



# CONSTITUTION 2021

## Version 2.4

**April 2024**

<b>REVISION DATE</b>	<b>SUMMARY OF CHANGES</b>
31.05.22	Version 2 – as agreed by Full Council 11.05.22
07.07.22	Version 2.1 – further amendments as agreed at Full Council 11.05.22
27.01.23	Version 2.2 – as agreed at Full Council 18.01.23
16.01.24	Version 2.3 – as agreed at Full Council 10.01.24
10.04.24	Version 2.4 – as agreed at Full Council 13.03.24

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**PART 1 – SUMMARY AND EXPLANATION**

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**PART 1 – SUMMARY & EXPLANATION**

**1.0 THE COUNCIL’S CONSTITUTION**

Arun District Council has adopted a constitution which sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the council to choose.

The constitution is divided into 14 Articles which set out the basic rules governing the council’s business. More detailed procedures and codes of practice are then outlined in separate rules and protocols throughout the document.

Article 1 of the constitution commits the council to being open and responsive to the needs and aspirations of the community and to providing clear leadership in the community in partnership with residents, business and other organisations. To demonstrating efficient, effective and accountable decision-making with the active involvement of residents. To effective representation by councillors of their constituents; and to continuous improvements in service delivery.

**2.0 HOW THE COUNCIL OPERATES**

The council is composed of 54 councillors elected every 4 years. Councillors are democratically accountable to the residents of their Ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

The council operates a committee system in accordance with the Local Government Acts 1972 and 2000, and the Localism Act 2011.

All councillors meet together as the Full Council. Meetings of the Full Council are normally open to the public. Here councillors decide the council’s overall policies and set the budget each year. The Full Council appoints from its own membership a Leader of the council.

**3.0 HOW DECISIONS ARE MADE**

Most decisions on council functions are dealt with by politically balanced committees, subject to the general oversight of the Full Council. The main committees are:

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- Policy and Finance
- Corporate Support
- Planning Policy
- Housing and Wellbeing
- Environment
- Economy

The council has adopted procedure rules for the review of decisions made by these committees in certain circumstances.

Decisions will also be made by Regulatory Committees covering the functions of:

- Audit and Governance
- Planning
- Licensing
- Standards

#### **4.0 THE COUNCIL'S STAFF**

The council has members of staff (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the council acts within the law and uses its resources wisely. A protocol governs the relationship between officers and members of the council set out in part 8 of the constitution.

#### **5.0 RESIDENTS' RIGHTS**

Residents have a number of rights in their dealings with the council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the council's own processes.

Where members of the public use specific council services they have additional rights. These are not covered in the constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- view a copy of the constitution;
- attend meetings of the council and its committees except where, for example, personal or confidential matters are being discussed;
- submit petitions at meetings of the council;
- petition to request a referendum for a change of governance arrangements, e.g., a mayoral or cabinet form of executive;
- participate in the council's public question time;

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- see reports and background papers specified and any record of decisions made by the council and its committees unless the council decides the papers should not be made public. The Access to Information Procedure Rules at part 6 of this constitution explain the reasons why information may be withheld;
- complain to the council about the standard of service provided and any action or lack of action by the council and its officers in accordance with the complaints procedure;
- complain to the Local Government and Social Care Ombudsman or the Housing Ombudsman if they think the council has not followed its procedures properly. However, they may only do this after using the council's own complaints procedure;
- complain to the council's Monitoring Officer if they have evidence which shows that a councillor has not followed the council's Code of Conduct;  
and;
- inspect the council's accounts and make their views known to the external auditor.

The council welcomes participation by its residents in its work.

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*Glossary of Terms*

*Set out below are the definitions for words referred to throughout this constitution. For more detailed descriptions, please refer to the body of the constitution or the relevant legislation.*

<i>Agenda</i>	<i>A document comprising items and reports which sets out the business to be transacted at a meeting of the council, a committee, or sub-committee. The agenda is normally published at least five clear working days before the meeting.</i>
<i>Committee</i>	<i>A group of elected members with delegated responsibility from the Full Council for collective decision making who will meet in public unless confidential or exempt business is being discussed.</i>
<i>Full Council</i>	<i>The 54 councillors elected to Arun District Council</i>
<i>Councillor</i>	<i>A person elected to represent a ward on the council. A councillor is appointed at either a four-yearly election or a by-election (see “Member”)</i>
<i>Constitution</i>	<i>This sets out how the council operates, how decisions are made and how the procedures which are followed ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the council to choose.</i>
<i>Head of Paid Service</i>	<i>A Statutory Officer (being the most senior officer of the council) appointed in consequence of the Local Government and Housing Act 1989</i>
<i>Leader of the Council</i>	<i>A councillor appointed by the council. Usually, the Leader of the largest political group of the council.</i>
<i>Chair of the Council</i>	<i>The councillor appointed by the council annually to undertake civic duties and preside over Full Council meetings. The chair has no individual decision-making powers.</i>
<i>Member</i>	<i>A term used to describe a councillor.</i>
<i>Minutes</i>	<i>Brief notes of proceedings of a meeting and record of resolutions made by those present at the meeting.</i>
<i>Monitoring Officer</i>	<i>A Statutory Officer with particular responsibility for the lawfulness and probity of the council’s decision-making</i>



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	<i>appointed consequence of the Local Government and Housing Act 1989</i>
<i>Panel</i>	<i>A group of persons (whose membership may include elected members, officers, staff, independent persons, or just elected members, as occasion requires) established by Full Council or a committee with a specific function and terms of reference who will meet in private in view of the confidential or exempt information to be discussed.</i>
<i>Proper Officer</i>	<i>An officer nominated by the council to undertake a particular function.</i>
<i>Regulatory Committees</i>	<i>The council’s committees which carry out its quasi-judicial functions (e.g., licensing, planning, etc)</i>
<i>Section 151 Officer (Chief Financial Officer)</i>	<i>A Statutory Officer responsible for the proper administration of the council’s financial affairs appointed in consequence of section 151 of the Local Government Act 1972</i>
<i>Sub-Committee</i>	<i>A group of elected members established by Full Council or a committee with delegated responsibility for collective decision making who will meet in public unless confidential or exempt business is being discussed.</i>
<i>Ward</i>	<i>The defined area within the district which a councillor represents.</i>
<i>Working Party</i>	<i>A group of elected members established by Full Council or a committee with a specific function and terms of reference who will generally meet in private (with varying degrees of informality) in view of the need for full and frank exchange of views and whose recommendations are reported to the parent body in open session.</i>

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**ARTICLE 1 – THE CONSTITUTION**

**1.0 FUNCTIONS (POWERS AND DUTIES) OF THE COUNCIL**

The council will exercise all its powers and duties in accordance with the law and this constitution.

**2.0 THE CONSTITUTION**

This constitution, and all its sections, is the constitution of Arun District Council.

**3.0 PURPOSE OF THE CONSTITUTION**

The purpose of the constitution is to:

- (i) enable the council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
- (ii) support the active involvement of residents in the process of local authority decision making;
- (iii) help councillors represent their constituents more effectively;
- (iv) enable decisions to be taken efficiently and effectively;
- (v) create a powerful and effective means of holding decision-makers to public account;
- (vi) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (viii) provide a means of improving the delivery of services to the community.

**4.0 INTERPRETATION AND REVIEW OF THE CONSTITUTION**

Where the constitution permits the council to choose between different courses of action, the council will always choose that option which it thinks is closest to the purposes stated above. The council will monitor and evaluate the operation of the constitution as set out in Article 13.

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**ARTICLE 2 – MEMBERS OF THE COUNCIL**

**1.0 COMPOSITION AND ELIGIBILITY**

**(a) Composition**

The council comprises 54 members otherwise called councillors. Between two and three councillors will be elected by the voters of each ward in accordance with the scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

**(b) Eligibility**

Only registered voters of the Arun district, those living or working there, or those who occupy as owner or tenant land or other premises in the district will be eligible to hold the office of councillor.

**2.0 ELECTION AND TERMS OF COUNCILLORS**

The regular election of councillors will be held on the first Thursday in May every four years. The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the election four years later.

**3.0 ROLES AND FUNCTIONS OF ALL COUNCILLORS**

**Key roles** – All councillors will:

- (i) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the district and actively encourage community participation and residents' involvement in decision making;
- (iii) effectively represent the interests of the council's area with special responsibility to the residents in their ward;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the council; and
- (vi) maintain the highest standards of conduct and ethics.

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**Rights and duties** – All councillors will:

- (i) have rights of access to only such documents, information, land and buildings of the council as are necessary for the discharge of their functions and in accordance with the law;
- (ii) not make public information which is confidential or exempt without the written consent of the council, Chief Executive or Monitoring Officer; or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. Confidential and exempt information is defined in the Access to Information Rules at part 6 of this constitution.

**4.0 CONDUCT**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in part 8 of this constitution.

**5.0 ALLOWANCES**

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in part 9 of this constitution.

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**ARTICLE 3 – RESIDENTS AND THE COUNCIL**

**1.0 RESIDENTS’ RIGHTS**

Residents have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in part 6 of this constitution.

**(a) Voting and petitions**

Those on the electoral register for the district have the right to vote in elections in their ward and sign a petition to request a referendum for a change from one form of governance to another. For a petition to be valid to require a referendum, the number of signatures must equate to no less than 5% of the electorate of the area. If there is a referendum, registered electors will have a right to vote in accordance with the timetable as prescribed under legislation, and to vote in any local referendum in respect of an increase in the local authority’s precept.

**(b) Other petitions**

Any Arun resident can submit a petition as long as it follows the requirements of the Petitions Scheme set out in part 8 of this constitution. A petition can, amongst other outcomes, lead to a council debate or the matter being considered by the relevant service committee.

**(c) Attendance & information**

Residents have the right to:

- (i) attend, record and report on meetings of the council and its committees and sub-committees except where confidential or exempt information is likely to be disclosed and the meeting, or part of the meeting, is therefore held in private;
- (ii) see reports and background papers and any records of decisions made by the council and committees, excluding confidential and exempt information; and inspect the council’s accounts and make their views known to the external auditor.

**(d) Participation**

- (i) Residents are able to participate in Public Question Time in full council and service committee meetings.

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- (ii) Residents are able to participate in other meetings of the council in accordance with the rules of that meeting.

(e) **Complaints**

Residents have the right to complain to the:

- (i) Council itself under its corporate complaints procedure;
- (ii) Local Government and Social Care Ombudsman or Housing Ombudsman after using the council's own complaints procedure;
- (iii) Monitoring Officer about a breach of the Members' Code of Conduct by an Arun district councillor; and
- (iv) Monitoring Officer about a breach of their respective Members' Code of Conduct of any town and parish councillor in the Arun district.

**2.0 RESIDENTS' RESPONSIBILITIES**

Residents must not be violent, abusive or threatening to councillors or officers in any form of contact, including through social media platforms, and must not wilfully cause damage to any property owned by the council, councillors or officers.



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**ARTICLE 4 – THE FULL COUNCIL**

**1.0 MEANINGS**

- **Policy Framework** – the policy framework means the following plans and strategies:
  - Crime and Disorder Reduction Strategy
  - Development Plan documents
  - Licensing Authority Policy Statement
  - Plans and alterations which together comprise the Development Plan (Local Plan)
  - Sustainable Community Strategy (Arun Priorities, Vision 2022-2026 and Strategic Targets)
  - Corporate Plan
  - Leisure Strategy
  - Asset Management Plan
  - Capital Strategy
  - Commercial Strategy
  - Housing Revenue Account (HRA) Business Plan
  - Property Investment Strategy
  
- **Budget** – this includes:
  - the allocation of financial resources to different services and projects;
  - proposed contingency funds;
  - setting the council tax;
  - decisions relating to the control of the council's borrowing requirements, investments and capital expenditure; and
  - the setting of virement limits.

**2.0 FUNCTIONS OF THE FULL COUNCIL**

The functions of the full council are set out in part 3 of this constitution.

**3.0 COUNCIL MEETINGS**

There are four types of full council meeting:

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

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- (c) special meetings; and
- (d) extraordinary meetings

They will be conducted in accordance with the Council Procedure Rules in part 5 of this constitution.

**4.0 RESPONSIBILITY FOR FUNCTIONS**

The council will maintain the details in part 3 of this constitution setting out the responsibilities for the council's functions.

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**ARTICLE 5 – CHAIRING THE COUNCIL**

**1.0 ROLE AND FUNCTION OF THE CHAIR**

The Chair will be appointed by the full council annually as set out in part 3 of this constitution. The Chair of the Council and, in their absence the Vice-Chair of the Council, has the role of acting as the leading citizen in Arun; chairing council meetings; and representing the council at various functions of a civic nature which the council might host or at which it might be represented.

No person shall be eligible for appointment as Chair or Vice-Chair for as long as they hold a position of responsibility as Leader or Deputy Leader within a political group of this council.

The Chair shall remain in office until a new Chair is appointed at the next annual council meeting unless they resign, become disqualified or are removed by a resolution of the council.

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**ARTICLE 6 – LEADER AND DEPUTY LEADER OF THE COUNCIL**

**1.0 LEADER**

The Leader will be appointed at the annual meeting of the council. The Leader will hold office from the date of their appointment to that position until they:-

- (a) resign from office; or
- (b) cease to be a councillor; or
- (c) are removed from office by resolution of the council.

whichever first occurs.

As the council operates a committee system form of governance, the Leader has no formal powers or duties conferred to them under the Local Government Act 1972 or the Local Government Act 2000.

The Leader will act as Chair of the Policy & Finance Committee and will have the following additional roles and responsibilities:

- Provide a focal point for political leadership and strategic direction for the council;
- Represent the interests of the council;
- Ensure effective decision making, including working with all political groups to seek to achieve, where possible, cross-party co-operation
- Be the key political contact for outside organisations, including central government, local authority associations and council partners, and internally for the council's corporate management team;
- Be the representative of the council in its dealings with central government, other local authorities and positively promote the council within the media;
- Promote the long term financial, business and economic stability of the council.

**2.0 DEPUTY LEADER**

The Deputy Leader will be appointed at the annual meeting of the council. The Deputy Leader will hold office until they:-

- (a) resign from office; or
- (b) cease to be a councillor; or
- (c) are removed from office by resolution of the council.

whichever first occurs.

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The Deputy Leader will act as Vice-Chair of the Policy and Finance Committee and will assist the Leader of the council generally in the conduct of the role and will assume the full role of the Leader in any circumstances in which the Leader is unable to act or is unavailable.

**3.0 CASUAL VACANCIES**

Any vacancy in the position of Leader or Deputy Leader shall be filled by the full council at the meeting that they cease to hold office or at the first subsequent meeting. The person(s) appointed shall be subject to the term of office described in the paragraphs above.

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**ARTICLE 7 – COMMITTEES**

**1.0 COMMITTEES**

The council will establish such committees and sub-committees as it requires for efficient and effective decision making and as required by law.

**2.0 ROLE AND FUNCTIONS**

Details of the committees and sub-committees established, and their roles and functions, are set out in part 3 of this constitution.

**3.0 PROCEEDINGS**

Committees and sub-committees will conduct their proceedings in accordance with the relevant Procedure Rules set out in part 5 of this constitution.

**4.0 MEMBERSHIP**

The size and membership arrangements for all committees and sub-committees established are set out in part 3 of this constitution. Their composition will be governed by proportionality rules.

**5.0 CHAIR AND VICE-CHAIR OF COMMITTEES**

The council shall appoint at each annual council meeting the Chair and Vice-Chair of committees and sub-committees. The Chair and Vice-Chair will remain in office until they:

- (a) resign from office; or
- (b) cease to be a councillor; or
- (c) are removed from office by resolution of the council.

whichever first occurs.

The role of the Chair (and in their absence the Vice-Chair) is to:

- Assume the role of lead member relating to matters within their committee's remit;
- Ensure effective conduct of meetings;
- Maintain a good understanding of the nature of the business of the committee and key issues within its remit;

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- Act as a council spokesperson as appropriate on matters within the committee's remit, including responding to questions at council meetings relating to the business and functions of the committee;
- Maintain good communication with the Vice-Chair and committee members to ensure the co-ordination and efficient management of the committee's activity;
- Represent the council in connection with matters within the committee's remit and positively promote the council within the media.

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**ARTICLE 8 – STANDARDS COMMITTEE**

**1.0 STANDARDS COMMITTEE**

The council will appoint a Standards Committee. Its composition shall be governed by proportionality rules, and it shall be subject to the same requirements on confidential and exempt information as any other committee.

The composition and functions of the Standards Committee and its panels are set out in part 3 of this constitution.



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**ARTICLE 9 – JOINT ARRANGEMENTS**

**1.0 Arrangements to promote well-being**

The council may, subject to statutory restrictions:

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

**2.0 Joint arrangements**

- (a) In accordance with Section 101 of the Local Government Act 1972, as amended, the council may enter into joint arrangements with one or more local authorities to advise the council on, or exercise council functions.
- (b) Details of any joint arrangements including delegations to joint committees are detailed in part 3 of this constitution.

**3.0 Access to information**

- (a) The Access to Information Procedure Rules set out in part 6 of this constitution apply to functions in a joint arrangement except in so far as the arrangement itself has made provision.

**4.0 Delegation to and from other local authorities**

- (a) The council may arrange for the discharge of its functions to another local authority; and
- (b) The decision whether or not to accept a delegation from another local authority shall be reserved to the full council meeting.

**5.0 Contracting out**

- (a) The council may contract out to another body or organisation any functions which may be exercised by an officer. Such functions may be contracted out where they are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the council's agent under usual contracting principles, provided there is no delegation of the council's discretionary decision making.

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**ARTICLE 10 – AREA COMMITTEES**

NOT USED

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**ARTICLE 11 – OFFICERS**

**1.0 TERMINOLOGY**

In this article, use of the word “officers” means all employees and staff engaged by the council to carry out its functions and includes those engaged under short-term, agency or other non-employed situations.

**2.0 MANAGEMENT STRUCTURE**

- (a) **General** – without prejudice to Sections 111, 112 and 113 of the Local Government Act 1972, the council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
  
- (b) **Chief Executive and Directors** – the council appoints persons for the following posts who will together form the corporate management team:

<b>Post</b>	<b>Responsibilities</b>
Chief Executive	<ul style="list-style-type: none"> <li>• Overall corporate management and strategic responsibility (including overall management responsibility for all officers)</li> <li>• Represents the council on partnership and external bodies (as required by statute or the council)</li> <li>• Provides direction for the Organisational Excellence Directorate as set out in part 7 of this constitution</li> <li>• Acts as Returning Officer and Electoral Registration Officer</li> </ul>
Director of Growth	<ul style="list-style-type: none"> <li>• Provides direction for the Growth Directorate as set out in part 7 of this constitution</li> </ul>
Director of Environment and Communities	<ul style="list-style-type: none"> <li>• Provides direction for the Environment and Communities Directorate as set out in part 7 of this constitution</li> </ul>

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- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer** - the council has, for the time being, designated the following posts with the functions described below:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Group Head of Law & Governance	Monitoring Officer
Group Head of Finance	Chief Financial Officer and Section 151 Officer

- (d) **Structure** – the Head of Paid Service will determine and publicise a description of the overall directorate structure of the council showing the management structure and deployment of officers. This is set out in part 7 of this constitution.

**3.0 FUNCTIONS OF THE HEAD OF PAID SERVICE**

- (a) **Discharge of functions by the council** – the Head of Paid Service will report to the full council on the manner in which the discharge of the council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of officers.
- (b) **Restrictions on functions** – the Head of Paid Service may not be the Chief Financial Officer or Monitoring Officer.

**4.0 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 Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the council if they consider that any proposal, 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) **Contributing to the corporate management team** – the Monitoring Officer will contribute to the corporate management of the council.

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- (d) **Supporting the Standards Committee** – the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (e) **Conducting investigations** – the Monitoring Officer will consider allegations of misconduct by councillors in accordance with the council’s adopted Local Assessment Procedure.
- (f) **Advising whether decisions are within the budget and policy framework** – the Monitoring Officer and/or the Chief Financial Officer will advise whether decisions are in accordance with the budget and policy framework.
- (g) **Providing advice** – the Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity, and budget and policy framework issues to all councillors; and will support and advise councillors and officers in their respective roles.
- (h) **Restrictions on posts** – the Monitoring Officer may not be the Chief Financial Officer or the Head of Paid Service.

**5.0 FUNCTIONS OF THE CHIEF FINANCIAL OFFICER**

- (a) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer, will report to the council and to the council’s external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs** – the Chief Financial Officer will have responsibility for the administration of the financial affairs of the council.
- (c) **Contributing to the corporate management team** – the Chief Financial Officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
- (d) **Providing advice** – the Chief Financial Officer will provide advice on the scope of powers and authority to take financial decisions, financial maladministration, financial impropriety, probity, and budget and policy framework issues to all councillors; and will support and advise councillors and officers in their respective roles.

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- (e) **Give financial information** – the Chief Financial Officer will provide financial information to the media, members of the public and the community.
- (f) **Restrictions on posts** – the Chief Financial Officer may not be the Monitoring Officer or the Head of Paid Service.

#### **6.0 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

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

#### **7.0 CONDUCT**

Officers will comply with the Protocol on Member/Officer Relations set out in part 8 of this constitution.

#### **8.0 EMPLOYMENT**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in part 6 of this constitution.

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**ARTICLE 12 – DECISION MAKING**

**1.0 RESPONSIBILITY FOR DECISION MAKING**

The council will issue and keep up to date a record of what part of the council or which officer has responsibility for particular types of decisions or decisions relating to particular areas or functions. The record is set out in parts 3 and 4 of this constitution.

**2.0 PRINCIPLES OF DECISION MAKING**

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

- (a) proportionality (i.e., the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and equality of opportunity;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) the rule of law.

**3.0 TYPES OF DECISION**

- (a) **Decisions reserved to full council** – decisions relating to the functions of the council as set out in part 3 of this constitution will be made by the full council and will not be delegated.
- (b) **Decisions made by committees appointed by the full council** – authority to make such decisions is delegated by the council as set out in part 3 of this constitution, in accordance with Section 101 of the Local Government Act 1972, as amended.
- (c) **Decisions made by sub-committees appointed either by the full council or a committee** – authority to make such decisions is set out in part 3 of this constitution.
- (d) **Decisions made by officers** – authority to make such decisions is set out in part 4 of this constitution.

**4.0 DECISION MAKING BY THE FULL COUNCIL**

Subject to the general principles contained in this article, the full council meeting will follow the Council Procedure Rules set out in part 5 of this constitution when considering any matter.

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**5.0 DECISION MAKING BY COMMITTEES ESTABLISHED BY THE COUNCIL**

Subject to the general principles contained in this article, council committees will follow the Committee Procedure Rules set out in part 5 of this constitution as they apply to them.

**6.0 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS**

The council, a committee or an officer acting as a tribunal; in a quasi-judicial manner; or determining or considering 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.

**7.0 ACCESS TO INFORMATION**

The Access to Information Procedure Rules set out in part 6 of this constitution will apply to decisions taken under this article.



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**ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS**

**1.0 FINANCIAL MANAGEMENT**

The management of the council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in part 6 of this constitution.

**2.0 CONTRACTS**

Every contract made by the council will comply with the Purchasing, Procurement, Contracts and Disposals Rules set out in part 6 of this constitution.

**3.0 LEGAL PROCEEDINGS**

The Group Head of Law & Governance or their nominated representative is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where they consider that such action is necessary to protect the council's interests and in particular, to ensure that all procedural and evidential requirements are carried out in connection therewith.

**4.0 COMMON SEAL OF THE COUNCIL**

The common seal of the council shall be kept in a safe place in the custody of the Group Head of Law & Governance or their nominated representative.

The seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the full council or committee or sub-committee to which the full council have delegated their powers in this behalf; or by a decision of an officer with delegated powers.

The Group Head of Law & Governance or their nominated representatives shall attest every document which is being sealed and any entry of the sealing of every document to which the common seal has been attached shall be made and consecutively numbered in a record provided for that purpose and each entry duly attested. The record shall be open for inspection by every member of the council.

**5.0 AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS**

Where any document will be a necessary step in legal proceedings on behalf of the council, it shall be signed by the Group Head of Law & Governance or their nominated representative unless any enactment otherwise requires or authorises, or the full council gives the necessary

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authority to some other person for the purpose of such proceedings.

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**ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION**

**1.0 DUTY TO MONITOR AND REVIEW THE CONSTITUTION**

The Constitution Working Party will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect. Subject to paragraph 2.0 below amendments to the constitution will only be made on the recommendation of the Constitution Working Party

**2.0 CHANGES TO THE CONSTITUTION**

The full council has delegated authority to:

- (i) the Monitoring Officer to make consequential changes as a result of the modification or re-enactment of legislation or express changes consequential to an agreed decision of full council;
- (ii) the Monitoring Officer, in written consultation with the Chair of the Constitution Working Party and distributed to members at least 3 working days before the relevant full council meeting, to propose that for any other reason the proposed change be put direct to full council for consideration and decision;

and

- (iii) the Monitoring Officer, in consultation with the Chair of the Constitution Working Party to make consequential amendments to any names, job titles and reporting lines within the constitution and other constitutional documents resulting from reorganisation or changes in structure/position, and any typographical errors.

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**ARTICLE 15 – SUSPENSION, INTERPRETATION AND PUBLICATION**  
**OF THE CONSTITUTION**

**1.0 SUSPENSION OF THE CONSTITUTION**

- (a) **Limit to suspension** – the articles of this constitution may not be suspended. The rules specified below may be suspended by the council to the extent permitted within those rules and the law.
- (b) **Procedure to suspend** – a motion to suspend any rules will not be moved without notice unless at least half of the total number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the constitution set out in Article 1.
- (c) **Rules capable of suspension** – the council procedure rules may be suspended in accordance with this article.

**2.0 INTERPRETATION**

The ruling of the Chair of the Council as to the interpretation or application of this constitution, or as to any proceedings of the full council, shall not be challenged at any meeting of the full council. Such interpretation will have regard to the purposes of this constitution set out in Article 1.

**3.0 PUBLICATION**

Copies of this constitution will be available:

- to each member of the council electronically on their election, with any revisions provided at the earliest opportunity;
- for inspection at council offices;
- to view online at <http://www.arun.gov.uk/constitution>
- for purchase by members of the local press and the public on payment of a reasonable fee; and
- to town and parish councils electronically at their request.

**PART 3 - RESPONSIBILITY FOR FUNCTIONS**

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**1.0 INTRODUCTION**

1.1 This part of the constitution explains who takes decisions and sets out the responsibilities of the full council, committees, sub-committees and panels.

1.2 Some functions can only be carried out by the full council. Other functions may be carried out by the full council or may be discharged through a committee, sub-committee or an officer (except where a function is expressly reserved to the council for decision). In addition, the Full council may delegate decision making to a joint committee or another authority as set out in Article 9 of this Constitution.

1.3 These arrangements are confirmed in this part of the constitution at:

Section 2.0	Full Council
Section 3.0	Terms of Reference of Committees
Section 4.0	Service Committees
Section 5.0	Regulatory Committees
Section 6.0	Sub-Committees
Section 7.0	Working Parties
Section 8.0	Panels
Section 9.0	Chief Executive Committees and Panels
Section 10.0	Statutory Officers Committees and Panels
Section 11.0	Joint Area Committees

1.4 The arrangements for the discharge of functions by officers are set out in the Officer Scheme of Delegation at part 4 of this constitution.

1.5 As Arun District Council operates a committee system form of governance, there is no statutory power to delegate the discharge of any function to an individual councillor.

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**2.0 FULL COUNCIL**

**2.1** Only the full council will exercise the following functions:

1. Approving or adopting any plans and strategies that form the council's Policy Framework, as set out in article 4 (The Full Council).
2. Approving or adopting any plan or strategy for the control of the council's borrowing, investments or capital expenditure, or for determining the council's minimum revenue provision.
3. Approving for the purpose of its submission to the Secretary of State or any Minister of the Crown any plan or strategy referred to in 1 and 2 above (whether or not in the form of a draft) of which any part is required to be submitted for approval.
4. Making and changing the Members Allowances Scheme.
5. Making a request for single councillor electoral wards to the Local Government Boundary Commission for England.
6. A resolution to change the council's scheme for elections.
7. Changing the name of the district.
8. Considering any future change to the council's form of governance, subject to statutory provisions.
9. Approving any proposals to the Secretary of State or Local Government Boundary Commission for England on electoral reviews of Arun District Council or West Sussex County Council and any consequential warding proposals for the town/parish councils within the Arun district based on recommendations from the Corporate Support Committee.
10. Making an order giving effect to the recommendations made in a community governance review and other parish council functions that are not otherwise delegated.
11. Adopting and changing the constitution, other than allowed for by article 14 (Review and Revision of the Constitution).
12. Agreeing or amending the committee structure, making changes to the terms of reference and size of committees and sub-committees.



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13. Appointing for the municipal year, or remainder of a municipal year, the Chair and Vice-Chair of the council on receipt of not more than one nomination from each political group.
14. Appointing the Leader of the Council and Deputy Leader.
15. Appointing the Chair and Vice-Chair of committees, sub-committees, working parties and panels.
16. Agreeing the membership of the council's committees, sub-committees, working parties and panels.
17. Appointing the council's representatives to outside bodies unless the appointment has been delegated by the council.
18. Conferring the title of Honorary Alderman.
19. Appointing Independent Persons to the Standards Committee.
20. Confirming the appointment of the Head of Paid Service (Chief Executive) based on the recommendation of the Chief Executive's Recruitment and Selection Panel.
21. Confirming the appointment of a director based on the recommendation of the Head of Paid Service.
22. Approving the dismissal of the Head of Paid Service (Chief Executive), Directors, Section 151 officer and Monitoring Officer based on a recommendation from the Statutory Officers' Investigatory and Disciplinary Committee.
23. Approving terminations of service of the Head of Paid Service (Chief Executive) and Directors in respect of early/flexible retirement and/or redundancy within the framework of restructuring proposals.
24. Approving settlement agreements of more than £95,000.
25. Approving the Annual Senior Officer Pay Policy Statement.
26. Making compulsory purchase orders (other than under planning grounds).
27. Receiving a direct report requesting approval to a supplementary estimate outside of the budget when referral via the Policy &

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Finance Committee would cause an unreasonable delay to a project.

28. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills.
29. Debating petitions that contain more than 1,500 signatures in accordance with the council's Petitions Scheme set out in part 8 of this constitution.
30. The functions described in article 9 (Joint Arrangements).
31. All other matters which, by law, must be reserved to the council.

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**3.0 TERMS OF REFERENCE OF COMMITTEES**

**3.1** Committees will work to the following general terms of reference in discharging the specific functions allocated to them:

3.1.1 Each committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do other things that they reasonably consider necessary to inform their deliberations.

3.1.2 Each committee is expected to determine by resolution all matters falling within their purpose and functions with the exception of:

- a) any plans and strategies listed in the Policy Framework at Article 4 of this constitution;
- b) compulsory purchase orders;
- c) limitations set out in the Financial Procedure Rules and Purchasing, Procurement, Contracts & Disposals Rules as set out in part 6 of this constitution; and
- d) any matter which by law must be reserved to the council

which will be recommended to the full council or Policy and Finance Committee, as appropriate.

3.1.3 Where a function does not clearly fall within the remit of one particular service committee, the Policy and Finance Committee shall direct which committee shall deal with the function, or deal with the matter itself.

3.1.4 Each committee is authorised to establish sub-committees and working parties as it considers necessary for the effective conduct of the committee's powers and duties. The establishment of any sub-committees and working parties shall have regard to the overall resource parameters and advice of the Chief Executive and officers.

3.1.5 Each committee is authorised to delegate to officers such further powers as it thinks fit to facilitate the effective management of the council's and the committee's business.

3.1.6 In discharging their functions, committees should have regard to the ongoing requirement to make savings and efficiencies.

## **4.0 SERVICE COMMITTEES**

### **4.1 POLICY AND FINANCE COMMITTEE**

#### **Membership**

9 Members

#### **Purpose**

This committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Corporate Policy
- Corporate Performance
- Partnership and Liaison (excluding where this falls within another Service Committee's functions)
- Public Engagement

The committee will lead on the following key plans and strategies:

- Corporate Plan
- Budget preparation and monitoring
- Medium Term Financial Strategy
- Capital Strategy
- Major emergency response
- Climate Change Strategy

#### **Specific Functions**

The committee shall also exercise the following specific functions by or on behalf of the council that fall within its remit:

1. Considering any policies that do not fall within a service committee's remit and approving these where they do not require a full council decision under the Policy Framework at Article 4 of this constitution.
2. Overseeing the development and monitoring of the corporate plan taking account of the outcomes of performance reviews by the service committees and recommending any areas for change to the full council in line with the policy framework.
3. Overseeing the development and monitoring of the service delivery plans and approving any change taking account of the outcomes of performance reviews by the service committees.
4. Leading on the budget setting process, in consultation with the other service committees, and putting forward a draft budget to the full council for approval.
5. Considering updates on the medium-term financial strategy and providing guidance to the other service committees as necessary.
6. Considering periodic budgetary monitoring and variation reports and making any recommendations to the full council as necessary.
7. Considering the financial outturn report annually.

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8. Considering requests for supplementary estimates outside of the budget and making recommendations to full council based on the limits listed in the Financial Procedure Rules set out in part 6 of this constitution.
9. Overseeing the development of the Climate Change Strategy and any subsequent action plan.
10. Monitoring and considering ombudsman investigation reports and other complaints made.
11. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
12. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
  - a. the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
  - b. virements of expenditure within relevant service area budgets;
  - c. the drawing down of funds; and
  - d. the award of grants to organisations, including discretionary rate relief
13. Providing leadership in the promotion and improvement of the district's economic, social and environmental well-being.
14. Encouraging fair and appropriate levels of community engagement in the council's business.
15. Identifying issues to which the council should attach priority and ensuring that these priorities are given proper effect.
16. Providing a focus for national, regional and sub-regional networking.
17. Clarifying the council's position on issues of importance through appropriate internal and external communications.
18. Considering the minutes and any recommendations from the joint Arun area committees.
19. Council owned companies.

**Outside Bodies**

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
  - Coast to Capital Local Enterprise Partnership Joint Committee
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:
  - Coast to Capital Local Enterprise Partnership Joint Committee

**Urgency sub-committee**

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed

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of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

## **4.2 CORPORATE SUPPORT COMMITTEE**

### **Membership**

11 Members

### **Purpose**

The committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Finance
- Legal Services
- Human Resources
- Communications
- Design, Print and Postal Services
- ICT and Digital Agenda
- Information Management
- Customer Services
- Committee Services
- Elections and Electoral Reviews

The committee will lead on the following key plans and strategies:

- Digital Agenda Project

### **Specific Functions**

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a full council decision under the Policy Framework at article 4 of this constitution.
2. Determining matters relating to the acquisition or disposal of land and assets.
3. Receiving reports for decision from the ICT and Digital Agenda Working Party.
4. Monitoring and considering ombudsman investigation reports and other complaints made.
5. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
6. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
  - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
  - b) virements of expenditure within relevant service area budgets;

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- c) the drawing down of funds; and the award of grants to organisations, including discretionary rate relief.
7. Reviewing and considering electoral matters and making recommendations to the returning officer/electoral registration officer and/or the full council as appropriate.
8. Considering and recommending to the full council proposals by the Chief Executive/Returning Officer for polling districts and polling places within the Arun district as required by the Review of Polling Districts and Polling Places [Parliamentary Elections] Regulations 2006.
9. Considering reports from the Chief Executive/Returning Officer on the ongoing review of polling stations, as required.
10. Considering reports from the Returning Officer on reviews of elections held and registration matters.
11. Considering and recommending to the full council any proposals for an electoral review of Arun District Council.
12. Reviewing and recommending to the full council any proposals from the Local Government Boundary Commission for England on electoral reviews of Arun District Council or West Sussex County Council and any consequential warding proposals for the town/parish councils within the Arun district.
13. Reviewing and submitting comments on behalf of the council on any proposals from the Boundary Commission for England on a review of Parliamentary constituency boundaries affecting the Arun district.
14. Undertaking community governance reviews in accordance with the Local Government and Public Involvement in Health Act 2007 and recommending any proposals for change to the full council.
15. Considering and agreeing a response to consultation documents on electoral matters.
16. Considering reports from the Joint Staff Consultative Panel, as required.

**Performance Management**

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

**Outside Bodies**

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:

**Urgency sub-committee**

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed

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of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

### **4.3 PLANNING POLICY COMMITTEE**

#### **Membership**

11 Members

No Member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Director of Growth in consultation with the Chair has been undertaken.

#### **Purpose**

The committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Planning Policy
- Infrastructure

The committee will lead on the following key plans and strategies:

- Local Plan
- Community Infrastructure Levy (CIL)

#### **Specific Functions**

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a full council decision under the Policy Framework at Article 4 of this constitution.
2. Making recommendations on Planning Policy, Community Infrastructure Levy (CIL) documents and Infrastructure Funding Statements to the full council for approval.
3. Authorising public consultation on draft Planning Policy and CIL documents and material produced for public consultation reports.
4. Considering responses from public consultation and amending reports accordingly.
5. Approving any expenditure within agreed budgets for public consultation
6. Approving consultation on certain stages of plans/proposals/the CIL charging schedule.
7. Agreeing supplementary planning documents and background evidence base documents.
8. Approving consultation responses.
9. Monitoring progress against agreed action plans and agreeing any necessary actions.
10. Making recommendations to the full council for approval of the implementation and governance of the CIL charging schedule.



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11. Approving the repayment of money paid to the council under Planning Obligations in these circumstances:
  - Where the money is unallocated for any project
  - Where the money cannot be spent on the previously identified project because the project falls or fails
  - Where the money is paid subject to a condition that it be spent on a specified project within a specified time. Such clauses are usually avoided by the council, but some developers insist that they be included in planning obligations.
12. Considering and monitoring the effectiveness of the council's land use policies in respect of the district's towns, villages and countryside as expressed through the local plan and related land use policy documents.
13. Taking action under relevant legislation in respect of the protection, enhancement and preservation of the physical and natural environment, save where powers have been delegated to the Planning Committee in respect of:
  - Building preservation (particularly those designated as being of special architectural or historic interest)
  - Designation and enhancement of conservation areas
  - Preservation of trees and woodlands.
14. Monitoring and considering ombudsman investigation reports and other complaints made.
15. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
16. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
  - the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
  - virements of expenditure within relevant service area budgets;
  - the drawing down of funds; and
  - the award of grants to organisations, including discretionary rate relief.

**Performance Management**

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

**Outside Bodies**

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
  - West Sussex & Greater Brighton Strategic Planning Board
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:

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- West Sussex & Greater Brighton Strategic Planning Board

**Urgency sub-committee**

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

**4.4 HOUSING AND WELLBEING COMMITTEE**

**Membership**

11 Members

**Purpose**

The committee has delegated authority to exercise all the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Housing Strategy and Enabling
- Housing Revenue Account (HRA)
- Homelessness
- Revenues and Benefits
- Leisure and Culture
- Community Safety
- Wellbeing
- Safeguarding
- Lifeline

The committee will lead on the following key plans and strategies:

- HRA Business Plan
- Leisure Strategy
- Crime and Disorder Reduction Strategy

**Specific Functions**

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a full council decision under the Policy Framework at Article 4 of this constitution.
2. Authorising the disposal of all HRA assets (land and property), outside of Right to Buy, where the value exceeds £500,000 and that the sale proceeds be reinvested back into the HRA account on all occasions.
3. Keeping under review the Council Tax Reduction Scheme and making recommendations to the Policy and Finance Committee where there are any financial consequences.

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4. Approving cases for write-off where the value exceeds £10,000 where the current tenant arrears have accrued up to the point of bankruptcy being declared or the arrears are covered by an Administration Order.
5. Approving write-offs of former tenant arrears, rent arrears and other debts where the value exceeds £10,000.
6. Approving cases for write-off where the value exceeds £5,000 for Council Tax and £10,000 for National Non-Domestic Rates.
7. Approving variations to the terms and conditions of the Dual Use Agreement relating to the Arun Leisure Centre between the council and West Sussex County Council to reflect the asset responsibility matrix submitted as part of the leisure operating contract.
8. Determining any matters that are not delegated to officers arising from the council's statutory responsibilities under the Crime & Disorder Act 1988 and the Anti-Social Behaviour, Crime and Policing Act 2014.
9. Adopting Public Space Protection Orders which fall within the responsibility of this committee.
10. Monitoring and considering ombudsman investigation reports and other complaints made.
11. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
12. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
  - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
  - b) virements of expenditure within relevant service area budgets;
  - c) the drawing down of funds; and
  - d) the award of grants to organisations, including discretionary rate relief

**Performance Management**

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

**Outside Bodies**

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
  - Sussex Police and Crime Panel
  - Health and Adult Social Care Scrutiny Committee (HASC)
  - Arun Wellbeing and Health Partnership
  - Safer Arun Partnership
  
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:
  - Sussex Police and Crime Panel
  - Health and Adult Social Care Scrutiny Committee (HASC)
  - Arun Wellbeing and Health Partnership

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- Safer Arun Partnership

### **Urgency sub-committee**

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

## **4.5 ENVIRONMENT COMMITTEE**

### **Membership**

11 Members

### **Purpose**

The committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Green Spaces
- Cemeteries
- Waste and Recycling
- Car Parks
- Engineering
- Environmental Health
- Building Control
- Emergency Planning
- Foreshores
- Biodiversity

The committee will lead on the following key plans and strategies:

- Waste and Recycling Strategy

### **Specific Functions**

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a Full council decision under the Policy Framework at Article 4 of this constitution.
2. Adopting Public Space Protection Orders which fall within the responsibility of this committee.
3. Monitoring and considering Ombudsman investigation reports and other complaints made.
4. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.

