

London Borough of Redbridge

Constitution

28 February 2025

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REDBRIDGE CONSTITUTION

PART 1

INTRODUCTION

1. Introduction

The London Borough of Redbridge (“the Council”) has agreed a Constitution, which sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. The law stipulates some of these processes, while others are a matter for the Council to choose.

The arrangement adopted by the Council under the Local Government Act 2000 is an Executive based on a Leader and Cabinet Executive (England) model.

The Constitution seeks to ensure the delivery of the Council’s goals by:

- Enabling the Council to provide clear leadership to its communities in partnership with the public, businesses and other organisations;
- Supporting the active involvement of the public in the process of decision-making by the Council;
- Helping Member represent their constituents effectively;
- Enabling decisions to be taken efficiently and effectively;
- Creating a powerful and effective means of holding decision-makers to public account;
- Ensuring that Members will not be able to review or scrutinize a decision in which they were directly involved;
- Ensuring that those responsible for decision making inside the Council are clearly identifiable to local people and that they explain the reasons for decisions; and
- Providing a means of improving the delivery of services to the communities in the Borough.

2. Role of Members of the Council

All Members will:

- Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- Contribute to the good governance of the area and actively encourage community participation and public involvement in decision making:

- Effectively represent the interests of their Ward and of individual constituents;
- Respond to constituents' enquiries and representations, fairly and impartially;
- Participate in the governance and management of the Council; and
- Maintain the highest standards of conduct and ethics.

3. Duty to Publish the Council's Constitution

The Constitution is a public document and will be available for inspection by members of the public at the Town Hall and on the internet. A summary leaflet will also be available.

4. Structure of the Constitution

The Constitution is divided into six parts:

Part 1 gives a broad overview of how the Council is organized, how decisions are made and how the public can participate in the decision-making process.

Part 2 sets out the particular responsibilities of the various Council bodies and Officers in more details.

Part 3 sets out the detailed procedural rules, which govern the conduct of the Council's business.

Part 4 contains the codes of conduct, which govern the standards, which Members and Officers should follow when acting for the Council.

Part 5 sets out the allowances which are payable to Members.

Part 6 is a summary of the management structure of the Council.

Part 7 is a set of other relevant documents.

4.1 How the Council operates

The Council is composed of 63 Members currently representing 21 Wards each made up of 3 Members (although this may be altered slightly following the recent ward boundary review). Elections for all Members will be held on the first Thursday in May every four years, i.e. in 2014, 2018, 2022 and so on.

All Members attend and take part in meetings of the Council. Meetings of the Council are normally open to the public. Members of the public can ask questions or make statements directly to the Council and its Committees.

The Council elects the Mayor and the Leader and establishes committees of the Council to discharge some of the Council's functions. The Council is responsible for setting the budget and agreeing the main plans and policies of the Council. In the Constitution, this is referred to as the "Budget and Policy Framework".

4.2 The Leader

The Leader is appointed at the Annual Council following the local elections and holds office until the Annual Council following the next local elections (i.e. for a four year term) unless they are removed from office by resolution of the Council, they resign or they are disqualified.

The Leader is responsible for appointing the Deputy Leader and the Cabinet. The Leader is also responsible for determining which part of the Council's decision-making machinery will perform the Council's various executive functions. The Leader may exercise those functions personally or arrange for them to be performed by the Executive, individual Cabinet Members, a committee of Cabinet or officers. The Leader may also arrange for executive functions to be performed by another local authority or jointly with another local authority.

4.3 Executive

The Executive consists of the Leader of the Council together with a Cabinet which is made up of the Leader and between two and nine other Councillors appointed by the Leader. The Cabinet may be made up of Councillors from one political group or from different political groups if the Leader so wishes.

The Executive is responsible for those functions which are prescribed by law or the Constitution as being functions which are exercisable by the Executive. These are set out in detail in Part 2 of the Constitution. Cabinet decisions are taken in public, except when personal or confidential matters are being discussed. The Executive has to make decisions that are in line with the Budget and Policy Framework agreed by the Council. Decisions taken outside the Budget and Policy Framework must be referred to the Council other than where the urgency rules so permit.

4.4 Scrutiny Committees

The terms of reference and role of the Scrutiny Committees appointed by the Council are set out in Part 2 of this Constitution. In summary, their role is to:

- (a) Scrutinise the effectiveness and appropriateness of Authority's policies and recommend changes or improvements;
- (b) Assist in the development of Authority's policy;
- (c) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Authority's functions;
- (d) Exercise the right to call-in (requisition) decisions made but not yet implemented by the Executive, and Officers making key executive decisions; and
- (e) Discharge specific statutory scrutiny functions in respect of crime and disorder matters, external health bodies and the Health & Well Being Board.

4.5 Standards Sub-Committee

The Standards Sub-Committee's primary role is to promote and encourage good conduct by Members. It will investigate complaints and oversee, monitor and provide guidance on the Council's Code of Conduct and the Protocol designed to foster good working relationships and mutual respect between Members and Officers. The Standards Sub-Committee is chaired by an independent co-opted member who has knowledge of and links with the Borough, but is independent of the Council.

4.6 Council Officers

Officers give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have specific duties to ensure that the Council acts within the law and uses its resources wisely. Officers have to follow a code of conduct. There is also a Protocol of Conduct which governs the relationship between Officers and Members.

4.7 The Public's Rights

The public may actively take part in meetings of the Council, or meetings of its Committees, by making deputations, or by asking questions of leading Members.

The public have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own procedures. The Citizens' Advice Bureau, or Solicitors, can advise on individual legal rights. Where members of the public use specific Council services, for example, as a parent of a school pupil or as a Council tenant, they have additional rights and responsibilities. These are not covered in the Constitution.

The public have the right to:

- Vote at local elections if they are registered;
- Obtain a copy of the Constitution;
- Attend and speak at meetings of the Council, the Cabinet and its Committees and other Council Committees (except where, for example, personal or confidential matters are being discussed);
- Find out, from the Forward Plan, what Key Decisions are to be discussed by the Cabinet, or decided by the Cabinet or Officers, and when;
- Attend meetings of the Cabinet where Key Decisions are being discussed or decided;
- See public reports and background papers, and records of decisions made by the Council, the Cabinet, and the Committees;
- Make use of the Council's Comments, Compliments and Complaints procedures;
- Complain to the Ombudsman if they have evidence that the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- Complain to the Monitoring Officer if they have evidence that a Member has not followed the Council's Code of Conduct.

Further information

The Council welcomes participation by the public in its work. For further information on any of the above points, please contact Democratic Services at antoinette.davis@redbridge.gov.uk

GLOSSARY

In this Constitution, the following definitions will apply:

'Budget' means the budget agreed by the Council, including the budget requirement, the allocation of capital and revenue resources to different services and projects, the precept level and council tax, contingency funds (including reserves and balances), any plan or strategy for the control of the Council's borrowing, and the virement limits.

'Budget and Policy Framework' means the Council's Budget together with certain major plans and strategies as determined by the Government and the Council, namely the:

- Crime, Disorder and Substance Misuse Strategy (Redbridge Community Safety Partnership Plan)
- Development plan documents which form part of the Local Development Framework
- Licensing Authority's Policy Statement
- Youth Justice Plan
- Corporate Strategy

'Cabinet' is the main executive decision-making body of the Council.

'Cabinet Members' means those Councillors appointed to the Cabinet.

'Call In' refers to the process by which an executive decision is called in by an Overview and Scrutiny Committee and/or referred to the Council by an Overview and Scrutiny Committee for consideration prior to it being implemented by the Executive.

'Chair' means the elected Chair or in his/her absence the Vice Chair of the Cabinet or of a Committee or Sub Committee. The term includes a member elected to preside in the absence of the Chair or Vice Chair. The Chair of the Cabinet will be Leader of the Council.

'Chief Officer' is defined in Standing Order 70 and Chief Officers are described more particularly in the Scheme of Delegation.

'Clear Working Days' excludes

- Saturday
- Sunday
- Bank and Public Holidays
- Where relevant the day of despatch of an agenda, summons or notice
- Where relevant the day of the meeting

'Committee' means any Committee of the Council, whether or not it includes co-opted members, which has functions of the Council referred or delegated to it. It includes Sub Committee (but not Working Party or Community Forum) unless a particular Standing Order indicates clearly that this definition is not intended to apply.

'Confidential Information' has the meaning given to it in Section 100A (3) of the Local Government Act 1972. That definition covers information provided to the Council by a Government department on terms, which prohibit its disclosure and information, which the Council is prohibited from disclosing by statute or by court order.

'Constitution' means the document describing the decision-making arrangements for the Council, the Cabinet and the Council's various Committees, together with the detailed rules and procedures for the operation of the decision-making arrangements.

'Executive' means the Cabinet and/or the Cabinet Members exercising executive functions.

'Executive Functions' means those functions which by law must be the responsibility of the Executive.

'Exempt Information' has the meaning given to it by Section 100(1) of the Local Government Act 1972. It includes a large number of different categories of information, which the Council is entitled to withhold from the public. Usually this is for the protection of a member of the public, to preserve the Council's bargaining power or to protect its ability to carry out its functions properly.

'Forward Plan' is the publicly available document describing all of the main decisions being taken by the Leader, Cabinet, individual Cabinet Members, officers or other Committees with executive decision-making powers, covering a four month period.

'Full Council' means any formal meeting to which all elected Members are summoned to attend.

'Group Leader' in respect of any political group means the person whom the group has identified as its leader by notice in writing to the Chief Executive.

'Head of Paid Service' means the person designated as such under Section 4 of the Local Government and Housing Act 1989.

'Key Decision' means the most significant and important decisions being made by the Council, both in financial terms and/or, their effect on communities in Redbridge. A more specific definition of "Key Decisions" can be found in Article 10 ('Decision Making') of the Constitution.

'Leader of the Council' means the elected Member appointed by the Council to lead the Cabinet.

'Local Choice Functions' means those functions which the Council may decide are either executive or non-executive functions.

'Mayor' means the elected Member elected by the Council annually to preside over meetings of the Council and is the ceremonial head of the Council.

'Member' means an elected Member of the Council or of a Committee as appropriate. It includes the co-opted Members of Committees and Sub Committees.

'Monitoring Officer' means the person designated as such under Section 5 of the Local Government and Housing Act 1989 or his/her deputy.

'Municipal year' means the period between annual meetings of the Council, which are usually held in May.

'Non-Executive Functions' means those functions which by law must not be the responsibility of the Executive.

'Officers' means the employees of the Council or others appointed or engaged to work as officers of the Council.

'Ordinary Meeting' means a meeting of the Council, a Committee or a Sub Committee as the case may be, which is included in the calendar of meetings approved by the Council except the Annual Meeting of the Council.

'Parent Committee' in respect of a Sub Committee means the Committee whose terms of reference include those of the Sub Committee.

'Political Group' means political groups as defined in the Local Government (Committees and Political Groups) Regulations 1990. Essentially it covers any group of two or more Members who have notified the Chief Executive in writing that they wish to be treated as a political group.

'Quasi-judicial' refers to a process of decision-making which is similar to a Court of Law, in that each party with an interest in the matter under discussion has an opportunity to make their case, following which the Committee will make decision on the facts and representations.

'Scrutiny' refers to the process of monitoring service delivery, examining policy outcomes, scrutinising/reviewing policies and practices, considering the outcomes of Best Value Reviews and, holding Cabinet Members accountable for their decisions.

'Sealing' means the affixing of the Common Seal of the Council either by physical means or by such electronic means as the Operational Director of Assurance may from time to time authorise. The affixing of an electronic seal shall be of the same legal effect as affixing the Common Seal of the Council physically.

'Section 151 Officer' means the person designated as such under Section 151 Of the Local Government 1972.

'Senior Officer' means a senior officer of the Council who is responsible for a particular function or service and who is usually a Chief Officer or Head of Service.

'Signing' or 'to sign' means the application of a signature either by physical means or by such electronic means as the Operational Director of Assurance may from time to

time authorise. The electronic signature shall be of the same legal effect as a signature applied physically.

'Standing Orders' means the rules and procedures contained in the Standing Orders found in Part 3 of this Constitution.

'Sub Committee' means any Sub Committee appointed by a Committee or by the Council, which has functions, referred or delegated to it by a Committee or by Council.

'Urgent matter' means a matter, which is to be considered at a meeting of the Council, a Committee or a Sub Committee by virtue of section 100B 4(b) of the Local Government Act 1972. That section provides that matters not appearing on the agenda published three clear working days before the meeting can be considered at the meeting, if by reason of special circumstances, the Chair is of the opinion that the item should be considered at the meeting as a matter of urgency.

'Ward' means one of the 21 geographical areas within the borough, each represented by 3 elected Members.

'Written Notice' unless otherwise stated shall mean notice given in writing, by hand, by fax or electronically. Electronic signatures are acceptable.

'Year' means a municipal year running from one Annual Meeting of the Council until the next, unless a calendar year or a year commencing on any other date is specified.

PART 1

ARTICLES

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2	Members of the Council
3	The Public and the Council
4	The Full Council
5	The Executive
6	Scrutiny Committees
7	The Planning Committee and the Licensing Committee
8	Other Committees and Joint Arrangements
9	Officers
10	Decision Making
11	Finance, Contracts and Legal Matters
12	Review and Revision of the Constitution
13	Interpretation and publication

ARTICLE 1 – THE CONSTITUTION

1.1 Powers of the Council

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

1.2 The Constitution

This Constitution, including all its appendices, is the Constitution of the London Borough of Redbridge.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition

The Council comprises 63 elected Councillors. Councillors are elected by the voters of each Ward.

2.2 Election and terms of Councillors

The regular election of Councillors will normally be held on the first Thursday in May every four years, i.e. in 2014, 2018, 2022 and so on. 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 next regular election.

2.3 Roles and functions of all Councillors

(a) Key Roles

The roles of Councillors are set out in the Local Councillor Job Description which appears at Part 4 of this Constitution.

(b) Rights and duties

- (i) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 3 of this Constitution.

2.4 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 4 of this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 5 of this Constitution.

ARTICLE 3 – THE PUBLIC AND THE COUNCIL

3.1 The public's rights

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in Parts 3 and 4 of this Constitution.

- (a) **Voting.** Individuals on the electoral roll for the area have the right to vote in local and other elections for which they are eligible to vote.
- (b) **Information.** Members of the public have the right to:
 - (i) Attend meetings of the Council, the Cabinet and Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) Find out from the Forward Plan what key decisions will be taken by the Executive or Officers and when;
 - (iii) See reports and background papers, and any records of decisions made by the Council, the Executive and Committees which are open to the public; and
 - (iv) Inspect the Council's accounts during the audit process and make their views known to the external auditor.
- (c) **Participation.** Members of the public have the right to participate in public question time where provided for in Standing Orders and, where appropriate, in the work of Scrutiny Committees.
- (d) **Complaints.** Members of the public have the right to complain to:
 - (i) The Council itself under its complaints procedure;
 - (ii) The Ombudsman after using the Council's own complaints procedure; and
 - (iii) The Monitoring Officer about a breach of the Members' Code of Conduct.

ARTICLE 4 - FULL COUNCIL

4.1 Functions of the Council

Certain functions may only be carried out by the Council meeting in Full Council. These are described in Part 2 of the Constitution (*'Responsibility for Functions'*). These functions may not be delegated to another person or body except in limited circumstances where specified in this Constitution.

4.2 Council meetings

There are four types of Council meetings:

- (a) the Annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings; and
- (d) Budget meeting,

and they will be conducted in accordance with Council's Standing Orders.

4.3 Role and function of the Mayor

The Mayor will be elected by the Council annually. The Mayor presides over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community. He/she, or in his/her absence, the Deputy Mayor will also attend such civic and ceremonial functions as he/she determines appropriate.

ARTICLE 5 – THE EXECUTIVE

5.1 Role

The Executive carries out all the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. Some executive decisions are delegated to Officers.

5.2 Form and composition

The Executive consists of the Leader and a Cabinet of between two and nine other Councillors. The Leader is appointed by the Council at the Annual Council meeting immediately after the local elections and holds office until the Annual Council after the next local elections unless he/she is removed by a resolution of the Council or he/she resigns or become disqualified. The Leader must appoint a Deputy Leader, whose term of office is the same as that of the Leader, though he/she may be removed from office by the Leader. The Leader will appoint a Cabinet which will consist of the Deputy Leader and between one and eight other Councillors.

5.3 Executive Functions

The Leader may exercise any executive functions personally or may make arrangements for their exercise by any of the following;

- (a) the Cabinet;
- (b) an individual Cabinet Member;
- (c) a committee of the Cabinet;
- (d) an officer;
- (e) another local authority; or
- (f) a joint committee with another local authority.

Unless the Leader directs otherwise, the Cabinet may arrange for the discharge of any functions which have been allocated to it to be discharged by;

- (a) a committee of the Cabinet;
- (b) an officer;
- (c) another local authority; or
- (d) a joint committee with another local authority.

Unless the Leader directs otherwise, an individual Cabinet Member may arrange for the discharge of any functions which have been allocated to them by;

- (a) an officer;
- (b) another local authority; or
- (c) a joint committee with another local authority.

Unless the Leader directs otherwise, a committee of the Cabinet may arrange for the discharge of any functions which have been allocated to it by;

- (a) an officer;
- (b) another local authority; or
- (c) a joint committee with another local authority.

This constitution includes the arrangements made by the Leader for the discharge of executive functions.

The Leader will allocate responsibility for a particular portfolio to each of the Cabinet Members. The portfolios and the role of portfolio holders are set out in section 5 of Part 2 of this Constitution. The number and terms of reference of portfolios may be changed by the Leader from time to time.

5.4 Cabinet Members

Each Member of the Cabinet will continue in office until:

- (a) he/she resigns from office; or
- (b) he/she is replaced or removed from office by the Leader; or
- (c) he/she ceases to hold office under the terms of the Council's Standing Orders.

5.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Standing Orders set out in Part 3 of this Constitution.

ARTICLE 6 – SCRUTINY COMMITTEES

6.1 Appointment and Functions

The Council will appoint politically proportionate scrutiny committees which may not include any member of the Cabinet, to discharge the functions created by:

- (a) Section 9F of the Local Government Act 2000.
- (b) Sections 19 and 21 of the Police and Justice Act 2006, and relevant Regulations.
- (c) Section 244 of the National Health Service Act 2006 and relevant Regulations. Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provides that two or more local authorities may appoint a joint committee, known as a joint overview and scrutiny committee (JOSC), of those authorities and arrange for relevant functions in relation to any (or all) of those authorities to be exercisable by the joint committee subject to such terms and conditions as the authorities may consider appropriate.

The Council has itself appointed the following scrutiny committees to discharge the above mentioned functions:

- The Overview and Scrutiny Committee (OSC)
- The External Scrutiny Committee
- The Council has jointly with other authorities also appointed the Outer North East London Joint Health Overview and Scrutiny Committee.

The Council may from time to time change the number and/or terms of reference of the scrutiny committees it appoints.

The Council has also agreed terms of reference for scrutiny sub-committees to be appointed by the OSC committee, namely:

- Education Scrutiny Sub-Committee
- Health Scrutiny Sub-Committee

6.2 General Role

The detailed terms of reference and role of the OSC, the sub-committees and the Scrutiny Committees are set out in Part 2 of the Constitution. In summary, their role is to:

- (a) Scrutinise the effectiveness and appropriateness of the authority's policies and recommend changes or improvements;
- (b) Assist in the development of the authority's policy;
- (c) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the authority's functions;
- (d) Exercise the right to call-in of decisions made but not yet implemented by the Executive and Officers making executive decisions (OSC only); and
- (e) Discharge specific statutory scrutiny functions in respect of crime and disorder matters, external health bodies and the Health and Well Being Board.

6.3 Proceedings of Scrutiny Committees

The OSC, their sub-committees and the Scrutiny Committees will conduct their proceedings in accordance with the Standing Orders set out in Part 3 of this Constitution.

ARTICLE 7 – PLANNING COMMITTEE AND LICENSING COMMITTEE

7.1 Planning and Licensing Committee

The Council will appoint a Planning Committee and a Licensing Committee. The Licensing Committee will appoint Licensing Sub-Committees to deal with individual licensing matters. The seats on the Committees and subcommittees shall be allocated proportionately to the representation of political groups on the Council.

7.2 Responsibilities

The responsibilities of the Planning Committee and Licensing Committee are set out in Part 2 of this Constitution. The Council may change these responsibilities from time to time.

7.3 Proceedings

The Planning Committee and the Licensing Committee will conduct their proceedings in accordance with the Standing Orders set out in Part 3 of this Constitution.

ARTICLE 8 – OTHER COMMITTEES AND JOINT ARRANGEMENTS

8.1 Other Committees

The Council may from time to time establish such other Committees as it sees fit. The Leader or Cabinet may establish Committees of the Cabinet.

8.2 The proceedings of any other Committees established by the Council or the Cabinet shall be governed by the Standing Orders set out in Part 3 of this Constitution.

8.3 The composition and responsibilities of any other Committees are set out in Part 2 of this Constitution.

8.4 Joint arrangements

(a) The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.

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

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

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

(i) The Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the Joint Committee any Member who is a member for a Ward which is wholly or partly contained within the area: the Political balance requirements do not apply to such appointments.

(e) Details of any joint arrangements, including any delegations to Joint Committees, will be found in Part 2 of this Constitution.

8.5 Access to information

(a) If all the members of a joint Committee are Members of the Cabinet in each of the participating authorities then its Access to Information regime is the same as that applied to Cabinet by regulations under sections 22 and 105 of the Local Government Act 2000.

- (b) If the joint Committee contains Members who are not on the Cabinet of any participating authority then the Access to Information rules in Part VA of the Local Government Act 1972 will apply.

8.6 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such delegation from another local authority shall be reserved to the full Council.

8.7 Contracting out

The Council in respect of functions which are not executive functions and the Executive in respect of executive functions may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 9 – OFFICERS

9.1 Management structure

- (a) **General.** The Council may engage such Officers as it considers necessary to carry out its functions. A link to the Council’s Management Structure is found in Part 6.
- (b) **Specific Duties.** The Monitoring Officer and the Section 151 Officer have specific duties to make sure that the Council acts within the law and uses its resources wisely.

9.2 Head Of Paid Service, Monitoring Officer and Section 151 Officer The

Council designates the following posts:

Post	Designation
Chief Executive	Head of Paid Service
Operational Director - Assurance	Monitoring Officer
Corporate Director of Resources	Section 151 Officer

Provided that during any period when an officer is not appointed to any of the posts specified in the table above and there is no deputy acting into the designated statutory roles set out above, it shall be for the Council to determine the arrangements for the designation of respectively the Head of Paid Service, Monitoring Officer and Section 151 Officer.

9.3 Head of Paid Service

Section 4 of the Local Government and Housing Act 1989 requires that every Authority designates one of its Officers as the Head of their Paid Service.

Functions of the Head of Paid Service

- (a) **Discharge of Functions by the Council:** The Head of the Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of Officers required for the discharge of functions and on the organisation of Officers.

- (b) Corporate Management: The Head of Paid Service will be responsible for the corporate management of the Council and for ensuring the co-ordination of services and the provision of appropriate professional advice.
- (c) Structure: The Head of the Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.
- (d) Appointment of Staff: The appointment of Officers below Deputy Chief Officer level is the responsibility of the Head of Paid Service or their nominee, normally an appropriate Director or other senior officer.
- (e) Restrictions on Functions: The Head of the Paid Service cannot be the Monitoring Officer, but may hold the post of Section 151 Officer if a qualified accountant.

9.4 The Monitoring Officer

The responsibilities of the Monitoring Officer are set out in Section 5 of the Local Government and Housing Act 1989, the Localism Act 2011 and Regulations made thereunder.

