of any notice required to terminate any contract, agreement or lease entered into by the Council including notices to vary any terms of such contract, agreement or lease.

(c) To institute, defend, prosecute, participate or appear in any legal or other proceedings on behalf of the Council including proceedings to seek warrants and the administering of Cautions. [E/C]

(d) To authorise officers to appear in legal proceedings on behalf of the Council. [E]

(e) To instruct counsel and to instruct external solicitors on any matters likely to affect the interests of the Council and generally to administer the budget for the Legal Service. [E/C]

(f) To sign and serve any statutory or legal notice in accordance with any statutory powers or any functions of the Council and to place any public notice that the Council is required in law to place. [E/C]

(g) To exercise the council’s powers and functions under data protection law. [E]

(h) To attest the Common Seal of the Council. In his/her absence, this may also be undertaken by the Chief Executive and the Chief Operating Officer. [C]
(i) To sign on behalf of the Council any document authorised by the Council or which is necessary or desirable to give effect to any decision of the Council.

(j) To provide and sign statements of truth in accordance with the Civil Procedure Rules.

(k) To sign indemnities and provide solicitor’s undertakings where they are required to enable the Council to exercise any of its functions provided that where the giving of an indemnity or undertaking could have considerable financial implications the Finance Portfolio Holder and the Head of Finance & Revenues shall be required to give his/her approval.

(l) To exercise the Council’s powers with respect to persons trespassing on other people’s land. [E]

(m) To administer the register of local land charges, carry out official searches and to respond to enquiries of local authorities and determine the fee charged for responding to these. [E]

(n) To exercise the Council’s powers to number and renumber properties and name and rename streets. [E]

(o) To exercise the functions of the Council in respect of:

(i) Making arrangements for the convening of meetings of the Council, its Committees, Sub-Committees, the Executive and other associated bodies as may be necessary. [E/C]

(ii) The preparation of a programme of meetings of the Council, its Committees and Sub-Committees and the Executive. [E/C]

11.2 Operations Manager for Corporate Support

(a) To take such actions that the Council as landowner has power to take as are necessary to comply with the law in order to do any works or ensure the health and safety of any person. [E]

11.3 Operations Manager for Community Support

(a) After consulting the Portfolio Holder, to give voluntary organisations assistance by way of:

- grant or loan;
- by permitting them to use Council premises on terms approved by the operations manager for property services;
- making available furniture or other goods;
- making available the services of Council employees. [E]

(b) To manage the Council’s powers in relation to antisocial behaviour and
take steps to secure appropriate orders.

(c) The power to develop closed circuit television systems for the purpose of the prevention of crime and disorder and to provide services for others for whom the Council has power to provide CCTV. [E]

(d) To exercise the Council’s powers, take action concerning any matter which is, may be come or has been, prejudicial to health or a nuisance. [E]

(e) To exercise the Council’s powers relating to the enforcement of the law relating to dog fouling. [E]

11.4 Operations Manager for Parks and Cemeteries

(a) To promote the use and enjoyment of the parks, amenity areas and recreation grounds. [E]

(b) To provide public catering services in parks, open spaces or at events provided by this service area. [E]

(c) To provide, maintain and develop parks, recreation grounds and amenity areas throughout Ipswich for recreational and amenity purposes. [E]

(d) To encourage the use and enjoyment of Rivers Orwell and Gipping, their foreshore and adjacent land for formal and/or recreational purposes. [E]

(e) To exercise all the Council’s powers with respect to the management of allotments, but not including the fixing of rents. [E]

(f) To make grants of burials and other rights. [E]

(g) To exercise the Council’s powers with respect to arranging burial or cremation where no one else is making arrangements. [E]

(h) To exercise the Council’s powers with respect to the management of the cemeteries and crematorium. [E]

11.5 Operations Manager for Property Services

(a) To take any step which the Council is entitled to take as the person with an interest in any land. This delegation doesn’t include the power to dispose of any legal estate. [E]

(b) To acquire land or any interest in land by agreement under any enactment in consultation with the appropriate Portfolio Holder. [E]

(c) In consultation with appropriate Portfolio Holders to appropriate land belonging to the Council for purposes other than those for which it was acquired. [E]
(d) To dispose of land or any interest in land in accordance with the law (including the grant of wayleaves and easements to statutory undertakers). [E]

**LIMITATION:** This delegation permits all undertakings required by statute including those in relation to utility providers but does not apply if the Council is

- disposing of its freehold; or granting a lease of longer than 21 years

and if the freehold value of the land to be disposed of is more than £250,000 (if the value exceeds £50,000 then the disposal must be reported to Councillors).

(e) To receive notices served on the Council as the person with an interest in any land. [E]

(f) To agree ex-gratia payments up to £5,000. [E]

(any use of this delegation must be reported to Executive for information)

(g) After consultation with the Head of Development, to apply for any kind of necessary permission or consent needed to develop land or alter any building. [E]

(h) To take any steps consequent on the making of a compulsory purchase order, including the application of the rules for assessing compensation, negotiating with the other party the amount of compensation in order to settle the amount payable and reference to the Lands Tribunal where no agreement can be reached. [E]

(i) To carry out the Council’s functions relating to office accommodation and services in Grafton House. [E]

11.6 **Operations Manager for Major Capital Schemes**

(a) In consultation with the procurement officer, to compile and manage select lists for any kind of building or maintenance contract, including the power to add and remove contractors from the list, and the power to keep different lists for different kinds and sizes of contracts. [E]

(b) To apply for any kind of necessary statutory permission or consent needed to carry out any building works. [E]

(c) To apply for any kind of necessary statutory permission or consent and/or give any statutory notice needed to carry out any building works.

11.7 **Operations Manager for Human Resources**

(a) To authorise the implementation of the decisions of negotiating bodies relating to pay and other conditions of service, except where the Council
has discretion about how to implement the decision. [C]

(b) To authorise the write-off of any overpayment of pay or pension which occurs as a result of death of an employee or pensioner during the period covered by the payment. [C]

(c) To authorise payment of relocation expenses in accordance with the Council’s scheme. [C]

(d) Power to enter into agreements with workers for the purposes of regulating working time. [C/E]

(e) Power to disapply any part of the Council’s recruitment policy or employment standing orders for posts below grade 7 where this is in the interests of the Council and after considering the possible legal implications of so doing. [C]

11.8 Operations Manager for Information Technology

(a) To authorise any person to intercept any communication on the Council’s IT or telecommunications systems where lawful to do so. [E]

(b) To carry out the Council’s powers to provide voice telephony services in Council buildings. [E]

11.9 Operations Manager for Finance Services

(a) To make any financial provision for the costs of procurement or activity which have urgently been incurred to prevent danger to life, health or property or to clean up after a disaster.

LIMITATION: before making a decision as many of the following as possible must be consulted:

- the Head of Service whose budget will receive the extra money
- the Leader
- the Finance Portfolio Holder [E/C]

(b) To pay Councillors’ attendance allowances and financial loss, travelling and subsistence allowances. [C]

(c) The payment of expenses of official and courtesy visits. [E]

(d) Administering the council’s treasury management and annual investment strategy.

(e) To enter into contracts for the supply of energy to the Council. (E)
LIMITATION: If the Operations Manager for Finance Services considers that his or her proposed decision is outside a policy agreed by the Executive then he or she shall consult the relevant portfolio holder before exercising the power

11.10 Operations Manager for Customer Services

(a) To take any action with respect to the management of parking places including exercising any discretions under parking places orders, the movement or removal of vehicles. [E]

(b) To issue and withdraw any penalty charge notice issued in conjunction with any parking or road traffic law covered by any decriminalised provision enforceable by the Council, consider representations made in response to such notices and take any steps in connection with the National Parking Adjudication Service. [E]

Highways & Transport

(a) Provision of bus shelters. [E]

(b) To enter into agreements to secure the provision of public passenger transport services (including the provision of service subsidies). [E]

(c) To maintain, repair and operate bus stations and associated facilities. [E]

(j) Provision of street lighting (including powers to attach street lights to buildings). [E]

(k) To exercise any highway or traffic regulation function which the Council has power to carry out under any agreement with Suffolk County Council (as varied from time to time). [E]

(l) To exercise any highway function which the Council has power to carry out in its own right as a District Council. [E]

(m) To exercise the traffic regulation functions associated with the market. [E]

(n) Provision of seats, drinking fountains and watering troughs. [E]

(o) Provision of street name plates. [E]

Note: “Provision” includes the power to maintain, clean, change and remove.

(p) To take any step-in order to make or vary a car parking order in accordance with instructions from the Executive. [E]
11.11 Operations Manager for Planning & Development

**Town Planning**

(a) To exercise the Council’s statutory functions as a local planning authority subject to the limitations below:

(i) To give approval under any planning condition required by the Planning and Development Committee.

(ii) The power to decide what information is needed before a decision can be taken on any application (including the power to decide whether or not an environmental impact assessment is needed and screening and scoping opinions). [E]

(iii) To take any action in response to notifications of proposed development required to be given before exercising permitted development rights, and to deal with any subsequent application for consent. [C]

(iv) To take any enforcement action including the issue and service of any statutory notice which includes (but is not limited to):

- enforcement notices;
- stop notices;
- breach of condition notices;
- listed building enforcement notices;
- planning contravention notices;
- hazardous substances contravention notices;
- advertisement discontinuance notices;
- untidy site notices.

(v) To exercise any statutory power to withdraw any such notice, to waive or relax any of their contents, or extend a period for compliance. [C]

(vi) To serve and withdraw building preservation notices on unlisted buildings. The reasons for the notice and any question of potential compensation must be reported to earliest available meeting of the Planning and Development Committee. [C]

(vii) To serve urgent works notices where the Head of Development is satisfied that it is necessary to serve such a notice without delay to avoid damage or the risk of damage to an unoccupied listed building. The reasons for the notice and any question of potential compensation must be reported to earliest available meeting of the Planning and Development Committee. [C]

(viii) To make Tree Preservation Orders where the Head of Development is satisfied that it is expedient to make such an Order. [C]
(ix) To confirm Tree Preservation Orders where no objections are received. [C]

(x) To take any action which the Council has power to take in order to require the planting of any tree. [C]

(xi) To serve compensation directions concerning applications for works under a tree preservation order. [C]

(xii) To exercise the Council’s powers with respect to hedgerows. [C]

(xiii) To enter into any planning obligation agreement on behalf of the Council which relates to a planning or other application for development.

(xiv) To issue scoping and screening opinions under regulations 13 and 32 of the Town and County Planning (Environment Impact Assessment) Regulations 2017.

11.12 Operations Manager for Building Control

(a) To exercise the Council’s statutory functions with respect to the building regulations including the issue of all approvals, rejections, relaxations or consents under the building regulations and their governing statute and service of all statutory notices. To exercise the Council’s statutory functions with respect to appeals and taking of appropriate enforcement action including carrying out works in default. [E]

(b) To exercise the Council’s powers with respect to ruinous, dilapidated or dangerous buildings or structures, or sites which are dangerous or detrimental to the amenity of the area. [E]

(c) To exercise the Council’s powers to require sufficient sanitary facilities to be provided in buildings. [E]

(d) To exercise the Council’s powers to require taller chimneys to be erected following the erection of a building. [E]

(e) To exercise the Council’s power with respect to consents for cellars below subsoil water level. [E]

(f) To exercise the Council’s powers to require the provision of entrances and/or exits or means of escape from premises. [E]

(g) To exercise the Council’s powers to require the provision of food storage places in houses. [E]

(h) To exercise the Council’s powers with respect to demolition of buildings (but not to grant any planning permission or conservation area consent). [E]
(i) To carry out the necessary statutory duties, in respect of Initial Notices issued by Approved Inspectors supervising work instead of the Council. [E]

(j) To exercise the Council’s powers to enter premises and carry out inspections of premises licensed as theatres, cinemas or places of entertainment. [E]

(k) To deal with any consultation concerning the safety of any sports ground. [E]

(l) To exercise the Council’s powers to take enforcement action against persons erecting unsafe structures used on public occasions. [E]

(m) To exercise the Council's powers in relation to the use and ventilation of soil pipes. [E]

(n) To exercise the Council’s functions to serve statutory notices to request documents to be produce pursuant to the Housing Act 2004, Section 235. [E]

(o) To enter into agreements under which the Council takes on responsibility to maintain any drainage system. [E]

(p) To exercise the Council’s powers in relation to the deposit of lapsed plans.

11.13 Operations Manager for Public Protection

(a) To exercise the Council’s powers with respect to securing the safety of food and the condition of food sales premises (including but not limited to powers of licensing and registration). [C]

(b) To exercise the Council’s powers as enforcing authority of all legislation relating to health and safety at work. [C]

(c) To exercise the Council’s powers with respect to the control of infectious and notifiable diseases. [E]

(d) To exercise the Council’s powers, take action concerning any matter which is, may be come or has been prejudicial to health or a nuisance. [E]

(e) To exercise the Council’s powers with respect to the control of emissions into the air or into any land or watercourses (including the issue and revocation of any consent or licence and taking any action to enforce the provisions of this). [E]

(f) To exercise the Council’s powers with respect to Sunday trading. [E]
(g) To appoint inspectors and authorised officers under any legislation. [E/C]

(h) To exercise the Council’s powers with regard to:

- the control and tagging of dogs [E];
- rats and mice (and prevention of damage by them) [E];
- pigeons and other birds in built up areas [E].

(i) To exercise the Council’s powers (drainage):

- concerning the condition of any drain or private sewer [E];
- to secure that any building has adequate or improved drainage and/or sanitary conveniences [E];
- concerning the condition of any cesspool [E];
- the use and ventilation of soil pipes [E];
- the remedial work including the service of notices in relation to rainwater pipes, soil pipes and ventilating shafts and the apportionment and recovery of costs [E];
- concerning the alteration of a drainage system of premises [E];
- concerning the drainage and condition of yards and passages [E];
- with respect to the provision of washing and sanitary facilities [E];
- to loan temporary sanitary conveniences where necessary. [E]

(j) To exercise the Council’s powers with respect to filthy or verminous premises, articles or persons. [E]

(k) To exercise the Council’s powers with respect to water supplies. [E]

(l) To exercise the Council’s powers relating to rubbish or anything on land in the open air. [E]

(m) To exercise the Council’s powers with respect to the enforcement duty of care for waste on land and to require any person to provide a receptacle for the collection of waste. [E]

(n) To exercise the Council’s powers and duties with respect to street cleaning, littering on any land, fly tipping, and street furniture which has graffiti or fly posting on it. [E]

(o) To appoint authorised officers under legislation relating to: waste (including on private land), litter (including on private land), highways, free distribution of printed matter, and graffiti. [E]

(p) To exercise the Council’s powers relating to the enforcement of the law relating to dog fouling.

(q) To appoint authorised officers under legislation relating to fly posting. [E]

(r) To exercise the Council’s powers with respect to recycling any waste.
(s) To exercise the Council’s powers to control noise level on construction or demolition sites. [E]

(t) To exercise the Council’s powers with respect to the regulation of the carrying on of processes which are regulated by the Council. [E]

(u) To exercise the Council’s powers with approve proposals for grit and dust fumes arrestment plant for domestic furnaces, and to carry out appropriate measurements of grit dust and furnaces and the installation of furnaces. [E]

(v) To exercise the Council’s powers to determine chimney heights. [E]

(w) To serve notice requiring information about air pollution or information which the Council considers it needs for the purposes of legislation enacted to protect the environment or any part of it. [E]

(x) To exercise the Council’s functions with respect to ruinous and dilapidated sites. [E]

(y) To exercise the Council’s powers to require land to be cleaned up. [E]

(z) To exercise the Council’s powers to prevent pollution of land, water or air or harm to human health. [E]

(aa) To exercise the Council’s powers to take steps to prevent or remedy any noise nuisance. [E]

(bb) To exercise the Council’s powers with respect to contaminated land. [E]

(cc) To make any enforcement decisions and to take action with regard to the premises, places and vehicles in relation to which it has enforcement functions relating to the Council’s enforcement functions (as defined in the Health Act 2006 and Smoke-free (Premises and Enforcement Regulations 2006)).

(dd) To authorise officers to act under the powers contained in s 61 of the Public Health (Control of Diseases Act 1984 including the power to apply for a warrant from a Justice of the Peace.

Private Sector Housing

(a) To exercise any of the Council’s powers with respect to:

(i) The appointment of inspectors and authorised officers under any legislation. [E/C]

(ii) Grants for the improvement and maintenance of housing. [E]

(iii) Grants for the provision of facilities for disabled people and those
with special needs. [E]

(iv) The promotion of group repair and area renewal schemes. [E]

(v) Relocation grants. [E]

(vi) Provision of housing accommodation during private improvement works. [E]

(vii) Entering into nomination agreements ancillary to grants to landlords. [E]

(viii) The provision and funding of services to assist in the repair, improvement and maintenance of properties. [E]

(ix) Exercise any of the Council’s powers with respect to ensure housing meets legally enforceable standards. [E]

(x) Securing the repair, maintenance, demolition, closure and sanitary conditions of dwellings. [E]

(xi) Overcrowding of housing accommodation. [E]

(xii) Houses in multiple occupation. [E]

(xiii) Arranging for the restoration or continuation of supply of water, gas or electricity. [E]

(xiv) Carrying out any works which the Council has power to carry out in connection with any of these delegations (including works in default) and to take any steps to recover the money spent on carrying out works in default (including placing a charge on land). [E]

(xv) housing conditions, which:

- concern the condition of any drain or private sewer;
- mean that the Council may ensure that any building has adequate or improved drainage and/or sanitary conveniences;
- concern the condition of any cesspool;
- concern the use and ventilation of soil pipes;
- concern remedial work including the service of notices in relation to rainwater pipes, soil pipes and ventilating shafts and the apportionment and recovery of costs;
- concern the alteration of a drainage system of premises;
- concern the drainage and paving to yards and passages;
- involve the Council loaning temporary sanitary conveniences where necessary. [E]
(xvi) filthy or verminous premises, articles or persons. [E]

(xvii) action concerning any matter relating to dwellings which is, may become or has been prejudicial to health or a nuisance (but not noise nuisance). [C]

(xviii) Vacant premises. [E]

(xix) Ruinous and dilapidated sites. [E]

(xx) Rubbish or anything on land in the open air. [E]

(xxi) Require dwellings and gardens to be cleaned up. [E]

(xxii) Caravan sites. [C]

**Licensing**

(a) To exercise the Council's powers with regard to the following (except in respect of any applications for licences or registration etc where an objection against the granting of the application has been received. In such circumstances the application will be referred to Committee for determination):

- Street Trading
- The placing of facilities on the highway for recreation or refreshment
- Street collections
- House to house collections
- Hypnotism permits
- Motor salvage operators
- Scrap metal dealers
- Pleasure boats and boatmen
- Sex shops and cinemas
- Sexual Entertainment venues
- Pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
- Riding establishments
- Performing animals registration
- Dog Breeding including the Microchipping of Dogs (England) Regulations 2015
- Animal boarding establishments
- Dangerous wild animals
- Zoo licences
- Car boot sale authorisations

(b) To convene Licensing Sub-Committees for individual hearings.
(c) To exercise every function and power relating to hackney carriages and private hire vehicles, their drivers and private hire operators, including, subject to prior consultation with the Chair of Licensing and Regulatory Committee, the power to immediately suspend or revoke a hackney carriage and/or private hire licence where the Operations Manager for Environmental Health & Licensing also considers it to be urgent and necessary in the public interest.

**LIMITATION:**

(1) The delegated power to refuse to grant any application for a licence can only be exercised where the application fails to meet the Council’s policies from time to time in force.

(2) The Operations Manager for Environmental Health & Licensing must report any use of their taxi and private hire delegated powers to the next available meeting of the Licensing and Regulatory Committee.

11.14 **Operations Manager for Tenancy Services**

(a) To carry out any of the Council’s functions relating to the management of dwellings let under secure, demoted or introductory tenancies (or tenancies which have become non-secure for reasons outside the Council’s control) forming part of the Council’s ordinary housing stock. This includes authority to determine any question, serve any notice and carry out any repair. [E]

(b) To publish and keep up-to-date the information about tenancies and to supply each secure tenant with a copy of such information [E].

(c) To grant new tenancies to people who are existing tenants but only if [E]:

- At least one person will be a tenant of that property both before and after the new tenancy is granted; and
- The new tenancy is granted because of a change in the family circumstances of the tenant (ie they have acquired a new partner or on a relationship breakdown); and
- The same result cannot be achieved by a deed of assignment; and
- The decision-maker does not consider that the grant of the new tenancy will result in serious under-occupation or overcrowding;
- Granting the new tenancy is otherwise in accordance with housing policies.

(d) To grant tenancies of dwellings in accordance with allocation decisions made by the Head of Housing & Community Services. [E]

(e) To serve notice of intention to seek possession [E].

(f) To take any step which the Council has power to take to recover rent.
including distraint, legal proceedings and enforcement of judgments in rent arrears cases in respect of dwelling houses let under secure tenancies. [E]

**Gypsy and Traveller Sites**

(a) To manage gypsy and traveller sites (including deciding who may occupy pitches, terminating licences and arranging for the removal of persons and their belongings from any pitch). [E]

**11.15 Operations Manager for Housing Advice**

(a) To determine statutory reviews of decisions made with respect to a person presenting to the Council as homeless. If the Head of Housing & Community Services has been involved in the making of the original decision, then this delegation shall be exercisable by the Chief Operating Officer instead. [C]

(b) To make arrangements with another person or body for the contracting out of homelessness/housing register appeals on the Council’s behalf and to make arrangements under which the Council decides similar appeals made against decisions of other local authorities. [C]

(c) To determine all applications for persons presenting themselves to the Council as homeless and to determine how any duty which the Council may have to such persons is performed. [E]

(d) To deal with all questions about referrals of homeless persons by and to other authorities including taking all steps under any dispute resolution procedure (whether statutory or non-statutory). [E]

(e) To manage the hostels for the homeless, including granting and termination of tenancies and licences and evicting occupiers. [E]

(f) To set rents for accommodation provided as part of a duty owed to a person as a homeless person. [E]

(g) To allocate accommodation in accordance with the Council’s statutory housing allocation scheme and policies about transfers. [E]

(h) To exercise all the Council’s powers in connection with the administration of any list of people who have applied to the Council for the allocation of accommodation. [E]

(i) To vary the housing allocation scheme. [E]

(j) To decide who is eligible for housing accommodation. To determine statutory reviews of decisions made with respect to the housing register. If the Head of Housing & Community Services has been involved in the making of the original decision, then this delegation shall be exercisable
by the Chief Operating Officer instead. [C]

11.16 **Operations Manager for Commercial Development**

(a) To develop and manage the service as a conference and exhibition centre and for private events, including marriages. [E]

(b) To allow the premises to be used for educational or cultural events or entertainments (whether in return for payment or not) and, when a charge is to be made, to set that charge). [E]

(c) To provide catering at any facility or event managed by this service area. [E]

(d) The power to provide, advertise and manage facilities for conferences, exhibitions and any other event or performance. [E]

(e) The power to allow advertising, publish programmes, in connection with any entertainment. [E]

(f) The power to allow others to put on entertainments at the Council’s venues upon such terms and conditions approved by the Head of Culture & Environment. [E]

11.17 **Operations Manager for Sports & Leisure**

(a) To provide, maintain and develop a wide range of activities for sports, swimming and associated leisure activities. [E]

(b) To encourage, provide, promote and develop sporting and play activities for the benefit of the community. [E]

(c) To promote, manage, maintain and develop all the Council’s sports centres, community centres, swimming pools and other leisure facilities. [E]

(d) To allow events and exhibitions to take place in any leisure facility. [E]

(e) To provide public catering services in facilities or at events provided by this service area. [E]

11.18 **Operations Manager for Waste & Fleet Services**

(a) To exercise the Council’s powers and duties with respect to the collection of household waste including the service of any statutory notices on any particular person or classes of persons and the granting of consents to clean wheeled bins. [E]

(b) To exercise the Council’s powers and duties with respect to the collection of industrial or commercial waste including the Council’s powers to serve
any statutory notices on any particular person or classes of persons and the granting of consents which the Council has power to grant. [E]

(c) To exercise the Council’s powers with respect to the enforcement of the duty of care with respect to waste. [E]

(d) To exercise the Council’s powers and duties with respect to street cleaning, littering on any land, fly tipping, and street furniture which has graffiti or fly posting on it. [E]

(e) To exercise the Council’s powers with respect to recycling any waste. [E]
12. **Designated and Proper Officer Appointments**

**Designated Officers**

**Definition**

By section 270(3) of the Local Government Act 1972, a **Proper Officer** is defined as, in relation to any purpose and any local authority or other body or any area, an officer appointed for the purpose. Accordingly, the Council is required to decide which of their officers should be identified to carry out particular functions which are, by primary or secondary legislation, to be carried out by a specified post which will be the Proper Officer post mentioned by the legislation concerned.

A **designated officer** is an officer designated by the Council to carry out a particular function, but which is not prescribed as a Proper Officer function by legislation.

<table>
<thead>
<tr>
<th>TITLE</th>
<th>APPOINTEE</th>
<th>STATUTE</th>
</tr>
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<tbody>
<tr>
<td>Chief Finance Officer</td>
<td>John Chance</td>
<td>Local Government Act 1972 Section 151</td>
</tr>
<tr>
<td>Head of Paid Service</td>
<td>Chief Executive</td>
<td>Local Government and Housing Act 1989 Section 4(1)</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>Shirley Jarlett</td>
<td>Local Government and Housing Act 1989 Section 5(1)</td>
</tr>
<tr>
<td>Returning Officer (Local Government Elections)</td>
<td>Russell Williams</td>
<td>Representation of the People Act 1983 Section 35</td>
</tr>
<tr>
<td>Electoral Registration Officer</td>
<td>Russell Williams</td>
<td>Representation of the People Act 1983 Section 8</td>
</tr>
<tr>
<td>Cremations Registrar</td>
<td>Lisa Stannard</td>
<td>Cremation Regulations 1930 (Reg. 17)</td>
</tr>
</tbody>
</table>

**NOTES**

1. Section 113 of the Local Government Finance Act 1988 provides that the Chief Finance Officer must also be the Community Charge Registration Officer.

2. Under Section 114 of the Local Government and Finance Act 1988 the Chief Finance Officer must nominate a suitably qualified member of his staff to carry out his duties under that Section when he is unable to act through absence or illness.

3. Under Section 5(7) of the Local Government and Housing Act 1989 the Monitoring Officer must nominate a deputy to act when he is unable through absence or illness to fulfil the role himself.
4. Under Section 35 of the Representation of the People Act 1983 the Returning Officer may appoint deputies to assist him in his duties.

5. Under Section 52(2) of the Representation of the People Act 1983 the Electoral Registration Officer may appoint deputies to assist him in his duties.

6. Under Section 24 of the Representation of the People Act 1983 the Returning Officer at a parliamentary election is the Chairman of the Council. However, under Section 28 of that Act, the Electoral Registration Officer may discharge the functions of the Returning Officer as Acting Returning Officer. Under sub-section (5) the Acting Returning Officer has power to appoint deputies.
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<tr>
<th>APPOINTEE</th>
<th>FUNCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>To be the proper officer to serve and receive notices on behalf of the Council for the purposes of S23 of the Landlord &amp; Tenant Act 1927 and S66 of the Landlord &amp; Tenant Act 1954.</td>
</tr>
<tr>
<td>Head of Development</td>
<td>S16 provides that the proper officer is to receive and deposit lists of buildings of special architectural or historic interest.</td>
</tr>
<tr>
<td>Returning Officer</td>
<td>S83(1) provides that a declaration in the prescribed form of acceptance of office of Chairman, Vice-Chairman or councillor must be made by councillors to the proper officer.</td>
</tr>
<tr>
<td>Returning Officer</td>
<td>S84 states that written notice of resignation must be given by councillors to the proper officer.</td>
</tr>
<tr>
<td>Returning Officer</td>
<td>S88(2) gives the proper officer power to convene a meeting for purpose of filling casual vacancy in case of Chairman of the Council.</td>
</tr>
<tr>
<td>Returning Officer</td>
<td>S89(1)(b) makes provision for the proper officer to accept notice in writing of the casual vacancy occurring in the office of councillor.</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>For all purposes connected in the Local Government Act 1972 and the Local Government Act 2000 concerned with the provision of information about the decisions made or to be made by councillors including access to agenda, reports, background papers, minutes and records of decisions.</td>
</tr>
<tr>
<td>Chief Executive</td>
<td>S100F provides that the proper officer is to deal with additional rights of access to documents for Councillors of principal councils.</td>
</tr>
<tr>
<td>Head of Finance &amp; Revenues</td>
<td>S115 provides that the proper officer shall receive any monies held or received by officers during the course of employment or shall issue directions as to whom the monies should be paid.</td>
</tr>
</tbody>
</table>
Head of Finance & Revenues

S137A gives the proper officer power to require a voluntary organisation or similar body to supply information to him, where a local authority uses its powers under S137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum.

Head of Finance & Revenues (S151 Officer)

S146 provides that the proper officer is to make a statutory declaration, or give a certificate, in order to allow for securities etc to be transferred on change of name of local authority or change of area.

Head of Governance

S191(2) provides that the proper officer shall (when necessary) appoint a person to assist in examining, ascertaining and marking out boundaries in accordance with the Ordnance Survey Act 1841 and shall also arrange for advertisements to be placed in newspapers in the area.

Chief Executive

S210(6) & (7) appoints the proper officer to be vested with certain powers in respect of charities.

Monitoring Officer

S225 imposes a duty on the proper officer to receive and retain documents deposited with him pursuant to standing orders of either House of Parliament or any statute or instrument.

Monitoring Officer

S229(5) provides that the proper officer must certify any photographic copies of documents.

Monitoring Officer

S234(1) provides that any notice, order or other document which a local authority are authorised or required to give under any enactment may be signed on behalf of the authority by the proper officer.

Monitoring Officer

S236(9) provides that proper officer of a District Council shall send a copy of bylaws made by them to the proper officer of Suffolk County Council.

Monitoring Officer

S238 provides that printed copies of bylaws are endorsed with a certificate signed by the proper officer.

Head of Governance

S248 provides that the proper officer must keep the roll of freemen of the town.
<table>
<thead>
<tr>
<th>Position</th>
<th>Section/Act</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring Officer</td>
<td>Schedule 12 (Section 99)</td>
<td>contains provisions governing conduct of meetings, including requirements for notices to be given by proper officer in subsection (3), and the appointment of the proper officer to sign summons to attend meetings of the Council and specifying the proposed business.</td>
</tr>
<tr>
<td>Head of Housing &amp; Community Services</td>
<td>Schedule 14 (Section 180)</td>
<td>provides that the proper officer has to certify true copies of resolutions under the Public Health Acts 1875 to 1925.</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>Local Government Act 1974</td>
<td>S30 provides that the proper officer must give public notice of the ombudsman’s reports.</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>Local Government (Miscellaneous Provisions) Act 1976</td>
<td>S41 provides that copy resolutions and Minutes may be certified by the proper officer or a person authorised in that behalf by him or the authority.</td>
</tr>
<tr>
<td>Head of Governance</td>
<td>Local Land Charges Act 1975</td>
<td>S3 requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the “proper officer”.</td>
</tr>
<tr>
<td>Returning Officer</td>
<td>Representation of the People Act 1983</td>
<td>S67(7)(b) provides that in relation to a local government election a proper officer be appointed within the meaning of S270 (3) and (4) of the Local Government Act 1972.</td>
</tr>
<tr>
<td>Returning Officer</td>
<td></td>
<td>S128 provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area.</td>
</tr>
<tr>
<td>Chief Operating Officer</td>
<td></td>
<td>Section 52(2) Deputy Electoral Registration Officer.</td>
</tr>
<tr>
<td>Head of Development</td>
<td>Building Act 1984</td>
<td>S61 provides that the proper officer [or any other authorised officer by the proper officer] to be given free access to works of repairs to an underground drain.</td>
</tr>
<tr>
<td>Head of Development</td>
<td></td>
<td>S78(8) provides that the proper officer may as an officer of the local authority exercise powers under sub-section (1) to take action with regard to a dangerous building.</td>
</tr>
</tbody>
</table>
Head of Development  
S93 provides that notices and other documents under this Act may be signed by the proper officer or by an officer authorised by him in writing.

Head of Housing & Community Services  
**Public Health (Control of Disease) Act 1984**
S48 to certify that the retention of a body in any building would endanger health (and where required to act upon the order of a Justice of the Peace) in terms of any arrangements for its removal to a mortuary.

Head of Housing & Community Services  
S61 – to authorise any officer of the authority to enter any premises as proper officer for the purposes set out in S61

**Health and Social Care Act 2008 (including the Health Protection (Notification) Regulations 2010 and the Health Protection Local Authority Powers Regulations 2010**

Head of Housing & Community Services  
To appoint on behalf of the authority any required Proper Officer under the above regulations or any other health legislation from amongst the consultants or associate specialist doctors in communicable disease control on the Health Protection Agency’s Third Tier Regional Rota for the Norfolk Suffolk and Cambridgeshire Unit.

Head of Housing & Community Services  
**Housing Act 1985**
For the purposes of part XVIII (reports to local authority about unfit housing).

Head of Finance & Revenues  
S116 provides that the proper officer must give the authority’s auditor notice of meetings held under S115.

Head of Governance  
**Schedule 4 (Section 10(1)) paragraphs 6-8**
where notice has to be served on the Council concerning the acquisition of wayleaves over Council-owned land.

Head of Development  
**Schedule 4 (Section 10(1)) paragraph 9**
where notice has to be served on the Council concerning the felling and lopping of trees etc.

Head of Development  
**Schedule 8 (Section 36(8)) paragraph 1**
where applications have to be made for consent to construct generating stations on Council-owned land.
<table>
<thead>
<tr>
<th>Role</th>
<th>Act</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Development</td>
<td>Schedule 8 (Section 36(8)) paragraph 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>where applications for consent have to be served on the local planning authority.</td>
<td></td>
</tr>
<tr>
<td>Head of Governance</td>
<td><strong>Local Government and Housing Act 1989</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>S2(4) provides that a local authority must deposit and keep up to date a list of politically restricted posts with the proper officer.</td>
<td></td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>S19(1) provides that if the Secretary of State exercises his powers under this section to make regulations as to declaration of Councillors' interests, notice must be given by Councillors to the proper officer in accordance with these.</td>
<td></td>
</tr>
<tr>
<td>Head of Housing &amp; Community Services</td>
<td><strong>Food Safety Act 1990</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>S49(3) Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within his province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document.</td>
<td></td>
</tr>
<tr>
<td>Head of Housing &amp; Community Services</td>
<td><strong>Health Act 2006</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 10 (3) of the Health Act 2006 says &quot;It is the duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter and regulations made under it.&quot;</td>
<td></td>
</tr>
<tr>
<td>Head of Housing &amp; Community Services</td>
<td>Section (5) states: In this Chapter, &quot;authorised officer&quot;, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter.</td>
<td></td>
</tr>
<tr>
<td>Head of Housing &amp; Community Services</td>
<td>Section (7) refers to Schedule 2 which lists the powers of entry, etc.</td>
<td></td>
</tr>
<tr>
<td>Role</td>
<td>Details</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Head of Housing &amp; Community Services</td>
<td>Section 9 (1) says “An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give him a penalty notice in respect of the offence.”</td>
<td></td>
</tr>
<tr>
<td>Head of Housing &amp; Community Services</td>
<td>Regulation 3 makes Ipswich Borough Council an enforcement authority.</td>
<td></td>
</tr>
<tr>
<td>Head of Housing &amp; Community Services</td>
<td>For all purposes.</td>
<td></td>
</tr>
<tr>
<td>Head of Governance</td>
<td>Data Protection Act 1998 S20 duty to notify the Information Commission of any changes in accordance with S20 of the Act.</td>
<td></td>
</tr>
<tr>
<td>Chief Executive</td>
<td>Local Government (Committees and Political Groups) Regulations 1990 All purposes under the Local Government (Committees and Political Groups) Regulations 1990</td>
<td></td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>Localism Act 2011 S33 – Dispensations</td>
<td></td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>Freedom of Information Act 2000 S36 – Prejudice to effective conduct of public affairs as the qualified person.</td>
<td></td>
</tr>
<tr>
<td>S 151 Chief Finance Officer</td>
<td>Money Laundering Regulations 2003 – Proceeds of Crime Act 2002 Money Laundering reporting officer for the purposes of receiving disclosure on suspicion of money laundering and reporting as necessary.</td>
<td></td>
</tr>
</tbody>
</table>
(and any order made thereunder)

Head of Finance & Revenues, Chief Executive, Chief Operating Officer, Head of Governance, Head of Housing & Community Services, Audit Partnership Manager

Designated Persons authorised under s 28 and 29 of the above act for surveillance for functions for which the Head of Service responsibility for enforcing and investigating.

GENERAL

The Chief Executive or the Chief Operating Officer are appointed to sign and receive any notice or other documents under any Act of Parliament where no specific appointment has been made.

The Officers who have been designated or who have had functions delegated to them may authorise other officers to act on their behalf.
Part 3

Section 6

Joint Committees, Working Groups, Service Panels and Outside Bodies
1. Colchester and Ipswich Museums Service Joint Committee (CIMS) - Constitution

1.1 Membership

1.1.1 The membership of the CIMS will comprise of 4 elected members ("Committee Members"), two appointed by each Partner Authority. The membership of the CIMS will include the Portfolio Holders with responsibility for Museums within their portfolio from each Partner Authority. In addition, each Partner Authority may appoint a substitute who may attend meetings of the CIMS in the absence of one of that Partner Authority’s Committee Members. No elected member may serve as a Committee Member or a substitute unless they are a member of the Partner Authority’s Executive/Cabinet.