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5. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
- a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
  - b) virements of expenditure within relevant service area budgets;
  - c) the drawing down of funds; and
  - d) the award of grants to organisations, including discretionary rate relief

**Performance Management**

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

**Outside Bodies**

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:

**Urgency sub-committee**

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

**4.6 ECONOMY COMMITTEE**

**Membership**

11 Members

**Purpose**

The committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Economic Policy and Research
- Economic Partnerships
- Commercial Investment
- Commercial Activities
- Town Centre revival
- Business Development
- Tourism
- Property and Estates

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- Land Charges

The committee will lead on the following key plans and strategies:

- General Fund Commercial Strategy
- General Fund Asset Management Plan
- General Fund Property Investment Strategy

**Specific Functions**

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a full council decision under the Policy Framework at Article 4 of this constitution.
2. Determining matters relating to all functions (acquisition, disposal, declaring as surplus to requirements, repair and maintenance) relating to general fund land assets and property both residential and commercial.
3. Recommending any financial implications beyond agreed budgets from delivery of the commercial strategy to the Policy & Finance Committee.
4. Determining matters relating to terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the council where the rent exceeds £100,001 per annum (exclusive of rates) and the term of letting, leasing or licensing exceeds 25 years.
5. Reviewing the operation of any council owned companies.
6. Monitoring and considering ombudsman investigation reports and other complaints made.
7. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
8. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
  - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
  - b) virements of expenditure within relevant service area budgets;
  - c) the drawing down of funds; and
  - d) the award of grants to organisations, including discretionary rate relief
9. Making recommendations to the full council in relation to all major regeneration projects, including land and property, affecting the towns and villages within the Arun district.
10. In terms of major regeneration projects, approving the:
  - a) recruitment and engagement of consultants;
  - b) agreement to consult on certain stages of plans/proposals;
  - c) monitoring of progress against agreed action plans and any necessary actions to address problems etc; and

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- d) agreement to the drawing down of funds within the responsibilities of the committee as listed in the Financial Procedure Rules at part 6 of this constitution.

**Note**

The committee will not encroach on any of the responsibilities of the Planning Committee, Licensing Committee or the Planning Policy Committee.

**Performance Management**

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

**Outside Bodies**

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:

**Urgency sub-committee**

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

**5.0 REGULATORY COMMITTEES**

**5.1 AUDIT AND GOVERNANCE COMMITTEE**

**Membership**

11 Members

No member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Group Head of Finance in consultation with the Chair has been undertaken.

**Purpose**

The committee has delegated authority to exercise the following functions of the council:

- Corporate Complaints
- Internal Audit
- External Audit

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- Members Allowances
- External scrutiny of partners

**Specific Functions**

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Providing an independent assurance of the adequacy of the governance and risk management frameworks and the associated control environment so as to best protect the council's reputation.
2. Providing independent scrutiny of the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens the control environment.
3. Overseeing the financial reporting process.
4. Overseeing the work of internal and external audit and receive periodic reports on the work of the authority's Governance and Risk Group.
5. Advising the council on:
  - a) Appropriate arrangements for internal audit activity, in line with published standards;
  - b) The arrangements for the provision of external audit services;
  - c) The effectiveness of anti-fraud measures;
  - d) The arrangements for an appropriate regulatory framework;
  - e) Corporate Governance including approval of the annual governance statement;
  - f) Compliance with contract and financial procedure rules of the constitution;
  - g) Matters arising from the review and approval of the annual statement of accounts by the committee;
  - h) The authority's treasury management strategy and results;
  - i) The policy regarding provisions of the Regulation of Investigatory Powers Act 2010 (RIPA) and the use of such powers by the council.
6. Approving arrangements for establishing an Independent Remuneration Panel, in accordance with statutory requirements, and instructing the Chief Executive to make any appointments to the panel in line with their delegated authority at Part 4 of this constitution.
7. Overseeing the work of the Independent Remuneration Panel in its periodic consideration of members allowances.
8. Reviewing and considering the member allowances scheme based on reports from the Independent Remuneration Panel and making recommendations to the full council as required.



## **5.2 PLANNING COMMITTEE**

### **Membership**

11 Members

No member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Director of Growth in consultation with the Chair has been undertaken.

### **Purpose**

The committee has delegated authority to exercise the following functions of the council:

- Planning applications
- Service performance

### **Specific Functions**

The committee shall also exercise where not expressly delegated to the Planning Policy Committee the following specific functions by or on behalf of the council:

1. Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 of the Town & Country Planning Act 1990 (as amended) and the Planning (Listed Building & Buildings in Conservation Areas) Act 1990 (as amended) and Planning & Compulsory Purchase Act 2004 and Planning Act 2008:
  - 1.1 Power to determine applications for planning permission.
  - 1.2 Power to determine applications to develop land without compliance with conditions previously attached.
  - 1.3 Power to grant planning permission for development already carried out.
  - 1.4 Power to decline to determine any application for planning permission.
  - 1.5 Duties relating to the making of determinations of planning applications.
  - 1.6 Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
  - 1.7 Power to respond to consultation by neighbouring local planning authorities, other consultees or the Secretary of State
  - 1.8 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
  - 1.9 Power to determine applications for non-material amendments to a planning permission.
  - 1.10 Power to discharge or refuse to discharge planning conditions attached to a planning permission or any other relevant consents.
  - 1.11 Power to enter into, vary or modify agreements regulating development or use of land.

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- 1.12 Power to issue a certificate of existing or proposed lawful use or development, including those under Listed Building powers.
- 1.13 Power to serve a completion notice.
- 1.14 Power to grant consent for the display of advertisements.
- 1.15 Power to authorise entry onto land.
- 1.16 Power to require the discontinuance of a use of land.
- 1.17 Power to determine whether it is expedient to take enforcement action in instances where there has been a breach of planning control.
- 1.18 Power to serve a planning contravention notice, breach of condition notice, temporary stop notice or a requisition for information or stop notice
- 1.19 Power to issue an enforcement notice and/or community protection notice.
- 1.20 Power to apply for an injunction restraining a breach of planning control.
- 1.21 Power to determine applications for hazardous substances consent and related powers.
- 1.22 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
- 1.23 Power to require proper maintenance of land.
- 1.24 Power to determine applications for listed building consent and related powers granted to local authorities pursuant to the Listed Building and Conservation Areas Act 1990
- 1.25 Power to determine applications for permissions in principle and the related technical details consent.
- 1.26 Duties relating to applications for listed building consent, conservations areas, listed building heritage partnership agreements, and local listed building consent orders.
- 1.27 Power to serve a building preservation notice and related powers.
- 1.28 Power to issue enforcement notices and related powers.
- 1.29 Power to take action under sections 224 and 225 of the Town and Country Planning Act 1990 – enforcement of control over advertisements, and regulations made under section 220 thereof.
- 1.30 Powers to acquire a listed building in need of repair and to serve a repair notice.
- 1.31 Power to apply for an injunction in relation to a listed building.
- 1.32 Power to execute urgent works and recover costs by any appropriate means.
- 1.33 Rights of way functions for which the council is responsible.

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- 1.34 Protection and preservation of trees and hedgerows, including as necessary the making, confirmation, modification and revocation of tree preservation orders.
  - 1.35 Power to determine applications for works and felling of trees covered by a tree preservation order.
  - 1.36 Power to determine notifications for works to trees in conservation areas.
  - 1.37 To exercise the council's powers with regards to the Hedgerows Regulations 1997
  - 1.38 To exercise the council's powers with regard to the Community Infrastructure Levy Regulations 2010 (as amended)
  - 1.39 Power to determine prior approval notifications and consents.
  - 1.40 Power to make screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)
  - 1.41 Power to pursue those convicted through the courts of a planning breach under The Proceeds of Crime Act 2002 (or as amended)
  - 1.42 Power to issue community protection notices.
  - 1.43 Power to withdraw enforcement and other notices.
  - 1.44 Power to issue tree replacement notices.
  - 1.45 Power to make minor alterations to the Planning Application Validation Checklist
  - 1.46 Power to determine Section 73 applications under Town and Country Planning Act 1990 and Section 19 applications under the Town and Country (Listed Building and Conservation Areas) Act 1990 (as amended) (subject to the caveat set out below in relation to major applications)
- 2. Determining all applications/notifications and related planning enforcement matters.
  - 3. Determining matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the creation extinguishment or diversion of public highways affected by development and decisions on high hedges.
  - 4. Appointing briefing panels and site inspection panels and determining their membership, terms of reference and procedures to be confirmed in the Planning Protocol at part 8 of this constitution.
  - 5. Power to make amendments to the officer scheme of delegation insofar as they relate to the functions falling within the remit of the committee.
  - 6. Receiving reports from the Site Inspection Panel

### **5.3 LICENSING COMMITTEE**

#### **Membership**

11 Members

No Member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Director of Growth in consultation with the Chair has been undertaken.

#### **Purpose**

The committee has delegated authority for the following functions.

1. Licensing Act 2003
  - a) To discharge all functions which, under the Act, stand referred to a Licensing Committee, including, but not limited to the following:
    - (i) Applications for a personal licence;
    - (ii) Applications for premises licence/club premises certificate;
    - (iii) Applications for provisional statement;
    - (iv) Applications for interim authorities.
  - b) The powers of the committee under 1(a) shall include the power to deal with all applicants for the grant, renewal, variation or revocation of any licence or consent or any actions which a licensing committee is required or authorised to take under the Licensing Act 2003.
  - c) The delegated powers of the committee shall not include the adoption or review of the Statement of Licensing Policy (which are functions of full council).
2. Gambling Act 2005
  - a) To discharge all functions which, under the Gambling Act 2005, stand referred to the Licensing Committee, including but not limited to the following:
    - (i) applications for premises licences;
    - (ii) applications for provisional statements;
    - (iii) applications for club gaming / club machine permits.
  - b) The powers of the committee under 2(a) shall include the power to deal with all applications for the grant, renewal, variation, cancellation or revocation of any licence or consent or any actions which a licensing committee is required or authorised to take under the Gambling Act 2005.
  - c) The powers of the committee shall also include the power to set fees pursuant to section 212 of the Gambling Act 2005 but shall not include the power to adopt or review the Statement of Licensing Policy, which is a function of full council.
3. Other Licensing and Registration Functions

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- a) To discharge all the council's functions regarding licensing and registration and any associated or connected functions.
  - b) To advise full council regarding the Statement of Licensing Policy under the Gambling Act 2005.
  - c) To advise full council regarding the Statement of Licensing Policy under the Licensing Act 2003.
  - d) To advise the council and other committees on matters related to functions under the Licensing Act 2003 and the Gambling Act 2005 but are not themselves Licensing Act or Gambling Act functions.
4. Power to consider reports from council officers upon proposed enforcement action where the circumstances of a particular case are considered, in the discretion of the Enforcement Review Panel, to make it desirable for the Licensing Committee to do so.
5. To make amendments to the officer scheme of delegation insofar as they relate to the functions falling within the remit of the committee.

**5.3.1 LICENSING SCHEME OF DELEGATION**

Pursuant to paragraphs 5.3 (Licensing Committee) and 6.1 (Licensing Sub-Committee) set out in part 3 of the constitution:

- 1.1 Subject to Paragraph 1.3 below, an authorised officer may determine all applications, renewals, variations, transfers and other matters in respect of any licenses, permissions, registrations and approvals under, and so far as is required or permitted by any legislation, policy or officer scheme of delegation of the council.
- 1.2 The legislation referred to above shall include, but not exhaustively:
- The Licensing Act 2003
  - The Gambling Act 2005
  - The Scrap Metal Dealers Act 2013
- 1.3 Where:
- the council receives any objection, adverse representation or information concerning any of the above-mentioned matters, and
  - such objection, representation or other matter cannot be resolved in such a way as is permitted by law, council policy or the officer scheme of delegation
- the matter will be referred to the Licensing Sub-Committee for determination.
- 1.4 An authorised officer may refuse to renew, or may suspend, revoke or take any other such action against any license, permission, registration or approval as permitted by law or such council policy as is consistent with law.
- 1.5 Without prejudice to the generality of the afore-going provision, an authorised officer may refuse to renew, suspend or revoke a hackney carriage or private

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hire vehicle driver's license, save that the determination of any such action will be referred to the Licensing sub-committee where:

- that action is likely to present a departure from any Hackney Carriage or Private Hire Vehicle Licensing Policy adopted by the council, or
- the officer deems it proper to do so for any other reason.

#### **5.4 STANDARDS COMMITTEE**

##### **Membership**

11 Members + minimum of 3 Independent Persons

No member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Monitoring Officer in consultation with the Chair has been undertaken.

##### **Purpose**

The committee has delegated authority to exercise the following functions of the council:

- Members' Code of Conduct
- Code of Conduct complaint reviews

##### **Specific Functions**

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Promoting and maintaining high standards of conduct by district councillors, town and parish councillors and co-opted members.
2. Advising the council and town and parish councils on the adoption or revision of the Members' Code of Conduct.
3. Monitoring the operation of the Local Assessment Procedure and recommending any revisions to the full council.
4. Where not covered by the Local Assessment Procedure, determining the action to be taken on any failure of a district councillor, town or parish councillor or co-opted member to comply with the relevant authority's code of conduct following a report from the Monitoring Officer.
5. Determining any review made under the local assessment procedure following a report from the Monitoring Officer.
6. Advising and supporting the Monitoring Officer in the delivery of training on the Members' Code of Conduct to district councillors, town and parish councillors and co-opted members.
7. Considering membership and recruitment of Independent Persons to the committee and making recommendations for appointments to the full council.
8. All other functions relating to standards of conduct of district councillors, town and parish councillors and co-opted members under the Localism Act 2011 or regulations made under it.

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**Role of Independent Persons**

- a) They will have a consultative role when the Standards Committee or Assessment Panel makes decisions on complaints made against councillors.
- b) They will be invited to meetings of the Standards Committee and may remain in meetings for all items to be considered unless they have a conflict of interest. Where they do, the Chair and Vice-Chair will have authority to decide if they may take part in the debate or request that they leave the meeting.
- c) They will not be entitled to vote at or chair meetings.

**6.0 SUB-COMMITTEES**

**6.1 LICENSING SUB-COMMITTEE**

**Reporting to** – Licensing Committee

**Membership**

3 Members drawn from the Licensing Committee

**Functions**

The sub-committee has the following functions:

1. Subject to all the provisions applying to delegations, the Licensing Sub-Committee shall have all the council's powers and duties for:
  - 1.1 Deciding applications for all licenses, permissions and associated matters, under the Licensing Act 2003 and Gambling Act 2005 where representations or objections have been received but which cannot be resolved by mediation or any other way permitted by law and where any decision has not been delegated to an officer by the Licensing Scheme of Delegation at part 4 of this constitution, statute or otherwise.
  - 1.2 Deciding applications for the variation, suspension or revocation of all such licenses, permissions and associated matters, under the legislation mentioned in the paragraph above save those which can be resolved by mediation, or any other way permitted by law or by delegation to an officer by the Licensing Scheme of Delegation at part 4 of this constitution, statute or otherwise.

**Note**

The sub-committee will meet as and when convened by the Group Head of Technical Services or their nominated officer.



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**7.0 WORKING PARTIES**

Working Parties in operation at May 2021 are:

<b>Name of the Working Party</b>	<b>Reporting to</b>
Arun Leisure Centre Dual Use Officer Group	Housing & Wellbeing Committee
Constitution Working Party	Full Council
ICT and Digital Agenda Working Party	Corporate Support Committee

1. The council and any committee may establish working parties with responsibility for specific functions or tasks based on the following terms:
  - a) An agreed terms of reference, or if that is not practical the scope of the function/task to be undertaken;
  - b) The size of the membership of the working party;
  - c) How membership will be agreed, either nominated at the time the working party is established or through nomination by the group leaders based on proportionality rules;
  - d) Proposals for the allocation of seats if vacancies occur, or whether to leave seats vacant;
  - e) The timescale for the work to be undertaken.
  
2. Working Parties will then:
  - a) Review their terms of reference and recommend any changes for approval to their parent body (full council or a committee).
  - b) Make recommendations and report back to their parent body on the outcomes of their work.
  - c) Meet in private, unless the working party agrees that meetings should be held in public and proper notice is given in accordance with the requirements of the Committee Procedure Rules at part 5 of this constitution.

## **8.0 PANELS**

### **8.1 ASSESSMENT PANEL**

**Reporting to** – Standards Committee

**Membership**

3 Members drawn from the Standards Committee + 1 Independent Person

**Functions**

The panel has the following functions:

1. To meet as and when convened by the Monitoring Officer to assess written complaints made against a councillor or co-opted member of Arun District Council or a town/parish council within the Arun district in respect of an alleged breach of the relevant authority's Code of Conduct.
2. To conduct hearings, take decisions and determine sanctions in accordance with the local assessment procedure.
3. To report the outcome of their assessments to the Standards Committee.

### **8.2 DISPENSATION PANEL**

**Reporting to** – Standards Committee

**Membership**

3 Members drawn from the Standards Committee

**Functions**

The panel has the following functions:

1. To meet as and when convened by the Monitoring Officer to consider applications from members of the council for a dispensation to allow them to participate in the consideration, discussion or voting upon business before the council where they have a pecuniary interest under the Members' Code of Conduct.
2. To grant a dispensation on the following criteria:
  - a) without the dispensation, the proportion of the council who would be prohibited from participating would impede the council's transaction of that business; or
  - b) without the dispensation, the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote; or
  - c) the granting of the dispensation is in the interests of people living in the Arun district; or
  - d) without the dispensation, each individual member would be prohibited from participating in the business; or
  - e) it is otherwise appropriate to grant a dispensation.
3. To determine the period for the dispensation to be granted.

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4. To report the outcome of any dispensations granted to the Standards Committee.

### **8.3 ENFORCEMENT REVIEW PANEL**

**Reporting to** – Licensing Committee

**Membership**

Shall be in accordance with the council’s Enforcement Policy for Environmental Health (including Private Sector Housing) and Cleansing, as may be amended from time to time.

**Functions**

The panel has the following functions:

1. To receive and consider reports of cases where formal legal action is considered to be an appropriate course of action in accordance with the council’s Enforcement Policy for Environmental Health (including Private Sector Housing) and Cleansing, as may be amended. To consider what, if any, action is appropriate and to provide authority for any such action.
2. To refer such decisions to the Licensing Committee for approval where the Enforcement Review Panel considers such referral to be appropriate in the circumstances of the case.

### **8.4 JOINT STAFF CONSULTATIVE PANEL**

**Reporting to** – Corporate Support Committee

**Membership**

*Council representatives:*

Two Members – Chair and Vice-Chair of Corporate Support Committee

*Staff representatives*

Two members of the Unison Branch Executive

*Management representatives*

Chief Executive and Human Resources Manager

**Functions**

The Panel has been established to facilitate consultation between the council and its employees and to maintain and improve relations between both sides. It is not a decision-making body but may make recommendations, where appropriate, to the Corporate Support Committee or full council.

The Panel has the following functions:

1. To establish a regular method of negotiation and consultation between the council and its staff in order to provide for the health, safety and welfare of staff and ensure an effective working environment.

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2. To introduce changes to Human Resources Policy into the decision-making system for formal adoption, where appropriate, by the Corporate Support Committee or full council.
3. To examine problems arising from the operation of agreed procedures and conditions and assisting in the prevention of misunderstanding.
4. To ensure that employee representatives are well informed about the current and proposed strategy and activities of the council and their proposals for the future and to address any issues relating to staff that arise from this.
5. To address any other staff related issues which it is agreed by all panel members fit within the objectives of the panel.
6. To receive reports/minutes from the Staff Safety Panel to be noted or action agreed.
7. No matter about an individual shall be within the scope of the panel.

**Attendance at meetings and quorum**

8. For a meeting to be quorate all of the members must be present, however, any of the members are able to be substituted, if necessary, by another member of the Corporate Support Committee, Unison member or manager. Substitutes will have the same powers as appointees.
9. A full quorum is only required if a decision is to be referred to the Corporate Support Committee or full council, otherwise a meeting may proceed if only one elected member, one Unison representative and one manager are present. In these circumstances a decision may be deferred to a future meeting.
10. Some decisions may be agreed outside of the formal meeting if e-mail consultation has taken place. Decisions made in this way will be recorded at the next formal meeting.
11. The safety co-ordinator and their representative will attend meetings of the panel to provide advice and guidance if required, as well as present reports for discussion.
12. It may be appropriate for parties other than those set out in the constitution to attend formal meetings for specific agenda items. This to be agreed in advance by all panel members.

**Regulations**

13. A Chair will be appointed by the panel at its first meeting in each council year.
14. If a vote is required, members of the panel who are entitled to vote will be the council's elected representatives and the Unison representatives.
15. Meetings of the panel will be held approximately every quarter, but with additional meetings arranged, if necessary, to discuss significant issues and ensure good communication. Meetings will be held in closed session in view of the confidential nature of the business to be discussed.

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16. The agenda shall be agreed in advance of the meeting and sent to each member of the panel at least five working days before any meeting. This is a minimum timescale and in the interests of encouraging clarity and constructive debate at the meeting. Members of the panel are encouraged to provide items for consideration in writing and with more notice than five days if items are complex.
17. As a general rule, matters brought before the panel will have been formally raised with the appropriate Director previously.
18. No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction.
19. Minutes will be agreed by members of the panel in attendance, prior to being published on the staff Intranet.
20. It is anticipated that from time to time there will be a need to make recommendations to the Corporate Support Committee or full council where significant and/or wide-ranging policy changes or new policies are proposed, or where there is a failure to reach agreement between the employer and Unison. This will normally be by way of an officer report.

## **8.5 STAFF APPEALS PANEL**

**Reporting to – Corporate Support Committee**

### **Membership**

8 Members - The Group Head of Organisational Excellence or their nominated representative has authority to call hearings of the panel as and when required and shall select, in rotation, 3 members to sit at a hearing of the panel.

### **Functions**

The panel has the following functions:

1. To act as the final level of appeal to determine appeals against decisions of the council on employment matters, including those under the Disciplinary Procedure and the Grievance Procedure and to authorise the terms to settle any employment related dispute with the council including:
  - a) any final financial settlement up to a limit of £25,000 for an individual claim to a compensatory payment. All financial claims relating to a regrading claim require a decision of the full council where a supplementary estimate is needed;
  - b) the non-financial terms for a settlement agreement or compromise agreement to settle a matter;
  - c) making a recommendation to the full council in all other cases; and
  - d) authorising the serving of relevant legal and other notices by the council arising out of any matter referred to an employment tribunal.
2. To operate within the council's existing policies and procedures for hearing and determining disciplinary and grievance matters. In respect of all other matters coming before the Staff Appeals Panel, the procedure shall be determined by the Group Head of Organisational Excellence or their nominated representative.

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3. No member shall take any part in the proceedings of a Staff Appeals Panel where they have taken any part in the decision, which is under appeal.

**9 CHIEF EXECUTIVE COMMITTEES AND PANELS**

**9.1 CHIEF EXECUTIVE’S APPRAISAL PANEL**

**Reporting to** – Full council and the other Chief Executive’s Committees and Panels, as appropriate

**Membership**

3 members comprising the Leader of the Council, Deputy Leader of the Council and leader of the opposition (or majority opposition group) appointed by the full council.

The appointed members shall not also be appointed to the Chief Executive’s Remuneration Committee.

Quorum – 2 members

**Purpose**

1. To annually review the performance of the Chief Executive against previously agreed objectives and timescales as agreed as part of their contract of employment.
2. To have as its proper officer the Group Head of Organisational Excellence.
3. To meet in private. No one other than the Chief Executive, members of the panel or relevant third party will attend the meeting without the agreement of all members of the panel, the Chief Executive or alternatively, without the agreement of the full council.
4. To refer any appeal about any action or outcome arising out of the work of the Appraisal Panel to the Staff Appeals Panel.
5. To work to the terms of reference set out below and where not expressly listed to follow the JNC Model Conditions.

**Terms of Reference**

6. To measure the performance of the Chief Executive against what is expected of them in the post from previously identified targets.
7. To measure achievement and identify any continuing development needs which if met would maintain a high level of performance.
8. To report to the Chief Executive’s Remuneration Committee on the outcome of the appraisal.

**Role**

9. To set clear objectives, which are relevant and challenging but achievable for the Chief Executive. These objectives to be agreed with the post holder.
10. To review the Chief Executive’s performance against agreed objectives and timescales that were set for the preceding year or period.
11. To discuss any continuing development needs for the Chief Executive which if met would maintain a high level of performance and/or meet anticipated future requirements in the context of the council’s changing priorities.

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12. To ensure that the process for the appraisal follows the JNC Model Conditions or other best practice as agreed from time to time.
13. To openly discuss the working relationship between leading members and the Chief Executive and to adjust working approaches if necessary.
14. To report to the other Chief Executive's Committees and Panels as appropriate and/or necessary concerned with the role of Chief Executive on any positive or negative matters.

**Casting Vote**

15. The Leader of the Council shall have a second and casting vote. In the absence of the Leader of the Council, the Deputy Leader of the Council shall have a second and casting vote.

**9.2 CHIEF EXECUTIVE'S REMUNERATION COMMITTEE**

**Reporting to** – full council and the other Chief Executive's Committees and Panels, as appropriate

**Membership**

5 Members appointed by the full council.

The appointed members shall not also be appointed to the Chief Executive's Appraisal Panel.

Quorum – 3 Members

**Purpose**

1. To consider the remuneration to be paid for the post of Chief Executive that takes into account the report of the Chief Executive's Recruitment and Selection Panel or the Chief Executive's Appraisal Panel and make recommendations to the full council.
2. To have as its proper officer the Group Head of Organisational Excellence or their representative.
3. To refer any appeal about any action or outcome arising out of the work of the Remuneration Committee to the Staff Appeals Panel.
4. To work to the terms of reference set out below and where not expressly listed to follow the JNC Model Conditions.

**Terms of Reference**

5. To look at all elements of the remuneration package, which are not set nationally (e.g., pensions) or by overall council policy, including fixed salary, variable pay elements and any additional benefits.
6. To ensure that such decisions are taken in a transparent manner and made available publicly in a suitable format.

**Role**

7. To undertake periodic reviews of the pay and remuneration of the Chief Executive.
8. To meet at least annually.



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9. To receive from time to time, a report relating to relevant pay data from the Group Head of Organisational Excellence or their representative in relation to pay and remuneration schemes for chief executives.

### **9.3 CHIEF EXECUTIVE'S RECRUITMENT AND SELECTION PANEL**

**Reporting to** – Full council and the Chief Executive's Remuneration Committee, as appropriate

**Membership**

5 Members comprising the Leader of the Council and 4 other members nominated by the Leader of the Council, in consultation with the other group leaders and approved by the full council.

Quorum – 3 Members

**Purpose**

1. To undertake all processes leading to the recruitment and selection of a new Chief Executive.
2. To have as its proper officer the Group Head of Organisational Excellence or their representative.
3. To work to the terms of reference set out below and where not expressly listed to follow the JNC Model Conditions.

**Terms of Reference**

4. To be familiar with current views as to the important elements of the job of Chief Executive and to come to a view as to the essential elements of the job description, job skills and key attributes. It is likely that the panel would seek internal and external advice throughout the process.
5. To report to the Chief Executive's Remuneration Committee on the outcome of the review of the remuneration package to be paid to a new chief executive.
6. To undertake all work necessary to recruit and select a chief executive and make recommendations to the full council to confirm the appointment as required by part 3 of this constitution.

**10 STATUTORY OFFICERS COMMITTEES AND PANELS**

**10.1 STATUTORY OFFICERS' INVESTIGATORY AND DISCIPLINARY COMMITTEE**

**Reporting to** – Full council

**Membership**

5 Members appointed by the full council.

The appointed members shall not also be appointed to the Chief Executive's Appraisal Panel.

Quorum – 3 Members

**Purpose**

1. To deal with matters relating to the conduct and/or capability of the following statutory officers:
  - Chief Executive;
  - Director of Growth;
  - Director of Environment and Communities;
  - Section 151 Officer; and
  - Monitoring Officer.
2. To have as its proper officer the Human Resources Manager.
3. To work to the terms of reference set out below.

**Terms of Reference**

4. To consider allegations and take disciplinary action, as appropriate, relating to the conduct and/or capability of the statutory officers including:
  - To screen potential disciplinary/dismissal issues to consider whether they require investigation and whether the relevant officer should be suspended. This includes informing the statutory officer concerned of the allegations, allowing them to respond and to consider whether further investigation is needed.
  - To organise the investigation, including if appropriate instructing the Human Resources Manager to appoint a designated independent person (who should make recommendations on whether and what disciplinary action might be appropriate) and consider what disciplinary action it wishes to recommend, after hearing the views of the statutory officer concerned.
  - Where the recommendation of the committee is for dismissal, to refer the matter to the Statutory Officers' Investigatory and Disciplinary Panel for its views.
  - If, after taking the views of the Statutory Officers' Investigatory and Disciplinary Panel into account, the committee's recommendation is for dismissal, the requirements of the Officer Employment Rules as set out in part 6 of this constitution will be followed.

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- If, following this, dismissal is still considered appropriate, to recommend to the full council that the statutory officer be dismissed as required by part 3 of this constitution.
- Where the committee decides that action short of dismissal, or no disciplinary action at all is appropriate, to inform the statutory officer concerned of that decision and any associated actions, without reference to the Statutory Officers' Investigatory and Disciplinary Panel or the full council.

**10.2 STATUTORY OFFICERS' INVESTIGATORY AND DISCIPLINARY PANEL**  
**10.3**

**Reporting to** – Statutory Officers' Investigatory and Disciplinary Committee

**Membership**

3 Independent Persons from the Standards Committee or any other local authority.

Quorum – 3 Members

**Purpose**

1. To meet as and when convened by the Human Resources Manager in order to carry out an independent review of the investigation and recommendations of the Statutory Officers' Investigatory and Disciplinary Committee where dismissal of one of the statutory officers is recommended.
2. To report the results of its independent review to the Statutory Officers' Investigatory and Disciplinary Committee.

**11 JOINT AREA COMMITTEES**

- 11.1** As confirmed in Article 9, the council may enter into joint arrangements with one or more local authorities to advise the council on, or exercise council functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.

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**SECTION 1 – GENERAL PRINCIPLES**

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**1.0 GENERAL PRINCIPLES**

- 1.1 All functions that are not specifically reserved by law or under this constitution to the full council, a regulatory committee, sub-committee or service committee or officers, are delegated to the Chief Executive in accordance with annexe 1.
- 1.2 This scheme is made by the council under section 101(1) (a) of the Local Government Act 1972 <sup>1</sup>.
- 1.3 The scheme is made in accordance with section 151 of the Local Government Act 1972, and all other provisions relating to functions held by the council; and shall be construed in accordance with any legislation amending, or substituted for, any of those provisions, or any legislation having a similar purpose or made for similar purposes.
- 1.4 This scheme does not delegate to officers:
- any matter reserved to the full council,
  - any matter which by law may not be delegated to an officer,
  - any matter expressly reserved to a committee or sub-committee by this constitution,
  - any power to change concession policies,
  - any power to make a decision on permanent savings in a budget,
  - any power to make an order for the compulsory acquisition of land,
  - any power to acquire land in advance of requirements,
  - any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.
- 1.5 In respect of any matter falling within the parameters of this scheme, the Chief Executive may in writing make such arrangements with Directors for the discharge of functions within their areas of responsibility as the Chief Executive considers appropriate.
- 1.6 This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, byelaws present and future, and common law provisions, within those descriptions, and all powers and duties incidental to that legislation including the institution and conduct of proceedings. The powers and duties shall be exercised in accordance with the

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<sup>1</sup> This footnote is not part of the constitution. Section 101 (1) of the Local Government Act 1972 allows a local authority to arrange for the discharge of any of their functions by a committee, subcommittee, an officer or another local authority. The word **arrange** includes arranging by contract or delegation or some other arrangement. The key point is that it does not have to be a “delegation” although it usually is.

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constitution and the policies and objectives of the council relevant to the matter upon which action is to be taken.

- 1.7 This scheme includes an obligation on officers to keep members of the council properly informed of activity arising within the scope of these delegations.
- 1.8 These general principles and any amendment of or addition to them made by the council shall apply to the delegation of functions in the constitution.

**2.0 GENERAL LIMITATIONS**

- 2.1 An officer, in exercising delegated powers, shall consult other appropriate officers and shall have regard to any advice received.
- 2.2 Any exercise of delegated powers shall be subject to any policy framework approved by the council, including the authority's employment policies and disciplinary procedures, equality policies, and any service delivery policies; and shall be guided by relevant codes of conduct or protocols produced or adopted by the council (including any code or protocol which has been included within the council's constitution) and the corporate plan.
- 2.3 Any exercise of delegated powers shall be subject to:
  - any statutory restrictions;
  - the council's procedure rules relating to purchasing, procurement, contracts and disposals;
  - the council's financial procedure rules;
  - article 13 of the constitution (Finance, Contracts and Legal Matters);
  - the provisions generally of this part of the constitution.
- 2.4 In exercising delegated powers, officers shall not go beyond the provision made in the revenue or capital budgets for their service, except to the extent permitted by the council's financial procedure rules or the procedure rules relating to purchasing, procurement, contracts and disposals set out in part 6 of this constitution.
- 2.5 Any matters relating to the making and/or alteration of council policy shall be referred to the full council or the relevant service committee.
- 2.6 The delegation of authority to deal with any matter shall not override the power of the council to call for a report on any decision or action taken or to require any such matter under consideration to be referred to the council or to the appropriate committee or sub-committee for decision.
- 2.7 The Chief Executive, a Director, or Group Head may, after consultation with any officer concerned, refer to the council, the appropriate committee or sub-committee for decision any matter which has been brought to their notice and which in their opinion, because of special difficulty or otherwise, warrants such reference.
- 2.8 It shall always be open to an officer to whom authority is delegated to consult



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the appropriate Chair of a committee on the exercise of a delegated function, or not to exercise a delegated function but to refer the matter back to the full council, the relevant committee or sub-committee for decision.

- 2.9 Where a delegation requires the agreement of, or consultation with a committee Chair, such delegation shall allow for the substitution of the Vice-Chair or in their absence, another member of the committee.
- 2.10 An officer to whom authority is delegated shall have power to undertake all work to give full effect to any decision of the council, its committees and sub-committees.

### **3.0 DELEGATIONS TO OFFICERS**

3.1 **Limitations of delegations** - The powers delegated to officers under this scheme do not include any power to take a decision which is properly a matter for the council, or a committee or sub-committee. Officers are, in the context of this scheme, responsible for the management of their services, the provision of advice to the council and members, and the implementation of council policies and decisions. A decision which an officer takes, under a delegation made by or under this scheme, must:

- implement a policy previously approved or decision previously taken by the council, or a committee or sub-committee; or
- facilitate, or be conducive or incidental to, the implementation of a policy or decision previously approved;
- be recorded in accordance with paragraphs 5.1 and 5.2 below.

### **4.0 FURTHER PROVISIONS**

4.1 **Continuation of existing delegations** - A delegation to an officer which existed at the date of the introduction of this scheme shall, to any extent that it remains unaltered by (and is not inconsistent with) any delegation (or variation to a delegation) made by or under this scheme, shall continue to have effect.

4.2 **Deemed delegations** - Where in respect of a given function or activity, no delegation is in effect, and an officer has a management responsibility in relation to the exercise of that function or activity, the exercise of any delegated authority necessary to carry out the function or activity effectively shall be deemed to have been delegated to that post holder.

4.3 In this scheme, “officer” means the holder of any post to which a function or activity, or powers and duties in relation to such a function or activity, may be delegated.

4.4 Where a function or activity has been specifically delegated by or under this scheme to an officer, and where the officer to whom the delegation was made is absent or otherwise unavailable, that function or activity shall not be exercised by another officer without the consent of the Chief Executive.

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- 4.5 An authority delegated to officers includes management of the human and material resources made available for the service area and any function concerned, within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another officer.
- 4.6 In each case, a delegated authority excludes any determination of policy, any exception to policy, or of any budget by the officer concerned.

**5.0 RECORDS OF DECISIONS MADE BY OFFICERS WITH DELEGATED RESPONSIBILITIES**

- 5.1 It is the responsibility of every officer exercising a delegated responsibility to maintain a paper or electronic record of all decisions made and actions decided upon for a period of six years or such other period as required by statute or regulation in a manner that meets the overall responsibility of the council arising from that decision, including the needs of officers from all services who will action the decision as well as the officers who are responsible for the governance of the council.
- 5.2 Where a decision delegated to an officer would otherwise have been taken by the full council, a committee, sub-committee or joint committee either:
- a) under a specific express authorisation; or
  - b) under a general authorisation to officers to take such decisions and, the effect of the decision is to -
    - grant a permission or licence;
    - affect the rights of an individual; or
    - award a contract or incur expenditure which, in either case, materially affects the council's financial position.

the decision-making officer must produce and retain for a period of six years a written record of the decision as soon as practicable containing the following information:

- i. the date the decision was taken;
- ii. a record of the decision and the reasons for the decision;
- iii. details of alternative options, if any, considered and rejected; and
- iv. where the decision falls under paragraph 5.2 a) above, the names of any member of the council who has declared a conflict of interest in relation to the decision.

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**6.0 WRITTEN RECORD OF THE DECISION**

- 6.1 For decision made under paragraph 5.2 above, the written record must, as soon as reasonably practicable after the decision is made, be available:
- a) for inspection at council offices during normal working hours; and
  - b) to view online

**7.0 PROPER OFFICERS**

7.1 The Local Government Act 1972 introduced a requirement that the officer required to perform specified duties should be the "proper officer" appointed by the council for that purpose. The council has designated the under-mentioned officers in the following table as the 'proper officers' for the sections and schedules indicated.

<b>Legislation Title (in alphabetical order)</b>	<b>Purpose</b>	<b>Proper Officer</b>
<b>Local Authorities (Referendums) (Petitions) (England) Regulations 2011</b>	Petitions and Referendums	Chief Executive
<b>Local Government Act 1972:</b> •Schedule12 - para 4(2)(b)	Signing of Council summons to attend a meeting	
•Schedule14 para 25(7)	Certification of resolutions passed by the Council	Chief Executive
•S. 13(3)	Parish Trustee (In a parish not having a separate parish council)	
•S. 83(1)	Declarations of acceptance of office	

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<b>Legislation Title (in alphabetical order)</b>	<b>Purpose</b>	<b>Proper Officer</b>
•S. 84	Resignation of a Member from office	Chief Executive
•S. 88(2)	Convening of Council meeting for filling Chair casual vacancy	
•S. 89(1)(b)	Notice of casual councillor vacancy	
•S. 100A – 100K	Access to Information	
•S. 115(2)	Payment of money due	Group Head of Finance
•S. 146(1)(a)	Securities – statutory declaration	
•S. 146(1)(b)	Securities – certificate	
•S. 151	Financial administration	
•S. 191	Ordnance Survey applications	Director of Growth
•S.s 210(6) and (7)	Charities	Group Head of Finance
•S. 225(1)	Deposit of documents	Monitoring Officer
•S. 229(5)	Certification of photocopies (other than accounts)	Monitoring Officer
•S.s 234(1) and (2)	Authentication of documents	Monitoring Officer
•S.s 236(9)	Distribution of Byelaws	Group Head of Law & Governance
•S. 238	Provide certified copies of Byelaws	
<b>Local Government Finance Act 1988 – S.114</b>	Proper administration of financial affairs	Section 151 Officer
<b>Local Government (Miscellaneous Provisions) Act 1976 – S.41</b>	Evidence of resolutions and minutes of proceedings	Group Head of Law & Governance
<b>Local Government Act 2000 – S.s 49 to 81 (insofar as the same are still in force)</b>	Conduct of Members	Monitoring Officer
<b>Local Government &amp; Housing Act 1989 – •S. 4</b>	Head of the Paid Service	Chief Executive
•S. 5	Monitoring Officer	Group Head of Law & Governance

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<b>Legislation Title (in alphabetical order)</b>	<b>Purpose</b>	<b>Proper Officer</b>
<b>Public Health (Control of Disease) 1984</b> •S. 1	Duty to execute this Act	The Council has appointed Public Health England to act as Proper Officer when dealing with these powers
•S. 61	Power to enter premises	
<b>Neighbourhood Planning (Referendums) Regulations 2012</b>	Counting Officer	Director of Growth
<b>Representation of the People Act 1983:</b> •S.8	Registration of Parliamentary and Local Government Electors – Electoral Registration Officer	Chief Executive
•S.28	Conduct of Parliamentary Elections – Discharge of Returning Officer’s Functions	Chief Executive
•S.35	Returning Officer	Chief Executive
<b>Electoral Administration Act 2006</b>	Updated local government election rules	Chief Executive
<b>Police Reform and Social Responsibility Act 2011</b>	Police and Crime Commissioner Elections	Chief Executive
<b>Planning (Listed Buildings and Conservation Areas) Act 1990 – S.2</b>	Deposit of lists of buildings of special architectural or historic interest	Director of Growth

7.2 In any enactment passed before or during the 1971/72 session of parliament other than the Local Government Act, 1972 or in any instrument made before 26th October 1972, a reference to a specified officer of the council shall be deemed to be a reference to the relevant director in which the function of the specified officer is now vested, or in appropriate cases to Public Health England.