Functions of the Monitoring Officer

- (a) Ensuring lawfulness of decision-making: Report on contraventions or likely contraventions of any enactment or rule of law after consulting with Head of the Paid Service and Corporate Director of Resources.
- (b) Report on any maladministration or injustice where the Ombudsman has carried out an investigation and consider and advice on compensation for maladministration.
- (c) Discharge delegated responsibilities relating to the receipt and investigation of Member conduct complaints.
- (d) Establish and maintain Registers of Members' Interests and Gifts and Hospitality.
- (e) Advice to Members on interpretation of Code of Conduct.
- (f) Key role in promoting and maintaining high standards of conduct through support to the Standards Committee.
- (g) Advice on vires issues, maladministration, impropriety, probity and policy framework issues to all Members.
- (h) Contributing to corporate management: the Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of advice on legal, constitutional, procedural and probity issues.

Restrictions on Post

The Monitoring Officer cannot be the section 151 Officer or the Head of the Paid Service.

9.5 The Section 151 Officer

The responsibilities of the Corporate Director of Resources, as the Section 151 Officer, are set out in Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government Act 2000, the Accounts & Audit Regulations 1996 and Regulations made under the above legislation.

The Functions of the Section 151 Officer

- (a) Administration of Financial Affairs: The Corporate Director of Resources, as Section 151 Officer, will have responsibility for the proper administration of the financial affairs of the Council.
- (b) Contributing to Corporate Management: The Corporate Director of Resources, as Section 151 Officer, will contribute to the Corporate Management of the Council, in particular through the provision of professional financial advice.
- (c) Providing Advice: The Corporate Director of Resources, as Section 151 Officer, provides advice on financial matters within the budget framework, maladministration, and probity.
- (d) Ensuring Lawfulness and Financial Prudence of Decision-making: After consulting with the Head of the Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council, or to the Executive (in relation to an executive function) and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause loss or deficiency, or if the Council is about to enter an item of account unlawfully.
- (e) Leading an effective Finance Service.

Restrictions on post

The Section 151 Officer cannot be the Monitoring Officer but may be the Head of the Paid Service.

- 9.6** The Monitoring Officer and the Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of advice on legal, constitutional, procedural, and probity, financial and budget issues.

The Monitoring Officer and Section 151 Officer have access to all meetings of the Council, the Cabinet, Committees, Working Parties etc. The Monitoring Officer and Section 151 Officer and their staff monitor all reports to Members and provide advice and guidance on reports to relevant officers. Further, all reports include separate sections containing legal and financial implications including the specific powers under which decisions can be made and the financial effects of decisions and budgets.

- 9.7** The Council has a statutory duty to provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and resources as are in their opinion sufficient to allow their duties to be performed.

ARTICLE 10 – DECISION MAKING

10.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for functions which are not the responsibility of the Executive. The Executive will issue and keep up to date a record of the body or individual responsible for executive functions. These records are set out in Part 2 of this Constitution and may change from time to time.

10.2 Principles of decision-making

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

- (a) any action will be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from Officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) explaining what options were considered and giving the reasons for the decision;
- (g) all information to be provided in plain language.

10.3 Types of decision

- (a) Decisions reserved to Full Council: Decisions relating to the functions listed in Part 2 as being reserved to Full Council will be made by the full Council and not delegated except to the extent permitted by that Part.
- (b) Executive decision: Executive decisions are decisions taken by Cabinet, Cabinet Members or Officers in relation to an Executive Functions.
- (c) Key Decisions: Key Decision means an Executive Decision of the type described below.
- (c) A decision taker may only make a key decision in accordance with the requirements of the Access to Information Rules set out in Part 3 of this Constitution.

10.4 Decision making by Council bodies, Members or Officers

Any Council Body, Councillor or Officer will follow the applicable Standing Orders set out in Part 3 of this Constitution when considering any matter.

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

10.5 Key Decisions

An Executive decision is a Key Decision if the answer **to ANY of the following three questions** below is "Yes". Given the presumption towards openness in decision making, Officers should answer "Yes" where the conclusion is in doubt:-

Question 1 - Is the decision likely to result in expenditure or savings, which are significant having regard to the budget for the service or function to which the decision relates?

Question 2 - Is the decision likely to be significant in terms of its effects on communities living or working in an area comprising two or more Wards?

Question 3 - Does the decision seek to amend any part of the Council's Budget and Policy Framework?

Guidance on Question 1 (Financial Limits)

As a guide, expenditure or savings are likely to be significant if they exceed the following [subject to any guidance issued by central Government]:

Heading	Area	Threshold
Revenue & Capital Budgets	<ul style="list-style-type: none"> A decision (or decisions), which has the cumulative effect of increasing the approved budget in any one financial year, or on an ongoing basis, funded from reserves 	Exceeding £250k or 10% of the gross budget for the service concerned, whichever is the smaller
	<ul style="list-style-type: none"> A decision (or decisions), which has the cumulative effect of reducing the approved budget of any service through savings in any one financial year, or on an ongoing basis 	Exceeding £250k or 10% of the gross budget for the service concerned, whichever is the smaller
	<ul style="list-style-type: none"> A decision to apply an approved budget (e.g. Partnership Development Reserve, capital scheme or grant to a voluntary organisation) 	£250k

Other	<ul style="list-style-type: none"> • A decision to acquire or dispose of a capital asset 	£250k
	<ul style="list-style-type: none"> • A decision to increase fees and charges 	ALL decisions to introduce new fees and charges are Key Decisions and all decisions to increase fees and charges are Key Decisions except inflationary increases

Notes

- (a) Notwithstanding the thresholds above, no decision where the financial implication is less than £10,000 will be considered a Key Decision on financial grounds alone. Any decision where the financial implication is less than £10,000 may be a Key Decision if it has a significant effect on the Community [see Question 2 above], or if it is an increase (other than an inflationary increase) in fees and charges.
- (b) The Council's approval of the annual revenue budget each year incorporates decisions to incur expenditure on all provisions contained therein. Further decisions are therefore only likely to be required in the case of proposed variations to approved provisions. In the case of the Capital Programme, Council approval of the programme does not incorporate permission to spend. Separate approval is therefore required to apply the approved budget and for the choice of specific schemes to be progressed within unallocated, general provisions, e.g. major highway maintenance schemes. In the case of allocation of revenue or capital provisions, the limit shall apply to the total amount being allocated from a provision at any one time and not to the individual allocations.
- (c) What comprises a service or function needs to be considered on its merits. It should, however, be capable of identification as a discrete activity and in many instances will reflect the Council's statutory duties, e.g. collecting used plastic is not a service in its own right but recycling probably is, even though it forms part of the wider waste collection function. The gross budget for a service is budgeted expenditure excluding support service charges and Capital Charges. In some instances, the relevant revenue budget may well apply at individual cost centre level where there is delegated responsibility. Generally, the budget will be defined at the lowest appropriate level of budget holder responsibility.
- (d) For one-off capital projects, these limits relate to total project costs notwithstanding the project may straddle several financial years. For rolling programmes, they relate to the relevant annual provision.
- (e) The financial implications of Key Decisions defined under other criteria (i.e. effect on communities) may fall below these limits.

- (f) As the definition of a Key Decision includes only executive decisions, decisions of the Council are excluded. Thus the setting of the Council's annual revenue budget and Capital Programme, Council Tax and Treasury Borrowing Limits, which are reserved to the Council, are excluded from the definition.
- (g) Decisions taken in connection with the statutory Right to Buy scheme or statutory property enfranchisement or in connection with the renewal or extension of an existing lease, license or other contractual arrangement and any other decisions taken in connection with any such existing lease, license or contractual arrangement will not be a Key Decision based on the financial value of the decision alone.

Guidance on Question 2 (Effect on Communities)

- (a) Consideration should be given to the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity or well-being of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.
- (b) Effects may be direct or indirect, e.g. a road-widening scheme that closes a shop may directly affect only a small number of people living or working there but indirectly affect hundreds who shop there. Effects may also be of various kinds, e.g. social, economic, environmental.
- (c) Where a decision is only likely to have a significant impact on a very small number of people in one ward, those people should nevertheless be informed of the forthcoming decision in sufficient time for them to exercise their rights to see the relevant papers and make an input into the decision making process.
- (d) A decision that affects people living or working in **only one ward** should also be treated as a Key Decision if the effects are sufficiently significant, e.g. a school closure or the introduction or amendment of traffic calming measures.

Guidance on Question 3 (Budget and Policy Framework)

The Council is responsible for agreeing the Budget and Policy Framework. The Policy Framework contains a number of statutory and other plans and strategies. Any decision to agree a new version of one of the plans forming part of the Policy Framework, or amend any such existing plan, will be regarded as a Key Decision.

ARTICLE 11 – FINANCE, CONTRACTS AND LEGAL MATTERS

11.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Standing Orders set out in Part 3 of this Constitution. These may change from time to time.

11.2 Contracts

Every contract made by the Council will comply with Contract Standing Orders set out in Part 3 of this Constitution. These may change from time to time.

11.3 Legal Proceedings

The Operational Director - Assurance has authority 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 he/she considers that such action is necessary to protect the Council's interest.

11.4 Authentication of documents

Any document which will form a necessary step in legal proceedings on behalf of the Council must be signed by the Operational Director - Assurance to the Council unless:

- (a) Any enactment requires or authorises otherwise, or
- (b) The Council gives the necessary authority to another person.

ARTICLE 12 – REVIEW AND REVISION OF THE CONSTITUTION

12.1 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and report to Council as appropriate at the end of the first year.

12.2 Changes to the Constitution

Changes to the Constitution (other than to those parts of the Constitution which set out matters which are decided upon by the Executive – for instance the delegation of executive functions to committees or officers) will only be approved by the full Council after consideration of a report by the Monitoring Officer

ARTICLE 13 – INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

13.1 Interpretation

- (a) Words importing the singular shall where the context so admits includes the plural and vice-versa.
- (b) Words importing either gender shall where the context so admits include the other gender and words importing persons shall likewise include bodies corporate, unincorporated associations and partnerships.
- (c) Any reference to legislation shall include a reference to that legislation as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent legislation.
- (d) The Monitoring Officer shall settle any questions concerning the interpretation of the Constitutional Documents.
- (e) The Mayor or the Chair of Cabinet or any other Council Meeting will decide all questions of order and procedures at Council, Cabinet or any other Council meetings and his/her interpretations and ruling on Standing Orders may not be challenged.

13.2 Publication

- (a) The Monitoring Officer will make the Constitution available on the Council's website.
- (b) The Monitoring Officer will upon request give a printed copy of this Constitution to each Member of the Authority as soon as practicable following its formal adoption by the Council or upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council whichever is the later event.
- (b) The Monitoring Officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

13.3 Corrections and Minor Alterations

The Monitoring Officer may at any time correct an accidental error.

The Monitoring Officer may correct any part of the Constitution by updating roles, job titles, portfolios, departments or similar. The Monitoring Officer may correct or amend headings or numbering. The Monitoring Officer may, in consultation with the Chair of the Governance and Assurance Committee, make minor alterations to the Constitution to ensure consistency or legal compliance or to provide clarity and any such minor alterations shall be reported to the next Council meeting.

SECTION 1 - GENERAL

1.1 Meanings and Interpretation

- (a) **Executive functions** shall mean those functions, which by law must be the responsibility of the Executive. The Leader will either exercise these functions personally or make arrangements for their performance by:
- (i) the Cabinet;
 - (ii) individual Cabinet Members;
 - (iii) a committee of the Cabinet;
 - (iv) an officer;
 - (v) another local authority; or
 - (vi) a joint committee with another local authority.
- (b) **Non-executive functions** shall mean those functions, which by law must not be the responsibility of the Executive.
- (c) **Local choice functions** shall mean those functions which the Council may decide are either executive or non-executive functions.

Council Functions

- 1.2 The Council is responsible for the exercise of all functions that are not the responsibility of the Executive. The Council may delegate the exercise of non-executive functions to any other committee, person or body subject to any statutory constraints.
- 1.3 Only the Council may exercise those functions described in section 2 of this Part (*'Matters Reserved to Full Council'*).

Local Choice Functions

- 1.4 The Council and the Cabinet are between them responsible for the Local Choice functions set out in Section 3 (*'Local Choice Functions'*).

Committee Functions

- 1.5 The Council has created a number of ordinary committees, joint committees and overview and scrutiny committees and has hereby delegated some of its functions to those bodies. The functions which have been so delegated are set out in Section 4 (*'Terms of Reference of Committees and Other Bodies'*). This section also includes the terms of reference for and powers of subcommittees and other bodies and advisory boards or panels which the Council has created or appointed to and any Cabinet committees or joint committees appointed or joined by the Leader of Cabinet.

- 1.6** Any reference to a Committee or Sub-Committee or body shall be deemed to include reference to a successor Committee, Sub-Committee or body provided that the subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee, Sub-Committee or body.
- 1.7** Any body which delegates a function to another body or person or who nominates or authorises another body or person to act on their behalf shall not be prevented from exercising that power himself should that body or person so wish.

Executive Arrangements

- 1.8** In accordance with section 9E of the Local Government Act 2000, the Leader is responsible for the exercise of all executive functions and any local choice functions which the Council decides are executive functions. The Leader may make arrangements for the discharge of those functions by any of the following:
- (i) the Cabinet;
 - (ii) individual Cabinet Members;
 - (iii) a committee of the Cabinet;
 - (iv) an officer;
 - (v) another local authority; or
 - (vi) a joint committee with another local authority.
- 1.9** Unless the Leader directs otherwise, the Cabinet may arrange for the discharge of any functions which have been allocated to it to be discharged by:
- (a) a committee of the Cabinet;
 - (b) an officer;
 - (c) another local authority; or
 - (d) a joint committee with another local authority.
- 1.10** Unless the Leader directs otherwise, an individual Cabinet Member may arrange for the discharge of any functions which have been allocated to them by:
- (a) an officer;
 - (b) another local authority; or
 - (c) a joint committee with another local authority.
- 1.11** Unless the Leader directs otherwise, a committee of the Cabinet may arrange for the discharge of any functions which have been allocated to it by:
- (a) an officer;
 - (b) another local authority; or
 - (c) a joint committee with another local authority.

- 1.12** This Part of the Constitution sets out the arrangements made by the Executive for the discharge of executive functions.
- 1.13** The making of any arrangements for the discharge of any functions does not prevent the person or body who made those arrangements from exercising the functions to which they relate.

Cabinet Functions

- 1.14** The functions of the Cabinet, as agreed by the Leader of the Council, are described in Section 5 (*'Cabinet Functions'*). The Leader has hereby delegated all necessary powers to the Cabinet (and any person nominated or agreed by the Cabinet) to undertake any executive function and to members of the Cabinet (and any person nominated or agreed by members of the Cabinet) to undertake any executive functions listed in their portfolios. The cabinet portfolios shall be notified by the Leader to the Monitoring Officer who shall then arrange for the Cabinet portfolios to be notified to all members of the Council. The current portfolios are listed in Section 5, although subject to change at any time. The powers delegated to Cabinet Members are set out in Section 6 (*"Scheme of Delegation"*).
- 1.15** The Leader may create and delegate functions to executive committees, joint committees or sub-committees and has agreed to participate in and delegate functions to one or more joint executive committees as set out in Section 4 (*Terms of Reference of Committees'*).

Officer Functions

- 1.16** The Leader has hereby delegated all necessary powers to the Chief Executive and to other Chief Officers (and all and any other officers or third parties authorised or nominated by the Chief Executive or Chief officers for those purposes) to lead and manage and make decisions on the executive functions for which they are allocated responsibility except where those functions are already reserved to the Council or to a Cabinet member, a committee or the Cabinet.
- 1.17** The Council has hereby delegated all necessary powers to the Chief Executive and other Chief Officers (and all and any other officers authorised or nominated by the Chief Executive or Chief officers for those purposes) to lead and manage and make decisions on the non-executive functions for which they are allocated responsibility except where those functions are already reserved to the Council or a committee.
- 1.18** The areas of responsibility allocated to Chief Officers and others may change from time to time but the current allocation of responsibilities is set out in Section 6 (*"Scheme of Delegation"*). Any changes to these areas of responsibility will be notified by the Chief Executive to the Operational Director - Assurance who shall then arrange for those areas of responsibility to be notified to all members of the Council and for the Scheme of delegation to be updated accordingly.

Contracting Out

- 1.19** The Council and the Leader may delegate functions to other persons or bodies where permitted by law to do so, for example pursuant to an order made under the Deregulation and Contracting Out Act 1994 and may also so delegate functions to persons or bodies nominated or authorised or otherwise named by Chief Officers for those purposes.

Key Decisions and Forward Plan

- 1.20** Any decision which is a Key Decision (as defined in the Articles of the Constitution) is subject to the requirements on prior publication in the Forward Plan as set out in the Constitution.
- 1.21** Any other decisions over £250k will be included in the Forward Plan for information and will be published.

Scheme of Delegation

- 1.22** The functions and powers delegated by the Council, a committee or the Leader to Chief Officers and others are set out in the Scheme of Delegation.
- 1.23** The persons or posts specified in the Scheme of Delegation may change from time to time as notified by the relevant Chief Officer to the Monitoring Officer.

SECTION 2 – MATTERS RESERVED TO FULL COUNCIL

- 2.1** Election of the Mayor or another councilor to preside over Council meetings in the absence of the Mayor.
- 2.2** Adopting and changing the Constitution (save to the extent that the Constitution sets out matters which are decided upon by the Executive – for instance the delegation of executive functions to committees or officers and minor alterations by the Monitoring Officer) including the Members' Allowance Scheme.
- 2.3** Approving or adopting the Budget and Policy Framework as defined in the Constitution.
- 2.4** Subject to the urgency procedure contained in the Access to Information Rules in Part 3 of this Constitution, making executive decisions which are contrary to the policy framework or executive decisions which are contrary to or not wholly in accordance with the budget.
- 2.5** Appointing and removing the Leader.
- 2.6** In relation to functions which are not the responsibility of the Executive, agreeing and/or amending the terms of reference for Council, Committees, Sub-Committees or Joint Committees, deciding on their composition and making appointments to the committees and joint committees. All Members of the Council should be consulted prior to any proposals coming before Council in respect of changes to the titles and/or terms of reference of Council, the Executive and Committees.
- 2.7** Appointing any independent members, co-opted members, advisers or observers to committees and to appoint the 'Independent Persons' who are appointed to advise on conduct or disciplinary issues relating to members or the Head of Paid Service, section 151 officer or Monitoring Officer.
- 2.8** Making, amending or revoking Standing Orders save to the extent that the Constitution or Standing Orders set out matters which are decided upon by the Executive, e.g. waivers of Contract Standing Orders.
- 2.9** Confirming the appointment of the Head of the Paid Service, the Monitoring Officer and the Section 151 Officer.
- 2.10** Any decision to dismiss the Head of the Paid Service, Monitoring Officer and Section 151 Officer in accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
- 2.11** Making, amending, revoking, re-enacting or adopting bylaws.
- 2.12** To appoint freemen or aldermen of the borough.
- 2.13** Promoting or opposing the making of local legislation or personal Bills.

- 2.14** Appointing proper officers for the purposes of any particular functions where so required by law.
- 2.15** To exercise those local choice functions set out in Part 2 of this Constitution which are stated to be functions of the Council.
- 2.16** To determine whether or not to accept the delegation of any non-executive functions from another local authority.
- 2.17** All other matters which, by law or this Constitution, must be reserved to the Council.

SECTION 3 - RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

- 3.1** Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out a number of functions which may be exercised either by the Executive or which may be reserved to the Council or a non-executive committee of the Council. These are referred to as "local choice functions".
- 3.2** The table which follows sets out the relevant local choice functions and specifies whether they are to be exercised by the Executive or by Council. Where a function is to be exercised by Council, the table also indicates whether this is to be exercised by Council itself or a committee.

LOCAL CHOICE FUNCTION	EXECUTIVE OR COUNCIL
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	If the function is one of a similar type, class or nature to other functions of the Executive, then the function shall be exercised by the Executive. Otherwise, the function shall be exercised by the Council. In particular, any power to adopt provisions in local legislation or to determine to acquire any property compulsorily shall be exercised by full Council. Where a function shall be exercised by Council, it may be exercised by any committee exercising non-executive functions where the function falls within that committee's terms of reference.
2. The determination of an appeal against any decision made by or on behalf of the authority.	Council. Where the appeal concerned falls within the terms of reference of any non-executive committee, that committee may determine any such appeal.
3. The making of arrangements in relation to appeals against exclusion of pupils.	Executive
4. The making of arrangements in relation to admission appeals.	Executive

5. The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (appeals by governing bodies in respect of children to whom section 87 of the School Standards and Framework Act apply).	Executive
6. Any function relating to contaminated land.	Executive
7. The discharge of any function relating to the control of pollution or the management of air quality.	Executive
8. The service of an abatement notice in respect of a statutory nuisance.	Executive
9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough.	Executive
10.The inspection of the Borough to detect any statutory nuisance.	Executive
11.The investigation of any complaint as to the existence of a statutory nuisance.	Executive
12.The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	If the information is required for the purposes of a function which may be exercised by the Executive, the Executive shall exercise this function, otherwise it shall be exercised by Council. Where this function is to be exercised by Council, it may be exercised by the Regulatory Committee.
13.The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	If the information is required for the purposes of a function which may be exercised by the Executive, the Executive shall exercise this function, otherwise it shall be exercised by the Council. Where the function concerned is to be exercised by Council and falls within the terms of reference of any committee exercising non-executive functions, that committee may exercise this function.
14.The making of agreements for the execution of highways works.	Executive unless the need for the highways agreement has arisen from a planning decision, in which case the responsibility shall lie with Council, and the function may be exercised by Regulatory Committee.

<p>15. The appointment of any individual (a) to any office other than an office in which he is employed by the Council; (b) to any body other than - (i) the Council; () a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	Executive
<p>16. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	Executive

SECTION 4 – TERMS OF REFERENCE OF COMMITTEES

GENERAL PURPOSES COMMITTEE

Membership

7 elected members (to be politically balanced)

Chair

To be appointed by the Committee

Frequency of Meetings

Ad hoc, but scheduled for every other month and usually meeting immediately before or after Cabinet.

Sub Committees

The Staffing Committee
Constitutional Review Working Group

Purpose and Roles

The role of the committee is to exercise any non-executive functions not already delegated to another committee or officer including, but not limited to, matters relating to staff, elections and by-laws.

The committee will also be responsible for considering any significant changes to the Constitution prior to consideration of Full Council.

STAFFING SUB-COMMITTEE

Membership

5 elected members, to be appointed from time to time in accordance with the wishes of the Leaders of the political groups in accordance with the rules on political balance.

The two Independent Persons will be invited onto the sub-committee whenever it meets as an advisory panel to consider any proposed disciplinary action against the Head of Paid Service, the section 151 Officer or the Monitoring Officer.

Chair

To be appointed by the Sub-Committee

Frequency of meetings

Ad hoc

Purpose and roles

The role of the sub-committee is to:

- a) appoint and dismiss those Chief Officers and Deputy Chief Officers required by Standing Orders to be appointed or dismissed by members and to determine any disciplinary action in respect thereof (except in relation to the Head of Paid Service, the section 151 Officer or the Monitoring Officer, which decisions shall be reserved to Full Council)
- b) determine the severance package, if any, to be agreed with any such outgoing Chief Officer or Deputy Chief Officer
- c) determine any matters relating to the pay or terms and conditions of any such Chief Officers and Deputy Chief Officers not already approved by Council or the General Purposes Committee
- d) hear appeals against dismissal for reasons relating to sickness absence, capability or misconduct by members of staff
- e) meet as an advisory panel convened in accordance with the Standing Orders relating to Chief Officers to consider and make recommendations to the Council on any proposed disciplinary action against the Head of Paid Service, the s151 Officer or the Monitoring Officer.