1.1.2 The term of office of each Committee Member shall be determined by the Partner Authority appointing them, provided that for the duration of their appointment they remain a member of the Executive/Cabinet of their Partner Authority and have been appointed by the Partner Authority to be or remain a Committee Member.

1.1.3 Each Partner Authority shall notify the Clerk of the CIMS of the name and contact details of its Committee Members and Substitute Members.

1.1.4 A Partner Authority may change its appointed Committee Members at any time provided that written notice of any such change is given to the Clerk to the CIMS, taking effect upon receipt. Such written notice may be given by electronic mail.

1.1.5 Each Partner Authority may send appropriate officer(s) to meetings of the CIMS (or any Sub-Committee) to support its Committee Members.

1.1.6 Subject to 1.1.7, each Committee Member shall have one vote at meetings of the CIMS or any Sub-Committee.

1.1.7 In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

1.1.8 All voting shall be by a show of hands, unless the provisions of paragraph 1.1.9 below apply. Any question coming before the CIMS shall be decided by a simple majority of those present and voting.

1.1.9 Recorded votes shall be taken if requested by any Committee Member, and any Member shall have the right to have the way they voted (or abstained) recorded in the minutes.
1.2 Support to the CIMS

1.2.1 The Clerk to the CIMS shall be a senior officer of Ipswich as nominated from time to time by Ipswich in writing to the Chairman of CIMS.

1.2.2 The functions and responsibilities of the Clerk to the CIMS shall be as follows:-

a) to make all necessary arrangements for the convening of meetings of the CIMS and any Sub-Committees;
b) to provide, or, where necessary, procure the provision of, all necessary advice on the technical legal and financial implications of matters under consideration by the CIMS or relevant to the Committee’s functions;
c) to bring to the attention of the CIMS matters which are relevant to the Committee’s functions and which merit consideration by the Committee;
d) to arrange for the taking and maintenance of minutes and meetings of the CIMS and any Sub-Committees, and ensure that the business of the CIMS at its meetings is conducted in accordance with legal requirements;
e) To manage and co-ordinate the day-to-day affairs of the CIMS and its administrative support.

1.2.3 The business address for all communications relating to the administration of the CIMS affairs shall be;

(“Marked for the attention of the Clerk to the “Colchester and Ipswich Joint Museums Committee”)
Ipswich Borough Council
Grafton House
15-17 Russell Road
IPSWICH
IP1 2DE

1.3 Meetings of the CIMS

1.3.1 The CIMS shall meet at least twice in every municipal year. In 2015/16 municipal year, the Committee will meet in June to agree the work programme for the Joint Service for 2015/16 and in January to agree a budget proposal for 2016/17, which will be put to the Cabinet/Executive of each Partner Authority. This pattern is expected to be repeated for each year of the agreement. This does not preclude other meetings being held throughout the year as required.
1.3.2 The June meeting of the CIMS will be the Annual General Meeting. At the Annual General Meeting, the Committee shall determine and approve the programme of meetings to take place that municipal year.

1.3.3 The Chair of the CIMS may call other meetings as necessary in addition to those set out in the schedule of meetings approved at the relevant Annual General Meeting, provided each Partner Authority approves the date and time of any such additional meetings.

1.3.4 The Chair may cancel/rearrange a meeting if there is insufficient business to justify the meeting being held or if other circumstances make it appropriate for the meeting to be held at a different date/time, provided each Partner Authority agrees to the cancellation of any meeting and approves the date and time of any rearranged meeting.

1.3.5 At the Annual General Meeting the Chair, Vice-Chair and any Sub-Committees of the CIMS shall be appointed, but nothing in this paragraph prevents the Committee establishing a Sub-Committee at any other time.

1.3.6 The Committee shall appoint the posts of Chair and Vice-Chair of the Committee each year at the Annual General Meeting.

1.3.7 The quorum for a valid meeting of the Committee shall be three.

1.3.8 The Chair of the Committee will be alternated between both Partner Authorities. In the second and subsequent years of the Committee’s operation, the Chair shall be a Committee Member appointed by a different Partner Authority from the previous year’s Chair.

1.3.9 The meetings of the Joint Committee will alternate between the venues in Colchester and Ipswich, and so if a meeting is held in Colchester then the following meeting will be held in Ipswich.

1.3.10 A printed copy of the summons, the agenda for each meeting, any relevant reports and the minutes of the previous meeting shall be despatched by the Clerk of the Committee, at least five (5) clear days before such meeting to each Committee Member.

1.3.11 At the same time, such papers will also be despatched to:

a) The Proper Officer for each Partner Authority
b) Chair of each of the Partner Authority’s Overview and Scrutiny Committee with responsibility for scrutiny in respect of museums and/or finance matters and to the Chief Executive of each Partner Authority or such other senior officer of a Partner Authority as may be
nominated in writing by a Partner authority to the Clerk of the Committee; or

c) Such other addresses as a Partner Authority may nominate in writing from time to time to the Clerk of the Committee.

1.3.12 The summons shall contain notice of all business, except urgent business, which is required to be brought before the Committee either in the ordinary course of the business, or which is brought to the Chair, the Vice-Chair or the Clerk of the Committee.

1.3.13 Meetings of the Committee will be open to the public and press except where the Committee resolve that the press and public be excluded (which may only be during consideration of items containing confidential or exempt information within the meaning of the Local Government Act 1972).

1.3.14 Minutes of the Committee shall (subject to the provisions of paragraph 1.3.13 above) be available to the public and press as though they were minutes of a meeting of a Partner Authority.

1.3.15 The Chair in consultation with the Vice-Chair of the committee or a Partner Authority may invite any person to attend a meeting of the Committee for the purpose of making a presentation, or participating in discussion, on any item relevant to the Committee’s functions where that person is able to provide a professional or commercial viewpoint, which the Chair of the committee or the Partner Authority considered would be of assistance to the Committee.

1.4 Decision Level

1.4.1 The CIMS will be responsible for:

a) Agreeing an annual work programme for the Joint Museums Service
b) Agreeing level of service provision as agreed through the annual budget setting process of each Partner Authority and as set out in this agreement.
c) Making budget decisions related to the use of/funding of end of year surplus or deficit situations and transitional employee savings subject to the provisions in section 3 of the Joint Committee Agreement 2015-2021.

1.4.2 Functions under section 13 to section 20 of the Public Libraries and Museums Act 1964 are excluded from the remit of the CIMS. Such functions will be exercised by the relevant Cabinet/Executive of each Partner Authority. Functions under Section 12 of the 1964 Act are limited to the provisions of this agreement.
1.4.3 The CIMS will not have responsibility for staffing decisions but the partner authorities agree that:

a) the recruitment and selection of the most senior employee in the Joint Museum Service will be carried out jointly by officers of the partner authorities;

b) the recruitment and selection of any senior or managerial employee in the Joint Museum Service who will work wholly or predominantly in Ipswich will be carried out jointly by officers of the Partner Authorities.

1.4.4 The parameters for operational details will be set through the annual work programme for the Joint Service. Within these parameters, operational decisions will be taken by appropriate officer in accordance with a Scheme of Delegation.

1.5 Monitoring and Assessment

1.5.1 The CIMS will be responsible for monitoring and assessing the Joint Museum Service in terms of its;

a) Performance against the agreed work programme
b) Performance against budget
c) Performance against any relevant National or Local Performance Indicators.

1.6 Scrutiny Arrangements

1.6.1 The decisions made by (and, for the avoidance of doubt, not mere recommendations of) the CIMS shall be subject to the Overview and Scrutiny arrangements of each Partner Authority.

1.6.2 Decisions or actions of the CIMS shall be notified to the Proper Officer of each Partner Authority together with all those to whom agenda papers etc are despatched in accordance with this agreement within seven (7) working days of the decision being reached or the actions being taken, as the case may be.

1.6.3 The CIMS Members and their officer advisors shall fully co-operate with the relevant Overview and Scrutiny Committee of the Partner Authorities and shall, where requested, attend any meeting of any relevant Overview and Scrutiny Committee.
Call in

1.6.4 Any decision or action of the CIMS may be called in for scrutiny by members of a Partner Authority. A decision is called in by members of a Partner Authority in the same way in which they would call in a decision of that Partner Authority’s Executive except that:

a) Decision may not be called-in after 5pm on the 5th working day after the date upon which the decision is published.

b) A call in of such a decision or action can only be made if the decision or action concerned affects the Partner Authority whose membership wishes to call in the decision or action.

1.6.5 Once a decision is called in, it may not be implemented until the Scrutiny Arrangements of the Partner Authority whose membership has called in the decision or action has been completed. Where a Scrutiny Committee or a Full Council makes recommendations to the CIMS, the CIMS shall arrange for the decision to be reconsidered in the light of comments made by the Executive/Cabinet or the Full Council and the final decision of the CIMS shall not be subject to call in.

1.6.6 The call-in procedure set out above shall not apply where the decision or action being taken by the CIMS is certified by the CIMS as urgent.

1.6.7 A Scrutiny Committee must notify the CIMS if it includes in its work programme any aspect of policy development or review relating to the work or functions of the CIMS.

1.6.8 Where a Scrutiny Committee has formed recommendations on proposals for development, a Scrutiny Committee shall prepare a formal report and submit it for consideration by the CIMS.

1.6.9 The CIMS shall consider the report of a Scrutiny Committee within fifteen (15) working days of it being submitted to the Clerk of the CIMS and shall issue a formal response to such a report.

1.6.10 Where any Partner Authority Member or officer is required to attend a Scrutiny Committee, the Chair of that Committee will inform the Monitoring Officer of his own Authority.

1.6.11 That Monitoring Officer shall inform the Partner Authority Member or officer in writing giving at least ten (10) working days’ notice of the meeting at which he is required to attend, such notice to state the nature of the item on which he is required to attend to give account and whether any papers are required to be produced for the Scrutiny Committee.
1.6.12 Where the account to be given to the Scrutiny Committee will require the production of a report, then the Partner Authority Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

1.6.13 Where, in exceptional circumstances, the Partner Authority Member or officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the Partner Authority Member or officer arrange an alternative date for attendance which shall be as soon as practicable in relation to the original date specified.

1.6.14 If, having considered the decision or action, a Scrutiny Committee is concerned about it, then it may refer it back to the Committee for reconsideration, setting out in writing the nature of its concerns. If referred back to the Committee for reconsideration, the Committee will have a further seven (7) working days to consider whether to amend the original decision or revised the original action taken before reaching a final decision or taking final action.

1.6.15 The operation of the provisions relating to call-in shall be monitored annually by the Clerk of the Committee, and a report submitted to the Committee with proposals for review if necessary.

1.7 Conduct and expenses of members

1.7.1 All Committee Members of the CIMS shall observe at all times the provisions of the Code of Conduct adopted by their Authority.

1.7.2 Each Partner authority shall be responsible for meeting any expenses to which any CIMS Member or officer appointed by them, as its representative, is entitled as a result of their attendance at duly authorised meetings.

1.8 Liability of CIMS members

1.8.1 Committee Members appointed by the Partner Authorities shall have the same responsibilities and liabilities as those which apply when sitting on other Committees and bodies as appointed representative on behalf of their Authority.

1.8.2 Where any contractual arrangements are authorised by the CIMS, any liabilities arising under those arrangements will rest with the relevant Partner Authority.

1.8.3 Indemnification for any liabilities which do arise is a matter between the Committee Member and their appointing Authority/Body.
2. **Shared Revenues Partnership Joint Committee - Constitution**

2.1 Each Partner Council (Babergh District Council, Ipswich Borough Council and Mid-Suffolk District Council) shall appoint two Relevant Members to be Members of the Joint Committee. A Relevant Member will be a member of that Council’s Executive if the Council is exercising Executive arrangements, otherwise a member of that Council.

2.2 Any sub-committee of the Joint Committee shall comprise such number of Relevant Members from each Partner Council as the Joint Committee may determine, provided that a sub-committee shall comprise an equal number of persons appointed by each Partner Council.

2.3 A member shall cease to be a member of the Joint Committee and of any sub-committees if they cease to be a Relevant Member of the Partner Council by whom they were appointed. A Partner Council may remove and replace any member of the Joint Committee or of any sub-committees at any time.

2.4 A named substitute shall be entitled to attend, speak and vote as if an ordinary member of the Joint Committee or any sub-committees, providing that the named substitute is also a Relevant Member of the relevant Partner Council.

2.5 The Joint Committee shall hold an Annual Meeting in June every year and other meetings as the Joint Committee may determine.

2.6 At the Annual Meeting, the Joint Committee shall appoint a Chairman and a Vice-Chairman from members of the Joint Committee. The Chairman shall continue in office unless he/she resigns their office or ceases to be a member of the Joint Committee.

2.7 The quorum of any meeting shall be four, and must include at least one member appointed by each of the Partner Councils.

2.8 Each member of the Joint Committee present shall have one vote at meetings of the Committee, except in the case of an equality of votes, where the person presiding will have a second or casting vote.

2.9 The Joint Committee shall delegate to the Head of Shared Service day to day decisions in respect of the Shared Services functions (including the appointment of all staff) subject to the annual budget and business plan.

2.10 Decisions of the Joint Committee on the following matters will require unanimity of those present and voting at the Joint Committee meeting:
(a) Recommendation of any Business Plan to the Partner Councils in respect of the Shared Service;

(b) Appointing or changing the Host Authority;

(c) Major changes to the standards of service to be delivered;

(d) Changes to the premises from which the Shared Service functions are delivered if that involves moving employees to a different district;

(e) The procurement of significant ICT systems, unless it has been referred to in the Business Plan recommended by the Joint Committee and approved by the Partner Councils;

(f) Purchase, sale or lease of assets with a value above £30,000, unless it has been referred to in the Business Plan recommended by the Joint Committee and approved by the Partner Councils;

(g) Changing the terms and conditions of employees undertaking the Shared Service functions;

(h) Agreeing to provide services to a Council that is not a Partner Council;

(i) Recommending that the Partner Councils enter into any borrowing or leasing arrangements.

2.11 The following functions shall be delegated to the Joint Committee by the Partner Councils:

(a) The issuing of Council Tax bills and national non-domestic rates (NNDR) bills, and the maintenance of databases for those purposes;

(b) The collection of Council Tax and NNDR payments and corresponding recovery of arrears, including legal proceedings where necessary;

(c) Administration, assessment and payment of Housing Benefit and Council Tax Benefit;

(d) Issuing bills for collection of overpayments of Housing Benefit and Council Tax Benefit, including legal proceedings where necessary;

(e) Writing off of Housing Benefit and Council Tax Benefit in accordance with the policies of the individual Partner Councils;
(f) The compilation of all returns to Central Government relating to Revenues and Benefits;

(g) Administrative and support services required to support the above functions;

(h) Determining the terms and conditions of employment for the employees of the Shared Service;

(i) Appointing a Head of Shared Service;

(j) Responding to Freedom of Information requests in relation to the functions listed above.

2.12 The following functions will remain the responsibility of the Partner Councils:

(a) Calculation of Council Tax Base;

(b) Council Tax setting;

(c) Collection fund accounting;

(d) Submission of benefit subsidy claims;

(e) Determination of policy for Council Tax and Housing Benefit claims;

(f) Determination of policy for discretionary NNDR relief;

(g) Determination of policy for NNDR hardship relief;

(h) Determination of policy in respect of second homes;

(i) Determination of policy for the write off of bad debts.

2.13 As and when required by an Overview and Scrutiny Committee or an Audit Committee of a Partner Council, the Chairman of the Joint Committee (or in his absence the Vice Chairman) and/or the Head of Shared Service shall attend a meeting of such Overview and Scrutiny Committee or Audit Committee to account for the activities of the Joint Committee.

3. **Working Groups – Constitution and Terms of Reference**

3.1 Policy Working Groups are advisory groups comprised of elected members and established by the Council from time to time for specific purposes within the following generic terms of reference:
• To help develop new policies and to provide input into establishing corporate priorities;

• To make representations to the Executive on existing policies and strategies;

• To consider relevant Key Decisions on the List of Forthcoming Decisions and to make representations on these as appropriate;

• To establish informal task and finish groups to consider any specific topic within their specific terms of reference.

3.2 The Policy Working Groups are constituted to align with the service areas of each portfolio of the Executive.

Any of the Policy Working Groups may report to the Executive on an annual basis.

3.3 The following ‘ad hoc’ Working Groups have also been established by the Council:

(a) Ipswich Angle Editorial Board – meets before the publication of each edition to consider the content and format.

(b) Standing Orders/Constitution Working Group – to consider whenever necessary or desirable any requirement for changes to the Council’s Constitution and to make recommendations to Council.

(c) Electoral Services Working Group – meets as and when required by law to carry out the statutory review.

3.4 Frequency of Meetings

3.4.1 Other than in the case of the ad hoc working groups, the frequency and programme of meeting dates will normally be agreed for each Working Group at the beginning of each municipal year by the relevant Working Group’s Chair, and subject to there being adequate business to consider at each meeting.

3.4.2 Any working group meetings outside of the planned schedule may be convened by the Chair as required whenever the Chair considers it necessary for the Working Group to be consulted on any relevant or otherwise urgent issues that may arise between the planned meeting dates.
3.5 Mode of Operation

3.5.1 The Chair will decide on any procedural issues and mode of operation may vary according to the outcomes required by the Chair.

3.5.2 The annual planned work programme for each Working Group will normally be agreed at the first meeting of relevant working groups following the beginning of the municipal year. However, at the discussion of the Chair, ad hoc meetings may be scheduled as required and urgent issues may be consulted by e-mail.

3.5.3 The agenda for each meeting to be agreed by the Chair.

3.5.4 The format of the meeting may include open discussions, presentations, or be conducted in informal workshop styles, in order to determine the group’s recommendations.

3.5.5 Working Groups may have co-opted members where agreed by simple majority vote.

3.5.6 Working Groups will normally be closed meetings. Partner organisations or members of the public may attend by the Chair’s invitation only.

3.5.7 Any working group member can place an item on their Working Group Agenda.

3.6 Chair and Membership

3.6.1 The Working Groups will be chaired by the appropriate Portfolio Holder and will comprise up to six Councillors (appointment by Council on a politically proportional basis) in addition to the Portfolio Holder.

3.6.2 The Housing Working Group will be matched by the same number of tenant representatives as Councillors, in so far as the business conducted concerns council tenancy services. The tenant representatives will not be members of the Working Group for non-council tenancy business items.

3.7 Quorum

3.7.1 A minimum of 3 Working Group members including the Chair.

3.8 Voting Rights

3.8.1 Working Groups do not take formal decisions on Council or Executive business but are advisory in nature. Each member of the Working Group
shall have one vote. In the event of an equality of votes, the Chair shall have a casting vote.

3.9 Attendance of Observers and Officers

3.9.1 Observers and Officers may be invited to attend meetings.

3.10 Substitutes

3.10.1 The absence of any member will not prevent any business from being transacted unless the meeting is inquorate. Substitutes for any member of the Working Group shall be permitted, provided that political balance is maintained and subject to notification to the Chair in advance of the meeting.

3.11 Clerking arrangements

3.11.1 The Chair of each Working Group will agree to any necessary clerking arrangements with the Head of Resource Management.

3.12 Minutes

3.12.1 Notes shall be made of any discussions or agreed action points together with details of all attendees. Any declarations of interest shall also be recorded. The Clerk shall circulate the draft minutes to all members of the Working Group who have attended the relevant meeting including details of any action points/recommendations. Action points will normally be acted upon unless any objection to the draft minutes is received in writing within 2 working days of the issue of the draft minutes. The minutes will be formally approved at the next meeting of the Working Group.

4. Service Panels – Constitution and Terms of Reference

4.1 The following Service Panels have been established by Ipswich Borough Council:

- Design and Conservation Panel
- Equalities Panel
- Area Housing Panels
- Environment and Sustainable Transport Panel

4.2 Terms of Reference

4.2.1 The Panel is a service user and community reference panel reporting to a Working Group of Ipswich Borough Council.
4.2.2 The Panel will, where requested by a Working Group:

(a) Identify issues and actions relating to the policy theme of the Working Group.

(b) Assist the Working Group to identify priorities and targets for the Community Strategy and Corporate Business Plan.

(c) Act as a reference panel and consultee to respond to local policies and strategies from Ipswich Borough Council, Suffolk County Council, Local Strategic Partnerships and other agencies and organisations.

(d) Assist with promoting and linking policy themed initiatives, action and partnerships across Ipswich and the local area, and disseminating information to their representative groups.

(e) Report to the Working Group on a regular basis on relevant matters.

4.3 Frequency of Meetings

4.3.1 There will normally be 6 meetings per year per Panel to be convened by the Chair, subject to there being adequate business to consider arising from current issues and demands originating from paragraph 4.2.2 above.

4.4 Mode of operation

4.4.1 The mode of operation will vary according to the expectations and required outcomes.

4.4.2 The Panel's work programme is to be established by the Panel.

4.4.3 The agendas for each Panel meeting will be agreed by the Chair. The format of the meeting will be informal and may include open discussions, presentations, or workshop exercises in order to determine the Panel's recommendations to the Council's Working Groups.

4.5 Membership

4.5.1 Membership of Panels will reflect the thematic intention of the particular Working Group. For example, Area Housing Panels will consist of the council tenants of their respective area of Ipswich.

4.5.2 In general, there shall be a maximum of 15 Panel members from the community, plus:
• Maximum of 5 IBC Councillors appointed on a politically proportional basis – including the relevant Portfolio Holder(s)

4.5.3 Up to 15 community panel members may come from:

• Council tenants from the respective area of Ipswich or nominated representatives from significant local interest groups
• SCC Representative where appropriate
• Businesses – a nominated representative from organisations that have a direct role in the theme of the Panel
• Members of the public

4.5.4 Invitations to potential members, or requests for membership of the Panel by any representatives of outside organisations, or member of the public or Council tenant, will be made through the Chair using the appropriate application form provided by the relevant Head of Service. All applicants shall provide all requested information including where deemed necessary by the relevant Head of Service in consultation with the Head of Resource Management, the results of a standard or enhanced check with the Disclosure and Barring Service.

4.5.5 Eligibility for membership

Applicants are illegible for election to any panel and may be disqualified from remaining on any panel if:

• within five years before the date of application to be a member of the panel the applicant (or at any time after election on to a panel) has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him or her a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
• is registered on the Violent and Sex Offenders Register or subject to an un-discharged sexual offence prevention order; or
• otherwise has a significant conflict of interest between his or her private interests and the council’s or wider public interest.

4.5.6 The relevant Head of Service shall consider the eligibility of all applicants in consultation with the Chair and in line with the council’s policies regarding the engagement of ex-offenders.

4.5.7 The existing Panel will consider all eligible applications and will select eligible new members for admission to the Panel by simple majority vote at the next available meeting. In the event of there being more eligible applicants than available spaces, membership will be decided by the number of Ipswich residents or employees represented by each group or
representative, with priority given to those organisations who represent the greater number of residents or employees with regard to the respective geographic area.

4.5.8 Any vacancy on the Panel can, provided a majority of the panel agree, be filled by a member of the public, or council tenant of the respective area, where such a vacancy has been duly publicly advertised. When recruiting Panel members, regard shall be had to the Council’s duty to foster good relations between people who share a protected characteristic (within the meaning of the Equalities Act 2010) and those who do not and to encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

4.5.9 The Panel can co-opt ad-hoc participants for specific meetings as necessary.

4.5.10 Membership of the Panel shall be reviewed annually by the Council. Representatives should be formally nominated at a constituted meeting of the group, which should be supported by minutes.

4.5.11 Roles

- Chair - elected annually by members of the Panel for a duration of 1 year
- Vice-Chair - elected annually by members of the Panel for a duration of 1 year
  
  Qualification: Only an IBC Councillor on the Panel can undertake the role of Chair of the Panel
- Clerk to the Panel - to be provided by the Council’s Head of Service in respect of the largest number of services falling within the relevant Panel’s remit

4.5.12 Voting rights

Each member has one vote. In the event of a split decision, the Chair has a casting vote.

4.5.13 Attendance of Observers

Observers or Council Officers may be invited to attend meetings by the Chair.
4.5.14 Named substitutes for any member of the Panel (other than for members of the public) shall be permitted, subject to notification to the Chair in advance of the meeting.

4.5.15 Panel quorum is made up of at least 4 members of the Panel and shall comprise not less than one elected member of the Council and two outside representatives. Business may not be transacted unless a Quorum is present.

5. **Membership of Working Groups, Service Panels and Outside Bodies**

5.1 The list of Working Groups, Service Panels and Outside Bodies and their Councillor membership can be accessed from the Council's website under ‘Councillors and Meetings’.
Part 4

Rules of Procedure

Section 1 Rules of Procedure for Council
1. Annual Meeting of the Council

1.1 Timing and business

1.1.1 The Annual Meeting shall take place at such time as the Council shall determine in accordance with the law.

1.1.2 The Annual Meeting will:

(a) elect a person to preside if the Mayor is not present;
(b) elect the Mayor;
(c) elect the Deputy Mayor;
(d) approve the Minutes of the last Council meeting;
(e) receive any announcements from the Mayor and the Chief Executive;
(f) elect the Leader where necessary;
(g) note the appointment of the Deputy Leader and the Executive (or any changes thereto);
(h) appoint at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate;
(i) consider any business previously agreed by Council set out in the Notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

(a) decide which Committees to establish;
(b) decide the size of those Committees;
(c) decide the allocation of seats to political groups in accordance with the political balance rules;
(d) receive nominations of Councillors (and any substitutes) to serve on each Committee and any outside body; and
4.1.3 (e) appoint to those Committees (including substitutes), Working Groups, Service Panels and outside bodies except where appointment to those bodies has been delegated by the Council.

2. **Ordinary Meetings**

2.1 Except as provided in paragraph 2.2 below, the order of business at every meeting (apart from the Annual Meeting) will be as follows:

(a) choosing a Councillor to chair the meeting if the Mayor and Deputy Mayor are absent;

(b) any business which must, by law, be dealt with;

(c) apologies for absence;

(d) Minutes of the previous meeting;

(e) Declarations of Interest;

(f) the Mayor’s announcements;

(g) any business left over from the last meeting;

(h) questions asked in accordance with the procedure rules;

(i) recommendations of the Executive;

(j) recommendations of any Committee;

(k) notices of Motion in the order received by the Proper Officer;

(l) reports and recommendations of the Proper Officer, and any other business which needs to be transacted by the Council;

(m) nominations/changes to Councillors to serve on Committees, Working Groups, Service Panels and Outside Bodies.

2.2 **Urgent Items**

At Ordinary Meetings, the Council will only deal with business that is set out on the summons, unless the Mayor decides, after consultation with the Monitoring Officer, that a matter is urgent. If the Mayor decides that a matter is urgent, he or she will announce at the beginning of the meeting - after apologies have been announced - that an extra item is to be placed
before the Council and will explain why the matter is so urgent. The reasons will be recorded in the Minutes of the meeting.

2.3 The order of business set out in paragraph 2.1 above may be changed:

(a) by the Mayor with the Council’s permission; or

(b) by resolution passed by the Council. The Motion will be put and does not have to be in writing.

3. **Extraordinary Meetings**

3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to Ordinary Meetings:

(a) the Council by resolution;

(b) the Mayor;

(c) the Monitoring Officer; and

(d) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. **The Mayor and Deputy Mayor**

4.1 The appointment of Mayor will be the first item of business at the Annual Meeting. The appointment of Deputy Mayor will immediately follow the appointment of the Mayor.

4.2 If both the Mayor and the Deputy Mayor are absent from a meeting the Council must choose a Member of the Council to chair the meeting.

4.3 The Councillor chairing the meeting can use the Mayor’s powers and carry out his or her duties.

5. **Notice of and Summons to Meetings**

5.1 The Monitoring Officer will give a statutory notice to the public of the time and place of the Council meetings. The Monitoring Officer will send a summons to every Councillor which will give the date, time and place of
the meeting and specify the business to be transacted, and will be accompanied by the relevant reports.

6.  **Quorum**

6.1 The quorum of the Council is fixed by the Local Government Act 1972 and is one quarter of the whole number of Councillors.

6.2 During any meeting, if there is not a quorum present, the meeting will be declared postponed by the Mayor. Any Councillor can tell the Mayor that there is not a quorum present.

6.3 If a meeting is postponed, the Mayor may decide to arrange an Extraordinary Meeting to deal with the unfinished business which should have been included in the meeting. If the Mayor does not set a date, the unfinished business will be dealt with it at the next Ordinary Meeting of the Council.

7.  **Duration of Meeting and the Guillotine**

7.1 Guillotine

Where three hours have elapsed after the commencement of any Council meeting the Mayor shall interrupt the meeting and call for the vote immediately on the item under discussion. Any Councillor speaking must immediately sit down. The vote will be taken without further debate.

7.2 The Council may decide to extend the meeting or hold an adjourned or special meeting to consider one or more items of business which has not been considered.

7.3 Rule 7.1 will not operate to prevent the transaction of any business:

- which by law must be transacted at any meeting;
- which is unopposed or can be dealt with without discussion, or to extend the meeting.

8.  **Voting**

8.1 Unless otherwise stated, every matter will be decided by a simple majority of those Councillors present and voting and present in the room at the time a question is put. If there is no dissent, the vote may be taken by the affirmation of the meeting.
8.2 For budget meetings: Immediately after any vote is taken at a budget decision meeting of the Council, the names of Councillors who cast a vote for the decision, or against the decision or who abstained from voting shall be recorded in the minutes of that meeting.

8.3 Subject to the other provisions in this Rule, voting shall be by a show of hands, or such other method as the Mayor may decide.

8.4 The Mayor has a second or casting vote in the case of an equality of votes.

8.5 Immediately after a vote has been taken on any matter, any Councillor may request that a record be made of whether he/she cast his/her vote for the question or against the question or whether he/she abstained from voting and such record shall be made in the Minutes of the meeting.

8.6 Before any vote is taken, any six Councillors present at the meeting may request that the names of Councilors voting for or against or abstaining on the Motion be recorded and entered into the Minutes. This request shall be carried out by roll call unless the Mayor directs otherwise.

8.7 If there are more than two persons nominated for any position to be filled by the Council and, of the votes given, there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

8.8 This Procedure Rule shall not apply in any case in which the method of voting is fixed by law.

9. **Council Questions**

9.1 At any meeting of the Council, except an Annual Meeting, questions may be asked of:

9.1.1 a member of the Executive;

9.1.2 the Chairman of any Committee; or

9.1.3 the Leader of any Political Group.

9.2 A question may only be asked if it relates to the business of the Council or to a matter which affects Ipswich, and only if proper notice has been given in accordance with this rule.

9.3 Questions may be asked by:
9.3.1 any Councillor; or

9.3.2 any person residing in the Borough of Ipswich.

9.4 No person may give notice of more than two proposed questions for any particular meeting of the Council. If someone gives more than two notices then the Monitoring Officer shall decide which two questions may be asked, after consulting the questioner if it is practicable to do so.

9.5 No question may be asked unless the questioner gives written notice to the Monitoring Officer no later than 10am two working days prior to the meeting. The notice must contain:

9.5.1 the question (in the exact form in which the question is to be asked);

9.5.2 the questioner’s name and if the questioner is not a Councillor, their address; and

9.5.3 the name of the Councillor to whom the question is to be asked.

9.6 Upon receipt of a notice of a proposed question, the Monitoring Officer shall promptly give the question to the person named in the notice under rule 9.5.3 and, if the Monitoring Officer considers it to be appropriate, to any person to whom he or she thinks the question should be redirected. The Monitoring Officer may reject any question if he/she considers that it:

(a) does not relate to the business of the Council or affects Ipswich;

(b) is defamatory, frivolous or offensive;

(c) is substantially the same as a question which has been asked at a meeting of the Council in the past six months, unless there has been a significant change of circumstances since the question was last asked. (To avoid doubt, a question is not considered to have been asked until it is read out at a Council meeting);

(d) requires the disclosure of confidential or exempt information.

9.7 If the Monitoring Officer redirects the question to someone else then he or she will inform the questioner if there is opportunity to do so.

9.8 If, at the meeting, the person who has given the notice is unable to ask the question then a written answer will be given.
9.9 Answers to questions may be given orally at the meeting or in writing within five working days from the date of the meeting. At the meeting questions will be dealt with in the order they are received.

9.10 Questions must be asked and replied to without comment, and no Motion shall be moved or considered about the question or the reply.

9.11 After a reply has been given to a question asked at a meeting, the person who asked the question may ask one supplementary question. Supplementary questions must relate to the subject matter of the original question. A supplementary question must not be preceded by a statement.

9.12 If the Mayor decides that a question or supplementary question is out of order, of a personal nature, or is contrary to the Council’s interest, the Mayor shall not allow it to be answered.

9.13 The total period allowed for questions and answers at each meeting is 30 minutes and no questions may be asked after this period has elapsed unless the Council resolves to grant an extension.

9.14 Subject to rule 9.13, if a question has not been dealt with by the time the Council stops dealing with questions then the Monitoring Officer will ensure that a written response is sent to the questioner within five working days from the day of the meeting, unless the Monitoring Officer is informed that the questioner wishes the question to be deferred to the next meeting.

10. Petitions

10.1 Where people who live or work in the Borough or are visitors to the Borough wish to raise matters, issues or their concerns that are not otherwise covered by our complaints procedures, the Council has agreed special procedures to ensure that petitions can be raised by the public and that these will be reported to an appropriately senior level within the Council.

10.2 Full details of the petitions procedure can be found at Part 4 Section 11.

11. Motions

11.1 Notice of Motions for meetings of the Council

(a) Every notice of Motion shall be in writing and signed by the Councillor giving the notice and delivered to the Monitoring Officer. Notices sent by email do not need to be signed.
(b) When the Monitoring Officer receives a notice of Motion he/she must:

- write the date of receipt of the notice;
- write the number of the notice (notices must be numbered in the order in which they are received);
- enter details about the notice in a book to be kept in his/her office and open to the inspection of every Councillor.

11.2 A Motion with financial effect is any Motion which would, if passed, have the effect of:

- varying the Council’s approved budget by more than £10,000; or
- varying expenditure on Council services which are not the Functions of the Executive

But a Motion is not with financial effect:

- solely because the Motion would alter the value or size of the allowances paid to members of the Council to a Motion;
  
or
- if it may result in a future change to expenditure but any change would be the result of another decision of the Council or the Executive.

11.3 All notices of Motion, except those with financial effect as defined above, must be received by the Monitoring Officer not later than 5pm on the ninth working day before the day of the meeting.

11.4 A notice of Motion with financial effect must be received by the Monitoring Officer not less than fifteen working days before the meeting.

11.5 The Monitoring Officer shall insert in the summons to attend a Council meeting, other than an Annual Meeting, all Motions of which notice has been given in accordance with this Standing Order and not subsequently withdrawn in writing. The Motions shall be inserted in the summons in the order in which they have been received unless the Mayor directs otherwise.
11.6 The Monitoring Officer shall include in the summons any written comments upon any notice of Motion which he/she has received from the Chief Executive or the Section 151 Officer.

11.7 This rule sets out which Motions may be moved.

11.7.1 A Motion may not be moved if it is:

(a) not relevant to some question over which the Council has power or which affects Ipswich;

(b) a Motion to rescind or amend any resolution which has been passed by the Council within the preceding six months;

(c) Motions to the same effect as any Motion which has been rescinded or countermanded within the preceding six months; or

(d) a Motion which the Council has no power to pass or which contravenes any provision in Standing Orders.

11.8 Rule 11.7 does not prevent a Motion being moved to the extent that it is a Motion to add someone to or remove someone from an appointment made by the Council as:

(a) the Leader;

(b) a member or substitute member of a Committee or Sub Committee of the Council;

(c) the Council’s representative on a working group or outside body; or

(d) it is a motion to do something which the Council is required to do by law.

11.9 No Motion may be moved without a valid notice of motion having being given unless it is a motion of the type listed in 11.8.

11.10 If a Motion included in the summons is not moved at the appropriate time then it shall, unless postponed to another time by the Council, be struck out and it may not be moved unless a fresh notice is given.

11.11 The following Motions may be moved without notice:

(a) to appoint someone to chair a meeting;

(b) to approve or change the Minutes;
(c) to change the order of business;
(d) to refer something to a Committee or to the Executive;
(e) to make an appointment of a Councillor to any office or position inside or outside the Council;
(f) to receive reports or adopt recommendations of Committees, officers or the Executive and resolutions flowing from them;
(g) to allow a Motion to be withdrawn;
(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 the meeting but no such Motion may be moved within 30 minutes from the end of the debate on a previous Motion;
(m) to extend the meeting or time for speeches;
(o) to suspend one or more of these rules of debate;
(p) to exclude the press and public from a meeting;
(q) not to hear further from a Councillor or exclude them from the meeting;
(r) to give the consent of the Council where needed under the Constitution;
(s) a Motion brought into order by the Mayor or a Motion which is similar in its effect to a Motion included on the summons which is amended with the permission of the Mayor.

11.12 The Mayor may require someone moving a Motion to write it down and hand it to the Mayor. The Mayor shall decide whether the Motion is in order, and may alter it to bring it in order.