7.3 Where written evidence of any such appointment as aforesaid is required, the Chief Executive or their nominated deputy shall issue it.

7.4 Officers responsible for the governance of the council are:

- Finance – Group Head of Finance

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- Internal Audit – Group Head of Finance
- Committee Services and Information Management – Group Head of Law & Governance

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**ANNEXE 1 – GENERAL DELEGATION TO THE CHIEF EXECUTIVE**

**CHIEF EXECUTIVE**

- 1.1 With the exception of Proper Officer powers and those powers delegated to:
- a) the Group Head of Law & Governance when acting as Monitoring Officer;  
or
  - b) the Group Head of Finance when acting as Section 151 Officer;  
or
  - c) Chief Executive when acting as Head of Paid Service

the Chief Executive has the power to take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy, and to comply with and undertake all statutory obligations, duties, functions and powers and within approved budget.

- 1.2 Further to the above provisions, the Chief Executive may allocate, authorise or delegate responsibility for exercising particular powers to any officer of the council as the Chief Executive thinks fit. All such delegations (as opposed to authorisations) are to be recorded in writing and retained for the duration of the delegation (as opposed to authorisation) which shall not exceed a specified period exceeding six months and shall set out the description of the powers to be exercised by the officer of the council and state the post held by the officer, in accordance with the Local Government Act 2000 (Constitutions) (England) Direction 2000.
- 1.3 For the purposes of the above provisions, the statutory obligations, duties, etc. referred to shall include, but not exhaustively, those contained within the legislation set out in a matrix of statutes held by the delegating officer in respect of their service area, a copy of which shall be provided to the Monitoring Officer together with all amendments.
- 1.4 The Monitoring Officer will maintain a central record of all delegations received from the delegating officers as are established under paragraph 1.2 of this part of the constitution and will make them available for public inspection pursuant to section 100G of the Local Government Act 1972.
- 1.5 For the avoidance of doubt, the Chief Executive is not authorised to grant a councillor permission not to attend meetings of the council for the purposes of section 85 of the Local Government Act 1972.
- 1.6 After consultation with and agreement of the Chair of the Audit & Governance Committee, to appoint members of the Independent Remuneration Panel for Members' Allowances and be able to extend their term of office. Should the Chief Executive consider that the appointment of any Independent Remuneration Panel member for the Members' Allowances Scheme be

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changed or terminated, the Chief Executive will consult with the Chair of the Audit & Governance Committee prior to making a final decision.



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**SECTION 1 – COUNCIL PROCEDURE RULES**

**PART 5 – MEETING PROCEDURE RULES**  
**(SECTION 1 – COUNCIL PROCEDURE RULES)**

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**PART 5 – RULES OF PROCEDURE (MEETINGS)**  
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**1. SCOPE**

These rules apply to meetings of the council.

**2. ANNUAL MEETING OF THE COUNCIL**

**2.1 Timing and business**

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

The annual meeting will:

- (i) appoint a person to preside if the Chair of the Council is not present;
- (ii) appoint the Chair of the Council in accordance with part 3 of this constitution;
- (iii) appoint the Vice-Chair of the Council in accordance with part 3 of this constitution;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (vi) receive any announcements from the Chair;
- (vii) consider any business not otherwise specified in the council summons which, in the opinion of the Chair of the Council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the council;
- (viii) appoint the Leader and Deputy Leader of the council in accordance with article 6;
- (ix) appoint members to the service committees, regulatory committees, other sub-committees, working parties and panels;
- (x) appoint the Chair and Vice-Chair of all service committees, regulatory committees, sub-committees, working parties and panels;
- (xi) approve the list of members to be appointed to outside bodies, as submitted by the Leader of the Council;
- (xii) appoint the substantive and councillor directors of the council owned property company; and
- (xiii) consider any other business set out in the notice convening the meeting in the order which it appears in the council summons, however that order may be varied at the discretion of the chair or by resolution of the council.

**3. ORDINARY MEETINGS OF THE COUNCIL**

**3.1 Timing and business**

Ordinary meetings of the council will take place in accordance with the annual calendar of meetings. Ordinary meetings will:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;

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- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (iii) receive questions from members of the public;
- (iv) receive questions from members with prejudicial interests in accordance with council procedure rule 13;
- (v) consider and debate petitions received in accordance with the petitions scheme at part 8 of this constitution;
- (vi) approve the minutes of the last meeting;
- (vii) receive any announcements from the Chair;
- (viii) consider any business not otherwise specified in the council summons which, in the opinion of the Chair of the council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the council;
- (ix) receive reports from service committees, regulatory committees, working parties of the full council and panels; and consider any recommendations contained therein;
- (x) consider motions;
- (xi) consider general questions from members in accordance with council procedure rule 14;
- (xii) receive and consider reports from officers of the council; and
- (xiii) consider any other business set out in the notice convening the meeting in the order in which it appears in the council summons, however that order may be varied at the discretion of the chair or by resolution of the council.

#### **4. SPECIAL MEETINGS OF THE COUNCIL**

##### **4.1 Calling special meetings**

Special meetings of the council may be called by the Chief Executive, in consultation with the Chair of the council and political group leaders.

##### **4.2 Business at special meetings**

Special meetings will:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (iii) receive questions from members of the public;
- (iv) receive questions from members with prejudicial interests in accordance with rule 13;
- (v) approve the minutes of the last meeting;
- (vi) receive any announcements from the Chair;
- (vii) consider any business not otherwise specified in the council summons which, in the opinion of the Chair of the council, in consultation with the

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Chief Executive, is business of such urgency as to require immediate attention by the council;

- (viii) consider motions; and
- (ix) consider any other business set out in the notice convening the meeting in the order which it appears in the council summons, however that order may be varied at the discretion of the Chair or by resolution of the council.

#### **4.3 Procedure for debates at special meetings**

Where the meeting has been called to debate a specific topic or issue, the following procedure will apply:

- (i) Introduction by the Chair
- (ii) Presentation by invited speaker(s) and/or officers
- (iii) Questions to be responded to by invited speaker(s) and/or officers from:
  - a. members and
  - b. any other persons permitted by the Chair
- (iv) Statements may then be made by:
  - a. members and
  - b. any other persons permitted by the Chair
- (v) Debate upon any motions received in accordance with council procedure rule 17 or based on a recommendation from an officer
- (vi) Chair to conclude the debate

The procedure may be varied by a resolution of the council.

#### **4.4 Special meetings to confer the title of Honorary Alderman**

A Special Meeting of the council may be called by the Chief Executive, in consultation with the Chair of the council and political group leaders, to consider conferring the title of honorary alderman on a former councillor who meets the council's agreed protocol.

At such meetings, the business to be followed will be:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct; and
- (iii) consider conferment of the title of honorary alderman.

As required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such a meeting.

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**5. EXTRAORDINARY MEETINGS**

**5.1 Calling extraordinary meetings**

Those listed below may request the Chief Executive to call an extraordinary council meeting:

- (i) The full council by resolution;
- (ii) the Chair of the council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the council if they have signed a requisition presented to the Chair of the council and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

**5.2 Business at extraordinary meetings**

The summons to an extraordinary meeting of the council shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

**6. TIME AND PLACE OF MEETINGS**

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

**7. NOTICE OF AND SUMMONS TO MEETING**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at part 6 of this constitution. At least five clear days before a meeting, the Chief Executive will send a summons to every member of the council. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

**8. CANCELLATION, POSTPONEMENT OR ADJOURNMENT OF MEETINGS**

The decision to cancel, postpone or adjourn any meeting of the council shall be made by the Chair, in consultation with the Chief Executive or their representative.

**9. CHAIR OF MEETING**

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

**10. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting, if the Chair counts the number of members present and

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declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the council.

**11. DURATION OF MEETING**

11.1 Except for a Council Tax/Budget setting meeting, each unfinished meeting will adjourn at 9pm unless a majority of councillors present vote to extend the meeting by 30 minutes at which time the meeting will stand adjourned.

11.2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those councillors present or if no decision is reached by the Chief Executive in consultation with the Chair and Group Leaders, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

**12. QUESTIONS BY MEMBERS OF THE PUBLIC**

**12.1 Submitting questions**

Members of the public may ask questions of the Chair of committees, or the Vice-Chair in their absence, at meetings of the council, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting.

- a) All questions:
- must confirm to whom the question is addressed;
  - must be relevant to matters for which the council has powers or duties;
  - should be limited to obtaining information or pressing for action; and
  - must not exceed one minute in duration.
- b) Questions may be rejected by the Chief Executive in consultation with the Chair if they:
- are not relevant to matters for which the council has responsibility, or which affect the district; or
  - may be defamatory, frivolous or offensive; or
  - are substantially the same as a question put at a meeting in the past six months;
  - relate to specific live planning applications or general planning decisions upon action under the Planning Acts
  - relate to situations in which the committee acts like a court of law e.g. in considering licensing matters as those matters are addressed through individual legal processes and through the courts; or

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- relate to matters within the various categories of exempt information shown in Schedule 12A to the Local Government Act 1972 (details of which are set out below):
  - i. information relating to any individual ;
  - ii. information which is likely to reveal the identity of an individual ;
  - iii. information relating to the financial or business affairs of any particular person (including the authority holding that information)
  - iv. 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;
  - v. information in respect of which a claim of legal professional privilege could be maintained in legal proceedings;
  - vi. information which reveals that the authority proposes:
    - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
    - to make an order or direction under any enactment.
  - vii. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

No more than two valid questions will be accepted from one member of the public (or their household) at one single meeting.

### **12.2 Time limit for questions**

The time limit for questions by the public will be 15 minutes, although the Chair has discretion to extend this period.

### **12.3 Asking questions at the meeting**

The Chair will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

If, in the opinion of the Monitoring Officer, the question relates to the terms of reference of a council committee the question to be accepted at full council and be automatically referred by full council without discussion or debate to the relevant committee.

The Chair will have discretion to:

- a) group together similar questions to be put to the relevant committee Chair; and



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- b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chair has discretion to:

- ask the Monitoring Officer to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

#### **12.4 Supplementary questions**

At the Chair's absolute discretion, a questioner who has put a question in person may ask one supplementary question without notice to the member who replied to their original question. The supplementary question must follow from the original question or the reply and shall be limited to one minute's duration. It must take the form of a question that follows, and not a statement, in response to the original answer.

#### **12.5 Responses**

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the council's website.

#### **12.6 Records of questions**

A schedule of questions and answers will be maintained and published to the council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

### **13. QUESTIONS BY MEMBERS WITH PREJUDICIAL INTERESTS**

In line with the Members' Code of Conduct at Part 8 of this Constitution, a member with a prejudicial interest may ask a question of the Chair of a committee at meetings of the council as long as this is submitted and asked under the same rules that apply to the public, as set out in Council Procedure Rule 12.

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**14. QUESTIONS/STATEMENTS BY MEMBERS**

**14.1 Oral questions on reports of committees, sub-committees, working parties and panels**

A member of the council may ask the Chair of a committee, sub-committee, working party or panel any question, without notice, under an item of report of a committee, sub-committee, working party or panel when that item is being received or under consideration by the council.

Each question shall be put and answered without discussion. The member will have the right to ask a supplementary question which must arise directly out of the original question or the reply. A written answer will be provided if requested by the member.

**14.2 Statements by members on reports to committees, sub-committees, working parties and panels**

A member of the council may make a statement, without notice, under an item of report of a committee, sub-Committee, Working Party or Panel when that item is being received or under consideration by the Council. The Chair of the relevant committee, sub-committee, working party or panel will have the right of reply. No statement or reply shall exceed 5 minutes in duration, except at the discretion of the Chair.

In the case of statement made by the Chair of a committee, sub-committee, working party or panel, at the discretion of the Chair, a debate may ensue.

**14.3 General questions**

Thirty minutes will be allocated at each ordinary meeting of the council for general questions by members. The Chair has discretion to extend the time allowed to sixty minutes if there is a need.

A member of the council may ask the Chair of any committee, sub-committee, working party or panel a question, in writing, on any matter in relation to which the council has powers or duties or which affects the district.

A member may only ask a question under this Council Procedure Rule if, either:

- (a) they have given notice in writing of the question to the Monitoring Officer by 12 noon two days before the date of the meeting; or
- (b) where a question relates to a matter of urgency, a member must seek the agreement of the Chair of the council that they are prepared to accept the question. If agreement is forthcoming, the content of the question

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must be given in writing to the Monitoring Officer not later than 11am on the day of the meeting.

Questions will be considered in the order they have been received. A member may ask one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

Each question will be put and answered without discussion. The question and the written reply by the member concerned shall be made available to members of the council and to the public at the meeting.

The member will have the right to ask a supplementary question against each question put which must arise directly out of the original question or the reply. This may be responded to by the relevant member.

Where a reply cannot be given at the meeting to a question put, a written answer will be provided within 10 working days to the member and any other members who request it.

## **15. NOTICES OF MOTION**

### **15.1 Notice**

Except for motions which can be moved without notice under Rule 16, written notice of every motion, signed by the member(s) moving and seconding it, must be delivered to the Chief Executive at least eight clear days prior to the meeting. Clear days means days on which the council offices are open for business and excludes both the day on which the motion is received and the day of the meeting at which the motion is to be presented.

Once received by the Chief Executive, notices of motion will be dated, numbered in the order in which they were received and published to the council's website in the agenda for the meeting or in an addendum to the agenda.

### **15.2 Motions set out in agenda**

The Chief Executive shall set out in the summons for every meeting of the council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice intimated in writing when giving it, that they proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

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If notice is given of a motion which, in the opinion of the Chief Executive is out of order, illegal, irregular or inappropriate, they shall submit it to the Chair, and shall not insert it in the summons without their agreement. In the event of the motion being considered unacceptable, the Chief Executive shall so inform the member(s) giving the notice and their ruling on this matter will be final.

If notice is given of a motion for a particular meeting and in the opinion of the Chief Executive the agenda for that meeting is already full, or the agenda for the meeting is subject specific and the motion received is not in his view urgent or related to that specific business, the Chief Executive shall submit it to the Chair and shall not insert it in the summons without the Chair's agreement. The Chair's ruling on this matter will be final.

In the event of the Chair deciding that the motion shall not be inserted in the summons for which it was submitted, the Chief Executive shall so inform the member(s) who submitted the motion on notice of the date of the meeting to which their motion will be presented. For the avoidance of doubt any decision under this paragraph and the previous paragraph shall be made by the Chair and their ruling will be final.

**15.3 Scope**

Every motion shall be relevant to some matter of major significance in relation to which the council has powers or duties or which affects the district.

**15.4 Failure to move**

If a motion set out in the summons is not moved either by the member who gave notice or by some other member on their behalf it shall, unless postponed by consent of the council, be treated as withdrawn and shall not be moved without fresh notice.

**15.5 How motions will be dealt with**

Upon a motion being moved and seconded:

**(a) Motions to be considered by council**

If the subject of the motion is a matter that is in the province of the council, is an urgent matter, or it relates to a district wide issue or multi-ward matter, it shall be dealt with by council at that full council meeting.

**b) Motions to be referred to a committee**

If the subject of the motion comes within the province of a service or regulatory committee, it shall stand deferred without discussion to:

- the relevant committee; or

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- to such other committee, sub-committee or working party as the council may determine for consideration and report. In the case of doubt, the Policy and Finance Committee shall consider the motion.

**16. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or member arising from an item on the summons for the meeting;
- f) to receive reports or adopt recommendations of committees, working parties, panels, or officers and any subsequent motions and amendments arising;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend a particular Council Procedure Rule;
- n) to amend the procedure for debate at special council meetings as set out in Council Procedure Rule 4;
- o) to exclude the public and press in accordance with the Access to Information Rules set out in part 6 of this Constitution;
- p) to not hear further a member named under Council Procedure Rule 25; and
- q) to give the consent of the council where its consent is required by this constitution.

**17. RULES OF DEBATE**

**17.1 Standing to speak**

When a member, officer or guest speaks at full council, where they are able they must stand and address the meeting through the Chair, unless alternative arrangements have been agreed with the Chair. If more than one person

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stands, the Chair will ask one person to speak and the other must sit. Other members must remain seated whilst another person is speaking unless they wish to make a point of order or a point of personal explanation.

**17.2 Chair calling order**

When the Chair raises their hand during a debate any members, officers or guests speaking at the time must stop and sit down. This meeting must be silent.

**17.3 Right to require motion in writing**

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed.

**17.4 Secunder's speech**

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

**17.5 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes in length without the consent of the Chair.

This rule shall not apply when:

- (i) the relevant committee Chair is presenting the annual budget statement and statutory and non-statutory plans to the council; or
- (ii) the mover of a motion or amendment is making their speech which shall not exceed 10 minutes.

**17.6 When a member may speak again**

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

- a) to speak once on an amendment moved by another member;
- b) to move a further amendment if the motion has been amended since they last spoke;
- c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- d) on a point of order; and
- e) by way of personal explanation.

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**17.7 Amendments to motions**

- a) An amendment to a motion must be relevant to a motion and will either be:-
  - i. to refer a subject of debate to the relevant committee for consideration or reconsideration where Council Procedure Rule 19 (Previous Decisions and Motions) does not apply;
  - ii. to leave out words;
  - iii. to leave out words and insert or add others; or
  - iv. to insert or add words.

as long as such omission, insertion or addition of words does not have the effect of negating the motion or recommendation before the council.
- b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c) If an amendment is not carried, other amendments to the original motion may be moved.
- d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e) Any amendment, made without notice, which involves a variation in approved expenditure for which no financial report is available shall, at the discretion of the Chair, in consultation with the Chief Executive, stand referred to the Policy and Finance Committee for consideration.

**17.8 Alteration of motion**

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

**17.9 Withdrawal of motion**

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

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**17.10 Right of reply**

- a) The relevant committee Chair has a right of reply at the end of the debate in respect of a matter referred to the council by a committee.
- b) The relevant sub-committee, working party or panel Chair has a right of reply at the end of the debate in respect of a matter referred to the council by a sub-committee, working party or panel.
- c) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- d) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- e) The mover of the amendment has no right of reply to the debate on their amendment.

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

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

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) to exclude the public and press in accordance with the Access to Information Rules set out in part 6 of this Constitution; and
- h) to not hear further a member named or to exclude them from the meeting under Council Procedure Rule 25.

**17.12 Closure motions**

- a) Any member who has not already spoken on the motion may move, without comment, the following motions at the end of a speech of another member:
  - i. to proceed to the next business;
  - ii. that the question be now put;
  - iii. to adjourn a debate; or
  - iv. to adjourn a meeting.the member moving the motion will make themselves known by way of a “Point of Order” at the end of a speech of another member but will then explain that they wish to move a closure motion.
- b) If a motion “to proceed to next business” is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the



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mover of the original motion a right of reply and then put the procedural motion to the vote. If the motion is carried the question which was under consideration shall be dropped and deemed not approved.

- c) If a motion that “the question be now put” is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote (without discussion). If it is passed, the Chair will give:
  - i. the seconder the right to speak (if they reserved their right earlier);
  - ii. the relevant committee Chair the right of reply; and
  - iii. the mover of the original motion the right of reply before putting their motion to the vote.
- d) If a motion “to adjourn the debate” is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If a motion to adjourn the debate is carried, the discussion shall be resumed as adjourned business at the next ordinary meeting or such other day and hour as shall have been specified in the motion, and the meeting shall proceed to the next business on the agenda.
- e) If a motion “to adjourn the meeting” is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover to any motion under discussion their right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.
- f) Where a closure motion (b) (c) and (d) is not agreed by the Chair or not agreed by the meeting then the mover of the closure motion may not speak further on the subject under discussion

**17.13 Point of order**

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The Chair will allow a reasonable time for the member to identify the relevant rule or point of law. The ruling of the Chair on the matter will be final.

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**17.14 Personal explanation**

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

**18. REFERRAL AND RECOVERY**

**18.1 Referral**

- (i) Referral should only be used where members of the council, after due deliberation, consider that it is in the interests of the community of the district that a pending decision should be made at a meeting of the full council rather than by a committee or sub-committee.
- (ii) If, during the referral period, referral of a pending decision is requested by any twenty-eight (28) members of the council then, notwithstanding anything in part 3 (Responsibility for Functions) of this constitution, no committee or sub-committee may exercise any delegated authority to make that decision but may instead make a recommendation to a meeting of the full council.
- (iii) In this rule “pending decision” means any decision that would otherwise be taken by a committee or sub-committee of the council except:
  - a. a decision to make a recommendation to a meeting of the full council or to any committee or sub-committee of the council (including a joint committee);
  - b. a decision relating to the determining of any approval, consent, licence, permission or registration; and
  - c. a decision in respect of which the Chief Executive, following consultation with the Leader of the council, has, before the decision is referred, certified that any delay likely to be caused by the referral process would seriously prejudice the council’s or the public interest.
- (iv) In this rule “referral period” means in relation to a pending decision, the period commencing with the publication on the council’s website of the committee or sub-committee agenda at which it would be considered and ending at 4pm on the day before the meeting.

**18.2 Recovery**

- (i) Recovery should only be used where members of the council, after due deliberation, consider that a recoverable decision is not in the interests of the community of the district and ought to be reconsidered.

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- (ii) During the recovery period, the Chief Executive shall recover a decision for consideration at a meeting of the council if so requested by any twenty eight (28) members of the council. They shall arrange for the decision to be placed on the agenda of the next available meeting of the council.
- (iii) Notwithstanding anything in part 3 (Responsibility for Functions) of this constitution or elsewhere in this constitution:
  - a. a recoverable decision may not be implemented during the recovery period; and
  - b. a decision that has been recovered under this Council Procedure Rule will be treated for all purposes as though the decision has been a recommendation to a meeting of the full council to take that decision.
- (iv) In this rule, the “next available” meeting means the first meeting falling more than ten working days after the Chief Executive receives the request for recovery, unless it is practicable to include the decision as an agenda item at an earlier meeting, in which case it means the earlier meeting.
- (v) In this rule “recoverable decision” means any decision taken by a committee or sub-committee of the council except:
  - a. a decision to make a recommendation to a meeting of the full council or to any committee or sub-committee of the council (including a joint committee);
  - b. a decision relating to the determining of any approval, consent, licence, permission or registration;
  - c. a decision relating to conduct or procedure at the meeting at which it was taken: and
  - d. a decision in respect of which the Chief Executive, following consultation with the Leader of the council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the council’s or the public interest.
- (v) In this rule “recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the council’s website. This means that if the minutes were posted on a Monday, the request for recovery would need to be made no later than 4.30pm the Tuesday of the following week, unless there was a bank holiday in between.

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**19. PREVIOUS DECISIONS AND MOTIONS**

**19.1 Motion to rescind a previous decision**

*Removed as per decision at Full Council 15.09.21 – Minute 263 refers.*

**19.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of the council in the previous 6 months cannot be moved within a further period of 6 months.

**20. VOTING**

**20.1 Voting on motions/recommendations in part**

Whilst it shall be normal practice to vote on a motion or recommendation in its entirety, the Chair may use their discretion to allow a vote to be taken on each constituent part separately if a request is received from a member.

**20.2 Majority**

All matters will be decided by a simple majority of those members voting and present in the room at the time the question was put.

**20.3 Chair's casting vote**

If there are equal numbers of votes for and against, the Chair shall have a second or casting vote.

**20.4 Show of hands**

Unless a recorded vote is demanded by legislation or a member requests a recorded vote, the Chair will take the vote by a show of hands.

**20.5 Recorded vote**

A member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chair considers the request frivolous or vexatious.

**20.6 Recorded vote at council budget setting meetings**

At the Budget meeting(s) each year, voting on any motion or amendment relating to the Budget or setting of the Council Tax will be recorded to show

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whether each member present voted for or against the motion or amendment or abstained from voting, and entered into the minutes.

**20.7 Right to require individual vote to be recorded**

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

**20.8 Voting on appointments**

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

**20.9 Voting on appointing the Chair and Vice-Chair of the Council**

The vote to appoint the Chair and Vice-Chair of the council shall be by ballot.

**21. MINUTES**

**21.1 Signing the minutes**

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

**21.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

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

**21.3 Form of minutes**

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

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**21.4 Minutes included in the council agenda**

Once the council agenda has been circulated, any minutes produced after this date will be presented to the next meeting of the council, with the exception of matters which have been considered by service and regulatory committees, sub-committees, or working parties and panels that are considered urgent and cannot wait until the next meeting of the council.

**22. RECORD OF ATTENDANCE**

All members present during any official council meeting shall sign their name in the Attendance Book before the conclusion of the meeting. The Committee Manager will also record attendance in the minutes of the meeting.

**23. EXCLUSION OF THE PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in part 6 of this constitution or Council Procedure Rule 26.

**24 PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS**

The council supports the principles of openness and transparency in its decision making and allows recording, filming and broadcasting at its meetings that are open to the public. These arrangements will operate in accordance with the Council's Protocol on Filming and Recording of Council Meetings set out in part 8 of this constitution.

**25 MEMBERS CONDUCT**

**25.1 General disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

**25.2** A member shall comply with the adopted Members' Code of Conduct set out in part 8 of this Constitution. Further to the Code of Conduct, a member must withdraw from a meeting room during the consideration of any item of business in which they have a disclosable pecuniary interest.

**25.3 Member not to be heard further**

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

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**25.4 Member to leave the meeting**

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

**26. DISTURBANCE BY THE PUBLIC**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

**26.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may adjourn the meeting for as long as they think necessary and will order their removal from the meeting room. The Chair's decision is final.

**26.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The Chair may adjourn the meeting for as long as they think necessary while the room is cleared. The Chair's decision is final.

**27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**27.1 Suspension**

All of these Council Procedure Rules except Rules 20.3 (Chair's Casting Vote) 20.6 (Recorded Vote at Council Budget Setting Meetings) and 21 (Minutes) 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.

**27.2 Amendment**

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

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**28. MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES**

**28.1 Allocation of seats**

In accordance with the provisions of the Local Government and Housing Act 1989 or any regulations made thereunder, the Chief Executive shall calculate the number of seats to be allocated to each political group on committees and sub-committees. A schedule confirming this allocation of seats will be reported to each Annual Council Meeting and retained by the Monitoring Officer.

The leader of each political group shall at least 14 days before the Annual Council Meeting (or as soon as practicable in an election year) supply a list of their group's membership of each committee and sub-committee. Appointments will then be confirmed by the Annual Council Meeting.

**28.2 Changes to memberships**

If at any time following an election there is a change to the number of members in each political group, the Chief Executive shall review the allocation of seats and inform the leader of each political group of any changes required.

Permanent changes in the membership of committees and sub-committees must be notified by the relevant group leader or their deputy, in writing, to the Monitoring Officer at least 24 hours before the relevant meeting. Such changes will take immediate effect and then be reported to the next full council meeting for information.

**28.3 Changes to membership from a vacancy on the council**

Where a vacancy occurs on the council during the four-year term of office, that seat shall not be filled by a substitute member until an election has been held for the vacancy and any changes to the allocation of seats have been agreed.

Once the allocation of seats has been reviewed by the Chief Executive, any changes to memberships notified by the relevant group leader will take immediate effect and will then be reported to the next full council meeting for information.

**29. SUBSTITUTION**

Where a member of a committee, sub-committee, working party or panel is unable to attend a meeting, then the relevant group leader, or their deputy, may nominate a substitute member provided that notice, in writing, is made to the Monitoring Officer and relevant Committee Manager by 10am on the day of the meeting. The substitute member will cover that meeting only.



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Where a committee operates designated substitute arrangements, then the deadline for written notification by the relevant group leader or their deputy is prior to the start of the meeting.

Any substitution by a group leader on the Development Control Committee will replace a relevant group member.

These substitution rules will not apply to the Licensing Committee or Licensing Sub-Committee.

**30. REPRESENTATION ON OUTSIDE BODIES**

**30.1 Nominations to outside bodies**

The council acts as a representative on a number of outside bodies and each year the Chief Executive will provide a list of vacancies to the leaders of all political groups so they can seek the views of their members on which body they would wish to be nominated. All nominations received will be reported to the Leader of the council.

The Leader of the council shall, after consulting with the leaders of all other political groups, be responsible for nominating members to fill any vacancies on outside bodies. A list of the members nominated shall be submitted to the relevant committee for approval.

**30.2 Casual vacancies on outside bodies**

Any vacancies that occur during the municipal year will be reported to the Leader of the council to make a nomination to the next meeting of the committees, following consultation with the leaders of all other political groups.

**31. SUBSTITUTION OF THE CHIEF EXECUTIVE**

If the Chief Executive is unavailable or unable to act for the purpose of any of these Council Procedure Rules, then the Director of Environment and Communities or Director of Growth may substitute for them.

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**1. SCOPE**

- 1.1. These rules apply to meetings of the:
- Service Committees
  - Regulatory Committees
  - Sub-Committees
  - Joint Area Committees
- 1.2. These rules will also apply to a Working Party that has agreed that its meetings should be held in public, as confirmed in Part 3 of this constitution.
- 1.3. All references to 'committee' throughout these rules will apply to the relevant committee, sub-committee, Joint Area Committee or working party.

**2. MEETINGS OF COMMITTEES**

- 2.1. Meetings of committees shall be held on the dates set out in the annual calendar of meetings approved by the council or on a date fixed by the Chair.
- 2.2. If the Chair of the committee considers that the day fixed for a meeting is no longer suitable for that purpose or if there is insufficient business to justify the holding of the meeting, they shall, after consultation with the relevant lead officer, cancel that meeting and, if appropriate, fix an alternative day for the next meeting.
- 2.3. The Chair of a committee may call a special or extraordinary meeting of their committee at any time.

**3. BUSINESS AT MEETINGS**

- 3.1. The order of business at meetings will be as follows:
- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
  - (ii) receive apologies for absence and note any substitutions;
  - (iii) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
  - (iv) approve the minutes of the last meeting;
  - (v) receive questions from members of the public;
  - (vi) receive questions for any member with a pecuniary interest;
  - (vii) receive any items which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstance;
  - (viii) receive the Chair's report of any consultations undertaken with officers since the last meeting; and
  - (ix) receive and consider officer reports in connection with the items on the agenda for the meeting, including any supplementary items,

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and taking decisions in line with the committee's responsibilities as set out in Part 3 of this constitution.

**4. NOTICE OF MEETINGS**

- 4.1. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at Part 6 of this constitution. The summons will be accompanied by such reports as are available.
- 4.2. Where a special or extraordinary meeting is convened at shorter notice, the summons will be issued at the time the meeting is convened.
- 4.3. No business other than that specified in the summons and the agenda shall be transacted at the meeting of the committee except urgent items.

**5. COMMITTEE AGENDA ITEMS**

- 5.1. Any member of the council wishing to have an item placed on an agenda for a meeting of a committee (other than by way of a Notice of Motion in accordance with Council Procedure Rule 15) shall contact the relevant Chair requesting that an item be placed on the next available agenda and the decision of the Chair, in consultation with the relevant Director/Group Head, shall be final as to whether that item falls within the terms of reference of the committee and whether the item should be included on the agenda for a future meeting.

**6. THE CHAIR AND VICE CHAIR OF COMMITTEES**

- 6.1. The Chair of a committee shall preside over meetings of that committee.
- 6.2. Any powers and duties assigned to the Chair under these Committee Procedure Rules shall, in the absence of the Chair, be undertaken by the Vice-Chair.

**7. QUORUM**

- 7.1. The quorum of a meeting will be 3 for a membership of 9; 4 for a membership of 11; or one third of the whole number of members of the committee in all other membership sizes.
- 7.2. During any meeting, if the Chair counts the number of members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the committee.

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**8. DURATION OF MEETING**

- 8.1. Each unfinished meeting [with the exception of the Planning Committee and Licensing Sub-Committee] will adjourn after 3 hours unless a majority of councillors present vote to extend the meeting for a further 30 minutes at which time the meeting will stand adjourned.
- 8.2. The time and date of the continuation of the adjourned meeting will be decided by a majority of those councillors present, or if no decision is reached, by the Chief Executive in consultation with the Chair, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

**9. MINUTES**

**9.1. Signing the Minutes**

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

**9.2. No requirement to sign Minutes of previous meeting at Extraordinary Meeting.**

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

**9.3. Form of Minutes**

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

**10. QUESTIONS BY MEMBERS OF THE PUBLIC**

**10.1. Submitting questions**

Members of the public may ask questions of the Chair of a committee, or the Vice-Chair in their absence, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting.

a) All questions:

- must confirm to whom the question is addressed;
- must be relevant to matters for which the committee has powers or duties;
- should be limited to obtaining information or pressing for action; and
- must not exceed one minute in duration.

b) Questions may be rejected by the Chief Executive/Chair if they:

- are not relevant to matters for which the committee has responsibility; or

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- may be defamatory, frivolous or offensive; or
- are substantially the same as a question put at a meeting in the past six months;
- relate to specific live planning applications or general planning decisions upon action under the Planning Acts;
- relate to situations in which the committee acts like a court of law e.g. in considering licensing matters as those matters are addressed through individual legal processes and through the courts; or
- relate to matters within the various categories of exempt information shown in Schedule 12A to the Local Government Act 1972 (details of which are set out below):
  - i. information relating to any individual;
  - ii. information which is likely to reveal the identity of an individual;
  - iii. information relating to the financial or business affairs of any particular person (including the authority holding that information);
  - iv. 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;
  - v. information in respect of which a claim of legal professional privilege could be maintained in legal proceedings;
  - vi. information which reveals that the authority proposes:
    - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
    - to make an order or direction under any enactment.
  - vii. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**10.2. Time limit for questions**

The time limit for questions by the public will be 15 minutes, although the Chair has discretion to extend this period.

**10.3. Asking questions at the meeting**

The Chair will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chair will have discretion to:

- (a) group together similar questions; and
- (b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

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Where the questioner is unable to be present, the Chair has discretion to:

- ask the Committee Manager to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

**10.4. Supplementary questions**

At the Chair's absolute discretion, a questioner who has put a question in person may ask one supplementary question without notice to the Chair of the committee. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration. It must take the form of a question that follows, and not a statement, in response to the original answer.

**10.5. Responses**

The Chair will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided within 10 working days of the meeting and published to the council's website.

**10.6. Records of questions**

A schedule of questions and answers will be maintained and published to the council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

**11. QUESTIONS BY MEMBERS WITH PREJUDICIAL INTERESTS**

11.1. In line with the Members' Code of Conduct at Part 8 of this constitution, a member with a prejudicial interest may ask a question of the Chair of a committee. as long as this is submitted and asked under the same rules that apply to the public, as set out in Committee Procedure Rule 10.

**12. ATTENDANCE BY OTHER MEMBERS OF THE COUNCIL**

**12.1. Addressing a committee**

A member of the council shall have the right to attend a meeting of any committee of the council of which they are not a member, but they shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address a meeting of a committee on a specified item or items of business with the permission of the committee. This right shall not automatically apply in relation to consideration of a report by the Standards Committee where that report contains exempt information regarding non-anonymised allegations of breaches of the Code of Conduct by district, town and parish councillors.



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**12.2. Acting as a Consultee**

A committee may invite any member of the council who is not a member of the committee to attend one or more of its meetings as a consultee to:

- provide verbal or written answers to the committee's questions; and/or
- make a verbal statement to the committee; and/or
- provide a written statement to the committee.

A member attending a committee as a consultee shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address the meeting with the permission of the committee.

**12.3. Acting as a Proposer of a Motion**

A member of council who has proposed a motion under Council Procedure Rule 15 (Notices of Motion) which has been referred by the full council to a committee shall receive notice of the meeting at which it is proposed to consider the motion. They shall have the right to attend the meeting and, if they attend, shall have an opportunity of speaking to the motion.

**13. RULES OF DEBATE**

13.1. The rules of debate in this Committee Procedure Rule shall apply to all the meetings of committees and the references in the Committee Procedure Rule to "member" shall also include co-opted members.

**13.2. Speaking at committee meetings**

A member wishing to speak will raise their hand. If two or more members indicate that they wish to speak, the Chair will call them in turn to speak.

**13.3. Content and length of speeches**

A member shall speak on the question under discussion or a personal explanation or to a point of order. No speech may exceed 3 minutes in length without the consent of the Chair.

**13.4. Motions and Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given, the Chair may require it to be written down and handed to them before it is discussed.

**13.5. Secunder's speech**

A member when seconding a motion or amendment may reserve their speech until a later period of the debate.

**13.6. Amendments to Motions**

Every amendment shall be relevant to the motion on which it is moved and shall be:

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- i. to leave out words; or
- ii. to leave out words and insert and add others; or
- iii. to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Committee.

**13.7. Two or more amendments**

Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

**13.8. Position if an amendment is lost or carried**

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

**13.9. Withdrawal of the Motion**

A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no member may speak upon it after it has been withdrawn.

**13.10. Alteration of Motion**

A member may, with the consent of both the meeting and their seconder, alter a motion or amendment which they proposed or of which notice had been given. Only alterations which could have been moved as an amendment may be made.

**13.11. Motions which may be moved during debate**

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

- i. to withdraw a motion
- ii. to amend a motion
- iii. to proceed to the next business
- iv. that the question be now put
- v. to adjourn a debate
- vi. to adjourn a meeting
- vii. to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution; and
- viii. to not hear further a member named or to exclude them from the meeting under Committee Procedure Rule 15.

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**13.12. Closure Motions**

- a) Any member who has not already spoken on a motion may move, without comment, the following motions at the end of a speech of another member:
- i. to proceed to the next business;
  - ii. that the question be now put;
  - iii. to adjourn a debate; or
  - iv. to adjourn a meeting.
- the member moving the motion will make themselves known by way of a “Point of Order” at the end of a speech of another member but will then explain that they wish to move a closure motion.
- b) If a motion “to proceed to next business” is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the motion is carried the question which was under consideration shall be dropped and deemed not approved.
- c) If a motion that “the question be now put” is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote (without discussion). If it is passed the Chair will give the mover of the original motion the right of reply before putting their motion to the vote.
- d) If a motion “to adjourn the debate” or “to adjourn the meeting” is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. Where the motion to adjourn the debate is carried, the discussion shall be resumed as adjourned business at the next meeting, or such other day and hour as shall have been specified in the motion and the meeting shall proceed to the next business on the agenda.
- e) Where a closure motion (a)i or (a)ii or (a)iii above is not agreed by the Chair or not agreed by the meeting then the mover of the closure motion may not speak further on the subject under discussion.
- f) If a motion to adjourn the meeting is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover to any motion under discussion their right of reply. If a motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the committee.

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**13.13. Resumption after adjournment**

On resumption of an adjourned debate the member who moved the adjournment is entitled to speak first.

**13.14. Point of Order**

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Procedure Rules or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The Chair may allow a reasonable time for the member to identify the relevant Rule or point of law. The ruling of the Chair on the matter will be final.

**13.15. Personal Explanation**

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

**13.16. Officers of the council**

At the request of the Chair, an officer of the council may speak during a debate at the committee meetings to respond to questions asked and statements made.

**14. VOTING**

14.1. Any question at any meeting of any committee shall be determined by a show of hands by a majority of the members present and voting.

14.2. A member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chair considers the request frivolous or vexatious.

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

14.4. If there are equal numbers of votes for and against, the Chair shall have a second or casting vote.

**14.5. Voting at Planning Committee**

Voting on an officer recommendation at the Planning Committee will follow the procedure set out in the Planning Protocol included at Part 8 of this constitution. However, Committee Procedure Rules 14.2 to 14.4 relating to recorded votes and equality of voting will still apply.

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**15. MEMBERS CONDUCT**

**15.1. General disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

A member shall comply with the Members' Code of Conduct as set out in Part 8 of this constitution. Further to the Code of Conduct, a member must withdraw from a meeting room during the consideration of any item of business in which they have a disclosable pecuniary interest.

**15.2. Member not to be heard further**

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

**15.3. Member to leave the meeting**

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

**16. DISTURBANCE BY THE PUBLIC**

16.1. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

16.2. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may adjourn the meeting for as long as they think necessary and will order their removal from the meeting room. The Chair's decision is final.