CONSTITUTIONAL REVIEW WORKING GROUP

Purpose

- a) To review areas of the Constitution to ensure that they are fit for purpose, facilitate good decision-making, and reflect best practice;
- b) To receive and consider requests from Members, officers and committees to review certain areas of the Constitution; and
- c) To recommend appropriate changes to the General Purposes Committee, for approval by Council.

Membership

Members will be appointed to the Constitution Review Working Group by the General Purposes Committee. The Constitution Review Working Group shall comprise of five members and will be politically balanced (4 Labour councillors, 1 Conservative councillor). 1 named substitute shall be appointed for each political group.

Meetings

The Constitution Review Working Group will meet as and when required. All meetings will be held in private and dates and times of meetings will be agreed by the Working Group. The quorum of a meeting of the Constitution Review Working Group will be three.

GOVERNANCE AND ASSURANCE COMMITTEE

Membership

7 elected members to be politically balanced, and not to include cabinet members)
1 independent member acting as non-voting adviser/observer to be appointed by the Council

Chair

An elected member, to be appointed by the Committee

Sub Committees

The Standards (Hearings) Sub-Committee (an advisory committee)

Frequency of Meetings

Quarterly

Purpose

The purpose of the committee is to assess the adequacy of the risk management framework and the internal control environment across the organization. The committee provides review of the authority's integrated governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. The committee is also responsible for dealing with matters relating to member conduct and standards of behaviour. The committee fulfils a significant governance role and is not merely advisory.

Roles

The committee will fulfil the following roles:

Governance and Internal Control

1. To approve the Council's corporate governance arrangements against CIPFA's Good Governance Framework from time to time and to review the **Council's Code of Governance**
2. To approve the **Annual Governance Statement**
3. To review the Council's **RIPA Policy and Strategy** and make recommendations to the Cabinet

Risk Management and Assurance

4. To review the Council's **Risk Management Policy and Strategy** to ensure that it adequately addresses the risks and priorities of the Council and to make recommendations to the Cabinet
5. To monitor the effective development and operation of risk management across the Council and to monitor progress in addressing risk related issues

Counter Fraud and Corruption

6. To review the **Counter-Fraud Policy and Strategy** and make recommendations to the Cabinet thereon and to review the assessment of fraud and corruption risks on an ongoing basis by reviewing delivery of the policy and strategy and outcomes
7. To review and comment on any other counter-fraud policies or strategies referred to the committee by officers such as the **Anti-money Laundering Policy and Strategy** and the **Whistleblowing Policy** and to make recommendations to the relevant chief officer or Cabinet

Internal audit

8. To approve the **Internal Audit Charter**
9. To approve the **Internal Audit Plan** and any significant in-year changes thereto
10. To consider the **Head of Internal Audit's Annual Report** setting out his or her of opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control
11. To receive internal audit reports which contain significant or high risks
12. To review the operation, resources and performance of the internal audit function by receiving an **Annual Report from the Head of Internal Audit on Internal Audit Performance** during the year (including the performance of external providers of internal audit services) and to consider any proposals to significantly change service delivery
13. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years

External Audit and Financial matters

14. To make recommendations to the Council on the arrangements for the appointment of the external auditors and/or on the appointment of such auditors and to receive reports on the performance of the external auditors so appointed
15. To receive and note the **Annual External Audit Plan**

16. To consider the **External Auditor's Report on the Accounts**, including the external auditor's assessment of the Council's arrangements to secure value for money, and review assurances and assessments on the effectiveness of these arrangements
17. To approve the **Statement of Accounts**
18. To receive the **Certificate of Grants Report** from the external auditor.
19. To consider the **External Auditor's Annual Letter** and any other reports from the external auditor.
20. To comment on the **Treasury Management Strategy**.

Accountability Arrangements

21. To report to Full Council on a regular basis on the **Committee's performance** in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

Information Governance

22. To review and comment on the Council's Information Governance Strategy and to receive the annual report from the SIRO on information security risks and other associated issues.

Standards

23. To make recommendations to Full Council on proposed changes to the **Member Code of Conduct**.
24. To make recommendations to Full Council on the adoption of or proposed changes to a **Planning Committee Protocol, the Protocol on Conduct at Meetings and Use of Modern Media Tools and the Member and Officer Protocol**.
25. To receive an **Annual Report from the Monitoring Officer** on the operation of the Code of Conduct and on issues related to member conduct general, including any dispensations granted to members of the Council and any disclosures by job candidates of personal relationships with elected members.
26. To make recommendations to Full Council on the appointment of an independent chair to the Standards (Hearings) Sub-Committee.
27. To make recommendations to Full Council on the appointment of up to two Independent Persons as required by statute to advise the Standards (Hearings) Sub-Committee in relation to allegations of misconduct and to be consulted by the Monitoring Officer in relation to Dispensations.
28. To receive recommendation from the sub-committee and/or Monitoring Officer in respect of any allegation of misconduct against a member of the Council.

STANDARDS (HEARINGS) SUB-COMMITTEE

Membership

2 elected members (not to include Cabinet Members)
1 co-opted/independent member acting as independent chair

Chair

A co-opted/independent member, to be appointed by the Sub-Committee.

(NOTE: The co-opted chair is NON-VOTING)

Frequency of Meetings

Ad hoc

Purpose

An advisory committee, the purpose of the sub-committee is to hear allegations of misconduct against members of the Council and to make recommendations thereon to the Governance & Assurance Committee if necessary.

PENSION FUND COMMITTEE

Membership

5 members (to be politically balanced)

Chair

To be appointed by the Committee.

Frequency of Meetings

Quarterly

Sub Committees

None

Role

To be responsible for the overall investment policy, strategy and operation of the fund and its performance, including taking into account the profile of the Fund liabilities, including the following:

1. To determine the Fund management arrangements, including the appointment and, if necessary, termination of the Fund Managers, Custodian and Fund Advisers.
2. To monitor and review the performance of the Fund and of the individual Fund Managers, Custodian and Fund Advisers.
3. To approve the Pension Fund Investment Strategy.
4. To approve the Investment Strategy Statement, the Funding Strategy Statement and other policy statements.
5. To review the performance of Pension Fund investments and to endorse improvement plans where relevant.
6. To review the votes cast by Fund Managers at annual general and extraordinary company meetings.
7. To review the development and effectiveness of the London Collective Investment Vehicle; and consider the investment opportunities that this vehicle presents for the Pension Fund.
8. To receive the Pension Fund Annual Report and accounts (*note, also submitted to the Local Pension Board*).
9. To receive actuarial valuations of the Fund, including the report on the outcome of the 2016 Triennial Pension Fund Review and subsequent review (*note, also submitted to the Local Pension Board*).
10. To consider other strategic issues referred to the committee by the s151 officer.

11. To keep the Pension Fund governance and administration arrangements under review and to recommend changes to the Council when necessary.
12. To keep under review the LGPS regulations, Codes of Practice or guidance issued by the Pensions Regulator and the National Scheme Advisory Board ensuring compliance as applicable.
13. To consider any recommendations made or views expressed by the London Borough of Redbridge Local Pension Board.
14. To advise the Administering Authority on other strategic matters relating to the Pension Fund and/or management of Superannuation Fund Investments.

OVERVIEW AND SCRUTINY COMMITTEE

Membership

11 elected members, including the Chairs of the Policy Development Committees and other Members (to be politically balanced)

Chair

An elected member, to be appointed by the Overview and Scrutiny Committee (OCS)

Frequency of meetings

Monthly, except August; to meet in advance of Cabinet

Purpose

The purpose of the Committee is to undertake scrutiny, contributing to the development of Council policy prior to its consideration by the Cabinet. Its aim is to act as a “critical friend” and to challenge where necessary with a view to shape policy. The Committee will act as the scrutiny committee, agreeing an annual scrutiny forward plan and setting up any necessary working groups and/or allocating cross cutting pieces of scrutiny across the Policy Development Committees. The Committee will monitor responses to petitions and deputations submitted to the Council. The Committee is also responsible for developing and agreeing a Scrutiny Annual Report for submission to Council.

Roles

The Committee will fulfil the following specific roles:

- 1) To review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the Council’s functions
- 2) Identify potential topics for consideration by the Committee or the Policy Development Committees (PDCs) and may develop a workplan for all PDCs
- 3) Receive and consider appeals from petitioners who feel dissatisfied with the Council's initial response to their petition
- 4) Consider Ombudsman reports where a settlement has been made following an adverse finding from the Ombudsman and to consider the Council's Annual Report on Ombudsman referrals
- 5) Consider the Council's arrangements for handling complaints and its performance in complaints handling

- 6) Develop and agree an Annual Scrutiny Report for submission to Council
- 7) Power to escalate decisions proposed to be taken by the Executive to Full Council in accordance with the Call In rules set out in the Constitution.

Powers

- To be a critical friend and support / assist the Council and Cabinet in the development and shaping of the budget and policy framework by in-depth analysis of policy issues
- To appoint scrutiny sub-committees
- To scrutinise the development of plans and strategies prior to them being considered by the relevant decision maker
- To scrutinise the effectiveness and appropriateness of the Council's strategies and policies and the allocation and use of resources in achieving the Council's vision.
- To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- To review the Council's arrangements for community consultation, involvement and participation in the relevant area and to consider feedback to customer surveys
- To scrutinise the performance of existing or potential partner organisations and invite representatives to attend meetings to help the Committee with their scrutiny activities
- To engage with and represent local people and create opportunities to involve them in the scrutiny process
- To receive petitions referred to the Committee by the Council or by the relevant Cabinet Member or Chief Officer
- To consider reports from external bodies and to hear evidence from partners, experts or other stakeholders
- To appoint working groups to carry out in-depth investigations and to receive reports back from Policy Development Committees and to make appropriate recommendations to Cabinet.
- To invite the relevant Cabinet member to attend meetings of the Committee to support the scrutiny process by providing information, advice and responses to questions.

POLICY DEVELOPMENT COMMITTEES

There are 6 Policy Development Committees as follows:

- **Homes and Neighbourhoods**
- **Clean and Green**
- **Health and Care**
- **Safe Redbridge**
- **Children and Young**
- **Strategy & Resources**

Membership to each Committee

11 elected members (to be politically balanced)

Chair

An elected member, to be appointed by each Policy Development Committee

Frequency of meetings

6 times a year, or less if not required (with flexibility for sub-groups to meet as often as is necessary)

Purposes and Roles

The purpose of each Policy Development Committee (PDC) is as set out more specifically below but in general terms the aim is to consider how policy could be improved based on evidence and data and to convey such learnings by way of narrative to the decision-making entity. Each PDC should look at the broader issues and the themes aligned to the Corporate Plan. The purpose is to be discursive, exploratory, and investigative. The PDCs will be receiving presentations as opposed to reports upon which they will engage in discussion and feedback their views and suggestions through a summary by the Chair to the relevant officer for inclusion into any report to Cabinet. Each Chair will represent their respective PDC at Overview and Scrutiny Committee (OSC) and will update their PDC following meetings as a first item on the Agenda for the PDC.

- **Homes and Neighbourhoods** - Ensuring there is both provision and management of housing supply and redesigning the offer to communities as part of place-based working, seeking to assist with achieving the following outcomes:
 - Increased residents' satisfaction with their neighbourhood as a place to live.
 - Reduced number of households in temporary accommodation.
 - Increased percentage of residents who say that people from different backgrounds get on well in their neighbourhood.
 - Increased amount of voluntary sector funding attracted to Redbridge.
 - Increased numbers of new affordable homes.
 - Increased numbers of high quality private sector accommodation.

- Increased quality of external environment in licensed accommodation
 - Improvements to green spaces as safe and attractive places
 - Improved satisfaction in planning and enforcement
- **Clean and Green** - Improving the Redbridge environment including air quality, modal shift, more recycling, and responding to the consequences of a changing environment, working toward:
 - Increased residents' satisfaction with the cleanliness of their neighbourhood as a place to live.
 - Reduced total amount of landfill waste.
 - Reduced carbon footprint for the borough.
 - Improved air quality in the borough.
 - Increased shift to more sustainable forms of transport.
 - Increasing access to electrical vehicle charging points
 - Prevention of fly tipping and rapid removal of incidences
 - Improving quality of safe and attractive green spaces
 - Improve uptake of solar PV on domestic and business premises
- **Health and Care** - Supporting independent living, addressing health inequalities and access the resource and capacity to support the Redbridge population.
 - Increased average life expectancy.
 - Increased average healthy life expectancy
 - Increased usage of leisure facilities.
- **Safe Redbridge** - Focusing on the effective implementation of the Crime Commission with a focus on addressing issues such as VAWG, DV and ASB, disproportionality, trust and confidence in the police and probation service seeking to achieve the following outcomes:
 - Increased percentage of residents who feel safe during the day.
 - Increased percentage of residents who feel safe at night.
 - Enhanced flooding prevention to keep residents' and homes safe
- **Children and Young People** - Addressing the mental health and life chance of young people and giving a greater voice to children and young people. Aiming to achieve Unicef Child Friendly status by 2025 and to receive presentations from young persons to include the Youth Council.
- **Strategy & Resources** - Contributing to the development of cross cutting and corporate strategies and policies. Reviewing performance against these as well as scrutinising the management of its financial resources. Expanding and improving

Generic Powers

All Policy Development Committees have the following powers:

- To assist the Council and Cabinet in the development of new policy
- To review the budget and performance of the areas within their remit every 6 months
- To be able to develop own workplan in addition to receiving work from Cabinet as and when necessary
- To investigate policy development of matters within the Committees terms of reference
- To focus deliberations on whether policies have the intended outcomes; reach intended groups/clients; address the needs of the community; achieve customer satisfaction; and utilise resources effectively
- To consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- To go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- To review current policy as a means of informing future policy and to assist in formulating strategy.
- To review and consider the implications of regional and national policy when inputting on Redbridge policy development
- To review community consultation, involvement, and participation in the relevant area and to consider feedback to customer surveys
- To invite the relevant Cabinet member to attend meetings of the committee to support policy development by providing information, advice and responses to questions
- To receive presentations from stakeholder partners and the Youth Council to the relevant Policy Development Committee.

Note:

The venue for meetings may vary to enable meetings to take place in a community setting

EXTERNAL SCRUTINY COMMITTEE

Membership

11 Elected Members

2 Co-opted Members without voting rights.

Chair

An elected member, to be appointed by the Committee

Frequency of meetings

Quarterly, or less if not required

Roles

The Panel will fulfil the following specific roles:

- To review the Crime and Disorder Partnership Plan
- To receive performance reports from external partner organisations including their arrangements for handling and learning from complaints.
- To consider proposals for significant changes to service provision in the borough.
- To review any other strategies, policies or plans relevant to the terms of reference of the panel.

Powers

The Committee has the same powers as the Overview and Scrutiny Committee (see terms of reference for this Committee) except that the Committee's powers shall relate to external providers and key partners and not to the Council and save that the Committee is not entitled to appoint sub-committees or panels or working groups.

EDUCATION SCRUTINY SUB-COMMITTEE

Membership

9 Elected Members (to be politically balanced)

4 Co-opted Members (2 Parent Governors from maintained schools, 1 from Roman Catholic education and 1 from Church of England education)

Chair

An elected member, to be appointed by the Sub-Committee

Frequency of meetings

3 times a year (one per term)

Purpose

To contribute to the development of and scrutinise the appropriateness and effectiveness of the Council's strategies and policies relating to education matters and to review its performance against those documents and to scrutinise the Council's management of its financial resources in relation to those areas.

Specific Roles

- To review the findings and recommendations of OFSTED inspections
- To receive the school tests and examinations results
- To consider school expansions/changes to roll including school closures, expansions and new schools
- To consider any changes to the school funding formula
- To review any other strategies or policies relevant to the terms of reference of the Sub-Committee

Powers

The Sub-Committee has the same powers as the Overview and Scrutiny Committee (see terms of reference for Overview and Scrutiny Committee) except that it is not entitled to appoint subcommittees or panels or working groups.

Membership

11 Elected Members (to be politically balanced)
2 Co-opted Members without voting rights to include 1 from HealthWatch

Chair

An elected member, to be appointed by the Sub-Committee

Frequency of meetings

Six

Purpose

The purpose of the sub-committee is to discharge the Council's functions under section 244 of the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and, in so doing, to carry out scrutiny of health bodies or health service providers and to review policy direction in relation to health matters, including public health.

Roles

The sub-committee will fulfil the following specific roles:

- To review the Integrated Healthcare Partnership
- To receive the Annual Public Health Report
- To receive performance reports and improvement plans from NHS Trusts, Healthwatch and other external health partners
- To receive CQC inspection reports
- To review any other strategies or policies relevant to the terms of reference of the sub-committee

Powers

All Scrutiny Committees and Sub-Committees have the same powers (see terms of reference for Overview and Scrutiny Committee), save that the Sub-Committee is not entitled to appoint sub-committees or panels or working groups.

PLANNING COMMITTEE

Membership

11 elected members (to be politically balanced)

Purpose

To exercise the functions, powers and duties of the Council in relation to Development Management and related planning matters within the parameters set by the Council and Executive as appropriate.

Powers – General

- (a) To hear pre-application or pre-determination presentations by developers and for individual members of the committee to ask questions and highlight issues that may require further consideration by the developer.
- (b) To determine an Application for Planning Permission or an Application for Listed Building Consent where the recommendation is for approval, under the following circumstances:
 - (i) Where there are three or more **Objections** (as defined below) or a **Call-In Request** (as defined below) and in the opinion of the Chair, in consultation with the Operational Director of Planning & Building Control, the Objections/Call-in Request meet the relevant definition(s) and there is a material planning reason for reporting the application to Planning Committee.
Material planning reasons would include:
 - The application raises issues of a strategic nature.
 - The application raises complex Development Plan policy issues.
 - The application raises other issues of a complex nature.
 - The matters raised are not of a minor nature and are likely to cause significant harm.

For the avoidance of doubt, the number of Objections/Call-in Requests would not of itself be a factor in judging whether there is a material planning reason for reporting the application to Planning Committee.

Each Objection/Call-in Request that does not meet the relevant definition or does not raise a material planning reason for reporting it to Planning Committee, does not count towards triggering Committee consideration.
 - (ii) The recommendation would not accord with the provisions of the Development Plan, and, in the opinion of the Operational Director of Planning & Building Control, it would constitute a significant Departure.
- (c) To approve a planning application or application for listed building consent where the Council is the applicant and:
 - the recommendation would not, in the opinion of the Operational Director of Planning & Building Control accord with the provisions of the Development Plan; or
 - a single Objection (as defined below) has been received, or
 - there is a Call-In Request (as defined below), and
 - the Chair, in consultation with the Operational Director of Planning & Building Control, considers it appropriate for Committee consideration.
- (d) To approve a planning application where the applicant has indicated on the 1APP Application Form that they are:

- an elected member of the Council;
 - a Senior Officer of the Council (Service Head level and above);
 - a Political Party, related organisation or Political Group Officer;
 - an Officer of the Local Planning Authority (as defined below); or
 - closely related to any of the above.
- (e) Any planning matter which the Operational Director of Planning & Building Control wishes to refer to the Committee.

Definitions

An **Objection** is defined as a Public Access Comment response, email, letter or petition that meets all the following requirements:

- It is in response to an application that has been publicised or advertised by the Council;
- It is not anonymous and includes the person's name and postal address;
- It is from, or on behalf of, a person who lives at or operates from an address which is within the Redbridge Borough Council area;
- It is received by the Planning Service within the statutory consultation period; and
- It raises objections that are material planning considerations, are related to the application and they have not been overcome by scheme amendment(s), imposing planning condition(s) or securing planning obligation(s).

If several objections are received from a single household or business, they will be treated as forming a single Objection.

Petitions are treated as forming a single Objection.

A **Call-In Request** is defined as a Public Access Comment response, email or letter from a Redbridge Councillor that meets all the following requirements:

- It is in response to an application that has been publicised or advertised by the Council;
- It is from a Ward Councillor within whose ward the application site is located or a Councillor in an adjoining Ward;
- It is received by the Planning Service within the statutory consultation period;
- It raises objections that are material planning considerations and are related to the application and they have not been overcome by scheme amendment(s), imposing planning condition(s) or securing planning obligation(s); and
- It contains a specific request for the application to be considered by Committee.

For the avoidance of doubt, a Call-In Request that merely states that the Ward Member considers that committee consideration is necessary, without a proper planning reason as to why, will not be accepted as a properly made Call-In Request.

The term **Officer of the Local Planning Authority** means an officer within the Council who, in the opinion of the Operational Director of Planning & Building Control, is closely involved in the day-to-day work of the Council's planning function.

Procedures

Reference to the Operational Director of Planning & Building Control is also a reference to an officer who is representing them at the committee meeting.

Format of Committee Agenda

The Committee's agenda may contain the following parts for planning reports:

- A. Development presentations: to enable the Committee to receive presentations on proposed developments, including when they are at the pre-application stage. These items do not attract public speaking rights.
- B. Applications for decision: these items attract public speaking rights.
- C. Other planning matters: non-application matters that require Committee consideration. These items do not attract public speaking rights.

Development Presentations

The procedure for considering each item shall be as follows:

- The Operational Director of Planning & Building Control will introduce the main issues;
- The developer will present their scheme for no longer than 15 minutes unless the Chair, exercising their discretion, has allowed a different period;
- Through the Chair, Committee members ask questions of the developer;
- The Chair will bring the item to a close when they consider that there has been sufficient questioning; and
- The Operational Director of Planning & Building Control will summarise the issues raised by the Committee which will form the minute for the item.

Applications for Decision

The procedure for considering applications where there are public speakers shall be as follows:

- The Operational Director of Planning & Building Control will introduce the development the subject of the application;
- Through the Chair, Committee members ask questions of clarification to the Operational Director of Planning & Building Control;
- Public speaking will take place;
- Through the Chair, Committee members ask questions of clarification to the public speakers (or the Operational Director of Planning & Building Control);
- The Committee will consider and debate the item;
- The Chair will bring the Committee to a vote when they consider that there has been sufficient debate of an item; and
- The Committee will come to a decision.

The procedure for considering applications where there are no public speakers shall be as follows:

- If requested by the Chair, the Operational Director of Planning & Building Control will present the main issues;
- Through the Chair, Committee members ask questions of clarification to the Operational Director of Planning & Building Control;
- The Committee will consider and debate the item;
- The Chair will bring the Committee to a vote when they consider that there has been sufficient debate of an item; and
- The Committee will come to a decision.

Other Planning Matters

The procedure for considering any item shall be as follows:

- If requested by the Chair, the Operational Director of Planning & Building Control will present the main issues;
- Through the Chair, Committee members ask questions of clarification to the Operational Director of Planning & Building Control;
- The Committee will consider and debate the item;
- The Chair will bring the Committee to a vote, if required, when they consider that there has been sufficient debate of an item; and
- The Committee will come to a decision, if required.

Delegation to Officers

It is hereby delegated to the Operational Director of Planning & Building Control to communicate the detailed wording of Committee decisions to applicants, and where the Committee determines an item on an agenda:

- the Operational Director of Planning & Building Control has delegated authority to make changes to the wording of the Committee decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) and to accept changes to the application prior to the permission being issued, provided that the Operational Director of Planning & Building Control is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such changes could reasonably have led to a different decision having been reached by the Committee; and
- in the event of changes being made to an officer recommendation by the Committee (such as amending or reversing the recommendation), the task of formalising the wording of those changes, within the substantive nature of the Committee decision, is delegated to the Operational Director of Planning & Building Control.

Public Speaking Rights

People can only address the committee on items that are on the Applications for Decision part of the agenda. As stated above, other items on an agenda do not attract public speaking rights, except at the discretion of the Chair.