11.13 Notwithstanding anything included in the summons for the meeting, no Councillor may be removed from any appointment as a member of a
Committee, a Sub Committee or a body to which he/she has been appointed by the Council unless:

(a) there is a notice of Motion to that effect included in the summons;
(b) the Councillor gives his/her consent to the removal; or
(c) (if the Councillor is a member of a recognised political group) the Leader (or the Deputy Leader in the absence of the Leader) gives his/her consent to the removal.

12. Order and Length of Speeches in a Standard Debate

12.1 Unless a Motion is moved by the Mayor, no speeches may be made about a Motion until it has been seconded by another Councillor.

12.2 Every speaker on a Motion is entitled to speak for up to five minutes.

12.3 The Mayor may extend the times in 12.2. If an extension of time is granted to the proposer or seconder of a Motion then the same extension must also be granted to the speakers from the other political groups.

12.4 The order of speeches in a debate is as set out below, subject to alteration by the Mayor:

- Proposer
- Seconder
- Spokesperson from other political groups
- Other Councillors
- Right of reply by proposer (subject to rules on amendments)

12.5 No one shall speak without the Mayor’s permission. A Councillor shall indicate to the Mayor if he or she wishes to speak. When speaking, Councillors must address the Mayor. If two or more Councillors ask to speak, the Mayor shall select one Councillor, and shall give priority to a Councillor who wishes to move an amendment.

12.6 No speeches may be made about a Motion concerning the employment of any person by the Council until the Council has considered whether it must or should pass a resolution to exclude the press and public from the meeting.
12.7 When a Motion is being debated, no other Motion may be moved except the following procedural Motions:

(a) to withdraw a Motion;
(b) to amend a Motion;
(c) to refer the question to an appropriate body or individual;
(d) to proceed to the next business without a vote;
(e) to postpone the item until later in the meeting;
(f) that the question now be put;
(g) to adjourn a debate;
(h) to adjourn a meeting;
(i) that the meeting is extended;
(j) that the press and public be excluded;
(k) to not hear a Councillor further or exclude them from the meeting;

12.8 At the end of the debate on any Motion the Mayor will allow the proposer of the Motion to speak for 5 minutes as a right of reply. When exercising the right of reply, a Councillor must not raise any new matters. After the right of reply has been exercised a vote will be taken without any more discussion. There are two exceptions to this rule:

(a) there are two rights of reply at the end of a debate on an amendment (see rule 13.4)
(b) if a Motion has been amended following a debate on that amendment, the right of reply belongs to the proposer of the last successful amendment.

12.9 No Councillor may address the Council more than once on any Motion unless that Councillor is:

(a) exercising a right of reply;
(b) speaking on a point of order; or
(c) giving a personal explanation
but a Councillor may formally second a Motion and reserve their speech for a later period of the debate, which will normally be during the time when any Councillor may speak.

Points of order

12.10 A point of order must relate only to an alleged breach of any procedure rules or of the law. A Councillor may raise a point of order at any time. The Mayor must hear them immediately. When raising a point of order a Councillor must indicate what rule he or she considers has been broken and how it has been broken.

Points of personal explanation

12.11 A personal explanation is a statement by a Councillor which clarifies a material part of an earlier speech by the Councillor which may appear to have been misunderstood. A Councillor may make a personal explanation at any time. The Mayor must hear them immediately. If the Mayor considers that a Councillor is making a statement in breach of this procedure rule then he may stop them speaking.

13. Amendments

13.1 No amendment to the Motion to adopt the draft budget recommended to the Council may be moved unless notice giving details of the amendment has been given to the Monitoring Officer no later than 12 noon three working days before the day of the meeting.

13.2 An amendment may not be moved unless it is:

(a) relevant to the Motion being discussed;

(b) not a direct negative of the Motion; and

(c) not a Motion that alters the Motion to a Motion which would seek to do something which cannot lawfully be done at that meeting.

13.3 Once an amendment has been proposed and seconded the Mayor shall ask the proposer of the original Motion whether or not the proposer accepts the amendment. If the amendment is accepted then the amended Motion automatically becomes the substantive Motion without a formal debate or vote.

13.4 If the amendment is not accepted then the debate on the principal Motion is suspended and the Council will debate the amendment as a standard
debate on the amended Motion, except that both the proposer of the Motion and the proposer of the amendment will be allowed a right of reply at the end of the debate on the amendment.

13.5 When an amendment is being debated, no further amendments may be proposed.

14. **Forcing a Debate to End**

14.1 At the close of any speech in a standard debate, any Councillor may move any of the Motions in the first column of the table below. If the Motion is seconded and the Mayor is of the opinion set out in the second column of the table then the action in the third column shall be carried out.

<table>
<thead>
<tr>
<th>Motion</th>
<th>Mayor’s view</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the question now be put.</td>
<td>That the Motion has been sufficiently debated.</td>
<td>Mayor puts procedural Motion to a vote. If carried then the mover of substantive Motion has the chance to reply and then the Mayor puts substantive Motion to the vote.</td>
</tr>
<tr>
<td>To proceed to the next business.</td>
<td>That the item has been sufficiently debated. AND the business is not business that has to be dealt with at this meeting.</td>
<td>Mayor gives mover of substantive Motion a right to reply and Mayor puts procedural Motion to the vote. If carried then the Council proceeds to the next business.</td>
</tr>
<tr>
<td>To adjourn the debate or to adjourn the meeting.</td>
<td>That the item has not sufficiently been debated and cannot reasonably be discussed at that time AND the business is not business that has to be dealt with at this meeting.</td>
<td>Mayor puts the procedural Motion to the vote. If carried then the item/meeting is adjourned.</td>
</tr>
</tbody>
</table>

14.2 At the start of any debate on a Motion the Mayor may propose a maximum length of time for that debate.

14.3 At the expiry of any period fixed by the Mayor under Rule 14.2 any Councillor may move:

“that the period for debate be extended” but if no Councillor moves this Motion or such a Motion is defeated the Mayor shall allow a right of reply and then put the Motion to the vote.
15. **Special Procedure for Adoption of Plans and Strategies by the Full Council**

15.1 Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration, the Council objects to it, the Council must:

(a) inform the Leader of any objections which it has to the draft plan or strategy; and

(b) give the Leader instructions requiring the Executive to reconsider the draft plan or strategy in the light of those objections, specifying a period of at least five working days beginning on the day after the date on which the Leader receives the instructions, during which the Leader may:

- submit to the Council for consideration a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), accompanied by the Executive's reasons for any amendments;

- inform the Council of any disagreement that the Executive have with any of the Council's objections and the Executive's reasons for any such disagreement.

15.2 When the period specified by the Council under paragraph 15.1 has expired, the Council must reconsider the plan or strategy (as amended) and take into account:

(a) any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy;

(b) the Executive's reasons for those amendments;

(d) any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for that disagreement, which the Executive Leader submitted to the Council, or informed the Council of, within the period specified. When reconsidering the Council may then:

- amend the draft plan or strategy (or the revised draft plan or strategy); or
• approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
• adopt (with or without modification) the plan or strategy.

16. **Special Procedure for Setting Precepts and the Council Tax**

16.1 Where, before 8th February in any financial year, the Executive submits to the full Council for its consideration in relation to the following financial year:

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

(b) estimates of other amounts to be used for the purposes of such a calculation;

(c) estimates of such a calculation; or

(d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992

and the Council objects to them then it must, before making any of those calculations or issuing a precept, inform the Leader of any objections which it has to the Executive’s estimates or amounts and must give to the Leader instructions requiring the Executive to reconsider the matter, allowing them a specified period of at least 5 working days during which the Leader can

(e) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the full council’s requirements, with the Executive’s reasons for any amendments made to the estimates or amounts, to the Council for the Council’s consideration; or

(f) inform the Council of any disagreement that the Executive has with any of full council’s objections and the Executive’s reasons for any such disagreement.

16.2 When the period specified by the Council under paragraph 16.1 has expired, the authority may make the calculations or issue a precept under
Chapter IV of Part I of the Local Government Finance Act 1992, but must take into account:

(a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(b) the Executive's reasons for those amendments;

(c) any disagreement that the Executive has with any of the Council’s objections; and

(d) the Executive's reasons for that disagreement

which the Executive Leader submitted to the Council, or informed the authority of, within the period specified they must take into account any response received from the Leader within that time limit.

16.3 This Rule does not apply to:

(a) calculations or substitute calculations which full Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

17. **Question and Answer Debates**

17.1 At the start of a question and answer debate the Mayor shall fix a maximum length of time for the debate and may fix the maximum length of any speech.

17.2 During a question and answer debate no Motion is to be debated, although the Mayor may allow any of the following to be moved:

(a) to proceed to the next business;

(b) to postpone the item until later in the meeting;

(c) to adjourn a meeting;

(d) that the meeting be extended;

(e) that the press and public be excluded;
(f) to not hear a Councillor further or exclude them from the meeting.

17.3 The question and answer debate shall last until one of the following occurs:

(a) no further Councillors wish to speak; or

(b) the expiry of the time fixed under 17.1.

17.4 Anyone invited to the meeting may, if requested to do so by a Councillor, respond to a question asked by a Councillor during a question and answer debate.

17.5 At the end of a question and answer debate, a Motion to sum up the Council's position may be moved. Any such Motion shall be debated as a standard debate.
Part 4

Section 2

Procedure Rules which relate to Committees only
1. Setting up the committees

1.1 Committees will be set up in line with sections 15, 16 and 17 of the Local Government and Housing Act 1989. The Council shall decide how many Councillors a Committee can have, and who can become a member of a Committee provided that no member of the Executive will be allowed to be a member of Overview and Scrutiny Committee or its Sub Committees.

1.2 No Councillor may be appointed to serve on any Committee or Sub Committee on any terms which would mean that their appointment would last beyond the next annual meeting of the Council.

1.3 The Council may at any time dissolve or alter the membership of any Committee.

1.4 A Committee may at any time dissolve or alter the membership of any Sub Committee of the Committee. If a Committee is dissolved then any Sub Committees it appoints will also be dissolved.

1.5 The Licensing and Regulatory Committee shall sit either as the Council’s Licensing Committee appointed under the Licensing Act 2003 or as the Licensing and Regulatory Committee. Meetings may be arranged to take place consecutively.

1.6 The Committees and Sub Committees shall exercise such powers, duties and Functions as the Council, or, in the case of a Sub Committee, the Council or the Committee by which the Sub Committee were appointed, may from time to time assign to them.

2. Appointment of chairman

2.1 The first items of business to be carried out at the first meeting of a Committee in a municipal year will be as follows:

(a) the election of a Chairman of the Committee for the remainder of the municipal year;

(b) the election of a Vice Chairman of the Committee for the remainder of the municipal year; and

(c) to appoint such Sub Committees, if any, as the Committee may decide to appoint for that municipal year.

2.2 If there is an equality of votes cast for two candidates to be Chairman then no person shall be considered to have been elected and the meeting shall stand adjourned for 10 minutes to give a period of reflection. At the end of
the adjournment the election shall take place again. If this does not result in a successful election of a chairman the Committee may seek to elect someone to chair the meeting for one meeting only. If this happens then items 2.1 (a) and (b) shall be deferred to the next meeting.

2.3 In the absence of the Chairman from a meeting of a Committee or Sub Committee, the Vice Chairman shall preside and in the absence of both the Chairman and the Vice Chairman, a Chairman for that particular occasion shall be elected. The person elected will preside for the remainder of the meeting. If the Chairman or Vice Chairman enters a meeting the Chairman or Vice Chairman as the case may be shall take over from that person for the remainder of the meeting.

3. **Convening meetings**

3.1 The Monitoring Officer must convene any Committee or Sub Committee if asked to do so by:

- its Chairman;
- enough members of the Committee to make a quorum;
- Chief Executive.

3.2 The Monitoring Officer may also convene a meeting if he or she thinks it is desirable to do so.

4. **At the meeting**

Quorum

4.1 The quorum of each Committee or Sub Committee shall be four where its total membership exceeds seven and shall be two in all other cases.

4.2 No item of business shall be discussed at a meeting unless the meeting is being chaired.

4.3 No item of business may be considered at a meeting unless it is on the agenda for that meeting or the person chairing the meeting accepts it as urgent business. If business is accepted as urgent then that fact and the reasons for the urgency shall be set out in the Minutes.

4.4 In the case of an equality of votes on any item coming before the committee the person chairing the meeting has a second or casting vote.
4.5 Committees and Sub Committees may from time to time adopt their own procedures allowing members of the public to speak at meetings of committees. Any such procedure must comply with the rules of fairness and natural justice.

4.6 The Chairman of a meeting shall give every member of the Committee a reasonable opportunity to speak on any item before the Committee.

4.7 The Chairman shall control the meeting and may in particular:

(a) require a Councillor to restrict their speech to the matter under debate;

(b) stop a Councillor from speaking if the Chairman considers that their speech is irrelevant or is excessively long;

(c) not allow a proposal or an amendment to be debated unless it has been seconded;

(d) if the Chairman considers that the nature of the business to be discussed means that some or all of these rules of procedure ought to be invoked then the Chairman may do so.

4.8 Any member of a Committee may move that a debate should be conducted as a standard debate. Such a Motion shall, if seconded, be put to a vote immediately. If this is passed then the rules of procedure shall apply to the debate of that item as they apply to a standard debate at a meeting of the full council.

5. **Substitutes**

5.1 Where a member of any Committee (apart from the Executive, Area Committees and Licensing and Regulatory Committee) is unable to attend a Committee meeting he or she may arrange for a substitute to attend. The substitute must be on a list for that Committee which has been prepared by his or her party group leader and approved by the Council.

5.2 In the case of the Audit & Governance Committee only one member of the Executive may be on the Committee at any time. Therefore a member of the Executive cannot be a substitute at an Audit and Governance Committee meeting if there is already a member of the Executive on the committee for that meeting.

5.3 Any Councillor as a substitute must notify the relevant committee clerk prior to the commencement of the meeting.
5.4 The substitution, indicating which Councillor is being substituted and by whom, will be recorded in the register of substitutes.

5.5 In the event of the substituted Councillor arriving after the commencement of the meeting, he/she will be eligible to attend as an observer in the public gallery and may take no part in the debate or voting at the meeting. Such Councillors will be able to remain for the whole of the meeting, including the closed session.

6. Co-options

6.1 Whenever any Committee or Sub Committee wishes to co-opt a member they must invite applications from the public by a notice setting out the qualities, knowledge and experience they are looking for in making a co-option.

6.2 There shall be a selection process involving an interview.

6.3 Interviews will be with the body making the appointment or a Sub Committee formed for the purpose, but if a Sub Committee is formed for the purpose the appointment must be confirmed by the body making the appointment.

7. Attendance at Committee meetings by Councillors who are not members of that Committee

7.1 This rule governs when Councillors may attend Committee meetings when that Councillor is not a member of that Committee. It has to be read subject to the law, any Code of Conduct which applies to the Council and any matters adopted by the Audit and Governance Committee which may make it unlawful, maladministration or unwise for any particular Councillor to speak on any particular item.

Planning and Development Committee

7.2 This rule applies to:

(a) Councillors who are not members of the Planning and Development Committee; and

(b) members of the Planning and Development Committee who have withdrawn from the Committee to sit in the public gallery for that application, because that councillor wishes to speak as the ward member on behalf of his or her constituents. It does not affect the rights of other Councillors.
7.3 Councillors to whom this Rule applies may attend meetings of the Planning and Development Committee and speak but not vote on any matter relating to land within or immediately adjacent to or otherwise significantly affecting their ward.

7.4 Any Councillor attending under this Rule may make one speech of up to 7 minutes in length but may not otherwise speak, unless the Chair agrees otherwise. At the start of the speech the Councillor must make it clear that he or she is speaking in their capacity as interested ward Councillor and not as a Councillor of the Planning and Development Committee. That Councillor must withdraw from the meeting after speaking.

7.5 If two or more Councillors attending under this Rule wish to speak on the same item, they may remain in the room until all of them have spoken but they must all then withdraw from the room prior to the discussion and voting on that item.

8. Committee Chairmen attending at meetings of the Executive

8.1 A Chairman of a Committee may, if not a member of the Executive, attend and speak, but not vote at, a meeting of the Executive on any matter relating to the work of their Committee. Committee Chairmen may not otherwise speak unless the Chairman of the meeting agrees otherwise.

9. Committee Chairmen attending at Sub Committee meetings

9.1 Where a Committee has appointed a Sub Committee and the Chairman of the parent Committee is not a member of the Sub Committee then the Chairman may attend and speak but not vote at any meeting of that Sub Committee.

10. Chairmen of Sub Committees speaking at the meeting of the appointing parent Committee

10.1 The Chairman of a Sub Committee who is not a member of the appointing parent Committee may attend and speak at, but not vote at any meeting of the appointing Committee but any person so attending shall, unless the Chairman of the meeting agrees otherwise, speak only on an item of business relating to a matter within the terms of reference of the Sub Committee in question.

11. All Other Cases

11.1 Subject to the Code of Conduct for Councillors, any Councillor may attend any meeting of any Committee or Sub Committee including any parts of
the meeting which are not open to the press and public. If a Councillor is not a member of the Committee or Sub Committee then he or she may not vote and, without the permission of the Chairman, may not speak.
Part 4

Section 3

Procedure Rules which apply to the Council and Committees
For the purposes of this Section 3 references to Mayor will be read, where appropriate, as Leader or Chairman.

1. **Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 Section 5 of this Constitution or paragraph 4 below.

2. **Minutes**

2.1 The Minutes must contain all Motions and amendments in the exact form and order that the Mayor put them.

2.2 The Council/Committee shall approve Minutes at the first available meeting. As soon as the Minutes of the last meeting have been read, or if they are to be taken as read, the Mayor shall move:

"that the Minutes of the meeting of the Council/Committee held on the day of xxxxx be signed as a true record."

2.3 Any question about the accuracy of Minutes must be raised by Motion unless it appears to be uncontentious and accepted by the Mayor without a formal Motion. As soon as any questions raised have been disposed of or, if no such question is raised, the Mayor shall sign the Minutes.

2.4 The Mayor will sign the Minutes of the proceedings at the next meeting unless it is an Extraordinary Meeting when the Minutes may be signed if they are available.

3. **Misconduct**

3.1 When speaking, Councillors shall direct their speech strictly to the Motion or other matter under discussion, or to a Motion or amendment to be proposed by them, or to a point of order or a point of personal explanation in accordance with the Rules of Procedure.

3.2 Whenever the Mayor stands during a debate, anyone then speaking or standing shall sit down and the Council shall be silent.

3.3 The Mayor may warn Councillors that their speech is irrelevant, repetitive, uses unbecoming language, or is a breach of order. The Mayor may direct that Councillor to stop speaking.
3.4 If the Mayor considers that any Councillor has persistently disregarded the ruling of the Mayor, or has behaved irregularly, improperly or offensively, or has wilfully obstructed the business of the Council then the Mayor may move:

"that the Councillor named be not further heard".

This Motion shall be immediately put to the vote without discussion.

3.5 If a resolution under 3.4 has been passed and that Councillor's misconduct continues, or if the Mayor otherwise considers that a Councillor's misconduct to be so serious that it justify the Councillor being required to withdraw from the Chamber immediately, the Mayor may move:

(i) that the Councillor named leave the meeting immediately;

(which shall be put to the vote without discussion and if passed the Councillor shall leave the meeting); or

(ii) that the meeting be adjourned for such time as the Mayor shall consider expedient.

(which shall be put to the vote without discussion)

3.6 If there is a general disturbance which in the opinion of the Mayor renders the proper transaction of business impossible, the Mayor, in addition to using any of the Mayor's other powers, may adjourn the meeting for such time as the mayor considers expedient.

4. Disturbance by members of the public

4.1 If members of the public interrupt the proceedings at any meeting, the Mayor may, after warning, order that the people concerned leave the meeting, or the Mayor may order that the part of the chamber open to the public is cleared.

4.2 No member of the public can display any banner, placard, poster or other similar item supporting, opposing or advertising any matter at the meeting. If they do, the Mayor will ask them to remove it from the room.

5. Photography, recording and/or broadcasting of meetings

5.1 Audio and Visual Recordings
Members of the public may film, audio-record, take photographs and use social media to report on meetings as they are taking place and the
Council will provide reasonable facilities to enable reporting to take place. Members of the public are requested to contact the Council in advance so that necessary arrangements may be made. Any person whose recording activities are disruptive to the meeting may be required by the chairman to stop recording and may be removed from the meeting.

5.2 Question Time at meetings of Full Council shall be recorded. The Head of Resource Management shall produce a transcript of the question time session.
Part 4

Section 4

General Procedure Rules
1. **Interests of Councillors**

1.1 If a Councillor has any pecuniary interests (within the meaning of the Councillors’ Code of Conduct) in any matter, that Councillor will declare an interest and leave the meeting while the meeting considers it, save that if it is a meeting where the public is allowed to speak, then the Councillor may also speak but must leave the meeting immediately afterwards. Where a dispensation has been granted by the Audit & Governance Committee or the Monitoring Officer, the Councillor may participate and vote.

1.2 Councillors will give notice to the Monitoring Officer of all their respective interests under the Councillors’ Code of Conduct.

1.3 Members of the public will be able to inspect the Register kept by the Monitoring Officer under Section 81 of the Local Government Act 2000 during normal office hours.

1.4 If a Councillor has a non-pecuniary interest under the Councillors’ Code of Conduct they will declare the interest in accordance with the requirements of the Code of Conduct.

1.5 If a Councillor has declared a pecuniary interest at a meeting and has left the meeting while the item is considered the Councillor will be called back once the item has been dealt with.

2. **Officers’ interest in contracts**

2.1 The Monitoring Officer will record in a special book any notice an officer gives under Section 117 of the Local Government Act 1972 of a financial interest in a contract. The book will be open during office hours for the public to inspect.

3. **Sealing documents**

3.1 The Council will not attach its common seal to any document unless the sealing has been authorised in accordance with this Constitution.

4. **Authority to sign documents**

4.1 The Chief Executive, the Chief Operating Officer, the Operations Manager for Legal Services or any solicitor authorised by him/her can sign on behalf of the Council:

(a) any contract (without the seal); and
(b) any document which that officer considers is proper and necessary to give effect to a resolution;

as long as nothing in this paragraph prevents any other person from being authorised to sign the document, where this Constitution allows.

5. **Contracts**

5.1 The Chief Executive, the Chief Operating Officer, or Head of Service can approve any action and/or expenditure in respect of contracts provided that the action and/or expenditure is:

(a) contained within an approved capital or revenue budget;

(b) not contrary to the Council's budget or major policy framework; and

(c) in accordance with Contract Regulations and Financial Regulations

6. **General authority of the Operations Manager for Legal Services**

6.1 If the Council has to issue any document in legal proceedings, the Operations Manager for Legal Services may sign it unless someone else is authorised to do so by this Constitution.

6.2 The Operations Manager for Legal Services has the authority to take all legal proceedings on behalf of the Council unless someone else is authorised to do so by this Constitution.

6.3 The Operations Manager for Legal Services has the authority to defend all legal proceedings brought against the Council and to take any steps he or she considers necessary to do this.

7. **Monitoring Officer**

7.1 Each Head of Service will immediately tell the Monitoring Officer of any proposal, decision or omission connected to their service area which may lead to a report to the Council by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

8. **Suspending and amendment of Council Procedure Rules**

8.1 All of the Council Rules of Procedure except:

(a) Rule 8.4 Section 1 (Right to require individual vote to be recorded);
(b) Rule 2.4 Section 3 (No requirement to sign minutes of previous meeting at extraordinary meeting);

(c) Section 5 (Access to Information Procedure Rules) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

9. Interpretation of procedure rules

9.1 The Mayor’s ruling on how to apply these procedure rules will not be challenged at any meeting. His or her interpretation will be fully recorded in the Minutes.

10. Procedure rules to be given to Councillors

10.1 The Chief Executive will provide each Councillor with details of how to access the Constitution.

11. General

11.1 Any Councillor wishing to raise a matter at a Committee must notify the Monitoring Officer giving sufficient details not less than ten working days before each meeting to enable the Monitoring Officer to give adequate notice to the public and the press.

11.2 Where the Council, Committee or Sub Committee decides upon a particular course of action which later seems inappropriate, the relevant Head of Service shall report upon the circumstances to the relevant Committee or Sub Committee or to full Council.

11.3 The Head of Resource Management shall arrange for each Committee or Sub Committee periodically to be informed of the present position on reports which the Committee or Sub Committee have requested about major matters. Where an officer has been requested by a Committee to submit a report on a major matter, that officer shall, unless it is intended to report to the next meeting, supply to the Head of Resource Management information on the current position of the compilation of the report, setting out where necessary, the reasons for any delay in the submission of a report.
Part 4

Section 5

Access to Information Procedure Rules
1. **Scope**

1.1 These rules apply to all meetings of the Council, Overview and Scrutiny Committees, Area Committees (if any), the Audit and Governance Committee, Regulatory Committees and public meetings of the Executive (together called ‘Meetings’).

2. **Additional rights to information**

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

3. **Rights to attend meetings**

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

4. **Notice of meeting**

4.1 The Council will give at least five working days notice of any meeting by posting details of the meeting at the Council offices and on its website.

5. **Access to agenda and reports before the meeting**

5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Council offices at least five working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

5.2 Where reports are prepared after the summons has been sent out, the Head of Resource Management shall make each such report available to the public as soon as the report is completed and sent to Councillors.

6. **Supply of copies**

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

   (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 Head of Resource Management thinks fit, copies of any other documents supplied to Councillors in connection with an item.

7. **Access to Minutes after the meeting**

7.1 The Council will make available 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.

8. **Background papers**

8.1 List of background papers

8.1.1 The Head of Resource Management will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his or her opinion:

(a) discloses 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.

8.1.2 The documents referred to in (a) and (b) above do not include published works or those which disclose exempt or confidential information.

8.2 Public inspection of background papers

8.2.1 The Council will make available for public inspection for six years after the date of the meeting one copy of each of the documents on the list of background papers.
9. **Summary of the public’s rights**

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

10. **Exclusion of access by the public to meetings**

10.1 Confidential information - requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

10.2.1 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.

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

10.3 Meaning of confidential information

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

10.4 Meaning of exempt information

10.4.1 Exempt information means information falling within one of the following 7 categories (subject to any condition).

<table>
<thead>
<tr>
<th>CATEGORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Information relating to any individual</td>
</tr>
<tr>
<td>2. Information which is likely to reveal the identity of an individual</td>
</tr>
<tr>
<td>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)</td>
</tr>
</tbody>
</table>
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.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes –
   (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
   (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

QUALIFICATIONS

Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under: the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.

Information relating to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992 is not exempt.

Information in one of the seven categories of exempt information which is not prevented from being exempt by either of the two points described above is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing it.

11. **Exclusion of access by the public to reports**

   11.1 If the Head of Resource Management considers that a report or document contains confidential or exempt information he or she must mark the report or document ‘Not for Publication’ – together with the category of information likely to be disclosed.

12. **Application of rules to the Executive**

   12.1 Rules 13-22 apply to the Executive and its committees. If 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 11 of this Constitution.

This requirement does not include meetings, whose sole purpose is for officers to brief Councillors.

13. **Procedure before taking Key Decisions**

13.1 Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

(a) a notice has been published on the List of Forthcoming Decisions 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. **Forward Plan – The List of Forthcoming Decisions**

14.1 **Frequency and Timescale**

The List of Forthcoming Decisions is prepared by the Leader and is published on a 4-weekly basis. Notice of a ‘forthcoming decision’ is required to be published on the List of Forthcoming Decisions at least 28 days prior to when the decision is due to be taken.

14.2 **Contents**

The List of Forthcoming Decisions will contain matters which the Leader 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 a discharge of an Executive function. It will also contain matters that may involve consideration of information of a confidential or exempt nature.

Each matter on the List of Forthcoming Decisions will comprise the following particulars in so far as the information is available or might reasonably be obtained:

(a) the matter in respect of which a decision is to be made;
(b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;

(c) the date on which, or the period within which, the decision will be taken;

(d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

(e) the means by which any such consultation is proposed to be undertaken;

(f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

(g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

15. **General exception**

15.1 If a matter which is likely to be a Key Decision or contain confidential or exempt information has not been published on the List of Forthcoming Decisions at least 28 days prior to when the decision is to be taken, 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 on the next List of Forthcoming Decisions;

(b) the Proper Officer has informed the Chairman of a relevant Overview and Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;

(c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and

(d) at least 5 clear days have elapsed since the Proper Officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.
16. **Special urgency**

16.1 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 Chairman of a body making the decision, obtains the agreement of the Chairman of a relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Overview and Scrutiny Committee, or if the Chairman of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice Chairman will suffice.

17. **Report to Council**

17.1 **When the Overview and Scrutiny Committee can require a report**

If the Overview and Scrutiny Committee thinks that a Key Decision has been taken which was not:

(a) included on the List of Forthcoming Decisions; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with a relevant Overview and Scrutiny Committee Chairman under Rule 16

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee.

17.2 **Executive’s report to Council**

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

17.3 **Quarterly reports on special urgency decisions**

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three 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.

18. **Record of decisions**

18.1 After any meeting of the Executive or any of its committees, whether held in public or private, the Proper Officer 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 statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. **Executive meetings relating to matters which are not Key Decisions**

19.1 The Executive will decide whether meetings relating to matters that are not Key Decisions will be held in public or private.

20. **Decisions by individual members of the Executive**

20.1 **Reports intended to be taken into account**

Where an individual member of the Executive receives a report that he/she intends to take into account in making any Key Decision, then he/she will not make the decision until at least 3 clear days after receipt of that report.

20.2 **Record of individual decision**

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or a Key Decision has been taken by an officer, a record of the decision shall be made together with a statement of reasons for the decision and any alternative options considered and rejected. 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.

21. **Overview and Scrutiny Committees access to documents**

21.1 **Rights to copies**

Subject to Rule 22.2 below, an Overview and Scrutiny Committee (including its Sub Committees) 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:
(a) any business transacted at a public or private meeting of the Executive or its committees; or

(b) any decision taken by an individual member of the Executive.

21.2 **Limit on rights**

An Overview and Scrutiny Committee 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 an action or decision they are reviewing or scrutinising or intend to scrutinise.

22. **Additional rights of access for Councillors**

22.1 **Material relating to previous business**

All Councillors 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 (a) below applies.

(a) it contains exempt information.

22.2 **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 paragraph 22.1 (a) above applies.

22.3 **Nature of rights**

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

22.4 **Other rights to access information**

Councillors do not have an automatic right to request to see any other information held by the Council but can usually make requests to see most other information that they are likely to want to see in accordance with following provisions set out in paragraphs 22.5 to 22.8 inclusive.
22.5 **An information request equivalent to a request under the Freedom of Information Act 2000**

(a) Councillors have the same rights to the public to request certain recorded information from the Council. Councillors do not have to give a reason if making an equivalent request.

(b) Only recorded information will be supplied and where the information requested is within the Council’s possession or control. An information request does not mean that officers must present the data in any other alternative format or answer questions about the recorded information.

(c) Exemptions under the Freedom of Information Act may apply to sensitive information and where applicable these exemptions will be maintained, subject to the provisions regarding statutory rights and common law ‘Need to Know’ access arrangements set out below.

(d) If the information requested is available under Freedom of Information provisions and within the relevant costs limit for gathering the information (currently £450) then a Councillor will be provided with a copy for their personal use within the usual time limit for dealing with such requests.

(e) Photocopying charges will be waived for Councillors if the Councillor certifies that their reason for their request is reason is connected with their councillor duties. This does not extend to Councillors making a request on behalf of their constituents.

22.6 **A request made under a Councillor’s Statutory Rights as a Councillor**

(a) All Councillors have a legal right to inspect Council documents relating to any business to be conducted at any meeting of the Council, Executive or Council committees.

(b) All Councillors have this right, whether a Member of the Executive or committee or not. Councillors are entitled to documents which contain information which may includes some papers relating to the closed agenda, but not exempt information which generally applies to information about individuals or contractual matters, or industrial relations matters or legal advice.
22.7 A request under the “Need to Know” common law entitlement

(a) Councillors also have a right under the common law to see Council documents if they have a reasonable ‘Need to Know’ in order to perform their duties as a Councillor. This right does not automatically extend to a right to be provided with a photocopy of all or part of any document.

(b) These common law rights under ‘Need to Know’ do not amount to a roving commission for any Councillor to seek any document merely out of curiosity nor are Councillors entitled to any document if their motives are improper, ulterior or indirect, or if they are not asking for them in their capacity as Councillor.

(c) A Councillor, as an elected representative, has a right to be kept informed of Council business and therefore has a prima facie right to inspect documents in the possession of the Council and has a ‘Need to Know’ in order to perform that role. The following ‘tests’ may prove helpful in establishing whether a Councillor has a ‘Need to Know’:

i) If the request is for a document relating to a matter likely to impact upon their ward where a Councillor has specified their reasons for believing that there could be an impact;

ii) If the request is for a document that relates to a report or the approved work programme of a particular committee to which the Councillor has been appointed and where the Councillor has specified the reason why they ‘Need to Know’. If a Councillor is not a committee member then s/he would need to demonstrate why sight of the document(s) is necessary to enable the performance of his/her duties as a Councillor.

(d) Councillors must disclose any personal or prejudicial interests (as defined in the Code of Conduct) they may have in any related business matter when asking for documents under this provision.

(e) ‘Need to Know’ requests will be considered by the Chief Executive/Chief Operating Officer and dealt with in accordance with the following process:

i) All requests from Councillors for documentation should be routed through the Chief Executive/Chief Operating Officer.
ii) Councillors are requested to:-

- Be as specific as possible about the documentation that they wish to see;
- Normally make the request in writing; and
- State the reason for wanting the information, and the purpose to which it will be put.

[Note: This procedure is without prejudice to a Councillor’s right under the Freedom of Information 2000.]

iii) If appropriate, the Chief Executive/Chief Operating Officer will arrange for the information to be supplied as soon as possible. However, if the Chief Executive/Chief Operating Officer considers that to meet the request would not be justified because, the administrative cost would exceed the usual cost threshold applicable to the Freedom of Information Act, e.g. would require extensive and continuing computer runs, then alternative arrangements to try to meet the request will be considered. For instance, Councillors could be invited to inspect the relevant documents and the Councillor should indicate any part of a document requiring photocopying.

iv) In circumstances where there are reasons why the Chief Executive/Chief Operating Officer considers that documents should not be disclosed and wishes confirmation of that view, then the matter should be referred to the Chief Executive.

v) Where the Chief Executive/Chief Operating Officer has refused any ‘Need to Know’ request, the Councillor making the request shall have right to appeal to the Monitoring Officer for a review of the Chief Executive’s/Chief Operating Officer’s decision and the Monitoring Officer will conduct a review promptly and notify the Councillor of the outcome. In order to carry out the review the Monitoring Officer may make additional enquires of any Councillor, Chief Executive, Chief Operating Officer, other officer or affected external party.

22.8 Requirement to maintain Confidentiality of Information

(a) All Councillors must acknowledge that the need to protecting the Council’s interest is essential and therefore access to confidential
information must be controlled and restricted. All Councillors are bound by the Members Code of Conduct to comply with confidentiality rules set out in rule 3 of the Code.

(b) The Code entitles the Council to impose its ‘reasonable requirements’ that will normally apply when a Councillor is given access to confidential or exempt information. The Monitoring Officer will determine the reasonable requirements that will apply and will issue guidance.

(c) In most cases a requirement will be imposed that any copy of confidential or exempt information provided to an individual Councillor may not be removed from the Council’s premises nor any further copy made or disclosed to any other person.

(d) In the event that a complaint is received that any Councillor has disclosed confidential or exempt information, the right to make any further requests under the ‘Need to Know’ provisions may be suspended by the Chief Executive in consultation with the Monitoring Officer pending the outcome of the determination of such complaint.

22.9 Complaints about breaches of confidentiality

If a complaint is received that a Councillor has disclosed confidential information, then the Council’s Monitoring Officer shall be responsible for instigating appropriate procedures to determine whether there has been a breach of the Code of Conduct and the appropriate course of action to be taken against the Councillor.
Part 4

Section 6

Executive Procedure Rules
1. **Type of Executive**

1.1 Ipswich Borough Council has a Leader and Cabinet type of Executive.

1.2 The Leader and Cabinet as a whole are known as the Executive.

2. **Appointment and Term of Office of the Executive**

2.1 At its Annual Meeting, the Council will if necessary, by ordinary resolution, elect a Leader of the Council from amongst the Councillors.

   The Leader of the Council will then appoint:

   - A member of the Executive to be known as the Deputy Leader; and
   - Up to 8 Councillors as ordinary members of the Executive.

   The Leader may remove Councillors from the Executive at any time.

2.2 Neither the Mayor nor the Deputy Mayor may be given any appointment listed in 2.1.

2.3 The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post-election annual meeting four years hence, unless he/she is removed from office or resigns, ceases to be a member or is disqualified from being a Councillor before that day.

2.4 The Council may remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting.

3. **Meetings of the Executive**

3.1 The Executive will meet at least four times a year.

3.2 Meetings will be held at the Council’s main offices or at another venue decided by the Leader.

3.3 The agenda for each meeting of the Executive will contain any item which has been approved by any one of the following:

   3.3.1 The Leader;
   
   3.3.2 A Portfolio Holder;
   
   3.3.3 The Monitoring Officer;
   
   3.3.4 The Section 151 Officer;
3.3.5 Overview and Scrutiny Committee;

3.3.6 Full Council.

3.4 The Leader will chair meetings of the Executive. If the Leader is absent then the Deputy Leader will chair the meeting. If both are absent then the meeting will appoint another member of the Executive to preside.