16.3. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The Chair may adjourn the meeting for as long as they think necessary while the room is cleared. The Chair's decision is final.

**17. PREVIOUS DECISIONS**

With the exception of the Recovery arrangements at Council Procedure Rule 18.2, no resolution taken at a previous meeting of a committee shall be rescinded or varied within six months unless notice has been given through a motion submitted in accordance with Council Procedure Rule 19 (Previous Decisions and Motions).

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**18. RECORD OF ATTENDANCES**

Members of the committee and any co-opted members shall sign their name in the Attendance Book to confirm their attendance at the meeting. The Committee Manager will also record attendance in the minutes of the meeting.

**19. SUBSTITUTION**

Where a member is unable to attend a meeting, substitution arrangements will work to the requirements of Council Procedure Rule 29 (Substitution).

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**1.0 INTRODUCTION**

1.1 The council considers that local government derives an important part of its authority and influence from the trust and confidence of the individuals and communities it serves. Access to information on decision making is a necessary pre-requisite for generating that trust and confidence. Informed members of the local community are better able to contribute to, and take part in, the work of local authorities. Access to information is central to this process and requires the council to establish the appropriate balance between:

- a) making information readily and openly available to the public; and
- b) ensuring that certain areas of personal/public life remain the legitimate subject of confidentiality.

**2.0 SCOPE**

2.1 These rules apply to all meetings of the council and its committees.

2.2 These rules will also apply to a Working Party that has agreed that its meetings should be held in public, as confirmed in Part 3 of this constitution.

**3.0 ADDITIONAL RIGHTS TO INFORMATION**

3.1 These rules do not affect any specific rights to information contained elsewhere in this constitution or the law, such as under the Data Protection Act 2018 and Freedom of Information Act 2000.

**4.0 RIGHTS TO ATTEND MEETINGS**

4.1 Members of the public may attend meetings, record and report all meetings subject only to the exceptions in these rules and the Filming and Photographic Protocol set out in Part 8 of this constitution.

**5.0 NOTICE OF MEETINGS**

5.1 The council will give at least five clear days' notice of meetings by posting details of the meeting on the council's website and at the Arun Civic Centre, Littlehampton and Bognor Regis Town Hall.

5.2 Clear days means days on which the council's offices are open for business and exclude the day on which the Notice is posted and the day of the meeting.

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**6.0 ACCESS TO AGENDAS AND REPORTS BEFORE MEETINGS**

- 6.1 The council will make copies of agendas and accompanying reports that are open to the public available for inspection at the Arun Civic Centre, Littlehampton and Bognor Regis Town Hall at least five clear days before the meeting. If an item is added to the agenda after publication, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to councillors.
- 6.2 Where urgent business is added to the agenda prior to the meeting, the revised agenda will be open to inspection from the time it is published.
- 6.3 Where urgent business is added to the agenda at a meeting, any accompanying report will be made available at that time and published to the council's website as soon as practicable.

**7.0 SUPPLY OF COPIES**

- 7.1 The council will supply copies of:
- a) any agenda and reports which are open to public inspection;
  - b) any further statements or particulars necessary to indicate the nature of the items on the agenda; and
  - c) if the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a reasonable charge for postage and any other costs.

**8.0 ACCESS TO MINUTES AFTER THE MEETING**

- 8.1 In addition to publishing information on its website, 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), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

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- 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 related to items when the meeting was open to the public.

**9.0 BACKGROUND PAPERS**

**9.1 List of background papers**

Every report shall list those documents (called background papers) relating to the subject matter of the report, except published works or exempt or confidential information as defined in Rule 12 (Exclusion of the Public from Meetings), which:

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

**9.2 Public inspection of background papers**

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

**10.0 SUMMARY OF PUBLIC RIGHTS**

10.1 These rules constitute a written summary of the public's rights to attend meetings and to inspect and copy documents. They are available for the public to inspect at the Arun Civic Centre, Littlehampton and the Bognor Regis Town Hall, and to view on the council's website.

**11.0 EXCLUSION OF THE PUBLIC FROM MEETINGS**

**11.1 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.

**11.2 Meaning of confidential information**

Confidential information means information that has been given to the council by a government department on terms which forbid the disclosure, or information which cannot be publicly disclosed by law.

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**11.3 Exempt information – discretion to exclude public**

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

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

**11.4 Meaning of exempt information**

- a) Exempt information means information falling within the following seven categories, subject to the relevant condition:

<b>Para</b>	<b>Category</b>	<b>Condition</b>
1	Information relating to any individual.	
2	Information which is likely to reveal the identity of an individual.	
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information is not exempt information if it is required to be registered under: <ul style="list-style-type: none"> <li>a) the Companies Acts (as defined in section 2 of the Companies Act 2006);</li> <li>b) the Friendly Societies Act 1974;</li> <li>c) the Friendly Societies Act 1992;</li> <li>d) The Co-operative and Community Benefit Societies Act 2014;</li> <li>e) the Building Societies Act 1986; or</li> <li>f) the Charities Act 2011</li> </ul>
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.	

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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 or investigation or prosecution of crime.	

- b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
- c) Information which:
  - (i) falls within any of the paragraphs 1 to 7 above; and
  - (ii) is not prevented from being exempt by virtue of the condition paragraph 3 or b) above
 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**12.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

12.1 If the Chief Executive, or their nominee, thinks fit, the council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 12 (Exclusion of the public from meetings), the meeting is likely not to be open to the public. Such reports will be endorsed *“The Information in this report is of a confidential or exempt nature”* together with the category of information likely to be disclosed.

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**13.0 ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS**

**13.1 Material relating to any business to be transacted at a public meeting**

All councillors will be entitled to inspect any document which is in the possession or under the control of the council and contains material relating to any business to be transacted at a public meeting, unless it appears to the Monitoring Officer to disclose exempt information as defined in paragraphs 1, 2, 4, 5 and 7 of Rule 12.4 (Meaning of exempt information).

A document will remain open for inspection if the information it contains discloses exempt information as defined in categories 3 and 6 at Rule 12.4 (Meaning of exempt information) with the exception of information relating to any terms proposed, or to be proposed by or to the authority, in the course of negotiations for a contract.

**13.2 Attendance at meetings of committees and sub-committees during confidential or exempt business**

Where a councillor is not a member of a committee or sub-committee considering business where the public have been excluded for confidential or exempt information, they shall be allowed to remain in the meeting unless the Chair (or whoever is presiding at the meeting) rules that they be excluded.

Where a councillor identifies that they have a specific need to know of the business under consideration in order to discharge their duties as a councillor, they may not be excluded unless:

- a) in the opinion of the Chair, the procedural propriety of the meeting would be compromised; and
- b) reasons for the decision to exclude are given to the councillor concerned.

Legal advice upon this issue may be taken by the Chair, where appropriate.

**13.3 Attendance at meetings of the Standards Committee during confidential or exempt business**

Where a councillor is not a member of the Standards Committee considering business where the public have been excluded for confidential or exempt information, they shall be allowed to remain in the meeting unless the members of the committee rule that they should be excluded.

Where a councillor identifies that they have a specific need to know of the business under consideration in order to discharge their duties as a councillor, they may not be excluded unless:

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- a) in the opinion of the members of the committee, the procedural propriety of the meeting would be compromised; and
- b) reasons for the decision to exclude are given to the councillor concerned.

Legal advice upon this issue may be taken by the committee, where appropriate.

**13.4 Nature of rights**

These rights of a councillor are additional to any other right they may have.

**14.0 CONFIDENTIAL AND EXEMPT INFORMATION**

14.1 Nothing in these rules is to be taken to authorise or require the council to disclose confidential information in breach of the obligation of confidence.

14.2 Nothing in these rules:

- a) authorises or requires the council to disclose to the public or make available for inspection any document or part of a document, if in the opinion of the Chief Executive, as Proper Officer, that document or part of a document contains or may contain confidential information; or
- b) requires the council to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the Chief Executive, as Proper Officer, that document or part of a document contains or is likely to contain exempt information.

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**1.0 INTRODUCTION**

1.1 The full council will be responsible for the adoption of its budget and policies as set out in Article 4 (Policy Framework) of this constitution. Once the budget and policies are approved, it will be the responsibility of the council's committees and sub-committees to implement them.

**2.0 PROCESS FOR DEVELOPING THE BUDGET AND POLICIES**

**2.1 Budget**

- a) The process by which the budget shall be developed is:
- a) The Policy and Finance Committee will publish initial budget proposals and a timetable for proposals to be made to the council.
  - b) Relevant parts of the Policy and Finance Committee's proposals shall be referred to the council's service committees for advice and consideration.
  - c) The Policy and Finance Committee will receive and consider the advice and comments from the service committees and prepare a budget for consideration and final agreement by the full council.
  - d) The full council will consider the proposals of the Policy and Finance Committee and may adopt them with or without amendments.

**2.2 Policy**

a) The table below sets out which committee will take the lead on developing the policies, plans and strategies within the Policy Framework:

<b>Plan and Strategy</b>	<b>Committee</b>
Crime and Disorder Reduction Strategy	Housing and Wellbeing
Development Plan documents	Planning Policy
Licensing Authority Policy Statement	Licensing
Plans and alterations which together comprise the Development Plan (Local Plan)	Planning Policy
Sustainable Community Strategy (Arun Priorities, Vision 2020 and Strategic Targets)	Policy and Finance
Corporate Plan	Policy and Finance
Leisure Strategy	Housing and Wellbeing
Asset Management Plan	Corporate Support
Capital Strategy	Policy and Finance

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Commercial Strategy	Economy
Housing Revenue Account (HRA) Business Plan	Housing and Wellbeing
Property Investment Strategy	Corporate Support

- b) The process by which policies shall be developed or revised is:
- a) The lead committee will develop the policy, plan or strategy, or undertake a review having taken into account the views of other relevant committees, sub-committees and consultees.
  - b) The lead committee will then make recommendations on any new policy, plan or strategy or on any revision to an existing policy, plan or strategy to the full council.
  - c) When considering such recommendations, the full council may adapt the policy, plan or strategy, amend it, or refer it back to the lead committee for further consideration.
- c) For all other policies where these do not require a full council decision under the Policy Framework, they will be approved by the relevant service committee.

**3.0 VIREMENT AND SUPPLEMENTARY ESTIMATES**

3.1 Virement between budget heads and supplementary estimates is an integral and important feature of budgetary control. It allows service areas to adapt to service changes within council policy. The detailed procedures for virement and supplementary estimates can be found in the Financial Procedure Rules at Part 6 of this constitution.

**4.0 DECISIONS OUTSIDE THE BUDGET AND CONTRARY TO POLICY**

4.1 Subject to the provisions in Part 3 (Responsibility for Functions) and Part 4 (Officer Scheme of Delegation), the council’s committees, sub-committees, joint committees and officers may only take decisions which are in accordance with the budget.

4.2 If any committee, sub-committee, joint committee or officer wishes to make a decision which is contrary to policies that require approval by the full council, then subject to the provisions in Rule 5 below (Urgent decisions outside of the budget or Policy Framework), that decision may only be taken by the full council.

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4.3 The Monitoring Officer and/or the Chief Financial Officer will advise as to whether the decision to be taken would be contrary to policy or contrary to, or not wholly in accordance with, the budget.

**5.0 URGENT DECISIONS OUTSIDE THE BUDGET AND POLICY FRAMEWORK**

5.1 A committee, sub-committee, joint committee or officer discharging functions of the council may take a decision which is contrary to the approved budget or Policy Framework if the decision is a matter of urgency. However, the decision may be taken only:

- a) if it is not practical to convene a quorate meeting of the full council; and
- b) if the Chair of the Policy and Finance Committee and the Leader of the Opposition agree that the decision is a matter of urgency.

5.2 The reasons why it is not practical to convene a quorate meeting of the full council, and the consent of the Chair of the Policy and Finance Committee and the Leader of the Opposition to the decision being taken as a matter of urgency, must be noted in the record of the decision.

5.3 In the absence of the Chair of the Policy and Finance Committee, the Chair of the Corporate Support Committee may provide this consent. In the absence of the Leader of the Opposition, the Deputy Leader of the Opposition may provide this consent.

5.4 Following the decision, the decision-taker will provide a full report to the next available full council meeting explaining the decision, the reasons for it, and why the decision was treated as a matter of urgency.

**6.0 IN-YEAR CHANGES TO THE POLICY FRAMEWORK**

6.1 The responsibility for agreeing the Policy Framework lies with the full council and decisions by the committees, sub-committees, joint committees and officers must be in line with it. No changes to any policy, plan or strategy which make up the Policy Framework may be made by committees, sub-committees, Joint Area Committees and officers, except those changes which are necessary to ensure compliance with the law, ministerial direction or Government guidance.

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**SECTION 3 – FINANCIAL PROCEDURES RULES (REGULATIONS)**

**1. INTRODUCTION**

Financial Regulations provide the internal framework for managing the council's financial affairs. These regulations apply to every member and officer of Arun District Council and anyone in the public or private sector who acts on behalf of the council. It is imperative that the council has a strong and usable set of Financial Regulations that are accessible to all who are dealing with its financial matters.

Under Section 151 of the Local Government Act 1972, the council is required to make arrangements for the proper administration of its financial affairs and arrange for one of its officers to be responsible for the administration of those affairs. This officer is the Group Head of Finance.

Throughout these Financial Regulations, the title Group Head of Finance will be used to denote the designated Section 151 Officer of the Council; in the case of absence or non-availability, the Financial Services Manager will be the deputy Section 151 Officer.

The Group Head of Finance is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the council for approval. He/she is also responsible, where appropriate, for reporting breaches of the Financial Regulations to the Audit and Governance Committee.

It is the responsibility of Corporate Management Team (CMT)/Group Heads to ensure that all officers in their service are aware of the existence and content of these Financial Regulations, as well as other internal regulatory documents, and also to confirm that they comply with them.

It is the responsibility of the Group Head of Finance to provide advice and guidance regarding the Financial Regulations that members, officers and others acting on behalf of the council are required to follow.

**STATUTORY REFERENCES**

- Local Government Act 1972
- Local Government Act 1999
- Local Government Act 2003
- Local Audit and Accountability Act 2014
- Accounts and Audit Regulations 2015

**CODES OF PRACTICE**

- Code of Practice on Local Authority Accounting in the United Kingdom
- Prudential Code for Capital Finance in Local Authorities
- Service Reporting Code of Practice for Local Authorities (CIPFA)
- Treasury Management Code of Practice (CIPFA)
- United Kingdom Public Sector Internal Audit Standards (PSIAS) as interpreted by CIPFA's Local Government Application Note



## 2. FINANCIAL PLANNING

### 2.1 FORMAT OF THE BUDGET

#### **Why is this important?**

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

#### **Responsibilities of the Group Head of Finance**

- To advise the committee and sub-committees on the format of the budget that is approved by the council.

#### **Responsibilities of CMT/Group Heads**

- To comply with accounting guidance provided by the Group Head of Finance.
- 

#### **Key controls**

The key controls for the budget format are: -

- a) That the format complies with all legal requirements;
- b) That the format reflects the accountabilities of service delivery; and
- c) That, in published statements where it is required, the format complies with CIPFA's *Service Reporting Code of Practice for Local Authorities*.

### 2.2 BUDGETS AND MEDIUM-TERM PLANNING

#### **Why is this important?**

The council needs to plan effectively and develop systems to enable limited resources to be allocated in accordance with priorities. The budget is the financial statement of the council's plans and policies.

The revenue and capital budgets must be constructed to ensure that resource allocation properly reflects the council's strategic priorities and objectives as set out in the Corporate Plan and service plans. Budgets are needed so that the council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the council to budget for a deficit.

CMT/Group Heads shall prepare annually (normally for submission to the relevant committee each January), draft estimates of income and expenditure in a form agreed with the Group Head of Finance together with any necessary explanations.

#### **Responsibilities of the Group Head of Finance**

- To prepare and submit reports on budget prospects for Policy & Finance Committee in accordance with the constitution, including resource constraints set by the government. Reports should take account of medium-term prospects and review where appropriate.

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- To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the council, and following consultation with the Policy & Finance Committee and CMT/Group Heads.
- To prepare and submit reports to the relevant committees on the overall position, and Policy & Finance Committee on the aggregate spending plans of departments and resources available, identifying, where appropriate, the implications for the level of council tax to be levied.
- To advise on the medium-term implications of spending decisions.
- To encourage the best use of resources and value for money by working with CMT/Group Heads to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- To advise the council on the Policy & Finance Committee's proposals on the robustness of the budget set and the adequacy of reserves in accordance with the Local Government Act 2003.

#### **Responsibilities of CMT/Group Heads**

- To prepare estimates of income and expenditure, in consultation with the Group Head of Finance to be submitted to the appropriate committee.
- To prepare budgets consistent with any relevant cash limits, with the council's annual budget cycle and with guidelines issued by the Policy & Finance Committee. The format will be prescribed by the Group Head of Finance in accordance with the Policy & Finance Committee's general directions.
- To integrate financial and budget plans into service planning.
- To ensure that budget proposals underpin the council's strategic priorities and objectives as set out in the Corporate Plan.

#### **Key controls**

The key controls for budgets and medium-term planning are: -

- a) specific budget approval is given for all expenditure;
- b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the appropriate committee for their budgets and the level of service to be delivered; and
- c) a monitoring process is in place to regularly review the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

### **2.3 CAPITAL PROGRAMME**

#### **Why is this important?**

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the council, such as land, buildings, and major items of plant, equipment or vehicles.

Capital assets can shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure can also result in the creation of an intangible asset, for items such as software licenses which have no physical substance.

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The council is required to set its Capital Programme having regard to the CIPFA Prudential Code, ensuring that it is affordable, prudent and sustainable. This means that capital expenditure forms part of an investment strategy that is carefully prioritised in order to maximise the benefit of limited resources. The council must also approve its Prudential Indicators which are used to monitor performance throughout the year.

**Responsibilities of the Group Head of Finance**

To prepare a capital programme covering at least two future financial years. If an urgent and unforeseen need arises to undertake a project in excess of the current approved capital programme or to accelerate the preparation, commencement or completion of a scheme, the proposal will be considered by the Corporate Management Team and if agreed will then be reported to the relevant committee (and full council if a supplementary estimate is required) for final approval.

- To prepare and submit regular reports to the relevant committee on the projected income, expenditure and resources compared with the approved estimates. Also, to inform the relevant committee where estimated expenditure on any scheme exceeds the capital programme provision by more than 10% or £100,000 whichever is lower, unless the amount is not material.
- The definition of 'capital' will be determined by the Group Head of Finance, having regard to government regulations and accounting requirements.

**Responsibilities of CMT/Group Heads**

- To comply with guidance concerning capital schemes and controls issued by the Group Head of Finance.
- To ensure that all estimates and programmes prepared in connection with capital expenditure shall include reference to the estimated revenue implications in each of the development years and in a full cost year as agreed with the Group Head of Finance.
- To review the capital programme provisions for their services and the estimated final costs of schemes in the approved capital programme.
- To ensure that adequate records are maintained for all capital contracts.
- To proceed with projects / contracts only when there is adequate provision in the capital programme and guarantees of any external funding are in place.
- To notify the Group Head of Finance immediately if the total value of a contract or its annual sum is likely to be different from the original figure by more than the approved limits (the lower of 10% or £100,000 subject to materiality).

**Key controls**

The key controls for capital programmes are: -

- a) specific approval by the council for the planned programme of capital expenditure;
- b) each capital project must be subject to a project appraisal in line with programme and project management procedures and assessed against the council's strategic objectives, prior to approval by the relevant committee, sub-committee or officer;
- c) proposals for improvements and alterations to buildings and land must be approved by the appropriate Director/Group Head;

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- d) monitoring of progress in conjunction with expenditure and comparison with approved budget; and
- e) monitoring of prudential indicators throughout the year.

#### 2.4 MAINTENANCE OF RESERVES

##### Why are these important?

The council holds reserves for one of three purposes:

- working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing (general reserve);
- a contingency to cushion the impact of unexpected events or emergencies (general reserve); and
- a means of building up funds (earmarked reserve) to meet known or predicted liabilities.

It is the responsibility of the Section 151 Officer to advise the council as to the level of general reserves.

##### Responsibilities of the Group Head of Finance

- To advise the Policy & Finance Committee and/or the council on prudent levels of reserves for the council, having regard to advice from the external auditor.

##### Responsibilities of CMT/Group Heads

- To ensure that reserves are used only for the purposes for which they were intended.

##### Key controls

To maintain reserves in accordance with the *CIPFA Code of Practice on Local Authority Accounting in the United Kingdom* and agreed accounting policies.

For each reserve established the following must be provided:

- The reason for / purpose of the reserve
- How and when the reserve can be used
- Procedures for the reserve management and control
- A process and timescale for review of the reserve to ensure continuing relevance and adequacy.

Authorisation and expenditure from reserves by the relevant Director/Group Head in consultation with the Group Head of Finance.

### 3. FINANCIAL MANAGEMENT

#### 3.1 BUDGETARY CONTROL

##### Why is this important?

Budgetary control is the means by which the council manages its finances and ensures their effective use in accordance with the approved budget. It is a continuous process, enabling the council to monitor and review its financial performance during the financial year.

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

To ensure that the council in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre.

#### **Responsibilities of the Group Head of Finance**

- To administer an appropriate framework of budgetary management and control that ensures:
  - a) Budget management is exercised within annual cash limits;
  - b) Each Director has available timely information on receipts and payments on each budget;
  - c) Expenditure is only committed against an approved budget;
  - d) All officers responsible for committing expenditure comply with relevant guidance, and these Financial Regulations;
  - e) Each budget heading has a single named manager, determined by the relevant Director/Group Head. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure;
  - f) Significant variances from approved budgets are investigated and reported by budget managers regularly.
- To administer the council's Scheme of Virement (see 3.2.).
- To submit reports to the Policy & Finance Committee and to the council, in consultation with the relevant Director/Group Head, where it is not possible to balance expenditure and resources within existing approved budgets under his/her control (see 3.2.5 supplementary estimates).
- To prepare and submit regular monitoring reports to relevant committee on the council's projected income and expenditure compared with the budget.

#### **Responsibilities of CMT/Group Heads**

- To maintain budgetary control within their services and to ensure that all income and expenditure is recorded and accounted for properly.
- To ensure that an accountable budget manager is identified for each item of income and expenditure.
- To ensure that spending remains within the service's overall cash limit, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- To prepare and submit to the Policy & Finance Committee, reports on the service's projected expenditure compared with its budget, in consultation with the Group Head of Finance.
- To ensure compliance with the Scheme of Virement (see 3.2).
- To agree with the relevant Director/Group Head where it appears that a budget proposal, including a virement proposal, may impact materially on another service area.

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**Key controls**

The key controls for managing and controlling the revenue budget are: -

- a) budget managers should be responsible only for income and expenditure that they can influence;
- b) there is a nominated budget manager for each budget heading;
- c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- d) all budgets are appropriately profiled through the financial year;
- e) budget managers follow an approved certification process for all expenditure;
- f) income and expenditure are recorded and accounted for properly.

**3.2 SCHEME OF VIREMENT**

A Scheme of Virement shall be prepared as a policy document by the Group Head of Finance and approved by Policy and Finance Committee. A summary of the limits relating to virement as set out in the sections below will be provided as Appendix 1 to these Rules.

**3.2.1. Virement**

**Why is this important?**

Virement is the transfer of budget from one specific area to another. This can either be a transfer within revenue budgets or capital budgets. Restrictions may apply to transfers between capital and revenue budgets. Virement can be a temporary (in-year) or permanent transfer of budget.

The Scheme of Virement is intended to enable committees, together with CMT/Group Heads and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the council.

**Responsibilities of the Group Head of Finance**

- To submit a report to the Corporate Management Team and Policy & Finance Committee where virements are proposed between directorate areas;
- To approve all virements between £50,001 and £500,000.
- To ensure that all virements over £500,000 are approved by the relevant committee.

**Responsibilities of CMT/Group Heads**

- CMT/Group Heads may exercise virement on budgets under their control of up to a maximum of £50,000, provided the Group Head of Finance has given their approval.
- To submit a report to the relevant committee for virements over £500,000, provided that the Group Head of Finance has been notified.
- Salary budgets reflect the council's approved establishment. As such the salary budgets cannot be vired to other areas of the budget. A favourable salary budget variance may be used to cover the additional temporary staffing costs incurred due to the vacant post subject to the corporate vacancy target.
- Virements against future anticipated fees and charges or other uncertain sources of income will not be allowed.

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- Savings of a non-recurring nature (temporary) cannot be used to justify the incurring of expenditure with a continuing commitment into later years (permanent).
- Virement that is likely to impact on the level of service activity of another service should be implemented only after agreement with the relevant Director/Group Head.

#### Key controls

Key controls for the Scheme of Virement are: -

- a) it is administered by the Group Head of Finance within guidelines set by the council. Any variation to the scheme requires the approval of the council;
- b) the overall budget is recommended by the Policy & Finance Committee and approved by the council. CMT/Group Heads are authorised to incur expenditure in accordance with the estimates that make up the budget.
- c) virement does not create a net increase in budget. CMT/Group Heads are expected to exercise their discretion in managing their budgets responsibly and prudently.

#### 3.2.2 SUPPLEMENTARY ESTIMATES

##### Why is this important?

Supplementary estimates are requests for additional resources (capital or revenue) over and above the approved budget. The council has limited financial resources so expenditure needs to be carefully monitored. When a need to incur unavoidable or non-controllable expenditure is identified and the amount required cannot be met by virement, a request for a supplementary estimate shall be submitted to the Policy & Finance Committee and full council. Supplementary estimates can, in exceptional circumstances and with the approval of the Group Head of Finance, be considered by full council when referral via the relevant committee and Policy & Finance Committee would cause unreasonable delay.

##### Responsibilities of the Group Head of Finance

- To ensure that all supplementary estimates (where net expenditure cannot be contained within existing budget provision) are approved by Policy & Finance Committee and full council. The only exception to this rule is on the grounds of urgency.

##### Responsibilities of CMT/Group Heads

- To submit estimates to the Group Head of Finance at the earliest opportunity where unavoidable expenditure is likely and a specific source of funding cannot be identified.
- To submit a report to Policy & Finance Committee and full council when a supplementary estimate is proposed and net expenditure cannot be contained within existing budget provision.

#### Key controls

Key controls for supplementary estimates are:

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- (a) It is administered by the Group Head of Finance with a view to affordability, impact on the council's overall financial position and existing and anticipated level of balances;
- (b) the overall budget is recommended to Policy & Finance Committee and approved by the council. Any additional expenditure incurred must also be recommended to the Policy & Finance Committee (unless this is not practical) and approved by the council; and
- (c) supplementary estimates create a net increase in budget. CMT/Group Heads are expected to exercise their discretion in managing their budgets responsibly and prudently and wherever possible meeting additional cost pressures by virement from within existing budgets. Supplementary estimates should only be requested under exceptional circumstances.

### **3.3 ACCOUNTING POLICIES**

#### **Why are these important?**

The council is required to follow proper practices in preparing its Statement of Accounts. The council's Accounting Policies are a key part in ensuring that this is done, and these are detailed in the Statement of Accounts.

#### **Responsibilities of the Group Head of Finance**

- To establish suitable accounting policies and to ensure that they are applied consistently.
- To ensure that the accounting policies are consistent with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom, for each financial year.

#### **Responsibilities of CMT/Group Heads**

- To adhere to the accounting policies and guidelines approved by the Group Head of Finance.

#### **Key controls**

The key controls for accounting policies are:

- a) Systems of internal control are in place to ensure that financial transactions are lawful;
- b) Suitable accounting policies are established and applied consistently;
- c) Proper accounting records are maintained;
- d) Financial statements are prepared which present fairly the financial position of the Council and its expenditure and income; and
- e) Accounting policies are set out in the Statement of Accounts and are subject to external audit.



3.4 ACCOUNTING RECORDS AND RETURNS

**Why are these important?**

Maintaining proper accounting records is one way in which the council discharges its responsibility for stewardship of public resources. The council has a statutory responsibility to prepare annual accounts that present its operations during the financial year fairly. These annual accounts are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the council's resources.

**Responsibilities of the Group Head of Finance**

- To determine the accounting policies, procedures and the method for recording transactions for the council.
- To arrange for the compilation of all accounts and accounting records under his/her direction.
- To comply with the following principles when allocating accounting duties: -
  - a) Employees responsible for the calculation, checking and recording of income and expenditure should not be responsible for the collection and disbursement of such income and expenditure; and
  - b) Employees with the duty of examining or checking the accounts of cash transactions must not be engaged in those transactions.
- To make proper arrangements for the audit of the council's annual accounts in accordance with the Accounts and Audit Regulations 2015.
- To ensure that all claims for funds (including grants) are made accurately and by the due date.
- To prepare and publish the audited annual accounts of the council for each financial year, in accordance with the statutory timetable.
- To ensure the proper security and retention of financial documents in accordance with the requirements set out in the council's Document Retention Policy.
- To ensure that an asset register is maintained, and assets are appropriately revalued and categorised in accordance with *Code of Practice on Local Authority Accounting in the United Kingdom*.

**Responsibilities of CMT/Group Heads**

- To ensure that a copy of any approved funding from a third party, including government grant, is immediately passed to the Group Head of Finance.
- To ensure that all necessary service-related information is available to support all claims for funds, including government grants.
- To maintain adequate records to provide a management/audit trail leading from the source of income/expenditure through to the accounting statements.
- To supply information required to enable the statement of accounts to be completed and published in accordance with the timetable and guidelines issued by the Group Head of Finance.

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**Key controls**

The key controls for accounting records and returns are:

- a) All committees, finance employees and budget managers operate within the required accounting standards and timetables;
- b) All the council's transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
- c) Procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
- d) Reconciliation procedures are carried out to ensure transactions are correctly recorded;
- e) Prime documents are retained in accordance with legislative and other requirements, as set out in the council's Document Retention Policy; and
- f) The central accounting system of the council, administered by the Group Head of Finance, is the prime system upon which the financial position of the council, or any part of the council, will be assessed.

### **3.5 THE ANNUAL STATEMENT OF ACCOUNTS**

**Why is this important?**

The council has a statutory responsibility to prepare its own accounts to present its operations during the financial year in a fair manner. The council is responsible for approving the statutory annual statement of accounts, through delegation to the Audit & Governance Committee.

**Responsibilities of the Group Head of Finance**

- To establish suitable accounting policies and to apply them consistently.
- To make judgements and estimates that are reasonable and prudent.
- To comply with the *Code of Practice on Local Authority Accounting in the United Kingdom*.
- To sign and date the statement of accounts, stating that it presents fairly the financial position of the council at the accounting date and its income and expenditure for the financial year.
- To draw up the timetable and requirements for final accounts preparation and to advise employees and the external auditor accordingly.

**Responsibilities of CMT/Group Heads**

- To comply with accounting guidance provided by the Group Head of Finance and to supply the Group Head of Finance with information when required.

**Key controls**

The key controls for the annual statement of accounts are: -

- a) The council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this council, that officer is the Group Head of Finance; and

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- b) The council's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*.

**4. RISK MANAGEMENT AND CONTROL OF RESOURCES**

**4.1 RISK MANAGEMENT AND INSURANCE**

**Why is this important?**

Risk management is a planned and systematic approach to identifying, evaluating and controlling risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational wellbeing of the council. It is, therefore, an integral and essential part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action needed to control these risks effectively.

It is the overall responsibility of the Audit & Governance Committee to approve the Council's Risk Management Strategy, and to promote a culture of risk management awareness throughout the council.

**Responsibilities of the Group Head of Finance**

- To prepare and promote the council's Risk Management Strategy.
- To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims, in consultation with other officers where necessary.

**Responsibilities of CMT/Group Heads**

- To notify the Group Head of Finance immediately of any injury, loss, liability or damage that may lead to a claim against the council, together with any information or explanation required by the Group Head of Finance or the council's insurers.
- To take responsibility for risk management and minimising exposure to loss, having regard to advice from the Group Head of Finance and other specialist advisers (e.g. health and safety, emergency planning).
- To ensure that there are regular reviews of corporate and departmental risk registers to identify and evaluate risk and to determine the ways risk can be managed. The risks and the mitigating actions should be recorded and monitored.
- To notify the Group Head of Finance promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- To consult the Group Head of Finance on the terms of any indemnity that the council is requested to give.

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**Key controls**

The key controls for risk management are:

- a) Procedures are in place to identify risks, to evaluate their likely impact and probability of occurring, and to determine suitable risk reduction strategies. The risk management process operates continually to ensure that changes in circumstances and new risks are identified, evaluated and managed;
- b) Corporate and departmental risk registers are produced and are regularly reviewed and action taken when appropriate;
- c) Risk management procedures are communicated effectively throughout the council. Managers know that they are responsible for managing risks in their areas and are provided with relevant information on risk management initiatives;
- d) Acceptable levels of risk are determined and insured against where appropriate; and provision is made through balances or reserves for losses where insurance is not appropriate;
- e) The council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

## **4.2 AUDIT REQUIREMENTS**

### **Internal Audit**

The requirement for an internal audit function is implied by the Accounts & Audit Regulations 2015 which requires that the council must each financial year conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement.

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

It will act in accordance with the internal audit charter and *UK Public Sector Internal Audit Standards (PSIAS)* and will undertake reviews that focus on areas of greatest risk to the council, as agreed annually in consultation with CMT and approved by the Audit & Governance Committee. However, it is the responsibility of every manager to establish and maintain an effective system of internal control.

Internal audit shall have the authority to have unrestricted access to all records, assets, personnel and premises deemed necessary to review the activities of the council and (where appropriate, subject to contractual arrangements) its contractors and operating partners. It also has authority to obtain from all employees and members such information and explanations as are considered necessary and direct access and freedom to report to CMT and council committees (although its primary responsibility is to the Audit & Governance Committee).

### **Key controls**

The key controls for Internal Audit are:

- a) That it is independent in its planning and operation;
- b) the Internal Auditor has direct access to the Chief Executive, all levels of management and directly to elected members; and

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- c) The internal auditors comply with the United Kingdom Internal Audit Standards as interpreted by CIPFA's Local Government Application Note.

#### **4.3 PREVENTING FRAUD AND CORRUPTION**

The council takes the prevention of fraud, corruption and maladministration very seriously and has the following policies in place, which aim to prevent or deal with such occurrences: -

- Anti-Fraud, Corruption & Bribery Policy
- Whistleblowing Policy (in respect of the Public Interest Disclosure Act 1998)
- Anti-money laundering procedures
- HR policies regarding discipline of staff
- Registers of Interests for Members and staff
- Robust processes for the procurement of goods and services

The council expects all members and employees to act with propriety and accountability and also expects that individuals and organisations with whom the council comes into contact (for example, suppliers, contractors and service providers) will act towards the council with integrity and without thought or actions involving fraud and corruption.

Where financial or other impropriety is discovered or suspected it must immediately be reported to the Group Head of Finance and/or the Chief Internal Auditor for appropriate investigation and action.

#### **4.4 ASSETS – (LAND, BUILDINGS, FURNITURE, EQUIPMENT ETC.)**

##### **Acquisitions**

##### **Why are these important?**

The council is publicly accountable for the way that it spends its money. Value for money must be demonstrated. Therefore, the council has to exercise control over its purchasing activity, including asset acquisition (e.g., property, vehicles, plant and equipment, furniture).

##### **Responsibilities of the Group Head of Finance**

- To issue guidelines on the best practice in respect of asset acquisition.
- To periodically review all guidelines to ensure that they still reflect best practice.
- To ensure that all expenditure is properly recorded in the council's accounts and records.

##### **Responsibilities of CMT/Group Heads**

- To ensure that the council's policies and procedures are complied with.
- To ensure that the necessary separation of duties is observed.
- To ensure that assets purchased are necessary.

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**Key controls**

The key controls for asset acquisition are:

- a) Council policies in respect of the acquisition of assets are complied with at all times. This includes compliance with contract regulations for all asset acquisitions.
- b) There are at least two employees involved in the process of acquisition, with a separation of duties between employees involved in the different parts of the process.
- c) Procedures protect employees involved in the acquisition of assets from accusations of impropriety.

**Asset disposal and transfer**

**Why is this important?**

It would be uneconomic and inefficient for the cost of maintaining assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the council's policies and procedures.

Assets are sometimes used by or transferred to an external party, for example as part of an outsourced contract or partnership arrangement. It is important that the legal and financial basis for the transfer is determined and properly documented, so that the interests of the council are protected.

**Responsibilities of the Group Head of Finance**

- To issue guidelines representing best practice for disposal of assets.
- To ensure appropriate accounting entries are made to remove the value of disposed or transferred assets from the council's records and to include the sale proceeds, if appropriate.

**Responsibilities of Directors/Group Heads**

- To seek advice from the Group Head of Finance on the disposal of surplus or obsolete materials, equipment and vehicles.
- To seek advice from the Group Head of Finance where assets are to be transferred or predominantly used by an external party.
- To ensure that income received for the disposal of an asset is properly banked and coded.
- To authorise the write off and disposal of obsolete or surplus materials and equipment.
- To ensure that the disposal of obsolete or surplus materials and equipment, is by competitive quotation or auction, unless, following consultation with the Group Head of Finance, the relevant committee decides otherwise.

**Specifically relating to the disposal or acquisition of land and buildings: -**

To ensure that all disposals of land and buildings are in accordance with the council's land sale policy current at the time. Where disposal of land and buildings is allowed, it shall be conducted in accordance with the provisions detailed in (a) (i) – (vi) below.

- (a) Approved methods of disposal shall be by:-
  - i. Private Treaty;
  - ii. Auction;
  - iii. Tender

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- iv. Sealed Offer;
  - v. Exchanges of land; or
  - vi. Compulsory Purchase Order
- (b) To ensure that where land is to be disposed of by the council, the Group Head of Finance shall ensure compliance with Financial Regulations and S123 of the Local Government Act 1972.

#### Key controls

- (a) assets for disposal or transfer are identified and are disposed of or transferred at the most appropriate time, and only when it is in the best interests of the council, and the best price or contract terms are obtained, bearing in mind other factors, such as environmental issues – in accordance with an assets disposal policy to be approved by Policy and Finance Committee.
- (b) for items of significant value, disposal should be by competitive tender or public auction; and
- (c) procedures protect employees involved in the disposal of assets from accusations of personal gain.

#### Security (Including Inventories)

##### Why is this important?

The council holds assets in the form of property, vehicles, equipment and other items worth many millions of pounds. Information held by the council is also a key asset. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of assets. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

#### Responsibilities of the Group Head of Finance

- To ensure that an asset register is maintained in accordance with good practice for all assets with a value in excess of £25,000. The function of the asset register is to provide the council with information about fixed assets so that they are: -
  - safeguarded;
  - used efficiently and effectively;
  - adequately maintained; and
  - accounted for.
- To receive the information required for accounting, costing and financial records from each Director/Group Head.
- To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom.
- To maintain a central register of IT equipment.

#### Responsibilities of CMT/Group Heads

- To ensure the proper security of all employees, buildings and other assets under their control.
- To pass title deeds to the Group Head of Law and Governance who is responsible for custody of all title deeds.
- To ensure the safe custody of vehicles, equipment, furniture, and other property belonging to the council.

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- To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- To ensure cash holdings on premises are kept to a minimum and that maximum limits are agreed by the Group Head of Finance.
- To ensure that keys to safes and similar secure containers/cupboards are carried on the person of those responsible at all times; loss of any such keys must be reported to the Group Head of Finance as soon as possible.
- To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Group Head of Finance.
- To carry out an annual check of all items on the inventory in order to verify location, to review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly.
- To make sure that property is only used in the course of the council's business, unless the Director/Group Head concerned has given permission otherwise.

#### Key controls

- (a) assets registers are accurately maintained, and all assets are accounted for; and
- (b) assets are valued in accordance with approved policies and appropriate values included in the council's annual accounts.

#### 4.5 TREASURY MANAGEMENT

##### Why is this important?

Many millions of pounds pass through the council's accounts each year. The scale of the local authority treasury activity and issues such as the Icelandic banking collapse has led to the development of CIPFA's *Code of Practice on Treasury Management and Prudential Code for Capital Finance in Local Authorities (Prudential Code)*. These aim to provide assurances that the council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the council's capital sum.

**Responsibilities of Group Head of Finance** To arrange the borrowing and investments of the council, including bank overdrafts, in such a manner as to comply with the CIPFA Code of Practice on Treasury Management, the Prudential Code, the council's Treasury Management Strategy and the council's Treasury Management Practices.

- To report on treasury activities to the Audit & Governance Committee, with recommendations (including adoption of the Treasury Management Strategy Statement & Annual Investment Strategy) referred for approval by full council.
- To operate bank accounts as are considered necessary. All arrangements with the council's approved bankers regarding the council's bank accounts, and the terms on which they are conducted shall be made by the Group Head of Finance.
- To ensure that detailed arrangements are made regarding the council's bank accounts and for the issue of cheques and cards. All cheques or cards shall be ordered only on the authority of the Group Head of Finance who shall advise on proper arrangements for their safe custody.
- All of the council's bank accounts must be in the name of "Arun District Council".