Subject always to the limitations below, for each planning application there are up to three separate speaking slots, in the following order, allocated to:

1. Objector(s) who have submitted an Objection (as defined above) to the planning application. Up to three objectors can address the meeting for a maximum of two minutes each.
2. The applicant or their agent/representative/supporter(s). The Applicant's slot will be allocated the same length of time as the Objectors' slot (ie 2 minutes if there is 1 Objector, 4 if there are 2 and 6 if there are 3). The Applicant's slot is for the applicant to decide how to use. If there are supporters wishing to address the committee, they must liaise with the Applicant.
3. Any Ward Councillor who has submitted a Call-In Request (as defined above) to the planning application. Up to three Ward Councillors can address the meeting for a maximum of two minutes each. If a Ward Councillor wishes to speak but is unable to attend the Committee, they may nominate a substitute Councillor to address the Committee on their behalf.

Registering slots and attendance

If members of the public (objectors, supporters, applicants and agents) or Ward Councillors wish to speak on an application on an agenda they must contact Democratic Services by email or telephone after the publication of the agenda and by 5pm on the working day before the meeting to register their slot. In doing so they must provide their contact details so that any problems with speaking arrangements can be resolved in advance of the meeting.

On the night of the committee, members of the public (objectors, supporters, applicants and agents) or Ward Councillors who have registered a speaking slot must register their attendance with the Committee Clerk in attendance at the meeting at least 15 minutes before the meeting starts.

Prioritisation

Where more than three Objectors have registered to speak and the arrangements have not been resolved in advance, Democratic Services will allocate the speaking slots solely based on a first come first served basis.

Where more than three Ward Councillors have registered to speak and the arrangements have not been resolved in advance, preference will be given to those members within whose ward the development is located or mainly located.

Conduct

All those involved in public speaking are restricted to an oral presentation only. The officers' presentation material is therefore not available for use by public speakers.

See below under lobbying for advice about the distribution of additional material or information to Members of the Committee.

Where the Applicant is the only speaker on an item recommended for approval, they would only be expected to take up their speaking slot if there was some aspect of the recommendation that they disagreed with.

Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless permitted to do so by the Chair.

Speaking Rights at Adjourned Meetings

Where an item is on an agenda and it has been adjourned from a previous meeting, speaking will only be allowed where the matter is to be reconsidered because the membership of the committee has changed or where substantive new material is being considered by the committee. Substantive new material is defined as material that officers have decided that consultation with the public on it is necessary.

Otherwise, because the same members are continuing their consideration of the item and are not considering substantive new material, a second round of public speaking is not required.

Varying Speaking Rights

At the discretion of the chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would not, of itself, be a factor in allowing additional speakers or longer speaking times. If changes are made to the speaking times, the Applicant will be offered the same time to speak as the time offered collectively to Objectors.

Late Material and Other Updates

The Addendum Report will contain the following:

- Pick up errata in a committee report that it is necessary to correct.
- Report any material received since the close of the agenda which needs to be brought to the attention of the committee to enable them to consider/determine an agenda item.
- Set out any material changes to the details within the recommendation.

It is usual for material (such as late representations) to be received by the Planning Service after the close of the agenda. Where this material needs to be brought to the attention of the Committee, so that it can be considered, it will be presented in the Addendum Report. It will comprise a summary of what has been raised, in the same way as representations are summarised in the main Committee report.

The practicality of producing such a report means that there must be a cut-off point for the receipt of late material by the Planning Service. This is noon on the day before the meeting. Material received after this time will not be reported to the Committee unless the Operational Director of Planning & Building Control exercises their absolute discretion in this regard.

Lobbying

Material must not be distributed to Committee Councillors by members of the public (including public speakers) or other Councillors during the meeting, including the period before it starts or during any adjournments.

It is recommended to members that anything sent to Councillors is sent on to the Planning Service in a timely fashion.

Attendance During Committee

Where a decision is made on an agenda item, to be able to vote a Member of the Committee must be present throughout the whole of the Committee's consideration of that item, including the officer introduction and any public speaking. Any dispute as to whether the Councillor in question should be permitted to vote shall be decided by the Chair, in consultation with legal and other officers as necessary. That decision will be final and not be the subject of further debate in the Committee.

Where the consideration of an item is adjourned and continued at a later meeting (for example for a site visit or for further information/advice) only those members present at the first meeting can vote on the item at the adjourned meeting.

These attendance requirements do not apply to Development Presentations because no decisions are being made as they are part of an informal pre-application process, rather than the formal planning application determination process.

Voting Procedures

The Chair will bring the Committee to a vote when they consider that there has been sufficient debate of an item.

The Committee will vote on the recommendations set out in the report, unless a motion is made and seconded to defer or adjourn consideration of an item (for example for a site visit or for further information/advice).

If a Committee Member wishes to amend the recommendation (such as an additional condition or a variation to a condition) they will need to move this, have it seconded and decided, prior to any vote on the recommendation. A recommendation cannot be changed (eg from approval to refusal) in this way.

For the vote on the recommendation (or an amendment to the recommendation) to be successful there needs to be a majority vote in favour of it. In the event of an equality of votes, the Chair has an additional unconstrained casting vote. This can be exercised irrespective of whether the Chair voted.

Decisions contrary to the recommendation

A motion to go against the recommendation must always be considered after a vote on the recommendation (or an amendment to the recommendation) has taken place, so that officers are clear that the Committee may be minded to go against their recommendation and can prepare their advice accordingly.

When the recommendation is not supported, a new motion to either grant or refuse the application must be moved and seconded. However, before a new motion is proposed, the Committee must first receive advice from the Operational Director of Planning & Building Control as to what form a new motion could take. That advice will be based upon the material planning considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge.

The solicitor advising the Committee may be called upon as necessary to give advice on legal matters but cannot advise the Committee on planning matters.

Once the Committee has received the advice of the Operational Director of Planning & Building Control they can proceed to a vote. A detailed minute of the Committee's reasons for going against the officer's recommendation shall be made, which as a matter of law (*Dover District Council v CPRE Kent* [2017] in the UK Supreme Court) must be clear and convincing.

If the Operational Director of Planning & Building Control considers that they are unable to give that advice immediately in the meeting, further consideration of the matter will be suspended, and the agenda item will be adjourned so that the Operational Director of Planning & Building Control can bring a further report to the next available Committee setting out their advice.

In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

Decisions contrary to the Development Plan

The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise. If the Committee intends to approve an application which does not accord with the provisions of the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application may also need to be advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015 and, depending upon the type of development proposed, may also have to be referred to the Secretary of State for Levelling Up, Housing and Communities (National Planning Casework Unit). Such a decision is referred to as a Departure.

If the recommendation in the officer report constitutes a Departure, the justification will be included in that report and any necessary advertisement would have been undertaken.

If the Committee is minded to make a decision which would be contrary to the officer recommendation and that decision (in the opinion of the Operational Director of Planning & Building Control) would constitute a Departure, the Operational Director of Planning & Building Control shall so inform the committee. Further consideration of the matter will be suspended, and the agenda item will be adjourned so that the Operational Director of Planning & Building Control can bring a further report to the next available Committee detailing the planning issues raised by such a decision. Any necessary advertisement of the application will also be undertaken.

In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

If, having considered the second report, the Committee decides to determine the application contrary to the provisions of the Development Plan, a detailed minute of the Committee's reasons for going against the Development Plan shall be made, which as a matter of law (Dover District Council v CPRE Kent [2017] in the UK Supreme Court) must be clear and convincing.

Committee Minutes

The minutes of the committee meeting will record:

- The councillors and officers present at the meeting.
- Any disclosures of interest made by councillors or officers.
- For each item, the identity of any public speakers and the decision.
- Where a decision goes against the recommendation, the reason(s) for doing so.
- Where a decision is deferred, the reason(s) for doing so.
- Details of any adjournment of the meeting, and the reason(s) for doing so;
- The use of the Chair's discretion to depart from Constitutional rules and procedures, and the reason(s) for doing so.
- The time the meeting finished.

Technical Briefings

Technical briefings may be arranged for large or complex applications where the Operational Director of Planning & Building Control considers that the Members of the Committee will be assisted by a briefing. The briefing may deal with the application as a whole or with specific issues only.

The purpose of technical briefings is to provide information to Members. Technical briefings are not an opportunity to consider the merits of the application. Members should not treat the technical briefing as an opportunity to debate the application ahead of the relevant Planning Committee meeting, although Members can ask questions for information and clarification.

The briefing will be led by officers. External consultants engaged by the Council to advise officers may also attend.

Officers will generally invite the applicant and/or their advisors to attend the technical briefing, however, Technical briefings are not open to the applicant, members of the public or to objectors, unless they are invited by officers.

Minutes will be kept of technical briefings.

LICENSING COMMITTEE AND SUB-COMMITTEES

Membership

15 elected members (to be politically balanced)

Purpose

- (a) To discharge all the Council's licensing functions, as defined by Section 4 of the Licensing Act 2003, to the extent permitted by the terms of that Act and any other functions which are by law the responsibility of the committee appointed under the Act.
- (b) To discharge the Council's licensing functions arising under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- (c) To discharge all other licensing functions of the Council not falling within the remit of the Regulatory Committee, including considering and determining applications for licences or regulations, imposing conditions and limitations, making variations and carrying out enforcement. The licences and registrations include, but are not limited to, those in respect of the following:
 - Animal trainers and exhibitors
 - Breeding of dogs
 - Camping sites
 - Caravan sites
 - Charitable collections
 - Dangerous wild animals
 - Explosives
 - Fire certificates
 - Guard dog kennels
 - Knacker's yards
 - Market and street trading
 - Performances of hypnotism
 - Pet shops
 - Pleasure boats and pleasure vehicles
 - Poisons
 - Premises for acupuncture, tattooing, ear-piercing and electrolysis
 - Safety at sports grounds
 - Scrap yards
 - Solemnisation of marriages
 - Zoos
- (d) To consider representations received in respect of proposed Orders to be made pursuant to Section 13 of the Criminal Justice & Police Act 2001 (controlled drinking zones).
- (e) To establish one or more sub-committees consisting of three members of the Licensing Committee to perform the above functions. Such sub-committees should be wherever possible, but are not required to be, politically proportionate.

- (f) To monitor and control the above functions.
- (g) In respect of matters which, but for their classification under executive arrangements as non-executive matters, would fall within the remit of the licensing aspects of the Civic Pride Portfolio to perform or consider any such functions or matters save for the following:-
 - (i) those that by law have to be performed or considered by full Council
 - (ii) those that are reserved to Council pursuant to the Constitution
 - (iii) those that are delegated to any other Committee of the Council
 - (iv) those that are delegated to officers
- (h) To advise the Council as required on any non-executive decisions within paragraph (g) (i) and (ii) above.
- (i) To advise the executive on the following matters within the licensing aspects of the Civic Pride Portfolio:
 - (a) any matters that are referred to in Forward Plan executive reports that relate specifically to this Portfolio, including the Cabinet's formal proposals to Council in relation to the setting of the Annual Budget, and Budgetary Control reports, so far as they affect it, and which are due for executive decision before or at the next due meeting of the Cabinet, but excluding any matter that is referred by any Overview and Scrutiny Committee for consideration by the executive;
 - (b) any matters in respect of which medium to long term policy development work is required that are referred to the committee by the executive, including, where relevant, matters that have already been included in the Forward Plan for future executive decision making.
- (j) To establish a panel, working group or other body (hereafter a "subsidiary body") to consider and report back with recommendations on any matters within the committee's executive advisory terms of reference referred to in subparagraph (i) (b) above. Such a subsidiary body will not have power to make any advisory decisions itself. Any subsidiary body must be established for a specified period, after which any decision to extend the body's life must be made by the Committee. The membership of a subsidiary body will normally be in accordance with proportionality principles and, beyond Members of the Committee, may include other elected Members and co-opted Members of the Council. Papers of subsidiary bodies will not be published unless the parent Committee so decides. Their meetings will be open to Councillors but not normally to the public unless the relevant subsidiary body so decides.

HEALTH AND WELL BEING BOARD

1. For the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
2. Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
3. Encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board.
4. Encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.
5. Carry out the functions of the Council and Redbridge Clinical Commissioning Group under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 to:-
 - (a) prepare and publish a Joint Strategic Needs Assessment and
 - (b) prepare and publish a Health and Wellbeing Strategy for the area of the London Borough of Redbridge.
6. Prepare and publish a local Pharmaceutical Needs Assessment (PNA) - an overview of local pharmaceutical needs, services and gaps in provision.
7. Appoint such additional persons to be members of the Board as it thinks appropriate.
8. For the purpose of enabling or assisting it to perform its functions, request any of the following persons to supply it with such information as may be specified in the request:-
 - (a) the Council;
 - (b) any person who is represented on the Health and Wellbeing Board by virtue of section 194(2)(e) to (g) or (8) of the Health and Social Care Act 2012; or
 - (c) any person who is a member of a Health and Wellbeing Board by virtue of section 194(2)(g) or (8) of the Act but is not acting as a representative.
9. Appoint such Sub-Committees as it considers appropriate.

JOINT CONSULTATIVE ADVISORY COMMITTEE OF MEMBERS & EMPLOYEES (JCC)

1. Title of Advisory Committee

- 1.1 The Advisory Committee shall be called "The London Borough of Redbridge Level 3 Joint Consultative Advisory Committee" (JCC Level 3).

2. Principles

- 2.1 That members of the Advisory Committee shall conduct the business of the Advisory Committee in an efficient manner.
- 2.2 Members of the Advisory Committee shall treat each other with respect.
- 2.3 The Advisory Committee in all its dealings will promote equality and not knowingly discriminate unlawfully against any person.
- 2.4 No recommendations of the Advisory Committee shall override any agreed Council policy.

3. Scope and Purpose

- 3.1 The Advisory Committee will be established as a subsidiary body of the Council's General Purposes Committee
- 3.2 The JCC Level 3 shall be a joint advisory committee comprising members of the Council and trade union representatives. The Advisory Committee will provide a forum for (i) considering matters not resolved at Service Areas' Level 2 or Corporate Level 2.5 committees and (ii) joint discussion, consultation and negotiation on corporate employment relations matters.
- 3.3 In respect of 3.2 above the Advisory Committee will make recommendations, as appropriate, to its parent body, the General Purposes Committee.

4. Objectives

- 4.1 The general objectives of the JCC Level 3 shall be:-
- (i) to consider matters referred to the Advisory Committee by Service Area Level 2 or Corporate Level 2.5 committees;
- (ii) to provide a forum for an exchange of views and information on matters of concern to both the Council and the trade unions; and
- (iii) to provide, through joint consultation and negotiation, a means of avoiding friction, grievances and local disputes.

5. Function and Terms of Reference

- 5.1 The function of the JCC Level 3 shall be to bring together representatives of the Council and trade union representatives for consultation, communication and negotiation on all employment relations issues such

- (i) Considering matters not resolved at Service Area Level 2 or Corporate Level 2.5 committees.
- (ii) maintaining an efficient and effective service;
- (iii) keeping trade unions informed on matters affecting the workforce;
- (iv) seeking the trade unions' views on employment policies, procedures and practices and endeavouring to ensure prior agreement on proposed changes which may affect them; and
- (v) considering matters in respect of terms and conditions of employment which are not reserved for negotiation at National or Provincial Council level.

6. Membership and Attendance

6.1 Membership of the JCC Level 3 shall comprise:-

- (a) Council Side - 7 Members of the Council appointed by the Council on the basis of proportionality.

Substitute members will also be appointed.

- (b) Trade Union Side - 7 trade union representatives of the employees of the Council whose conditions of service are governed by the following Joint Negotiating

- NJC for Local Government Services
- JNC for Local Authority Craft and Associated Employees

Substitute members will also be appointed.

- 6.2 The employees in membership of the trade unions represented on the above Joint Negotiating Bodies will elect their representatives from their numbers.
- 6.3 No other trade unions will be recognised by the Council for collective bargaining purposes for employees covered by the above Joint Negotiating Bodies.
- 6.4 So far as is reasonably practicable, due allowance shall be made for adequate representation of trade union members in all the various Services of the Council.
- 6.5 Members of the Advisory Committee shall hold office for one municipal year. All members shall be eligible for re-election. Casual vacancies shall be filled by the appropriate Side as soon as possible.
- 6.6 Either Side of the Joint Advisory Committee may arrange for the attendance, in an advisory capacity only, of any representative of a service, or officer of the Council, or appropriate trade union national or regional official at any meeting of the Advisory Committee where it is considered it would be helpful to the business under discussion. In such instances the Secretary of the relevant Side shall notify the other Side's Secretary at least 5 working days in advance of the meeting.

7. Officers of the Advisory Committee

- 7.1 The JCC Level 3 shall elect a Chair and a Vice-Chair from among the members of the Advisory Committee. When the Chair is elected from one Side of the Advisory Committee, the Vice-Chair shall be elected from the other Side.
- 7.2 The Chair and Vice-Chair of the Advisory Committee shall hold office for one municipal year (or until replaced or re-elected) and the Chair will alternate between the two Sides. Casual vacancies shall be filled at (or before, in the case of a Secretary) the next meeting. The Chair elected in the odd years will be from the Council Side and the Chair elected in the even years will be from the Trade Union Side.
- 7.3 Each Side of the JCC Level 3 shall each year appoint its own Secretary. The Council Side Secretary shall prepare the draft minutes and notice and agenda for each meeting and arrange for their circulation.
- 7.4 The Trade Union Side Secretary role shall be recognised by the Council as an official trade union duty and the employee appointed into the post will be afforded all reasonable paid time off to carry out this role.
- 7.5 The Joint Secretaries of the Joint Consultative Advisory Committee shall deal with all necessary correspondence, attend meetings, prepare reports appropriate to their Side and liaise and consult with each other on all matters concerning the conduct of business of the JCC Level 3.
- 7.6 In the extended absence of one of the Secretaries (through sickness or other reason), the appropriate side of the JCC Level 3 may appoint a temporary substitute Secretary, following agreement of any temporary arrangements which may be necessary with the other Secretary. In such case involving the Trade Union Side Secretary, the facilities referred to in paragraph 7.4 shall be transferred to the substitute Trade Union Side Secretary for the period.

8. Procedure of the JCC Level 3

- 8.1 One meeting of the Advisory Committee will be diaried for early in each municipal year to allow the Chair and Vice-Chair to be elected and other formalities and any available business to be dealt with.
- 8.2 Thereafter, three further meetings of the Advisory Committee during each municipal year will be convened. The agenda for these meetings will contain items of a specific, or of an urgent, nature, but at all times will include a report entitled 'Liaison' where both Sides will discuss current and forthcoming issues
- 8.3 Either Side will be able to request that a meeting is held by having their Secretary contact the other Secretary, and by providing the relevant documentation in respect of the item to be discussed.
- 8.4 The meeting will be held at the earliest possible convenient date for the Chair, Vice-Chair and the Advisory Committee members, subject to sufficient notice being given and the agenda being circulated five clear working days in advance of the meeting.
- 8.5 Diaried and other meetings shall continue to be held at 3.30 pm and, where reasonably practicable, in Council offices. Trade union representatives will be allowed time off with pay to attend these meetings and other paid time off to prepare. The pay will be at the basic rate, plus any allowances, if the meeting is

within their normal working hours and at overtime rates if outside normal hours.
Excess travel expenses will also be paid if incurred in attending meetings.

- 8.6 No business other than that which appears on the agenda shall be transacted at any meeting unless both Sides agree to it after it has been introduced.
- 8.7 Three members from each Side shall constitute a quorum for the Advisory Committee.
- 8.8 In the event of the Chair being absent from any meeting, the Vice-Chair shall take the chair. In the event of both Chair and Vice-Chair being absent, a chair for the meeting shall be appointed by the Side of the Advisory Committee of which the current Chair is a member.
- 8.9 Decisions shall be arrived at only by a majority on each of the two Sides of the Advisory Committee present at the meeting.
- 8.10 In arriving at any proposals, the Advisory Committee shall have regard to the policies, decisions and recommendations of the appropriate national or provincial negotiating bodies.
- 8.11 The Advisory Committee may refer any question coming before them for consideration by, and the advice of, the appropriate Provincial Council or their joint secretaries as appropriate.
- 8.12 The minutes of any meeting of the Advisory Committee shall be agreed by the Chair and Vice-Chair.
- 8.13 In the event of any matter arising upon which the Advisory Committee cannot agree, the matter may be referred by either Side to the appropriate provincial or arbitrating body.
- 8.14 Reasonable facilities shall be provided by the Council for meetings of the Trade Union Side of the Advisory Committee whenever practicable during normal working hours. Requests for time off will need to be made in line with Council practice.
- 8.15 No member of the Trade Union Side on the Advisory Committee shall suffer loss of earnings for the time spent at meetings of the Advisory Committee and at Trade Union Side meetings, if held during his/her normal working hours.
- 8.16 In the course of his/her duties, the Trade Union Side Secretary shall be accorded reasonable facilities to visit employees, management and Members of the Council in furtherance of the business of the Advisory Committee (such facilities to include contact through the Council's telephone system, and the passing of the messages and correspondence through the Council's Messenger Service, email system and any other appropriate methods in line with the Council's current policies).
- 8.17 A trade union representative of any Service or Section appointed as a member of this Advisory Committee shall be accorded reasonable facilities to visit the Employees' Side Secretary, at reasonable periods '(such facilities to include contact through the Council's telephone system, and the passing of the messages and correspondence through the Council's messenger service, e-mail system and any other appropriate methods in line with the Council's current policies), in furtherance of the business of the Advisory Committee. Trade union officials will however need to obtain their manager's agreement to time-off in advance, with such requests being considered in the light of Council practice which is based on the ACAS Code of Practice for Time off for Trade Union Duties.

9. Reviews

- 9.1 This Constitution shall be reviewed by either side from time to time, with proposed amendments being discussed and recommendations made to the parent body (the Council's General Purposes Committee).

REDBRIDGE EDUCATION FUNDING SCHOOLS FORUM

1. Terms of Reference and Interpretation

1.1 The Redbridge Education Funding Schools Forum ("the Forum") is established by the London Borough of Redbridge ("the relevant authority") pursuant to section 47A of the School Standards and Framework Act 1998 ("the 1998 Act") and Regulations made there under, namely:

- The Schools Forums (England) Regulations 2012:SI 2012/2261 ("the 2012 Regulations")

For the purposes:

Of advising the relevant authority on such matters relating to the authority's schools budget as may be prescribed by regulations under sections 45A(3) and 47A(3) of the 1998 Act;

Of exercising any function that may be imposed on the Forum by virtue of section 45A(4A) or 47(2)(g) of the 1998 Act.

It is required by s47A(3A) to have regard to any Children and Young People's Plan prepared by the Children's Trust Board.

The Forum will also comply with any statutory guidance issued by the Department for Education (DfE) relating to Schools Forums and will have regard to any DfE non-statutory guidance on this subject. Links to the relevant guidance are provided below:

Schools Forums (England) Regulations 2012
[Schools Forums Operational and Good Practice Guide 2015](#)
[Schools Forum Powers and Responsibilities 2015 to 2016](#)

For the purposes of this Constitution and Terms of Reference, the definitions used are those set out in the Regulations detailed above.

2. Constitution/Membership/Substitutes

2.1 Members

The Forum shall consist of the following groups and no more than one third of the total membership shall be non-schools members:

a. Schools Members:

- i. Four representatives of the Local Authority maintained secondary school sector consisting of three head teachers or head teachers representatives and one governor;

- ii. Eight representatives of the Local Authority maintained primary school sector consisting of four head teachers or head teachers representatives and four governors;
- iii. Two representatives of the Local Authority maintained special school sector consisting of one head teacher or head teachers representative and one governor.
- iv. One representative of the Local Authority maintained pupil referral units consisting of one representative appointed by the Governing Body/Bodies of pupil referral units.

b. Academies Members:

Three representatives of academy schools - appointed by the proprietors of the academies.

c. Non-Schools Members:

- i. One representative appointed by the Roman Catholic Diocese of Brentwood ("the Catholic Diocese");
- ii. One representative appointed by the Church of England Diocese of Chelmsford ("the Church of England Diocese");
- iii. One representative appointed by the United Synagogue Agency for Jewish Education ("the United Synagogue");
- iv. One representative to represent 16 to 19 education providers ;
- v. Two representatives from the PVI providers (private, voluntary and independent providers of nursery education for 3-4 year olds, other than primary schools);
- vi. One representative from the Hindu I-Foundation.