3.5 The quorum for meetings of the Executive is three if the Leader is present, or four if the Leader is not present.

3.6 Subject to any contrary provision in any Code of Conduct, any Councillor may attend any part of any meeting of the Executive.

3.7 Any Councillor who is not a member of the Executive may (subject to the law of bias and the Code of Conduct) submit a list of questions to be asked at any meeting of the Executive. Questions must relate to an item on the agenda for that meeting. These questions will be dealt with orally at the meeting. Questions submitted under this paragraph must be received by the Monitoring Officer no later than 10am on the day of the Executive meeting.

4. Allocation of Executive Functions

4.1 All Executive Functions may be exercised by the Executive.

4.2 The Executive may delegate any Function exercisable by them to a Committee of the Executive or to an officer.

4.3 The Leader may from time to time appoint any member of the Executive to a portfolio. No more than seven of the ordinary members of the Executive may hold portfolios at any one time. Each Portfolio Holder will take a particular interest in the areas within his or her portfolio. Whenever a report is presented to the Executive the Portfolio Holder for the subject of the report will usually present that report.

4.4 The Leader, the Deputy Leader and any Portfolio Holder may personally discharge Executive Functions (as listed in Part 3 of the Constitution).

4.5 A member of the Executive who is entitled to discharge an Executive Function may delegate that Function to an officer. Any such delegation must be in writing and a copy of the delegation must be given to the Head of Resource Management.

4.6 Whenever the Leader appoints anyone to, or removes anyone from, a portfolio or whenever the Leader changes the remit of any portfolio, the Leader must promptly record the appointment in writing and a copy
shall be given to the Head of Resource Management who will arrange for it to be published.

4.7 The Executive may from time to time appoint Committees of the Executive.

5. **Financial Decisions**

5.1 In connection with decisions which are the responsibility of the Executive, the Executive has full authority to vire money between budget headings and to take decisions contrary to any plan or strategy adopted or approved by the Council in relation to capital expenditure.

5.2 The Executive does not have the power to alter or take decisions contrary to the Council’s Treasury Management Strategy, or to change that Strategy.

6. **Decisions by Portfolio Holders**

6.1 General power to make decisions:

6.1.1 a Portfolio Holder may make any decision on an Executive Function which they reasonably consider relates to their portfolio.

6.2 Limits on decision making:

6.2.1 before taking a decision a Portfolio Holder shall receive advice from the appropriate officer(s);

6.2.2 no Portfolio Holder may make a decision contrary to a policy approved by full Council;

6.2.3 no Portfolio Holder may make a decision if they have a personal and prejudicial interest in it;

6.2.4 no Portfolio Holder may make a decision which is contrary to:

   a. any statutory restrictions;

   b. Financial Regulations;

   c. Contract Standing Orders.

6.2.5 Portfolio Holders may not take a decision if the likely financial consequences of that decision would involve exceeding the relevant budgetary provision unless this is specifically authorised by Financial Delegations;
6.2.6 Portfolio Holders are not allowed to sign contracts, although they may authorise officers to do so.

6.3 Financial Delegations

6.3.1 no Portfolio Holder may exercise any financial delegations contained in this section without considering a written report approved by the Section 151 Officer;

6.3.2 in making a decision on any Financial Delegations contained in this section, the Portfolio Holder shall comply with Financial Regulations;

6.3.3 the Finance Portfolio Holder may authorise supplementary estimates of up to £25,000;

6.3.4 the Finance Portfolio Holder may authorise budgets to be carried forward to the next financial year;

6.3.5 the Finance Portfolio Holder may write off bad debts of up to £10,000;

6.3.6 The Leader may take any decision under this paragraph if the Finance Portfolio Holder is not available or cannot be contacted.

7. Procedure for decisions by Portfolio Holders

7.1 This procedure shall be followed whenever a Portfolio Holder takes any decision:

7.1.1 no decision may be taken by a Portfolio Holder unless the Portfolio Holder has received a report from an officer setting out the issues surrounding the decision in a way that the Portfolio Holder considers satisfactory. If a decision is urgent then the report may be oral and, if necessary, taken by telephone with a summary of the advice being sent by email, normally within one working day;

7.1.2 all decisions taken by Portfolio Holders shall be properly recorded in accordance with arrangements approved by the Head of Resource Management;

7.1.3 Portfolio Holders may decide to refer any question to Executive;

7.1.4 before making a decision which a Portfolio Holder considers to have strategic importance or important financial impact he or she shall consult other relevant Portfolio Holders including the Leader and the Finance Portfolio Holder.
8. **Committees of the Executive**

8.1 The Executive may from time to time appoint Committees of the Executive.

8.2 Only Councillors who are members of the Executive may be appointed as members of a Committee. If a member of a Committee ceases to be a member of the Executive then that Councillor shall cease to be a member of the Committee.

8.3 Executive may at any time dissolve or alter the membership of any Committee. The appointment of Committees shall be reviewed at the first meeting of the Executive following the Council’s Annual Meeting.

8.4 Each Committee shall exercise such powers, duties and functions as the Executive may from time to time assign to them.

**Appointment of Chairman**

8.5 The first items of business to be carried out at the first meeting of a Committee in a municipal year will be as follows:

(a) the election of a Chairman of the Committee for the remainder of the municipal year; and

(b) the election of a Vice Chairman of the Committee for the remainder of the municipal year.

8.6 If there is an equality of votes cast for two candidates to be Chairman then no person shall be considered to have been elected and the meeting shall stand adjourned for 15 minutes to give a period of reflection. At the end of the adjournment the election shall take place again. If this does not result in a successful election of Chairman the Committee may seek to elect someone to chair the meeting for one meeting only. If this happens then items 8.5 (a) and (b) shall be deferred to the next meeting.

8.7 In the absence of the Chairman from a meeting of a Committee or Sub Committee, the Vice Chairman shall preside and in the absence of both the Chairman and the Vice Chairman, a Chairman for that particular occasion shall be elected. The person elected will preside for the remainder of the meeting. If the Chairman or Vice Chairman enters a meeting the Chairman or Vice Chairman, as the case may be, shall take over from that person for the remainder of the meeting.

**Convening meetings**

8.8 The Monitoring Officer must convene any Committee meeting if asked to do so by:-
- its Chairman;
- enough members of the Committee to make a quorum;
- the Chief Executive;

The Monitoring Officer may also convene a meeting if he or she thinks it is desirable to do so.

8.9 The agenda for the meeting specifying the business intended to be carried out and the time and venue for the meeting must be sent to all members of the Committee no later than:

8.9.1 three working days before the meeting, if the meeting is not to be open to the public; and
8.9.2 five working days before the meeting, if the meeting is to be open to the public.

8.10 All Councillors have the right to see the agenda and reports for any meeting of the Committee.

**At the meeting**

8.11 The quorum of each Committee of the Executive shall be two.

8.12 No item of business shall be discussed at a meeting unless the meeting is being chaired.

8.13 No item of business may be considered at a meeting unless it is on the agenda for that meeting or the person chairing the meeting accepts it as urgent business. If business is accepted as urgent then that fact and the reasons for the urgency shall be set out in the Minutes.

8.14 The Minutes must contain all motions and amendments in the exact form and order that the Chairman put them.

8.15 The Committee shall approve Minutes at the first available meeting.

8.16 As soon as the Minutes of the last meeting have been read, or if they are to be taken as read, the Chairman shall move:

"that the Minutes of the meeting of the Committee held on the day of be signed as a true record."

8.17 Any question about the accuracy of Minutes must be raised by motion unless it appears to be uncontroversial and is accepted by the Chairman without a formal motion. As soon as any questions raised have been disposed of or, if no such question is raised, the Chairman shall sign the Minutes.
8.18 In the case of an equality of votes on any item coming before the Committee the person chairing the meeting has a second or casting vote.

8.19 Meetings of Committees may be attended by:-

(i) a member of the Committee;

(ii) the Leader of the Council;

(iii) the Chief Executive, Section 151 Officer or the Monitoring Officer; and, if the Committee is making a Key Decision or if the Committee so authorises,

(iv) other Councillors and the press and public.

8.20 The Chairman of a meeting shall give every member of the Committee a reasonable opportunity to speak on any item before the Committee.

8.21 The Chairman shall control the meeting and may in particular:-

(a) require a Councillor to restrict their speech to the matter under debate;

(b) stop a Councillor from speaking if the Chairman considers that their speech is irrelevant or is excessively long;

(c) not allow a proposal or an amendment to be debated unless it has been seconded;

(d) if the Chairman considers that the nature of the business to be discussed means that some or all of the Procedure Rules ought to be invoked then the Chairman may do so.

8.22 Any member of a Committee may move that a debate should be conducted as a ‘standard debate’. Such a motion shall, if seconded, be put to a vote immediately. If this is passed then the Rules of Procedure shall apply to the debate of that item as they apply to a ‘standard debate’ at a meeting of the full Council.

Co-options

8.23 Whenever a Committee wishes to co-opt a public member they must invite applications from the public by a notice setting out the qualities, knowledge and experience they are looking for in making a co-option.

8.22 There must be a selection process involving an interview.

8.23 Interviews will be with the body making the appointment.
Part 4

Section 7

Overview and Scrutiny Procedure Rules
1. **Overview and Scrutiny**

1.1 Every year at its Annual Meeting the Council shall appoint an Overview and Scrutiny Committee.

1.2 Neither the Leader of the Council nor any member of the Executive may be appointed to the Overview and Scrutiny Committee.

1.3 The Terms of Reference of the Overview and Scrutiny Committee are as set out in Part 3 of this Constitution.

2. **Meaning of Scrutiny**

2.1 Scrutiny includes:

- examining the effects any policy has had, how effectively the policy has achieved its aims, and how effectively it has been implemented;

- monitoring the performance of services provided by or to the Council;

- scrutinising Executive decisions after they have been implemented, whether shortly afterwards or as part of a wider review of policy, to measure their effect; and

- reviewing the performance of the Executive, its members and the Council’s senior officers.

3. **Meetings of the Overview and Scrutiny Committee**

3.1 At each meeting the Overview and Scrutiny Committee will consider all decisions on Executive functions that have, since the last meeting, been referred by members to the Overview and Scrutiny Committee in accordance with the Call-in Procedure.

3.2 In carrying out its functions, the Overview and Scrutiny Committee (and any sub committees which it establishes) may:

3.2.1 establish sub committees to carry out specific tasks or scrutinise specific areas;

3.2.2 instruct any member of the Executive or the Chairman of any committee to attend a meeting of the Committee and if they do so it is the duty of that Councillor to attend;

3.2.3 instruct any officer of the Council to attend a meeting of the Committee and if they do so it is the duty of that officer to attend;
3.2.4 ask to see any documents belonging to the Council which Overview and Scrutiny Committee has a need to know about for the purpose of carrying out its functions (such requests for information shall be directed in the first instance to the relevant Head of Service with a right of appeal to the Chief Executive and then to the Executive);

3.2.5 publish reports relating to any of its functions but not normally without first asking for the comments of the Executive.

3.3 As soon as is reasonably possible after the start of each Council year, the Committee shall prepare a work programme showing the matters they propose to scrutinise during that year. A copy of the approved programme shall be sent to the full Council for information. The Overview and Scrutiny Committee need not keep to the approved work programme.

3.4 The Committee may, by resolution, co-opt a non Councillor onto the Committee or onto any of its sub committees or panels. Anyone so co-opted may not vote. Vacancies for co-optees to the Committee must be advertised. Co-optees must be selected in accordance with the Council’s recruitment procedure as if they were employees. Vacancies for co-optees to sub committees may be appointed in whatever way the sub committee decides.

3.5 Any member of the Overview and Scrutiny Committee has the right to require that any item relevant to the remit of Overview and Scrutiny Committee is placed on the agenda and discussed at the meeting of that Committee.

3.6 The Overview and Scrutiny Committee may in connection with:

- a requirement made under paragraph 3.5;
- any other matter which is to be discussed at a meeting of the Overview and Scrutiny Committee;

require any member of the Executive to attend Overview and Scrutiny Committee.

4. Call-in

4.1 Any Key Decision or any decision by the Executive is subject to the Call-in Procedure set out below.

4.2 A Key Decision made by an Officer with delegated authority is subject to the Call-in Procedure set out below.

4.3 Every decision which is subject to call-in is subject to a restriction that it may not be implemented until 5pm on the fifth working day after the
day that the call-in period starts.

4.4 The call-in period starts:

(a) on the day on which the decision was taken, if the decision was taken by the Executive or a Committee of the Executive or an Officer; or

(b) on the day on which the decision is emailed to Councillors in any other case.

(“emailed to Councillors” means emailed to all Councillors who have notified the Monitoring Officer that they wish to receive decisions by email. The email need not contain the decision if it contains a link to a document available on the internet and the published or emailed version of the decision need not be signed).

4.5 Where a decision is subject to call-in and is not taken at a formal meeting, the decision must be published as soon as possible on the Council’s website unless the Monitoring Officer considers that, in his/her legal opinion without influence from the decision takers, the public interest in not publishing the decision on the website outweighs the public interest in publishing the decision.

4.6 Every substantive decision taken with respect to Executive functions is subject to call-in apart from a decision falling within one or more of the following categories:

- a decision which is not a Key Decision and which has been taken by an officer under delegated powers
- a decision which the decision taker has certified as urgent (giving reasons)
- a decision by the Council
- a decision to make a proposal, recommendation or request to Council or a committee or working group of the Council
- any decision if, at the time when the decision has been taken, 20 call-in notices have already been served during that Council year. The Council may decide to increase this number at any time and if they do then, until the end of the Council year in which their decision was taken, this paragraph has effect as if the new figure was substituted for “20”
- a decision taken at Stage 4 of this Call-in Procedure
STAGE 1

a. An Executive or Officer decision which is subject to call-in may be implemented at the end of the call-in period unless a decision is validly called-in before the end of the call-in period which relates to that decision.

b. A decision is validly called in when, before the end of the call-in period, the Monitoring Officer has received written notice from the minimum number of Councillors requiring the decision to be called-in. All Councillors must specify the decision being called in and at least one Councillor must give brief reasons as to why the decision is being called in. The call-in notice will identify the ‘lead signatory’.

The minimum number of Councillors referred to above is:

- any two members of the Strategic Overview and Scrutiny Committee; or
- any five members of the Council.

STAGE 2

a. When the Monitoring Officer receives a valid call-in notice with respect to a decision then that decision may not be implemented until that decision has completed the call-in procedure.

b. The Monitoring Officer will call a meeting of the Strategic Overview and Scrutiny Committee within seven working days of the end of the call-in period for that decision.

c. A copy of the call-in notice will immediately be given to the Chairman of the Strategic Overview and Scrutiny Committee who may request that particular Councillors or officers attend the meeting.

STAGE 3

a. The Strategic Overview and Scrutiny Committee will consider the called-in decision. The protocol before and during the Committee’s meeting will be as follows:

(i) The Chairman will speak with the lead signatory before the Committee convenes to determine if the scope for the call-in can be agreed. If so, the scope is signed by the Chairman and the lead signatory and legally cleared by the Monitoring Officer. If not, the Committee will be asked by the Chairman to determine the scope at the start of the call-in meeting. In either event the scope is put to the Committee on each occasion as a procedural
motion at the start of the call-in meeting. It will be in writing, will be introduced by the Chairman and will act as a guide throughout the debate.

(ii) The Chairman will then ask the lead signatory to present the case for the call-in on and why the Committee should scrutinise the decision. The allotted time the lead signatory will have to present the case should not be greater than 10 minutes.

(iii) The Chairman will then ask:-

- the appropriate Portfolio Holder to present the reason(s) on why the decision was made by the Executive. The allotted time the Portfolio Holder will have to present this should not be greater than 10 minutes; or
- in circumstances where an Officer's Key Decision has been called-in, the Officer will be asked to present the reason(s) on why the decision was made by the Officer, and the allotted time the Officer will have to present this should not be greater than 10 minutes.

(iv) The Committee will then be given the opportunity to question the lead signatory and the Portfolio Holder or Officer or ask them to provide further information.

(v) The Committee will then be able to ask officers, other members of the Executive, Councillors and members of the public (if the public is allowed to be present) to provide further information and/or answer questions.

(vi) In light of new or additional information gathered during points iv) and v), further questions may be asked of the lead signatory or the Portfolio Holder(s) or Officer.

(vii) The Portfolio Holder or Officer followed by the lead signatory will be asked to summarise their respective cases. The allotted time for each summary will not be greater than 5 minutes.

b. The Strategic Overview and Scrutiny Committee will then decide to take one of the following courses of action (the Committee’s decision should not be adjourned or delayed without an exceptional reason):

(1) to refer the decision to a meeting of the Executive together with observations of the Strategic Overview and Scrutiny Committee. (The Executive will then take the final decision, and that decision may not be called in);
(2) to refer the decision to the Council.

The Committee only has the above two options available to it. If the Committee decides not to refer the decision back to Executive or to Council then all the options available to the Committee will have been exhausted and the decision taken by the Portfolio Holder or Executive or the Officer will be implemented without further delay.

c. To avoid doubt, the Committee may look at any aspect of the decision, but should remember that the decision is ultimately one which will have to be taken by or on behalf of the Executive. If no Councillor who signed the call-in notice attends the meeting to give further details about the call-in then the Committee may decide not to consider the matter further.

d. Members of Executive will not participate in the debate on any call-in at the meeting of the Strategic Overview and Scrutiny Committee but they may be called to the table by the Chairman to answer questions or provide information.

e. If Overview and Scrutiny Committee decides to refer the matter to the full Council then the Council may take any of the decisions which the Overview and Scrutiny Committee could have taken (apart from deciding to refer the question to the Full Council).

f. If the Council decides that the decision is one which the Executive or Officer did not have power to take and is one which the Council does have power to take then the Council shall make the decision.

STAGE 4

a. Where the Strategic Overview and Scrutiny Committee or the Council decides to refer the decision back to a meeting of the Executive then the Executive must consider (or reconsider) the decision in the light of any observations of the Strategic Overview and Scrutiny Committee and/or the Council. The following procedure must be followed:

(i) the Chairman, or an Strategic Overview and Scrutiny Committee member appointed for this purpose at the call-in meeting, will present at the meeting of the next Executive the Committee’s or the Council’s observations on the called-in decision as agreed at the Strategic Overview and Scrutiny Committee or Council;

(ii) the Executive must consider (or reconsider) the decision in the light of any observations of the Strategic Overview and Scrutiny Committee or the Council;
(iii) the Executive’s response to the observations of the Strategic Overview and Scrutiny Committee or Council should be recorded and reported to the Strategic Overview and Scrutiny Committee or Council by the appropriate Portfolio Holder in person at the next available meeting.
Part 4

Section 8

Officer Employment Procedure Rules
1. **Recruitment, appointment and dismissal**

1.1 Decisions to appoint, dismiss or take disciplinary action against officers can only be taken on behalf of the Council by the Chief Executive or an officer nominated by the Chief Executive.

1.2 This Procedure Rule does not apply to the officers to whom Procedure Rule 2 applies.

2. **Senior Officers: appointment**

2.1 This Procedure Rule applies to the following posts:

- the Chief Executive
- the Head of Paid Service
- the Chief Operating Officer
- the Monitoring Officer
- the Section 151 Officer
- Heads of Service
- Employees who are chief officers or deputy chief officers as defined by section 2 of the Local Government and Housing Act 1989.

2.2 When anyone is to be appointed to any of these posts, the decision maker must not offer the appointment until they have told the Head of Resource Management:

- the name of the person they want to appoint;
- the name of the post to which they want to appoint that person;
- details of the main terms and conditions of the appointment; and
- any other information which they consider appropriate.

2.3 On receiving the information needed under 2.2 the Head of Resource Management shall give every member of the Executive a written notice containing the details mentioned in 2.2 and setting out a period within which the Leader may object to the appointment on behalf of the Executive.

That period will differ depending on the level of appointment and will normally be:
• 72 hours in the case of the Chief Executive or the Chief Operating Officer;
• 48 hours in the case of a manager possessing core delegated powers;
• 12 hours in the case of other posts to which this Procedure Rule applies.

2.4 Except in the case of the Head of Paid Service, the offer of appointment can then be given when one or more of the following has occurred:

• the Leader informs the decision maker that no member of the Executive has any objection to the offer being made;

• the Head of Resource Management informs the decision maker that no objection has been received by the end of the period mentioned in the notice given to the members of the Executive;

• the decision maker decides that they are satisfied that any objection from the Leader is not material or not well-founded.

3. **Senior officers: dismissal**

3.1 Subject to Procedure Rule 4, when anyone is to be dismissed from any of the posts to which Procedure Rule 2 applies, the decision maker must not give notice of dismissal until they have informed the Head of Resource Management:

• the name of the person they want to dismiss;

• brief details of the reasons for the dismissal; and

• any other information which they consider appropriate.

3.2 On receipt of the information contained in Procedure Rule 3.1, the Head of Resource Management shall give every member of the Executive a written notice containing the details mentioned in 3.1 and setting out a period (which will normally be 48 hours) within which the Leader may object to the dismissal on behalf of the Executive.

3.3 Except in the case of the posts designated Head of Paid Service, Monitoring Officer and Chief Finance Officer, the notice of dismissal can then be made when one or more of the following has occurred:

• the Leader informs the decision maker that no member of the Executive has any objection to the dismissal;
• the Head of Resource Management informs the decision maker that no objection has been received by the end of the period mentioned in the notice given to the members of the Executive;

• the decision maker decides that they are satisfied that any objection from the Leader is not material or not well-founded.

4. **Dismissal Advisory Panel**

4.1 Where a Committee, Sub-committee or officer is discharging on behalf of the Council the function of the dismissal of an officer designated as the Council’s: Head of Paid Service, Monitoring Officer, Chief Finance Officer (S151 Officer), the procedure set out in this Procedure Rule shall be complied with.

4.2 The Council shall appoint a Committee under Section 102(4) of the Local Government Act 1972 known as the Dismissal Advisory Panel (the Panel) for the purposes of advising the Council on matters relating to the dismissal of the Head of Paid Service, or the Chief Finance Officer (Section 151 Officer) or the Monitoring Officer. Such officer(s) can only be dismissed by full Council. The Council must invite an Independent Person, being a person appointed under Section 28(7) of the Localism Act 2011, to be considered for appointment to the Panel, in addition to Councillors appointed to the panel, with a view to appointing at least two Independent Persons to the Panel. Where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Council consider appropriate may be so invited. The Council is not required to appoint more than two such persons, but may do so. Subject to this, the Council must appoint to the Panel such Independent Persons who have accepted an invitation issued in accordance with the above in the following priority order:

(i) an Independent Person who has been appointed by the Council and who is a local government elector in the register of electors for the Borough;

(ii) such other Independent Person who has been appointed by the Council;

(iii) such other Independent Person who has been appointed by another authority or authorities.

4.3 Any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person’s role as an Independent Person under the Localism Act 2011.

4.4 Such officer(s) may not be dismissed by the Council unless the Panel is duly appointed and a meeting of the Panel held at least 20 working days before full
Council holds its meeting to take a vote on whether or not to approve the relevant dismissal. Before the taking of such a vote, full Council must take into account, in particular:

(i) any advice, views or recommendations of the Panel (and the opinions of the Independent Persons must be recorded in any report to Full Council);
(ii) the conclusions of any investigation into the proposed dismissal;
(iii) any representations from the relevant officer ; and
(iv) any professional legal advice.

5. **Head of Paid Service: special procedure rules for appointment**

5.1 In the case of the Head of Paid Service, the offer of employment can only be given once one of the events listed in 2.4 has occurred AND the offer notice has been approved by full Council.

6. **Councillor appointment panels**

6.1 Procedure Rule 6 applies whenever the Council is to recruit to any of the posts described in Procedure Rule 6.2.

6.2 The list of posts is:

- Chief Executive
- Head of Paid Service
- Chief Operating Officer
- Monitoring Officer
- Section 151 Officer
- subject to Procedure Rule 1, all managers with Core Delegated Powers

6.3 Whenever a post is to be filled the Council shall appoint a recruitment panel to make the appointment.

6.3.1 The Employment Advisory Panel will normally comprise no more than 5 Councillors and will normally include:

- at least one member of the Executive (usually the most relevant Portfolio Holder);
• a representative of each political group (if there are two or more political groups which each have fewer than four members then these groups may have to take turns);

• the Leader or the Deputy Leader, or if the job is one which is likely to involve close working with a committee, then the Chair of that committee, or their nominee.

(To avoid doubt, there is nothing which prevents a person being an appointee under more than one of the above headings). Membership of the Panel will be overseen by the Chief Executive, or Monitoring Officer if the Chief Executive is conflicted or unavailable, in conjunction with the Leader, or Deputy Leader if necessary to avoid delay in establishing a suitable panel.

6.3.2 The Employment Advisory Panel shall be politically balanced (unless any political group waives proportionality for their group) and comply with Procedure Rules about committees. It is desirable to achieve gender balance.

6.3.3 The Employment Advisory Panel will advise the Council on substantive employment matters, including the appointment and dismissal of the staff referred to in 6.2, but shall act in accordance with Procedure Rule 2 (and Procedure Rule 5 when appointing the Chief Executive).

6.3.4 The Employment Advisory Panel will be advised by:

• the Chief Executive, where a Chief Operating Officer is to be appointed;

• the Chief Executive or Chief Operating Officer, where another manager is to be appointed;

• a senior HR professional appointed by the Head of Resource Management;

• at the discretion of the Panel, not more than one other person who is not a Councillor or an officer, to provide specialist advice not otherwise available within the Council.

6.3.5 If an adviser is unavailable, he/she may nominate a substitute with the approval of the Leader.

6.3.6 The Head of Resource Management is responsible for each appointment and shall ensure that:

• a job description and person specification setting out the duties of the post and any qualifications or qualities to be sought in the person to be
appointed is drawn up and that a copy is sent to any person who asks for one;

- these documents are provided to each member of the panel;
- unless it is intended to make an appointment from among the Council’s current staff, the post is advertised publicly in such a way as would be likely to bring it to the attention of persons who are qualified to apply for it;
- the short-listing of candidates is carried out satisfactorily and arrangements made to interview each of the short listed applicants; and
- where no appointment is made, further arrangements are made.

7. **Appointment procedures: general**

7.1 No decisions in any appointment procedures may be exercised by anyone who is not an officer or a Councillor.

7.2 Every appointment to paid office or employment with the Council shall be on merit, subject to relevant employment/discrimination legislation.

7.3 All vacancies shall be advertised publicly except in the following cases:

- where an identical post becomes vacant and within the previous six weeks (from the date of the vacancy) a recruitment process has taken place from which there is another candidate(s) who met all the essential criteria for the post;

- where there are suitable candidates who have been recruited from a Public Advertisement to a Post of Casual Workers;

- redeployment arising from redundancy;

- supernumerary officers being appointed to established posts;

- promotion as part of a planned career step in accordance with the officer’s conditions of service; and

- temporary suspension of the procedure for advertising publicly by the Head of Resource Management acting in accordance with a power delegated to him.

- Standing Order 7.3 may also be waived in respect of any nominee appointment of any serving officer or any other private individual as a
director of any company wholly owned by the Council. Such appointments will normally be unpaid, unless the company itself resolves otherwise.

7.4. Every post to be publicly advertised must have a job description and a person specification, and these shall either be set out in the advertisement or distributed with application forms.

7.5. Candidates for an appointment who canvass (or who have canvassed) a Councillor or officer involved in the appointments procedure shall be disqualified, and if they have been appointed they may be dismissed. The Council’s application form shall explain the effect of this Procedure Rule.

7.6. Applicants for employment must disclose on the Council's job application form, details of any family or business relationship with Councillors, officers, or others who may be involved in the appointment procedure.

7.7 The Head of Resource Management shall:

- take charge of the monitoring survey forms;
- update central employment records.

7.8 Where an appointment is to be made by an officer, that officer is responsible for ensuring that:

- a job description and person specification are prepared;
- the vacancy is advertised;
- short listing is properly carried out; and
- other related arrangements are made in accordance with procedures about contracts of employment, medical examinations, CRB checks etc as decided from time to time by the Head of Resource Management.

8. **Discipline**

8.1 Disciplinary matters shall be dealt with under the appropriate disciplinary policy and procedure. (This has been adopted by the Council in consultation with relevant trades unions.) A copy of the policy must be made available to all officers on the commencement of their employment.

8.2 Where action taken under the disciplinary procedures is likely to lead to dismissal, the decision maker shall obtain the advice of the Chief Executive or Chief Operating Officer as appropriate, the Operations Manager for Legal Services and Head of Resource Management.
8.3 Where a disciplinary case involves misappropriation of funds and/or property belonging to the Council, the following people shall be informed:

- the Monitoring Officer;
- the Section 151 Officer;
- the Chief Internal Auditor;
- the Chief Executive or Chief Operating Officer as appropriate;
- the Head of Resource Management.

9. **Grievances**

9.1 Grievances of officers shall be dealt with in accordance with the Council’s grievance procedure.
PART 4

SECTION 9

IPSWICH BOROUGH COUNCIL

CONTRACT
STANDING ORDERS
PROCEDURE RULES
INTRODUCTION

These contract standing orders (issued in accordance with section 135 of the Local Government Act 1972) are intended to promote good purchasing practice and public accountability whilst deterring corruption. They are designed to provide a framework governing the way in which the Council awards contracts and the terms upon which they are met. The main purpose of these standing orders is to ensure that the Council purchases goods, services and works in accordance with the Law. Specifically the principals of equal treatment, transparency, non-discrimination and fairness set out in the Treaty on the Functioning of the European Union and enshrined in the Public Contracts Regulations 2015 or such other relevant legislation in force from time to time. It is important that officers act in the best interests of the Council and in accordance with good practice whilst procuring goods, services and works on behalf of the Council. This will normally include an element of competition unless there are very good reasons for not doing so. The officer must be able to demonstrate that actions taken are in accordance with sound professional practice; following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

Officers responsible for purchasing or disposal must comply with these contract standing orders. Words included in italics are defined in the Definitions Appendix. All costs referred to in these contract standing orders are exclusive of VAT, staff costs and fees. In addition to the contract standing orders officers need to have regard to and comply with the Council’s Financial Standing Orders which are also part of the Constitution. These standing orders apply to all officers of the Council when disposing of or purchasing goods, services or works on behalf of the Council. They set out the minimum requirements but each procurement or disposal should be considered on its own merits and more elaborate or thorough procedures may be appropriate in many instances.

For the purposes of these standing orders, where there is a requirement for communication to be in writing, this can include e-mail and fax transmissions as well as hard copy. In any event the standing orders would be satisfied by the use of the Council’s e-tendering system which will be used in most cases of procurement. It is necessary to confer with the procurement unit before embarking upon any procurement exercise.

Officers must:

- Follow the rules when purchasing goods or services or ordering building work.
- Ensure that all necessary legal, financial and other professional advice is sought prior to and during the procurement process carried into effect.
• Declare any personal financial interest in relation to any contract and the appropriate steps taken thereafter.
• Ensure that any Best Value review is undertaken together with an appraisal of the purchasing need before commencing.
• Check to ensure whether or not there is an existing Corporate Contract that can be utilised before undergoing a competitive process.
• Allow not less than four weeks for the submission of Tenders unless alternative timescales are prescribed by either domestic or EU legislation or on grounds of extreme urgency.
• Ensure that all bids are kept confidential.
• Complete a written contract or council order before the supply or works begin.
• Identify a contract manager with responsibility for ensuring that the contract delivers as intended.
• Ensure that records of any dealings with suppliers are created and maintained.
• Appraise each contract as part of the review process to ensure that the purchasing need and Value for Money requirements were met.
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SECTION 1:
SCOPE OF CONTRACT
STANDING ORDERS

1. GENERAL PRINCIPLES
1.1 All purchasing and disposal procedures must:
   - achieve Best Value for public money spent
   - be consistent with the highest standards of integrity
   - ensure fairness in allocating public contracts
   - comply with all legal requirements
   - ensure that Non-commercial Considerations do not influence any Contracting Decision
   - support the council’s corporate and departmental aims and policies
   - comply with the council’s corporate Procurement Strategy framework and competition policy
   - have due regard to the transparency agenda.

1.2 If there is a conflict between these Standing Orders and any other Regulation or Standing Order made by the Council then these Standing Orders prevail. For the avoidance of doubt any UK or EU law relating to tendering or contracts will prevail over these Standing Orders if there is a conflict. Officers must comply with all legal requirements and directives.

1.3 These Standing Orders only apply in respect of Relevant Contracts.

1.4 If the Council has an in house service provider that may wish to carry out the Contract, then the Officer must invite it to submit a bid. Where the in house service provider has won a bid under this provision these Standing Orders shall not apply to contracts entered into by the in house service provider in order to carry out the work.

1.5 Payment on account of the contract sum shall be made only on a certificate issued by the Officer.

1.6 Every variation to a contract shall be confirmed in writing by the Officer. No variation shall be agreed with the supplier and confirmed in writing unless the Officer has sought professional advice from legal and the procurement unit as to whether the proposed variation may breach domestic and/or EU legislation. Officers are advised that some contract variations may constitute new contracts that require competition. Any variation shall be confirmed to the supplier and updated on the contract management system.
1.7 Before a certificate for final payment under a works contract is signed the contractor’s final account and such other relevant documents, information and explanations as the Section 151 Officer may require shall be submitted to the Section 151 Officer by the Officer and any observations which Section 151 Officer may make to the Officer thereon shall be taken into consideration before the certificate is signed.

2. OFFICER RESPONSIBILITIES

2.1 Officers

2.1.1 Officers responsible for purchasing or disposal or executing a variation to a contract must comply with these contract standing orders (CSO), Financial Standing Orders (FSO) and with all UK and European Union binding legal requirements. Officers must ensure that any Agents, Consultants and contractual partners acting on their behalf also comply.

2.1.2 Officers must:
- consult the Corporate Contract list to ascertain whether a suitable Corporate Contract exists before seeking to let another contract, this must be used unless there is an auditable reason not to;
- keep the records required by CSO 6;
- seek and adhere to all necessary legal, financial and other professional advice.

2.1.3 When any employee either of the authority or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) (TUPE) issues are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.

2.2 Chief Operating Officer/Chief Executive

2.2.1 The Chief Operating Officer/Chief Executive shall:
- ensure that their staff comply with CSO 2.1;
- ensure registers are kept of:
  - contracts completed by signature, rather than by the council’s seal (see CSO 16.3) and arrange their safekeeping on council premises;
  - risks for all contracts with a value of over £75,000 under CSO 21.2
- exemptions recorded under CSO 3.

3. EXEMPTIONS, COLLABORATIVE AND E-PROCUREMENT ARRANGEMENTS

3.1 EXEMPTIONS; The council and its Executive have power to waive any requirements within these contract standing orders for specific projects, and any such decision may be a Key Decision.

3.2 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £10,000 may be waived in the following circumstances:
• the contract is awarded under a *Purchasing Scheme* of a type where a competition has already been undertaken on behalf of the Council; or
• at the discretion of the *Chief Executive* or the *Chief Operating Officer* (in consultation with the relevant *Head of Service* for the contract and the *Head of Resource Management*) who may proceed in a manner most expedient to the efficient management of the service where
  - it is necessary as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property;
  - it is economically in the best interests of the Council; or
  - goods or materials are available only as proprietary or patented articles from one contractor or supplier, and for which there is no reasonable satisfactory alternative.

3.4 The *Section 151 Officer* shall monitor the use of all exemptions.

3.5 **COLLABORATIVE ARRANGEMENTS:** In order to secure *Value for Money*, the authority may enter into collaborative procurement arrangements. The *Officer* must consult the *Section 151 Officer* and the *Monitoring Officer* where the purchase is to be made using collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.

3.6 All purchases made via the Crown Commercial Service (‘CCS’) or a local authority purchasing and distribution consortium are deemed to comply with these contract standing orders and no exemption is required. However, purchases above the *EU Threshold* must be let under the *EU Procedure*, unless the consortium has satisfied this requirement by letting their contract in accordance with the *EU Procedures* on behalf of the Authority and other consortium members.

3.7 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract standing orders of the leading organisation, will be deemed to comply with these contract standing orders and no exemption is required. However, advice must be sought from the *Monitoring Officer*.

3.8 **E-PROCUREMENT ARRANGEMENTS:** To facilitate the end to end procurement cycle the Council has invested in web-based e-tendering capability. The arrangement brings functionality around e-tendering, knowledge management, supplier performance management and a single place for contract registration.

3.9 All sourcing activity should go through the e-procurement arrangements, providing improved visibility of procurement opportunities at the lower value range to smaller organisations, which are often locally based.

3.10 The use of e-procurement technology does not negate the requirement to comply
with all elements of these Contract Standing Orders, particularly those relating to 
competition and *Value for Money*.

3.11 To facilitate transparency for all parties, improved planning of procurement activity 
and management of risk, details of ALL contracts entered into must be entered on 
to the *Contracts Register* by the Officer within the relevant service who has the 
necessary licence and training to use the e-Sourcing platform.

3.12 Contracts must be entered on to the *Contracts Register* no later than 30 days 
after the contract award. It is important that all fields on the *Contracts Register* 
are completed accurately as an extract is published monthly on the Council’s website.