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- To ensure that all investments or utilisation of monies and other accumulations and the sale or realisation of investments are made in the name of the council or in the name of nominees approved by the relevant committee.
- To effect all borrowings in the name of the council.
- To act as the council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money and investment by the council.
- To ensure that in circumstances where the council has decided to finance capital expenditure by way of leasing, deferred purchase, or similar arrangements, the Group Head of Finance or his/her authorised representative shall so far as possible, obtain competitive quotations from relevant funding sources and such arrangements shall be subject to approval by the relevant committee.

#### **Responsibilities of CMT/Group Heads**

- To follow the instructions on banking issued by the Group Head of Finance.
- To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the relevant committee, following consultation with the Group Head of Finance.
- To ensure that CMT/Group Heads advise the Group Head of Finance of the disposal of any vehicle or item of equipment that is subject to a lease.

#### **Key controls**

- (a) the Treasury Management Strategy Statement & Annual Investment Strategy must be approved by full council by 31<sup>st</sup> March for the next financial year;
- (b) Council investments are only placed with approved institutions in line with the agreed strategies;
- (c) investment performance is monitored and reported to officers and Members;
- (d) funds transfers (e.g. by CHAPS) require dual authorisation by designated officers; and
- (e) investment and borrowing requirements are identified and planned for in short-term cashflow forecasting and longer-term financial strategies.

#### **4.6 WORKFORCE**

##### **Why is this important?**

The council sees its employees as a valuable asset to running its business to provide the highest level of service, it is essential that the council recruits and retains high calibre, knowledgeable employees, who are qualified to an appropriate level.

##### **Responsibilities of the Group Head of Finance**

- To ensure that CMT/Group Heads have identified budget provision for all existing and new employees.
- To act as an advisor to CMT/Group Heads on areas such as national insurance and pension contributions, as appropriate.
- To develop a workforce strategy, policy and procedures and ensure they are disseminated and enforced.

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**Responsibilities of CMT/Group Heads**

- To produce an annual workforce budget.
- To ensure that the workforce budget is an accurate forecast of workforce levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- To ensure that the workforce budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- To comply with, and ensure employees comply with, the council's Human Resource policies (for example: recruitment, training and flexible working policies).

**Key controls**

The key controls for employees are: -

- (a) an appropriate workforce strategy and policy exists, in which employee requirements and budget allocation are matched;
- (b) procedures are in place for forecasting workforce requirements and cost;
- (c) controls are implemented that ensure that employee time is used efficiently and to the benefit of the council; and
- (d) checks are undertaken prior to appointing new employees to ensure that they are appropriately qualified, experienced and trustworthy.

**5. FINANCIAL SYSTEMS AND PROCEDURES**

**5.1 GENERAL**

**Introduction**

The council is governed by laws requiring that it makes proper arrangements for the administration, reporting and safeguarding of those funds and act in a way that is open and accountable as to how those funds are used.

Whilst all council officers and members have a general financial responsibility, Section 151 of the Local Government Act 1972 requires that a suitably qualified officer must be responsible for the financial administration of the organisation. This officer is the Group Head of Finance.

**Group Head of Finance**

The Group Head of Finance is responsible for the proper administration of the Council's financial affairs, prescribe appropriate financial systems, protocols, procedures and policies, maintain an internal audit service and report to the council in the event of any decision or action leading to, or may lead to, unlawful expenditure, loss, deficiency or accounting entry and;

- (a) will be responsible for ensuring the final accounts are completed and published in accordance with statute and accepted public sector accounting requirements and the reporting to members of any material amendments specified by external audit,
- (b) will have unrestricted access to all council assets, systems, documents, information, data, employees and members held by the council,

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- (c) issue guidance, advice or instruction on the application of these financial systems and procedures as appropriate,
- (d) recommend to the council the addition, alteration or deletion of any financial regulation.

**CMT/Group Heads (Senior Management Team)**

CMT and Group Heads being the Senior Management Team of the council;

- a) will manage budgets and financial activity within their area of responsibility including the planning and control of budgets and prevention of fraud and corruption to ensure efficient and effective use of resources,
- b) shall consult with the Group Head of Finance and obtain approval on any matter that may have a material effect, advantageous or detrimental, on the council's financial position or financial strategy,
- c) comply with any instruction given by the Group Head of Finance regarding the form and method of financial record keeping or the operation of any financial procedures.

**Committees and sub-committees**

All committees or sub-committees will ensure that decisions taken are within their remit and relevant budgets, are compliant with adopted policies, and consistent with achievement of the council's service or corporate plans.

**Council**

The council will:-

- approve the Medium-Term Financial Strategy (MTFS);
- approve and annual budget and determine the level of local taxation and other statutory charges;
- approve the Treasury Management Strategy (TMS) and prudential indicators;
- approve changes to these financial procedures.

**Officers and members**

All officers and members will contribute to the general stewardship of the council's financial affairs in compliance with this code and any systems, procedures, policies prescribed by law or the Group Head of Finance relating to the council's financial management. They will bring to the attention of the Group Head of Finance any matter that is contrary to the provisions of these regulations or the high standard of financial probity expected of the council or may bring the council into disrepute or legal challenge.

**5.2 INCOME**

All employees receiving money or cashable instruments (including cash, cheques, credit/debit card payments, direct credits, etc.) or making arrangements for the collection of income must comply with the relevant procedures and instructions issued

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by the Group Head of Finance to ensure that sums are properly recorded, received, and banked, and correct accounting entries made.

Cash, in coin or bank note, is only to be accepted in exceptional circumstances and every effort should be made to promote cashless payments.

**Budget holders**

All officers with budget management responsibility are required to ensure that;

- invoices and credit notes are raised promptly;
- all enquiries relating to invoices raised and answered promptly;
- any matters that may affect recovery of an invoiced debt is made known to Accounts Receivable;
- any debts considered appropriate for write-off are notified to the Group Head of Finance;
- income is regularly monitored and any irregularities are promptly notified to the Group Head of Finance;
- a review of fees, charges and other income is undertaken at least annually and also as part of the budget setting cycle.

**Write-off of irrecoverable debt**

Once levied, debt may not be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt must only be issued to correct a factual inaccuracy or administrative error in the calculation or billing of the original debt. The Group Head of Finance shall periodically submit a Debt Management and Write off Policy for adoption by the Policy and Finance Committee.

Subject to any policy adopted by Policy and Finance Committee the Group Head of Finance is approved to write-off a debt (or combination of debts) due from any individual debtor in any one financial year of not more than £8,000 in aggregate.

Subject to any policy adopted by Finance and Policy Committee, debts greater than £8,000 may only be written-off with relevant committee approval.

**Disposal of assets**

CMT or Group Heads will notify the Group Head of Finance of any proposal to dispose of any surplus assets within their control or responsibility. The Group Head of Finance will assess in consultation with the Director or Group Head the value of the asset(s) and determine the most appropriate route for disposal. The prior approval of the relevant committee is to be sought for the disposal of any asset with a current value of more than £5,000 in the Asset Register.

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**5.3 EXPENDITURE**

**General**

All purchases of goods and services are to be made in compliance with procedures in the Contract Standing Orders, as set out at part 6 of this constitution, or as otherwise instructed by the Group Head of Finance. All council purchases (other than those made by credit card) must be made and authorised by raising an Official Order in the council's financial management system or property management system.

Purchases made using a council credit card must be supported by a Payment Requisition signed by the purchasing employee and counter-signed by an authorised officer and forwarded promptly to the Group Head of Finance.

The Group Head of Finance will determine the authorised purchasing limits for all officers in consultation with the relevant Director or Group Head.

All purchases of goods and services must be supported by a valid invoice (in electronic or hard copy) that meets the requirements of the HM Revenue & Customs to support VAT recovery where appropriate.

Payments for goods and services will only be made where it can be referenced to an Official Order and will be by bank automated clearing system (BACS) or such other alternative method as may be approved by the Group Head of Finance.

**Acquisition of assets**

Assets purchased at a cost of more than £25,000 must be notified to the Group Head of Finance for inclusion in a register of assets maintained to comply with public sector accounting requirements and best practice.

**Employees and members**

All payments to employees and members will be made through the council's payroll or as otherwise authorised by the Group Head of Finance in order that all statutory and regulatory requirements are met.

No payment will be made unless approved by a duly authorised officer. The Group Head of Finance will determine the limit of authority for any officer in consultation with the relevant Director or Group Head.

**5.4 TAXATION**

The council has a statutory duty for the proper administration of its tax affairs in pursuance of various legislation and directives.

All employees and members will comply promptly with any request made by the Group Head of Finance for information or documentation in relation to any direct or indirect tax matters that may impact upon the proper administration of such matters including;

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- Pay As You Earn income tax (PAYE)
- National Insurance Contributions (NIC)
- Value Added Tax (VAT)
- Construction Industry Tax (CIS)
- Corporation Tax

#### **5.5 INSURANCE**

The Group Head of Finance will arrange for all insurance covers and negotiate settlement of all claims made through such insurances in consultation with relevant officers of the council.

CMT and Group Heads will ensure prompt notification to the Group Head of Finance:

- of any incidents that may give rise to a claim against the council the costs of which may be indemnified by the council's insurances;
- of loss of or damage to any council property or asset under its ownership, responsibility, custody or control;
- of any change in risk or ownership of or responsibility for any asset or property.

#### **6. EXTERNAL ARRANGEMENTS**

##### **6.1 EXTERNAL FUNDING**

###### **Why is this important?**

External funding is a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the council to deliver services to the local community. However, in some instances, such funding is linked to tight specifications and may not link to the council's aims and objectives.

###### **Responsibilities of the Group Head of Finance**

- To ensure that all funding notified by external bodies is received and properly recorded in the council's accounts.
- To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements, or an exit strategy is agreed.
- To ensure that audit requirements are met.
- To ensure that all claims are submitted by the due date.
- for grants which have been awarded. To include progress updates on significant approved bids as part of the regular reporting process as and when required.

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#### **SECTION 3 – FINANCIAL PROCEDURES RULES (REGULATIONS)**

##### **Responsibilities of CMT/Group Heads**

- To ensure that the Group Head of Finance is advised, at the earliest possible time, of all applications for external funding.
- To submit reports to the relevant committee which are sufficiently developed to enable the use of the funds without any further reporting requirement.
- To give the Group Head of Finance a copy of all approvals received from government departments or other sources of external funds.
- To ensure that all supporting information is kept to support claims for funds.
- To ensure that the project progresses in accordance with the agreed conditions and that all expenditure is properly incurred and recorded.

##### **Key controls**

The key controls for external funding are: -

- (a) To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
- (b) To ensure that funds are acquired only to meet the priorities approved in the policy framework by the council;
- (c) To ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements, or an exit strategy is agreed;
- (d) To ensure risks are identified, within acceptable limits and are capable of being managed;
- (e) To ensure monitoring and reporting frameworks are established and followed; and
- (f) To ensure adequate controls and governance arrangements are in place and are followed.

#### **7. GRANTS TO EXTERNAL ORGANISATIONS (INCLUDING RATE RELIEF)**

##### **Why is this important**

Local groups and organisations make a significant contribution to the local community. However, this contribution is difficult to quantify in financial terms and it is therefore particularly important that any financial support the council provides to these groups follows a clear and transparent process.

##### **Responsibility of CMT/Group Heads**

- To ensure that any grant payments and any discretionary awards are made in accordance with the procedure set out below and can be met from within existing budgetary provision. In addition, for any award of discretionary business rate relief, regard must be had for the implications for West Sussex County Council in respect of their share of business rate income.
- To ensure that an up-to-date grants register is maintained on the website to include;
  - Source of funding
  - Grants awarded
  - Any declaration of interest by members and officers





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**APPENDIX 1: SCHEME OF VIREMENT AT A GLANCE (SECTION 3.2)**

<b>Delegation Limit</b>	<b>Virement exercised by</b>
Up to £50k	Member of SMT (provided Group Head of Finance has given their approval)
Up to £500k	Group Head of Finance
Above £500k	Relevant Committee

*Note:*

*It is essential that these limits are read in conjunction with the Financial Rules as contained in Part 6 of the Constitution as there are certain circumstances where virement is restricted or not permitted.*

*The following reports are available when reporting to the relevant committee:*

- *Individual Item (Committee Report)*
- *Budget Monitoring Report*

*All virements and reports with financial implications require the notification of Financial Services at the earliest opportunity to allow assessment of the feasibility of savings and for compliance with the Financial Rules and Statutes.*

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**(CONTRACT STANDING ORDERS)**

Procurement decisions and processes are very important because the money involved is public money and the council needs to ensure the provision of high-quality services, supplies and works. Achieving value for money is essential.

The council's reputation is equally important, and the processes used must safeguard against any implication of dishonesty or corruption.

All staff are to comply with these Contract Standing Orders.

This section is divided into the following sub-sections:

- A Introduction
- B Procurement Requirements
- C The Procurement Process
- D The Contract and other formalities
- E Post-Contract Requirements

<b><u>Glossary of Defined Terms</u></b>	
<b>Award Criteria</b>	The criteria by which the successful Quotation or Tender is to be selected (see further Standing Order 16).
<b>Contracting Decision</b>	Any of the following decisions: <ul style="list-style-type: none"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> <li>• award of contract</li> <li>• any decision to terminate a contract</li> </ul>
<b>Dynamic Purchasing System (DPS)</b>	A completely electronic system used by a contracting authority to purchase commonly used goods, works or services. Suppliers may join a DPS at any time during its period of validity and there can be no limit on the number of suppliers on the DPS at any one time.
<b>Employees Code of Conduct</b>	The Employees Code of Conduct – available from Human Resources
<b>European Economic Area</b>	The members of the European Union and Norway, Iceland and Liechtenstein.
<b>Financial Regulations</b>	The Financial Procedure Rules at Part 6 Section 5 of the Constitution.

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<b><u>Glossary of Defined Terms</u></b>	
<b>Framework Agreement</b>	An agreement between one or more contracting authorities and one or more providers, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price.  If more than one provider is party to the agreement the price may be subject to mini-competition between all the providers at time of 'call-off'. Specific rules apply to Framework Agreements where the Total Value may exceed the UK Threshold.
<b>Invitation to Tender</b>	The process and documents in the form required by Standing Orders by which a candidate is invited to bid.
<b>Non-Commercial Considerations</b>	<ul style="list-style-type: none"> <li>a) 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.</li> <li>b) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</li> <li>c) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of the contractors in industrial disputes between other persons.</li> <li>d) 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.</li> <li>e) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</li> <li>f) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</li> <li>g) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</li> </ul>
<b>Parent Company Guarantee</b>	A contract which binds the parent company of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the council, they can require the parent company to do so instead.
<b>Performance Bond</b>	An insurance policy. If the contractor does not do what it has promised to do under a contract with the council, the council can claim from the insurers the sum of money specified in the bond (often 10% of the contract value). A Performance Bond is intended to protect the council against a level of cost arising from the contractor's failure.
<b>Procurement</b>	Procurement service provided by Hampshire County Council

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<b><u>Glossary of Defined Terms</u></b>	
<b>Quotation</b>	All requests for quotations must be obtained on a Most Economically Advantageous Tender (MEAT) basis whereby the 'whole life' costs are considered and purchases must not be made on a cost only basis – unless previously agreed in writing by the council's Procurement Officer. You should consider specification details, availability of product/service, delivery aspects, after sales/warranty requirements and also include quality, environmental, social and health & safety aspects. These factors must be weighted in your award decision and given appropriate consideration. Quotation must be in writing.
<b>Relevant Contract</b>	Contracts to which these Standing Orders apply (see Standing Order 3).
<b>Responsible Officer</b>	The officer responsible for dealing with a particular purchase or disposal. The Responsible Officer must be an employee of the council.
<b>Shortlist/ Shortlisting</b>	Where the candidates are selected to quote or bid, or to proceed to final evaluation.
<b>Tender</b>	A written proposal submitted in response to an Invitation to Tender.
<b>Total Value</b>	<ul style="list-style-type: none"> <li>• The whole of the value or estimated value Including VAT (in money or equivalent value) for a single purchase or disposal</li> <li>• Whether or not it comprises several lots or stages</li> <li>• To be paid or received by the council</li> </ul> <p>The Total Value shall be calculated as follows:</p> <ol style="list-style-type: none"> <li>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.</li> <li>b) Where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions for the coming 12 months.</li> <li>c) Where the contract is for an uncertain duration, by multiplying the monthly payments by 48.</li> <li>d) For feasibility studies, the value of the scheme or contracts which may be awarded as a result.</li> <li>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.</li> </ol>
<b>UK Threshold</b>	The Total Value threshold above which the processes set out in the Public Contracts Regulations 2015 must be followed. For details of the latest thresholds refer to the Procurement section on the Intranet.
<b>Value for Money</b>	The duty on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the council.

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**A – INTRODUCTION**

**1. PRINCIPLES**

- 1.1 All purchasing, procurement, contract and disposal procedures must:
- achieve value for money for public money spent and highest return for disposals;
  - be consistent with the highest standards of integrity;
  - ensure fairness in allocating public contracts;
  - ensure fair and open competition, transparency of process and non-discrimination;
  - comply with all legal requirements (including specific procurement legislation in force in England from time to time)
  - ensure that non-commercial considerations do not influence any contracting decision;
  - support the council's corporate and departmental strategies, aims and policies;
  - comply with the council's Value for Money policy and procurement strategy (refer to the Procurement section on the Intranet)
- 1.2 Before taking any steps to purchase or procure supplies, services or works, consideration should be given to the following issues:
- whether the acquisition is absolutely necessary or could be met sustainably by adopting the 3 R's principle – reduce, reuse, recycle;
  - the use of alternative providers such as the voluntary and charity sectors, social enterprises and internal service providers;
  - supporting local and/or small and medium sized enterprises (SME's)
- 1.3 Please seek advice from Procurement and Legal Services if you are unsure of how to proceed.
- 1.4 Increasing amounts of information are available on-line and specific note should be taken of procurement guidance on Arun's Internet and Intranet sites.

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**2. OFFICER RESPONSIBILITIES**

2.1 The Responsible Officer must:

- 2.1.1 Comply with these Contract Standing Orders, the council's Financial Procedure Rules, the Employee's Code of Conduct and with all UK binding legal requirements;
- 2.1.2 Be authorised to procure and award a contract within specific authorisation levels;
- 2.1.3 Keep the records required by Standing Order 27;
- 2.1.4 Ensure that tender procedures are conducted in accordance with procedures set out in any Invitation to Tender;
- 2.1.5 Ensure that agents, consultants, and contractual partners acting on the council's behalf also fully comply with these Contract Standing Orders;
- 2.1.6 Take all necessary legal, financial and professional advice at the commencement of the process and thereafter to follow the advice received;
- 2.1.7 Comply in all respects with these Contract Standing Orders. They are minimum requirements. Procurement will advise if a more detailed procedure is appropriate for particular contracts;
- 2.1.8 Ensure the safekeeping of all original contracts and related files.

2.2 Directors must :

- 2.2.1 Ensure that their staff understand and comply with Contract Standing Orders;
- 2.2.2 Keep a record of all contracts;
- 2.2.3 Ensure that sealed contracts (which includes those where the Total Value exceeds £50,000) are passed to Legal Services for secure storage.

**3. RELEVANT CONTRACTS**

3.1 All relevant contracts must comply with these Contract Standing Orders.

3.2 A Relevant Contract is any arrangement, including the setting up of framework agreements, irrespective of total value made by, or on behalf of, the council for the carrying out of work or for supplies or services. These include (but are not limited to) arrangements for:

- the supply or disposal of goods
- hire, rental or lease of goods or equipment
- execution of works
- the supply of services, including those related to the recruitment of staff and financial and consultancy services.



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- 3.3 Relevant contracts do not include contracts relating to:
- the employment of staff
  - the engagement of counsel
  - the engagement of a specific individual for the provision of consultancy services (this exclusion does not extend to the engagement of organisations to provide consultancy services or multiple individuals for the provision of the same consultancy services)
  - the acquisition, disposal or transfer of land (for which financial regulations shall apply).
  - the provision by council in-house services
  - joint working agreements with other public bodies

**B – PROCUREMENT REQUIREMENTS**

**4. COMPETITION REQUIREMENTS**

- 4.1 The Responsible Officer must calculate the total value of the relevant contract.
- 4.2 Where the total value of the relevant contract is in the first column below, the competition procedure in the second column must be followed.

<b>Estimated Contract Value</b>	<b>Number of Tenders to be invited</b>
Below £1,000	Obtain a single written quote, where possible from a local contractor
£1,000 to £10,000	Ensure value for money by inviting at least 2 written quotes, one of which should be from a local contractor if possible
£10,001 to £ 100,000	Ensure value for money by inviting at least 3 contractors to submit written quotations, one of which should be local, if possible or use of an appropriate framework agreement or dynamic purchasing system.
£ 100,001 to UK Threshold (Contact Procurement)	Formal tender process following appropriate advertisement or use of an appropriate framework agreement or dynamic purchasing system.
Above UK Threshold (Contact Procurement)	Formal process as set out in the Public Contracts Regulations 2015 or use of an appropriate framework agreement or dynamic purchasing system

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- 4.3 If there are insufficient suitably qualified contractors to meet the competition requirement, all those suitably qualified are to be invited to submit a written quotation.
- 4.4 Use of the Competitive Dialogue procedure, Innovation Partnership procedure or Competitive Procedure with Negotiation shall require the approval of the Group Head of Finance.
- 4.5 The use of any Framework Agreement or Dynamic Purchasing System not set up by Arun District Council is subject to approval by the Group Head of Finance that the proposed Framework Agreement or Dynamic Purchasing System is suitable for use by Arun District Council. Where any access agreement or similar is required to access a Framework Agreement or Dynamic Purchasing System such agreement shall be signed by the Group Head of Finance.
- 4.6 A list of Framework Agreements and Dynamic Purchasing Systems approved for use by the Group Head of Finance shall be maintained. Once a Framework Agreement or Dynamic Purchasing System is added to the list it may be used without further approval.
- 4.7 Framework Agreements will remain on the list and available for use for the remainder of their validity period. Dynamic Purchasing Systems shall remain on the list and available for use for 1 year from the date of approval.
- 4.8 The Responsible Officer must not enter into separate contracts nor select a method of calculating the total value in order to negate or minimise the application of these Contract Standing Orders or avoid compliance with procurement legislation or other statutory procedures.
- 4.9 Where the Public Contracts Regulations are applicable, the Responsible Officer shall consult the guidance on the regulations (found in the Procurement section of the Intranet) and formally consult Procurement to agree the most appropriate procurement method.
- 4.10 Assets for disposal must be disposed of in accordance with the current Asset Disposal Policy
- 4.11 Providing services to external purchasers must be in compliance with the Local Authorities (Goods and Services) Act 1970, Local Government Act 2003 or the Localism Act 2011
- 4.12 Partnership arrangements are subject to all English procurement legislation and must follow these Contract Standing Orders.

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**5. STEPS PRIOR TO PURCHASE**

5.1 Before beginning a purchase, the Responsible Officer must:

- i. advise Procurement except where the estimated Total Value of the contract is less than £10,000;
- ii. ensure a budget exists. If no budget is in place a virement from the service area or a supplementary estimate request to full council will be required (see Part 6 Section 5 Regulation 3 of the constitution) and will need to be approved prior to commencing the purchase;
- iii. ensure that a contractual arrangement is not already in place;
- iv. ensure there is a need for the expenditure and its priority;
- v. define the objectives of the purchase;
- vi. assess the risks associated with the purchase and how to manage them;
- vii. consult Procurement where the estimated total value is likely to be over £100,000 for advice on what procurement method is most likely to achieve the purchasing objectives;
- viii. consult Legal Services in relation to the appropriate contractual terms;
- ix. ensure that there is approval for all of the expenditure to be incurred before an order is placed or a contract is entered into.

5.2 Committee approval may be required when tendering, or before placing an order or entering into a contract depending on the total value. The table below sets out the authority requirements.

Estimated Total Value	Key requirements to be fulfilled
Less than £10,000	<ul style="list-style-type: none"> <li>• No requirement for committee decision</li> <li>• There must be authority to enter into the contract</li> <li>• No requirement for consultation with Procurement</li> <li>• The Responsible Officer is to retain evidence of to show that Contract Standing Orders have been complied with</li> </ul>
£10,001-UK Threshold	<ul style="list-style-type: none"> <li>• No requirement for committee decision</li> <li>• There must be an authority to enter into the contract.</li> <li>• Procurement to be consulted in advance to determine the most suitable criteria for evaluation and award of contract.</li> <li>• The Responsible Officer is to retain evidence of contact with Procurement .</li> <li>• The Responsible Officer is to retain evidence to show that Contract Standing Orders have been complied with</li> </ul>

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Estimated Total Value	Key requirements to be fulfilled
	<ul style="list-style-type: none"> <li>• Officer to put a written record signed with the contract papers with their name, date &amp; details of what they are committing the council to, including the date for the first and last payment. A copy of the form to be given to the council’s Procurement Officer.</li> </ul>
Above UK Threshold	<ul style="list-style-type: none"> <li>• Where not already in existence committee approval of the budget to be obtained prior to the commencement of any procurement process and at the same time committee approval to award the contract if bids/returns come within budget.</li> <li>• Procurement to be consulted prior to the commencement of any procurement activity to determine the method of procurement, advise on tender documentation, agree the procurement timetable and the most suitable criteria for evaluation and award of contract.</li> <li>• Legal Services to be consulted prior to the commencement of any procurement activity in relation to contractual terms.</li> <li>• Procurement Pro-forma to be completed by officer &amp; signed off by the council’s Procurement Officer agreeing approach &amp; methodology to be used.</li> <li>• Procurement Pro-forma to be retained on contract file.</li> <li>• No committee decision is required at the pre-award stage unless the proposed contract’s value is in excess of the approved budget.</li> </ul>

**6. WAIVERS AND EXEMPTIONS**

- 6.1 The council has power to waive any requirement of Contract Standing Orders in specific instances.
- 6.2 It is not possible to waive Contract Standing Orders in their entirety.
- 6.3 There can be no waiver of the procedures set out in the Public Contracts Regulations 2015.
- 6.4 All applications for waivers of these Contract Standing Orders must be in writing in prescribed form and state:
- i. the reason why a waiver is needed (see 6.8 below); and
  - ii. the specific requirement of Contract Standing Orders that is to be waived including the paragraph number;
  - iii. the risks that will be incurred if the waiver is permitted;

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- iv. contain comments by Legal Officers and Finance Officers.
- 6.5 The waiver form is found in the Procurement section of the Intranet.
- 6.6 Waivers must be authorised by the Group Head of Finance or their deputy in their absence, or the Chief Executive prior to continuing with the purchase or award of contract.
- 6.7 The Responsible Officer is required to send a copy of the signed waiver to Procurement and for the original to be placed with the contract.
- 6.8 The following are examples of when a waiver might be appropriate. Where the works, supplies or services to be provided:
- are exclusively manufactured or provided by the supplier and the Responsible Officer is able to demonstrate this, or the supplies or services are sold only at a fixed price and no satisfactory alternative is available;
  - must be entrusted to the appropriate utility undertaking;
  - constitute an extension of an existing contract, where such extension is unauthorised;
  - are required so urgently as not to permit the invitation of tenders;
  - consist of repairs to or the supply of parts for existing machinery or plant that can only be carried out by the supplier or manufacturer of that machinery, or under licence for a fixed price;
  - are to be part of a tender invited on behalf of any consortium or similar body of which the council is a member; or
  - are to be procured on behalf of the council by another Contracting Authority under that Contracting Authority's Standing Orders; or
  - are of a type where it is necessary to contract on the supplier's terms and conditions and these have been checked by Legal Services; or
  - for other reasons Procurement and Group Head of Finance are satisfied that the seeking of written quotations or tenders would not achieve genuine competition.
- 6.9 These Standing Orders do not apply where Standing Orders relating to contracts of another Local Authority or Public Funded Body (e.g. NHS or Police), Government Department or Agency (e.g. OGC Buying Solutions, Constructionline), or public service purchasing consortium are adopted by the Lead Agency for the exercise.

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- 6.10 These Contract Standing Orders do not apply to calling off from a current Arun District Council Framework Agreement. However, where the Arun District Council Framework Agreement provides for mini competitions to be held, a waiver is to be obtained for any deviation from the terms of that Framework Agreement.

*Modifications to Existing Contracts*

- 6.11 Save for as set out below at paragraph 6.12 below, any variation or modification to an existing contract, including to extend the contract period beyond the original term and any extensions originally specified, shall require a waiver of Standing Orders.

- 6.12 A modification or variation to an existing contract does not require a waiver in the following circumstances, providing always that the modification or variation does not materially alter the nature or scope of the contract nor render it materially different to the original:

6.12.1 Where the modification or variation is expressly provided for within the existing contract;

6.12.2 Where additional works, services or supplies are required and it would not be practical for any supplier other than the existing supplier to supply these, and the value of the additional works, services or supplies is not more than 10% of the original contract value;

6.12.3 Where a contract is to be novated to a new supplier as a result of corporate restructure including takeover, merger, acquisition or insolvency of the original supplier;

6.12.4 To correct a genuine drafting error within the first 3 months of the contract term (any error correction beyond 3 months will require a waiver).

- 6.13 In all cases advice must be sought from Procurement and Legal Services prior to any modification or variation being implemented.

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**C – THE PROCUREMENT PROCESS**

**7. SUMMARY OF REQUIREMENTS AS TO ADVERTISING, USE OF PROCEDURES, AWARD NOTICES**

- 7.1. The council must advertise contract opportunities and publish details of contracts awarded in accordance with legislative requirements in force at the time.
- 7.2. Responsible Officers are advised to consult with Procurement to determine the appropriate advertising requirements for each procurement.

**Procurements at or above the UK Thresholds**

**8. REQUIREMENT TO ADVERTISE**

- 8.1. The Responsible Officer must take advice from Procurement before advertising any opportunities which exceed the UK thresholds.
- 8.2. All procurement documentation must be available from the time the opportunity is advertised in accordance with current legislative requirements. Therefore, no advertisement should be placed until the procurement documentation is complete. The Responsible Officer must ensure the contract notice includes a specified location where interested parties can electronically access all procurement documentation.
- 8.3. The Responsible Officer is responsible for ensuring all contract notices and publications are published in accordance with these rules.

**9. PROCUREMENT PROCEDURES**

- 9.1 For public contracts equal to or greater than the UK threshold, the council shall:
- a. advertise the contract and choose a procurement route in accordance with current legislation in force at the time; or
  - b. where appropriate and lawful, use an existing contract, dynamic purchasing system or Framework Agreement which was procured in compliance with legislation in force at the time.

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**Contracts below the UK Thresholds**

**10. CONTRACTS VALUED BETWEEN £50,000 AND UK THRESHOLDS**

10.1 The Responsible Officer shall use one of the following procurement routes to procure a contract valued between £50,000 and the appropriate UK threshold:

(a) competitive procurement process appropriately advertised, including on the council's own website; or

(b) use of contract, dynamic purchasing system or Framework Agreement to which the council is a party procured by another contracting authority.

10.2 The Responsible Officer must devise a fair and transparent sourcing route based on sound commercial principles and designed to achieve value for money, taking advice from Procurement. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract or service shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the procurement file.

**11. CONTRACTS WITH A VALUE BETWEEN £10,000 AND £50,000**

11.1 When procuring a contract valued between £10,000 and £50,000 the Responsible Officer must:

a. invite a minimum of three written quotations from suppliers, where the Responsible Officer has sufficient knowledge of the market to be reasonably certain such an approach would elicit bids representing value for money; or

b. undertake competitive procurement process advertised in accordance with legislative requirements and the council's own website; or

c. with the prior written approval of the relevant Director, obtain a single tender or written quote from a reputable supplier where the Responsible Officer has sufficient knowledge of the market to be reasonably certain such an approach would elicit a quote representing value for money.

11.2 Contract opportunities and awards must be advertised in accordance with the requirements of legislation in force at the time of the procurement.



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**12. CONTRACTS WITH A VALUE OF LESS THAN £10,000**

12.1 The Responsible Officer must, in relation to any contract with a value of less than £10,000, demonstrate and record on the procurement file that the contract represents value for money. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the procurement file.

**13. USE OF SUPPLIER SELECTION QUESTIONNAIRES (SSQS)**

13.1. The Responsible Officer shall apply minimum standards of experience, reputation and economic standing to suppliers to test their suitability to bid for a council contract. For contracts above UK thresholds suitability is usually tested by means of an SSQ.

13.2. All the methods and criteria used for assessing the suitability of suppliers shall be transparent, objective and non-discriminatory.

13.3. The Responsible Officer must use the Government's standard SSQ and adhere to its statutory guidance for all procurements of contracts above the relevant UK Threshold.

13.4. The Responsible Officer shall not use an SSQ for contracts with a value less than the current UK threshold.

**14. ELIGIBILITY TO BID**

14.1. Suppliers who fail to meet all of the council's minimum standards of reputation, technical ability, experience or economic and financial standing as specified in the SSQ and accompanying documents shall be excluded from the procurement process.

14.2. Where the supplier is being excluded on grounds set out in current legislation but provides evidence in support of its reliability despite the existence of a relevant ground of exclusion, the Responsible Officer must consider that evidence and determine whether to exclude that supplier.

14.3. The Responsible Officer shall consult with the council's Group Head of Finance or his/her representative before reaching any decision under Standing Order 14.2.

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**15. ASSESSING PAST EXPERIENCE AND FINANCIAL STANDING**

- 15.1. The Responsible Officer shall ensure suppliers' past experience and technical ability are assessed, for all contracts.
- 15.2. Only those suppliers who meet the council's minimum requirements of economic and financial standing and technical and professional ability shall be awarded a contract.

**16. AWARD CRITERIA**

- 16.1. The Responsible Officer shall adopt award criteria which are fair, transparent, proportionate and appropriate to the subject matter of the contract.
- 16.2. Where the Responsible Officer proposes to use price as the only award criteria this approach must be approved by the Responsible Offer's Group Head.
- 16.3. The Responsible Officer shall adopt evaluation methodologies that are robust, have been tested to ensure they are appropriate for the procurement in question, and transparent.

**Tendering Procedure**

**17. OPENING TENDERS**

- 17.1. All tenders over £50,000 must be conducted through the council's prescribed e-tendering portal except as permitted with the prior written approval of Procurement. This includes any tender process carried out on the council's behalf by an external organisation other than another Contracting Authority. Requests for quotations for contracts valued at less than £50,000 may be conducted outside the council's e-tendering portal.
- 17.2. After they are opened, the tenders must be listed in the tender register and the list must be signed by both persons who witnessed the opening of the tenders.

**18. CLARIFICATION PROCEDURES AND POST TENDER DISCUSSIONS**

- 18.1. Providing clarification of an Invitation to Tender to potential or actual tenderers or seeking clarification of a tender is permitted.

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**19. EVALUATION**

- 19.1. Quotations and Tenders must be evaluated by more than one council officer unless the award criterion was lowest cost only.
- 19.2. 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 amend their tender accordingly.

**20. CONTRACT AWARD**

- 20.1. All contracts shall be awarded in accordance with the criteria set out in the procurement documents.
- 20.2. For contracts with a value at or above the UK Thresholds, the Responsible Officer shall adhere to the contract award procedures set out in current legislation in force and observe a standstill period before entering into the contract. The standstill period will normally end at midnight at the end of the tenth day after the date the council sends notice to the tenderers electronically that it has made an award decision. No standstill period is required for contracts valued below the relevant UK Threshold, but consideration should be given as to whether running a standstill period would mitigate any risks arising during the course of the procurement process.

**21. CORRECTION OF ERRORS AND LATE TENDERS**

- 21.1. All tenders must comply with the conditions set out in the procurement documents. Tenderers should be advised that any failure to adhere to the specific rules applicable to the tender in question is likely to result in their tender being rejected.
- 21.2. The Responsible Officer may reserve the right in the procurement documents to accept late submissions or documents forming part of the tender at the council's discretion, for example, where:
- the delay was caused by a mistake or failure of the council; or
  - the posting of the document or submission in question clearly pre-dated the deadline for receipt of tenders and the decision not to exclude the tenderer would not unduly favour any or disadvantage the other candidates.

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**22. DISCLOSURE, TRANSPARENCY AND RECORD KEEPING**

**22.1 Electronic availability of documents**

The Responsible Officer shall ensure that all procurement documents for contracts that are at or above the UK Thresholds are available online free of charge without restriction from the time the Contract Notice is published.

**23. DUTY OF CONFIDENTIALITY OWED TO SUPPLIERS**

23.1 The Responsible Officer shall not disclose information which has been forwarded by a supplier and designated by that supplier as confidential or commercially sensitive, including technical or trade secrets and the confidential aspects of tenders, without express authorisation from the Group Head of Law and Governance who shall balance the duty of confidentiality owed to suppliers against the council's obligations under Freedom of Information Act 2000 (as amended or re-enacted from time to time) and any other disclosure obligations. The procurement documents must inform interested parties of the council's duties of disclosure and invite tenderers to designate information as confidential or commercially sensitive. However, the council cannot guarantee that all information so designated will be withheld.

**24. PUBLICATION OF CONTRACT AWARD NOTICES**

24.1 The Responsible Officer shall ensure that a Contract Award Notice is published in accordance with current legislative requirements. This Standing Order 24 applies to all contracts including contracts let under Framework Agreements, whether or not that Framework Agreement was itself advertised on Contracts Finder or anywhere else.

**25. DEBRIEFING TENDERERS**

25.1 For contracts valued at or above the UK Threshold, the Responsible Officer shall ensure that all candidates and tenderers are offered debrief information in accordance with current legislative requirements.

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25.2 The Responsible Officer shall ensure no additional debrief meetings or communications take place outside of that required under paragraph 26.1 above until any standstill period has been completed.

**26. PROCUREMENT REPORT**

26.1 The Responsible Officer shall keep a copy of all procurement documents in accordance with the council's document retention policy.

26.2 The Responsible Officer shall prepare a written report in relation to each procurement with a value at or above the relevant UK Threshold containing the following information (unless such information is contained in the Contract Award Notice):

26.2.1 the subject-matter and value of the contract, Framework Agreement or dynamic purchasing system;

26.2.2 where applicable, the results of the qualitative selection and reduction of numbers under regulations 65 and 66, namely:

- a) the names of the selected candidates or tenderers and the reasons for their selection;
- b) the names of the rejected candidates or tenderers and the reasons for their rejection;
- c) the reasons for the rejection of tenders found to be abnormally low;
- d) the name of the successful tenderer and the reasons why its tender was selected and, where known, the share (if any) of the contract or Framework Agreement which the successful tenderer intends to subcontract to third parties, and the names of the main contractor's subcontractors (if any);
- e) for competitive procedures with negotiation and competitive dialogues, the circumstances as laid down in regulation 26 which justify the use of those procedures;
- f) for negotiated procedures without prior publication, the circumstances referred to in regulation 32 which justify the use of this procedure;
- g) where applicable, the reasons why the contracting authority has decided not to award a contract or Framework Agreement or to establish a dynamic purchasing system;
- h) where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders; and
- i) where applicable, conflicts of interests detected and subsequent measures taken.

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26.3 The Responsible Officer shall maintain a procurement file containing sufficient information to justify decisions taken at all stages of the procurement such as documentation on:

- communications with suppliers and internal deliberations;
- preparation of the procurement documents;
- dialogue or negotiations, if any; and
- selection and award of the contract.

26.4 The Responsible Officer shall prepare a report containing such information as the Cabinet Office may request in respect of procurements at or above the relevant UK Threshold.

**D - THE CONTRACT AND OTHER FORMALITIES**

**27. CONTRACT DOCUMENTS**

27.1 All relevant contracts shall be in writing.

27.2 All relevant contracts for services and supplies which exceed £213,277<sup>1</sup> in total value and all contracts for the execution of works over £50,000 shall be in writing and executed as a deed by affixing the council's seal.

27.3 All relevant contracts, irrespective of value, shall clearly specify:

- the works, supplies or services to be provided (description, quantity and quality)
- the price to be paid, with a statement of any discounts or other deductions
- the time, or times, within which the contract is to be performed
- the council's terms and conditions (in accordance with 28.3 and 28.4 below)

27.4 The council's official purchase order (created by either E5 or QL) identifies the council's terms and conditions which are applicable to all relevant contracts with a total value up to £50,000. Where the nature of a contract requires a bespoke set of terms and conditions is required these shall be drafted by Legal Services.