Note: The authority may not appoint any executive member or relevant officer (defined in the regulations) of the authority to their Forum as a non-schools member.

2.2 Substitutes

To maximise representation at each meeting of the Forum, substitute members shall be appointed who will be available to attend in the event that a member or members are unable to attend.

Each sector sub group shall be responsible for appointing substitute members. The number of substitute members will be proportionate to the size of the sector sub group in the following proportions:

Secondary	2 substitutes
Primary	2 substitutes
Special	1 substitute
Academy	1 substitute
Pupil Referral Units	1 substitute
Catholic Diocese	1 substitute
Church of England Diocese	1 substitute
United Synagogue	1 substitute
16 - 19 Education Provider	1 substitute
PVI	2 substitutes
Hindu I-Foundation	1 substitute

The term of office substitute members shall be three years from the date of appointment.

If a member is unable to attend any meeting of the of the Forum, the member will be responsible for identifying a substitute member of the relevant sector sub group and nominating them to attend in their place. A member can only nominate an appointed substitute member to attend in their place.

The substitute member's name, and the name of the member for whom he or she is substituting, must be advised at the beginning of the meeting, and once a substitution has been made it may not be rescinded at the meeting.

The substitute member then has the same status at the meeting as any other member of the Forum, except that he or she may not chair the meeting.

A member of whom a substitute member is attending a meeting may not take any part in the discussion or voting at that meeting after the Forum has been advised of the attendance of the substitute member.

3. Restrictions on members of the Forum and rights of participation

- 3.1 Executive Members and officers of the authority who are not members of the Forum are restricted in taking part in meetings of the Forum. Their attendance is permitted if invited by the Forum to provide financial or technical advice. Where an officer is presenting a report, their participation is limited to their specific agenda item.
- 3.2 A representative of the Education Funding Agency may attend Schools Forum meetings as an observer and speak to provide support and a national perspective if required.

4. Election and appointment of members of the Forum and maintenance of records

4.1 An annual review of attendance and membership based on pupil numbers will be undertaken and reported to Schools Forum in two separate reports.

4.2 The Clerk of the Forum will notify the appropriate sector sub group at least one calendar month before the expiry of a term office of a member or in the event of a casual vacancy of a member. The procedure for electing and nominating members of Forum will be as set out below.

4.3 Elections/nominations undertaken by the sector sub group

The Authority will set a date by which the election and nomination of a member should be notified by the following groups:

4.4 Each school sector sub group, academy sector and the 16- 19 education provider, represented in the constitution will be responsible for the method by which it elects and nominates its senior staff member representatives. In the event that an election and nomination is not completed by this date or a tie is reached in an election between two or more individuals, the Authority shall nominate a representative to represent the appropriate sector sub group.

4.5 The Catholic Diocese, the Church of England Diocese, the United Synagogue, any other appropriate religious body and the PVI providers shall be responsible for the method by which each elects and nominates its non-schools member(s). In the event that a nomination is not received by the Authority before the date set, a vacancy will be carried in the appropriate sector sub group until a nomination is received.

4.6 Elections/nominations administered by the Authority

The Authority will undertake a nominations process for schools governor members, by writing to all individuals eligible for election. Where one nomination is received, the individual will be duly elected. In the event that two or more nominations are received, the Authority shall undertake an election, based on a simple majority of eligible voters in the relevant sector. In the event of no nominations being received or a tie in votes for two or more individuals, the Authority shall nominate the member for the relevant sector sub group.

4.7 The term of office of each member of the Forum shall be three years from date of appointment/election.

4.8 A member can resign their membership of the Forum by giving notice in writing to the Clerk of the Forum.

4.9 When a Governor ceases to hold office as a Governor within the category that they represent at Forum (e.g. primary) because of their resignation or because their term of office has ended and they are not re-elected, the individual concerned must advise the Clerk of the Schools Forum of this change. As a result of this change, their term of office on the Forum will cease.

4.10 A non-schools member can, at the request of the body which the member represents, be replaced by the Authority, by another person nominated by that body.

- 4.11 The Clerk of the Forum shall make and maintain a written record of the composition of the Forum and the methodology adopted by each sector sub-group group for electing and nominating its members and the manner in which the relevant authority seeks nominations for the non-schools members.

5 Conduct of Business

- 5.1 The agenda for each Forum meeting shall be despatched by the Clerk of Forum five working days in advance of the meeting and published on the Council's website.
- 5.2 The quorum for meetings shall be that stipulated in Regulation 8(3) of the 2012 Regulations, namely at least two-fifths (40%) of the total membership (excluding vacancies). Under the existing membership, eight Forum members must be present for the meeting to be quorate. Where a meeting is inquorate, though it can proceed, it cannot legally take decisions.
- 5.3 The proceedings of the Schools Forum are not invalidated by any vacancy among their number, any defect in the election or appointment of any member or any defect in the election of the chair. Nor does the existence of any vacancy on the Schools Forum invalidate proceedings.
- 5.4 The Chair will decide how the meetings will be conducted and the Chair's rulings on matters during a debate will not be open to challenge at the meeting.
- 5.5 Members are required to declare if they have a personal pecuniary or non-pecuniary interest in any item or discussion on the order of business. Members declaring an interest will be asked to excuse themselves from the meeting for that particular item.
- 5.6 Following each meeting of the Forum, the Clerk of the Forum shall type the minutes and circulate them to those members present at the meeting. At the next meeting, the minutes shall be approved and the Clerk of the Forum shall publish them on the Council's website.
- 5.7 Members of the public or non-members of the Forum not covered by section 3 of this document shall be permitted to attend Forum meetings as an observer, subject to prior notification to the Clerk of the Forum. Observers such as these shall be seated separately and not permitted to speak at Forum meetings unless invited to speak by the Chair. Observers invited to speak shall be restricted to a maximum of 2 minutes each and not permitted to speak again at that meeting (except to answer questions directed to them by Forum members).
- 5.8 The Chair may, after giving warning, order any member or observer to leave the meeting if acting disorderly or disrespectfully. Misconduct will include interruptions, shouting, arguing and/or dissent after the Chair has ruled on a matter.
- 5.9 In the event of an urgent item requiring a decision or formal view before a meeting of Forum can be held, the Authority can undertake this process by email or postal correspondence with all members of the Forum. This procedure shall only be applied in exceptional circumstances, where a genuine business need exists and after discussion with the Chair of the Forum.

- 5.10 The Schools Forum will meet at least four times a year and all meetings will be public meetings.

6. Voting

- 6.1 Matters of Forum business which require a vote shall be determined on the basis of a simple majority, with one vote for each member eligible to vote.
- 6.2 Voting on matters that affect the Local Schools Funding Formula will be limited to schools members set out in 2.1a, academy members as set out in 2.1 b and only those non-school members who represent early year's providers. Such items will be identified as pertaining to the funding formulae.
- 6.3 Voting on the de-delegation of funding with regards to services provided centrally is limited to the relevant Schools Forum members in the relevant phase i.e. primary or secondary. The decision would apply to all maintained schools in that phase.
- 6.4 Voting on all other areas of Forum business will include representation from schools, academy and non-schools members as set out in 2.1a, 2.1 b and 2.1c.
- 6.5 For the purposes of this section any reference to a member shall be a reference to that member's substitute as nominated under paragraph 2.2.
- 6.6 In the event of an equality of votes, the Chair shall have a casting vote.
- 6.7 Where a member declares a personal interest in an item on the order of business according to point 5.4, they may not participate in any vote on that particular item.
- 6.8 In the event of an urgent business need under paragraph 5.8, a formal vote of eligible Forum members can be undertaken by email or postal correspondence.

7. Election of Chair and Vice-Chair

- 7.1 At the inaugural meeting and annually thereafter at the first meeting of the financial year (as appropriate), the Forum shall elect one of its members to be Chair and one Vice-Chair. This shall be decided by a majority decision with the candidate receiving the most votes deemed to be elected. The Chair and Vice-Chair shall remain in post until the first meeting of the next financial year.
- 7.2 This shall be the second item of business on the agenda, after apologies for absence, of the first meeting of each financial year.
- 7.3 If a casual vacancy should occur in the office of Chair or Vice-Chair, then at its next meeting the Forum shall elect a replacement.
- 7.4 In the absence of the Chair, the Vice-Chair shall assume the chair for any relevant Forum meeting.
- 7.5 The Chair shall have no power to take any actions or decisions outside of Forum meetings, but can give the Authority a view on an urgent issue outside of meetings.

7.6 The member of the Forum may not elect as chair any member of the Forum who is an elected member or officer of the authority.

8. Working Groups of the Schools Forum

8.1 The Forum shall be entitled to set up working groups of its members to consider and report back to the Forum on any matters falling within the Forum's responsibilities. The Forum shall decide the membership and terms of reference of each such working group.

LOCAL PENSION BOARD

1. Introduction

This document sets out the terms of reference of the Local Pension Board of the London Borough of Redbridge (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

The Board is established by the Administering Authority and operates independently of the Pension Fund Investment Panel. Relevant information about its creation and operation are contained in these Terms of Reference.

The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.

Except where approval has been granted under regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

2. Interpretation

The following terms have the meanings as outlined below:

'the Act'	The Public Service Pensions Act 2013.
'the Code'	means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes.
'the Fund'	means the Fund managed and administered by the Administering Authority
'the Guidance'	means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.
'the Regulations'	means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time).
'Relevant legislation'	means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the

	Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation
'the Scheme'	means the Local Government Pension Scheme in England and Wales.

3. Statement of purpose

The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:

- (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
- (b) to ensure the effective and efficient governance and administration of the Scheme.

4. Duties of the Board

The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the code of conduct for Board members.

5. Establishment

The Board is established on 1st April 2015 subsequent to approval by the Council at its meeting on the 19th March 2015 (minute COU/08d/190315). Subsequent to its establishment, the Board may establish sub-committees.

6. Membership

The Board shall consist of four voting members, as follows:

- Two Scheme Member Representatives; and
- Two Employer Representatives.

There shall be an equal number of Scheme Member and Employer Representatives.

There shall also be one other representative who is not entitled to vote.

Scheme Member representatives

Scheme Member representatives shall either be scheme members or have capacity to represent scheme members of the Fund.

Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Substitutes shall not be appointed.

Two member representatives shall be appointed following a transparent nomination process which should be open to the Trade Unions and **all** Fund members and be approved by the Administering Authority.

Employer representatives

Employer representatives shall be office holders or senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.

Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Substitutes shall not be appointed.

A total of two employer representatives shall be appointed to the Board from the following sources:

One employer representative shall be an elected member and be appointed by the Administering Authority.

One employer representatives shall be appointed by the Administering Authority having asked all scheme employers to submit their interest in undertaking the role of employer representative on the Board.

Other members

There shall be one other member, with no entitlement to vote, being an independent member appointed by the Administering Authority.

7. Appointment of the Chair

The Chair of the Board will be the independent member whenever that position is filled, or will otherwise be a person appointed from time to time by the Board from the voting members.

In this respect the term independent means having no pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer in the Fund or not being a member of the Fund.

8. Duties of the Chair

The Chair of the Board:

- (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference;
- (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered; and
- (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

The term of office for the Chair will be three years.

9. Notification of appointments

When appointments to the Board have been made the Administering Authority shall publish the name of Board members and the appointment processed followed.

10. Terms of Office

From the inception of the Board, the Employer and Scheme Member representatives shall serve as follows:

- First Employer representative – 2 years
- Second Employer representative – 3 years
- First Scheme Member representative – 2 years
- Second Scheme Member Representative – 3 years

Thereafter the employer and Scheme Member representatives will serve for a fixed term of three years which can be extended for a maximum of two periods in total subject to re-nomination.

The independent member shall serve for a fixed term of three years which can be extended for a maximum of two periods in total subject to re-nomination.

Board membership may be terminated prior to the end of the term of office due to:

- (a) A Scheme Member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund;
- (b) A member representative no longer being a scheme member or a representative of the body on which their appointment relied;
- (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;
- (d) A Board member no longer being able to demonstrate to the Administering Authority their capacity to attend and prepare for meetings or to participate in required training;
- (e) The representative being withdrawn by the nominating body and a replacement identified;
- (f) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy;
- (g) A Board member who is an elected member becomes a member of the Pension Fund Investment Panel;
- (h) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.

11. Conflicts of interest

All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.

A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.

On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

12. Knowledge and understanding (including Training)

Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements outlined in paragraph 3 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.

Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.

Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

13. Meetings

The Board shall as a minimum meet four times each year.

Meetings shall normally take place in the evenings at Redbridge Town Hall.

The Chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

14. Quorum

A meeting is only quorate when at least 50% of both member and employer representatives are present.

A meeting that becomes inquorate may continue but any decisions will be non-binding.

15. Board administration

The Administering Authority shall;

Give notice to all Board members of every meeting of the Board;

Agree with the Chair an agenda prior to each Board meeting.

Issue (where reasonably practicable) the agenda and supporting papers at least five working days in advance of the meeting except in the case of matters of urgency.

Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members as soon as practical after the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.

The minutes may with the agreement of the Board, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of that Act and/or they represent data covered by the Data Protection Act 1998.

Ensure that Board members meet and maintain the knowledge and understanding as determined in the Board's Knowledge and Understanding Policy and Framework and other guidance or legislation.

Arrange such advice as is required by the Board subject to such conditions as are listed in these Terms of Reference for the use of the budget set for the Board.

Ensure that an attendance record is maintained and arrange for allowances and expenses to be paid under these terms.

16. Public access to Board meetings and information

Board meetings can be open to the general public (unless there is an exemption under relevant legislation which would preclude part or all of the meeting from being open to the general public).

The following will be entitled to attend Board meetings in an observer capacity:

- (a) Members of the Investment Panel,
- (b) Any person requested to attend by the Board.

Any such attendees will be permitted to speak at the discretion of the Chair.

In accordance with the Act the Administering Authority shall publish information about the Board to include:

- (a) The names of Board members and their contact details.
- (b) The representation of employers and members on the Board.
- (c) The role of the Board.
- (d) These Terms of Reference.

The Administering Authority shall also publish other information about the Board including:

- (a) Agendas and minutes
- (b) Training and attendance logs
- (c) An annual report on the work of the Board to be included in the Fund's own annual report.

All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- (a) On the Fund's website.

(b) As part of the Fund's Annual Report.

(c) As part of the Governance Compliance Statement.

Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

17. Expenses and allowances

No remuneration will be payable to Employer and Scheme member representatives. Representatives will be entitled to claim travel and subsistence allowances (including attending training) at the same rates that are set out in the Member's Allowances Scheme.

The Independent member will be paid an allowance of f500 per meeting attended, and will be entitled to claim travel and subsistence allowances (including attending training) at the same rates that are set out in the Member's Allowances Scheme.

18. Budget

The Board is to be provided with adequate resources to fulfil its role. The budget for the Board will be met from the Fund. The Board will seek approval from the Administering Authority for any expenditure it wishes to make.

19. Core functions

The first core function of the Board is to assist the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within the extent of this core function the Board will determine which areas it wishes to consider.

The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within the extent of this core function the Board will determine those areas it wishes to consider.

In support of its core functions the Board may make a request for information to the Administering Authority with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.

In support of its core functions the Board may make recommendations to the Administering Authority which should be considered and a response made to the Board on the outcome within a reasonable period of time.

20. Reporting

The Board should in the first instance report its requests, recommendations or concerns to the Administering Authority.

On receipt of a report under the paragraph above the Administering Authority should, within a reasonable period, consider and respond to the Board.

Where the board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.

Where the Board is satisfied that there has been a breach of regulation which has been reported to the Administering Authority and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.

The appropriate internal route for escalation is to the Administering Authority's Section 151 Officer and / or the Monitoring Officer (as appropriate).

The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.

Board members are also subject to the requirements to report breaches of law under the Act and the Code and the whistleblowing provisions set out in the Administering Authority's whistle blowing policy.

21. Interpretation

Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Administering Authority.

OUTER NORTH EAST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (JHOSC)

Establishment of the JHOSC

1. The Outer North East London Joint Health Overview and Scrutiny Committee (the JHOSC) is established by the Overview and Scrutiny Committees having health responsibilities of the London Borough Councils of Barking & Dagenham, Havering, Redbridge and Waltham Forest ("the borough OSCs") in accordance with s.190-191 of the Health and Social Care Act 2012 and consequential amendments and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.

Membership

2. The JHOSC will consist of three Members appointed of each of the Borough OSCs with the exception of Waltham Forest which will have one Member.
3. In accordance with section 21(9) of the Local Government Act 2000, Executive Members may not be members of an Overview and Scrutiny Committee.
4. The Essex County Council may nominate one full Member for the Joint Health Overview and Scrutiny Committee. Thurrock Borough Council Health Overview and Scrutiny Committee may nominate an observing Member of the Joint Health Overview and Scrutiny Committee. The Councils of the Borough of Brentwood and District of Epping Forest may also each nominate an observing Member.
5. Appointments made to the JHOSC by each participating London borough OSC or Council will reflect the political balance of the borough Council, unless a participating borough OSC agrees to waive the requirement and this is approved by the JHOSC.

Attendance of Substitute Members

6. If a Member is unable to attend a particular meeting, he or she may arrange for any appropriate Member of the borough Council to attend as substitute, provided that a Member having executive responsibilities may not act as a substitute. Notice of substitution shall be given to the clerk before the commencement of the meeting.

Role and Function of the JHOSC

7. The JHOSC shall have the remit to review and scrutinise any matter, including substantial variations, relating to the planning, provision and operation of health services that affect two or more boroughs in Outer North East London. The JHOSC will have the right to respond in its own right to all consultations on such matters, both formal and informal.

8. In fulfilling its defined role, as well as reviewing documentation, the JHOSC will have the right to do any or all of the following:

- a. Request information or to hold direct discussions with appropriate officers from each of the following organisations or their successor bodies:

Barking and Dagenham Clinical Commissioning Group (CCG)

Havering CCG

Redbridge CCG

Barking, Havering and Redbridge University Hospitals NHS Trust

Barts Health NHS Trust Care Quality Commission

East London Health and Care Partnership

London Ambulance Service NHS Trust

NHS England

NHS Improvement

North East London Commissioning Support Unit

North East London NHS Foundation Trust

Moorfields Eye Hospital NHS Foundation Trust

as well as any other NHS Trust or other body whose actions impact on the residents of two or more Outer North East London Boroughs;

- b. Co-operate with any other Joint Health Overview and Scrutiny Committee or Committees established by two or more other local authorities, whether within or without the Greater London area;
- c. Make reports or recommendations to any of the NHS bodies listed above and expect full, written responses to these;
- d. Require an NHS or relevant officer to attend before it, under regulation 6 of the Regulations, to answer such questions as appear to it to be necessary for the discharge of its functions in connection with a consultation.
- e. Such other functions, ancillary to those listed in a to d above, as the JHOSC considers necessary and appropriate in order to fully perform its role.

Although efforts will be made to avoid duplication, any work undertaken by the JHOSC does not preclude any individual constituent borough Overview and Scrutiny Committee from undertaking work on the same or similar subjects.

Co-optees

9. The JHOSC shall be entitled to co-opt any non-voting person as it thinks fit or appropriate to assist in its debate on any relevant topic. Each borough Healthwatch organisation for Barking & Dagenham, Havering, and Redbridge shall be entitled to nominate one co-opted (non-voting) member of the JHOSC. The power to co-opt shall also be available to any Working Groups formed by the JHOSC.

Formation of Working Groups

10. The JHOSC may form such Working Groups of its membership as it may think fit to consider any aspect or aspects of its work. The role of such Groups will be to consider the matters referred to it in detail with a view to formulating recommendations on them for consideration by the JHOSC. The precise terms of reference and procedural rules of operation of any such Groups (including number of members, chairmanship, frequency of meetings, quorum etc) will be considered by the JHOSC at the time of the establishment of each such Group; these may differ in each case if the JHOSC considers it appropriate. The meetings of such Groups should be held in public except to the extent that the Group is considering any item of business from which the press and public could legitimately be excluded under the Access to Information legislation. The extent of available resources and the existence of relevant ongoing work at a borough level will also be considered by the JHOSC when considering whether to establish a working group.

Meetings of the JHOSC

11. The JHOSC shall meet formally at such times, at such places and on such dates as may be mutually agreed, provided that five clear days' notice is given of the meeting. The Committee may also meet informally as and when necessary for purposes including, but not limited to, visiting appropriate sites within the boroughs or elsewhere.
12. The JHOSC will meet on a minimum of four occasions per year with any variation to be agreed by the Committee. Meeting venues will normally rotate between the four Outer North East London boroughs.

Meetings shall be open to the public and press in accordance with the Access to Information requirements. The public and press are permitted to report on JHOSC meetings using electronic media tools however oral commentary will not be permitted in the room during proceedings.

Attendance at Meetings

13. Where any NHS officer is required to attend the JHOSC, the officer shall be given reasonable notice in advance of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to

give account and whether any papers are required to be produced for the JHOSC. Where the account to be given to the JHOSC will require the production of a report, then the officer concerned will be given reasonable notice to allow for preparation of that documentation.

14. Where, in exceptional circumstances, the officer is unable to attend on the required date, and is unable to provide a substitute acceptable to the JHOSC, the JHOSC shall in consultation with the officer arrange an alternative date for attendance.
15. The JHOSC and any Working Group formed by the JHOSC may invite other people (including expert witnesses) to address it, to discuss issues of local concern and/or to answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
16. The JHOSC shall permit a representative of any other authority or organisation to attend meetings as an observer.

Quorum

17. The quorum for the JHOSC shall be four, provided there is present at least one Member from at least three of the London borough OSCs. For meetings involving the writing or agreeing of a final report of the Committee, the quorum shall comprise at least one representative from each of the four London borough OSCs.

Chair and Vice Chair

18. Each meeting will be chaired by a Member from the host borough on that occasion.

Agenda items

19. Any member of the JHOSC shall be entitled to give notice to the Clerk of the Joint Committee that he/she wishes an item relevant to the functions of the JHOSC to be included on the agenda for the next available meeting. On receipt of such a request (which shall be made not less than five clear working days before the date for despatch of the agenda) the relevant officer will ensure that it is included on the next available agenda.

Notice and Summons to Meetings

20. The Clerk of the Joint Committee will give notice of meetings to all members. At least five clear working days before a meeting the relevant officer will send an agenda to every member specifying the date, time and place of each meeting and the business to be transacted, and this will be accompanied by such reports as are available.
21. Any such notice may be given validity by e-mail.
22. The proper officer of each Council shall ensure that public notice of the meeting is displayed in accordance with the customary arrangements of that Council for giving notice of Committee etc. meetings.

Reports from the JHOSC

23. Where required, for any reviews that require recommendations, the JHOSC will prepare a formal report and submit it to the relevant bodies. In accordance with current Department of Health Guidance on the Overview and Scrutiny of Health, the JHOSC should aim to produce a report representing a consensus of the views of its members. If consensus is not reached within the JHOSC, minority views will be included in the report.
24. In undertaking its role the JHOSC should do this from the perspective of all those affected or potentially affected by any particular proposal, plan, decision or other action under consideration.

Formal Consultations and Referrals to Secretary of State

25. Under guidance on Local Authority Health Scrutiny issued by the Department of Health in June 2014, only the JHOSC may respond to a formal consultation on substantial variation proposals covering health services in more than one constituent Council area. This power also extends to the provision of information or the requirement of relevant NHS officers to attend before the JHOSC in connection with the consultation.
26. The JHOSC may only refer matters directly to the Secretary of State on behalf of Councils who have formally agreed to delegate this power to it.