3.13 Where the e-tendering arrangement is used, all communication between the 
Council and bidders must be conducted through the e-tendering arrangement. In 
exceptional circumstances, if the e-tendering arrangement is not used records of 
all communications and decisions with detailed rationale must be recorded for 
audit purposes and to demonstrate proper conduct in accordance these 
standards.

3.14 Processes have been developed to facilitate the management of contracts and 
suppliers. These should be used to ensure a consistent, best practice and 
transparent approach to supply chain management for all suppliers.

4. **RELEVANT CONTRACTS**

4.1 All *Relevant Contracts* must comply with these Contract Standing Orders. A 
*Relevant Contract* is any arrangement made by, or on behalf of, the *Authority* for 
the carrying out of works or for the supply of goods, materials or services. These 
include arrangements for:

- the supply or disposal of goods
- the hire, rental or lease of goods or equipment
- the delivery of services, including (but not limited to) those related to:
  - the recruitment of staff
  - financial and consultancy services.

4.2 *Relevant Contracts* do not include:

- contracts relating to employment that make an individual a direct employee 
of the *Authority*
- agreements regarding the acquisition, disposal or transfer of any interest in 
land (for which *Financial Standing Orders* and general law shall apply).
- Contracts entered into with suppliers whose terms and conditions of 
contract are non-negotiable in which case the prior approval of the Section 
151 Officer must be sought.
SECTION 2: COMMON REQUIREMENTS

5. STEPS PRIOR TO PURCHASE
5.1 The Officer must appraise the purchase, in a manner commensurate with its complexity and value by:
   • considering whether the EU regime applies, seeking advice from legal and the procurement unit regarding and taking into account the procurement procedure that ought to be applied
   • taking into account the requirements from any relevant Best Value review
   • appraising the need for the expenditure and its priority
   • defining the objectives of the purchase
   • assessing the risks associated with the purchase and how to manage them
   • considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium
   • consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring
   • setting out these matters in writing if the Total Value of the purchase exceeds £10,000

5.2 and by confirming that:
   • there is approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution
   • if the purchase is a Key Decision, all appropriate steps have been taken.

6. RECORDS
6.1 Where the Total Value is less than £10,000, the following records must be kept:
   • Quotations (where obtained);
   • a record of the reason if the lowest price is not accepted;
   • written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.
6.2 Where the Total Value exceeds £10,000 e-tendering is the normal and expected method of purchase however in exceptional cases determined by the Section 151 Officer where this is not the case the Officer must record:

- the method for obtaining quotes/invitations to tender as appropriate
- any Contracting Decision and the reasons for it
- any exemption under CSO 3 together with the reasons for it
- the Award Criteria in descending order of importance
- Tender documents sent to and received from Candidates
- pre-tender market research
- clarification and post-tender negotiation, where permitted by law (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- communications with Candidates and with the successful contractor throughout the period of the contract
- always having regard to the need to ensure that any post-contract clarification does not offend against EU rules seeking legal advice where necessary.

6.3 Records required by this Contract Standing Order must be kept for six years, in respect of the successful contract, after the end of the contract. However, written documents which relate to unsuccessful Candidates may be microfilmed or electronically scanned or stored by some other suitable method after six months from award of contract, provided there is no dispute about the award.

7. ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS

7.1 Identifying and Assessing Potential Candidates

7.1.1 Officers shall ensure that, where proposed contracts, irrespective of their Total Value, might be of interest to potential Candidates located in other member states of the EU, a sufficiently accessible advertisement is published. Generally, the greater the interest of the contract to potential bidders from other member states, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

- the council’s website
- portal websites specifically created for contract advertisements – note that advertising on the Contracts Finder website will be necessary for any contract over £25,000 regardless of what other means of advertising is used by the Council
- national official journals, or
- the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure).

7.1.2 Officers are responsible for ensuring that a fair and transparent system exists for the selection of Candidates and that all Candidates for a Relevant Contract are suitably assessed. The assessment process shall establish that the potential Candidates have sound:
• economic and financial standing
• technical and professional ability and capacity
to fulfill the requirements of the authority. The Council’s standard procedure shall be followed to determine technical and financial ability. Financial vetting shall be undertaken only by a suitably qualified officer.

7.2 Approved Lists
7.2.1 Approved Lists will be used in circumstances where the Executive has decided that a list of approved contractors will be kept.

7.2.2 Approved Lists are normally used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. Approved Lists cannot be used where the EU Procedure applies.

7.2.3 Subject to 7.2.1, the authority may draw up:
• Approved Lists of persons ready to perform contracts to supply goods or services of particular types including without limitation on the basis of agreed contract terms
• criteria for Shortlisting from the lists.

7.2.4 No person may be entered on an Approved List until there has been an adequate investigation into both their financial standing and their technical and professional ability to perform the contract, unless such matters will be investigated each time bids are invited from that list.

7.2.5 Approved Lists shall be drawn up after an advertisement inviting applications for inclusion on the list. The advertisement must be placed to secure the widest publicity among relevant suppliers throughout all member states of the EU. Persons may be entered on a list between the initial advertisement and re-advertisement.

7.2.6 The list and Shortlisting criteria must be reviewed at least annually and re-advertised at least every three years. On re-advertisement, a copy of the advertisement must be sent to each person on the list, inviting them to reapply. Review means:
• the reassessment of the financial and technical ability and performance of those persons on the list, unless such matters will be investigated each time bids are invited from that list
• the deletion of those persons no longer qualified, with a written record kept justifying the deletion.

7.2.7 All Approved Lists shall be maintained in an open, fair and transparent manner and be open to public inspection.
7.2.8 A register of pre-qualified contractors and Consultants maintained by or on behalf of central government will be deemed to be an Approved List for the purpose of these contract procedure rules and shall not be subject to the requirements of CSO 7.2.2 to 7.2.6 inclusive.

7.3 Framework Agreements
7.3.1 The term of a Framework Agreement must not exceed four years, save in exceptional cases duly justified, and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three in number.

7.3.2 Contracts based on Framework Agreements may be awarded by either:
- applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
- where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, Officers are required to seek legal advice and may hold a mini competition carried out in accordance with the following procedure, provided that this procedure does not conflict with the terms of the Framework Agreement (this will require consideration on a case by case basis):
  - inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written Tenders
  - fixing a time limit which is sufficiently long to allow Tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract
  - awarding each contract to the tenderer who has submitted the best Tender on the basis of the Award Criteria set out in the specifications of the Framework Agreement.
SECTION 3: CONDUCTING PURCHASE AND DISPOSAL

8. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The Officer must calculate the Total Value, for clarity officers are directed to the definition of Total Value to ensure that this is calculated correctly.

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice of the Monitoring Officer.

When the Total Value exceeds the EU threshold the Public Contract Regulations or other such legislation in force from time to time shall supersede these Standing Orders.

8.1 Purchasing – Competition Requirements
8.1.1 Where the Total Value for a purchase is within the values below, the Award Procedure set out below must be followed.

8.1.2 Where there is a requirement for competition the arrangements for the acceptance of quotations or tenders shall be as follows:-

(a) The Officer may authorise a contract to be made where the quotation/tender to be accepted has a value of no more than £75,000; or

(b) A Portfolio Holder may authorise a contract to be made where the quotation or tender to be accepted:
   (i) relates to Executive functions; and
   (ii) the Total Value does not exceed the EU Threshold for Local Authority Services and Supplies Contracts currently £172,514.00. The EU Threshold alters from time to time and the Officer shall check the current threshold prior to the Portfolio Holder authorising the Contract.

(c) The Chief Executive or the Chief Operating Officer (in consultation with the Leader or relevant Portfolio Holder) may authorise a contract to be made where the quotation or tender to be accepted
   (i) relates to Executive functions; and
(ii) the Total Value does not exceed the EU Threshold for Local Authority Services and Supplies Contracts currently £172,514.00. The EU Threshold alters from time to time and the Officer shall check the current threshold prior to the Chief Executive or the Chief Operating Officer authorising the Contract.

(d) The Appropriate Body may authorise the Contract in any circumstances.

8.1.3 An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these contract procedure rules.

8.2 Assets for Disposal
8.2.1 The method of disposal of surplus or obsolete stocks/stores or assets other than land must be disposed of in accordance with guidelines representing best practice for disposal of assets as issued by the Section 151 Officer.

8.3 Providing Services to External Purchasers
8.3.1 The Chief Executive or the Chief Operating Officer and Financial Standing Orders must be consulted where contracts to work for organisations other than the authority are contemplated.

8.4 Collaborative and Partnership Arrangements
8.4.1 Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must follow these contract standing orders. If in doubt, Officers must seek the advice of the Monitoring Officer.

9. PRE-TENDER MARKET RESEARCH AND CONSULTATION
9.1 Market Engagement should take place to ensure an adequate understanding of the supply market especially where the Authority’s future procurement intentions are likely to involve significant changes to any existing supply arrangements or service delivery or new and innovative methods are likely to be required from suppliers.

9.2 The Officer undertaking Market Engagement must:

- ensure that Market Engagement does not prejudice any potential Candidate
- take care to advise suppliers involved in any Market Engagement exercise that their involvement should not be taken as an indication of future business
- ensure that no supplier or suppliers gain an unfair competitive advantage through their involvement in market shaping activities

9.3 Where suppliers are asked to contribute to the development of service specifications or specifications for goods or works during Market Engagement Officers must ensure that the final specification is generic and does not have the effect of distorting or otherwise inhibiting competition.
9.4 The Officer must take appropriate measures to ensure that competition is not distorted by the participation of a candidate or tenderer who has advised the Authority during preliminary market consultations or otherwise, or has otherwise been involved in the preparation of the procurement. Any exclusion of such a candidate/tenderer must:

- only take place where there is no other way of ensuring compliance with the obligation to treat all candidates/tenderers equally;
- be preceded by the candidate/tenderer concerned being given the opportunity to prove that their involvement in the preparation of the procurement is incapable of distorting competition.

Any measures taken under 9.4 in procurements which are subject to the Public Contracts Regulations 2015 must be documented in a formal report under Regulation 84 of the Regulations (see below at paragraph 20.2.4).

10. **STANDARDS AND AWARD CRITERIA**

10.1 The Officer must ascertain what are the relevant British, European or International standards which apply to the subject matter of the contract. The Officer must include those standards which are necessary properly to describe the required quality. The Monitoring Officer must be consulted if it is proposed to use standards other than European standards.

10.2 The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the authority and must be based on the most economically advantageous tender from the point of view of the Authority (‘MEAT’). MEAT must be further defined by reference to sub-criteria which may refer only to relevant considerations which are linked to the subject matter of the contract and are based upon price or cost. These may include price, service, quality of goods, running costs, life-cycle costing, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance, organisation, qualification and experience of staff delivering the contract where the quality of those staff can have a significant impact on the delivery of the contract, economic social and environmental well being of the area benefiting from the contracted works or services or supplies and any other relevant matters.

10.3 Award Criteria must not include:

- **Non-commercial Considerations**
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.
- In relation to contracts where the EU procurement legislation applies ‘previous experience’ shall not be an award criteria (as it is part of the selection criteria only) and the Officer should seek legal advice where necessary on the use of this criteria in other contracts.
11. INVITATIONS TO TENDER/QUOTATIONS

11.1 For contracts with an estimated value of less than £10,000 the Officer shall obtain a minimum of a single quotation except that three quotations shall be obtained in circumstances where the Officer is considering a quotation from a contractor being either an individual or an organisation owned or controlled by a person who is known to be or have been in the preceding three years an employee or Councillor of the Authority.

11.2 For contracts with an estimated value between £10,000 and £25,000 a minimum of three quotations shall be obtained.

11.3 For contracts with an estimated value between £25,000 and £75,000 the requirement for competition is a minimum of three written quotations, but there may be circumstances where it would be appropriate to obtain more than three quotations. No quotation shall be accepted until it has been made in writing to the officer. Where such an opportunity is advertised, it must also be advertised on the Contracts Finder website within 24 hours of it being advertised elsewhere.

11.4 For contracts with an estimated value over £75,000 an Invitation to Tender shall be sought.

11.5 The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this clause shall be considered.

11.6 All Invitations to Tender shall include the following:

(a) A specification that describes the authority’s requirements in sufficient detail to enable the submission of competitive offers.

(b) A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).

(c) A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing, non-collusion and the disclosure of any offence connected with the unlawful processing of personal data in relation to individual workers.

(d) Notification that Tenders are submitted to the council on the basis that they are compiled at the tenderer’s expense.

(e) A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance.

(f) Notification that no Tender will be considered unless it is enclosed in a sealed envelope or container which bears the word ‘Tender’ followed by
the subject to which it relates, but no other name or mark indicating the sender.

(g) Notification that the Council reserves the right to:
- cancel or withdraw from the tender process at any stage;
- not to award a contract;
- require a Bidder and/or its supply chain members to clarify its/their submission in writing and/or provide additional information (failure to respond adequately may result in a bidder being unsuccessful);
- Amend the terms and conditions of the procurement process.
A stipulation that any Tenders submitted by fax or other electronic means shall not be considered save where the Section 151 Officer may permit tenders to be returned electronically if he is satisfied that sufficient safeguards exist to protect the tender process and note CSO 13.3.

(h) The method by which any arithmetical errors discovered in the submitted Tenders is to be dealt with. In particular, whether the overall price prevails over the rates in the Tender or vice versa.

11.7 All Invitations to Tender or requests for Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see CSO 16).

11.8 The Invitation to Tender or request for Quotation must state that the council is not bound to accept any Quotation or Tender.

11.9 All Candidates invited to Tender must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

11.10 Open Competitive Tendering Procedure
11.10.1 The Officer must advertise a contract with a total value of £75,000 or more in one of the following ways:-
- By placing an advertisement in an appropriate publication, which is likely to be:
  - an appropriate trade publication (if any),
  - a local newspaper (if there is a large enough number of local contractors or ensure proper competition), or
  - another publication, such as OJEC.
- All relevant electronic portals.
  The placing of such an advert will trigger an obligation to also advertise the opportunity on the Contracts Finder website.

11.10.2 If the Section 151 Officer agrees, by publicising the contract amongst contractors generally, by sending an advertisement to at least 10 contractors who are likely to do this type of work, or if the number of suitable contractors is fewer than 10 then to all such suitable contractors. This approach must be considered on a case by
case basis to ensure that the principles of equal treatment, transparency, non-discrimination and fairness are adhered to.

The advert must:

- identify the nature and purpose of the contract
- state how any tender documents may be obtained
- (where there are no tender documents) give the method of submitting a tender
- give the last date and time when tenders may be received. This date must
  - allow potential contractors a reasonable time to prepare and submit tenders,
  - be at least 14 days from publication, and
  - be in accordance with the law (including EU law).

11.11 **Restricted Competitive Tendering Procedure**

11.11.1 Where the restrictive procedure is to be used the advertisement must set out the particulars of the contract and invite contractors interested in tendering to apply to the Council within a set period which must be at least 14 days (unless a longer period is stipulated by relevant legislation) for permission to tender. This invitation must stipulate the **Selection Criteria** and the way in which the criteria shall be applied to bidder responses. Note that there is no longer a separate selection stage in any procurements which are below the **EU Threshold**. In such circumstances, suitability assessment questions may be asked provided they are relevant to the subject matter of the procurement and proportionate.

The standard pre-qualification questionnaire published by CCS will be used for the purposes of procurements above the **EU Threshold**. **Selection Criteria** includes but is not limited to:

- Professional and financial standing; and
- Previous experience.

11.11.2 After the period specified in the advertisement has expired and following the application of the **Selection Criteria**, **invitations to tender** must be sent to all bidders that remain after **Shortlisting** and in any event to no fewer than 3 contractors (plus, where applicable, the Council’s appropriate internal contracting unit). If fewer than 3 contractors have applied then all must be asked to tender except those that the Contract Officer considers to be unsuitable.

12. **SHORTLISTING**

12.1 Any **Shortlisting** must have regard to the financial and technical standards relevant to the contract and the **Award Criteria**. Special rules apply in respect of the **EU Procedure**.
12.2 The officers responsible for Shortlisting are specified below:-

<table>
<thead>
<tr>
<th>Total Value</th>
<th>Award Procedure</th>
<th>Shortlisting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total value up to £25,000</td>
<td>At least 1 and up to 3 written quotes</td>
<td>Two officers</td>
</tr>
<tr>
<td>£25,000 up to £75,000</td>
<td>At least 3 written quotes</td>
<td>Two officers</td>
</tr>
<tr>
<td>£75,000-EU Threshold</td>
<td>Invitation to tender by advertisement/list</td>
<td>Three officers, one of whom should be designated by the Section 151 Officer</td>
</tr>
<tr>
<td>Above EU Threshold</td>
<td>EU Procedure or where this does not apply, invitation to tender by advertisement/list</td>
<td>As stipulated by legislation dependent upon the type of procurement procedure adopted or where the EU procedure does not apply three officers, one of whom should be designated by the Section 151 Officer</td>
</tr>
</tbody>
</table>

12.3 Where Approved Lists are used, Shortlisting may be done by the Officer in accordance with the Shortlisting criteria drawn up when the Approved List was compiled. However, where the EU Procedure applies, Approved Lists may not be used.

13. **SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS**

13.1 Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods.

13.2 All Tenders must be returned to the Head of Resource Management.

13.3 Tenders received by fax or other electronic means (eg email) must be rejected, unless they have been sought in accordance with an electronic tendering system approved by the Section 151 Officer and Monitoring Officer.

13.4 The Monitoring Officer shall be responsible for the safekeeping of Tenders until the appointed time of opening. Each Tender must be:
- suitably recorded so as to subsequently verify the date and precise time it was received
- adequately protected immediately on receipt to guard against amendment of its contents
- recorded immediately on receipt in the Tender Record Log.

13.5 The Head of Resource Management shall ensure that all Tenders are opened at the same time when the period for their submission has ended. The Tenders
must be opened in the presence of the Monitoring Officer or his/her representative and the officer or his/her representative.

13.6 For contracts where any part of the council has been invited to submit a bid in competition with the private sector an officer nominated by the Monitoring Officer shall also be present.

13.7 Where the Total Value is more than the EU Threshold, the Tenders must be opened in the presence of the Section 151 Officer in addition to those officers referred to in CSO 13.5.

13.8 Upon opening, a summary of the main terms of each Tender (ie significant issues that are unique to each Tender submission and were not stated in the Tender invitation documents such as Tender sum, construction period, etc) must be recorded in the Tender Record Log. The summary must be initialled by or on behalf of the Monitoring Officer.

14. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION

14.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (ie post-tender negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an EU Procedure unless it is a competitive dialogue.

14.2 If post-tender negotiations are necessary after a single-stage Tender or after the second stage of a two-stage Tender and are permitted by law, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best Tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the Head of Service to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

14.3 Post-tender negotiation must only be conducted in accordance with domestic and EU legislation and guidance issued by the Monitoring Officer who, together with the Section 151 Officer, must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by a team of at least two Officers, one of whom must be from a division independent to that leading the negotiations.
14.4 Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

15. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING CANDIDATES

15.1 Apart from the debriefing required or permitted by these contract standing orders subject to the EU Procedure and the Freedom of Information Act 2000, the confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times and information about one Candidate’s response must not be given to another Candidate.

15.2 Contracts must be evaluated and awarded in accordance with the Selection Criteria and Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Tender invitation as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.

15.4 Officers may accept Quotations and Tenders received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these contract standing orders.

15.5 The Officer shall debrief in writing all those Candidates who submitted a bid about the characteristics and relative advantages of the leading bidder. No information, other than the following, should be given without taking the advice of the Monitoring Officer:

- how the Award Criteria were applied
- the prices or range of prices submitted, in either case not correlated to Candidates’ names
- the names of Candidates where there were three or more Candidates.
SECTION 4: CONTRACT AND OTHER FORMALITIES

16. CONTRACT DOCUMENTS

16.1 Relevant Contracts
16.1.1 All Relevant Contracts that exceed £25,000 shall be in writing and must be in a form approved by the Monitoring Officer.

16.1.2 All Relevant Contracts, irrespective of value, shall clearly specify:
   • what is to be supplied (i.e., the works, materials, services, matters or things to be furnished, had or done)
   • the provisions for payment (i.e., the price to be paid and when)
   • the time, or times, within which the contract is to be performed
   • the provisions for the council to terminate the contract.

16.1.3 In addition, every Relevant Contract of purchase over £25,000 shall also state clearly as a minimum:
   • that the contractor may not assign or sub-contract without prior written consent
   • any insurance requirements
   • Health and safety requirements
   • Equality Act requirements
   • data protection requirements, if relevant
   • that charter standards are to be met if relevant
   • Freedom of Information Act requirements
   • where Agents are used to let contracts, that Agents must comply with the council’s contract standing orders
   • a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.
   • That there is provision for the payment of a living wage to all employed on the contract as defined by the Living Wage Foundation.

16.1.4 The formal advice of the Monitoring Officer must be sought for the following contracts:
   • where the Total Value exceeds £25,000
   • those involving leasing arrangements
   • where it is proposed to use a supplier’s own terms
   • those that are complex in any other way.

16.2 Contract Formalities
16.2.1 Subject to CSO 16.3.3 agreements shall be completed as follows:
<table>
<thead>
<tr>
<th>Total Value</th>
<th>Method of Completion</th>
<th>By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £25000</td>
<td>Signature</td>
<td>Officer</td>
</tr>
<tr>
<td>£25,001 to £100,000</td>
<td>Signature</td>
<td>Officer and Line Manager</td>
</tr>
<tr>
<td>Above £100,000</td>
<td>Sealing</td>
<td>See Rule 16.3</td>
</tr>
</tbody>
</table>

16.2.2 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer.

16.2.3 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

16.3 Sealing
16.3.1 Where contracts are completed by each side adding their formal seal, the fixing of the council’s seal, must be witnessed by two officers on behalf of the Monitoring Officer.

16.3.2 Every council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. The seal must not be affixed without the authority of the Executive, a Committee, a Portfolio Holder, or an officer acting under delegated powers.

16.3.3 A contract must be sealed where:
- the council may wish to enforce the contract more than six years after its end
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services
- there is any doubt about the authority of the person signing for the other contracting party, or
- the Total Value exceeds £100,000.

17. BONDS AND PARENT COMPANY GUARantees
17.1 The Officer must consult the Section 151 Officer about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and:
- the Total Value exceeds £250,000, or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the Candidate.

17.2 The Officer must consult the Section 151 Officer about whether a Bond is needed:
- where the Total Value exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.
18.  **PREVENTION OF CORRUPTION**

18.1  The *Officer* must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the *Officer* to prove that anything received was not received corruptly. High standards of conduct and compliance with the Bribery Act 2010 (or any amendment or re-enactment thereof) are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Contract Standing Order 18.2 below.

18.2  The following clause shall be put in every written council contract:

“The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf do any of the following things:

(a)  offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or

(b)  commit an offence under the Bribery Act 2010, or

(c)  commit any fraud in connection with this or any other Council contract whether alone or in conjunction with councillors, contractors or employees.

(d)  makes any misrepresentation in the course of the pre qualification questionnaire process

(e)  is found to be operating any corrupt practice

*Any clause limiting the Contractor’s liability shall not apply to this clause.*”

19.  **DECLARATION OF INTERESTS**

Every officer and Councillor has a responsibility to declare any interests they have in contracts (whether financial or non-financial), in accordance with S.117 of the Local Government Act 1972 (or any amendment or re-enactment thereof) and the Officer Code of Conduct and Code of Conduct for Councillors. Such notification should be made in writing to the Monitoring Officer.
SECTION 5: CONTRACT MANAGEMENT

20. MANAGING CONTRACTS
20.1 Heads of Service are to name Contract Managers for all new contracts. All contracts must have a named Contract Manager for the entirety of the contract. The purpose of this requirement is to ensure that the Authority develops and maintains a fully functioning Contract Register.

20.2 RESPONSIBILITIES OF THE CONTRACT MANAGER
20.2.1 The Contract Manager shall ensure that:

20.2.2 the details of the contract (where the contract has a value exceeding £5,000 and is granted for a period exceeding 12 months or likely to be extended beyond 12 months) are recorded in the Contract Management System together with the name of the Contract Manager; for contracts which exceed £25,000 and for which the opportunity was advertised by the Council and therefore also placed on the Contracts Finder website, details of the relevant contract award (including the name of the successful contractor, the date on which the contract was entered into, its value and whether the contractor is an SME or a Voluntary, Community and Social Enterprise) must also be published on the Contracts Finder website within a reasonable time save in exceptional circumstances.

20.2.3 for all contracts, the following tasks are carried out as a matter of good practice:
- the contract is monitored for performance, cost and compliance
- to provide a report evaluating the extent to which the purchasing need and the objectives have been met by the contract and provide details of financial variances against the intended contract values if requested by the Chief Operating Officer, the relevant Portfolio Holder, relevant Head of Service or the Head of Resource Management
- notify the officers listed in the preceding paragraph where the actual expenditure under the contract has exceeded the initially intended contract value by a sum greater than 15 per cent

20.2.4 in addition to matters listed in 20.2.2. and 20.2.3 above for all contracts which have a value higher than the EU Threshold or which are High Risk or High Profile the Contract Manager shall:
- undertake monthly or quarterly meetings with the contractor;
- monitor the performance of the contract against:
  - Key Performance Indicators of the contract
- the terms and conditions including any Service Level Agreement contained in the contract
- the actual cost compared to the anticipated costs with a view to identifying and explain any variances
- any other requirements of the Council; and
- maintain an issues log

21  RISK ASSESSMENT AND CONTINGENCY PLANNING
21.1 A business case must be prepared by the Contract Manager for all procurements with a potential value over the EU Threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.

21.2 For all contracts with a value of over £75,000, Contract Managers must:
- maintain a risk register during the contract period
- undertake appropriate risk assessments, and
- ensure contingency measures are in place for identified risks.

22.  CONTRACT MONITORING, EVALUATION AND REVIEW
22.1 All contracts which have a value higher than the EU Threshold limits, or which are High Risk, are to be subject to monthly formal review with the contractor. The review may be conducted quarterly if permitted by the Section 151 Officer.

22.2 For all contracts with a value higher than the EU Threshold limits, or which are High Risk, an annual report must be submitted to the Chief Executive and Chief Operating Officer.

22.3 A council-developed Gateway review process must be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements. In addition, High Risk, High Value and High Profile contracts shall be referred to the Authority’s Corporate Management Team for potential monitoring.

22.4 During the life of the contract, the Officer must monitor and record issues of:
- performance
- compliance with specification and contract
- cost
- any Value for Money requirements
- user satisfaction and risk management.

23.  SIGNIFICANT COST VARIATIONS
23.1 The Section 151 Officer shall in any case where in his view there is a significant variation (excluding permitted price fluctuations due to inflation) between the contract figure previously approved and the final cost, submit to the Authority’s Strategic Overview and Scrutiny Committee the final cost of the contract for the
execution of works. He shall also submit therewith a detailed statement signed by the Contract Officer showing the original amount of the contract and the additions and deductions passed by him in respect of work done, or work included in the contract not carried out and the total amount paid or certified for payment.

24. CONTRACT VARIATIONS AND EXTENSIONS

24.1 Subject to adequate budgetary provision and compliance with general financial regulations the Chief Executive or the Chief Operating Officer may authorise an extension or a variation to an existing contract, subject to EU Procurement Regulations and prior consultation with the Authority’s Operations Manager for Legal Services and the Section 151 Officer as follows:

- an extension for a period stipulated by the contract (but subject to satisfactory outcomes of contract monitoring, such information having been provided to the Chief Executive or Chief Operating Officer); or
- a single extension of the contract not exceeding the original contract term; or
- any other variation, and if relevant a consequent change in price, determined in accordance with the contract terms.
<table>
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<th><strong>DEFINITIONS</strong></th>
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<td><strong>APPENDIX</strong></td>
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<td><strong>Agent</strong></td>
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<td><strong>Appropriate Body</strong></td>
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<td><strong>Approved List</strong></td>
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<td><strong>Bond</strong></td>
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<td><strong>Executive</strong></td>
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<td><strong>Candidate</strong></td>
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<tr>
<td><strong>Code of Conduct</strong></td>
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<tr>
<td><strong>Committee</strong></td>
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</table>
committee with another local authority, but not a scrutiny committee.

**Constitution**

The constitutional document approved by the council which:

- allocates powers and responsibility within the council and between it and others
- delegates authority to act to the Executive, Committees, Portfolio Holders and Officers
- regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.

**Consultant**

Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the council has no ready access to employees with the skills, experience or capacity to undertake the work.

**Contract Management Board**

The group of Officers that meets regularly to consider procurement issues on a corporate basis.

**Contract Management System**

The Contract Management System is a software system which enables details of the Authority’s contracts with third parties to be registered and available to the public and potential suppliers. The Contract Management System shall contain details of multi-year contracts with a value in excess of £5,000 including those contracts where the intention is to renew the contract annually and thereby have a total value in excess of £5,000.

**Contract Manager**

The Officer designated by the Head of Service to deal with the contract in question as provided for in the Contract Management System and references to a Contract Manager shall include reference to the Officer.
Contracting Decision

Any of the following decisions:

- composition of Approved Lists
- withdrawal of Invitation to Tender
- whom to invite to submit a Quotation or Tender
- Shortlisting
- award of contract
- any decision to terminate a contract.

Corporate Contract

A contract let by the council to support the council’s aim of achieving Value for Money.

Contract Register

A listing within the Contract Management System whereby all contracts (where the contract has a value exceeding £5,000 and is granted for a period exceeding 12 months or likely to be extended beyond 12 months).

EU Procedure

The procedure required by the EU where the Total Value exceeds the EU Threshold.

EU Threshold

The contract value at which the EU public procurement directives apply.

European Economic Area

The members of the European Union, and Norway, Iceland and Liechtenstein.

Financial Standing Orders

The financial standing orders outlining Officer responsibilities for financial matters issued by the Section 151 Officer in accordance with the Constitution.

Framework Agreement

An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

Government Procurement Agreement

The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway,
Aruba, Hong Kong, China, Liechtenstein and Singapore.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Head of Service</td>
<td>As identified in the Constitution</td>
</tr>
<tr>
<td>High Profile</td>
<td>A high-profile purchase is one that could have an impact on functions integral to council service delivery should it fail or go wrong.</td>
</tr>
<tr>
<td>High Risk</td>
<td>A high-risk purchase is one which presents the potential for substantial exposure on the council’s part should it fail or go wrong.</td>
</tr>
<tr>
<td>High Value</td>
<td>A high-value purchase is where the value exceeds the EU Threshold values.</td>
</tr>
<tr>
<td>Invitation to Tender</td>
<td>Invitation to tender documents in the form required by these contract procedure rules.</td>
</tr>
<tr>
<td>Key Decision</td>
<td>Decisions that are defined as key decisions in the Constitution.</td>
</tr>
<tr>
<td>Key Performance Indicators</td>
<td>are measures of achievement against agreed activities that are utilized to manage the performance of the overall contract and against which outcomes, responsive measures will be required or payments contingent.</td>
</tr>
<tr>
<td>Line Manager</td>
<td>The Officer’s immediate superior or the Officer designated by the Head of Service to exercise the role reserved to the line manager by these contract procedure rules.</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>As identified in the Constitution.</td>
</tr>
<tr>
<td>Nominated Suppliers and Sub-contractors</td>
<td>Those persons specified in a main contract for the discharge of any part of that contract.</td>
</tr>
<tr>
<td>Market Engagement</td>
<td>An engagement with the market in such a way that demonstrates market engagement has been carried out in a manner calculated to increase awareness of and interest in bidding for public contracts.</td>
</tr>
<tr>
<td>MEAT</td>
<td>Most economically advantageous tender.</td>
</tr>
</tbody>
</table>
Non-commercial Considerations

(a) The terms and conditions of employment by contractors of their workers or the composition of the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces (‘workforce matters’).

(b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.

(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.

(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons (‘industrial disputes’).

(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.

(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.

(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.

(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984.

Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff or change of service provider to which the
Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply. The restriction on non-commercial considerations does not prevent a public authority to which it applies from exercising any function regulated by this section with reference to a non-commercial matter to the extent that the authority considers it necessary or expedient to do so to enable or facilitate compliance with a duty imposed on it by section 1 of the Public Services (Social Value) Act 2012.

Officer
The officer designated by the Head of Service to deal with the contract in question.

Parent Company Guarantee
A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the council, the council can require the parent company to do so instead.

Portfolio Holder
A member of the Executive to whom political responsibility is allocated in respect of specified functions.

Priority Services
Those services required to be tendered as defined in the EU public procurement directives.

Procurement Strategy
The document setting out the council’s approach to procurement and key priorities.

Purchasing Scheme
A Framework or mechanism organized by another body.

Quotation
A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).

Relevant Contract
Contracts to which these contract procedure rules apply (see Rule 4).

Section 151 Officer
The Chief Finance Officer as designated by the council.

Selection Criteria
The Criteria applied to bidders to ascertain whether they can deliver the contract.

Shortlisting
The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.
### Service Level Agreement (SLA)

is part of a contract for services in which the service levels such as times, quantities or levels of performance are defined.

### Supervising Officer

The *Line Manager’s* immediate superior.

### Tender

A *Candidate’s* proposal submitted in response to an *Invitation to Tender*.

### Tender Record Log

The log kept by Monitoring Officer of resources to record details of *Tenders* (see Rule 13.5).

### Total Value

The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:

(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period

(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months

(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48

(d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result

(e) for *Nominated Suppliers and Sub-contractors*, the total value shall be the value of that part of the main contract to be fulfilled by the *Nominated Supplier or Sub-contractor*.

### TUPE Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No. 246)

Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (eg private contractor, local authority in-house team) to another (eg following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to
protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

Value for Money

Value for money is not the lowest possible price; it combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.
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PART 4

SECTION 10

IPSWICH BOROUGH COUNCIL

FINANCIAL
STANDING ORDERS
Financial Standing Orders

Contents

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2 Financial Management 4.10.4
3 Financial Planning 4.10.7
4 Risk Management and Control of Resources 4.10.9
5 Financial Systems and Procedures 4.10.12
6 Financial Procedures 4.10.14
1. Status of Financial Standing Orders

1.1 Financial Standing Orders provide the framework for managing the Council’s financial affairs and are part of the Council’s constitution. They apply to every Member and officer of the Council, and anyone acting on its behalf. The Council’s detailed financial procedures set out how the regulations will be implemented.

1.2 The regulations identify the financial responsibilities of the Council, its Councillors, the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer.

1.3 All Councillors and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of the resources is legal, is properly authorised, provides value for money, achieves best value and is reported as appropriate.

1.4 The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Standing Orders and for submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council and/or to the Executive and Portfolio Holders.

1.5 The Chief Finance Officer is responsible for issuing financial procedures (and other advice on the application of the Financial Standing Orders) that Councillors, officers and others acting on behalf of the Council are required to follow.
2. Financial Management

2.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

The Executive

2.2 The Executive is responsible for proposing the financial policy framework and budget to the Council, and for discharging executive functions in accordance with the policy framework and budget.

2.3 Executive decisions can be delegated to a committee of Executive Members, an officer or a joint committee.

Head of Paid Service

2.4 The Head of Paid Service for the purposes of the Local Government Act 1989 is responsible for the corporate and overall strategic management of the Council as a whole. The Head of Paid Service must report to and provide information for the Council, the Executive, Strategic Overview & Scrutiny and other committees.

2.5 The Head of Paid Service is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Council’s decisions.

The Monitoring Officer

2.6 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Executive or Audit and Governance Committee.

2.7 The Monitoring Officer is responsible for advising all Members and officers about who has authority to take a particular decision.

The Chief Finance Officer

2.8 The Chief Finance Officer is the responsible financial officer and has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

(a) Section 151 of the Local Government Act 1972;
(b) The Local Government Finance Act 1988;
(c) The Accounts and Audit Regulations 2016
2.9 The Chief Finance Officer is responsible for:

(a) The proper administration of the Council’s financial affairs;
(b) Setting and monitoring compliance with financial management standards;
(c) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
(d) Providing financial information;
(e) Preparing the revenue budget and capital programme
(f) Treasury management and banking

2.10 The Chief Finance Officer (together with the Monitoring Officer) is responsible for advising Executive or Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the budget. Such actions include:

(a) Initiating a new policy;
(b) Committing expenditure in future years to above the budget level;
(c) Incurring transfers above virement limits;
(d) Causing the total net expenditure - financed from retained NNDR, Council Tax, grants and corporately held reserves to increase;
(e) setting up trading companies

2.11 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Council, the Executive and external auditor if the Council or one of its officers:

(a) Has made, or is about to make, a decision which involves incurring unlawful expenditure
(b) Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
(c) Is about to make, or has made, an unlawful entry in the Council’s accounts.

2.12 The Chief Finance Officer must also make a report under this section if it appears that the expenditure of the authority (including expenditure it is proposing to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure. Section 114 of the 1988 Act also requires:

(a) The Chief Finance Officer to nominate a properly qualified member of his staff to deputise should he or she be unable to perform the duties under section 114 personally
(b) The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under section 114

**Accounting Policies**

2.13 The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.
Accounting Records and returns

2.14 The Chief Finance Officer is responsible for determining the accounting procedures and records for the Council.

Annual Statement of Accounts

2.15 The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom based on International Financial Reporting Standards.
3. **Financial Planning**

3.1 The Council is responsible for agreeing the policy framework and budget, which will be proposed by the Executive. In terms of financial planning, the key elements are:

(a) the Medium Term Financial Plan  
(b) the annual budget  
(c) the capital programme

3.2 The Head of Paid Service is responsible for proposing a Corporate Plan to the Executive for consideration before its submission to the Council for approval.