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<sup>1</sup> The GPA/WTO threshold since January 2022 is £213,477 with VAT at 20% (or £177,897 without VAT)

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- 27.5 Where the nature of the goods or services purchased require the council to contract on the terms and conditions of a supplier the permission of the Group Head of Law and Governance & Monitoring Officer shall be obtained.
- 27.6 Where the total value of a relevant contract exceeds £50,000, the purchase order terms and conditions will be superseded by either:
- the council's standard terms and conditions (long form)
  - terms and conditions issued by a relevant professional body or organisation e.g. the Joint Contracts Tribunal
  - bespoke terms and conditions approved by Legal Services
  - the supplier's terms and conditions (which must be reviewed by Legal Services prior to placing an order/entering into the contract)
- 27.7 Every relevant contract over £50,000 must be in a form agreed by Legal Services and there is a presumption that it will also include:
- that the supplier may not assign or sub-contract without prior written consent
  - that the council reserves the right to determine whether the terms of the engagement of the supplier are on employed or self-employed terms for tax purposes
  - any insurance requirements
  - health and safety requirements
  - ombudsman requirements
  - data protection (if relevant) and Freedom of Information requirements
  - that consultants must comply with the council's Contract Standing Orders (where consultants are used to let contracts)
  - a right of access to relevant documentation and records of the supplier for monitoring and audit purposes if relevant.
  - the council's right to require removal of a supplier employee
  - a clause relating to the prevention of bribery– see Standing Order 31
  - compliance with legislation regarding equality, diversity, discrimination and safeguarding (if relevant).
- 27.8 The formal advice of the Group Head of Finance or his nominated representative must be sought for the following circumstances:
- where leasing arrangements are involved
  - where it is proposed to use a supplier's own terms
  - where a third party or sub-contractor is to be employed by the supplier to fulfil the contract

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**28. CONTRACT FORMALITIES**

28.1 Agreements shall be completed as follows (subject to delegated financial limits):

Total Value	Form of Contract	
Up to £50,000	Purchase order to be raised by an officer with signing authority of at least £50,000	<ul style="list-style-type: none"> <li>• The contract is formed by the purchase order, the terms and conditions referred to in the purchase order and any specification</li> <li>• Where it is necessary to have a bespoke contract a written contract is to be prepared by Legal Services</li> <li>• Where it is proposed to use the suppliers' terms and conditions Legal Services is to be consulted</li> </ul>
Above £50,000	Subject to CSO 22.8 (above) Written contract to be executed as a deed by sealing. This is done by Legal Services	<ul style="list-style-type: none"> <li>• Purchase order to be raised</li> <li>• The written contract is to be prepared by Legal Services.</li> </ul>

28.2 Purchase orders must be raised and written contracts entered into before the supplies or services are provided or works begin, except in exceptional circumstances, and then only with the written consent of the Group Head of Law and Governance.

28.3 Sealing - The fixing of the council's seal is to be witnessed by an authorised officer on behalf of the Group Head of Law and Governance . Every seal will be consecutively numbered and recorded in the council's seal register which will also be signed by the authorised officer witnessing the seal. The seal must not be affixed without the authority of full council, a committee, or authorised officer.

A contract must be sealed where:

- Subject to 28.2 above the total value is expected to exceed £50,000, (this may not apply to Framework Agreements), or



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- the council may wish to enforce the contract for more than six years after its end, or
- the price paid or received under the contract is a nominal price and does not reflect the value of the supplies, services or works, or
- there is any doubt about the authority of the person signing for the other contracting party.

**29. PERFORMANCE BONDS AND PARENT COMPANY GUARANTEES**

29.1 The Responsible Officer must consult the Group Head of Finance:

29.1.1 about whether a Parent Company Guarantee is necessary when a tenderer is a subsidiary of a parent company, and:

- the total value of a relevant contract exceeds £250,000 or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the tenderer.

29.1.2 about whether a Performance Bond is needed:

- where the total value of a relevant contract 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 tenderer.

**30. PREVENTION OF BRIBERY**

30.1 The Responsible Officer must take into account the requirements of the Bribery Act 2010 which introduces the general offences of offering or receiving bribes, a specific offence of bribing a foreign official and the new corporate offence of failing to prevent bribery.

30.2 The Responsible Officer must comply with the Employees Code of Conduct and the council's anti-fraud and corruption strategy and must not invite or accept any gift or reward in respect of the award or performance of any contract.

Where an officer is offered gifts or hospitality this must be declared on the council's Gifts and Hospitality register which is maintained by the respective Directors' personal assistants and must comply with the clear guidance to officers on accepting gifts or hospitality.

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Where a gift or hospitality is offered by a potential contractor during a procurement process the potential contractor is to be excluded from the process and the matter is to be immediately reported to the Group Head of Finance.

It will be for the officer concerned to prove that anything received was not received corruptly.

High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in this Contract Standing Order 31.

- 30.3 All written council contracts must include a Prevention of Bribery clause. Care should be taken to ensure that an appropriate clause is included in contracts issued by professional bodies or organisations and in supplier's terms and conditions before these are accepted. Advice must be sought from Legal Services if in doubt.

**31. DECLARATION OF INTERESTS**

- 31.1 If it comes to the knowledge of a member or an employee of the council that a contract in which he or she has a Pecuniary Interest (as defined in the Code of Conduct) has been or is proposed to be entered into by the council, he or she shall immediately give written notice to the Group Head of Law and Governance. The Group Head of Law and Governance shall report such declarations to the appropriate meeting for recording in the minutes.
- 31.2 The Group Head of Law and Governance shall maintain a record of all declarations of interests notified by members and officers.
- 31.3 The Group Head of Law and Governance shall ensure that the attention of all members is drawn to the Members' Code of Conduct.

**E – POST-CONTRACT REQUIREMENTS**

**32. CONTRACT MONITORING AND EVALUATION**

- 32.1 During the term of all relevant contracts the Responsible Officer must monitor the following areas:

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- performance
- compliance with the specification and terms and conditions
- cost
- any value for money requirements
- user satisfaction and risk management

32.2 Where the total value of the relevant contract exceeds £50,000 the Responsible Officer must make a written report evaluating the extent to which the purchasing need and the contract objectives (as determined in accordance with Standing order 5.1) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

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**1.0 INTRODUCTION**

**1.1 Definitions**

a) In these Rules:

<b><i>This reference</i></b>	<b><i>Means</i></b>
Relevant Legislation	The Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; and any subsequent legislation.
Appointer	The Head of Paid Service or their nominee who has been given authority to discharge the function of appointment of an officer on behalf of the council
Disciplinary Action	Any action occasioned by alleged misconduct which, if proven, would according to the council's usual practice be recorded on the member of staff's personal file. This includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the council has undertaken to renew such a contract.
Dismissor	The Head of Paid Service or their nominee who has been given authority to discharge the function of dismissal of an officer on behalf of the council
Head of Paid Service	The officer designated under Section 4(1) of the Local Government and Housing Act 1989.
Section 151 Officer	The officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the council's financial affairs.
Monitoring Officer	The officer designated under Section 5(1) of the Local Government and Housing Act 1989.
Directors	Those officers who shall report directly to the Chief Executive and shall have managerial responsibility for a directorate.
Group Head	An officer who, with respect to all or most of the duties of their post is required to report directly or is directly accountable to either the Head of Paid Service or a Director, with the exception of an officer whose duties are secretarial or clerical or are otherwise in the nature of support services.
Statutory Officers' Investigatory and Disciplinary Committee	The committee established by the council to deal with matters relating to the conduct and/or capability of the Statutory Officers and Directors, as confirmed in the constitution at Part 3 (Responsibility for Functions)

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**1.2 Posts**

- a) For ease of reference, the posts which fall under the relevant definitions in these Officer Procedure Rules are as follows:

<b>Definition</b>	<b>Relevant Post</b>
Head of Paid Service	Chief Executive
Section 151 Officer	Group Head of Finance
Monitoring Officer	Group Head of Law & Governance
Director	Director of Growth Director of Environment and Communities
Group Head	Group Head of: <ul style="list-style-type: none"> <li>• Finance</li> <li>• Law &amp; Governance</li> <li>• Organisational Excellence</li> <li>• Housing</li> <li>• Environment and Climate Change</li> <li>• Wellbeing and Communities</li> <li>• Planning</li> <li>• Technical Services</li> <li>• Business and Economy</li> </ul>

**1.3 Confidentiality**

- a) The council and any relevant committee shall, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under Section 100A of the Local Government Act 1972, as amended, where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual member of staff are to be discussed.
- b) This Rule recognises that it will still be for the council and any relevant committee to make such a formal resolution on an individual basis in line with the requirements of the Access to Information Rules at Part 6 of this constitution.

**2.0 RECRUITMENT AND APPOINTMENT**

**2.1 Declarations**

- a) A candidate for any council appointment will, when making their application, inform the Group Head of Organisational Excellence, or their nominee, of any close personal relationship with a person that they know is a councillor, or officer who may have an influence on the appointment decision. A candidate who knowingly fails to disclose a relationship will be disqualified for the appointment and, if appointed,

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be liable for dismissal without notice. A councillor, or officer who may have an influence on the appointment decision, will inform the Chief Executive of any relationship known to them with any person they know is a candidate for an appointment. The Chief Executive will report any such disclosure either to the council or the officer making the appointment.

- b) This Rule will be included in any recruitment information.
- c) Persons will be deemed to be in a close personal relationship if they are:
  - married, dating, in a civil partnership or a co-habiting arrangement or other similar relationship;
  - immediate family members, e.g., parents, son, daughter, brother, sister, grandparent or grandchild; and
  - other relationships including extended family such as aunts, uncles, cousins, nieces, nephews; and
  - any other individuals such as close personal friendships or business associates outside of the Council.

**2.2 Support for Appointments**

- a) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment to the council. Recruitment information will refer to council policy that councillors and officers cannot take part in the recruitment process if they are in a close personal relationship with the applicant.
- b) A councillor shall not solicit for any person any council appointment, or give a written testimonial of a candidate's ability, experience or character for an application for appointment with the council.

**2.3 Recruitment of the Head of Paid Service**

- a) The Head of Paid Service is the council's Chief Executive and is a statutory post.
- b) Where the council proposes to appoint the Head of Paid Service, the Chief Executive's Recruitment and Selection Panel will be responsible for undertaking all the processes leading to their recruitment and selection, as confirmed in Part 3 (Responsibility for Functions).

**2.4 Recruitment of Directors**

- a) Where the council proposes to appoint a Director and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service will be responsible for submitting a



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report to the full council to agree the processes to be followed leading to their recruitment and selection, including arrangements for the member appointments to the interview panel.

- b) Once the processes have been agreed, the Head of Paid Service or their nominee will:
- Draw up a statement specifying:
    - a) the duties of the officer concerned; and
    - b) any qualifications or qualities to be sought in the person to be appointed.
  - Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - Send a copy of the statement to any person on request.
- c) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
- confirming an interview panel based on the appointments agreed by the full council;
  - selecting a shortlist of such qualified applicants;
  - interviewing all those included on the shortlist; and
  - if no qualified person has applied, making further arrangements for advertisement in accordance with Rule 2.4(a).

**2.5 Recruitment of Section 151 Officer, Monitoring Officer and Group Heads**

- a) Where the council proposes to appoint a Section 151 Officer, Monitoring Officer or Group Head and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service or their nominee will:
- Draw up a statement specifying:
    - a) the duties of the officer concerned; and
    - b) any qualifications or qualities to be sought in the person to be appointed.
  - Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - Send a copy of the statement mentioned to any person on request.
- b) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:

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- agreeing an interview panel, in consultation with the Chair and Vice-Chair of the Policy & Finance Committee;
- selecting a shortlist of such qualified applicants;
- interviewing all those included on the shortlist; and
- if no qualified person has applied, making further arrangements for advertisement in accordance with Rule 2.5(a).

**2.6 Authority to Appoint**

- a) **The Head of Paid Service** – the full council will be responsible for confirming the appointment of the Head of Paid Service on the recommendation of the Chief Executive’s Recruitment and Selection Panel, as confirmed in Part 3 (Responsibility for Functions).
- b) **Directors** – the full council will be responsible for confirming the appointment of a Director based on the recommendation of the Head of Paid Service, as confirmed in Part 3 (Responsibility for Functions).
- c) **Section 151 Officer, Monitoring Officer and Group Heads** –the Head of Paid Service, or their nominee, will be responsible for confirming the appointment of the Section 151 Officer, Monitoring Officer or a Group Head based on the recommendation of an interview panel established under Rule 2.5(b).
- d) **Other Employees** – the appointment of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the council’s recruitment procedures.

**3.0 DISCIPLINARY ACTION**

**3.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer**

- a) The Statutory Officers’ Investigatory and Disciplinary Committee will be responsible for dealing with matters relating to the conduct and/or capability of the following officers, as confirmed in Part 3 (Responsibility for Functions):
  - Head of Paid Service
  - Director of Growth
  - Director of Environment and Communities
  - Section 151 Officer
  - Monitoring Officer
- b) The Group Head of Organisational Excellence, in consultation with the Leader of the council, may agree the immediate suspension with pay of

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the Chief Executive in an emergency whilst an urgent meeting of the Statutory Officers' Investigatory and Disciplinary Committee is convened.

**3.2 Other Employees**

- a) Disciplinary action in respect of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the council's disciplinary procedures, and may not be made by councillors.

**4.0 DISMISSAL FOR DISCIPLINARY AND CAPABILITY REASONS**

**4.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer**

- a) Where the recommendation of the Statutory Officers' Investigatory and Disciplinary Committee, following an independent review by the Statutory Officers' Investigatory and Disciplinary Panel, is for dismissal then the full council will be required to approve the dismissal as confirmed in Part 3 (Responsibility for Functions).

**4.2 Group Heads**

- a) The dismissal of a Group Head will be the responsibility of the Head of Paid Service or their nominee, in accordance with the council's disciplinary procedures, and may not be made by councillors.

**4.3 Other Employees**

- a) The dismissal of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the council's disciplinary procedures, and may not be made by councillors.

**5.0 DISMISSAL FOR REDUNDANCY OR ANY OTHER SUBSTANTIAL REASON**

**5.1 Head of Paid Service**

- a) The full council will be responsible for confirming the dismissal of the Head of Paid Service for redundancy or any other substantial reason.

**5.2 Directors, Section 151 Officer, Monitoring Officer or Group Heads**

- a) The dismissal of a Director, the Section 151 Officer, Monitoring Officer or a Group Head for redundancy or any other substantial reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the council's procedures, and may not be made by councillors.

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**5.3 Other Employees**

- a) The dismissal of all other employees for redundancy or any other substantial reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the council's procedures, and may not be made by councillors.

**6.0 APPEALS**

**6.1** The Head of Paid Service, a Director, Section 151 Officer and Monitoring Officer shall have no right of appeal against disciplinary action within the council that has been dealt with through the Statutory Officers' Investigatory and Disciplinary Committee, as set out in Part 3 (Responsibility for Functions).

**6.2** A Director, the Section 151 Officer or Monitoring Officer shall have the right of appeal to the Staff Appeals Panel, or a panel set up specifically for the purpose by the Group Head of Organisational Excellence or their nominee, where they feel that the outcome of a decision on redundancy or any other substantial matter is wrong or unjust.

**6.3** Any other employee who feels that the outcome of disciplinary action or a decision on redundancy or any other substantial matter is wrong or unjust may appeal in accordance with the council's procedures to the Head of Paid Service or their nominee. Where the policy allows, their final level of appeal will lie with the Staff Appeals Panel who will work to the Terms of Reference set out in the constitution at Part 3 (Responsibility for Functions).

**7.0 SETTLEMENT AGREEMENTS**

**7.1** The Head of Paid Service or Group Head of Organisational Excellence will be responsible for agreeing the terms of any Settlement Agreement in line with their delegated authority confirmed in Sections 2 and 3 respectively in the Officer Scheme of Delegation set out in Part 4 of this constitution.

**8.0 SUPPLEMENTARY PROVISIONS**

**8.1** In the event of the above Rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Group Head of Organisational Excellence .

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**ARUN DISTRICT COUNCIL**

**CHIEF EXECUTIVE’S SCHEME OF AUTHORISATIONS**

**JAMES HASSETT**  
**CHIEF EXECUTIVE & HEAD OF PAID SERVICE**  
(January 2023)

Contact:  
Group Head of Law and Governance & Monitoring Officer  
Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West  
Sussex, BN17 5LF

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**AS REQUIRED BY PART 4 OF THE CONSTITUTION**  
**– OFFICER SCHEME OF DELEGATIONS**

NB: The Council’s Management Structure can be found on our website at [Our management teams | Arun District Council](#)

**1.0 AUTHORISATION OF DIRECTORS AND CHIEF OFFICERS BY CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

- 1.1 This document sets out the functions of the council both as vested in me by statute and those delegated to me by the council’s constitution which I have authorised the Directors of the council to exercise and is subject to matters which I have reserved to myself. This document should be read in conjunction with the ‘Officer Scheme of Management – Group Heads’ at Part 7 Section 2 of the Constitution.
- 1.2 The authorisations include the responsibility for ensuring effective management of the Council’s operational resources within their directorate, even where the resources associated with the functions are provided elsewhere in the organisation. This includes human resource management, budget management, effective and efficient use of land and property, health and safety, use of ICT, effective commissioning/procurement, contractual management, and effective programme and project management. All this must be undertaken in accordance with the policies and procedures relevant to those operational resources.
- 1.3 The authorisations include the appropriate power under section 111 of the Local Government Act 1972 to do things which facilitate or which are incidental or conducive to the exercise of any function and the exercise of the general power of competence under section 1 of the Localism Act 2011 so far as the exercise of those powers relates to the service area of the Director.
- 1.4 The authorisations include the appropriate functions of the council as a “Principal Authority”, a “Best Value Authority” and “Local Authority” appropriate to authorisations.
- 1.5 These authorisations include a responsibility to ensure sound governance within the directorates. This means ensuring that all officers understand the rules and procedures used in the governance of the organisation and comply with them. It also means ensuring probity in the exercise of all delegated functions.
- 1.6 The authorisations include (subject to further authorisation by the Group Head of Law & Governance) the power to sign contracts and to authorise sealing of contracts that have been awarded in accordance with Tenders and Contracts Regulations.

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- 1.7 This scheme operates within the council’s constitution (which includes Financial Regulations and Tenders and Contract Regulations). No provision in this scheme allows Directors to act outside these regulations or the council’s human resources, finance, strategic or administrative policies and procedures.
- 1.8 Save for significant variations in organisational structure the authorisations include the power to determine and vary staffing structures and staffing complement within allocated budgets and within procedures.
- 1.9 The council has a co-ordinated approach to or will have a coordinated approach to:
- Strategy Development
  - Financial Management
  - Performance Management
  - Health and Safety Management
  - Human Resource Management
  - Risk Management
  - Commissioning, including Procurement and Contract Management
  - Property Asset Management
  - Programme and Project Management
  - Information and Records Management
  - Ethics and Propriety
  - Regulatory and Investigatory Powers Act
  - Environmental Management
- 1.10 All functions will be exercised by the Directors in accordance with these co-ordinated approaches, complying with corporate procedures as applicable and having due regard to the Public Sector Equality duty.
- 1.11 Each Director is to put in place (and deposit with the Group Head of Law and Governance & Monitoring Officer) an appropriate scheme of management approved by the Chief Executive within their directorate.
- 1.12 It should be noted that, subject to any legal restrictions, the Chief Executive and Head of Paid Service reserves the right to withdraw the authorisations at any time and has the concurrent right to make decisions on all these issues including the right to override any decision already made.
- 1.13 At the end of each year, Directors will (when required) provide confirmation to the Group Head of Finance and Section 151 Officer of their compliance with this Scheme of Authorisation as part of the input to the preparation of the Council’s Annual Governance Statement.
- 1.14 This scheme of authorisation does not relate to matters for which the Section 151 Chief Finance Officer and the Section 5 Monitoring Officer or any other Statutory Officer have direct statutory personal responsibilities.

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**2.0 Chief Executive Authorisations to Director of Environment and Communities**

**2.1 WHEREAS** by a decision of full council of 18 January 2023

I am empowered as Chief Executive to take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy, and to comply with and undertake all statutory obligations, duties, functions, and powers and within approved budget.

**2.2 FURTHER WHEREAS** by the same decision of full council on 18 January 2023

I am empowered as Chief Executive to allocate, authorise or delegate responsibility for exercising particular powers to any officer of the council as the Chief Executive thinks fit. All such delegations (as opposed to authorisations) are to be recorded in writing and retained for the duration of the delegation (as opposed to authorisation) which shall not exceed a specified period exceeding six months and shall set out the description of the powers to be exercised by the officer of the council and state the post held by the officer, in accordance with the Local Government Act 2000 (Constitutions) (England) Direction 2000.

**2.3 I HEREBY**

Authorise, allocate responsibility and in as far as that is necessary delegate authority to the **DIRECTOR OF ENVIRONMENT AND COMMUNITIES** for:

- **Wellbeing and Communities Group** consisting of:
  - › Wellbeing (including Leisure)
  - › Community Safety
  - › Lifeline
  - › Safeguarding
  - › Community Liaison (including Youth Council)
  - › Parish & Town Council Liaison
  - › Events
  
- **Environment and Climate Change Group** consisting of:
  - › Carbon Reduction
  - › Climate Adaptation
  - › Habitat Creation
  - › Coastal Engineers
  - › Flood Prevention



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- › Foreshores
- › Parks & Cemeteries
- › Trees
- › Landscapes and project delivery
- › Emergency Planning
- › Combined Cleansing Contract
  
- **Housing Group** consisting of:
  - › Housing Options
  - › Homelessness
  - › Neighbourhood Services
  - › Business Improvement
  - › Repairs and Maintenance
  - › Housing Revenue Account
  - › Registered Providers & Social Landlords
  - › Assets & Development

2.4 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

2.5 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.

2.6 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.

2.7 Approve the drawing down of funds based on the process and financial limits listed in the Financial Procedure Rules at part 6 of the constitution.

2.8 Approve the award of grants to organisations up to the financial limits listed in the Financial Procedure Rules at Part 6 of the Constitution.

2.9 Enter into partnerships and related memoranda of understanding in consultation with the relevant committee chair, with details being retrospectively reported to the relevant committee at the earliest opportunity.

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- 2.10 **Emergency Response** - Incur expenditure for meeting the purposes of S138 of the Local Government Act 1972 in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of the Policy and Finance Committee.
- 2.11 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 2.12 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the Council’s Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 2.13 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the council or in respect of which the council is entitled to possession, in consultation with one of the council’s Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the council.
- 2.14 Take steps to dispose of property abandoned on council land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 2.15 Where a response from the Disclosure and Barring Service reveals convictions or information relating to a member, officer or a person that the Council causes to come into contact with children and/or vulnerable adults, to carry out a risk assessment in consultation with the Group Head of Organisational Excellence.
- 2.16 Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour.
- 2.17 To carry out a review of the council’s decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour. In the absence of the Director of Environment and Communities , this authority is delegated to the Group Head of Housing .
- 2.18 In consultation with the chair of the Housing and Wellbeing Committee and the S151 Officer, to acquire the housing target set with the Housing Revenue Account Business Plan, with updates on spend to be reported to the Policy and Finance Committee via the Budget Variation Report.
- 2.19 To approve the use of specialist legal advisors in connection with property acquisitions under the HRA Business Plan, in consultation with the Group Head of Law & Governance.
- 2.20 In consultation with the Chair of the Housing and Wellbeing Committee and the S151 Officer, to authorise the disposal of all HRA assets (land and property),

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outside of Right to Buy, up to the value to £500,000 and that the sale proceeds be reinvested back into the HRA account on all occasions.

2.21 In the absence of the Chief Executive, to act as Acting Chief Executive with delegated responsibility for exercising all the powers set out in part 4, section 1 of this constitution.

This authorisation applies to all matters whether before or after the date herein.

-----  
JAMES HASSETT  
Chief Executive and Head of Paid Service  
Date: January 2023

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**Part 7 – Management Structure**

**3.0 Chief Executive Authorisations to Director of Growth**

**3.1 WHEREAS** by a decision of full council of 18 January 2023

I am empowered as Chief Executive to take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy, and to comply with and undertake all statutory obligations, duties, functions, and powers and within approved budget.

**3.2 FURTHER WHEREAS** by the same decision of full council on 18 January 2023, I am empowered as Chief Executive to allocate, authorise or delegate responsibility for exercising particular powers to any officer of the council as the Chief Executive thinks fit. All such delegations (as opposed to authorisations) are to be recorded in writing and retained for the duration of the delegation (as opposed to authorisation) which shall not exceed a specified period exceeding six months and shall set out the description of the powers to be exercised by the officer of the council and state the post held by the officer, in accordance with the Local Government Act 2000 (Constitutions) (England) Direction 2000.

**3.3 I HEREBY**

Authorise, allocate responsibility and in as far as that is necessary delegate authority to the **DIRECTOR OF GROWTH** for:

- **Business & Economy Group** consisting of:
  - › Business Development (including business relations and business intelligence)
  - › Overall business support
  - › Economic Partnerships
  - › Tourism Sector Support
  - › High Streets
  
- **Planning Group** consisting of:
  - › Development Control
  - › Local Plan & Policy
  - › Strategic Development
  - › Technical Administration Support
  - › Community Infrastructure Levy
  - › Planning Enforcement
  - › Conservation
  - › Historic Buildings

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- **Technical Services Group** consisting of:
  - › Building Control
  - › Environmental Health (incl. Private Sector Housing)
  - › Facilities Management
  - › Land Charges (including Assets of Community Value)
  - › Property & Estates
  - › Street Name & Numbering
  - › Parking Services

**3.4 Proper Officer Responsibilities**

The Director of Growth or their nominated officer has the following Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
• S. 191	Ordnance Survey applications
<b>Planning Buildings and Conservation Act 1990 – S.2 (Listed and Areas)</b>	Deposit of lists of buildings of special architectural or historic interest

- 3.5 **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.
- 3.6 Approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.
- 3.7 Approve supplementary estimates outside of budget up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.
- 3.8 Approve the drawing down of funds based on the process and financial limits listed in the Financial Procedure Rules at part 6 of the constitution.
- 3.9 Approve the award of grants to organisations, including discretionary rate relief, up to the financial limits listed in the Financial Procedure Rules at part 6 of the constitution.
- 3.10 Enter into partnerships and related memoranda of understanding in consultation with the relevant committee chair, with details being retrospectively reported to the relevant committee at the earliest opportunity.

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- 3.11 **Emergency Response** - Incur expenditure for meeting the purposes of S138 of the Local Government Act 1972 in connection with peacetime emergencies and disasters, subject to reporting to the first subsequent meeting of the Policy and Finance Committee.
- 3.12 Exercise the powers contained in Part 1 of the Local Government Act 2000 (promotion of economic, social or environmental well-being etc.).
- 3.13 Authorise officers to carry out covert surveillance and/or obtain communications data under the Regulation of Investigatory Powers Act 2000 (RIPA), following the council’s Corporate Policy and Procedure on RIPA, AND after approval has been obtained from a Justice of the Peace before commencement.
- 3.14 To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the council or in respect of which the council is entitled to possession, in consultation with one of the council’s Solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the council.
- 3.15 Take steps to dispose of property abandoned on council land under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 12 of the Torts (Interference with Goods) Act 1977.
- 3.16 Authority to approve the acquisition of commercial properties from the Property Investment Fund up to a maximum value of £750,000 per acquisition in consultation with the Chair of the Economy & Growth Committee and the Section 151 Officer, subject to a viable business case.
- 3.17 In the absence of the Chief Executive, to act as Acting Chief Executive with delegated responsibility for exercising all the powers set out in part 4, section 1 of this constitution.

**ASSETS OF COMMUNITY VALUE**

- 3.18 Authority be delegated to the Director of Growth or their nominated representative, to validate, consider and determine nominations for property/land to be listed as an asset of community value under the Assets of Community Value Policy.
- 3.19 Authority to determine compensation claims made under the Assets of Community Value Policy.
- 3.20 When a request for a review is received, the Director of Growth is authorised to appoint an officer of the council to carry out the review and to make the review decision. Such officer to be of appropriate seniority and an officer who did not take part in making the original decision [Localism Act 2011 Section 92(6)(b)]

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This authorisation applies to all matters whether before or after the date herein.

-----  
JAMES HASSETT  
Chief Executive and Head of Paid Service  
Date: January 2023

**PART 7 – SECTION 2**  
**OFFICER SCHEME OF MANAGEMENT**  
**(GROUP HEADS)**



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**1 ORGANISATIONAL EXCELLENCE DIRECTORATE - SCHEME OF MANAGEMENT**

This document sets out the functions of the council both as vested in me by statute and those allocated to me by full council, which I have authorised the Group Heads of this Directorate to exercise on my behalf. The Group Heads of this Directorate are as follows:

**THE GROUP HEAD OF FINANCE**

**THE GROUP HEAD OF ORGANISATIONAL EXCELLENCE**

**THE GROUP HEAD OF LAW & GOVERNANCE**

This scheme of management does not relate to matters for which the section 151 Chief Finance Officer and the Monitoring Officer or any other Statutory Officer have direct statutory personal responsibilities. Further, this scheme does not relate to matters for which specified officers ('proper officers' and 'authorised officers') have direct delegation from the council or any committee or subcommittee of the council.

**Subject to being:**

- within the overall resources allocated by the council, and
- in direct support of the council's objectives, and
- within approved budget

the Chief Executive and Head of Paid Service has made arrangements for the discharge of functions within the Organisational Excellence Directorate as follows:

**1.1 THE GROUP HEAD OF FINANCE:-**

1.1.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- The Chief Finance Officer
- Finance (including Audit, Procurement and Payroll)
- Revenues
- Benefits
- Customer Services (including Arun Direct)

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1.1.2. To implement changes to employment legislation concerning termination payments and pensions within Arun District Council's Pensions Discretions Policy.

1.1.3. **Proper Officer Responsibilities**

a) For the avoidance of doubt, the Group Head of Finance has the following statutory Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
• S. 151	Financial administration

b) For the avoidance of doubt, the Group Head of Finance or their nominated officer has the following statutory further Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
• S. 115(2)	Payment of money due
• S. 146(1)(a)	Securities – statutory declaration
• S. 146(1)(b)	Securities – certificate
•	
• S.s 210(6) and (7)	Charities
• S. 236(9)	Distribution of Byelaws
• S.238	Provide certified copies of Byelaws

1.1.4. **Section 151 Officer** - to carry out all relevant functions and to appoint a Deputy Section 151 Officer.

1.1.5. **Council Tax Base** – approval of the Council Tax Base, in consultation with the chair of the Policy and Finance Committee.

1.1.6. **National Non-Domestic Rates (NNDR)** – approval of the NNDR, in consultation with the chair of the Policy and Finance Committee.

1.1.7. **Virements** – approve virements of expenditure within budget up to the financial limits listed in the Financial Procedure Rules at Part 6 of this constitution and the Scheme of Virement.

1.1.8. **Settlement Agreements** - to agree terms for the settlement of Settlement Agreements up to a cost to the council of £95,000, in consultation with the Chief Executive.

1.1.9. **Sundry Debts** – to write-off irrecoverable amounts up to £10,000 subject to a subsequent report to the Corporate Support Committee of the totals written off or in accordance with the most current Debt Management Policy.

1.1.10. **Council Tax and National Non-Domestic Rates**– to write-off irrecoverable amounts up to £10,000 for Council Tax and £25,000 for Non-Domestic Rates

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subject to a subsequent report to the Corporate Support Committee of totals written off.

- 1.1.11. **Procurement** – to approve the use of the Competitive Dialogue procedure, Innovation Partnership procedure, or Competitive Procedure with Negotiation.
- 1.1.12. **Procurement** – to approve the use of any Framework Agreement or Dynamic Purchasing System not set up by the council and to sign any required access agreement relating to the same.
- 1.1.13. **Procurement** – To be the Responsible Officer with overall responsibility.

**1.2. THE GROUP HEAD OF ORGANISATIONAL EXCELLENCE:-**

- 1.2.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to the delivery of:
- Corporate Policy
  - Corporate Performance Management
  - Organisational Development
  - Organisational Intelligence
  - Communications and Marketing
  - Human Resources
  - Equalities, Diversity and Inclusion
  - Customer Insight
  - Technology and Digital
  - Design
  - Print
  - Postal Services

- 1.2.2. **Procurement** – To be the Responsible Officer in their area.

**1.3. THE GROUP HEAD OF LAW & GOVERNANCE:-**

- 1.3.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:
- Standards
  - The Monitoring Officer
  - Legal Advice to the council
  - Nominated Data Protection Officer
  - Information Management and Support (including data protection, freedom of information, customers of concern and corporate complaints)
  - Committee Services
  - Legal Services
  - Electoral Services

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**1.3.2. Proper Officer Responsibilities**

a) The Group Head of Law & Governance has the following Proper Officer Responsibility as laid out in the table below:

<b>Local Government &amp; Housing Act 1989</b>	
• S. 5	Monitoring Officer

b) The Group Head of Law & Governance or their nominated officer has the following further Proper Officer responsibilities as laid out in the table below:

<b>Local Government Act 1972</b>	<b>Purpose</b>
• S.229(5)	Certification of photocopies (other than accounts)
<b>Local Government Act 2000</b>	
• S.s 49 to 81 (insofar as the same are still in force)	Conduct of Members

1.3.3. **Monitoring Officer** - to carry out all relevant functions and to appoint a Deputy Monitoring Officer(s).

1.3.4. **Corporate Complaints Procedure** – to award compensation up to £5000 where appropriate, in the event that an investigation finds in the complainant’s favour (the Chief Executive also has this power).

1.3.5. To make any necessary consequential changes to the constitution as a result of any legislation referred to in the Constitution that is modified or re-enacted.

1.3.6. Where full council makes express changes to the constitution, authority to make those changes and further changes that are consequential to the express changes that full council has agreed.

1.3.7. **Data Protection Officer (DPO)** – to carry out the duties and responsibilities of the DPO and to appoint a Deputy Data Protection Officer to carry out functions as directed.

1.3.8. **Senior Information Risk Owner (SIRO)** – to carry out the duties and responsibilities of the SIRO.

1.3.9. **Deputy Returning Officer** – to carry out the duties and responsibilities of Deputy Returning Officer with full powers as defined in relevant legislation.

1.3.10. **Deputy Counting Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.

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- 1.3.11. **Deputy Electoral Registration Officer** – to carry out the duties and responsibilities with full powers as defined in relevant legislation.
- 1.3.12. In consultation with the Chief Executive, power to fix the fees payable to canvassers and election staff on the basis of the West Sussex Returning Officers Fee and Charges Schedule
- 1.3.13. **Procurement** – To be the Responsible Officer in their area.
- 1.3.14. To institute any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the council or in respect of which the council is entitled to possession, in consultation with one of the council's solicitors, unless West Sussex County Council are exercising this power in accordance with the terms of any delegation arrangements with the council.

**Other Legal Matters and Proceedings**

- 1.3.15. To oversee the delivery of legal services including the procurement and management of all external Legal Service Suppliers and management of authorisations by Directors and Group Heads to instruct external Legal Service Suppliers or authorise other council officers.
- 1.3.16. To authorise and institute and/or defend any legal proceedings on behalf of the council (Sections 222 and 223 Local Government Act 1972) and to arrange for such proceedings to be conducted by any Solicitor, Barrister, Legal Executive or other person engaged or employed by the council
- 1.3.17. To authorise legal proceedings for arrears of Council Tax, etc and appeals against assessments in the Valuation Tribunals or authorise other council officers.
- 1.3.18. To act in Valuation Tribunals in registration matters, penalty appeals, and local taxation matters or authorise other council officers.
- 1.3.19. Authority to take appropriate action when a tree on private land is considered to be a danger to the public and serve a notice under Section 23 of the Local Government (Miscellaneous Provision) Act, 1976 and to recover any costs incurred or authorise other council officers.
- 1.3.20. Authority to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings instituted in respect of the recovery of local taxation, general income debts, excess parking ticket charges, failure to give statutory information concerning on and off-street parking, and Housing Advances or authorise other council officers.

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1.3.21. To issue proceedings for the recovery of council dwellings and land held for residential purposes or authorise other council officers.

This authorisation applies to all matters whether before or after the date herein.

**Signed:**  
**James Hassett**  
**Chief Executive and Head of Paid Service**  
**Date: January 2023**

## **2 DIRECTOR OF GROWTH - SCHEME OF MANAGEMENT**

**The Director of Growth has made arrangements for the discharge of functions within the Growth Directorate. The Group Heads of this Directorate are as follows:**

**THE GROUP HEAD OF PLANNING**

**THE GROUP HEAD OF TECHNICAL SERVICES**

**THE GROUP HEAD OF BUSINESS & ECONOMY**

### **2.0 Subject to being:**

- within the overall resources allocated by the council, and
- in direct support of the council's objectives, and
- within approved budget

### **2.1. THE GROUP HEAD OF PLANNING:-**

2.1.1. Subject to the exceptions set out at paragraph 2.1.2 and 2.1.3 below, to act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Development Control
- Local Plan and Policy
- Strategic Development
- Planning Enforcement
- Community Infrastructure Levy
- Historic Buildings
- Conservation
- Technical Administration Support

2.1.2. To determine all planning applications except where the matters are reserved to the Planning Committee. Where the following exceptions apply, the application or matter will be determined by the Planning Committee:

- i Any major or minor application for planning permission which prior to its determination is subject to a written representation from the parish council, town council or formal parish meeting that the application site is within or one that immediately adjoins the application site, which is in conflict with the recommendation of officers
- ii Any application for full or outline planning permission by or on behalf of the council



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- iii Any major or minor application as defined by the Ministry of Housing, Communities & Local Government which would be recommended for approval and would create a new access or egress via the A27, A29, A284, A259 and A280
- iv Any household application recommended for approval where the ward member has submitted a written request to the chair and/or vice-chair of the Planning Committee before the end of the statutory consultation period shall be referred to the Planning Committee where it is on sound planning grounds.

2.1.3. Where an application is received from a member, or officer employed by the council on the grade of Business Manager or above or any officer who would otherwise have been involved in processing or determining the application, such application is to be reported to and determined by the Planning Committee and not dealt with by officers under delegated powers.

2.1.4. **Procurement** – To be the Responsible Officer in their area.

**2.2. THE GROUP HEAD OF TECHNICAL SERVICES:-**

2.2.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Parking Services
- Street Naming and Numbering,
- Land Charges (including Assets of Community Value),
- Property & Estates,
- Facilities Management,
- Environmental Health (including Private Sector Housing)
- Building Control.

2.2.2. To agree terms to the sale or purchase of any land, buildings or rights in land which are or will be under the control of the council, subject to the approval of the Economy Committee in accordance with Part 3 of this constitution and in consultation with the S151 Officer or in accordance with the council's adopted Acquisitions and Disposal Policy.

2.2.3. To agree terms for the acquisition and disposal of land (including any buildings and structures thereon) or any interest therein up to a value of £250,000 in each case subject to prior consultation with the relevant committee chair and the S151 Officer or in accordance with the council's adopted Acquisitions and Disposal Policy.

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- 2.2.4. With the Group Head of Housing, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the chair of the Housing and Wellbeing Committee, and the S151 Officer.
- 2.2.5. To agree terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the council where the rent does not exceed £100,000 per annum (exclusive of rates) and the term of letting, leasing or licensing does not exceed 25 years subject to prior consultation with the Group Head with the responsibility for the current use and intended use of the property and the S151 Officer or in accordance with the council's adopted Acquisitions and Disposal Policy.
- 2.2.6. To accept surrenders or variations of leases and tenancies of land or buildings or any rights, including the release of covenants, where such would not be detrimental to the council's interest and where the capital value or the rent per annum does not exceed £50,000 subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and the S151 Officer or in accordance with the council's adopted Acquisitions and Disposal Policy.
- 2.2.7. In respect of paragraphs 2.2.2 to 2.2.6 above, to negotiate any of the matters therein referred to.
- 2.2.8. To agree terms for the grant or benefit of easements and other rights in respect of land including party wall matters affecting the council as landowner or to agree to a request from a lessee for a licence to assign or sub-let where the value does not exceed £100,000 per annum and subject to prior consultation with the Group Head with responsibility for the current use and intended use of the property and the S151 Officer.
- 2.2.9. To authorise the taking of action, including legal proceedings, for possession and forfeiture in cases of non-payment of rent or other breaches of the terms of leases or licences where the rent of such lease or licence does not exceed £50,000 per annum.
- 2.2.10. To appoint a Proper Officer for the following purposes:  
- The Health Protection (Notification) Regulations 2010 regulations 2, 3, 6 and the Public Health (Control of Disease) Act 1984 section 48.
- 2.2.11. **Procurement** – To be the Responsible Officer in their area.

**2.3. THE GROUP HEAD OF BUSINESS AND ECONOMY:-**

- 2.3.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:
- Overall Business Support

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- Business Development (including business relations and business intelligence),
- Economic Partnerships
- National Partnerships
- Local Partner Liaison
- Tourism Sector Support
- High Streets

2.3.2. **Procurement** – To be the Responsible Officer in their area.

This authorisation applies to all matters whether before or after the date herein.