Procedure at JHOSC meetings

27. The JHOSC shall consider the following items of business:
 - (a) minutes of the last meeting;
 - (b) matters arising;
 - (c) declarations of interest;
 - (d) any urgent item of business which is not included on an agenda but the Chair, after consultation with the relevant officer, agrees should be raised;
 - (e) the business otherwise set out on the agenda for the meeting.

Conduct of Meetings

28. The conduct of JHOSC meetings shall be regulated by the Chair (or other person chairing the meeting) in accordance with the general principles and conventions which apply to the conduct of local authority committee meetings.
29. In particular, however, where any person other than a full or co-opted member of the JHOSC has been allowed or invited to address the meeting the Chair (or other person chairing the meeting) may specify a time limit for their contribution, in advance of its commencement which shall not be less than two minutes. If someone making such a contribution exceeds the time limit given the Chair (or other person chairing the meeting) may stop him or her.
30. The Chair (or other person chairing the meeting) may also structure a discussion and limit the time allowed for questioning by members of the JHOSC.

Officer Administration of the JHOSC

31. The London Borough of Havering will be the Lead Authority for clerking and administering the JHOSC. The Clerk of the Committee will be the Principal Democratic Services Officer, London Borough of Havering. Costs of supporting the JHOSC will be shared, in proportion to their representation on the Committee, by the London Boroughs of Barking and Dagenham, Havering, Redbridge, Waltham Forest and by Essex County Council, in cash or in kind.

Voting

32. Members may request a formal vote on any agenda item by informing the Clerk of the Joint Committee at least five working days before a meeting. If it is not possible to give this notice, Members have the right to request a vote at a meeting itself, provided they explain to the meeting why it has not been possible to give the standard notice of this request. The decision on whether to allow a vote, if the standard notice has not been given, will rest with the Chairman of that meeting.
33. Any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put. This will be by a show of hands or if no dissent, by the affirmation of the meeting. If there are equal votes for and against, the Chair or other person chairing the meeting will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote. Co-opted members will not have a vote.

Public and Press

34. All meetings of the JHOSC shall be open to the public and press unless an appropriate resolution is passed in accordance with the provisions of Schedule 17 of the National Health Service Act 2006.
35. All agendas and papers considered by the JHOSC shall be made available for inspection at all the constituent authority offices, libraries and web sites.

Code of Conduct

36. Members of the JHOSC must comply with the Code of Conduct or equivalent applicable to Councillors of each constituent Local Authority.

General

37. These terms of reference incorporate and supersede all previous terms of reference pertaining to the JHOSC.

SHAREHOLDER REFERENCE GROUP

Overview

The Shareholder Reference Group (SRG) will exercise the Council's role as shareholder in any company, whether wholly or partly owned by the Council¹ (including joint ventures) for the purposes of service provision and/or trading activities. The SRG acts with the delegated authority of the Cabinet to ensure the performance of any such company is satisfactory.

Any decisions required to comply with the Council's Standing Orders will be taken by Cabinet.

Any reference to "Company" in these terms of reference is to a company where the Council is a sole or part owner of that company (a capacity which is generally defined as "Shareholder" for convenience). Capital Letters is not included as such a Company as it already has in place shareholder governance arrangements through its Borough Representative Body.

Membership

Leader of the Council (Chairperson)
Nominated Councillor
Nominated Councillor

Advisors to include:

Chief Executive
Operational Director – Finance
Operational Director – Assurance
Head of Business Change – Communities

The remaining members of the SRG shall be drawn from the Cabinet and appointed by the Leader. Where this is a conflict of interest, the Leader may select an alternative Cabinet Member to sit on the SRG, subject to the maximum number of three Members including the Leader.

The officers will be advisors to the SRG to provide open and strong technical advice. Additional advisors may be invited to attend the SRG as required.

Purpose

In so far as any action does not conflict with the budget and policy framework, as approved by Council from time to time, the SRG will:

1. exercise all the powers of the Council as Shareholder contained in the Companies' Shareholder Agreements, including the Reserved matters, and any powers reserved to the Council as Shareholder in the Companies' Articles of Association
2. make decisions on behalf of the Council as Shareholder in line with delegations agreed by Cabinet
3. have the power to appoint and remove directors on the boards of the Companies
4. monitor delivery of Company Business Plans, and recommend revised Business Plans to Cabinet for approval on an annual basis

¹ With the exception of Capital Letters that has separate governance arrangements in place, reflecting the large number of local authority shareholders.

5. endorse any other amendments to Company Business Plans, so long as the proposed amendments do not constitute a substantial alteration to the Business Plan(s) then in force, such as the acquisition of a new business, the closure of an existing one, or a change of greater than 20% to the forecast revenue, expenditure or profit of the Company
6. periodically evaluate financial and service performance of a Company
7. determine the distribution of any surplus or the issue of any dividends from a Company
8. consider any recommendations from Company Directors to cease trading (although other than Company insolvency, such a decision would require Cabinet approval)
9. report to Cabinet annually or as required on the activities of the Company.
10. review the risks associated with trading activities
11. receive and approve the Companies' annual report and receive the Companies' annual accounts
12. consider and approve any proposed changes to the Company's Articles of Association
13. provide Companies with clear strategic direction and support in its role as Shareholder
14. evaluate board effectiveness, governance and processes
15. oversee compliance and provide assurance

The SRG will not have operational control over Companies. All decisions regarding the day-to-day operation of each Company, its business developments and commercial opportunities, staff terms and conditions and the development and implementation of its internal procedures, rest with the Directors of each Company, consistent with the memorandum and articles of association, and its approved business plans.

Relationship to Company Directors

Whilst the SRG oversees the strategic direction of Redbridge Companies and exercises the Council's powers as the Company owner, Company Directors have their own specific legal duties which are separate from the SRG and should not be controlled by the SRG. In board terms these are:

- Making the appropriate statutory filings to Companies House
- Following the Company's constitution and Articles of Association
- Promoting the success of the Company
- Exercising independent judgement
- Exercising reasonable care, skill and diligence
- Avoiding conflicts of interest
- Not accepting third party benefits that could create a conflict of interest
- Declaring interest in any relevant transactions

The SRG should not seek to encourage or compel Company Directors to breach any of these, or other, statutory duties of Directors. Doing so can be considered in law to be acting as a 'shadow director' and may leave members of the SRG with the same liabilities as Company Directors.

Relationship to Cabinet

The delegated authority given by Cabinet to the SRG, as a committee of Cabinet, is set out above.

The functions that would remain with Cabinet would be in broad terms:

1. Approval of Company business plans, and any substantial alteration to a Company business plan, for example acquiring a new business or closing one down, where it is not ancillary to the core business, or a substantial deviation to the agreed financial metrics;
2. Acquiring shares in any Company or interest, including limiting liability partnership or limited partnership, entering into a joint venture or profit sharing;
3. Approving significant investment outside of any agreed business plan.

To note that the SRG will submit an annual report from each Company to Cabinet for information and will submit an annual Business Plan annually to Cabinet for approval.

Relationship to scrutiny

Scrutiny Committees will retain their scrutiny function in relation to the SRG. The Council's Overview and Scrutiny Committee will be able to call the SRG to account for progress in relation to any Company for which the Council is a Shareholder and any returns it is making.

Scope

In respect of Teckal-compliant Companies

The SRG will:

1. Monitor Teckal compliance at least annually.
2. Ensure the Business Plan of a Teckal compliant Company is aligned to the corporate objects of the Council.

For wholly Council-owned Companies that trade predominantly with third parties

The SRG will also:

1. Seek to achieve appropriate returns on investment from trading activities.
2. Ensure trading activities are conducted in accordance with the values of the Council.

In respect of any shareholding and/or joint ventures

The SRG will:

1. Evaluate the return and benefits of the shareholding against the values of the Council.
2. Where appropriate, exercise influence over the Company and/or joint ventures in accordance with the values of the Council.

Operation of the SRG

1. Cabinet has delegated to the SRG the authority to take decisions in respect of 100% of the Council's shareholding in any Company subject to the limits of the delegations above.
2. The SRG will meet quarterly, or as required. Meetings may be held virtually.
3. The quorum for a meeting of the SRG is a minimum of 2 members, and decisions are carried by majority vote.
4. The SRG may take decisions in cases of urgency, by being called at short notice under the powers in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 in accordance with the general exemption or special urgency powers; alternatively, by the Leader. Any such decisions should be recorded and minuted and subsequently be included on the formal agenda of the next scheduled SRG.
5. Any decisions made by the SRG in accordance with 4 above, must be notified to the relevant Company directors as soon as reasonably practicable following such decision being taken.
6. The SRG may exercise all the shareholder powers in the Companies' Shareholder Agreements unless reserved to the Cabinet.
7. The Chair approves the agenda for each meeting. The agenda and papers for consideration are circulated at least five clear days before the meeting. After each meeting the Chair approves the meeting notes and actions.
8. The SRG will review the Terms of Reference annually and recommend any proposed changes to Cabinet.

LOCAL LONDON PARTNERSHIP PROGRAMME (LLPP) JOINT COMMITTEE

1. Committee Form and Structure

Committee Scope

- 1.1 The purpose of the LLPP Joint Committee is to discharge executive functions on behalf of the Local London Members in so far as they relate to joint activities or areas of common concern to the LLPP.
- 1.2 Local London Members may opt out of joint activities. The LLPP Joint Committee is free to agree that one or more but less than all Local London Members participate in a particular project or programme of work.
- 1.3 Where a decision of the LLPP Joint Committee does not apply to all Local London Members, the delegation of functions to the LLPP Joint Committee is limited to those Local London Members to whom the decision applies.

Composition

- 1.4 The LLPP Joint Committee will comprise 9 councillors, one from the Executive of each of the Local London Members. The political balance rules shall not apply.
- 1.5 Members of the Committee must be Cabinet members.
- 1.6 The Chairman and Vice Chairman will be appointed annually by the Joint Committee. Appointments shall be made on a rotational basis.
- 1.7 Partners and stakeholders may be invited to attend meetings of the LLPP Joint Committee on a non-voting basis as appropriate.

Quorum

- 1.8 The LLPP Joint Committee quorum is 6 councillors. In the event of a tied vote, the Chairman will have the casting vote.

Voting

- 1.9 Each Member of the LLPP Joint Committee shall have one vote. All matters to be decided shall be by a simple majority of those members present and voting.

Reserves

- 1.10 Each member of the LLP Joint Committee may appoint a reserve member from their Executive.

Competency

- 1.11 All members of the LLPP Joint Committee and councillors attending as reserves shall:
 - 1.11.1 have undertaken appropriate training in the relevant law and procedures which relate to the Joint Committee's work; and

- 1.11.2 undertake further appropriate training, on an ad hoc basis, where there are changes to procedure or relevant legislation that are deemed significant by the Chief Executives of each Local London Member (the **Chief Executive's Board**).

2. Matters Reserved for the LLPP Joint Committee

The functions of the LLPP Joint Committee shall not be limited by area.

- 2.1 To discharge executive functions that relate to joint activities or areas of common concern in relation to growth and opportunities for devolution in the sub-region.
- 2.2 To collaborate on and coordinate a range of activities and opportunities that arise through greater devolution or powers from central government.
- 2.3 To approve the annual business plan.
- 2.4 To provide strategic management and oversight of:
 - 2.4.1 The Annual Budget;
 - 2.4.2 External funding programmes; and
 - 2.4.3 All other financial resources allocated to the LLPP.
- 2.5 To secure local benefits and sustainable growth for the geographical areas of the Local London Members.
- 2.6 To secure the long-term benefits for the functions carried out and services undertaken by the Local London Members collectively, individually or in partnership with others.
- 2.7 To provide strategic and operational coherence to the collaborative work of the Local London Members in relation to securing local benefits.
- 2.8 To promote and facilitate joint bidding for funding, training and employment programmes to maximise the benefit for Local London Members.
- 2.9 To establish and facilitate the implementation of a programme for Local London Members which ensures local benefits and sustainable long-term growth.
- 2.10 To receive reports from the Director of Local London on the delivery of the LLPP as required by the Local London Members of the LLPP Joint Committee from time to time.

3. Agenda Management

- 3.1 Prospective items of business for the LLPP Joint Committee shall first be approved by the Chief Executives' Board.
- 3.2 Where the Chairman is of the view that unanimity of voting may not be achieved on an item of business, the Chairman may propose that the agenda item is referred back to the Chief Executives' Board for further consideration.

4. Overview & Scrutiny

- 4.1 The LLPP Joint Committee shall be subject to the overview and scrutiny requirements of the Local London Members.
- 4.2 In the event that a decision of the LLPP Joint Committee or any sub-committee of it is called-in, the Chief Executive (or his nominee) for the relevant Local London Member shall attend the scrutiny committee meeting together with the relevant member of the LLPP Joint Committee

CORPORATE PANELS

FAIRLOP GRAVEL ADVISORY PANEL

To make recommendations to the executive on the extraction of gravel at Fairlop Plain and, in particular, in respect of the following matters:

- a) Progress and quality of restoration and after care for previous areas of gravel extraction at Areas A, B, C and D;
- b) Progress and quality of preparatory works, gravel extraction, restoration and after care for any future phases of gravel extraction.

PUBLIC AND VOLUNTARY SECTOR CORPORATE PANEL

To make recommendations to the executive on Forward Plan executive reports on the development of effective working relationships between statutory organisations and voluntary and community groups operating in the Borough in order to achieve the Ambitions of the Sustainable Community Strategy.

CORPORATE PARENTING ADVISORY PANEL

To make recommendations to the executive on Forward Plan executive reports relating to the following matters:

- The provision of services for vulnerable children and young people in Redbridge, specifically looked after children and those subject to child protection plans, by receiving reports from the Operational Director, Children & Families and the Local Safeguarding Children Board;
- Individual sensitive cases or issues;
- The Council's Corporate Parenting Policy;
- Performance targets and Children and Young People's Plan (CYPP) priorities so far as they relate to vulnerable children and young people;
- The consideration of new initiatives intended to improve the health, education and well-being of children in care;
- The promotion of opportunities for looked after children, i.e. through mentoring work experience and job opportunities;
- To consider strategic and policy developments relating to the needs of children looked after.

STRATEGIC PLANNING CORPORATE PANEL

1. To consider a range of views on issues relating to Strategic Planning matters with a focus on strategic planning matters which will generally be of borough-wide significance including any Local Plan review and issues with SYHLS.
2. To monitor key stages in the preparation of Local Development Documents including in respect of its role in considering periodic reports on Local Plan matters appearing on the Forward Plan for executive decision making.
3. Act as an advisory Panel to Cabinet in relation to the above.

The Panel shall endeavour not to duplicate the work of the Overview and Scrutiny Committee or its Task and Finish Groups.

SECTION 5 – CABINET FUNCTIONS

5.1 The Executive shall be responsible for the exercise of all executive functions which are not the responsibility of the full Council or any other part of the Council whether by law or under this Constitution together with those local choice functions which are the responsibility of the Executive. The Leader may exercise all these personally or make arrangements for their discharge by any of the following;

- (i) the Cabinet;
- (ii) individual Cabinet Members;
- (iii) a committee of the Cabinet;
- (iv) an officer;
- (v) another local authority; or
- (vi) a joint committee with another local authority.

This section of the Constitution sets out the arrangements which the Leader has made for the discharge of executive functions by the Cabinet or by individual Cabinet members. Section 6 ('Scheme of Delegation') sets out the powers delegated to individuals.

General Description of Responsibilities of the Cabinet

- 5.2**
- (a) The Cabinet is responsible for implementing the agreed Budget and Policy Framework and for developing proposals in accordance with the Budget and Policy Framework rules in Part 3 of this Constitution.
 - (b) The promotion of the economic, social or environmental well-being of the area, leading the development of the community plans and the formation of partnerships with other public private, voluntary and community organisations including the Redbridge Strategic Partnership.
 - (c) To have regard to the requirements of Social Inclusion and Equal Opportunities in the delivery of services.
 - (d) The Cabinet has responsibility for providing a corporate focus for the Authority by making recommendations on strategic policies and priorities to Council.
 - (e) The Cabinet will have specific responsibility for the development of the Medium Term Plan and the development of corporate strategy, and facilitating policy led organisation of the Council.
 - (f) The Cabinet will set out the Council's strategy for partnership and influence beyond the organisation as well as the policy framework within which other parts of the structure will operate. It will also act as a focus within the Council to promote outside influence on issues, which cross or are beyond other Committees' boundaries. It will focus on external funding opportunities.
 - (g) The Cabinet has responsibility for developing policy in respect of all Council functions and services.

- (h) The Cabinet has responsibility for policy proposals and operational matters in respect of schools, special services, grants and awards and adult education.
- (i) The Cabinet has responsibility for social services functions of the Council in respect of care in the community, children, those with learning and physical difficulties, those with mental health difficulties and elderly people.
- (j) The Cabinet has responsibility for ensuring the effective management of recreational, leisure and library facilities provided by the Council.
- (k) The Cabinet has responsibility for maintaining a strategic overview of housing provision in the Borough, including housing not within the ownership of the Council. Included within its remit are housing policy development, provision of housing and the assessment of housing need.
- (l) The Cabinet has responsibility for considering and determining service policy in respect of those matters within the responsibility of the Council that affect the physical surroundings in which the local community lives such as planning, waste management, environmental health and consumer protection, transportation and highways. The Cabinet will develop strategies for protecting and improving the environment of the Borough.
- (m) Additionally, the Cabinet has direct responsibility for the promotion of economic opportunities and development within the Borough. It will promote the Borough's economic interest in the wider context on a London-wide basis and particularly the East London regeneration, including Thames Gateway.
- (n) The Cabinet will ensure that a quality service is provided through its monitoring role, whether the Service is provided directly by the authority or by external agencies.

5.3 Powers of Cabinet

These are specified above and in Section 6 ('Scheme of Delegation').

5.4 Individual Cabinet Members

- (a) Each Cabinet Member is allocated a portfolio of services and issues by the Leader. These are set out below but may be changed by the Leader from time to time. The Portfolio Holder is responsible for reporting to Cabinet with regard to all matters contained within that portfolio, including any related matters that may arise.
- (b) The Leader is responsible for making appointments to outside bodies. Where the Leader wishes to appoint himself/herself to an outside body within the remit of his or her Portfolio, then the appointment must be made by the Deputy Leader.
- (c) Each Portfolio Holder is responsible for advising Officers where functions have been delegated to Officers in consultation with the relevant Portfolio holder.

CABINET PORTFOLIOS

Portfolio	Role
<p>Leader, Growth & Regeneration</p>	<p>The Leader is the ambassador for Redbridge within the Borough and enhances the profile of Redbridge in London and beyond, to be able to seek more inward investment and influence specific policy decisions. The Leader will prioritise issues that support the longer-term ambitions of the borough. They are the advocate of all residents, and their primary responsibility is to maintain and improve the lives of people who live and work in the borough.</p> <ul style="list-style-type: none"> • To set the political and strategic direction of the Council • To be Leader and principal spokesperson of the Council and to be Chair of the Cabinet • To work with Cabinet Members to promote and develop key priorities across their portfolios • To have overall responsibility for Civic Leadership, all Civic events, the Mayoralty and overall responsibility for the provision of Member support and development • To advise the Council on changes to the Constitution and delegation of Cabinet functions • To have overall responsibility for the Council's Strategic Planning and Performance Framework including overseeing the development of the Corporate Strategy • To develop and support the "Shaping our Future" change programme • To make appointments to all external bodies and oversee and develop the Council's relationship with external organisations including bodies on which it is directly represented • To lead and oversee the Council's response to external performance assessments • To have overall responsibility for the Council's Legal Services • With the Cabinet Member for Children and Young People, to consider the annual assessment of the Council's arrangements to safeguard children and promote their wellbeing • To develop partnerships sub-regionally, regional and with Central Government agencies • To be responsible for Council's commercial and major contracts • To have oversight of all the council owned companies and their governance • To oversee the development of a Regeneration Strategy • To set the overall direction in relation to the Council's property portfolio • To have overall responsibility for the Council's asset management and the control of the Council's land and property • To have overall responsibility for the Council's Communications Strategy and all communication messages

Portfolio	Role
Deputy Leader & Cabinet Member for Finance	<p>The portfolio is about enabling the organisation to manage within its available resources and set out a longer-term view of the organisations finances and the strategies required to ensure it is successful. This means shaping the organisation so that is more cost effective in the medium term.</p> <p>To deputise for the Leader as and when required and to discharge the Leader's functions in the absence of the Leader</p> <ul style="list-style-type: none"> • To develop the strategic response to eradicating poverty and in particular the response to the cost of living crisis. • To have overall responsibility for the shape, content and control of the Council's revenue budget and capital programme and advise the Council on: <ul style="list-style-type: none"> ○ The Budget and level of Council Tax to be levied ○ The Medium-Term Financial Strategy ○ Anti-poverty Strategy • To be responsible for an effective Treasury Management Strategy • To develop a strategy to exploit all possible external funding sources and have oversight of distributions including CiL • To be responsible for the Council's relationship with external audit • To have overall responsibility for discretionary Council Tax discounts and business rate reliefs • To have overall responsibility of the Finance Service including debt collection, Council Tax (except Council Tax setting), Business Rate, Benefit administration, the provision of welfare benefit support and assessment of Adult Social Care charges • To be responsible for monitoring budgets and any capital schemes for services within the portfolio

Portfolio	Role
Children, Young People & Education	<p>The portfolio will champion the needs of all young people and work with colleagues to address the causes and consequences of child poverty. The portfolio holder will also be responsible for work to manage school places and ensure equitable provision across the borough. They will be responsive to national education reforms and consider the consequences for educational provision and the work of the Council. The Cabinet Member will champion the Unicef Child Friendly initiative ensuring that young people are at the forefront of the organisation's mind in decision making.</p> <ul style="list-style-type: none"> • To discharge the role of Lead Member for Children's Services under section 19 of the Children Act 2004 in respect of the relevant statutory functions of the Council. • To be responsible for providing support to families with children including Supporting Families • To be responsible for the Council's child safeguarding arrangement • To develop the all age Domestic Violence service and services for perpetrators • To be responsible for children in care and care leavers and fostering and adoption • To lead on duties with regard to Child Exploitation • To be responsible for the Local Authority's roles in respect of the provision of high quality nursery, primary, secondary education, special school and childcare places • To be responsible for policy relating to awards, admission to schools, and the provision of financial assistance to pupils • To be responsible for the development of strategy and policy to raise the educational achievement and attainment of children and young people in the Borough • To oversee the development and implementation of policies and strategies to preventing offending and re-offending by young people • To be responsible for the Local Authority's roles in respect of Fair Funding for schools • To be responsible for the provision and management of Youth Services within the borough • To have an overarching brief with regards to early intervention and prevention • To develop and implement a Child Poverty Strategy • To recommend approval of the Children's Services capital programme for schools, Children's Centres, Youth Centres and Children's Resource Centre Buildings • To be responsible for monitoring budgets and the commissioning of any capital schemes for services within the portfolio

Portfolio	Role
Adult Social Care and Health	<p>The portfolio will lead the Council's adult social care responsibilities, principally defined through the Care Act 2014. The portfolio will lead on the development of integrated health and care arrangements and the Council's support and challenge to effective health planning and delivery within the Borough. It will lead on the Council's Public Health responsibilities including promoting the principles of early intervention and prevention in improving physical and mental health outcomes for residents. The portfolio holder will seek to ensure that public health features in all the Council's policies</p> <ul style="list-style-type: none"> • To be responsible for the discharge of the Council's functions under the Care Act 2014 • To be responsible for the discharge of the Council's health functions under the Health and Social Care Act 2012 • To be the lead Cabinet Member responsible for the development of social care related plans and strategies for adults including Older People, Learning Disability, Physical Disability and Mental Health services. • To have overall responsibility for adult social care in Redbridge and to be responsible for monitoring the performance of all aspects of local authority social care services for adults including direct provision by the Council and contracting with the voluntary sector and external providers of service • To oversee standards in the Council's own adult registered Care Services • To oversee and monitor the performance of agreements with partner NHS bodies or other local authorities under section 75 of the National Health Service Act 2006 and other relevant enactments • To be the lead Cabinet member responsible for the development of public health related plans and strategies, including health protection. • To support the effective implementation of health policies including the improvements to Whipps Cross and advocating for improvements to Primary Care provision • To have overall responsibility for relations with the National Health Service in Redbridge and more general health improvement in Redbridge • To be responsible for monitoring budgets and any capital schemes for services within the portfolio