**Resource Allocation**

3.3 The Chief Finance Officer is responsible for developing, maintaining, and reporting on a resource allocation process that ensures due consideration of the Council’s policy framework.

**Revenue budget format**

3.4 The general format of the budget will be proposed by the Executive on the advice of the Chief Finance Officer and approved by the Council. The draft budget should include allocations to different services and projects, proposed taxation levels and contingency funds, where appropriate.

**Revenue budget preparation**

3.5 The Chief Finance Officer is responsible for ensuring that a revenue budget on an annual basis and a medium term financial plan covering at least three years are prepared for consideration by the Executive, before submission to the Council. The Executive shall, after considering the effect on the Council’s finances and any directives from central government, submit to the Council:

(a) Recommended budgetary requirements  
(b) Recommended revenue estimates (incorporating any amendments)  
(c) A report thereon  
(d) The council tax base for the year  
(e) A recommendation as to the Council tax to be levied for the following financial year  
(f) The calculation of the Non-domestic rating income

3.6 The Council may amend the budget or ask the Executive to reconsider it before approving.

3.7 It is the responsibility of the Corporate Management Team to ensure that budget estimates reflect agreed service plans, and that these are submitted to the Executive and prepared in line with
guidance issued by the Chief Finance Officer.

**Preparation of the capital programme**

3.8 The Chief Finance Officer is responsible for ensuring that a Capital Programme is prepared on an annual basis for consideration by the Executive before submission to the Council.

**Monitoring and control of the revenue budget and capital programme**

3.9 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure and income against budget allocations and report to the Executive on the overall position on a regular basis.

3.10 It is the responsibility of the Corporate Management Team to control income and expenditure and to monitor performance, taking account of the financial information provided by the Chief Finance Officer. Variances within service areas should be reported to the Chief Finance Officer, and any action necessary to avoid exceeding the budget allocation should be taken.

**Transfer of budgets (Virement)**

3.11 The Chief Finance Officer is responsible for agreeing procedures for transferring (virement) of expenditure between budget headings.

3.12 The Executive (with the advice of the Chief Finance Officer) is responsible for determining the use of balances to fund expenditure not covered elsewhere in the budget.

3.13 The Chief Finance Officer is responsible for approving any virement of revenue budgets where it is for the release of earmarked reserves or contingency budgets.

3.14 The Chief Executive or Chief Operating Officer (in consultation with the Leader and the Resources Portfolio Holder) may exercise the virement powers of the Executive where a matter is urgent.

**Treatment of year end balances**

3.15 The Chief Finance Officer is responsible for agreeing procedures for carrying forward under and overspending within Service Areas, which will be approved by the Executive.

**Maintenance of Reserves**

3.16 It is the responsibility of the Chief Finance Officer to advise the Executive on prudent levels of reserves for approval by Council.
4. **Risk management and control of reserves**

4.1 Robust, integrated systems are developed and maintained for identifying and evaluating all significant risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

**Risk Management**

4.2 The Audit and Governance Committee is responsible for reviewing the Council’s Risk Management strategy and for reviewing the effectiveness of risk management. The Chief Finance Officer is responsible for ensuring that proper insurance exists where appropriate.

4.3 The Head of Internal Audit is responsible for preparing the Council’s risk management strategy and for promoting it throughout the Council.

**Internal Control**

4.4 Internal control refers to the systems of control devised by management to help ensure that the Council’s objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council’s assets and interests are safeguarded.

4.5 The Head of Internal Audit is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

**Audit requirements**

4.6 The Accounts and Audit Regulations 2016 requires that a relevant authority must ensure that it has a sound system of internal control which:

(a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;
(b) ensures that the financial and operational management of the authority is effective; and
(c) includes effective arrangements for the management of risk.

4.7 A relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.

4.8 Any officer or member of a relevant authority must, if required to do so for the purposes of the internal audit:
(a) make available such documents and records: and
(b) supply such information and explanations as are considered necessary by those conducting the internal audit.

In this regulation “documents and records” includes information recorded in an electronic form.

4.9 External auditors must be appointed for each local authority. The basic duties of the external auditor are governed by the Local Audit and Accountability Act 2014.

4.10 A continuous internal audit, under the direction of the Head of Internal Audit, and in consultation with the Chief Finance Officer, shall be arranged to appraise and review:

(a) The completeness, reliability and integrity of information, both financial and operational;
(b) The systems established to ensure compliance with policies, plans, procedures, laws and regulations;
(c) The means of safeguarding assets;
(d) The economy, efficiency and effectiveness with which resources are employed;
(e) Whether operations are being carried out as planned and objectives and goals are being met.

4.11 It shall be the responsibility of internal audit to review, appraise and report findings to the Head of Paid Service and Chief Finance Officer:

(a) The extent to which the Council’s assets and interests are accounted for and safeguarded from losses of all kinds arising from:
   (i) Fraud, error and other offences;
   (ii) waste, extravagance and inefficient administration, poor value for money or other cause:
(b) the suitability and reliability of financial and other management data developed within the Council

4.10 The Head of Internal Audit will provide an annual opinion on the effectiveness of the internal control environment to the Audit and Governance committee, prior to reporting to Executive.

4.11 The Head of Internal Audit shall have sufficient independence in order to enable them to perform their duties in a manner which will allow their professional judgement and recommendations to be effective and impartial. This shall include the right to report directly to the Head of Paid Service, Monitoring Officer, Chief Finance Officer or Executive in appropriate circumstances.
**Preventing Fraud and corruption**

4.12 The Head of Internal Audit is responsible for the development and maintenance of an anti-fraud and anti-corruption policy, and reporting suspicious transactions to the appropriate enforcement agency.

4.13 It is the responsibility of the Head of Paid Service to maintain the internal control systems and to ensure that the Council’s resources are properly applied in the manner and on the activities intended, including the prevention and detection of fraud and other illegal acts.

**Treasury management and banking**

4.14 The Council must have regard to the Chartered Institute of Public Finance Association’s (CIPFA) Code of Practice for Treasury Management in Public Services.

4.15 The Council is responsible for approving the Treasury Management Policy Statement and Prudential indicators.

4.16 The Chief Finance Officer is responsible for decisions on borrowing, investment and financing, in accordance with the Code of Practice for Treasury Management in Public Services and the approved Treasury Management Policy Statement.

4.17 The Chief Finance Officer is responsible for reporting to the Audit and Governance Committee on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. These reports will include an annual report on Treasury Management for presentation to the Council.

4.18 The Chief Finance Officer is responsible for the opening and closing of bank accounts in the name of the Council. All cheques drawn on the Council’s bank accounts shall bear the facsimile signature of the Chief Finance Officer or be signed by the Chief Finance Officer, or such other officer as may be authorised under the scheme of delegation of the Council.

**Staffing**

4.19 The Head of Paid Service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a post.

**Trust Funds**

4.20 The Chief Finance Officer is responsible for ensuring that, whenever possible, all trust funds are held in the name of “Ipswich Borough Council”. Where funds are held on behalf of third parties, the Chief Finance Officer is responsible for approving the arrangements for their secure administration.
5. Financial systems and procedures

5.1 Sound systems and procedures are essential to an effective framework of financial accountability and control. The Chief Finance Officer is responsible for the operation of the Council’s accounting systems, the form of accounts and the supporting financial records. Any changes proposed to be made to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer before they are implemented.

5.2 Any changes to agreed financial procedures to meet specific service needs shall be approved by the Chief Finance Officer, in liaison with the Head of Internal Audit.

5.3 The Chief Finance Officer shall ensure that staff receive relevant financial training.

Income and Expenditure

5.4 It is the responsibility of Heads of Service to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The operational arrangements should identify staff authorised to act on the manager’s behalf, or on behalf of the Executive, in respect of committing expenditure, payments and income collections, together with the limits of their authority.

5.5 The Chief Finance Officer is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to officers and Councillors

5.6 The Chief Finance Officer is responsible for approving the system of payments of salaries and expenses to all staff, including payments for overtime, and for payment of allowances and expenses to Councillors.

Taxation

5.7 The Chief Finance Officer is responsible for advising the Head of Paid Service, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

5.8 The Chief Finance Officer 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.

Partnerships

5.10 Representation of the Council on partnerships and external bodies will be decided in accordance with the scheme of delegation.
5.11 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory, including the verification of third party identities.

External Funding

5.12 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council’s accounts.
6. **Financial Procedures**

6.1 The detailed Financial Procedures set out how the Financial Standing Orders shall be implemented. The Chief Finance Officer is responsible for maintaining and updating the Financial Procedures as required.
Part 4

Section 11

Petitions Procedure
1. Introduction

Where people who live or work in the Borough or are visitors to the Borough wish to raise matters, issues or their concerns that are not otherwise covered by our complaints procedures, the Council has agreed special procedures to ensure that petitions can be raised by the public and that these will be reported to an appropriately senior level within the Council.

2. Complaints

We try to provide high quality services for the benefit of Ipswich and its people. We cannot always achieve that or meet all the demands for public services. We take all complaints very seriously, and complaints help us to improve our services. Where you are not satisfied with the services, which we provide, please address your correspondence to “the Complaints Officer”. The Complaints Officer has the power to investigate your complaint, to determine whether we are at fault, and to secure appropriate remedial action. More detail of our complaints procedure is set out in the Council’s Corporate Complaints Policy which is published on our website and in leaflets available at any of our offices:

https://www.ipswich.gov.uk/complaints

3. Exceptions to Petitions and Complaints

Unfortunately, the Council does receive some correspondence, which is rude, offensive, defamatory, scurrilous or time wasting. The Council reserves the right to require particular correspondents to correspond with the Council only through a Single Point of Contact which will deal with all their correspondence, ensuring that no one correspondent can take up a disproportionate amount of officer or Councillor’s time.

4. Petitions

We welcome petitions as one way in which you can let us know your concerns. Set out below is the procedure detailing how the Council will respond to petitions which you send us.

4.1 What is a petition?

We treat as a petition any communication that requests a council response to an issue or concern affecting all or any part of the Borough, which is signed by or sent to us on behalf of a number of people. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in Ipswich, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the Borough on the subject of facilities as service users at any one of the premises that we are responsible for.
4.2 What should a petition contain?

A petition should include –

A clear statement of your concerns and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter that is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that authority. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision.

The Petitions Officer will ensure that your petition is acknowledged to the petition organiser and entered on the Council’s Petitions Website and that the website is regularly up-dated with information on the progress of your petition.

The Petitions Officer can also provide you with advice about how to petition the Council or on the progress of your petition.

4.3 Types of Petition

There are five different types of petition, as set out below.

How we deal with a petition depends on which type of petition you submit –

4.3.1 Ordinary Petitions

You must provide the name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an Email address.

You must also provide the names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which may be useful to the Council, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential.

Who should you send a petition to?

We have appointed a Petitions Officer, who is responsible for receiving, and processing all other petitions sent to the Council. Please address petitions to –

The Petitions Officer
Democratic Services
Ipswich Borough Council
Grafton House
15-17 Russell Road
Ipswich IP1 2DE
Or submit the petition online via the Council’s Petitions website – www.ipswich.gov.uk/petitions

There are petitions which do not come within any of the following specific types. Please note that petitions, which raise issues of possible Councillor misconduct, will be taken as complaints arising under the Local Government Act 2000 and will be dealt with by the Monitoring Officer, rather than considered under this Petitions Procedure.

4.3.2 Consultation Petitions

These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions, which are received by the response date in the consultation invitation, will be reported to the person or body that will be taking the decision on the application or proposal.

If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with the original matter.

Where you submit a petition in response to consultation by the Council, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

4.3.3 Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

4.3.4 Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 2,000 signatories or petitioners.

4.3.5 Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of an Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 500 signatories or petitioners.

The Council has determined that such petitions must relate to a senior officer of the Council namely, The Chief Executive, The Chief Operating Officer or a Head of Service of the Council. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to

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1 The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold and Officer to Account have been set by the authority to try to ensure that matters of genuine concern can be brought to the authority’s attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive.
the Head of Resource Management if it is in respect of the Chief Executive) and will be considered under the Council’s Human Resources policies, and not under this Petitions Procedure.2

4.4 E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take 5 working days before it is published online. This is because we have to check that the content of your petition is acceptable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the ‘rejected petitions’ section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Petitions Officer. In the same way as a paper petition you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact the Petitions Officer, within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on the website.

4.5 How do I ‘sign’ an e-petition

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your ‘signature’ will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

4.6 The Petitions Website

With effect from 15 December 2010 the Council will maintain a petitions website (web address www.ipswich.gov.uk/petitions).

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2 Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.
When a petition is received, within 5 working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser’s name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who will consider the petition within the Council, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the Council’s decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key words to identify all petitions relating to a particular topic.

All petitions are kept on the website for 2 years from the date of receipt.

4.7 The role of Ward Councillors

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petitions Officer will send a copy of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.

When the petition is reported to the person or Committee of the Council who can take a decision on the matter to which it relates, the relevant Ward Councillor will be invited to attend and to address the decision-taker(s) for no more than 3 minutes (or 3 minutes each), immediately after the petition organiser.

5. What happens when a petition is received?

5.1 Whenever a petition is received –

Within 5 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

In some cases, the Petitions Officer may be able to resolve the petitioners’ request directly, by getting the relevant Portfolio Holder or officer to take appropriate action. For example where the petition relates to fly tipping and where the Council may be able to arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether s/he considers that the matter is resolved.

Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will, within 10 working days of receipt of the petition, provide a substantive response to the petition organiser setting out to whom the petition will be reported for consideration, when and where that will take place, and inviting the petition organiser to attend and address the meeting for up to 3 minutes on the issue.
covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting.

Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 20 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work (meaning more than 8 hours work) to collect information and advice to enable the matter to be properly considered, it may be necessary for the Petitions Officer to decide that the petition will be held over until the following meeting.

At the same time as responding to the petition organiser, the Petitions Officer will notify the Leader and relevant Ward Councillors of receipt of the petition.

Within 5 working days of the petition being accepted under this policy, the Petitions Officer will open a new public file for the petition on the Council’s petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser’s name and contact details will only be included on the website if s/he so requests.

At each stage of the consideration of the petition, within 5 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

The process after this stage differs for the various types of petitions – see below.

5.2 What happens to a Consultation Petition?

Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to the person or Committee who will take the decision on the proposal or application. The Council’s Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the Terms of Reference of Committees and Sub-Committees.

Where the petition relates to a matter, which is within the delegated power of an officer, s/he will not exercise those delegated powers but will automatically refer the matter to the relevant Portfolio Holder for decision.

Where the petition relates to a matter, which is within the delegated powers of an individual Portfolio Holder, s/he may decide not to exercise those delegated powers but to refer the matter to the Executive for decision.

5.3 What happens to a Statutory Petition?

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly elected Mayor. Where you submit a petition under such a
specific statute, it will be reported to the next available meeting of the Council in accordance with the statutory requirements.

5.4 What happens to Petitions for Debate?

Petitions for Debate will be reported to the next convenient meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of the Council which are not convened to consider the subject matter of the petition.

As set out above, the petition organiser will be invited to address the meeting for up to 3 minutes on the subject of the petition.

5.5 What happens to a Petition to Hold an Officer to Account?

Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.

In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairperson of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairperson will invite the petition organiser to address the Committee for a maximum of 3 minutes on the issue, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairperson may invite the petition organiser to suggest questions for him/her to put to the officer.

5.6 What happens to an Ordinary Petition?

Depending on the nature of the Ordinary Petition, the relevant Portfolio Holder will decide whether to determine the matter or to refer the matter for investigation and report, or to refer it to a meeting of the Council, Executive or a Committee of the Council for determination. Where the petition is not referred, the Portfolio Holder will meet with the petition organiser to discuss the issues and will inform the Petitions Officer of his/her response. The Petitions Officer will notify the petitions organiser, within 5 working days of the Portfolio Holders determination.

Where the Portfolio Holder determines that the Ordinary Petition shall be referred to the Executive the following procedure will apply.

- Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chairperson at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each

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1 Note that the 2009 Act does not give the petition organiser a right to speak at the Committee meeting, but the Council has decided that s/he should be invited to set out the petitioners’ concerns in relation to the subject matter of the petition.

4 In practice, where one person has submitted more than one petition, his/her second petition will be taken after...
meeting for considering such petitions and any petitions not reached in the
time allowed, will be referred to the relevant Portfolio Holder for consideration
or deferred until the next meeting.5

- Any petitions relevant to particular items of business, will be taken together
  with that item of business, in the normal order of business.

- The Chairperson of the meeting may invite a relevant officer to set out the
  background to the issue before inviting the petition organiser to address the
  meeting for up to 3 minutes. The Portfolio Holder or Chairperson may then ask
  questions of the petition organiser, and will then invite any relevant Ward
  Councillors present to address the meeting on the matter for up to 3 minutes
  (each). The Portfolio Holder or Chairperson will then invite a relevant officer(s)
  to advise the meeting, after which the matter will be open for debate among
  members of the decision-making body.

Within 5 working days of the consideration of the petition by the relevant Portfolio
Holder, the Petitions Officer will notify the petition organiser of the Portfolio Holders
decision and advise him/her that if he/she is not satisfied with that decision, he/she
may require the matter to be reported to the next convenient meeting of the
appropriate Overview and Scrutiny Committee for review.

At each stage, the Petitions Officer will enter the relevant information on the website
at the same time as it is sent to the petition organiser.

5.7. Appeal to an Overview and Scrutiny Committee

If the organiser of an Ordinary Petition is not satisfied with the outcome of the
consideration of his/her petition, he/she may appeal to an Overview and Scrutiny
Committee by notifying the Petitions Officer of his/her intention to appeal within 20
working days of being notified of the original decision on the petition, giving grounds
or reasons for dissatisfaction.

Within 5 working days of receipt of intention to appeal, the Petitions Officer will notify
the petition organiser of the time, date and place of the next convenient meeting of
the Overview and Scrutiny Committee and will invite the petition organiser to attend
the meeting and to address the Committee for up to 3 minutes on why he/she
considers that the decision on the petition is inadequate.

At that meeting, the Overview and Scrutiny Committee will invite the petition
organiser and relevant Ward Councillors to make their representations and to explain
why he/she considers that the original response was insufficient. The Overview and
Scrutiny Committee may not override the Executive or any Portfolio Holder decision,
but the Executive must consider any recommendations made by the Overview and
Scrutiny Committee (if any).

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5 Note that the Local Democracy, Economic Development and Construction Act 2009 does not provide for a limit
on the time allowed for debating petitions, but it is included here to ensure that the authority can continue to
discharge its other functions effectively.
6. The role of the Petition Organiser

The Petitions Officer will send the petition organiser an acknowledgement of receipt of the petition within 5 working days of its receipt.

Where the petition is not accepted for consideration (see Paragraph 7.3 below for grounds for rejection of petitions), the Petitions Officer of the grounds for non-acceptance will advise the petition organiser.

Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within 10 working days of receipt as to whom the petition will be considered by, and the date, time and place of the meeting at which it will be considered.

The petition organiser must give notice to the Petitions Officer that he/she wishes to nominate another person to address the meeting and to answer any questions on the matter.

The petition organiser will be regularly informed by the Petitions Officer of any decisions in respect of the petition and will be formally notified of the outcome of the petition’s consideration within 5 working days of such decision, and the right of any appeal against the decision.

7. Petitions, which will not be accepted or reported

7.1 Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

7.2 Repeat Petitions

Where a petition will not normally be considered where they are received within 6 months of another petition or within 6 months of a substantial similar complaint being submitted and considered by the Council on the same matter.

7.3 Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time wasting, or do not relate to something which is the responsibility of the Council, or over which the Council has some influence.

7.4 Exempt Petitions
Any petition excluded under the Local Authorities (Petitions) (England) Order 2010, which exempts planning and licensing decisions or any other matter where there is a separate legal right of appeal.
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Part 5

1. Code of Conduct for Members
2. Employee Code of Conduct
3. Member/Officer Protocol
4. Officer/Member Protocol
5. Councillor Call for Action Protocol
Ipswich Borough Council

Suffolk Local Code of Conduct for Members

In accordance with S 26 to 37 of the Localism Act 2011, on 1 July 2012 Ipswich Borough Council (the Council) resolved to adopt the Suffolk Local Code of Conduct for the purposes of discharging its duty to promote and maintain high standards of conduct within its area.

Until otherwise amended or replaced by a decision of the Council, the Suffolk Local Code of Conduct set out below shall hereafter apply to all elected members and any co-opted members entitled to vote on any decisions of the council or its committees, sub committees or joint committees when acting in their capacity as a member of the Council.

Preamble

The Suffolk Local Code of Conduct shall be interpreted in accordance with the following 7 principles of public life identified by the Committee on Standards in Public Life chaired by Lord Nolan:

**Selflessness** - Holders of public office 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.

**Integrity** - Holders of public office 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.

**Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership** - Holders of public office should promote and support these principles by leadership and example.
1. You must treat others with respect.

2. You must not —
   (1) do anything which may cause your authority to breach any of the Council’s duties under the Equality Act 2010
   (2) bully any person;
   (3) intimidate or attempt to intimidate any person who is or is likely to be—
      (a) a complainant,
      (b) a witness, or
      (c) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
   (4) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

3. You must not —
   (1) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
      (a) you have the consent of a person authorised to give it;
      (b) you are required by law to do so;
      (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
      (d) the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the authority; or
   (2) prevent another person from gaining access to information to which that person is entitled by law

4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

5. You —
   (1) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
   (2) must, when using or authorising the use by others of the resources of your authority—
      (a) act in accordance with your authority's reasonable requirements;
      (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
   (3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
   (a) your authority's chief finance officer; or
   (b) your authority's monitoring officer,
   where that officer is acting pursuant to his or her statutory duties.

6. (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7) Registration of interests

7.1. You must register within 28 days of becoming a member of the Council (and to notify the Council’s Monitoring Officer of any changes within 28 days) any Disclosable Pecuniary Interests (DPIs) (set out in Appendix A to this Code) you may have for publication in the Register of Members' Interests.

7.2. You may not at any time discharge any function or participate in any Council business or discussions, or vote on any issues that relate to or concern any of your DPIs where you are aware that you have a relevant DPI. You may not remain in the chamber or meeting room or in the public gallery when any matter that relates to any of your DPI is under discussion or debate unless you have requested and obtained a written dispensation from your Council’s Monitoring Officer or its Audit & Governance Committee in advance of the relevant meeting.

7.3. You must register within 28 days of becoming a member of the Council (and to notify your Council’s Monitoring Officer of any changes within 28 days) any non-statutory Local Non Pecuniary Interests (LNPIs) set out in Appendix A to this Code but you may participate in any discussions or debates relating or concerning any of your LNPIs after the date of registration.

7.4. You must declare any DPIs or LNPIs to a meeting where business is relevant to those interests, including those interests that are already registered with the Monitoring Officer or where registration is pending.

7.5. You must register, within 28 days, any gifts and hospitality received by you in accordance with the instructions issued within your Council by the Monitoring Officer.

7.6. The Council’s Register of Interests will be available for inspection at Grafton House, 15-17 Russell Road Ipswich IP1 2DE during normal office hours, and will be published on the Council’s website.
8) **Sensitive Interests**

You may also apply to your Council’s Monitoring officer for non publication of the full details of any of your DPIs or LNPIs where you reasonably believe that publication of the details of a particular DPI or LNPI could result in you being subjected to violence or intimidation. In considering such applications the Monitoring Officer shall have regard to any representations made by you in determining whether he or she considers the relevant DPI or LNPI should be treated as a Sensitive Interest and excluded from the published version of the Register of Members’ Interests.
Appendix A to the Suffolk Code of Conduct

Part 1 - Description of Categories of Disclosable Pecuniary Interests

You have a Disclosable Pecuniary Interest in any business of the Council if it is of a description set out in 1 - 7 below and is either:

(a) An interest of yours
(b) An interest of your spouse or civil partner
(c) An interest of a person with whom you are living as husband and wife or as civil partners

and, in the case of paragraphs (b) and (c), you are aware that they have the interest.

In these descriptions the term “relevant Person” is used to mean you as member and any such person as set out in paragraphs (b) and (c).

1 Any employment, office, trade, profession or vocation carried on for profit or gain.

2 Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3 Any beneficial interest in securities of a body where -

(1) that body (to your knowledge) has a place of business or land in the area of the Council; and
(2) 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) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant persons has beneficial interest exceeds one hundredth of the total issued share capital of that class.

4 Any contract which is made between the relevant person, or a body in which they have a beneficial interest, and the Council -

(1) under which goods or services are to be provided or works are to be executed; and
(2) which has not been fully discharged.

5 Any beneficial interest in any land in the Council’s area.

6 Any tenancy where to your knowledge (a) the landlord is the Council and (b) the tenant is a body in which a relevant person has a beneficial interest.

7 Any licence (alone or jointly with others) to occupy land in the Council’s area for a month or longer.
Part 2 - Description of Categories of Local Non Pecuniary Interests

1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

2 Any body -
   (a) exercising functions of a public nature;
   (b) directed to charitable purposes; or
   (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

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

3 Any person from whom you have received a gift or hospitality with an estimated value of at least £25.
EMPLOYEE CODE OF CONDUCT

Drafted by: The Monitoring Officer

Consultees:

Operations Manager HR
Audit Partnership Manager
Corporate Management Team
Unison

ADOPTED ON  19 March 2014
Summary and preamble to the code of conduct

1 Purpose of the Code

2. Public Expectations

3. Public Funds

4. Customers

5. Equalities

6. Health and Safety

7. Standards of Dress and Appearance

8. Alcohol and Drugs

9. Conflicts of Interest

10. Relationships

11. Use of Council Property, Facilities or Equipment

12. Disclosure of Information

13. Compliance with the Code

14. Code of Conduct Paperwork

Schedule A– Notification Procedure

Schedule B – Employee Acknowledgement Form

Schedule C – Positive Declaration Form

Schedule D– Register of Gifts and Hospitality Notification Form
All Ipswich Borough Council Employees (and anyone working for the Council) must abide by the Council’s Employee Code of Conduct. The main sections of the code are summarised below:

1. **Overriding Purpose:** The people of Ipswich are entitled to expect conduct of the highest standard from Ipswich Borough Council employees, and for all its employees to be accountable for their conduct at all times and to perform their duties with due care, competence and diligence.

2. **Public Expectations:** You must put the public interest, and the Council’s reputation, above your own private or personal interests and uphold good standards of conduct with the highest levels of honesty, fairness, openness and integrity at all times.

3. **Use of Public Funds:** You must use any public funds entrusted to you for their proper purposes in accordance with the Council’s financial rules and procedures. No form of theft, fraud, bribery or corruption will be tolerated.

4. **Dealing with Customers:** You must treat all customers – whatever their backgrounds or circumstances – with fairness, respect and dignity at all times. You must not take advantage of any trust the customer places in you as a result of your duties or their needs.

5. **Equality:** You are not permitted to harass or discriminate against any person and must comply with all equality policies.

6. **Health and Safety:** You must follow all Health and Safety rules or instructions and have proper regard to your own safety and wellbeing as well as that of any colleagues and members of the public. You must report any sickness or injury and comply with the rules relating to taking time off.

7. **Dress:** You must dress appropriately for your duties and role, and wear any uniform, ID badges, protective clothing or equipment issued to you.

8. **Alcohol, Drugs & Smoking:** You must not turn up for work under the influence of alcohol or drugs. Smoking on any council premises or in council vehicles at any time or elsewhere in paid time is forbidden.

9. **Conflicts of Interests:** You must avoid all conflicts of interest arising between any council business and your own private life, including your own political views. You must observe the restrictions in the Code concerning involvement in contracts, sponsorship or recruitment, political neutrality and any secondary employment. Where there is a risk of a potential conflict or bias arising you must raise this with your line manager or head of service and you must comply with the rules about declarations of interests and the acceptance of gifts and hospitality from third parties.

10. **Relationships:** Your relationships with customers, councillors, contractors, suppliers, outside organisations and other employees or prospective employees must be professional at all times and you must not seek to use your position improperly.

11. **Use of council property and resources:** You may only use these for their permitted purposes in line with official procedures, and not for private gain or other private advantage. Private use of council telecommunications, e-mail, PCs, and internet facilities is restricted and the Council may monitor any form of communication made or received using its systems. Council vehicles must only be used for council business and may not be used for private use or other third party use under any circumstances. You must abide by the rules relating to the use of council offices, vehicles, car parks and any other facilities.

12. **Disclosure of Information:** You must comply with the rules about disclosure of information, particularly those concerning Data Protection, other confidential or sensitive information and Freedom of Information requirements.

   If you become aware of any breaches of the code of conduct or other public concern or wrongdoing, you are expected to notify the Council of this, normally through you Line Manager, or your Head of Service or via the Council’s ‘whistleblowing’ policy;

13. **Compliance with the Code:** If you fail to comply with any of the rules set out in the Code of Conduct, it could result in disciplinary action being taken against you, which could lead to dismissal.

14. **Procedural Matters:** You must complete the necessary forms to acknowledge that you are aware of the full code of conduct and how to access it and confirm compliance when required to do so...

A full copy of the detailed Employee of Code of Conduct is published on the Internet or can be obtained from your line manager. The provision of this summary does not obviate the need for all employees to read the detailed Code set out in full in the Code of Conduct Document published on the Council’s website. For any further advice or general assistance on the Code speak to either your line manager, or Human Resources.

5.2.3
1. **PURPOSE OF THE CODE**

1.1 The Council believes that the people of Ipswich are entitled to expect a high standard of conduct from Ipswich Borough Council employees and for its employees to be accountable for their conduct.

1.2 This Code of Conduct sets out standards of conduct expected from Ipswich Borough Council employees. It replaces the previous Employee Code of Conduct which was last reviewed in 2004, and is supplemented by other Council Policies, Procedures and Codes of Practice (as highlighted in this code by underscored bold text).

1.3 These supplementary documents are also available on request to the Head of Service and available to staff via the Council’s intranet.

1.4 This code is in addition to compliance with any relevant Professional Codes of Practice applicable to employees who are required to be members of specified professional bodies.

1.5 The Code of Conduct applies to all employees of the Council, including full-time, part-time or job-share, and whether fixed term, agency or other types of temporary or casual workers. It shall also be a condition of engagement for individual consultants and contractors to observe the spirit of this code of conduct when delivering consultancy or other services to the Council and its customers.

1.6 Where the Code refers to a ‘Head of Service’, employees should interpret this as referring to the appropriate Officer as stated within the Corporate Management Structure Chart. Where an employee is not clear who this is, they should ask their immediate manager or the Human Resources team.

1.7 There are provisions in this Code that require employees to notify, seek consent or advice from, or otherwise involve their Head of Service. In the case of the Chief Executive or the Chief Operating Officer, the equivalent contact will be the Leader of the Council. In the case of the Head of Service, the equivalent contact is either the Chief Operating Officer or the Chief Executive according the management lines shown on the Corporate Management Structure Chart displayed on staff notice boards and on the Intranet.

1.8 Employees must consider this Code carefully and comply with it fully as it forms part of the terms and conditions of employment. If any of the provisions contained within this Code of Conduct is not fully understood, employees must seek clarification from their Head of Service. Heads of Service should ensure that clarification and any appropriate access to any required training is made available to employees.

1.9 The Council reserves the right to take disciplinary action (up to and including summary dismissal) in line with the Disciplinary Policy and Procedures, and/or legal action, against employees who are in breach of this Code, where appropriate.

1.10 Any Employees who become aware of any breaches of the Code of Conduct by any of their colleagues or line manager should raise these with their Head of Service in the first instance, of if the issue involves a Head of Service or above, the Chief Operating Officer or the Chief Executive (according to the appropriate management lines), or if concerns the Chief Operating Officer or Chief Executive, with the Leader of the Council.

1.11 Employees should refer to section 12.2 on Public Concern and Whistleblowing at the end of this Code if they have any other concerns about any conduct issues.
2. PUBLIC EXPECTATIONS

2.1 Ipswich Borough Council has endorsed the seven principles of public life proposed by the Committee on Standards in Public Life originally chaired by Lord Nolan. It has resolved that these principles shall also be applied to all Council employees as well as councillors. The seven principles are as follows:

2.1.1 **Selflessness**

*Holders of public office must take decisions solely in terms of the public interest. They must not do so in order to gain financial or other material benefits for themselves, their family, or their friends.*

2.1.2 **Integrity**

*Holders of public office must not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.*

2.1.3 **Objectivity**

*In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office must make choices on merit.*

2.1.4 **Accountability**

*Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

2.1.5 **Openness**

*Holders of public office must be as open as possible about all the decisions and actions that they take. They must give reasons for their decisions and restrict information only when the wider public interest clearly demands.*

2.1.6 **Honesty**

*Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*

2.1.7 **Leadership**

*Holders of public office must promote and support these principles by leadership and example.*

2.2 In addition to the above principles, all employees are expected to perform their duties with appropriate levels of care, competence and diligence and in line will the Council’s procedures and management protocols and provisions of this Code.

3. **PUBLIC FUNDS AND PUBLIC PROBITY**

3.1 The Council wishes to emphasise to the public and to its employees the importance it places upon probity, financial control and honest administration. All employees must acknowledge the responsibility they have for the effective administration of any public funds under their control while undertaking their duties.

3.2 Where employees have direct responsibility for financial transactions, for example, ordering of and/or paying for goods and services on behalf of the Council or using a procurement card, then they must be fully acquainted with the Council’s Financial Regulations and associated procedures and systems and comply with these requirements at all times.
3.3 In cases where any employee working for the Council is found to have claimed any benefit, including housing benefit, from the Council or another local authority, either directly or indirectly, and has failed to disclose their full Council earnings, the Council will regard this as very serious and/or gross misconduct, and the employee concerned may be dismissed in accordance with the Disciplinary Policy. Such cases may be subject to criminal investigation and/or prosecution.

3.3 The Council’s arrangements for the prevention and detection of theft, fraud and corruption will be kept under constant review, and suspected irregularities by employees will be vigorously pursued and all appropriate action taken.

3.4 The Council is also bound by the Bribery Act 2010 and it takes a zero tolerance approach to bribery of or by any employee, and any allegations of bribery will be dealt with in line with the Bribery Policy.

3.5 All employees are expected to comply with the Money Laundering Regulations 2007 and to be vigilant to the possibility of suspicious monetary transactions taking place, and to ensure that all financial transactions are with individuals, firms, companies and partnerships and other organisations that have had appropriate identity checks carried out on them and to report any issues or concerns to the Council’s nominated officer who is the S151 Chief Finance Officer.

3.6 Probitity of Records and other documents

3.6.1. The deliberate falsification of documents by any employee is not acceptable. Where an employee falsifies records, timesheets, or other documents, including those held electronically, to secure pay or another financial benefit for themselves or others, this will be regarded as a criminal offence. Such falsification will be dealt with in accordance with the Council’s Anti-Fraud and Corruption Policy.

3.6.2 In addition, where deliberate falsification results in a financial advantage to an employee this will normally be considered as gross misconduct and will be dealt with in line with the Council’s Disciplinary Policy. Similarly, falsification that results in a non-financial advantage will also be regarded as a serious disciplinary matter. Such conduct could lead to an employee’s dismissal in line with the Disciplinary Policy.

3.6.3 Employees must comply with all time keeping procedures and are reminded that under the Flexible Working Policy, ‘flexi-time’, where operated, is a privilege and not a right, and must not be abused during paid hours, for example, to go shopping, have a meal, have a hair-cut, smoke, or to move private vehicles solely to avoid incurring car parking charges or penalties. These examples are not exhaustive and all non-work related activities (including the above examples) must take place in the employee’s own time, and any flexible time taken out of the normal working day for non-work related reasons should not be recorded as time worked, except where it is for an approved reason such as a hospital appointment or authorised time off for union duties. Further details on flexible working are contained in the Flexible Working Policy.

4. CUSTOMERS

4.1 Employees shall ensure courteous, efficient and impartial service delivery to all relevant groups and individuals within the community. Behaviour, which is antagonistic and aggressive, is not acceptable by or towards employees. Employees who deal with customers who behave aggressively should familiarise themselves with the Council’s Policy on Customer Conduct and the Be Aware Policy and report any incidents to their line manager.

4.2 Where a customer is dependent upon an employee for individual support services and/or has special needs, an employee must not compromise this customer relationship in any unprofessional manner.

4.3 Employees with a caring role or providing a direct personal service may be placed in situations where they could benefit financially, whether directly or indirectly, by reason of their position. For example, people receiving support at home may express their gratitude to employees by offering gifts or money or even offering to
make employees a beneficiary under their will. In such circumstances an employee must politely and tactfully
refuse gifts or any offer of financial reward and explain why they cannot accept them, before reporting this
matter to their Head of Service, who will record this and any action taken.

4.4 If an employee, their partner or a family member becomes aware that they have been made a
beneficiary in the will of a Council service user or former service user who is otherwise unrelated to them, they must
immediately tell their Head of Service, who will decide on the appropriate action.

4.5 Employees, their partners or any members of their household must not have any financial dealings
with any service user to whom the Council provides individual services and who is otherwise unrelated to them,
including borrowing or lending money or involving other property, nor must they act as executor of a service user’s
will.