**Signed:**  
**Karl Roberts**  
**Director of Growth**  
**Date: January 2023**

### **3 DIRECTOR OF ENVIRONMENT AND COMMUNITIES - SCHEME OF MANAGEMENT**

**The Director of Environment and Communities has made arrangements for the discharge of functions within the Environment and Communities Directorate as follows:**

**THE GROUP HEAD OF WELLBEING AND COMMUNITIES**

**THE GROUP HEAD OF HOUSING**

**THE GROUP HEAD OF ENVIRONMENT AND CLIMATE CHANGE**

#### **3.0 Subject to being:**

- within the overall resources allocated by the council, and
- in direct support of the council's objectives, and
- within approved budget

#### **3.1. THE GROUP HEAD OF WELLBEING AND COMMUNITIES:-**

3.1.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Wellbeing (including Leisure)
- Community Safety
- Lifeline
- Safeguarding
- Community Liaison (including Youth Council)
- Parish & Town Council Liaison
- Events

3.1.2. To appoint local Community Wardens that are accredited with the Community Safety Scheme as authorised persons for the purposes of Section 63(1) of the Antisocial Behaviour Crime and Policing Act 2014.

3.1.3. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.1.4. **Procurement** – To be the Responsible Officer in their area.

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**3.2. THE GROUP HEAD OF HOUSING:-**

3.2.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Housing Options
- Housing Revenue Account
- Registered Providers and Social Landlords
- Homelessness duties
- Neighbourhood Services
- Compliance responsibilities
- Business Improvement
- Repairs and Maintenance
- Assets and Development

3.2.2. **Current tenant arrears** – to consider cases for write-off up to the value of £10,000 where the current tenant arrears have accrued up to the point of bankruptcy being declared or arrears covered by an Administration Order.

3.2.3. **Write-offs of former tenant arrears, rent arrears and other debts** – the following table shows who has the delegated authority to write-off former tenant arrears, rent arrears and other debts:

Items up to £5,000	Neighbourhood Services Manager
Items £5,001 to £10,000	Group Head of Housing in consultation with the S151 Officer

3.2.4. **Review of Decision to seek Absolute Possession of a dwelling house where there has been prescribed Anti-social Behaviour** - To carry out a review of the council's decision to seek possession under the mandatory ground where there has been prescribed anti-social behaviour, where the Group Head of Housing was not involved in the original decision to seek possession.

3.2.5. With the Group Head of Technical Services, the authority to agree purchases of former council homes, private homes and new homes, in consultation with the chair of the Housing and Wellbeing Committee, and the S151 Officer.

3.2.6. In consultation with the S151 Officer, to make pro-rata contributions towards the capital cost of footway lighting schemes prepared by parish councils for council estates where it can be demonstrated that the scheme would be in the council's interest as landlord, based on the number of properties owned.

3.2.7. In consultation with the chair of the Housing and Wellbeing Committee, to approve terms for leasing of privately owned property to let to households accepted as homeless and in priority need.

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3.2.8. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.2.9. **Procurement** – To be the Responsible Officer in their area.

**3.3. THE GROUP HEAD OF ENVIRONMENT AND CLIMATE CHANGE:-**

3.3.1. To act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Carbon Reduction
- Climate Adaptation
- Habitat Creation
- Coastal Engineers
- Flood Prevention
- Foreshores
- Parks and Cemeteries
- Trees
- Landscapes and project delivery
- Emergency Planning
- Combined Cleansing Contract

3.3.2. Authority to approve and amend conditions and recycling credit levels where there is no significant cost to the council, in consultation with the chair of the Environment Committee and the Group Head of Finance .

3.3.3. To issue written warnings prior to issuing Community Protection Notices and Fixed Penalty Notices under the Antisocial Behaviour Crime and Policing Act 2014.

3.3.4. **Procurement** – To be the Responsible Officer in their area.

This authorisation applies to all matters whether before or after the date herein.

**Signed:**  
**Philippa Dart**  
**Director Of Environment and Communities**  
**Date: January 2023**

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**A. Joint statement issued by the Local Government Association on the adoption of the LGA Model Code of conduct 2020**

The role of councillor across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.

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**INTRODUCTION**

Arun District Council (the authority) has adopted this Code of Conduct in accordance with the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the authority. The code was originally introduced on 1 July 2012 and was updated on 8 November 2017. This version of the code is based on the LGA Councillor Mode of Conduct and was adopted by the council in December 2020

As an elected or co-opted member of Arun District Council, councillors have a responsibility to represent the community and work constructively with the council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

**Definitions**

For the purposes of this Code of Conduct,

“councillor” means a member or co-opted member of a local authority or a directly elected mayor. A

“co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

“local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

“meeting” means any meeting organised by or on behalf of the authority including:

- any meeting of the council, or a committee, sub-committee, working group, working party or panel constituted by the council
- any meeting of the cabinet and any committee of the cabinet
- any briefing by officers
- any site visit.

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**B. Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the code. The fundamental aim of the code is to create and maintain public confidence in the role of councillor and local government.

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## **C. General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

## **D. Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

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- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their clerk, who may refer matters to the Monitoring Officer.

## **E. Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **GENERAL CONDUCT**

#### **1. RESPECT**

**As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

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In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public’s expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority’s councillor-officer protocol.

**2. BULLYING, HARASSMENT AND DISCRIMINATION**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

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**3. IMPARTIALITY OF OFFICERS OF THE COUNCIL**

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**4. CONFIDENTIALITY AND ACCESS TO INFORMATION**

**As a councillor:**

**4.1 I do not disclose information:**

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
  - i. I have received the consent of a person authorised to give it;
  - ii. I am required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    1. reasonable and in the public interest; and
    2. made in good faith and in compliance with the reasonable requirements of the local authority; and
    3. I have consulted the Monitoring Officer prior to its release.

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**



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Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. DISREPUTE**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public’s confidence in you or your local authority’s ability to discharge your/it’s functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

**6. USE OF POSITION**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others’ private interests or to disadvantage anyone unfairly.

**7. USE OF LOCAL AUTHORITY RESOURCES AND FACILITIES**

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**

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- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority’s own policies regarding their use.

**8. *COMPLYING WITH THE CODE OF CONDUCT***

**As a councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority’s processes in handling a complaint you should raise this with your Monitoring Officer.

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**Protecting your reputation and the reputation of the local authority**

**9. INTERESTS**

**As a councillor:**

**9.1 I register and declare my interests.**

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

**10. GIFTS AND HOSPITALITY**

**As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption

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should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## Appendices

### Appendix A – The Seven Principles of Public Life

The principles are:

#### **Selflessness**

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

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

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

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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## **Appendix B – Register of Interests**

### **1. REGISTER OF INTERESTS**

- 1.1 Within 28 days of this Code being adopted by the council, or your election (if later), you must register with the Monitoring Officer any interests that fall under any of the descriptions listed in Table 1 and 2 of this Code.
- 1.2 You must ensure that your Register of Interests is kept up to date and must notify the Monitoring Officer in writing within 28 days of becoming aware of any change in any of the descriptions listed in Table 1 and 2 of this Code.

### **2. DISCLOSABLE PECUNIARY INTERESTS**

- 2.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary State, as set out at table 1 to this Code, and either:
- a) it is an interest of yours; or
  - b) it is an interest of:
    - (i) your spouse of civil partner; or
    - (ii) a person with whom you are living as husband and wife; or
    - (iii) a person with whom you are living as if you were civil partnersand you are aware that other person has the interest.
- 2.2 You must:
- 2.2.1 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest” you need only declare the existence of the interest but not the detail;
- 2.2.2 where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not:
- (i) participate, or participate further, in any discussion of the matter at the meeting;
  - (ii) remain in the meeting whilst the matter is being debated;
  - (iii) participate in any vote taken on the matter at the meeting;
- unless you have obtained a dispensation from the Monitoring Officer.

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**3. PERSONAL INTERESTS**

- 3.1 You have a personal interest in any business of the authority if it is of a description specified in table 2 to this Code.
- 3.2 You have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a ‘relevant person’ to a greater extent than the majority of other council taxpayers, ratepayers or residents of your ward affected by the decision; or it relates to or is likely to affect any interests you have registered as a disclosable pecuniary interest.
- 3.3 A ‘relevant person’ is:
- 3.3.1 a member of your family or any person with whom you have a close association;
  - 3.3.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - 3.3.3 any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - 3.3.4 anybody of a type described in table 2.
- 3.4 Where you have a personal interest under paragraphs 5.3.3 or 5.3.4, you must make a verbal declaration of the existence and nature of any personal interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest”, you need only declare the existence of the interest but not the detail.
- 3.5 Where you have a personal interest under paragraph 5.3.1 and 5.3.2, you need only disclose to the meeting the existence and nature of the interest when you address the meeting on that business.
- 3.6 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.
- 3.7 Where you have a personal interest and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

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**4. PREJUDICIAL INTERESTS**

- 4.1 Where you have a personal interest in any business of the authority, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest (unless the matter falls within one of the exempt categories referred to at paragraph 9) and where that business:
- 4.1.1 affects your financial position or the financial position of a person or body defined as a ‘relevant person’; or
  - 4.1.2 relates to the determining of any approval, consent licence, permission or registration in relation to you or any person or body defined as a ‘relevant person’.
- 4.2 Where you have a prejudicial interest:
- 4.2.1 you must make a verbal declaration of the existence and nature of any such interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent.
  - 4.2.2 you must not:
    - (i) participate, or participate further, in any discussion of the matter at the meeting;
    - (ii) remain in the meeting whilst the matter is being debated;
    - (iii) participate in any vote taken on the matter at the meeting;unless you have obtained a dispensation from the Monitoring Officer.
- 4.3 The only exception is that you may attend a meeting for the purpose of making representations, answering questions or giving evidence relating to the business being considered, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise. You must leave the meeting immediately after making the representations, answering questions or giving questions.
- 4.4 Where, as a cabinet member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by yourself, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter or seek improperly to influence a decision about the matter.



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**5. SENSITIVE INTERESTS**

5.1 Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, you should share your concerns with the Monitoring Officer. If the Monitoring Officer agrees, he/she will not include details of the interest in the Register of Interests, but may state that you have registered an interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

**6. EXEMPT CATEGORIES**

6.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the authority in respect of:

6.1.1 housing – where you are a tenant of the authority provided that those functions do not relate particularly to your tenancy or lease;

6.1.2 an allowance, payment or indemnity given to members;

6.1.3 any ceremonial honour given to members; and

6.1.4 setting council tax or a precept under the Local Government Finance Act 1992

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.  [Any unpaid directorship.]

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<p><b>Sponsorship</b></p>	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<p><b>Contracts</b></p>	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<p><b>Land and Property</b></p>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<p><b>Licences</b></p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>

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<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

\* ‘director’ includes a member of the committee of management of an industrial and provident society.

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

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**Table 2: Personal Interests**

<b>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;</b>	
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 or in a position of general control or management.	

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## **Appendix C – the Committee on Standards in Public Life**

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

*Best practice 1:* Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

*Best practice 2:* Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

*Best practice 3:* Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

*Best practice 4:* An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s website and available in council premises.

*Best practice 5:* Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

*Best practice 6:* Councils should publish a clear and straightforward public interest test against which allegations are filtered.

*Best practice 7:* Local authorities should have access to at least two Independent Persons.

*Best practice 8:* An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

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review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

*Best practice 9:* Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

*Best practice 10:* A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

*Best practice 11:* Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

*Best practice 12:* Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

*Best practice 13:* A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

*Best practice 14:* Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

*Best practice 15:* Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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**1.0 INTRODUCTION**

- 1.1 The purpose of this document is to provide a guide to good working relationships between members and officers of the council. It clearly defines the respective roles of members and officers and provides some principles governing conduct.
- 1.2 Members will comply with the Members' Code of Conduct set out in part 8 of this constitution that they signed up to on taking up office. A breach of this protocol may constitute a breach of this code.
- 1.3 Officers must comply with the Employee Code of Conduct adopted by the full council on 13 November 2019 which forms part of their terms and conditions of employment. A breach of this protocol may constitute a disciplinary offence and could result in dismissal.
- 1.4 This protocol seeks to reflect the principles underlying the Members' Code of Conduct and the Employee Code of Conduct. The shared objective of these codes is to enhance and maintain integrity (real and perceived) of local government and the codes, therefore, demand very high standards of personal conduct.

**2.0 RESPECTIVE ROLES OF MEMBERS AND OFFICERS**

- 2.1 Members are elected and represent their constituents. Under the committee system form of governance adopted by the council, members perform roles on committees, sub-committees, working parties and panels, in addition to sitting as members of the full council. Some members represent the council on outside bodies.
- 2.2 Officers are employed by and serve the whole council. They advise the council, its committees, sub-committees, working parties and panels. They implement decisions of the council and make decisions under powers delegated to them.
- 2.3 Officers are responsible to their line manager and ultimately the Chief Executive or a Director. Directors are accountable to the Chief Executive. Some senior officers have specific statutory responsibilities, including the Chief Executive as Head of Paid Service, the Group Head of Finance as the

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Chief Financial Officer, and the Group Head of Law and Governance as the Monitoring Officer.

**3.0 OFFICER ADVICE AND POLITICAL NEUTRALITY**

3.1 Officer advice and support will be provided at formal council meetings at which business is transacted including meetings of:

- a) full council;
- b) committees and sub-committees;
- c) working parties and panels; and
- d) joint area committees.

3.2 Officers will provide advice and support at informal briefings with:

- a) Chair and Vice-Chair of committees;
- b) the relevant Chair and Vice-Chair prior to a committee or sub-committee meeting; and
- c) political group leaders.

3.3 Officers will also provide advice and assistance to individual members in respect of council business, including issues raised by constituents.

3.4 Where officers are invited to meetings to give advice or comment on their service area by the Chair of a committee, sub-committee or working party, then their group head must also be informed of the invitation and reason for their attendance. If the officer would prefer their group head to attend with them, then this should be allowed. Where there are issues of concern about an officer's attendance, responsibility for agreeing attendance will fall to the council's Monitoring Officer. Where notes are taken from the meeting, either to record in the minutes or in a separate note for later use, then these must be agreed by the officer following the meeting.

3.5 Officer advice and support must relate only to council business. Officers must not be requested to advise upon matters of political party or personal business.

3.6 All officers must treat political groups and individual members in a fair and even-handed manner. Officers must maintain political neutrality and members must respect this.

3.7 Officers must respect the confidentiality of any political group discussions which they attend. They should not disclose the content of such discussions to any person who has not attended. Senior officers (Chief Executive, Directors or Group Heads) may be requested to attend political group

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meetings and the Chief Executive will then decide whether such attendance may take place.

- 3.8 If it is agreed that an officer can attend a political group meeting, then the Chief Executive will inform the other group leaders and offer a similar facility on an equal basis.
- 3.9 Where there are members who are not in a political group, they may request a similar facility from the Chief Executive which will be made available at their discretion.
- 3.10 Political group meetings fall outside of the council’s decision-making process. Conclusions reached at such meetings are not formal council decisions and will not be relied upon as such. Officers attending political group meetings are not to be expected to act upon comments or conclusions made at these meetings.

**4.0 PERSONAL RELATIONSHIPS**

- 4.1 Close personal familiarity between individual members and officers can damage working relationships and prove embarrassing to other members and officers.
- 4.2 It is recognised that there may be occasions where personal familiarity is unavoidable. To avoid any appearance that the relationship may have an impact on future council decisions, a member must promptly declare by letter to the Chief Executive, the Monitoring Officer and their respective group leader any family relationship or other close association with an officer employed by the council. Similarly, the officer concerned must promptly declare this relationship by letter to their director, or in the case of a director, to the Chief Executive. If the declaration is by the Chief Executive, all group leaders must be notified in writing of any family relationship or other close association with a member of the council.
- 4.3 The Chief Executive will arrange for the relationship to be listed in the officer’s declaration of interests and in the member’s register of interests, unless the relationship is with the Chief Executive in which case the relevant director will make these arrangements.

**5.0 APPOINTMENT OF OFFICERS**

- 5.1 Members must not take part in the appointment of anyone to whom they are:  
a) married;

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- b) a civil or co-habiting partner
- c) otherwise related; and
- d) in a close friendship.

5.2 Members must ensure that officers whose appointment they are involved with are appointed only on merit, with a view to their best serving the whole council.

## **6.0 UNDUE PRESSURE**

6.1 A member should not apply pressure on an officer either to do anything which they are not empowered to do or to undertake work outside normal duties or normal hours. Particular care needs to be taken in connection with the use of council property and services.

6.2 Similarly, an officer must not seek to influence an individual member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other employees. The council has formal procedures for consultation, grievance and discipline dealing with these matters.

## **7.0 OFFICER REPORTS AND ADVICE**

7.1 The named author of a report to the full council or any part of its formal structure will always be fully responsible for its contents. The Chair of the relevant committee will be consulted as part of the process of drawing up the agenda for a forthcoming meeting and may comment upon a proposed report. The officer concerned will give due consideration to such comments, consulting their relevant director or group head and other appropriate officers, as necessary. A report will only be amended where the amendment reflects the professional judgement of the author of the report. Any remaining disagreements between the Chair and the author of the report should be referred to the relevant group head or director for resolution, in conjunction with the group leader for the Chair of that committee.

7.2 Occasionally, officers will need to express a professional view on a matter which may not support the view of the leading political group, the full council and/or the relevant senior officers of the council. There is to be no criticism of the officers in such circumstances.

7.3 Members may choose not to follow the advice of professional officers, however, care should be taken not to criticise the officer for giving their professional advice and they should give reasons why they are not following the advice.

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- 7.4 Members should not elicit any criticism from an officer in respect of any other officer.
- 7.5 Members may choose to criticise reports of the action taken by officers, however, they should:
- a) avoid personal attacks on officers;
  - b) ensure that such criticism is conveyed in such a way and in such a forum that is not disrespectful or bullying of the officer;
  - c) be particularly careful not to undermine officers in such a way that it is disrespectful or bullying of officers at meetings, in a public forum, in the press or in any form of communication, including social media.
- 7.6 This would be damaging both to the effective working relationships and to the public image of the council. It would also undermine the mutual trust and courtesy that is an essential element of a well-run council.

**8.0 OFFICER DECISIONS MADE UNDER DELEGATED POWERS**

- 8.1 Officers may make decisions under powers delegated to them in accordance with the Officer Scheme of Delegation at part 4 of this constitution; or under a specific express authorisation of the full council, a committee or sub-committee. It must be recognised that it is the officer, and not any member, who takes the action and it is the officer who is accountable for it.

**9.0 OFFICER RELATIONSHIP WITH THE LEADER OF THE COUNCIL AND COMMITTEE CHAIR**

- 9.1 The working relationship between senior officers, the Leader of the council and committee chairs will be particularly close. The Leader of the council will provide a focal point for the strategic direction of the council working directly with the Chief Executive and their management team; and act as the representative of the council in dealing with central government and other local authorities. The relevant committee chair will be the council's spokesperson for the service areas and functions that fall within their committee's responsibilities.
- 9.2 Officers may provide briefing notes, advice and information to the Leader of the council and committee chair in respect of reports or questions at full council, committee and sub-committee meetings; and other external meetings, such as with ministers, MPs, other local authorities and outside bodies. However, the relationship must not:
- a) compromise officers' duties to all members of the council;

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- b) be so close as to give the appearance of partiality on the part of the officer;
- c) undermine the confidentiality of any discussions between senior officers and members;
- d) compromise any officer's professional responsibility to advise members that a particular course of action should not be pursued; and
- e) repeal officer responsibility for action taken under delegated authority.

**10.0 PROCEDURE FOR CRITICISM OR COMPLAINTS**

- 10.1 It is important that there should be mutual courtesy and respect between members and officers, and that there are reasonable standards of courtesy. No member or officer should seek to take unfair advantage of their position.
- 10.2 Members and officers should not criticise or undermine respect for the other at meetings of the full council, committee or sub-committees, or in any public forum.
- 10.3 Members shall not raise matters relating to the conduct or capability of an individual officer or officers collectively at meetings held in public or in any public forum. There is a long-standing tradition in public service as an officer has no means of responding to such criticisms in public. Officers should observe the same rule in respect of members.
- 10.4 If a member believes that they have not been treated with proper respect, courtesy or has a concern about the conduct or capability of an officer, then they should raise the matter confidentially with the Chief Executive or relevant director who will look into the facts and report back to the member and may utilise the council's formal disciplinary procedures if this is considered appropriate. If the member continues to feel concern, then they may raise the matter confidentially with the Chief Executive, or a director if the Chief Executive considered the original concern, who will look into the matter afresh. If they believe that there is a case to answer, then they may utilise the council's formal disciplinary procedures. If the Chief Executive or director concludes no action they will inform the member and relevant group leader of this.
- 10.5 Concerns raised about the Chief Executive will be referred in the first instance to a meeting of the political group leaders. They may then refer the matter to the full council but must do so within the terms of the disciplinary procedure applying to the Chief Executive as set out in part 3 (Responsibility for Functions) of this constitution.

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- 10.6 If an officer feels that they have not been treated with respect, courtesy or is concerned about any action or statement relating to themselves or a colleague by a member, or the conduct of a member, they should raise the matter with their line manager or group head. If they are not satisfied with any action that has been taken as a result, they should raise the matter with the Chief Executive or their director. If the Chief Executive or director is of the opinion that the member has acted in breach of the Members' Code of Conduct, they should raise the matter with the Monitoring Officer. This may be by way of a formal complaint, or informally for advice from the Monitoring Officer.
- 10.7 Where a member or officer is concerned about potential unlawful conduct of another member or officer, the council's Whistle-blowing Policy and the Public Interest Disclosure Act 1998 are also relevant. Nevertheless, the procedure outlined in this protocol should be the first point of reference where possible.

**11.0 MEMBERS' ACCESS TO INFORMATION AND COUNCIL DOCUMENTS**

- 11.1 Article 2 of this constitution confirms a member's rights of access to only such council documents and information that are necessary for the discharge of their functions and the law. The Access to Information Rules at part 6 of this constitution set out the rights of access that members have to information and documents to be presented to meetings of committees and sub-committees.
- 11.2 In respect of exempt or confidential information, a member may have access to information and documents insofar as it is reasonably necessary to enable them to properly perform their duties as a member of the council. The relevant question asked is whether they need to know the information to perform such duties.
- 11.3 A member of a committee, sub-committee, working party or panel will have a need to know the information and documents relating to that body. In other circumstances, a member will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The relevant question asked is whether they need to know the information to perform their duties as a member. The question as to access to the documentation will be determined initially by the relevant group head. However, in the event of a continuing disagreement as to access, then the matter may be referred to the relevant director and the Monitoring Officer.
- 11.4 Where a member has a pecuniary, personal or prejudicial interest in a matter, or they decide to remove themselves from taking part in a debate due to the appearance of bias, the member will only be entitled to the same rights of access to documentation as would apply for the public generally. They would

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have access to the reports, minutes and background papers relating to the public part of any full council, committee or sub-committee agenda but not to any exempt or confidential items.

- 11.5 Any council information provided to a member must only be used by them in connection with the proper performance of their duties as a member of the council. Exempt or confidential information should not be disclosed, discussed with, or released to any other persons unless it reasonably relates to a qualified disclosure, i.e. it relates to:
- a) an alleged criminal offence;
  - b) a failure to comply with a legal obligation;
  - c) maladministration where a breach of administrative law has occurred;
  - d) a miscarriage of justice;
  - e) a danger to health or life;
  - f) damage to the environment; or
  - g) concealment of information tending to show any of these matters.
- 11.6 A member may necessarily acquire information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. A member should never disclose or use confidential information for the personal and/or political advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the council or anyone else.
- 11.7 Any exempt or confidential information provided to members should be clearly marked as such prior to its provision.
- 11.8 Further advice regarding members' rights to inspect council documents may be obtained from the Monitoring Officer or the Chief Executive.

**12.0 MEMBERS' ACCESS TO MEETINGS**

- 12.1 The committee procedure rules at part 5 of this constitution set out a member's right of attendance at meetings of committees, sub-committees and joint area committees. The Access to Information rules at part 6 of this constitution set out a member's rights of access at a public meeting and the provisions for attendance at meetings during confidential or exempt business.

**13.0 MEMBERS' ACCESS TO OFFICERS**

- 13.1 On any new specific service issue and to ensure consistency, it should only be necessary for members to contact either a group head, director or Chief Executive or in the case of media issues the communications manager. If members are unsure of who to contact, they should contact the Monitoring Officer.



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- 13.2 These officers should recognise that members will have needs for information that are not always predictable and will seek to respond quickly.
- 13.3 However, to help manage workloads and to help the smooth working of the council's directorates and services, the following guidelines should, so far as is practicable, be observed:
- An uninvolved/uncomplicated enquiry may be made by telephone.
  - Otherwise, members should send their enquiry by email
  - If members do not have access to email or if a personal visit is considered more appropriate, an appointment should be made with the relevant officer ideally giving a minimum of 24 hours' notice.
  - Where there is a need for immediate action, ideally, the member should telephone the officer to ensure that a meeting on the same day is practicable.
  - Both members and officers should aim to keep meetings concise and focused

**14.0 PUBLIC RELATIONS AND PRESS RELEASES**

- 14.1 By law, the council is prohibited from publishing material which appears to be designed to affect public support for a political party. News releases are written by officers, but they may contain quotations from the Leader/Deputy Leader of the council or the relevant committee chair or vice-chair. Such news releases are issued on behalf of the council and it would not, therefore, be appropriate when repeating quotations from members to indicate their party-political affiliation. Council news releases will be objective, factual and informative.
- 14.2 The council has also adopted a protocol and guide to pre-election publicity which provides advice upon publicity and activities during a pre-election period, including a moratorium on publicity during the month preceding an election of the council. This can be requested from the Group Head of Organisational Excellence via [public.relations@arun.gov.uk](mailto:public.relations@arun.gov.uk)
- 14.3 The council will abide by the national Code of Recommended Practice on Local Authority Publicity.

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**15.0 MEMBER SUPPORT SERVICES**

15.1 The council provides ICT equipment to members and they can also ask for correspondence to be posted out through the post room at the Arun Civic Centre, Littlehampton. This equipment and facility must only be used on council business. They must not be used for party or political work of any kind. Members should not ask officers to type, photocopy or otherwise process party or political material.

**16.0 CORRESPONDENCE**

16.1 Correspondence between an individual member and an officer on a matter relating to a single constituent should not normally be copied (by the officer) to any other member. Where, exceptionally, it is necessary to copy the correspondence to another member, this should be made clear to the original member. In other words, a system of “silent or blind copies” should not be employed.

16.2 In some cases, issues are raised by, or with, individual members relating to a matter of general interest in a district ward. Recognising that it is in the best interests of the council to ensure that all members are properly informed of general issues in their ward, copies of correspondence will normally be sent to all members for the particular area unless the member specifically requests that correspondence is not copied to other members or, there is a political, or other reason, why this is not appropriate. Where correspondence is copied to other members, this will be made clear to the original member.

16.3 Letters prepared by officers on behalf of the council will be sent out in the name of the officer, rather than in the name of a member.

16.4 Any sharing of personal information between members and officers should follow the obligations of relevant data protection law.

**17.0 LEADERS’ MEETING**

17.1 The Leader of the council, in consultation with the Chief Executive, will call, as and when necessary, meetings of the party group leaders to discuss matters concerned with the conduct of the council’s business; member and officer issues; and matters affecting members generally. It will have no decision-making power but will facilitate the efficient running of the council.

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**18.0 UNRESOLVED ISSUES AND AMENDMENTS TO THIS PROTOCOL**

- 18.1 If there are any issues of concern which are not dealt with by this protocol, then the relevant member or officer may discuss the matter with the Chief Executive or the Monitoring Officer with a view to advice being provided.
- 18.2 Should any member or officer wish to suggest an amendment to this protocol then they are asked to contact either the Chief Executive or the Monitoring Officer.
- 18.3 Any amendment of this protocol will require the approval of the full council.

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**PROTOCOL FOR MEMBERS ON DEALING WITH PLANNING MATTERS**

**1.0 INTRODUCTION**

- 1.1 One of the key purposes of the planning system is to regulate the development and use of land in the public interest.
- 1.2 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework. Planning necessarily affects land and property interests and as a consequence decision can often be highly contentious.
- 1.3 The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.
- 1.4 The aim of this protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.5 This protocol applies at all times when Members are involved in the planning process. This includes meetings of the Planning Committee, meetings of the Council when exercising the functions of the Planning Authority and less formal occasions, such as meetings with officers or the public and consultative meetings. It applies to planning enforcement matters, to site specific policy issues and to the making of compulsory purchase orders on planning grounds.

**If you have any queries or concerns about the application of this protocol to your own circumstances, you should seek advice early from the Monitoring Officer or Deputy Monitoring Officer and preferably well before any meeting takes place.**

**2.0 RELATIONSHIP TO THE MEMBERS CODE OF CONDUCT**

- 2.1 The Council has adopted a local Code of Conduct which reflects the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.2 This protocol is intended to supplement the Members Code of Conduct where members are involved in the planning process.
- 2.3 The rules set out in the Members Code of Conduct must be applied first and must always be complied with.
- 2.4 Where a member does not abide by the Members Code of Conduct and/or this protocol when involved in the planning process it may put the Council at risk of challenge on the legality of any decision made or at risk of a finding of maladministration.
- 2.5 The failure is also likely to be a breach of the Members Code of Conduct and

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may be the subject of a complaint to the Standards Committee. **Members should apply common sense in the interpretation of this protocol.**

**3.0 THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS**

- 3.1 Councillors and officers have different but complementary roles. Both serve the public, but councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Officers advise councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's position. The Council has a protocol giving guidance on relationships between officers and members.
- 3.2 Both councillors and officers are guided by codes of conduct. The Members Code of Conduct and its relationship to this protocol are set out in Part 8 section 1 of the Constitution.
- 3.3 Planning Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct breaches of which may be subject to disciplinary action by the Institute. In addition, the Council has a Code of Conduct for employees.
- 3.4 In addition to these codes, the Council's Procedure Rules govern the conduct of Council business.
- 3.5 Councillors and officers should view with extreme caution any offer of gifts or hospitality. The Council has adopted separate protocols for officers and for members giving guidance on gifts and hospitality.
- 3.6 Serving councillors who act as agents for people pursuing planning matters within their authority should not be members of the Planning Committee.
- 3.7 Councillors and particularly those serving on the Planning Committee must receive training on planning when first appointed to the Planning Committee and regularly thereafter.

**4.0 REGISTRATION AND DISCLOSURE OF INTERESTS**

- 4.1 The Member Code of Conduct sets out detailed requirements for the registration and disclosure of disclosable pecuniary interests. Members should not participate in any decision and should leave the meeting where they have a disclosable pecuniary interest unless they have first obtained a dispensation.

In addition, unless they have obtained a dispensation, they should:-

- NOT participate or give the appearance of trying to participate in the making of any decision on the matter by the Council
- NOT get involved in the processing of the application
- NOT use their position to discuss the proposal with officers or members

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when other members of the public would not have the opportunity to do so or in any other way seek or accept any preferential treatment or give the appearance of so doing.

- 4.2 In addition, the Member Code of Conduct requires members to consider whether they have a non-disclosable interest or personal interest in any item. Such an interest will arise where the matter may reasonably be regarded as affecting the wellbeing or financial standing of the member concerned, a member of their family or a person with whom they have a close association to a greater extent than the majority of people in their ward. Such an interest will also arise where it would be a disclosable pecuniary interest but relates to a member of the councillor's family or to a close associate rather than to the member themselves or to their spouse or partner.
- 4.3 In the event that a member considers that they have a non-disclosable pecuniary interest or personal interest in any matter they should disclose the existence and nature of the interest at or before the consideration of that item of business or as soon as the interest becomes apparent.
- 4.4 The member then needs to consider very carefully whether it would be appropriate to participate in discussion and voting on the matter. They should think about how a reasonable member of the public, with full knowledge of all the relevant facts would view the matter when considering whether their participation would be appropriate.

**5.0 PREDISPOSITION, PREDETERMINATION OR BIAS**

- 5.1 To preserve the integrity of committee decisions, it is vital that members do not make up their minds before they have all relevant materials and arguments before them at the Planning Committee meeting. Members must retain an open mind at the time the decision is made and not make up their minds or appear to have made up their minds until they have heard the officer's presentation and evidence at the Planning Committee when the matter is considered. This is particularly important if a member is contacted by an external interest or lobby group. If a member has made up their mind prior to the meeting and is not able to reconsider their previously held view, they will not be able to participate in the determination of the matter by the because if they did take part in the discussion or vote it would put the Council at risk in a number of ways. Firstly, it would probably, in the view of the Local Government Ombudsman, constitute maladministration. Secondly, the Authority could be at risk of legal proceedings on a number of possible grounds:-

- That there was a danger of bias on the part of the member; and/or
- Predetermination; and/or
- A failure to take into account all of the factors which would enable the proposal to be considered on its merits.

- 5.2 Members are entitled to feel predisposed towards a particular decision but must still be able to consider and weigh relevant factors before reaching their final



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decision. Predetermination arises when members' minds are closed, or reasonably perceived to be closed, to the consideration and evaluation of the relevant factors. This risks making the whole decision vulnerable to legal challenge. Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. For example, a councillor who states "*wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before committee*" has a closed mind. A councillor who states "*many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area*" does not have a closed mind although they are predisposed towards opposing such applications.

- 5.3 Members may take part in the debate on a proposal when acting as part of a consultee body (i.e., where they are also a member of the county or parish council as well as being a member of the Authority) provided that: they make clear during discussion at the consultee body that-
- i. Their views are expressed on the limited information before them only; and
  - ii. They will reserve judgement and the independence to make up their own mind
  - iii. on each separate proposal when it comes before the District Council's Planning Committee and they have heard all the relevant information; and
  - iv. They will not in any way commit themselves as to how they or others may vote when the proposal comes before the District Council's Planning Committee. In the interests of transparency, the member should, in such circumstances, disclose the personal interest regarding their membership of the consultee body when the District Council's Planning Committee comes to consider the proposal.
- 5.4 Where a member has already made up their mind and therefore declines to speak or vote on a proposal, they do not also have to withdraw (unless they have a disclosable pecuniary interest and have not obtained a dispensation) but they may prefer to do so for the sake of appearances.
- 5.5 If a member decides to stay in the meeting, they should explain that they do not intend to speak and vote because they have (or could reasonable be perceived as having) judged the matter elsewhere, so that this may be recorded in the minutes.
- 5.6 Members who have participated in the development of planning policies and proposals need not and should not normally exclude themselves from decision making on individual applications for that reason.

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**6.0 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENT**

- 6.1 Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.
- 6.2 Such proposals must be handled in a way that gives no grounds for accusations of favouritism. In particular:-
- If a member or officer submits an application for planning permission or listed building consent to the Authority, they should play no part in its consideration.
  - The Council's Monitoring Officer should be informed of any proposal submitted by any member or any officer employed by the Authority on the grade of Business Manager or above or any officer who would otherwise have been involved in processing or determining the application.
  - Such proposals should be reported to the Planning Committee and not dealt with by officers under delegated powers.
- 6.3 A member will have a disclosable pecuniary interest in their own application and should not participate in its consideration. They have the same rights as any applicant in seeking to explain their proposal to an officer but the councillor, as applicant, should also not seek to improperly influence the decision.
- 6.4 Proposals for the Council's own development should be treated with the same transparency and impartiality as those of private developers.

**7.0 LOBBYING OF AND BY COUNCILLORS**

- 7.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the Planning Committee. The Nolan Committee's 1997 report stated: *"it is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves"*.
- 7.2 Lobbying can, however, lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved.
- 7.3 When being lobbied, councillors and members of the Planning Committee in particular, should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.
- 7.4 In such circumstances, members should consider restricting themselves to giving

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advice about the process and what can and cannot be taken into account.

- 7.5 Members can raise issues which have been raised by their constituents with officers.
- 7.6 If a member does express an opinion to objectors or supporters, it is good practice to make it clear that they will only be in a position to make a final decision after having heard all the relevant arguments and having taken into account all relevant material and planning considerations at committee.
- 7.7 If any councillor, whether or not a committee member, speaks on behalf of a lobby group at the Planning Committee, they should withdraw from the meeting once the opportunity to make representations has been completed in order to counter any suggestions that members of the Committee may have been influenced by their continuing presence.
- 7.8 In no circumstances should planning decisions be made on a party-political basis in response to lobbying. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
- 7.9 Planning Committee members should in general avoid organising support for or against a planning application and should not lobby other councillors.
- 7.10 Members should not put pressure on officers for a particular recommendation or decision and should not do anything which compromises, or is likely to compromise, the officer's impartiality or professional integrity.
- 7.11 Members should pass any lobbying correspondence received by them to the Group Head of Planning at the earliest opportunity.
- 7.12 Any offers made of planning gain or restraint of development, through a proposed S106 Agreement or otherwise should be referred to the Group Head of Planning.
- 7.13 Members should not accept gifts or hospitality from any person involved in or affected by a planning proposal.
- 7.14 Members should inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches, including inappropriate offers of gifts or hospitality, who will in turn advise the appropriate officers to follow the matter up.

**8.0 REQUESTS TO REFER ITEMS TO COMMITTEE**

- 8.1 A request to refer a matter to Committee must be made in accordance with the Scheme of delegation then in operation. If a Member requests that a matter be referred to committee for determination, where it would otherwise be dealt with by officers acting under delegated powers, they should give written reasons for that request and those reasons should relate solely to matters of material planning concern. The member should also observe any additional rules and requirements set out in the Council's Constitution.

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**9.0 PRE-APPLICATION DISCUSSIONS**

9.1 Pre-application discussions between a potential applicant and the Council can benefit both parties and are therefore encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.

9.2 Councillors have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors to lead on community issues and helps to ensure that issues do not come to light for the first time at committee. Officers should therefore consider involving the local ward Member(s) particularly in relation to major applications. However, in order to avoid perceptions that councillors might have fettered their discretions, such discussions should take place in accordance with the following guidelines:-

- (i) It should be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
- (ii) It should be acknowledged that consistent advice should be given by officers based upon the development plan and material planning considerations.
- (iii) Officers should be present with councillors in pre-application meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage.
- (iv) Members should not become drawn into any negotiations which should be done by officers (keeping interested members up to date) to ensure that the Authority's position is co-ordinated.
- (v) A written note should be made of all meetings. An officer should make the arrangements for such meetings, attend and write notes. A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given can still normally be placed on the file to reassure others who are not party to the discussion.
- (vi) Care should be taken to ensure that advice is impartial, otherwise the subsequent report or recommendation to Committee could appear to be advocacy.

9.3 Although the term “pre-application discussions” has been used, the same consideration should apply to any discussions which occur before a decision is taken.

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9.4 Common sense should be used by members in determining the scale of the proposals to which paragraph 9.2 above will apply. Councillors talk regularly to constituents to gauge their views on matters of local concern. Keeping a register of such conversations would be neither practical nor necessary. If for example a member is approached by an applicant or an objector in respect of what could reasonably be considered to be a minor application, it would be more appropriate for the member concerned to give advice on process only and what can and cannot be taken into account (see paragraph 7.4) and to refer the constituent to a planning officer if they need planning or technical advice.

**10.0 OFFICER REPORTS TO COMMITTEE**

10.1 Officer reports to Committee should be comprehensive and should include the substance of any objections and other responses received to the consultation. Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations and any other material planning considerations.

10.2 Reports should have a written recommendation for a decision to be made.

10.3 Reports should contain technical appraisals which clearly justify the recommendation.

10.4 If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under S38A of the Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990.

10.5 Any oral updates or changes to the report should be recorded.

**11.0 PUBLIC SPEAKING AT PLANNING COMMITTEES**

11.1 Members of the public, including any applicant or objector, are not entitled as of right to speak at meetings of the Planning Committee and are encouraged to submit any representations in writing during the consultation period.

11.2 All representations received will be reported to committee. Where they are received late, and after publication of the agenda for the Planning Committee they will be reported to the Committee by means of a late paper summarising any late representations received in respect of items on the agenda for the Planning Committee.

11.3 Any person who has made a written representation on an application and wishes to speak must register their request by 9.00 am on the Monday before the meeting, by phoning 01903 737512 or by email. It is the responsibility of the individual to check whether the application is to be considered by the Planning Committee [one should be able to register to be automatically notified when the

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agenda for the Committee is published].

11.4 There is a time limit of 3 minutes for each speaker i.e., Parish Councils, objectors, applicants/agents, or supporters. Objectors & supporters include residents' groups, community groups or interest groups. A supporter must be an independent third party such as a local resident, not a relative of the applicant or the applicant themselves if their appointed agent is already speaking.