Portfolio	Role
Environment & Sustainability	<p>The Council has a wide range of commitments to tackle climate change and its own carbon footprint. This portfolio will ensure these are delivered and monitored for their impact. The portfolio holder will consider how we address the longer-term sustainability of the borough including looking at housing and retrofitting as well as sustainable transport planning.</p> <ul style="list-style-type: none"> • To be responsible for the overall co-ordination of policies to protect and enhance the environment and sustainability of Redbridge as contained in the Council’s Environmental Action Plan. This includes the Council’s own activities • To be responsible for policies relating to climate change and tackling the climate crisis • To support housing retrofitting activities, accessing relevant funding and ensuring future housing policies and planning policies recognise our commitments to the environment • To be responsible for the functions of the Council as the Highway authority, including transportation planning, traffic management, road safety and all matters related to trunk roads, highways and other roads, including the development of new schemes • To oversee the development and implementation of a Borough-wide Sustainable transport strategy and EV strategy • To be responsible for on-street and off-street parking policy and parking enforcement services • To develop effective links with statutory, regional and sub-regional agencies to create an efficient and effective public transport and road network systems • To oversee the regular maintenance and improvement of the Borough’s roads and streets • To have overall responsibility for Cemeteries and Crematoria • To support the planting and maintenance of our trees with an additional 20,000 trees by 2026 and growing our wild spaces, allotments and pocket parks • To support flood improvement measures • To enhance the access to the River Roding • To be responsible for minimising waste and maximising recycling and ensuring effective waste collection and disposal • To develop links between relevant authorities at all levels to drive and implement effective air quality policies • To be responsible for monitoring budgets and any capital schemes for services within the portfolio • To have overall responsibility for street cleansing, litter, the removal of fly-tipping, abandoned vehicles and graffiti • To develop and have oversight of the Council’s communication and outreach plan to help work with residents (students and adults) to reduce illegal dumping and create a cleaner borough

Portfolio	Role
Planning and Economic Growth	<p>The portfolio will support the borough's ability to implement important regeneration schemes as well as act as the safeguard for good planning management. The borough needs to develop and enhance the workforce across Redbridge to access new sectors, build a strong local economy and give everyone an equitable opportunity to access employment.</p> <ul style="list-style-type: none"> • To oversee the Borough's land use planning and development processes including planning policy • To ensure the implementation of the Local Development Framework • To have overarching responsibility and to encourage the development of employment, skills and training for the Borough • To develop a planning strategy for implementation in respect of conservation areas, residential precincts, listed buildings, tree matters and sites of special scientific interest • To support the Business Improvement Districts and ensure delivery of business support and development services • To have overall responsibility for policy on Fairlop Land and mineral extraction • To be responsible for all planning enforcement activities • To be responsible for providing an effective Building Control service • To co-ordinate the Council's response on London/Regional/National planning policies and promote the Borough's economic interests on a regional basis, and lead on the development and implementation of an economic development strategy • To be responsible for the Council's approach to energy management within its own buildings • To be responsible for estate and facilities management and building services • To be responsible for monitoring budgets and any capital schemes for services within the portfolio • To work with the Redbridge Institute to develop community based learning and ensure an ongoing effective delivery of courses to make residents work ready • To direct the Council's employment programmes and creating affordable workspace to provide increased opportunities for the long-term unemployed, those with complex needs, vulnerable adults, and people with disabilities. • To develop an apprenticeship programme for the borough and to advocate for a Council apprenticeship programme • To lead on the implementation of the Council's vision for the

regeneration of secondary shopping centres and parades

- To have overall responsibility for strategic policy in respect of Adult Lifelong Learning Services
- To promote post-16 education, training and skills for employment in schools, colleges and other settings.
- To support the Council's commitments to make Redbridge a London Living Wage Place by encouraging all businesses to pay the Living Wage.
- To oversee the implementation of the Employment, Skills and Enterprise Strategy, and working in partnership with Local London and the GLA to implement effectively across the borough

Portfolio	Role
Resources & Transformation	<p>This portfolio is focused on the effective workings of the organisation and to consider areas for transformation as well as the overall change programmes of the organisation. The way that we interact with customers and our digital strategy for the organisation are important in defining the future organisation.</p> <ul style="list-style-type: none"> • To be responsible for overall customer services and modernising our approach to the customer front door • To oversee the Council's Customer Complaints Procedure and the Council's relationship with the Local Government Ombudsman • To champion the Council's approach to quality awards including Investors in People • To be responsible for Information Governance • To be responsible for effective internal audit and counter fraud • To champion Risk Management and the understanding of risk • To promote the use of electronic and web-based technology and transactions • To be responsible for the financing and provisions for the registration of births, deaths and marriages and civil partnerships, citizenship ceremonies and nationality checking • To develop and maintain a corporate procurement strategy and including the Fairtrade Policy and promotion of social value • To have oversight of Electoral Services to include overseeing our efforts to increase voter registration and participation levels • To be responsible for developing, implementing, monitoring and reviewing ICT Strategies • To be responsible for a modern HR service that supports the development of an effective workforce

Portfolio	Role
Leisure, Culture & Communities	<p>This portfolio will support community cohesion and equalities across Redbridge. It is about supporting an active and healthy borough and working with community groups and the voluntary sector to give residents the best possible place to live. The portfolio will lead on the relationship with Vision and the development of a Redbridge cultural strategy.</p> <ul style="list-style-type: none"> • To develop relationships with local community interest groups, businesses, residents and voluntary sector. • To develop a Culture Strategy to include all recreational and cultural activities • To develop a Leisure Strategy • To support the development and enhancement of community facilities • To ensure the effective provision and management of sports grounds, parks, open green spaces, leisure, recreational and cultural activities and facilities • To have overall responsibility for the Borough library service • To have overall responsibility for the Council's involvement with the Kenneth More Theatre, Redbridge Drama Service and Music Service • To have overall responsibility for the administration of leisure grants • To have overall responsibility for all outdoor centres • To have overall responsibility for the organisation of festivals • To have overall responsibility for the Local Compact with the Voluntary and Community Sector • To explore different ways of consulting residents on changes to the Council – making Redbridge a more participatory democracy which will enhance our representative democracy • To review the Council's decision-making processes to ensure that they offer residents the opportunity to effectively participate in local democracy • To have overall responsibility for Democratic and Scrutiny services • To work closely with the Voluntary Sector Partnership to identify community needs and priorities, and maximise their role in addressing them • To have overall responsibility for the development of Council- wide policy on providing financial support to voluntary sector organisations as part of a Redbridge VCS strategy • To develop strategy and policy to consider and determine grant applications from external organisations incorporating the need to promote equalities • To have overall responsibility for equalities and promoting community cohesion and implementing a borough EDI strategy • To oversee the Council's community cohesion policies and

activities

- To support the work of the Prevent team
- To support the co-operative and mutual economy in Redbridge

Portfolio	Role
<p>Housing and Homelessness</p>	<p>The portfolio will look at both the needs of residents and our ability to address the Redbridge housing supply. The role will monitor and manage the pressures on our temporary housing provision and support the national asylum schemes as well as our work to address homelessness.</p> <ul style="list-style-type: none"> • To determine and keep under review policies in respect of the private sector including making grants for the repair, improvement and conversion and adaptation of privately owned housing and achieving good quality accommodation and management in the private sector • To have overall responsibility for the effective management of the Council's existing housing stock and associated property including its repair and maintenance and by exploring and entering into partnerships, where appropriate • To set and control the rents of properties within the Housing Revenue Account and to determine a charging policy for other facilities • To be responsible for the development of all appropriate Housing related plans and strategies • To be responsible for monitoring budgets and any capital schemes for services within the portfolio • To be the Lead Cabinet Member responsible for the Council's overall Housing Strategy including the establishment of Roding Homes • To determine and operate policies for dealing with houses in multiple occupation, and to lead and have responsibility for the enforcement of the Private Sector Landlord Registration Scheme • To be responsible for homelessness matters and reviews • To be responsible for the Council's agenda to end homelessness and to advocate for additional capacity, responsibilities and support • To work with third sector organisations to address community issues including homelessness

Portfolio	Role
<p>Enforcement and Community Safety</p>	<p>A major priority for residents is being able to live in a safer borough that tackles the causes of crime and to take enforcement measures where needed. The Crime Commission, which has set out a broad set of ambitions across 6 main areas with 48 commitments, provides a framework for this portfolio. Within this there are specific priorities around Violence Against Women and Girls and the need to address safety after dark.</p> <ul style="list-style-type: none"> • To act on the Council's behalf in relation to Redbridge community safety partnerships • To have overall responsibility for anti-prostitution and adult sexual exploitation work • To work closely with the Police, enforcement agencies and other key stakeholders to develop Crime Prevention policies. • To develop and implement Engagement and Enforcement Hubs across the borough as well as increase police accessibility • To have overall responsibility for Public Protection and Emergency Planning, including the operation of CCTV • To oversee the development and implementation of policies and strategies to combat Alcohol, Drugs and Substance abuse, illegal tobacco and Anti-Social Behaviour • To oversee the efficient and effective discharge of the Borough's public protection responsibilities as they relate to trading standards, licensing, public safety and health • To have oversight of the implementation of the Council's plans to have active Street watch in all borough wards • To be responsible for all of the Council's public protection and street-scene enforcement services, including the investigation and prosecution of cases • To oversee work on the Domestic Violence Strategy development and implementation • To advocate for increased safety capacity including visible policing • To lead community awareness campaigns to support strategic priorities as set out in the Crime Commission plan.

Part 2

SECTION 6

LONDON BOROUGH OF REDBRIDGE SCHEME OF DELEGATION

Responsibility for Scheme of Delegation and Publication

This Scheme of Delegation is published pursuant to section 100G of the Local Government Act 1972 and shall be available for public inspection in accordance with section 100G(4) of that Act.

This Scheme is maintained and updated from time to time by the Monitoring Officer who shall have the power to amend it to reflect re-organisations, changes in job titles and vacancies and to correct any typographical errors or inconsistencies subsequently identified or to reflect changes to names, roles or similar.

This Scheme is necessary to demonstrate, if called upon to do so, that officers and others have the necessary authority to act on behalf of the Council. It is essential, therefore, that this Scheme is kept up-to-date. It is the responsibility of each Chief Officer to inform the Monitoring Officer of any changes to nominations, authorisations, roles or responsibilities and legislation so that appropriate amendments may be made to this Scheme.

The Monitoring Officer shall ensure that the Scheme of Delegation is kept under review and is published on the Council's website together with any schedules thereto.

Interpretation

Any reference in the Schedule to any Act of Parliament or to any part of any Act is deemed to include a reference to any other Act or Acts or parts thereof which may consolidate, re-enact, replace or supplement that Act.

Any post specifically referred to shall be deemed to include any successor or replacement post or a post which includes within its remit elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded or discharging the functions of the post on an interim basis.

If a delegated function straddles one or more officer responsibilities, the function may be exercised by either or any of the relevant officers but, if necessary, the Chief Executive or relevant Chief Officer will decide which officer should exercise the function.

If a delegated function straddles one or more Cabinet portfolios, the function may be exercised by either or any of the relevant Cabinet Members but, if necessary, the Leader will decide which Cabinet Member should exercise the function.

Delegations shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of that delegation.

Save in cases where the delegation is of a statutory duty, where the relevant statutory provisions provide otherwise, or where the delegation itself is expressly limited in this respect, the exercise of any delegated function is discretionary. In particular, the power to grant any licence, permit, consent, approval or registration, includes the power not to so grant and to amend or revoke.

Where the delegation to any officer is stated in the Schedule to derive from any statutory provision, the officer may exercise any functions set out in that provision or in any regulations, orders, directions, rules or other statutory instruments made under that provision unless the delegation set out in the Schedule is expressly limited.

All delegations are of a continuing nature, for example, to exercise a particular statutory power on an ongoing basis, and all delegations which are expected to extend for more than six months, are to be included in this Scheme of Delegation.

Any delegation to an officer is without prejudice to the powers of the Council or the appropriate Committee to call for a report on any exercise of any delegated function or to call upon the officer concerned to refer any particular matter which is still under consideration to the Executive or the appropriate Committee.

Any body or person who delegates a function to another body or person or who nominates or authorises another person to act on their behalf shall not be prevented from exercising that power himself/herself should that body or person so wish.

With respect to any reference to a delegation being exercised following consultation with the appropriate Cabinet Member, the decision is vested with the delegate who shall be responsible and accountable for the decision.

In any case where there is a conflict between the Officer Scheme of Delegation and the Constitution, the Constitution shall prevail, subject to interpretation by the Monitoring Officer.

Any other question of interpretation of this Scheme shall be determined by the Monitoring Officer.

All existing delegations to officers shall continue to exist notwithstanding approval of this new Scheme.

Cabinet Functions

The functions of the Cabinet, as agreed by the Leader of the Council, are described in Section 5 (*'Cabinet Functions'*). The Leader has delegated all necessary powers to the Cabinet (and any person or body nominated or agreed by the Cabinet) to undertake any executive function and to individual members of the Cabinet to undertake the executive functions listed in their portfolios. The powers so delegated to Cabinet Members and any limitations or conditions to which those powers are subject are set out in this Scheme of Delegation.

Non-Executive Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the "Regulations") sets out the functions of the Council which by law cannot be exercised by the Executive. All these functions will be exercised by officers unless they are reserved to a member body or referred to a member body by an officer. These powers are set out in the Schedule which also indicates which part of the Council or which officer will exercise the function.

Officer Functions

The Leader of the Council has delegated all necessary powers to the Chief Executive and to other Chief Officers, Deputy Chief Officers, Operational Directors and Heads of Service, and to the Service Managers, Team Managers and Area Managers reporting to Heads of Service, to lead and manage and make decisions in respect of the executive functions for which they are allocated responsibility. The Council has also delegated all necessary powers to the aforementioned officers to lead and manage and make decisions in respect of the non-executive functions for which they are allocated responsibility.

The local schemes of delegation maintained by the Chief Officers, Deputy Chief Officers, Operational Directors and Heads of Service may specify the areas of responsibility allocated to others and any conditions or limitations to which their delegations are subject.

The Leader and the Council have delegated to the officers or third parties listed in the Schedule all necessary powers to lead and manage and make decisions in respect of the functions for which they are allocated responsibility PROVIDED that those other officers or third parties are authorised by the relevant Chief Officer, Deputy Chief Officer or Head of Service to exercise those functions, such authorisations or nominations (and any conditions and limitations to which they are subject) to be specified in the local scheme of delegations maintained by the relevant Chief Officer, Deputy Chief Officer or Head of Service for that purpose.

The Leader and the Council have delegated to the Chief Executive and to other Chief Officers, Deputy Chief Officers, Operational Directors and Heads of Service the power to authorise or nominate other officers or third parties to exercise the functions delegated to them PROVIDED that those authorisations or nominations (and any conditions and limitations to which they are subject) are specified in the local scheme of delegation maintained by the relevant Chief Officer, Deputy Chief Officer, Operational Director or Head of Service for that purpose. The Leader and the Council have delegated all necessary powers to those officers or third parties so authorised or nominated to lead and manage and make decisions in respect of the functions for which they are allocated responsibility.

The areas of responsibility allocated to Chief Officers by the Chief Executive may change from time to time but the current allocation of responsibilities is shown in the Schedule to this Scheme of delegation. Any changes will be notified by the Chief Executive to the Monitoring Officer who shall then arrange for those areas of

responsibility to be notified to all members of the Council and will make appropriate amendments to the Constitution and this Scheme to reflect such change(s). The relevant Chief Officer will notify the Monitoring Officer of any changes to the areas of responsibility allocated to other officers and the Monitoring Officer shall then arrange for those areas of responsibility to be notified to all members of the Council and will make appropriate amendments to the Constitution and this Scheme to reflect such change(s).

Proper Officers

The Council may or must appoint a Proper Officer to carry out certain functions where specified in legislation. The Proper Officer may only nominate another officer or person to carry out those functions where permitted to do so by the relevant legislative provision. The Proper Officers are specified in the Schedule. The Chief Executive may nominate a proper officer to carry out any function or role except where such appointment is required to be made by the Council. Where no Proper Officer is specified then the Proper Officer shall be the Monitoring officer.

Contracting Out

The Council may authorise other persons or bodies to exercise certain functions where permitted by law to do so, for example pursuant to an order made under the Deregulation and Contracting Out Act 1994. The Leader and the Council have delegated power to the Chief Officers, Deputy Chief Officers Operational Directors and Heads of Service to enter into contractual arrangements with other persons or bodies to carry out the functions delegated to them. Such other persons or bodies nominated or authorised or otherwise named by Chief Officers for those purposes shall be named in a local scheme of delegation maintained by the relevant officer and notified to the Monitoring officer from time to time who shall arrange for it to be published alongside the Schedule to this Scheme of Delegation. .

Proof of Authorisation

Officers may be required to produce proof of their authority for the purposes of identification, enforcement or legal proceedings.

The Delegated Powers

The powers delegated by the Leader of the Council to the Cabinet and to members of the Cabinet and to Chief Officers and others nominated or authorised by Chief Officers to undertake the functions allocated to them include but are not limited to:

- Agreeing policies, strategies or plans
- Publishing and responding to consultation exercises
- Making decisions about services, facilities or buildings
- Making, revising or withdrawing grants or other payments
- Setting or increasing fees and charges for Council services or facilities

- Inviting expressions of interest, quotes or tenders for contracts
- Entering into contracts or other agreements, including agreements relating to land
- Appropriating land from one purpose to another
- Issuing, defending or settling legal proceedings or submitting any request or application to any court, tribunal or similar person or body
- Issuing, amending, revoking or withdrawing Fixed Penalty Notices
- Issuing, amending, revoking or withdrawing other notices, orders, licenses, permits, consent, permissions and similar matters
- Issuing, amending, revoking or withdrawing any demands, bills, invoices or similar
- Giving, amending, withdrawing or revoking any approval
- Signing, certifying or authenticating any document
- To create, maintain, update, amend any sort of register, statutory or otherwise
- Entering premises or land and taking or seizing goods
- Obtaining, recording, storing, sharing and destroying information
- Creating, acquiring or joining companies, partnerships, trusts or similar
- Joining any association, group, board or similar
- Authorise filming
- Street and place naming and numbering
- Covert and overt surveillance and authorisations relating thereto
- Designating or registering people, bodies, buildings, places, land or areas as falling within a particular zone, place, district or area or for certain specified roles or purposes
- Appointing a person or body to a specific position, role, body or organisation
- Hearing and determining complaints, grievances, appeals, reviews or petitions by any person or body
- Making a determination or decision on a matter falling within their area of responsibility
- Join any bodies, societies, associations or groups
- Doing any other thing required to be done in connection with the executive functions within their portfolios or areas of responsibility

The powers delegated by the Council to officers and to others to undertake the non-executive functions allocated to them include but are not limited to:

- The same powers as delegated by the Leader above but exercisable in relation to non-executive functions
- Appointing, dismissing and otherwise organising, managing and making payments to staff including agreeing policies relevant to their employment, including but not limited to terms and conditions

- Determining any matter relating to elections or electoral boundaries
- Appointing a proper officer if such appointment may by law be made by officers

Limitations on Officer Powers

The powers set out above are subject to the following limitations, conditions, provisos and prohibitions:

- 1) Officer powers to appoint and dismiss staff do not apply to the appointment or dismissal of Chief Officers and Deputy Chief Officers whose contracts are or are proposed to be governed by Chief Officer terms and conditions, which power shall be reserved to the Staffing Committee (or in the case of the Chief Executive, the s151 officer and the Monitoring officer, the Council).
- 2) The Chief Executive or relevant Chief Officer shall consult the Leader of the Council on any proposed changes to the roles or reporting lines of any Chief Officer or Deputy Chief Officer or any other significant change to the Council's officer structure.
- 3) Officer powers to agree policies relevant to the employment of staff such as terms and conditions and others do not apply to the Pay Policy Statement and Redundancy and Early Retirement Payments Policy, which power shall be reserved to Full Council, nor to any material changes to the 3Rs Policy, which shall be referred to the General Purposes Committee for approval.
- 4) Officer powers to set fees and charges is limited to decreasing existing fees and charges or increasing existing fees and charges in line with inflation and does not extend to increasing charges above inflation or setting new charges. In any case where the delegated function includes a power to fix levels of fees or charges, this power shall be exercised in consultation with the relevant Cabinet Member.
- 5) Officer powers in relation to legal proceedings and property are subject to the limitations set out below and officer powers to procure and enter or vary contracts is subject to Contract Standing Orders
- 6) Officer powers to determine any matter is subject to any powers reserved to any committee to determine such matters
- 7) Officer powers may only be exercised where to do so is not contrary to any agreed policy of the Council.

When exercising any delegated function the relevant officer should bear in mind the possible impact on other service areas and the possible legal and financial consequences, and consult other Chief Officers where appropriate.

Limitations on All Delegated Powers

All delegations to committees, members, officers and others are subject to the following limitations, restrictions, conditions and provisos:

- 1) The decision maker may not raise money by council tax, precept, or loan or to make bylaws.
- 2) Subject to the urgency procedure in relation to executive decisions in the Access to Information Rules, any decisions made shall accord with the Budget and Policy Framework;
- 3) Before acting on any matter involving the adoption of any new policy which changes the Budget and Policy Framework, the Decision Maker must obtain the approval of the Council to its proposed course of action;
- 4) Neither the Executive nor any Committee may make decisions in relation to a power or duty where its function is expressed to be advisory or limited to the making of recommendations or the submission of requests to the Council or another body;
- 5) Decisions which incur expenditure may only be made if there is adequate budgetary provision available;
- 6) The exercise of any delegated function is subject to the provisions of the Council's Constitution, in particular those Standing Orders dealing with finance and contracts.
- 7) Decision makers must take account of professional advice from officers;
- 8) Decision makers must give reasons for their decisions;
- 9) The power to make decisions is subject to any other condition, limitation, restriction or proviso contained elsewhere in the Constitution or Standing Orders.

Further Limitations Imposed by the Leader of the Council

The Leader has for the time being and subject to change at any time, determined that no decision may be taken by a Cabinet Member or an officer on any matter which:

- will result in a recommendation or proposal being made to Full Council;
- the Leader has decided should be referred to Full Council;
- the Leader has decided should be referred to the Cabinet;
- approves a major new policy or strategy (as determined by the Leader of the Council);
- will lead to the closure of a public facility such as a school, library, leisure centre or residential home;
- directly and immediately affects all residents or all business in the borough.

Urgency

In any case where for reasons of urgency a decision has to be taken forthwith and cannot be delayed for any reason, the Chief Executive may make the decision, whether it be an executive or a non-executive decision, but shall be required to report any decision taken under this urgency provision to the next meeting of the Cabinet.

The Chief Executive may incur expenditure and make grants and loans in cases where an emergency or disaster involving destruction or danger to life or property occurs or is imminent, and to incur expenditure for the purposes of contingency planning to deal with possible emergencies or disasters, whether pursuant to section 138 of the Local Government Act 1972 or otherwise.

Legal Proceedings and Representation

Only the Operational Director - Assurance may instruct solicitors, lawyers or barristers to act on behalf of or advise the Council and/or to appear in courts and tribunals.

Only the Operational Director - Assurance may issue, settle or defend legal proceedings in any court or tribunal.

These powers may be exercised by any other officer nominated for that purpose by the Operational Director - Assurance.