4.6 Employees must not give financial advice to service users except where this is a specific requirement
of their post and then only within the specific boundaries of their duties.

4.7 Where an employee is working with vulnerable service users, a conflict of interest will also be deemed to
arise if there is any unprofessional or unethical emotional or physical interaction and/or sexual inter-action with a
service user. If an employee reasonably suspects such behaviour is occurring by another employee, he or she must
tell an appropriate Head of Service immediately.

4.8 Employees working with children or vulnerable adults must inform their managers immediately if they
are subject to a criminal conviction, caution, ban, police enquiry or pending prosecution. This may be discussed
within the context of the duties of the post held and is essential in helping to safeguard the safety of children and
vulnerable adults.

4.9 All employees shall comply with the Council’s Safeguarding Policies in respect of children and vulnerable
adults.

5. **Equalities**

5.1 A commitment by all employees to implement equalities in all aspects of their work is fundamental to
effective service provision and effective working relationships.

5.2 All members of the local community, customers and other employees have a right to be treated with
fairness, equity, and respect.

5.3 Employees must ensure that the Council policies relating to equalities and equal opportunities are
complied with, in addition to the requirements of the law.

5.4 Employees must familiarise themselves with the Council’s Equalities Policy which promotes and
implements equality of opportunity, and strives to ensure that nobody, whether employee or service user, is
discriminated against by virtue of any protected characteristics within the meaning of the Equality Act 2010
any subsequent legislation.

5.5 Employees are expected to carry out their day to day duties in compliance with the Council’s Equalities
Policies.

5.6 The Council will not tolerate any form of disrespectful or discriminatory behaviour, including harassment
by any employee. Should it occur, it will be dealt with in accordance with the Council’s Disciplinary Policy and
associated procedures and may be subject to criminal proceedings.

6. **Health and Safety and Welfare**

6.1 In the interests of the public and colleagues, employees must adhere to the Council’s Health &
Safety Policies. These are available through the relevant Operations Manager, or via the Council’s intranet.

5.2.7
6.2 Employees must not act either wilfully or carelessly in a manner liable to place the public, their colleagues, or themselves at risk, and must adhere to the duty of care prescribed in the Council’s Health, Safety and Welfare Policy. This is also the case where the Employee has direct responsibility for a service user’s welfare.

6.3 Employees must report any sickness or injury and comply with the Absence Management Policy and associated procedures.

7. Standards of Dress and Appearance

7.1 Employees should ensure that they present themselves for work in a clean, neat and professional manner. Employees must ensure that their standards of dress, the type and style of clothes and personal ornamentation and cleanliness are appropriate to the nature of the duties and responsibilities undertaken by the employee. Inappropriate dress can create the view that the Council is inefficient, create offence or be interpreted as disrespectful by the public. If any employee is uncertain as to the standard required they should ask their line manager. Employees should note that on occasion the Corporate Management Team may approve ‘casual dress days’ connected to charitable funding raising events, where the normal standards will be relaxed on specified days for those staff wishing to support the particular event. However employees must never compromise any health and safety requirements if participating in such events.

7.2 The Council values and welcomes the diversity of its workforce and will take account of employees ethnicity, religion or belief in relation to any associated dress requirements by ensuring that employees are free to observe them whenever possible.

7.3 In all cases employees must conform to any requirements for clothing related to health and safety matters, and to wear any uniform, identity badge or security pass issued to them in connection with their work. Lost security passes or identity badges must be reported immediately upon discovery to Facilities Management.

8. Alcohol, Drugs and Smoking

8.1 All employees are required to attend work without being under the influence of alcohol or non-medically prescribed drugs. While some limited and infrequent consumption of alcohol is normally permissible occasionally during non-work social periods such as lunch breaks, or prior to work (e.g. in the case of shift workers), no employee must have their work performance or any driving requirements adversely impaired by alcohol or drugs. For further details please see the Council’s Drug and Alcohol Policy.

8.2 Heads of service may identify specific jobs where the consumption of alcohol immediately prior to or during the working day or as part of a formal standby arrangement, will not be permitted on health and safety grounds (because of the nature of the job or any driving duties). Such jobs will be identified and will be notified to the employee concerned (and to the trade unions), and it will form part of the conditions of service for that particular job(s).

8.3 Employees taking prescribed medication that has known side effects that could affect the performance of their duties must notify their line manager.

8.4 The Council does not permit smoking anywhere on Council business premises, public buildings nor in Council vehicles. The Council does not sanction smoking breaks but any smoking breaks which are taken by employees should be taken off site and in the employee’s non-working time and a failure to observe this could result in disciplinary action being taken.
9. CONFLICTS OF INTEREST

9.1 Public Duty and Private Interest

Employees ‘off-duty’ hours are their own personal concern, but they should endeavour not to subdivide their public duty to their private interests, nor put themselves in a position where duty and private interests conflict.

The principal private personal interests that need to be considered are:

- Interests in any organisations in receipt of or applying for Council funding or subsidies or financial reliefs, where that interest is of a controlling or managerial nature (such as a trustee or majority shareholder);
- Interests in any regulatory matters;
- Interests in any existing contracts or proposed contracts of the type the Council may award;
- Interests in any secondary employment being undertaken or engagement in any other business, or voluntary appointment;
- Interests involving Close Personal Relationships (as defined in this Code) and relationships with other employees or councillors;
- Any other personal interest the Council ought to be made aware of (including membership of secret societies where there is a risk of any conflict arising).

9.2 Specific Interests.

9.2.1 Interests in Council funding

If any employee has an interest in any organisation such as a voluntary organisation or a charity or start up business, that benefits from Council funding, that interest must be declared and the employee must not be involved in any decision connected with a funding application for that organisation.

9.2.2 Regulatory interests

Any employee who is involved in the granting of a Council permission such as planning permission, or a financial benefit, for example, a Council tax benefit or housing benefit, must take no part in considering any application made by themselves, any one with whom they have a Close Personal Relationship as defined in this code, or a near neighbour. If any employee is unsure of whether they should be involved in any such application they should consult their Head of Service or the Operations Manager for Human Resources for further guidance.

9.2.3 Contractual interests

Employees who engage or supervise contractors or have an official relationship with existing or potential contractors or suppliers or providers, and who have previously had or currently have a relationship in a private or domestic capacity with any such business, must declare that relationship to their Head of Service.

Employees must ensure that no special favour is shown to any person with whom they have or have had a Close Personal Relationship as defined in this Code in awarding contracts to businesses run by them or employing any such person in a senior capacity.

An employee contemplating a management buy-out, or any arrangement to provide a service similar or identical to that provided by the Council must, as soon as they have formed a definite intent, notify their Head of Service or in the case of a Head of Service, the Chief Operating Officer or Chief Executive.
Where a contract awarding process is under way that employee must withdraw from, or otherwise play no part in that process, and must comply with any written guidance issued by their Head of Service, the Monitoring Officer, the Chief Finance Officer or the Chief Executive (as ‘Head of Paid Service’) or issued on his (her) behalf. Employees who are setting up competing businesses to the Council should not, in doing so, use confidential information obtained by them during the course of their duties.

It is drawn to the attention of employees that no materials, information including contacts, property or other resources is to be accessed or used by employee in the course of their participation in a competing business during or after their employment with the Council. Where such access or use takes place the Council will vigorously pursue its rights.

Where the competitive tendering of Council services is being carried out, employees involved both directly and indirectly must declare to their Head of Service their membership of, or affiliation to, any organisation, which may have an interest in tendering for the service.

Employees involved in tendering processes and dealing with contractors, should be clear on the separation of the client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Where any employee is a member of any secret society (meaning a society which is not open to the public without formal membership and which includes a commitment of allegiance and operates under forms of secrecy about its rules or membership or conduct e.g. freemasons), and where there is a risk such membership could cause a conflict of interests between the society’s interests and the employee’s role or duties as a council employee, or could impact on the council’s interests, then the employee must declare their membership to their Head of Service.

The Council reserves the right to discipline employees where their conduct outside of work conflicts with their duties, e.g. where their behaviour outside of work could undermine the Council’s reputation or public confidence in the Council.

Serious misconduct or criminal offences, committed during or outside working hours, which bring the employee or the Council into disrepute will also be subject to disciplinary action under the Council’s Disciplinary Policy and Procedures, and may result in dismissal.

9.3 Secondary Employment

9.3.1 The Council recognises that some employees at all levels may wish to undertake secondary employment. However full time senior officers (operations managers and above) are expected to devote their full time and attention to their council employment during the normal business hours applicable to their role.

9.3.2 Any secondary employment outside of the Council which is undertaken must neither compete with nor conflict with the Council’s interests, nor bring it into disrepute and must be undertaken outside the employee’s normal contractual working hours. Employees are not permitted to undertake any outside work at their place of work or on any council property, or to use Council equipment or resources in undertaking outside work. Communication relating to secondary employment is not permitted during working hours.

9.3.3 For these purposes, secondary employment includes: engaging in regular work on a voluntary, fee-paying or recognition-in-kind basis, or engaging in any other business, as well as secondary employment within the Council itself.

9.3.4 Appointments as school governors or as a councillor to another local authority, membership of the Territorial Army, appointment as a Justice of the Peace or undertaking duties for a recognised trade union does not constitute secondary employment for the purposes of this Code.
9.3.5 Employees graded up to and including spinal column point 28 (or equivalent basic pay pro rata) must notify their manager of the details of any secondary employment being undertaken and ensure that such employment is not in conflict with their Council employment.

9.3.6 Employees graded above spinal column 28 (or equivalent basic pay pro rata) must obtain the express consent of their Head of Service prior to engaging in any other business or taking up any secondary employment. Heads of Service will require the consent of either the Chief Executive or the Chief Operating Officer according to appropriate line of management. Consent will generally only be given if there is no conflict or other detrimental effect on the employee’s ability or availability to undertake their council duties.

9.3.7 All employees must declare to their Head of Service in each Department where they hold Council employment any other employment they have, including employment with other departments within the Council. However an employee’s declaration of secondary employment, does not remove the right of the Council to take action against any employee whose secondary employment is deemed to be, or has been, or is likely to become detrimental to the interests or reputation of the Council, or where the secondary employment affects the employee’s work performance for the Council. Employees must subsequently keep their Head of Service advised of any changes to the details of their secondary employment.

9.3.8 All employees must comply with the Working Time Directive and the regulations made under those provisions unless they have expressly contracted out of this requirement. An employee is required to disclose their total working hours (and commitments), to enable the Council to monitor the hours worked to comply with the Working Time Regulations. An employee’s total working time should not exceed an average of 48 hours per week, taking into account the hours worked for the Council and all secondary employment as well.

9.3.9 Employees may not become trustees or board members of organisations that receive any form of funding from the Council, unless they have the express consent of their Head of Service. Heads of Service will consider giving such consent in consultation with the Monitoring Officer. Such consent will be reviewed biennially.

9.3.10 Employees are sometimes requested to give lectures, presentations or other forms of advisory talks using their professional skills and expertise, for organisations other than the Council. If the work forms part of the duties of the post and the employee is carrying out an official duty during paid working time, they must forward any fees received to the employing service area. If the lecture, presentation or any other form of advisory work does not form part of their duties, employees may retain the ‘fees’ provided that the preparation and the lecture presentation or other advisory work is undertaken in the employee’s own time and the employee is not acting as a representative of the Council. The Employee must not use any Council equipment and/or materials used in respect of any lectures/presentations/advice given in the employee’s own time and outside their duties.

9.4 Declaration of Financial and Other Interests

9.4.1 Employees of the Council are required by Section 117 of the Local Government Act 1972 to declare any financial interest, whether direct or indirect, in any existing or proposed contract.

9.4.2 Employees who have such an interest must declare that interest in writing of the form provided for that purpose to their Head of Service, who will inform the Council’s Monitoring Officer (currently the Head of Corporate Services). Section 117 makes it a criminal offence (maximum £2500 fine at the time of adoption of this policy) not to make such a declaration. The Monitoring Officer will maintain a record of such declarations, which is open to inspection by any Councillor.

9.4.3 In addition to the statutory requirement, employees must declare to their Head of Service, in writing, any related interests that any person with whom they have a Close Personal Relationship may have in any council business activity for example in any contract, prospective contract, regulatory matter (such as a planning application) or other pecuniary matter. The Head of Service will forward such declaration to the Monitoring Officer, if he considers it appropriate to record the declaration in the Council’s statutory records.

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9.5 Financial Inducements, Gifts and Hospitality

9.5.1 Section 117 of the Local Government Act 1972 makes it an offence for an officer of the Council to accept any fee or reward whatsoever other than his/her proper remuneration, in the course of their duties. Many employees may receive offers of inducements of one form or another and all employees must recognise what is, and what is not, acceptable. Employees must treat any offer of a gift or hospitality with utmost caution and be vigilant to any possible motives of the giver.

9.5.2 The following guidelines must be adhered to at all times:

- Employees must record offers of all gifts and hospitality by completing a Register of Gifts and Hospitality Notification form in the form set out in schedule D to this Code, unless the value has been confirmed by their Head of Service as under the ‘low value’ thresholds set out in the following guidelines.

- Where hospitality, in the form of meals and drinks, is offered by a third party, this is normally only acceptable where it is of low value (less than £15.00 in total on any one occasion) and where forms part of, or immediately follows on from, normal business meetings/discussions held during the normal working day and in circumstances where it would not compromise the position of the employee or damage the council’s reputation.

- Employees may also accept other offers hospitality if there is a genuine need to impart information or represent the Council in the community and provided attendance has been approved by their Head of Service and declared. Offers to attend purely social or sporting functions can only be accepted where the Monitoring Officer or $151 Chief Finance Officer has agreed that it is necessary for Council to be represented at the particular event.

- Acceptance of hospitality through attendance at relevant work related conferences and courses is acceptable provided it is clear the hospitality is corporate rather than personal and where purchasing decisions are not compromised.

- Offers of overnight accommodation must never be accepted in any circumstances unless part of an event previously approved by their Head of Service, for example where an overnight stay forms part of an approved training course or conference.

- When considering an invitation involving any hospitality employees must be particularly sensitive as to its timing in relation to any decisions which the Council may be taking affecting those providing the hospitality.

- Employees may accept insignificant promotional items of low value such as pens, diaries etc. where the market value from any one supplier to any one individual employee does not exceed £5.00.

- Employees must not accept any personal gifts from service users, contractors or suppliers, or preferential trading terms from contractors and outside suppliers except for any preferential trading terms which are available to the general public or through other organisations of which they are a member (for example, a trade union or professional membership discount).

- If expenses for an inspection visit are offered, they must be declined in order to avoid jeopardising the integrity of subsequent purchasing decisions. Any necessary visits undertaken by employees to exhibitions, demonstrations or site visits required to be undertaken in connection with any prospective tender or purchase decision shall be at the Council’s expense.
• Some service users like to “tip” employees particularly at Christmas. Small tokens of appreciation from customers (less than £5.00) may be accepted by employees, but higher sums should be politely declined. No other staff may accept any cash tip. No service user should feel under any pressure to give such a tip. All service users must be treated in the same way, in accordance with Council policies and standards of service, whether they “tip” or not.

• On no account should an employee accept either secondary employment or a financial payment from any person, body or organisation, with which the Council has a business relationship such as contractors, suppliers, developers, grant recipients or consultants.

• Whenever employees have to refuse offers of gifts or hospitality this should be done politely with appropriate tact. If unacceptable gifts cannot be returned they must be declared by completing and returning a Register of Gifts and Hospitality form, and then donated to the Mayor’s Office for use in fund-raising for the Mayor’s Charities.

9.5.3 Employees should note that the Register of Gifts and Hospitality will be subject to regular audit inspection and employees must co-operate with any request made by the auditor for further information.

9.6 Promotional Offers and Prizes

Employees responsible for the purchase of goods and supplies on behalf of the Council should note that any promotional offers or prizes given by suppliers are the property of the Council. These promotional offers normally take the form of a free gift, a hospitality offer, or vouchers towards goods. Promotional offers should only be used for the benefit of the Council, and the Head of Service concerned will decide whether any offers are to be used or declined. A register should be kept recording all promotional offers accepted and declined and the course of action determined by the Head of Service.

9.7 Sponsorship

9.7.1 Where the Council sponsors an event or service, an employee, or any person with whom they have a Close Personal Relationship must not benefit from the sponsorship. Employees must seek guidance from their Head of Service, if they are involved with an event or service, which the Council proposes to sponsor.

9.7.2 Where the Council gives support in the community, through sponsorship, grant aid, financial or other means, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

9.7.3 Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the rules concerning acceptance of gifts and hospitality apply.

9.8 Political Neutrality

9.8.1 Employees must serve the Council as a whole. They must serve all Councillors equally and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

9.8.2 Advice to political groups must be given by, or with the consent of, the Head of Service. Head of Services must ensure that such advice is given in ways that do not compromise political neutrality.

9.8.3 All employees must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. While engaged in Council business, employees must not wear or display any objects indicating support for or opposition to any political party or view such as party political publicity material, banners, posters, photographs, badges, or party rosettes. This applies also to private vehicles used whilst undertaking Council business.

9.8.4 Employees whose posts are designated as politically restricted under the Local Government and
Housing Act 1989 (as amended) will be so advised upon appointment and must comply with those restrictions which effectively disbar restricted employees from standing for public office, political canvassing or being politically active.

9.8.5 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in this paragraph.

9.8.6 More guidance about the effects of any political restriction may be obtained from the HR Team.

10. RELATIONSHIPS

10.1 Close Personal Relationships

For the purposes of this Code, a Close Personal Relationship is defined as any family (by blood, marriage, civil partnership or ‘common law’) relationship or any sexual or romantic relationship between two people, whether long or short term and includes relationships between

- Spouses or partners
- Parents, including in-laws and step-parents
- Children, including in-laws and step-children
- Siblings
- Grandparents and grandchildren
- Aunts, uncles, nephews, nieces and cousins
- Separated or divorced people
- Any other cohabiting relationships, whether same sex or heterosexual.

In some circumstances it may also include close personal friendships of a non sexual, unromantic or non-cohabiting nature where the level of intimacy and closeness of the relationship could call into question the ability of an employee to maintain impartiality. If any employee has any doubt on whether any close personal friendship has to be declared, then they should discuss this with their line manager, who may refer the matter to the relevant Head of Service for determination on a case by case basis.

10.2 Relationships with Ipswich Borough Councillors

10.2.1 Personal familiarity between employees and councillors should be avoided at all times, as this could damage the relationship and prove embarrassing to other employees and councillors. Employees must also declare any Close Personal Relationship as defined above with a councillor, where the relationship could cause, or be perceived to cause, a conflict of interest e.g. where there is a risk of a breach of the requirement for professional independence, impartiality or the separation of duties.

10.2.2 Mutual respect between employees and councillors is essential to provide quality local government services. Employees are accountable to councillors and any issues that councillors may have about any individual employee shall be taken up through the employee’s Head of Service. Employees must also comply with the adopted Protocol about how officers should behave towards Councillors set out in the Council constitution.

10.2.3 Some employees are required to give advice to councillors in the course of their duties and must do so impartially using their professional skills and judgement. Employees who are residents of the Borough may raise community issues with their ward councillor in the same way as another resident but employees must not lobby councillors on any matter that connected with any financial or personal interests including any matter connected to their employment. Any employee wishing to raise any grievance arising through their employment should do so via the Grievance Policy or appeals process, or if more appropriate, under the Whistleblowing Policy.
10.3 With Contractors and Suppliers

10.3.1 All orders and contracts must be awarded on merit, by fair competition against other bids, quotations or tenders using objective criteria, and no favouritism must be shown to any business. Any employee who has a Close Personal Relationship with a director (or equivalent level of position for unlimited companies, firms or partnerships, or a sole trader) of a contracting or supplying organisation to the Council must declare it and may not be involved in any part of a procurement exercise involving that contract or supplier.

10.3.2 No section of the community should be discriminated against, and employees in client and contractor units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.

10.3.3 Employees who are privy to confidential information on tenders or costs for both external and internal contractors may not disclose that information to any unauthorised party or organisation.

10.3.4 Employees involved in the decision to award a contract to a third party must ensure that the contractor is obliged to comply with the spirit of this Code of Conduct when dealing with council employees and when dealing with customers of the Council.

10.4 With the Media

10.4.1 In general, all communications with the media relating to the Council must be referred to and handled by the Corporate Press Office. However employees who are union officials may deal with media enquiries relating to union matters in line with their own union requirements.

10.4.2 Employees are not permitted to communicate with the media on matters relating to the activities of the Council without prior authority from the Corporate Press Office and from their Head of Service. Employees who are contacted directly by journalists (other than as part of ordinary Freedom of Information Requests) must refer them to the Corporate Press Office. Employees found to have contacted the press via any means to bring the Council into disrepute will be subject to disciplinary action under the Council’s Disciplinary Policy.

10.4.3 Employees who have ideas for positive stories about the Council’s policies and activities are encouraged to contact the Corporate Press Office with supporting information.

10.4.4 An employee who wishes to write material for publication which does not refer to the Council, but which relates to their profession (e.g. an article in a professional journal), should advise their Head of Service at the outset and prior to publication if their role at the Council is alluded to. The article should also contain a disclaimer, which states that the views are those of the individual and not of their employer. Time spent on such articles will normally be the employee’s own, except by prior written approval of their Head of Service.

10.5 Relationships with Other Employees.

10.5.1 The relationship between managers and employees must be treated as one of mutual respect in terms of the relative positions and duties each employee is required to discharge. Managers must treat all employees fairly and in return employees must carry out any reasonable management instruction given to them within the remit of their duties without wilful obstruction or delay. Insubordination by any employee will not be tolerated and may be the subject of disciplinary action under the Disciplinary Policy.

10.5.2 All employees must treat colleagues with courtesy and respect at all times. Employees must not abuse colleagues verbally or physically or bully them. Any reported incidents will be dealt with under the Council’s Grievance Policy incorporating Bullying and Harassment.

10.5.3 All employees must comply with the standards set out at section 5 of the Code of Conduct in relation to Equalities.
10.5.2 Employees must declare any Close Personal Relationship with another employee of the Council where the relationship could cause, or be perceived to cause, a conflict of interest, for example, where there is a risk of a breach of the requirement for the separation of duties in connection with the award of contracts or funding, or a risk of conflicts arising in the employment relationship between such employees. In such instances there may be a need to consider alternative employment for one of the employees concerned.

10.5.4 The provisions of this paragraph apply equally to employees' Close Personal Relationships with colleagues not directly employed by the Council, e.g. co-workers from organisations with which the Council is in partnership.

10.6 **Appointments and other Employment Decisions**

10.6.1 Employees involved in appointments should ensure that these are made on the basis of merit. The relevant procedures are detailed in the Council’s [Recruitment and Selection Policy](#), and where internal organisational change is taking place, in the [Managing Change Policy](#).

10.6.2 In order to avoid any possible accusation of bias, employees should not be involved in an appointment, either on an Appointment Panel or as a referee, nor lobby for any applicant, where they have a Close Personal Relationship with any applicant.

10.6.3 Employees who are candidates for any other appointment or secondment within the Council must disclose any Close Personal Relationship with any councillor, members of the Corporate Management Team or any Operations Manager when making their application.

10.6.4 Employees may not be involved in any decisions relating to discipline or other sanction, or in decisions relating to pay or recruitment, where they have a Close Personal Relationship with the employee (or prospective employee) who may be subject to that decision.

### 11. Use of Council Property, Facilities or Equipment

#### 11.1 Personal Use

11.1.1 Employees should note that any Council’s property (including its vehicles, offices and car parks) and facilities which are provided to employees during the course of their employment are for official Council business only.

11.1.2 All Employees covered by the Council’s [Green Travel Plan](#) are expected to adhere to the terms of the plan and the [Vehicle Use Guidelines](#) as applicable to them in terms of workplace travel and commuting including staff parking arrangements and use of council vehicles. Failure to abide by the [Green Travel Plan](#) rules in relation to Council car parking or vehicle use may result in disciplinary action.

11.1.3 Employees of the Council are often provided with office equipment such as computers, photocopiers or vehicles to use in carrying out their official duties and are expected to take reasonable care of them. Photocopiers and computers are available to staff for reasonable private use, with authorisation from the Head of Service in line with the Council’s [ICT policy](#). Excessive personal use of Council equipment is unacceptable and appropriate disciplinary action will be taken in line with the [Disciplinary Policy](#). Personal use of any other Council equipment or removal of any property from the workplace and/or Council premises by any employee for private purposes is not permitted.

11.1.4 Where equipment or property owned by the Council is no longer required, employees may only acquire this for their own private use in line with the Council’s [Financial Regulations](#) relating to the disposal of surplus assets. Depending on the circumstances and the value of the items, employees may be required to make a financial contribution to the Council, in line with guidance from Internal Audit.

11.1.5 Employees who wish to access, as a member of the public, property, facilities, services or
equipment, which is normally provided by the Council on a commercial basis, must not gain any advantage by reason of their position as an employee, except where the Council has sanctioned a particular employee incentive. Where there may reasonably be a perception of potential conflict, employees must advise their line manager that they propose to use such Council property, facilities, equipment or services, and their line manager will guide employees on the appropriate action to take.

11.2 **Use of Council Communication Systems**

11.2.1. The Council has the right to access and monitor all of the communication systems it provides to an employee to do their job in line with the Council’s ICT policy. The Council will monitor employee usage of its Communication systems (e.g. telephone, email and Internet access, instant messaging), to ensure their proper use by employees and will run reports detailing usage levels of Council staff.

11.2.2. Communication systems may be accessed when the Council suspects that the employee has been misusing Council systems or facilities, or, for the investigation of suspected fraud or other irregularity (see ‘misuse’ below).

11.2.3 Access to emails will be confined to the address/subject line and the Council will avoid opening emails clearly marked as private or personal, unless there are reasonable grounds to suspect misuse. A limited number of staff will undertake such monitoring, and those that do will be made aware of Data Protection and confidentiality requirements.

11.2.4 Exceptionally, where service delivery reasons exist, senior officers in IT may approve access to absent employee’s emails where they have been instructed to do so by the relevant employee’s operations manager or head of service, for example, to ensure that appropriate out of office messages have been set up, or to ensure that urgent or essential business correspondence can be dealt with.

11.2.5 Access to facilities may be temporarily suspended whilst an investigation is on-going and may be permanently withdrawn where misuse is detected. Cases of ‘misuse’ may result in disciplinary action being taken. This may result in dismissal.

11.2.6 Attention is drawn to the following specific electronic communication matters:

**11.2.6 a) Telephones and Mobile Phones**

The Council provides telecommunication equipment in connection with its business activities. Employees should use their Council telephone or other mobile devices provided by the Council for business use only. Telephone usage is monitored by use of the Call Logging System, which also records numbers dialled. The Council reserves the right to listen to telephone calls for the purposes of monitoring customer service, investigating potential misuse of the system etc.

The Council recognises that in exceptional circumstances it may be necessary for employees to make or receive personal calls, SMS or email during working hours. In these circumstances any personal usage of Council devices should be brief, and where possible made in the employee’s work breaks. Employees should also ensure that the making or receiving of personal calls, texts or messages on their own mobile devices during paid time is kept to a minimum and should not disturb other employees from their work, by switching them to ‘silent’ or ‘vibrate’ settings and taking calls away from shared work areas.

**11.2.6 b) E-mail and the Internet**

E-mail and the Internet are available for communicating on Council business. The following provisions for use of E-mail and the Internet also apply to access provided for remote use (e.g. hand held, portable devices etc.) and to home working employees using their own IT equipment outside of Council premises during working time or whilst undertaking Council duties.
Employees’ attention is drawn to the fact that external e-mail is not secure and that this must be taken into account in choosing how personal data and/or confidential information is communicated.

Employees must ensure that they do not make inappropriate comments in any emails. Employees should be aware that contracts formed by e-mail or over the Internet might be legally binding. Any contractual agreement, offer or acceptance must only be made by an employee via e-mail or over the Internet where either the employee has authority to do this or where specific line-management authorisation has been given.

Full details governing the use of e-mail and the Internet are set out in the Council’s ICT policy.

11.2.6 c) Personal use of email and Internet facilities

The Council recognises that from time to time, e-mail and Internet facilities may be used for personal reasons unrelated to Council business in line with the ICT Policy. Such use should be brief, outside of working hours (except in a case of emergency) and must exclude activities listed under ‘misuse’ at paragraph 11.3 of this Code. Excessive personal use of e-mail or the Internet is unacceptable and appropriate disciplinary action will be taken in line with the Disciplinary Policy.

11.2.6 d) Social Media

The Council does not allow employees access to social media for personal use (i.e. non-job related use) at all during paid work time.

The Council allows access to some journals, blogs and social media during work time for the purposes of undertaking job related duties only. Employees must act in the best interests of the Council and not disclose personal data or information about any individual including service users, young people and children. This includes images. Access may be withdrawn and disciplinary action taken if there is a breach of confidentiality or defamatory remarks are made about the Council, councillors, its service users, employees or managers.

The Council respects an employee's private life. However, it must also ensure that confidentiality and its reputation are protected. Therefore employees using social media in their private life:

- must refrain from promoting themselves as working for the Council, in a way which has, or may have, the effect of bringing the Council into disrepute;
- must not identify other Council employees or service users without their consent;
- must not make any defamatory remarks about the Council, it's service users, councillors, other employees or managers or conduct themselves in a way that is detrimental to the Council;
- disclose personal data or information about the Council, or it's service users, councillors, other employees or managers that could breach the Data Protection Act 1998 (e.g. by publishing photographs, images or other personal data),

11.2.6 e) Personal Websites and Blogs and Use of own ICT equipment

Employees who wish to set up personal web forums, weblogs or 'blogs' must do so outside of work, not use Council equipment and adhere to the points detailed in 11.2.5 f) above.

Employees who wish to use their own ICT equipment for work related purposes must seek approval.
from their Head of Service and the Council’s ICT operations manager. If permission is given, the employee must comply with the above guidelines and the ICT policy.

The Council reserves the right to monitor compliance of these rules. Any breach, whether or not committed within work time and/or premises, could lead to disciplinary action up to and including dismissal in line with the Disciplinary Policy.

11.2.6 f) Trade Union Representatives

Accredited Trade Union representatives may use Council communication systems for the purposes of undertaking recognised trade union duties and these will be treated as confidential. More details regarding Union Recognition and Time off for Trade Union Duties and Activities are available on the Intranet or from HR.

11.3 Misuse

11.3.1 The Council’s communication facilities must not be used for any activity that is illegal, unacceptable or inappropriate to the good conduct of the Council’s business or reputation. Examples include:

- Creating, sending or forwarding any message that could constitute bullying or harassment (e.g. on the grounds of race, sex, disability) or where the content or intent would reasonably be considered inappropriate or unacceptable.
- Participating in forwarding chain letters / pictures / graphics etc.;
- Accessing pornography;
- On-line gambling;
- Committing or implying commitment to any contractual arrangements;
- Posting confidential information about the Council, other employees and clients;
- Any illegal activities;
- Accessing any non-work related or otherwise inappropriate unacceptable material;
- Mass-mailing/mail shots (“spamming”) for specific personal views, gain or other personal use which is not relevant to an employee’s job;
- Unauthorised use of Council facilities or employee’s personal IT equipment, for personal use during the employee’s paid working time.

11.3.2 This list is not exhaustive and the ICT policy must be adhered to at all times. This part of Code of Conduct is also applicable to employees while they are undertaking Council duties using personal IT equipment whether in the office or at home. Any employee who is unsure about whether something he/she proposes to do might breach this policy should seek advice from their manager.

11.3.3 Employees receiving inappropriate communication or material must inform their Manager immediately.

11.3.4 Employees should familiarise themselves with the Council’s Data Protection Policy and Protocols and are responsible for flagging up any training requirements in this respect if they are unsure of their obligations.
11.4  **General Computer Usage**

11.4.1 Employees are only permitted access to parts of the computer system, which are necessary in order to carry out their normal activities, or authorised personal use. The following examples constitute computer misuse:

- Fraud and theft;
- Introduction of malware;
- Loading and/or using unauthorised software;
- Obtaining unauthorised access to data;
- Using the system for non-work related activities, including playing games during work time.

11.4.2 Employees are permitted to have up to 30 minutes daily personal use of the Council’s internet system provided that all such use takes place outside paid work time (for example, during lunch breaks) in accordance with the ICT policy. This is a privilege not a right and is subject to compliance with this policy.

11.5  **Intellectual Property**

Intellectual Property is a generic legal term which refers to the rights and obligations received and granted (including copyright) in relation to, for example, inventions, patents, creative writings and drawings (including policy, training and technical documents and materials). If an employee creates these during the course of their employment, then the copyright in the item belongs to the Council.

12.  **Disclosure of Information**

The Council believes that open government is best. The law requires that certain types of information must be made available to Members, auditors, government departments, service users and the public, but personal data about individuals must be protected.

12.1  **Freedom of Information, Data Protection and Confidentiality**

12.1.1 The Council supports and promotes the principles of open government and welcomes opportunities to share Council information with the community that it serves, where legally permissible. Employees must familiarise themselves and be aware of the type of information that must be made available, and to whom; and also the type of information, which must not be disclosed without specific express permission. Attendance at relevant training on these topics is mandatory for all employees and additional advice on these topics is updated from time to time and may be obtained through your Head of Service or via the Intranet.

12.1.2 Employees must be aware of their security responsibilities relating to e-mail, internet and computer usage. As well as the provisions of this Code of Conduct, employees should familiarise themselves with and comply with the ICT Policy Guide, which should be given to employees at their induction. A copy is also available on the Council’s Intranet.

12.1.3 All employees that are given any form of access to any personal data (as defined by the Data Protection Act 1998) must ensure that they are familiar with and. comply with the Data Protection Policy and Protocols including the requirement to use a secure network account when transferring electronically any personal data to any third parties, and using other forms of encryption for data transferred by other means such tape or disc or memory stick.

12.1.4 Time scales for retaining specific documents and/or information are subject to the Records Management Policy and the Document Retention Schedules are available on the Intranet or from line managers.

12.1.5 Employees must not use any information obtained in the course of their employment for personal
gain or benefit, nor should they pass it on to others who might use it in such a way.

12.1.6 Confidential information includes personal data, commercially sensitive information, budget savings or investment proposals, intellectual property belonging to the Council, legally privileged advice or other professional advice. All employees who have access to confidential information must ensure that it is handled with appropriate care and attention. Employees generating confidential information should ensure it is marked as confidential. Employees must not disclose to any third party any confidential information that could be prejudicial to the Council’s interests unless such disclosure is the subject of an acceptable form of confidentiality undertaking or is disclosed in good faith under the Whistleblowing Policy.

12.1.7 Any information received by an employee from a councillor which is personal to that councillor and which does not belong to the Council should not be divulged by the employee without prior approval of that councillor, except where the disclosure is required or sanctioned by the law.

12.2 Public Concern and Whistleblowing

12.2.1 The Council will not tolerate any form of malpractice. Employees have an important part to play in reporting any concerns, and are expected to cooperate with investigations.

12.2.2 The Council recognises that it is often difficult for employees to report legitimate concerns through fear of victimisation or reprisal. However, the Council can assure staff raising such concerns that they will be fully supported, they will have nothing to fear from reprisals, and there will be no adverse impact on their personal situation.

12.2.3 However, where it is shown that unfounded allegations have been made by an employee for malicious, frivolous or vexatious reasons, disciplinary action may be taken against them.

12.2.4 Employees may raise concerns about any financial irregularities, including fraud and corruption under the Anti-Fraud and Corruption Strategy and the Financial Regulations. Reporting any other concerns that fall outside of the above procedures including:

- A criminal offence
- A failure to carry out a legal obligation
- A miscarriage of justice
- Endangering an individual’s health and safety
- Damage to the environment
- Concealment of any of the above

can be done under the Whistleblowing Policy and procedures, which are available through the council’s intranet, your Head of Service or HR Team.

12.2.5 Complaints from a member of staff as a member of the community and/or user of Council services, rather than as an employee, should initially be raised with the provider department, and, if this proves unsatisfactory, by then using the Council’s Corporate Complaints Procedure, available through any Council office.

13. Compliance with the Code

13.1 Contract of Employment

Compliance with this Code of Conduct is part of every employee’s contract. An extract of the Code will be issued to every employee as part of his or her terms and conditions of employment, together with advice on how to access the full document. The provision of the summary does not obviate the need for all employees to read the full code of
13.2 **Failure to Comply**

Failure to comply with any of the provisions included in the Code of Conduct for Employees may result in disciplinary action being taken under the Disciplinary Policy and procedures. The Council reserves the right to take legal action against employees where breaches of the Code warrant such action.

13.3 **Employee Declarations**

The Council will hold all Employee Declarations confidentially, subject to any statutory provisions regarding public disclosure. Internal Audit will review declarations made by employees under the provisions in this Code of Conduct periodically.

14. **CODE OF CONDUCT PAPERWORK**

14.1 All employees are provided with a summary of the code as set out in the Preamble to this Code either on its adoption (for existing employees) or on commencing employment with the Council. A compliance review will be carried out at each employee’s annual appraisal.

14.2 In line with the procedure set out in Schedule A to this Code, all employees must complete the necessary declaration forms substantially in the form set out in Schedules B and C, (and Schedule D where applicable) to this Code in and give them to the relevant line manager, who will, as the case may be, pass them to their head of service if any form of consent is required.