11.5 A speaker can speak for up to the 3 minutes. The order of speaking will be as follows:

**Number/Order of Speakers Table**

Order	SPEAKER	TIME ALLOWED
1.	<b>Planning Officer</b> to present and if necessary, update the report, particularly regarding further written representations received.	
2.	<b>Town or Parish Council/Meeting which the application is sited within or which the application site immediately adjoins</b>  Maximum of two representatives (one per Parish/Town)	3 minutes
3.	<b>Objectors to the Application</b> Two Representatives only	3 minutes
4.	<b>Applicants/Agents/Supporters</b> Two Representatives only	3 minutes
5.	<b>Councillors</b> (Councillors not on the Committee, including those representing the Ward in which the application is sited)	3 minutes.
6.	<b>Planning Officer</b> to deal with any errors of fact which have arisen or any necessary clarification of policy or other issues	
7.	<b>Committee</b> to debate and determine the application, involving officers as necessary	
8.	<b>No Further Right for Public Speaking</b>	

11.6 Councillors not on the Planning Committee are also able to speak at meetings with the permission of the Committee, in line with the provisions of Committee Procedure Rule 12 (Attendance by other Members of the Council) as set out in Part 5 of this Constitution. Ward Members will have an automatic right to address the Committee. Non-Ward members will require the agreement of the Committee in order to address them.

11.7 In the event that more than two speakers have registered to speak in categories 2, 3, or 4, the first two registered persons appearing on the register only will be allowed to speak. Prior to the commencement of the meeting, attendance of

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those who have registered to speak will be listed. The Chair's discretion shall apply in the event of any dispute in the matter of which persons may speak.

- 11.8 A speaker can only speak once in respect of an application; in the case applications returning to committee where there has been public speaking previously. a speaker cannot speak at more than one meeting. This restriction includes Members who wish to address the Committee. Only in exceptional circumstances will speaking be allowed on applications returning to Committee following a deferral and this will only be allowed where significant new material is part of the application. Applications returning to Committee that have been deferred for a site visit will always have no further public speaking.
- 11.9 Exceptionally, the Chair may decide during the meeting to increase the time available, for example if an application straddles a parish boundary or if a large number of people wish to speak. In such cases the time will be increased equally for each of the groups.
- 11.10 New documents should not be circulated to the Committee. Councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This should be made clear to those who intend to speak. If, in exceptional circumstances and at the Chair's discretion, new documents are accepted, the meeting may be adjourned for them to be properly considered.
- 11.11 Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

**12.0 DECISIONS WHICH DIFFER FROM AN OFFICER RECOMMENDATION**

- 12.1 The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (S38A Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990).
- 12.2 This applies to all planning decisions. Any reasons for refusal must be justified against the development plan and other material considerations.
- 12.3 The courts have expressed the view that the Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or nonmaterial planning considerations which might cause local controversy will rarely satisfy the relevant tests.
- 12.4 Planning Committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation.

Sometimes it will change the outcome from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.

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- 12.5 The Planning Committee should take the following steps before taking a decision which differs from an officer recommendation: -
- (i) Record the detailed reasons as part of the mover's motion.
  - (ii) If necessary, adjourn for a few minutes for those reasons to be discussed and then agreed by the Committee.
  - (iii) Where there is concern about the validity of reasons and/or officer concern about a potential award of costs on appeal, consider deferring to another meeting to have the putative reasons tested and discussed.
  - (iv) Ensure that a recorded vote is taken, recording the individual names of those present and how they voted.
- 12.6 If the Planning Committee makes a decision contrary to the officer's recommendation (whether for approval or refusal or changes to conditions or S106 obligations), minutes of the Committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain in full their planning reasons for not agreeing with the officer's recommendation.
- 12.7 The officer(s) should also be given an opportunity to explain the implications of the contrary decision should one be made.
- 12.8 All applications that are clearly contrary to the development plan and constitute notifiable departures must be advertised as such and are known as "departure" applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated.
- 12.9 The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed (S77 of the Town and Country Planning Act 1990). If the officer's report recommends approval of such a departure, the justification for this should be included, in full, in that report.

**13.0 COMMITTEE SITE VISITS**

- 13.1 Committee site visits do not constitute formal meetings of the Council but rather their purpose is to enable members to observe the site and to gain a better understanding of the issues. Non-attendance of a site visit will not preclude a member from discussing and voting on the relevant matter at the Planning Committee meeting. Notwithstanding this, members should make every effort to attend where it is considered that a site visit is necessary and appropriate. In addition, any relevant information which members have gained from the site visit will, if necessary, be reported back to the Committee so that all members have the same information.
- 13.2 Site visits should only be conducted where the benefit is clear and substantial. Officers will have visited the site and assessed the scheme against policies and



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material considerations already. A site visit should not take place unless:

- (i) There are particular site factors which are significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; or
- (ii) There are specific site factors and/or significant policy or precedent implications that need to be carefully addressed; or
- (iii) The impact of the proposed development is difficult to visualise; or
- (iv) The comments of the applicant and/or objectors cannot be expressed adequately in writing; or
- (v) The proposal is particularly contentious.

13.3 A record should be kept of the reasons why a site visit is called. Before moving to a vote on a deferral for a site visit, the Chair of the Committee will seek the clarification of what it is that needs to be inspected on site from the proposer.

13.4 Only members of the Planning Committee, the local ward member(s) and officers should participate in site meetings. A member who is not the local ward member but is able to demonstrate to the satisfaction of the Group Head Planning in consultation with the Chair of the Planning Committee prior to the site meeting taking place that the application will have a significant impact on their ward may be permitted to attend the site meeting.

13.5 The applicant may be present on site but should be kept a discreet distance away from the Planning Committee members and officers so that they cannot be a party to any comments or questions raised. Upon the refusal of the applicant to respect this requirement, the Committee shall leave the site immediately.

13.6 Members should not express opinions or views at the site meeting but may ask officers present questions or seek clarification from them on matters which are relevant to the site investigation.

13.7 Under no circumstances should the site visit members hear representations from any party other than the local ward member. Observations of the ward member(s) should be confined to site factors and site issues. If any member present at a site visit is approached by the applicant or a third party, they should advise them that they should make representations in writing to the Authority and should direct them to or inform the officer present.

13.8 Once a councillor becomes aware of a proposal, they may wish to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points, and they have no individual rights to enter private property.

#### **14.0 VOTING AT COMMITTEE**

14.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. A site visit is not a

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presentation or debate.

**15.0 DEFERRAL**

- 15.1 Members should not seek to defer consideration of any item put before the Planning Committee unless there are clear and demonstrable reasons for doing so such as a relevant planning issue arising for the first time not having been previously considered and needing further investigation. In taking a decision to defer an application, the Committee must make it clear why the details before them are not sufficient to take a decision and what needs to be addressed for that matter (or matters) to return to Committee. These matters must then be recorded in the minutes.
- 15.2 Before moving to a vote on a deferral, the Chair of the Committee will check with the Lead Planning Officer present that Members and Officers are clear on the reasons for deferral. If Members and Officers are not clear what it is that is required to be done, they must seek further details before a vote to defer is taken.
- 15.3 Where a Member might otherwise be minded to seek deferral of an item by reason that they wish to seek clarification on a particular issue, consider that further material information is required on a particular matter or for any other substantial reason, they should seek to obtain such clarification or additional information from the relevant Case Officer at least two hours prior to the commencement of the Planning Committee meeting where possible. Members should avoid proposing a deferral on the grounds that there is insufficient information if that information could have been sought prior to the meeting.
- 15.4 Members need to be mindful that, when an application returns to Committee following a deferral, there will be reasonable expectation from the applicant and officers that the subsequent debate should only focus on the matters that are new. If the Committee are not satisfied with all other matters, these should either be included within the deferral, or the application should be refused planning permission. It is unreasonable to repeatedly defer applications for different reasons.
- 15.5 Deferral for a site visit should only occur exceptionally. Members are expected to inspect relevant details from public areas before the meeting if they feel that there is a need to. Details on the circumstances that deferral for site visits may be justified is in paragraph 13.2.

**16.0 ANNUAL REVIEW OF DECISIONS**

- 16.1 It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- 16.2 Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to

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reconsider any policies or practices.

**17.0 COMPLAINTS**

17.1 Complaints relating to planning matters will be dealt with in accordance with the Council's complaints procedures.

17.2 So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by Committee and under delegated powers, and to applications, enforcement and development plan matters.

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**Appendix 2**

- Any Member wishing to attend the Planning Committee (who is not sitting on the Committee) and wanting to address the meeting, should record their request to do so before the meeting to [sue.bowley@arun.gov.uk](mailto:sue.bowley@arun.gov.uk) (**not** the Chair or Committee Services) by midday the day before the meeting. These will be co-ordinate in one location.
- Ward Members will have an automatic right to speak at the meeting. Non-Ward Members will need the agreement of the Committee. Any representations will be limited to 3 minutes in the normal way and must be made before the Committee enter the debate and determine each application/item.
- If a Ward Member wishes a statement to be read out, then that should be submitted by midday on the day before the meeting.
- Any Member wishing to address the Planning Committee is not restricted to speaking on only one occasion. That does not mean more than once at the same meeting. However, there will be a strong presumption that only one opportunity will be given, and any subsequent opportunity must be agreed by the Chair (for all Members) who will need to be strict to ensure that comments relate only to matters that are new to the Committee on that day (not repeating previous comments again or talking on matters that are not before the Committee).
- This does not include where applications have been deferred for Site Visits and all requests to address the Committee after a site visit will be rejected because there will not be anything new before the Committee.

As part of this not every Ward Member (where there is more than one) should address the Committee on the same item to ensure that the business of the Committee is not delayed and Committee time is spent efficiently.

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**1.0 INTRODUCTION**

- 1.1 Before considering whether to raise a petition to Arun District Council, it is recommended that you discuss your issue with your local Ward Councillor who may be able to help you with it or explain how to make representations on a particular subject to the right person at the Council.
- 1.2 Any Arun resident can submit a petition provided it includes **not less than 10 signatures**. A petition may be signed by anyone living or working in the Arun District.
- 1.3 All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what the Council plans to do with the petition. The Council will treat something as a petition if it is identified as being a petition, or if it seems that it is intended to be a petition.
- 1.4 Details of all petitions received will be included on the Council's website but this will not include the contact details of anyone who has signed the petition or that of the petition organiser.
- 1.5 Petitions can be sent to the:  
Committee Services Team  
Arun District Council  
Arun Civic Centre  
Maltravers Road  
Littlehampton  
BN17 5LF  
Email: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)
- 1.6 Petitions can also be handed over to a meeting of the Full Council. These meetings generally take place on an 8-weekly basis. Dates and times can be found on the Council's website [www.arun.gov.uk](http://www.arun.gov.uk) or by emailing [committees@arun.gov.uk](mailto:committees@arun.gov.uk) or telephoning the Committee Services Team on 01903 737611.
- 1.7 If you would like to hand over your petition to the Council, or would like your Councillor or someone else to do this on your behalf, please contact the Committee Services Team by email on [committees@arun.gov.uk](mailto:committees@arun.gov.uk) or by telephone on 01903 737611 at least 10 working days before the meeting and they will guide you through the process.
- 1.8 If your petition has received 1,500 relevant signatures or more it will also be scheduled for a Full Council debate (see paragraph 5, Full Council Debates). If this is the case, the Committee Services Manager will let you know whether this will happen at the same meeting or a later meeting of the Full Council.

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**2.0 WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?**

2.1 Petitions submitted to the Council must include:

- a) a clear and concise statement covering the subject of the petition;
- b) a statement about what action the petitioners wish the Council to take; and
- c) the name, full postal address, including postcode, and signature of any person supporting the petition.

2.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person who will be contacted to explain how the Council will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, the Committee Services Manager will contact signatories to the petition to agree who should act as the petition organiser.

2.3 A petition will not be accepted where:

- a) it is considered to be vexatious, abusive or otherwise inappropriate;
- b) it is a statutory petition (for example requesting a referendum on having an elected mayor);
- c) it refers to a planning or licensing application; or
- d) it refers to a decision for which there is an existing right of appeal or other procedure (for example Council Tax banding).

2.4 Further information on how you can express your views on such matters can be found on the Council's website [www.arun.gov.uk](http://www.arun.gov.uk)

2.5 In the case of petitions that are considered to be vexatious, abusive or otherwise inappropriate, the petition will be referred to the Monitoring Officer to decide if the petition is to be disallowed and respond to the petitioner. If the Monitoring Officer disallows a petition, the petitioner may request a review of that decision. That request will be reported to the Audit & Governance Committee to confirm whether the petition can be accepted or not. The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.

2.6 The petition organiser will be advised in writing when a petition has not been accepted explaining the reasons for this.

2.7 In the period immediately before an election or referendum, the Council may need to deal with your petition differently. If this is the case, the Committee Services Manager will explain the reasons and discuss the revised timescale which will apply.



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2.8 If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, the Committee Services Manager will write to you to explain the reasons.

**3.0 WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?**

3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the Council plans to do with the petition and when they can expect to hear from the Council again. It will also be published on the Council's website.

3.2 If the Council can do what your petition asks for, the acknowledgement may confirm that it has taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Full Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, you will be told the steps the Council plans to take.

3.3 To ensure that people know what the Council is doing in response to the petitions received, the details of all petitions submitted will be published on the Council's website, except in cases where this would be inappropriate.

**4.0 HOW WILL THE COUNCIL RESPOND TO PETITIONS?**

4.1 The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- a) taking the action requested in the petition
- b) considering the petition at a Full Council meeting
- c) holding an inquiry into the matter
- d) undertaking research into the matter
- e) holding a public meeting
- f) holding a consultation exercise
- g) holding a meeting with petitioners
- h) referring the petition for consideration by the relevant Committee
- i) calling a referendum
- j) writing to the petition organiser responding to what the petition requested

4.2 The Council will consider all specific actions it can potentially take on the issues highlighted in a petition.

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- 4.3 Where your petition does not have the prescribed number of signatures to trigger a debate or officer attendance before a Committee, the Committee Services Manager will determine the most appropriate course of action in consultation with the relevant Group Head and relevant Committee Chair and advise you accordingly.
- 4.4 If your petition is about something over which the Council has no direct control (for example the local railway or hospital), it will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then you will be advised of the reasons for this. You can find more information on the functions of the Council on its website [www.arun.gov.uk](http://www.arun.gov.uk)
- 4.5 If your petition is about something that a different Council is responsible for, the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council but could involve other steps. In any event the Committee Services Manager will always notify you of the action to be taken.

**5.0 FULL COUNCIL DEBATES**

- 5.1 If a petition contains more than 1,500 signatures, it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting (see paragraph 6.0, Officer Evidence). This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible, and consideration will then take place at the following meeting.
- 5.2 The petition organiser will be given 5 minutes (maximum) to present the petition at the meeting. The relevant Committee Chair will be given 5 minutes (maximum) for a right of reply before Councillors discuss the petition for a maximum of 30 minutes, with each Councillor allowed to speak for a maximum of 3 minutes. The length of the debate can be extended at the Chair of the Council's discretion.
- 5.3 The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests; not to take the action requested for reasons put forward in the debate; or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one

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on which a Committee is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

**6.0 OFFICER EVIDENCE**

6.1 Your petition may ask for a senior officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior officer to explain progress on an issue, or to explain the advice given to elected Councillors to enable them to make a particular decision.

6.2 If your petition contains at least 750 signatures, and your petition clearly states the specific issue you want to raise, the relevant senior officer will give evidence at a public meeting of the relevant Committee. You can find out details of the Council's Committees and their functions at Part 3 (Responsibility for Functions) of the Constitution.

6.3 The senior officers that can be called to give evidence are the Chief Executive, Directors and Group Heads. Their details can be found at Part 7 (Management Structure) of the Constitution. You should be aware that the relevant Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The relevant Committee may also decide to call another Committee Chair or Councillor to attend the meeting.

6.4 The members of the relevant Committee will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Committee Manager up to 3 working days before the meeting. Details will be given to you to assist with this process.

6.5 The Chair of the Committee will have absolute discretion on the appropriateness of any questions submitted which will also be supplied in advance of the meeting to the officer being called to give evidence.

**7.0 WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?**

7.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Audit & Governance Committee reviews the steps that the Council has taken in response to your

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petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

- 7.2 The Audit & Governance Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible, and consideration will take place at the following meeting. Should this Committee determine that the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to a relevant Committee or arranging for the matter to be considered at a meeting of the Full Council.
- 7.3 Once the review has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website. There is no right of appeal through the Full Council.

**8.0 HOW LONG WITH THE COUNCIL RETAIN MY PETITION?**

- 8.1 Once your petition has been considered by the Full Council, a Committee or officer then it will be confidentially destroyed unless the Petition Organiser has requested that this be returned to them.
- 8.2 All other correspondence relating to the processing of your petition will be retained for one year and then confidentially destroyed.

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**1.0 INTRODUCTION**

- 1.1 This document sets out the principles around how filming, photography and social media will be used to ensure that council meetings are seen to be transparent and any data collected is dealt with appropriately in terms of legal requirements and best practice.
- 1.2 It will also cover authorisation procedures for external bodies or individuals who wish to film or take pictures on council property.

**2.0 COUNCIL MEETINGS**

- 2.1 The recording, filming and broadcasting of all public meetings is allowed in accordance with the Local Government Audit and Accountability Act 2013. This does not include meetings or parts of meetings from which the press and public are excluded.
- 2.2 The council webcasts meetings of its Full Council and the Planning Committee. It may extend these provisions to other committees as facilities and resources allow. The council will retain the recording for a period of six months following the meeting and it will be available to view for this period via a link from the council's website [www.arun.gov.uk](http://www.arun.gov.uk)
- 2.3 This policy sets out restrictions on when and how members of the public will be permitted to film or record meetings so long as it does not interfere with any person's ability to observe the debate. Please note that this includes the use of digital and social media tools, for example Twitter and blogging. Please also note that this protocol applies to councillors as it applies to members of the public.
- 2.4 Anybody recording or filming a meeting should recognise and respect the rights of members of the public or staff who are not formally a part of the meeting or making representations at the meeting, and that generally the Public Gallery should not be filmed. However, by entering the meeting room and using the public seating area, members of the public should be aware that they are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.
- 2.5 If a meeting is to be filmed, this will be announced at the start of the meeting. Any filming or recording should be done in a non-disruptive manner and will only be allowed from the area set aside for the public to observe the meeting.

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- 2.6 During meetings, filming by broadcasters shall only be from the media areas, public gallery or specific designated space. This space will be reserved for them and will not be available for the public. Set up or removal of any equipment must be done outside of the formal meeting time. The use of flash photography or additional lighting will not be allowed unless this has been agreed in advance because of its potential to disrupt a meeting.
- 2.7 The Chair of the meeting, or any designated council representative, has the capacity to stop a meeting or take any other appropriate action if anybody contravenes these principles, is deemed to be filming or recording in a disruptive manner or in a manner which may infringe the rights of any individual, or be defamatory.
- 2.8 Any person or organisation choosing to film, record or broadcast any meeting of the council is responsible for any claims or other liability resulting from them doing so. In addition, the council asks that those recording proceedings do not edit the film/record or photographs in a way that could lead to misinterpretation of proceedings or infringe the core values of the council. This includes refraining from editing an image or views expressed in such a way that may ridicule or show a lack of respect to those being filmed, photographed or recorded.
- 2.9 Guidance on filming, recording and broadcasting meetings will be displayed at the council's meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not. This protocol will also be published on the council's website.

**3.0 FILMING AND PHOTOGRAPHY WITHIN THE ARUN DISTRICT**

- 3.1 The council regularly receives requests to film or photograph around the district. Detailed guidance and a request procedure for this is available on the council website at <https://www.arun.gov.uk/filming-in-the-district>. This includes a detailed set of terms and conditions including the regulations and statutory controls which apply and contact details for further information. The procedure includes:
- a) General conditions
  - b) Risk assessment and health and safety
  - c) Specific requirements around the use of drones or aerial filming equipment.
  - d) Requirements in terms of insurance cover



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- e) Requirement to indemnify the council against various expenses and outcomes
- f) Use of and access to the filming/photography site
- g) Road closures
- h) Charges

**4.0 COUNCIL SERVICES WHO USE FILMING/PHOTOGRAPHY**

4.1 A number of council services use filming and/or photography in various ways to support their service delivery. This may include the use of images on social media posts generated by the council. All council services are expected to comply fully with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, and to ensure that any material which includes personal data relating to an individual is dealt with according to the following principles:

- a) that such material is processed lawfully, fairly and in a transparent manner;
- b) any film/photographic record will be collected for a specified, explicit purpose;
- c) that the data collected is limited to what is necessary and relevant;
- d) that any data which identifies an individual is kept for no longer than necessary; and
- e) that all data is processed and stored in a secure way.

**5.0 FURTHER INFORMATION**

5.1 Anybody requiring further information on this protocol should contact the Public Relations Team at [public.relations@arun.gov.uk](mailto:public.relations@arun.gov.uk), or for further information on filming and photography around the Arun district [events@arun.gov.uk](mailto:events@arun.gov.uk)

# Monitoring Officer Protocol

<i>Decision/Adoption date</i>	<i>Full Council 18.01.23</i>
<i>Review date</i>	<i>2025</i>

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**MONITORING OFFICER PROTOCOL**

**1. General Introduction to Statutory Responsibilities**

- 1.1 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 and is accountable to the Council. That Act, the Local Government Act 2000 and the Local Government, Public Involvement in Health Act 2007 and the Localism Act 2011 place personal obligations on the appointee in respect of the Council, which are summarised as a schedule in the appendix to this protocol. This protocol provides some general information on how those statutory requirements will be discharged at Arun District Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Group Head of Law and Governance, who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the council. In doing so s/he will also safeguard, so far as is possible, members and officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 The main functions of the Monitoring Officer at Arun District Council are:
- i. To report to the council and to the executive in any case where s/he is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989;
  - ii. To investigate any matter, which s/he has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
  - iii. To act as the principal adviser to the authority's Standards Committee;
  - iv. To act as the principal adviser to the authority's Standards Panel;
  - v. To maintain the register of members' interests;
  - vi. To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the council and its committees;
  - vii. To have responsibility for responding to complaints to the Local Government Ombudsman;
  - viii. To undertake, with others, investigations in accordance with the council's Whistleblowing procedures;
  - ix. To act as Proper Officer for the Data Protection Act 1998 and the Freedom of Information Act 2000
- 1.4 It is the Monitoring Officer's duty to consult with both the Head of Paid Service (the Chief Executive) and the Chief Finance Officer (the Group Head of Finance and Section 151 Officer) during the preparation of a report under paragraph 1 above, and as soon as practicable after its preparation to arrange for a copy of it to be sent to each member of the council. The full council must consider the report within 21 days of the Monitoring Officer having sent it to

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members. Once the Monitoring Officer has sent out the report, the council cannot implement any proposal or decision to which it relates until the end of the first business day after they have considered it.

- 1.5 The Monitoring Officer is bound to perform all of his or her duties personally, save that during absence, unavailability or illness, a deputy nominated by him or her may undertake them.
- 1.6 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on members and officers:
  - i. complying with the law (including any relevant Codes of Conduct);
  - ii. complying with any general guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
  - iii. making lawful and proportionate decisions;
  - iv. complying with the council's constitution and standing orders;
  - v. generally, not taking action that would bring the council, their offices or professions into disrepute;
  - vi. communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters.

## **2. Working Arrangements**

- 2.1 It is important that members and officers work together to promote the corporate health of the council. The Monitoring Officer plays a key role in this and it is vital therefore that members and officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.
- 2.2 The following arrangements and understandings between the Monitoring Officer, members and chief officers (Senior Management Team) are designed to ensure the effective discharge of the council's business and functions. The Monitoring Officer will:
  - a) be alerted by members and officers to any issue(s) that may become of concern to the council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
  - b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the council at which a binding decision of the council may be made (including a failure to take a decision where one should have been taken) at or before the council, committee meetings and/or strategic directorate (or equivalent arrangements);
  - c) have the right to attend any meeting of the council (including the right to be heard) before any binding decision is taken by the council (including a failure to take a decision where one should have been taken) at or before the council, committee meetings and/or strategic directorate (or equivalent

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arrangements);

- d) in carrying out any investigation(s) have unqualified access to any information held by the council and to any member or officer who can assist in the discharge of his/her functions;
- e) ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- f) meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- g) report to the council, from time to time, on the constitution and any necessary or desirable changes following consultation, in particular, with the Constitution Working Party, the Standards Committee, the Head of Paid Service and Chief Finance Officer;
- h) in accordance with statutory requirements, make a report to the council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
- i) have an appropriate relationship and good communication with the Leader of the council, the Chair of the council, political group leaders, the Chairs of the Standards Committee and the Audit & Governance Committee, and the Constitution Working Party with a view to ensuring the effective and efficient discharge of council business;
- j) develop effective working liaison and relationship with the council's auditors, the Local Government and Social Care Ombudsman and the Housing Ombudsman (including having the authority, on behalf of the council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the council in consultation with the Chief Executive and the appropriate Group Head
- k) maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- l) give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being received by the Monitoring Officer) and, if appropriate, make a written report to the Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary) if, in the opinion of the Monitoring

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Officer, there is a serious breach of Arun District Council's Members' Code of Conduct;

- m) in consultation, as necessary, with the Leader of the council and the Standards Committee, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
  - n) undertake all statutory Monitoring Officer functions in respect of town and parish councils within the district of Arun and make arrangements to ensure effective communication between his/her office and the Clerk to the town and parish councils on Monitoring Officer and Standards Committee issues;
  - o) be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
  - p) advise on all applications from council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator;
  - q) appoint a deputy(ies) and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer. The deputy(ies) will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.
- 2.3 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, members and officers will report any breaches of statutory duty or council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 2.4 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.
- 2.5 Where the Monitoring Officer receives a complaint of a potential reportable incident, s/he shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.
- 2.6 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident but may intervene

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in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

- 2.7 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the authority.
- 2.8 Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Chief Finance Officer, s/he is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the police for investigation.
- 2.9 The Monitoring Officer is available for members and officers to consult on any issues of the council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g., Standing Orders, policy framework, terms of reference, scheme of delegations etc).
- 2.10 To ensure the effective and efficient discharge of this protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the council and the proper discharge of the Monitoring Officer role.

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**APPENDIX**

**Summary of Main Monitoring Officer Functions**

1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy(ies)	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
6	Investigate allegations of misconduct of councillors under the Council's Member Code of Conduct in compliance with the Council's adopted arrangements	Localism Act 2011 Section 28 and associated regulations and guidance
7	Establish and maintain registers of members interests and gifts and hospitality	Section 29 of the Localism Act 2011 and Code of Conduct for Members.
8	Advice to members on interpretation of Code of Conduct	Members' Code of Conduct
9	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Council's Constitution
11	Refer relevant matters to the Standards Committee in accordance with the Local Assessment Procedures	Council's adopted arrangements under Section 28 of Localism Act 2011
12	Advising on appropriateness of compensation for maladministration	Section 92 Local Government Act 2000
13	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	Council's Constitution
14	Advise on any indemnities and insurance issues for members/officers	Regulations under Local Government Act 2000.



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15	Act as the qualified person	S36 Freedom of Information Act 2000 and Information Commissioner’s Office Awareness Guidance No. 25

The officer holding the designation Monitoring Officer also holds certain Proper Officer appointments as detailed in the constitution.

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**PART 9 – MEMBERS' ALLOWANCES SCHEME**

**SCHEME OF MEMBERS' ALLOWANCES (2019)**

Arun District Council ('the council'), in exercise of the powers conferred by Section 18 of the Local Government and Housing Act 1989, Section 100 of the Local Government Act 2000 and The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended), hereby makes the following scheme:

**1 Citation and Commencement**

- 1.1 This scheme may be cited as the Arun District Council Members' Allowances Scheme and will have effect from 1 April 2024 and for subsequent years until 2028, unless a review is commissioned before that time.

**2 Definitions**

- 2.1 In this scheme:

- 'Councillor' means a councillor elected to the council
- 'Co-Optee' and 'Witnesses' means a non-councillor member co-opted to committees and panels
- 'Independent Persons' means a non-councillor member of the Standards Committee
- The Independent Remuneration Panel means a non-councillor member of this panel with the specific role to review the council's Members' Allowances Scheme
- 'Year' means the 12 months ending 31 March

**3 Basic allowance**

- 3.1 Subject to the provisions of this scheme, for each year a basic allowance as set out in Appendix 1 shall be paid to each councillor.
- 3.2 Part year entitlements will be calculated where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year.
- 3.3 The Basic Allowance to be increased in line with staff pay increases at 1 April each year

**4 Special Responsibility Allowances**

- 4.1 For each year a Special Responsibility Allowance will be paid in addition to the Basic Allowance to those councillors who hold a position of responsibility as specified in Appendix 1. All Special Responsibility Allowances to be increased in line with staff pay increases at 1 April each year.

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**5 Child Care Allowance**

- 5.1 A councillor will be entitled to be paid a Childcare Allowance at the rate specified in Appendix 1 to enable them to provide for the care of children whilst the councillor is engaged on the approved duties set out in Appendix 3. To claim this allowance, members will need to submit a claim using the Member Expenses Claim Form together with a valid business receipt [wherever possible] issued by the carer provider. Such an allowance shall not be paid in respect of carers who are parents, spouses, partners or members of the same household as the councillor. This Allowance will be increased in line with staff pay increases at 1 April each year. The Head of Paid Service to arbitrate on claims made where there is uncertainty.

**6 Adult Dependant’s Carers’ Allowance**

- 6.1. A councillor will be entitled to be paid an Adult Dependant’s Carers’ Allowance at the rate specified in Appendix 1 to enable them to provide for the care of disabled or sick relatives whilst the councillor is engaged in the duties set out in Appendix 3. To claim this allowance, members will need to submit a claim using the Member Expenses Claim Form together with a valid business receipt [wherever possible] issued by the carer provider. Such an allowance shall not be paid in respect of carers who are parents, spouses, partners or members of the same household as the councillor. This Allowance will be increased in line with staff pay increases at 1 April each year. The Head of Paid Service to arbitrate on claims made where there is uncertainty.

**7 Travelling and subsistence allowances**

- 7.1 A member shall be entitled to be paid Travelling and Subsistence Allowances at the rates specified in Appendix 2 in respect of travelling and subsistence undertaken in connection with or relating to the duties set out in Appendix 3.

**8 Time limit for submission of expenses claims**

- 8.1 Claims shall be submitted monthly by the tenth day of each month to the Committee Services Manager. In any event claims shall be submitted no later than three months after the entitlement to the claim arises.

**9 Renunciation**

- 9.1 A councillor may, by notice in writing, given to the Payroll Manager, elect to forego any part of their entitlement to an allowance under this scheme.

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**10 Records**

- 10.1 Records shall be kept of the payment made to councillors in accordance with this scheme.
- 10.2 This record shall specify the name of the recipient and the amount and nature of each payment.
- 10.3 As soon as reasonably practicable after the end of a year to which the scheme relates, the council will make arrangements for the publication within the council's area of the total sum paid by it in the year under the scheme to each recipient in respect of the each of the following:
- Basic Allowance
  - Special Responsibility Allowance
  - Dependent Carer's Allowance
  - Travelling and Subsistence Allowance; and
  - Co-Optees' Allowance

**11 Disqualification etc. of a member**

Where an allowance has already been made in respect of any period during which the member concerned:

- a) ceases to be a member; and
- b) is in any other way not entitled to receive an allowance in respect of that period

the council may require that such part of the allowance as relates to any such period be repaid to the council.

**12 Claims and payments**

- 12.1 Payments of Basic and Special Responsibility Allowances and Co-Optees' Allowances will be payable monthly in arrears through the council's payroll.
- 12.2 Claims by Members in respect of the Carers' Allowance [Childcare or Adult Dependent Care] and travelling and subsistence allowances should be made monthly and will, in any event, be made by no later than three months of the expenditure being incurred. Claims will not be considered beyond this time limit unless there are extenuating circumstances.

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12.3 Payments will be made direct to a councillor’s bank account on or before the last day of the month. A statement analysing the amount credited to the bank will be sent to the councillor on or before the end of each month.

12.4 The Basic and Special Responsibility Allowances paid to councillors are not pensionable.

12.5 The levels of Basic Allowance, Special Responsibility Allowance, Childcare Allowance; Adult Dependents’ Carers’ Allowance and Co-Optees’ Allowance specified in this scheme [See Appendix 1] will be varied with effect from and in accordance with the same average percentage change in the levels of the council’s staff remuneration.

12.6 The travelling and subsistence allowance will be the same as that for the council’s staff and will alter accordingly.

**13 Review and backdating of reassessments**

13.1 The levels of the Basic Allowance and Special Responsibility Allowance specified in this scheme shall continue until they are next reviewed.

13.2 Reassessments of the allowances in future years shall not be automatically backdated to 1 April in these years unless there are specific reasons to the contrary.

**14 Income Tax, National Insurance and Benefits**

14.1 Allowances will be subject to income tax and national insurance in accordance with instructions from HM Revenue and Customs.

14.2 Allowances may affect certain benefits received and so guidance should be sought from the local office of the Department of Work and Pensions or the council’s Benefits Office.

**15 Eligibility to claim any allowance under this scheme**

15.1 All members of the council wishing to claim any allowance detailed in Appendix 1 must provide the following identification:

- Passport; or
- Birth Certificate;
- Driving Licence and car insurance documentation, if claiming car mileage to ensure that the insurance certificate states not only social, domestic and pleasure purposes but also travel in connection with the policy holder’s business employment.

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**APPENDIX 1 TO THE SCHEME**

1. **Basic allowance** (Paragraph 3)

The amount of Basic Allowance payable to each Councillor shall be £ 6,638.00 per year.

2. **Special Responsibility Allowances (Paragraph 4)**

The amounts of Special Responsibility Allowances and the special responsibilities for which they shall be payable shall be as follows:-

	<b>£ per</b>
Chair of the Council	9682
Vice-Chair of the Council	3194
Leader of the Council	8000
Deputy Leader	2400
Chairs of Service Committees	4000
Vice-Chairs of Service Committees	1200
<ul style="list-style-type: none"> <li>• Policy &amp; Finance Committee</li> <li>• Corporate Support Committee</li> <li>• Planning Policy Committee</li> <li>• Housing &amp; Wellbeing Committee</li> <li>• Environment Committee</li> <li>• Economy Committee</li> </ul>	
Chair of Licensing Committee	4654
Vice-Chair of Licensing Committee	1395
Member of Licensing Committee	291
Chair of Planning Committee	7500
Vice-Chair of Planning Committee	2500
Member of Planning Committee	872
Substitute Member of Planning Committee	349
Chair of Standards Committee	1163
Vice-Chair of Standards Committee	349
Independent Person of the Standards Committee (overall allowance)	1676 [divided by 3 persons]
Chair of Audit & Governance Committee	4363
Vice-Chair of Audit & Governance Committee	1440
Leader of the Opposition	4000
Leaders of smaller Minority Groups [3 or more Members]	113 per Member
Appeals Panel Member	£65 per meeting
Co-Opted Members and Members of the Independent Remuneration Panel; Members and Witnesses to Committees and Panels	£65 per meeting
Carer’s Allowance	
<ul style="list-style-type: none"> <li>• Childcare Allowance - £12 per hour for one child and £15 per hour for two or more children.</li> </ul>	£12 per hour and

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<ul style="list-style-type: none"> <li>Dependent Adult Allowance – £24.95 per hour. The Head of Paid Service to authorise on a case-by-case basis.</li> </ul>	<p style="text-align: center;">£15 per hour [for more than 2 children]</p> <p style="text-align: center;">£24.95 per hour</p>
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**Notes:**

- There is to be no restriction on members receiving dual Special Responsibility Allowances.
  - From 1 April 2024, in addition to the Basic Allowance, all Special Responsibility Allowances, including those paid to co-opted members, Independent Persons of the Standards Committee; and members of the Independent Remuneration Panel be linked annually to staff pay. Also including the Carer’s Allowance.
  - Councillors are entitled to request maternity, paternity and adoption arrangements.
  - Where a Chair of the council or a committee is absent for a continuous period of more than two months or more, then their allowance may be paid to the Vice Chair until the Chair returns.
  - Members are not eligible to join the Local Government Pension Scheme.
  - Members may renounce their entitlement to all or part of their allowances.
3. The following travelling and subsistence allowances are paid to councillors and co-opted members in respect of journeys on council business such as attendance at meetings, conferences and training seminars. A full list is set out in the scheme. The rates for travelling and subsistence are consistent with the rates approved for staff.



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**APPENDIX 2 TO THE SCHEME**

The rates under the scheme shall be as follows:-

**1. Travelling**

(a) Travel to seminars/conferences and training courses outside of the district	Cost of standard class rail fare; by own car only in exceptional circumstances at 45p per mile.
(b) Travel to meetings and other events by own car	45p per mile – for first 10,000 miles within and out of the District 25p per mile – above 10,000 miles within and out of the District
(c) Car parking	At cost
(d) Car parking	At cost
(e) Travel by train	Standard class rail fare
(f) Taxi – if urgent and necessary [subject to the approval of the Group Head of Law & Governance]	At cost
(g) Bus	At cost
(h) Motorcycle	24p per mile
(i) Cycles	20p per mile
(j) Member drives other member(s) or officer(s) on official Council duties	Extra 5p per mile per passenger
(k) Travel by Air – please refer to the Group Head of Law & Governance	
(l) Hired Motor Vehicles - Rates payable shall not exceed the rate for Councillors own motor vehicle unless previously approved by the Council	45p per mile
(m) Car Parking and other Supplements	The actual cost of any necessarily incurred tolls and car parking fees can be claimed

**2. Subsistence**

Breakfast	£6.98 (where work/travel has started, absence less than 24 hours, leaving home before 7am)
Lunch	£9.64 (for necessary absences of several hours spanning the normal lunch period leaving before 11.00am and not returning until after 3.00pm)
Tea*	£3.82 (unable to arrive home before 6.30pm)
Evening Meal*	£11.94 (unable to arrive home before 8.30pm)
Out of pocket expenses for residential courses	£6.38 per night or £25.48 per week
Overnight Accommodation – please refer to the Group Head of Law & Governance in advance	£106.91

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\* If an overnight stay is necessary and not included in the course fee, normally only bed, breakfast and overnight meal are reimbursed (at a rate of up to £21.78 for an evening meal).

\* Tea and evening meal cannot be claimed on the same day.

**3. Further Conditions**

- a) To claim travel and/or subsistence allowance, valid receipts or other evidence of the expenditure must be produced.
- b) If the expenditure on subsistence is less than the allowance, only the lesser figure will be reimbursed. No claim will be paid if the meal was provided free by the council or another body.
- c) If an overnight stay is necessary, and not included in the course fee, normally only bed and breakfast and evening meal are reimbursed.
- d) Claims for expenses exceeding the above rates must be approved by the Group Head of Law & Governance

- 4.** The above rates for Travelling and Subsistence shall be varied in accordance with the rates approved from time to time by Arun District Council for its staff.

[Note: Rates shown above are those that apply from 1 April 2024]

## **APPENDIX 3 TO THE SCHEME**

### **1. DUTIES SPECIFIED IN THE REGULATIONS**

#### **[Regulation 8(1)(a)-(f)]**

- a) Attendance at a meeting of the council or of any committee; sub-committee; working party or panel of the council, or of any other body to which the council makes appointments or nominations, or of any committee or sub-committee of such a body.
- b) Attendance at any other meeting, the holding of which is authorised by the council, or a committee or sub-committee or working party of the council, or a Joint Committee of the council and one or more local authorities or a sub-committee of such a Joint Committee, provided that where the council is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited.
- c) Attendance at a meeting of any association of authorities of which the council is a member.
- d) Duties in connection with the discharge of any function of the council conferred by law.

### **2. DUTIES APPROVED BY THE COUNCIL**

#### **[Regulation 8(1) (h)]**

- a) Liaison meetings with Town/Parish Councils and West Sussex County Council;
- b) Attendance of councillors to observe the proceedings at meetings of committees; sub-committees; working parties and panels of which they are not members or if the Chair of said meetings has invited them to attend to assist its deliberations;
- c) Site meetings confirmed by the Planning Committee but excluding attendance by local representatives unless specifically approved. For this purpose, site meetings are those meetings the holding of which has been previously authorised by a committee or other formally constituted panel of councillors in order to assist it in formulating a decision or recommendation on any matter formally before it for consideration; and that authorisation expressly designated the meeting as an approved duty for the purpose of payment of councillors’ allowances;
- d) Meetings, visits or other arrangements made on an ad hoc basis between meetings of the relevant bodies if approval is given in accordance with the power delegated to the Chief Executive;

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- e) In-house training seminars or external training events if approval is given in accordance with the power delegated to the Chief Executive;
- f) Such activities as the Chair of the council, the Vice-Chair of the council, or the chair of a committee considers necessary for the effective performance of his/her duties;
- g) Attendance at briefings for Chair and Vice-Chair of particular meetings;
- h) Training and educational conferences, where authorised by the Chief Executive in accordance with delegated powers;
- i) Attendance at meetings of the South Downs National Park Authority’s Planning Committee by members whose wards are partly or wholly within the National Park;
- j) Meetings with officers at the council’s offices to discuss business relating to the member’s ward;
- k) Where invited by an officer, attendance at meetings of a parish council or with constituents;
- l) Representing the council on its Outside Bodies where the councillor has been appointed to the body by the council (where that body does not pay travel and subsistence).