14.3 **Schedule B: Receipt of Code of Conduct Summary Form** - this needs to be signed by all employees to confirm that the employee has read the Code of Conduct Summary (set out in Schedule A) and is aware of how to access the full Code of Conduct and that they have been advised to read the Full Employee Code of Conduct Document and whether they have any declarations to make.

14.4 **Schedule C: Employee Declaration of Interests Form** – Employees who have any ‘positive declarations’ to make must document on this form all declarations that need to be made under the Employee Code of Conduct (including any updates) and pass to their manager for retention.

14.5 **Schedule D – Gifts and Hospitality Form**
**Schedule A to the Code of Conduct for Ipswich Borough Council Employees – Procedures**

**Notification of adoption of the Code of Conduct:**

The adoption of the Code of Conduct will be widely publicised to all employees via Staff news, payslip notification, and notices placed on Information Boards in Council offices and reference made in appointment letters.

New employees are required to sign their declarations within **one month** of commencing employment with the Council.

Existing employees are required to confirm at their **annual appraisal** that they have complied with the employee code of conduct throughout the year preceding the appraisal.

All employees are required to amend any previous declarations made within **28 days** of any change in their circumstances which affects their previous declarations.

Any failure on the part of an employee to sign the relevant declarations will be viewed as a serious matter that could result in disciplinary action being taken.

**Record keeping**

To make sure that everyone in the Council is working to the same standards and has the same information, all employees must

- **Sign and return a completed Declaration of Receipt Form to their line manager at the required time (after commencing work and at each annual appraisal) to confirm they have received and read the Summary of the Code of Conduct and are aware how to access the full code of conduct and whether they have any Declarations of Interest to make;**

- **Return a completed and signed Employee Declaration of Interests Form (for any ‘positive’ returns as appropriate) form to their line manager.**

The forms can be requested from their line manager, Human Resources or they can be downloaded from the Intranet ‘Code of Conduct’ folder.

The manager will retain **one copy** on the employee’s personal file and a **second copy** will also be retained by the HR team. These forms may be inspected by any authorised officer for periodic audits or other checks.

All employees are personally responsible for submitting any amendments to their previous declarations, should a change in their circumstance occur.

**Access to the full code**

As well as reading the summary set out at the beginning of the code, all employees are strongly advised to read the remainder of the full Code of Conduct for Employees and to refer to it regularly if they have any doubts as to what is acceptable conduct or not. All employees can obtain the full document by asking their Line Manager or HR, or if they have access to a PC, they can view or print off a copy via the council’s website.

All employees may obtain any further advice on interpretation of the code or any other clarification from their operations manager or the relevant head of service or Human Resources.
Employee Acknowledgement and Code of Conduct Awareness Form

Note: This Declaration Form needs to be completed by every employee and returned even if there are no interests to declare. Even if you have no declarations to make you must declare a ‘nil return’ and sign the form after deleting section 4B. If you do have a declaration to make, please delete section 4A on this form and complete the Positive Declaration of Interests Form (schedule D to the Code) and give a copy of the latter form with this form to your Manager/ Section Head. This will then be forwarded to your Head of Service, for review to determine if any action is required.

- You should make any new declaration(s) whenever your circumstances change.
- If any doubt exists as to what needs to be declared, the general rule is to make the declaration anyway, although advice is available from your Manager/ or Head of Service.
- The Council will hold the signed Declaration forms securely and confidentially.

Employee Declaration

1. I confirm that I have read and understood the Summary of the Ipswich Borough Council Employee Code of Conduct and am aware of how to access the full Code of Conduct, and I am aware that I must familiarise myself with the full Code of Conduct and that I will abide by the full Code of Conduct at all times during my employment.
2. I understand that I must make declarations of Interests or notifications on the appropriate Declaration Form and amend any previous declarations within 28 days if my circumstances change.
3. I understand that communications made using the council’s telecommunications and email systems, as well as Internet use may be monitored by the Council.

Either:

4A* I have no information /activities to declare with regards to any conflicts of interest arising from:

A. Any Interests in any organisations in receipt of council funding.
B. Any Interests in any regulatory matters.
C. Any Interests in any existing contracts or proposed contracts of the type the council may award.
D. Any secondary employment being undertaken or engagement in any other business, or voluntary appointment.
E. Close Personal Relationships (as defined in the Code) with other employees or councillors.
F. Any Membership of a secret society where there is a risk of a conflict arising.
G. I have not received any Gifts or Hospitality from any third parties.

4B* I have declarations to make and have completed the Positive Declarations of Interest Form and the Register of gifts and hospitality Notification Form (as appropriate)

NAME IN BLOCK LETTERS:..........................................................

SIGNED..........................................................date..........................................................

1 *COMPLETE EITHER SECTION 4A OR 4B and delete CLEARLY the section that does not apply
POSITIVE DECLARATION OF INTERESTS FORM  (for use only where positive declarations need to be made)

- Please read the Employee Code of Conduct before completing this form.

- If you are still unclear about what is needed on this form or what any section means ask your line manager for advice.

- You are also reminded that receipt of hospitality or gifts must be separately recorded in the Register of Gifts and Hospitality using the Gifts and Hospitality Form set out in schedule D.

- If you are in doubt about whether to declare an interest or gift or hospitality, you are advised to declare it.

I wish to declare the following information/activities set out overleaf in accordance with requirements contained in Ipswich Borough Council’s Code of Conduct for Employees. (PLEASE WRITE IN BLOCK CAPITAL LETTERS).

NAME:……………………………………………………………………………………………………………SERVICE AREA:………………………………

POST (S) HELD: ........................................................................................................................................GRADE:……………………

Employee Signature: ..................................................................................................................................Date …………………

Manager Signature: ..................................................................................................................................Date …………………

Head of Service Signature: .........................................................................................................................Date …………………

- On completion of this form it should be returned to your Manager. Your manager will pass the form to your Head of Service who will consider whether to give consent to any the relevant declaration requiring their consent.

- Before agreeing to an arrangement requiring their consent, the Head of Service may wish to consult with other officers or the Monitoring Officer. If they do give their consent, they will inform you by signing the form (or attaching a letter to it) and giving you a copy for your records.

- A copy of the form will also be held by your Head of Service and by HR.
<table>
<thead>
<tr>
<th><strong>Type of Employee’s Interest (including the interests of the employee’s spouse or partner)</strong></th>
<th><strong>Full details of the interest include full name and address of third parties.</strong></th>
<th><strong>Details of any conditions/ restrictions/ agreements that Line Manager/Head of Service has imposed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Interests in any organisations in receipt of or applying for council funding (only a controlling or other managerial role)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Interests in any regulatory matters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Interests in any existing contracts or proposed contracts of the type the council may award</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| D. any secondary employment being undertaken or engagement in any other business, or voluntary appointment  

(note some restrictions apply officers above spinal point 28) |  |  |
| E If you have declared secondary work, your average total working hours per week (or estimated future average in any 12 week period). (Note: These hours should not exceed 48 hours per week (except on exceptional grounds and with the approval of the relevant Head of Service) |  |  |
| F. Close Personal Relationships (as defined by the Code) with other employees or elected members |  |  |
| G. Any other personal interest you feel the Council ought to be aware of (including membership of secret societies where there is a risk of any conflict arising). |  |  |
**REGISTER OF GIFTS AND HOSPITALITY NOTIFICATION FORM**

**SERVICE AREA:**

**NAME:**

**POST:**

<table>
<thead>
<tr>
<th>FULL DETAILS OF NAME AND ADDRESS OF COMPANY OR BODY OR SPECIFIED PERSON OFFERING THE GIFT OR HOSPITALITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>DETAIL OF GIFT OR HOSPITALITY:</td>
</tr>
<tr>
<td>DATE/OCCASION:</td>
</tr>
<tr>
<td>DESCRIPTION:</td>
</tr>
<tr>
<td>ESTIMATED VALUE:</td>
</tr>
<tr>
<td>HOW DEALT WITH, IF NOT PERSONALLY ACCEPTED:</td>
</tr>
</tbody>
</table>

**EMPLOYEES SIGNATURE:**

**DATE:**

**APPROVED BY:**

**DATE:**

**Job title of approver:**

Please send the one copy to the Audit Partnership Manager in a sealed envelope marked “confidential” and retain the second copy.
This page is intentionally left blank
3. PROTOCOL ABOUT HOW COUNCILLORS SHOULD BEHAVE TOWARDS OFFICERS

3.1 It is important that there is a good working relationship between Councillors and Officers. This is a short guide to what Officers can expect from Councillors. There is a companion guide about what Councillors can expect from Officers.

3.2 Guiding principles

This protocol is based on the following principles:

- It is important that there is good communication between Councillors and Officers.
- Councillors must understand that the council is an operational business and their requests for assistance should not put unreasonable demands upon Officers.
- Councillors and Officers are entitled to be treated with respect and with reasonable standards of politeness.
- Officers are politically neutral and should act and be seen to act neutrally.

3.3 Working relationships

It is important that working relationships between Councillors and Officers are effective. There will be close relationships between people who have worked together and known each other for many years. But it is important that relationships do not appear to come so close as to bring into question the Officer’s ability to deal impartially with other Councillors and other political groups.

It is important that there should be a close working relationship between the portfolio holders, committee chairs and the Officers who regularly report to those people. However, relationships should not be or appear to be so close as to bring into question the Officer’s ability to deal impartially with other Councillors and other political groups.

When an Officer prepares a report requiring their professional judgment, it is important that the Officer’s professional view is set out in the report. The report may need to be changed following consultation with Portfolio Holder or the Chair of the Committee, but the Officer must remain happy that his or her professional judgment remains clearly set out in the report. All reports and advice must be prepared and given in such a way as not to compromise an Officer’s political neutrality.
Sometimes a resolution will delegate to an Officer authority to carry out actions after consultation with one or more Councillor. This can be useful, but is best done sparingly. If this happens it is the Officer who must take the decision. Under the constitution individual Councillors only very seldom have power to take individual decisions.

To signify their formal relationship, Councillors and Officers should refer to each other in public by their surnames, e.g. Councillor Gardiner, Mr Williams.

3.4 **Standards of behaviour**

The Council’s Code of Conduct states that Councillors must treat others with respect. This applies to Officers, the public and also to fellow Councillors.

Councillors should not raise matters relating to the conduct or capability of an individual Council employee at meetings held in public. If Councillors feel that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee, they should raise the matter with the relevant Service Manager or Chief Operating Officer/Chief Executive - if they fail to resolve it through direct discussion with the employee.

If an Officer has concerns about the behaviour of a Councillor he or she should consider raising this with that Councillor. However it is recognised that this can be difficult for employees. If the concern is not resolved then they may raise it with their manager who may refer it to Monitoring Officer.

3.5 **Asking for information**

Councillors have expressed concern about the amount of time it can sometimes take to get a response to their requests for information. The following process should be used:

- When Officers receive requests for information they should first ensure that they are the appropriate person to deal with the request. If the request is redirected then the Councillor should be informed quickly. If the information requested is sensitive then the matter should be dealt with by Councillor Services or at Service Manager or Chief Operating Officer/Chief Executive level.

- When dealing with a request Officers should try to respond promptly, taking account of the priority given by the Councillor and their own service priorities:
Priority given by Councillor | Usual timescale for response
--- | ---
Emergency (this only applies in extreme cases such as public safety, noise etc) | Within a working hour from receipt of the request
Important (this would be information needed for a particular time limit) | Within 2 working days from receipt of request
Normal | Within 5 working days from receipt of request

- If a Councillor receives an out of office notification following a request for information, the usual timescale for response will not apply to the request, which should be redirected in accordance with out of office procedures.

- If an Officer cannot reasonably deal with the request within these time limits, or if they consider that a Councillor’s request is otherwise unreasonable the Officer will contact the Councillor concerned to seek an agreed extended time period. If agreement cannot be reached then the matter will be referred to the Chief Operating Officer/Chief Executive.

- Councillors have rights to see most council information, but they do not have the right to see everything. If an Officer decides that there is a legal reason not to supply the information and that the information should in fact be withheld they will first consult Legal Services and ensure there is a legal reason to withhold. A brief guide to the law is set out in the appendix.

- Officers and Councillors should act reasonably in agreeing timescales.

- Councillors and Officers should keep each other informed about the progress of requests for information.

3.6 Contact with the Council in personal capacity

Sometimes Councillors will request council services as a private individual, rather than in their capacity as a Councillor. When this happens the Councillor should make this clear and make sure that they do not seek to obtain any special advantage as a result of being a Councillor – failure to do so could be a breach of the Code of Conduct.
3.7 **Visits to Service Areas**

It is important that Councillors get every reasonable help they need in knowing how services operate on a day to day basis and be able to see them in operation and discuss issues with the Service Manager. However, it must be understood that the council is an operating business and the priority is to provide a service to the public. Wherever practical, Service Managers would prefer that Councillors’ visits be arranged in advance between the Service Manager and the Councillor for the purpose of discussing a specific item or items.

3.8 **Representation of Constituents**

There are many public occasions when Councillors will be representing their constituents. For example a ward Councillor may speak at Planning and Development Committee on behalf of his or her constituents.

Councillors need to take care to avoid putting themselves into a position where there is a conflict of interest between their position as a Councillor and representing an individual. As well as being accountable to their constituents Councillors also owe a legal responsibility to the public - which is to act in the best interests of the council.

It will almost inevitably be a conflict of interest to act on behalf of any individual bringing litigation against this Council.

In addition to Committee meetings, there are a number of internal meetings at which difficult issues of conflicts of interest may arise, e.g. meetings of Licensing and Regulatory Committee.

It is always very likely that there will be a conflict of interest if a Councillor represents someone at a disciplinary or grievance appeal being decided by an Officer. It may make it more difficult for the Officer concerned to make a fair decision.

When a Councillor is assisting a constituent or acting as advocate for them, it is important that he or she makes it clear that this is the case before starting to speak on the issue.

If a Councillor is representing or assisting someone, whether a constituent or not, in dealings with Council Officers, they should make this clear at the outset of their dealings with the Officer, rather than draft letters in the individual’s name.
3.9 **Officer advice to political groups**

Sometimes Officers are asked to support and contribute to deliberations by political groups. This is appropriate and available to all political groups, but the following guidelines apply:

- Officers should only advise and give information about council business – not party business.
- Giving information and advice at group meetings is not a substitute for giving the necessary advice, documents and information at the Executive or other meeting making the decision.
- Officers must respect the confidentiality of any group discussions at which they are present by not passing them on to another group.
- Officers should only attend political group meetings when only borough or county councillors are present. They should not attend wider party meetings. Sometimes a political group may invite others (e.g. party members or candidates) to attend their group meetings, in which case it is only appropriate for a Committee Services Officer to attend to service the meeting but it is not appropriate for other officers to attend.
Councillor’s Legal Rights To See Documents

Statutory Rights as a Councillor
1. Councillors have a legal right to inspect Council documents relating to any business to be conducted at any meeting of the Council, Executive or council committees.
2. Councillors have this right, whether a Member of the Executive or committee or not. Councillors are entitled to documents which contain information which includes some papers relating to the closed agenda (but not contractual matters, industrial relations matters or legal advice).

“The Need to Know”
3. Councillors also have rights under the common law to see documents if they have a reasonable “need to know” in order to perform their duties as a Councillor.
4. Councillors are not entitled to documents merely out of curiosity nor are they entitled to them if their motives are improper, ulterior or indirect, or if they are not asking for them in their capacity as Councillor.
5. Councillors should disclose any personal or prejudicial interests they may have when asking for documents.

Freedom of Information Act
6. From 2005 Councillors have the same rights to the public to request information from the Council. Further guidance of this is available from the Monitoring Officer.
4. PROTOCOL ABOUT HOW OFFICERS SHOULD BEHAVE TOWARDS COUNCILLORS

4.1 It is important that there is a good working relationship between Councillors and Officers. This is a short guide to what Councillors can expect from Officers. There is a companion guide about what Officers can expect from Councillors.

4.2 Guiding principles

This protocol is based on the following principles:

- It is important that there is good communication between Councillors and Officers.
- Councillors must understand that the council is an operational business and their requests for assistance should not put unreasonable demands upon Officers.
- Councillors and Officers are entitled to be treated with respect and with reasonable standards of politeness.
- Officers are politically neutral and should act and be seen to act neutrally.

4.3 Political neutrality

Officers are employed by the Council, not by any party. More senior officers have politically restricted posts, which means that they cannot take any active part in politics, although they are permitted to be members of political parties. The Head of Resource Management has a guide about who is politically restricted and what the restrictions are.

4.4 Asking for information

Councillors have expressed concern about the amount of time it can sometimes take to get a response to their requests for information. The following process should be used:

- When Officers receive requests for information they should first ensure that they are the appropriate person to deal with the request. If the request is redirected then the Councillor should be informed quickly. If the information requested is sensitive then the matter should be dealt with at Service Manager level, or by the Chief Operating Officer/Chief Executive in the absence of the Service Manager.

- When dealing with a request Officers should try to respond
promptly, taking account of the priority given by the Councillor and their own service priorities:

<table>
<thead>
<tr>
<th>Priority given by Councillor</th>
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</tr>
<tr>
<td>Normal</td>
<td>Within 5 working days from receipt of request</td>
</tr>
</tbody>
</table>

- If an Officer cannot reasonably deal with the request within these time limits, or if they consider that a Councillor’s request is otherwise unreasonable the Officer will contact the Councillor concerned to seek an agreed extended time period. If agreement cannot be reached then the matter will be referred to the Chief Operating Officer/Chief Executive.

- Councillors have rights to see most council information, but they do not have the right to see everything. If an Officer decides that there is a legal reason not to supply the information and that the information should in fact be withheld they will first consult Legal Services and ensure there is a legal reason to withhold. A brief guide to the law is set out in the appendix.

- Officers and Councillors should act reasonably in agreeing timescales.

- Councillors and Officers should keep each other informed about the progress of requests for information.

4.5 **Contact with Councillors**

- Officers must not place Councillors in a position where the Councillor could have a conflict of interests.
- There will be a conflict of interest if a Councillor represents someone at a disciplinary or grievance appeal being decided by an Officer. It may make it more difficult for the Officer concerned to make a fair decision.
- To signify their formal relationship, Councillors and Officers should refer to each other in public by their surnames, e.g. Councillor Gardiner, Mr Williams.
4.6 **Officer advice to political groups**

Sometimes Officers are asked to support and contribute to deliberations by political groups. This is appropriate and available to all political groups, but the following guidelines apply:

- Officers should only advise and give information about council business – not party business.
- Giving information and advice at group meetings is not a substitute for giving the necessary advice, documents and information at the Executive or other meeting making the decision.
- Officers must respect the confidentiality of any group discussions at which they are present by not passing them on to another group.
- Officers should only attend political group meetings when only borough or county councillors are present. They should not attend wider party meetings. Sometimes a political group may invite others (e.g. party members or candidates) to attend their group meetings, in which case it is only appropriate for a Committee Services Officer to attend to service the meeting but it is not appropriate for other officers to attend.

4.7 **Complaints about Officers**

Officers are entitled to be treated with respect and not to be subjected to public criticism, because they cannot answer back. The following procedure sets out what Councillors should do if they have a concern about the conduct or competence of any Officer.

1. First of all the Councillor should consider discussing their concern with the Officer concerned. This is not always appropriate but it is often a good way of resolving issues.

2. If these discussions are not appropriate or successful then the Councillor should raise the matter formally with the Officer’s manager.

3. If the manager and the Councillor are unable to resolve the issues then the matter is to be referred to the Chief Operating Officer and ultimately to the Chief Executive.

4. Concerns about the Chief Executive should be directed to the Monitoring Officer and complaints about the Monitoring Officer should be directed to the Chief Executive.

The outcome of any formal complaint will be reported to the Councillor who made it.
Action against Officers is governed by employment law and the council’s employment procedures such as the disciplinary and grievance procedure and the dignity at work.
Appendix

Councillor’s Legal Rights To See Documents

Statutory Rights as a Councillor
1. Councillors have a legal right to inspect Council documents relating to any business to be conducted at any meeting of the Council, Executive or council committees.
2. Councillors have this right, whether a Member of the Executive or committee or not. Councillors are entitled to documents which contain information which includes some papers relating to the closed agenda (but not contractual matters, industrial relations matters or legal advice).

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3. Councillors also have rights under the common law to see documents if they have a reasonable “need to know” in order to perform their duties as a Councillor.
4. Councillors are not entitled to documents merely out of curiosity nor are they entitled to them if their motives are improper, ulterior or indirect, or if they are not asking for them in their capacity as Councillor.
5. Councillors should disclose any personal or prejudicial interests they may have when asking for documents.

Freedom of Information Act
6. From 2005 Councillors have the same rights to the public to request information from the Council. Further guidance of this is available from the Monitoring Officer.
5. COUNCILLOR CALL FOR ACTION PROTOCOL

5.1 Introduction

The “Councillor Call for Action” (CCfA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (the Act), and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all councils in England (with the exception of parish councils) regardless of their Executive arrangements.

The Act enables any Member of the Council to refer to an Overview & Scrutiny Committee any local government matter or any crime and disorder matter which affects their ward.

The power to refer a matter is available only where the matter is of direct concern to the ward, which the Councillor represents. A Councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for Councillors in multi-member wards to agree – any of them can refer a matter.

5.2 Limitations

It is important to recognise that CCfA is not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and, through discussion, trying to overcome them.

5.3 Issues excluded from referral as a CCfA

The Overview & Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:

1. a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters),
2. any matter relating to a planning decision
3. any matter relating to a licensing decision
4. any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
5. any matter which is vexatious,
6. any matter which is discriminatory or
7. any matter where it not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a sub-committee of that committee. The Overview and Scrutiny Committee considers the following matters are not reasonable matters for such inclusion:
7.1 complaints concerning personal grievances or commercial issues (which may be referred for consideration under the Council's grievance or complaints procedure)

7.2 Any matter which is currently the subject of legal proceedings or contemplated legal proceedings

7.3 Any matter relating to staff disciplinary matters that identifies any individuals

7.4 Any matter which contains defamatory statements or offensive language

7.5 Any matters that have already been considered under CcfA (or are substantially similar to matters previously considered) within the previous 12 months

7.6 Any matters that are the same or substantially similar to matters previously under the Council's corporate complaints procedure within the previous 12 months

7.7 Any matter relating to the conduct of a Councillor under the relevant code of conduct provisions

7.8 Any other matter of any description specified in an order made by the Secretary of State under Section 21 of the Local Government act 2000

Provided that any matter in category 2, 3, or 4 of the Excluded Matters shall not be excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment

A referral made to the Overview and Scrutiny Committee is seen as being at the end of the CCfA process (the last resort) and not the first step.

5.4 Steps to be taken, prior to making a Councillor Call for Action referral

Prior to a Councillor referring a matter as a CCfA to the Overview & Scrutiny Committee, a Councillor must have tried to resolve the issue/problem himself or herself using all mechanisms and resources available to them at ward level. Councillors should:

- If a local crime and disorder matter, raise the issue through the Community Safety Partnership to find a way to resolve the issue.

- Ensure that all relevant partner organisations have been informed of the issue and given enough time to resolve the issue, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions, communication with local MPs and Councillors in other authorities etc.
5.5 How to make a Councillor Call for Action referral

If the issue/problem is still not resolved the Councillor can refer it to the Overview and Scrutiny Committee as a “Councillor Call for Action”. To do this the Councillor should:

- Complete a CCFA Request Form outlining what the issue is and what steps have been taken towards a resolution. The request for a CCfA should include:
  - The name of the Councillor and ward they represent.
  - Title of the CCfA
  - Why the issue should be looked at by the Overview & Scrutiny Committee?
  - A brief synopsis of what the main areas of concern are?
  - Evidence to support the CCfA?
  - The areas or community groups affected by the CCfA?
  - What has been done already to try and resolve the issue prior to requesting a CCfA?
  - Consideration as to whether the CCfA is the subject of legal action by any party or is being examined by a formal complaints' process.
  - Key dates associated with the CCfA, which the Overview & Scrutiny Committee needs to be aware?

- The Monitoring Officer will receive the referral and assess the issue to ensure that it is not a matter excluded from referral to Overview & Scrutiny Committee.
• If the issue is not an excluded matter, Committee Services will be responsible for logging the CCfA and referring it to the appropriate Head of Service. The Head of Service will be responsible for preparing a written response for consideration by the Overview & Scrutiny Committee.

• Committee Services will inform the Chairman of the Overview & Scrutiny Committee that the item will be included onto the Committee agenda and the Councillor submitting the CCfA will be informed of the date of the meeting.

A successful referral will ensure that the CCfA will be placed on the next appropriate agenda of the Overview & Scrutiny Committee. It is then up to the members of the committee to decide whether or not to take the matter further.

5.6 Decision of the Committee whether to take the matter further

In deciding whether or not to take the matter further, the Committee will consider:

• Anything that the Councillor has done in relation to this matter; and

• Representations made by the Councillor as to why the Committee should take the matter up. (Councillors have the option of either presenting their CCfA form without supporting papers or by preparing a report setting out their views. Any reports prepared by Councillors would be circulated, along with the agenda and other reports for the meeting).

The criteria the Committee will use to decide whether or not to take the matter further include:

• Is the Committee satisfied that all reasonable attempts by the ward Councillor have been made to resolve the issue? And do the responses received by the referring Councillor demonstrate that the matter is not being progressed?

• Has the Committee considered a similar issue recently – if yes had the circumstances or evidence changed?

• Is there a similar or related issue, which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

• Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
• Is this a case that is being or should be pursued via the Council’s corporate complaints procedure?

• Is it relating to a “quasi-judicial” matter or decision such as planning or licensing?

• Is the issue part of an individual’s own personal agenda (an issue of genuine local concern should have an impact on the local community).

• Is this an issue currently being looked at by another form of local scrutiny, e.g. Suffolk County Council?

• And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Councillor’s ward?

In considering the CCfA, the Overview & Scrutiny Committee may invite the relevant Councillor Champion, Chief Executive, Head of Service or representation from an external organisation to discuss the issue with the Committee and answer any questions, if the Committee considers this relevant.

If the Committee decides not to accept the CCfA referral it must inform the Councillor and provide reasons.

• If the Committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme.

5.7 Potential outcomes

Following a committee meeting, there are a number of potential outcomes:

• The Committee could determine not to make a report (perhaps because it is not considered the right time to consider a particular issue), with the ward Councillor notified in writing;

• The Committee could determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;

• The Committee could prepare a report with the existing evidence and make recommendations on the CCfA to the Executive.

Once the Committee has completed its work on the CCfA referral the Councillor who made the CCfA referral will receive a copy of any report or recommendations made. The reply will also be printed on the Council’s website, www.ipswich.gov.uk
5.8 Timescales

Once a CCfA has been assessed as not being a matter, which is ‘excluded’ from referring to Overview & Scrutiny Committee, the item will be included on the next appropriate committee agenda.

If the Committee agrees to take the matter forward, the review will usually be held as an item on the next appropriate agenda. In exceptional circumstances, for example, where there are unavoidable time constraints, a separate meeting may be convened.

Should a CCfA review result in recommendations to the Executive, the Executive must respond to the recommendations, setting out any action it intends to take, within 28 days of the recommendations being placed on its agenda.

Should a CCfA review result in recommendations to partner organisations, such organisations will also be requested to make a response to the recommendations, although they are under no legal obligation to do so.
Councillor Call for Action Request Form

This form should be used by any Councillor at Ipswich Borough Council who would like the Overview & Scrutiny Committee to consider a Councillor Call for Action in their ward.

<table>
<thead>
<tr>
<th>Your contact details:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name (print):</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Contact number:</td>
<td></td>
</tr>
<tr>
<td>Email address:</td>
<td></td>
</tr>
</tbody>
</table>

The Ward you represent:

Title of your Councillor Call for Action:

Date of Submission:

Would you like the opportunity to speak to the Overview & Scrutiny Committee?

- Yes [ ]
- No [ ]

Have you approached the Overview & Scrutiny Committee on the same issue in the past six months?

- Yes [ ]
- No [ ]

Would you like your response by:

- Email [ ]
- Letter [ ]
<table>
<thead>
<tr>
<th>Why you think the issue should be looked at by the Overview &amp; Scrutiny Committee:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please give a brief synopsis of the main areas of concern are:</td>
</tr>
<tr>
<td>What evidence do you have in support of your CCfA:</td>
</tr>
<tr>
<td>Which areas or community groups are affected by the CCfA:</td>
</tr>
<tr>
<td>How have you tried to resolve the issue:</td>
</tr>
<tr>
<td>Is the CCfA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints’ process?</td>
</tr>
<tr>
<td>Are there any deadlines associated with the CCfA of which the Overview &amp; Scrutiny Committee needs to be aware:</td>
</tr>
</tbody>
</table>

Please complete and return the form to:
Ipswich Borough Council
*Monitoring Officer*
15-17 Russell Road
Ipswich
IP1 2DE
Proposed CCfA Mechanism

IBC Councillor identifies an issue of local concern and tries to resolve the issue informally with local partners. This could include discussing the issue at an appropriate local forum such as the appropriate Area Committee.

Councillor and local partners cannot resolve issue. Councillor agrees to champion difficult problem as a CCfA.

Councillor and local partners resolve issue – no further action is required.

The Monitoring Officer will receive the CCfA and will ensure that it is not a matter excluded from referral to Overview & Scrutiny Committee as per the protocol.

Committee Services will be responsible for logging the CCfA and referring it to the appropriate Head of Service.

The Chairman is informed that a CCfA has been received. If the CCfA is not an exempt item it will be placed on the next appropriate Overview & Scrutiny Committee agenda for consideration.

The Overview & Scrutiny Committee agrees to review and includes the CCfA onto its work programme.

The Overview & Scrutiny Committee decides not to review the issue and gives it reasons.

Draft report agreed by the Overview & Scrutiny Committee, and recommendations made to the Executive.

Executive asked to respond to the recommendations within 28 days. Any relevant partners will be asked to respond as appropriate.

Implementation/monitoring of agreed recommendations and appropriate feedback on progress.
Explanatory Notes

1. Definition of a local government matter and a local crime and disorder matter

**Local government matter**
For the purpose of the Act a local government matter, in relation to a member of a local authority is one which:

- relates to the discharge of any function of the authority;
- affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area (ie it must be specific to a particular locality); and
- is not an excluded matter.

**Local crime and disorder matter**
A local crime and disorder matter, in relation to a member of a local authority, has been defined to mean a matter concerning:

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or

(b) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the member, or the people who live or work in that area.

2. Definitions of “vexatious” “persistent” “discriminatory” and “not reasonable”

Statutory regulations deal with matters that can be excluded from CCfA, stating, "any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Overview & Scrutiny Committee is to be excluded”.

**Vexatious/Persistent**
Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved. Similarly, a request,
which some members may regard as vexatious, for political reasons, may actually be entirely reasonable.

CCfAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought.

Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the Councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the Councillor’s requirements.

**Discriminatory**
A modern interpretation of the word “discrimination” is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:

>A person (A) discriminates against another (B) if on the grounds of the religion or belief of B or of any other person except A, A treats B less favourably than he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race. So a discriminatory CCfA might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group’s predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

**Not reasonable**
It is suggested that, in the interests of transparency, authorities do not interpret “not reasonable” as being the same as the legal word “unreasonable”. It is best to consider it as a qualifier to the word “vexatious”, as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.
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Part 6

Scheme of Members’ Allowances
Ipswich Borough Council

Scheme of Members’ Allowances

The Ipswich Borough Council, in exercise of the powers conferred by the Local Authorities (Members’ Allowances) (England) Regulations 2003 (as amended) hereby makes the following scheme:

1. This scheme may be cited as the Ipswich Borough Council Members’ Allowances Scheme and shall have effect from 1 October 2016 until the scheme is amended or a new scheme is adopted.

2. In this Scheme,

'Councillor' means a member of the Ipswich Borough Council who is a Councillor.

'Year' means a period beginning 1 April and ending on 31 March.

3. Basic Allowance

Every Councillor will be paid a basic allowance of £4,007 per year (commencing from 1 October 2016) – for details of indexation, see section 13.

If a Councillor is a councillor during only part of a year they will receive a proportionate part of the basic allowance.

4. Special Responsibility Allowances

For each year a Councillor who holds a position that is listed below is entitled to the appropriate special responsibility allowance.

If a Councillor holds a position for only part of a year they will receive a proportionate part of the basic allowance.

<table>
<thead>
<tr>
<th>Amount of SRA</th>
</tr>
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<tbody>
<tr>
<td>Leader - (Basic Allowance x 2.8)</td>
</tr>
<tr>
<td>Deputy Leader – (70% Basic Allowance x 2.8)</td>
</tr>
<tr>
<td>Executive with portfolio – (Basic Allowance x 1.86)</td>
</tr>
<tr>
<td>Executive without portfolio – (Basic Allowance x 0.93)</td>
</tr>
<tr>
<td>Chair of Council (The Mayor) – (Basic Allowance x 0.93)</td>
</tr>
<tr>
<td>Chairs of Committees – (Basic Allowance x 0.93)</td>
</tr>
<tr>
<td>Leader of largest opposition group – (Basic Allowance x 0.93)</td>
</tr>
</tbody>
</table>
| Leader of other opposition group – (Basic Allowance x 0.46) | £

11,219
7,853
7,453
3,726
3,726
3,726
3,726
3,726
1,843
No Councillor is entitled to be paid more than one Special Responsibility Allowance from the Council at any one time.

5. **Dependant Carer’s Allowance**

A Child Care and Dependant Carer’s Allowance shall be payable for money necessarily expended on care of children or other dependants. The amount payable will be the reimbursement of actual receipted costs of up to £10.00 per hour for childcare and up to £25.00 per hour for the cost of nursing care for dependants.

This allowance should be payable for care necessarily arranged for all Council duties listed in the Appendix.

6. **Travelling & Subsistence Allowances**

a) **Travelling Allowances**

The following mileage rates will apply:

- Use of car – 45p per mile
- Use of motorbike – 24p per mile
- Use of moped – 24p per mile
- Use of bicycle – 20p per mile
- Passenger within motor vehicle – 5p per mile

Public Transport - The rate for travel will not exceed the amount of an ordinary fare or any available cheap fare. Where more than one class of fare is available the rate will be determined as follows: -

All other forms of public transport (except travel by ship) - 2nd class fare unless 1st class travel has been specifically approved.

N.B. Taxi fares will only be reimbursed if travel by cab is required due to the urgency of the approved business or if public transport is not reasonably available.

Other costs which may be reimbursed:

- Toll fees, ferry, garaging and parking charges - actual fees paid.
- Hired Vehicles - Reimbursement of reasonable expenditure actually incurred.

b) **Subsistence Allowances**

For absences not involving an overnight stay from the usual place of residence:
Evening meal allowance (more than 4 hours away from the normal place of residence or where the authority permits, a lesser period, ending after 7pm) – reimbursement of actual receipted costs. N.B. Authorisation can be obtained for the approval of the reimbursement of evening meal costs over £25.00 under exceptional circumstances.

Out of pocket expenses (residential training courses):

If an overnight stay is required, a Councillor can claim the actual reasonable cost of any accommodation and/or breakfast. Any overnight stays will be booked by the Council.

N.B. Authorisation can be obtained for the approval of the reimbursement of the actual reasonable costs of overnight stays not booked by the Council when there are exceptional circumstances.

7. Claims for Payment of Travel and Subsistence

Completed Travel and Subsistence claim forms should be sent to Committee Services, 4th Floor East, Grafton House, to arrive by the 28th day of each month. Payment will be made on the 21st day of the following month, direct into a nominated bank or building society account.

Payments on account for expenses and/or allowances can be made in appropriate circumstances. Please contact the Group Manager Accounting Services on 433740.

8. Suspension of Allowances

Where a Councillor is suspended, or partially suspended, from his/her responsibilities or duties as a councillor in accordance with Part III of the Local Government Act 2000, part of any allowance payable to him/her under this scheme during the period of suspension or partial suspension will be withheld (or reclaimed if it has been paid).

9. Renunciation

A Councillor may, by notice in writing given to the Chief Executive elect to forego any part of his/her entitlement to an allowance under this Scheme.

10. Overpayment

If a Councillor is paid any allowance under this scheme with respect to any period and it subsequently becomes apparent that the Councillor was not entitled to that payment for that period for any reason then the Council may recover the overpayment from that Councillor.
11. **Co-optees**

Anyone who is a co-opted member of the Council or a Committee (for example, an Independent Member of the Audit & Governance Committee) will receive travel and subsistence allowances in accordance with those allowances available to Councillors. Co-opted members can receive an allowance of £30 - £50 per meeting. The exact amount will be agreed by the Council or Committee at the time that a member is co-opted.

The Independent Member of the Audit & Governance Committee will receive an allowance of £300 per annum and £50 per meeting.

12. **Membership of more than one Authority**

Where a Councillor is also a member of another authority, that Councillor shall ensure that he/she does not receive allowances from more than one authority in respect of the same duties.

13. **Indexation**

The Basic Allowance will be increased in line with Local Government Officer Pay Awards until the next review of the Scheme of Members’ Allowances.
Appendix

Duties for which the Council will pay carers allowance and travel and subsistence:

- Attendance at meetings of the Council, Executive and Committees.
- Attending a meeting of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body;
- Attending any other meeting authorised by the Council, or a Committee or sub-committee if it is a meeting to which members of at least two political groups have been invited;
- Attendance at a meeting of any association of authorities of which the authority is a member;
- The performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- The carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its Committees or sub-committees.