Property

Only the Chief Executive, the Corporate Director for Place, the Corporate Director for Resources, the Operational Director, Regeneration & Property and any officer nominated by him or her for that purpose may approve any disposal, acquisition, lease or other contractual arrangement entered into in relation to the Council's land or property.

Financial Limits

The financial limit for decisions by individual Cabinet Members, officers and others is £500k, except where the decision is required to be made prior to the next Cabinet meeting for reasons of urgency or in order to meet a constitutional, legal, contractual, third party or government deadline and except where provided for in Contract Standing Orders or Financial Regulations.

In accordance with Contract Standing Orders, Cabinet Members and officers are permitted to award a contract to a contractor provided that the award is made in accordance with the recommendations of a tender evaluation panel and such contract award decisions are subject to a limit of £500k for officers and no limit for Cabinet Members.

In respect of executive functions, the financial limit of £500k for member and officer decisions is set by the Leader and may be changed at his discretion by serving notice on the Operational Director - Assurance who will then notify all members and Chief Officers.

The Chief Executive has, for the time being, set a lower limit of £250k for officer delegations, other than in relation to property disposals or acquisitions, instructions to lawyers and contract award decisions where the threshold shall be £500k.

Neither the member or officer financial limit shall apply to any decision taken in connection with the statutory Right to Buy scheme or statutory property enfranchisement or in connection with the renewal or extension of an existing lease, license or other contractual arrangement or any other decisions taken in connection with any such existing lease, license or contractual arrangement.

The value of any decision will be assessed in accordance with guidance issued from time to time by the Monitoring Officer on decision making thresholds and powers.

The Council's Financial Standing Orders and CSOs also prescribe certain other financial limits or thresholds to which member and officer powers are subject.

The Table below contains additional financial limits on officer powers:

Power	Limitation
Make <i>ex-gratia</i> payments	The Redundancy, Pensions & Payments Panel up to £0.020m. £0.020m up to £0.100m the Chief Executive, in consultation with the Leader of the Council Over £0.100m to be approved by Council.
Pay honoraria	Relevant Head of Service up to and including £10k. Over £10k Chief Executive
Pay a sum due to any deceased officer to their personal representative without requiring production of probate or letters of administration	Relevant Head of Service up to and including £10k. Over £10k relevant Chief Officer
Make reimbursements in accordance with a scheme to compensate outgoing tenants for improvements	As above
Pay money to any tenant/resident association	As above
Pay compensation to trustees	As above

Pay compensation to the person entitled to the rents and profits of land acquired	As above
Instruct Operational Director - Assurance to pay purchase money for land acquired compulsorily into the Senior Court	As above
Instruct Operational Director - Assurance to pay purchase money or compensation to the Supreme Court or to Trustees	As above
Settle legal proceedings and/or make payment in settlement	As above
Pay compensation to any person in accordance with the recommendations of the Ombudsman	As above
Acting Up Allowance	As above
To pay purchase money or compensation to the parties directly	As above but subject to any other requirements in Financial regulations

Key Decisions and Forward Plan

Any decision which is a Key Decision is subject to the requirements on prior publication in the Forward Plan as set out in the Constitution.

Notice of any intended officer decision shall be published in the Forward Plan if the value of the intended decision (including virements) is more than £250k. The report and the record of the decision shall also be published. This requirement does not apply to lease renewals.

Record of Officer Decisions

All Service Areas are responsible for keeping their own records of any other decisions taken by Officers.

The Schedule to this Scheme of Delegation

The Schedule to this Scheme of Delegation provides further details of the powers delegated to officers and will be updated by the Monitoring Officer from time to time. It comprises the following sections:

- A. Chief Officers and their areas of responsibility
- B. Deputy Chief Officers

- . Heads of Service
- A. Proper Officers
- B. Nominated or authorised officers
- C. Non-Executive Functions
- D. Contracted Out Functions (these schedules are maintained by each Executive Director)
- E. Specific delegations to officers and others (these schedules are maintained by each Executive Director)

**SCHEDULE OF OFFICERS AND THIRD PARTIES NOMINATED OR AUTHORISED
TO EXERCISE DELEGATED POWERS**

- A. Responsibilities Allocated to Chief Officers**
- B. Responsibilities Allocated to Deputy Chief Officers**
- C. Heads of Service**
- D. Proper Officer functions**
- E. Nominated or authorised officers**
- F. Non-Executive Functions**
- G. Contracted Out Functions (these schedules are maintained by each Corporate Director)**
- H. Specific Delegations to Officers and Others (these schedules are maintained by each Corporate Director)**

A. RESPONSIBILITIES ALLOCATED TO CHIEF OFFICERS

The broad areas of responsibility allocated to Chief Officers by the Chief Executive may change from time to time but the current allocation of responsibilities is set out below. Chief Officers may exercise all and any of the Councils functions.

Chief Officer	Area of Responsibility
Chief Executive	Head of Paid Service and responsibilities thereof Overall responsibility for all aspects of the Council's functions, services, operations, policies and strategies including: Legal Democratic and Scrutiny functions including Member Support Elections and electoral registration Local Land charges Mayoralty
Corporate Director of Resources	Section 151 Officer and responsibilities thereof Finance strategy and management Treasury Management Accountancy Banking Pensions Administration Anti Budget process and planning Poverty and Cost of Living Modern Day Slavery Internal Audit Counter Fraud IT Information Governance

	Revenues & Benefits Registrars Financial Assessments Adult Social Care Debt Collection Accounts receivable Accounts payable Strategic procurement Insurance Risk management Any other areas within the Resources Directorate
Corporate Director of Communities	Housing, including private sector housing Built and natural environment Licensing Waste Network Management Environmental Health Trading standards Environmental protection and enforcement Arboriculture and Horticulture (Streets) Street cleansing Passenger transport Fleet Assets and Vehicle Maintenance Community Protection and ASB enforcement Capital works Parking Transport Highways Cemeteries and crematoria Any other matter falling within the Communities Directorate (including all functions under the Licensing Act 2003 and the Gambling Act 2005 not within the terms of reference of Licensing sub-committees or reserved to the Council, other than the fixing of fees under the Gambling Act 2005)

Corporate Director of Regeneration and Culture	<ul style="list-style-type: none"> Planning policy Development control Building control Estates Facilities Management Capital works, including schools Regeneration Economic Development Leisure and recreation Culture and Libraries Parks and open spaces Allotments Health & Safety Gravel extraction
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Part 2

Corporate Director for People	<ul style="list-style-type: none"> Children Social Care Education Adult Social Care Health and social care integration Public Health, except where required to be carried out by the Director of Public Health. Any other matter falling within the People Directorate
Director of Public Health and Deputy Director of Public Health	<ul style="list-style-type: none"> All and any public health matters required to be carried out by the Director of Public Health Any other matter falling within in the Public Health Department
Monitoring Officer	The functions specified in Section 5 of the Local Government and Housing Act 1989

Corporate Director of Strategy	Corporate Vision and strategy Performance & intelligence Complaints Business Continuity Emergency Planning Digital Services Customer Contact Freedom of Information Equality and diversity Consultation Policy development Community grants Transformation of council services, systems and structures Development of business development opportunities Traded services Redbridge Life Internal and external communications and public relations Marketing and branding Community Hubs Programme Management Any other matter falling within the Strategy Service
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B. RESPONSIBILITIES ALLOCATED TO DEPUTY CHIEF OFFICERS

The broad areas of responsibility allocated to Deputy Chief Officers by the Chief Executive or Chief Officers may change from time to time but the current allocation of responsibilities is set out below. Deputy Chief Officers may exercise all and any of the Councils functions.

Chief Officer	Deputy Chief Officer or Head of Service	Area of Responsibility
Chief Executive	Operational Director – Assurance and Monitoring Officer	Monitoring Officer Functions Legal matters Democratic and Scrutiny processes Constitutional matters Elections Electoral Services By Laws Boundary Changes Local Land Charges Member Services and Mayoralty

Corporate Director for Resources	Operational Director – Finance	Financial strategy and management Budget preparation and management Treasury and Investments Accountancy Banking Pensions Risk Management Internal Audit Counter Fraud Insurance Business Support
	Operational Director - IT	IT Support IT Infrastructure IT Portfolio Web & Digital Development Information Governance
	Operational Director – Revenues, Benefits & Transactional Centre (Benefits and Transactional Centre)	Benefits Financial assessments Registrars
	Operational Director – Revenues, Benefits & Transactional Centre (Revenues & Exchequer)	Revenues Accounts Receivable Accounts Payable

Corporate Director of Communities	Operational Director, Housing	Housing Strategy Allocations and lettings Homelessness
	Operational Director, Civic Pride	Waste Arboriculture and Horticulture (streets) Cemeteries and crematoria Street Cleansing Passenger transport Fleet Assets and Vehicle Maintenance
	Head of Community Protection & Licensing	Licensing Private Sector Housing Disabled Facilities Grants Environment Health Trading Standards Community Protection and ASB Enforcement
	Head of Community Safety	Environment Engagement Environmental Protection and Enforcement Community Protection and ASB Enforcement
	Operational Director – Highways, Parking & Transportation	Parking Transport Strategy Highways Network Management – (New Road and Street Works Act) Road Safety and Traffic Management Traffic Management Orders (Permanent, Experimental and Temporary) Public Right of Way Highways Asset Management and Maintenance

<p>Corporate Director of Regeneration and Culture</p>	<p>Operational Director, Planning and Building</p> <p>Head of Leisure & Culture</p> <p>Head of Capital Delivery</p> <p>Head of Regeneration</p> <p>Head of Property</p> <p>Head of Business and Performance</p>	<p>Planning policy Development control Building control</p> <p>Leisure and recreation Culture and Libraries Parks and open spaces Allotments</p> <p>Capital works, including schools</p> <p>Regeneration Economic Development</p> <p>Estates Facilities Management Gravel extraction Health & Safety</p> <p>Business support Performance</p>
<p>Corporate Director of People</p>	<p>Operational Director, Children & Families</p> <p>Operational Director, Educational & Inclusion</p> <p>Director of Public Health</p> <p>Head of Community Health and Social Care Adult Safeguarding</p> <p>Head of Delivery</p> <p>Director of Integrated Care (NELFT)</p>	<p>Early Help and Intervention Child protection and welfare Looked After Children and Care Leavers</p> <p>Education SEND Youth Offending Youth Services</p> <p>Public Health</p> <p>Adult social care Health and social care integration</p>

Corporate Director of Strategy	Operational Director Policy, Programmes and Change	Policy and Change Communications & Marketing
	Operational Director of HR	HR/Employee Experience
	Community Hubs Programme Director	Development and delivery of Community Hubs Program
	Operational Director of Digital and Customers	Community Safety Complaints Business Continuity Emergency Planning Digital Services Freedom of Information Customer Contact
		Any other matter falling within the Strategy Directorate

C. HEADS OF SERVICE

The Heads of Service appointed by the Chief Executive or by Chief Officers or Deputy Chief Officers may change from time to time but the current list is set out below. The Heads of Service are listed under the relevant Director or Operational Director to whom they report. Their day to day responsibilities and areas of responsibility may change from time to time. Heads of Service may exercise all and any of the Councils functions.

Deputy Chief Officer	Head of Service
Operational Director – Finance,	Head of Corporate Finance Head of Financial Improvement Head of Finance Partnering (People), (Place), (Strategy & Resources) Head of Procurement Business Support Manager Head of Internal Audit and Investigations Head of Insurance and Risk Management
Operational Director – IT	Head of IT Support Head of IT Infrastructure Head of Web & Digital Development Head of IT Portfolio Information Governance Manager

Operational Director - Revenues, Benefits & Transactional Centre (Benefits and Transactional Centre)	Head of Benefits Finance & Performance Manager Superintendent Registrar
Operational Director – Revenues, Benefits and Transactional Centre (Revenues and Exchequer)	Head of Revenues Head of Debt Recovery Accounts Payable Manager
Operational Director - Assurance	Chief Legal Officer Head of Democratic & Electoral Services Head of Leader’s Offices and Mayoralty
Operational Director, Housing	Head of Housing Management Head of Housing Needs Head of Asset Management Head of Housing Strategy and Performance
Operational Director, Civic Pride	Head of Fleet Assets and Transport Head of Neighbourhoods Streetscene Head of Community Protection and Licensing
Operational Director, Parking & Traffic	Head of Parking Head of Highways and Transportation
Operational Director of Policy, Programmes and Change	Head of Intelligence, Insights and Change Head of Communications Head of Policy, Equalities & Communities
Operational Director of HR	Head of HR, Pensions & Payroll Head of Operational Development and Strategy
Operational Director of Digital and Customers	Head of Community Safety Head of Digital Delivery Head of Customer Services Head of Corporate Complaints, Members & Insight Head of Business Continuity & Emergency Planning
Operational Director, Children & Families	Head of Child Protection, Community Social Work and Early Intervention Service Head of Fostering, Looked After Children and Children with Disabilities Principal Child and Family Social Worker and Head of Safeguarding and Quality Assurance

Operational Director, Educational & Inclusion	Head of Virtual School Head of School Improvement Head of Access and Inclusion Head of Family, Young People and Customer Services Admissions Service Manager Education Welfare Service Operations Manager Early Years and Childcare Improvement Team Manager
Director of Public Health	Head of Contracts and Procurement Head of Strategic Social Care Commissioning Consultant in Public Health Head of Public Health and Wellbeing
Head of Community Health Adult Social Care Adult Safeguarding	Head of Adult Safeguarding
Head of Delivery	Programme Manager Business Support Workforce Development Engagement
Director of Integrated Care (NELFT)	Head of Service Cranbrook & Loxford Cluster Head of Service Wanstead & Woodford Cluster Head of Service Seven Kings Cluster Head of Service Fairlop Cluster and Mental Health Service Manager

D. PROPER OFFICER FUNCTIONS

The Chief Executive may, where permitted by law, appoint any officer as the Proper Officer for any purpose pursuant to any legislative requirement and this list shall be updated accordingly. The Monitoring officer will be the Proper Officer for all purposes unless otherwise specified in the Constitution or Scheme of Delegation or in this schedule. The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000

(1) statutory provision***(2) Function******(3) Proper Officer***

Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Monitoring Officer
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Monitoring Officer
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Monitoring Officer
Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Monitoring Officer
Section 100 LGA 1972	All references to proper officer in connection with the access to information provisions of the Local Government Act	Monitoring Officer
Section 115 LGA 1972	Receipt of monies from accountable officers.	Corporate Director of Resources

Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Monitoring Officer
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Monitoring Officer
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Monitoring Officer
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Monitoring Officer
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	Monitoring Officer
Section 238 LGA 1972	Certification of printed copies of by-laws.	Monitoring Officer
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the Council.	Monitoring Officer
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive
Section 8 RPA 1983	The Electoral Registration Officer of any constituency in the borough.	Chief Executive

Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Corporate Director of Communities
Section 2 LGHA 1989	Deposit of list of "politically restricted posts" under LGHA 1989.	Corporate Director of Resources
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Corporate Director of Resources, or any person nominated by him or her for that purpose
Accounts and Audit Regulations 2003	The responsible financial officer.	Corporate Director of Resources
Births deaths and marriages	Any reference to the Proper Officer in any enactment relating to registration of births, death or marriages.	Operational Director - Revenues, Benefits and Transactional Centre
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to meetings to be sent.	Chief Executive
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Monitoring Officer
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Monitoring Officer
Local Authorities (Referendums) (Petitions and Directions) Regulations	Functions relating to verification and publicity of petitions.	Monitoring Officer
Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	All references to the proper officer.	Monitoring Officer

Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive
Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Corporate Director of Communities
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Monitoring Officer
Local Democracy, Economic Development and Construction Act 2009	Designated Proper officer for scrutiny role	Director of Strategy

E. THE NOMINATED OR AUTHORISED OFFICERS

The Leader and the Council have delegated to the officers or third parties listed in this Schedule all necessary powers to lead and manage and make decisions in respect of the functions for which they are allocated responsibility PROVIDED that those other officers or third parties are authorised by the relevant Chief Officer, Deputy Chief Officer or Head of Service to exercise those functions, such authorisations or nominations (and any conditions and limitations to which they are subject) to be specified in the local scheme of delegations maintained by the relevant Chief Officer, Deputy Chief Officer or Head of Service for that purpose.

The areas listed below in the first column are indicative only and are not to be construed narrowly for the purposes of the delegation referred to above.

The Leader and the Council have delegated to the Chief Executive and to other Chief Officers, Deputy Chief Officers, Operational Directors and Heads of Service the power to authorise or nominate other officers or third parties to exercise the functions delegated to them PROVIDED that those authorisations or nominations (and any conditions and limitations to which they are subject) are specified in the local scheme of delegation maintained by the relevant Chief Officer, Deputy Chief Officer, Operational Director or Head of Service for that purpose. The Leader and the Council have delegated all necessary powers to those officers or third parties so authorised or nominated to lead and manage and make decisions in respect of the functions for which they are allocated responsibility.

The local schemes of delegation will indicate which functions can be exercised by different levels of seniority and any conditions or limitations thereon. The local schemes of delegation shall be notified to the Monitoring officer from time to time who shall arrange for them to be published alongside this Schedule.

The powers delegated to officers are subject to the restriction, conditions, limitations and provisos contained in the Scheme of delegation and in any other part of the Constitution, including Financial Standing orders and Contract Standing Orders.

If a delegated function straddles one, or more, officer responsibilities, the function may be exercised by either or any of the relevant officers but, if necessary, the Chief Executive or relevant Chief Officer will decide which officer should exercise the function.

Any other question of interpretation of this Schedule shall be determined by the Monitoring Officer.

Enforcement, registration and Licensing Functions

Functions	Category of officer
Trading Standards	Trading Standards Officer
	Consumer Protection Officer
	Inspectors
	Investigators
Environmental Health	Environmental Health Officer

	Grants Officer
	Noise or pollution officer
	Pest control officer
	Animal welfare officer
	Air quality officer
	surveyor
Street Trading	Street Trading Officer
	Markets officer or inspector
	Town centre manager or officer
Licensing	Licensing officer
	Gaming officer
	Investigator
	Inspector
Enforcement	Enforcement officer
	Inspector
	Investigator
Food safety	Food safety officer
	Investigator
	Inspector
Consumer protection and weights & measures	W&M officer
	Consumer protection officer
	Investigator
	Inspector
Registration	Registrar
	Superintendent Registrar
	Registration officer
	Citizenship officer
	Coroner

Planning and Building Control

Functions	Category of officer
Planning	Planning Officer
	Planner
	Designer
Development Control	Development control officer
	Planner
	Enforcement officer

	Inspector or investigator
	Applications officer or manager
	Appeals officer or manager
	Development officer or manager
Building Control	Street Trading Officer
	Markets officer
	Town centre manager or officer
	Inspector or investigator
	Surveyor
Land charges	Land charges officer

Leisure and recreation

Functions	Category of officer
Parks and open spaces	Parks officer
	Park keeper
	Operations manager
	Enforcement officer
Allotments	Allotments officer
Leisure and recreation	Leisure centre manager
	Sports officer
	Museum or archive officer
	Libraries officer or librarian
Further education	FE officer

Community protection

Functions	Category of officer
Anti-social behaviour and Community safety	ASB officer
	Noise officer
	Inspector or investigator
	Enforcement officer
	Street manager
	Town centre manager
	Market officer or inspector
	Animal welfare officer
	Noise or pollution officer
	Neighbourhood officer

	Community safety officer
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	Constables
Health & Safety	H&S officer
	Inspector or investigator

Child Protection, Vulnerable Adults and Education

Functions	Category of officer	
Children's social services and adult social services	Social worker	
	Social work practitioner	
	Inspector	
	Psychologist	
	Adoption and fostering officer	
	Courts officer	
	Blue badge officer	
	Welfare officer	
	Approved mental health practitioner	
	Grants officer	
	safeguarding	
	Youth offending team	
Schools and education	Education welfare officer	
	School truancy officer	
	School standards officer	
	Inspector or investigator	
	Psychologist	
	SEN specialists	
	School place planning officer	
	Courts officer	
	Grants officer	
	safeguarding	
	School admission and exclusions	

Public health

Functions	Category of officer
Public health	Public health officer or manager
	Medical examiner
	Commissioner
	Contracts officer or manager

Housing and Homelessness

Functions	Category of officer
Housing and homelessness	Housing officer
	Inspector
	Homelessness officer
	Review officer
	Inspector or investigator
	Tenancy or tenancy management officer
	Neighbourhood officer
	Allocations officer
	Rent officer
	Anti-social behaviour officer
	Assessment officer
	Surveyor
	RTB officer
	Leaseholder services officer
	Grants officer

Civic Pride Public Realm, highways and parking

Functions	Category of officer
Highways	Highways officer
	Traffic officer
	Enforcement officer
	Inspector or investigator
	Highways works officer
	Utilities officer
	Surveyor
Parking	Parking officer
	Enforcement officer
	Parking attendant or warden
	Inspector or investigator
	Reviews officer
Transport	Transport manager
	Passenger transport manager
Cemeteries and crematoria	Cemetery officer
	Cremation officer

Assurance

Functions	Category of officer
Issuing, defending or settling legal proceedings and other legal matters	Lawyers Trading standards officers Education welfare officers Revenues and benefits officers Debt recovery officer
Electoral registration and elections	Head of Democratic and Electoral Services or manager
Elected members, council meetings	Head of Democratic and Electoral Services
Information governance	Information Governance Manager Information officers
School admission and exclusion appeals	Head of Democratic and Electoral Services
	Democratic Services officers

Strategy

Functions	Category of officer
Complaints	Complaints officer Review Officer
Scrutiny	Scrutiny Officers
Recruitment and Dismissal	All Managers
Organisational and Workforce Development	EE Business Partners
Communications and Marketing	Communications & Marketing Officers

Property and contracts

Functions	Category of officer
Property	Property Officer Estate Officer Surveyor

Employee Experience and Management

Functions	Category of officer
Appointment, dismissal and discipline and management of staff	All managers

Finance, benefits and taxation

Functions	Category of officer
Finance	Accountants Auditors Treasury Officer Pensions Officer Finance Officer Grants Officer Fraud Investigator or manager Insurance Officer Assessor Investigator Claims Handler Procurement Officer Contracts Officer
Taxation and Income	Revenues Officer Billing Officer Debt Recovery Officer
Benefits	Benefits Officer Review Officer Grants Officer

F. FUNCTIONS WHICH CANNOT BE EXERCISED BY THE EXECUTIVE

This table (based on the provisions of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) (the "Regulations") sets out the functions of the Council which by law cannot be exercised by the Executive. All these functions will be exercised by officers unless they are reserved to a member body or referred to a member body by an officer. Numbers omitted or comments in square brackets relate to legislation which has been repealed or amended since the Regulations were enacted.

Function	Provision of Act or Statutory Instrument	Delegated to
A. Functions relating to town and country planning and development control		Except where specified, all of the functions listed under this section A will be exercised by the Corporate Director of Regeneration and Culture or a Deputy Chief Officer or Head of Service within the Regeneration and Culture directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director of Regeneration and Culture UNLESS the function falls within the terms of reference of the Planning Committee or is required to be undertaken by the Council itself.
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.	
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	

3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.	
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	

11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	
12. Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990.	
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	
17. Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.	

18A. Power to issue a temporary stop notice	Section 171 E of the Town and Country Planning Act 1990	
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	
20. Power to determine application for listed building consent, and related powers	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act.	
22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.	
23. Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	

25. Powers to acquire a listed building in need of	Sections 47 and 48 of the Planning (Listed	
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repair and to serve a repairs notice.	Buildings and Buildings in Conservation Areas) Act 1990.	
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	
28. Any other planning related functions which are or become a function which cannot be exercised by the Executive.		
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)		Except where specified, all of the functions listed under this section B will be exercised by the Corporate Director of Communities or a Deputy Chief Officer or Head of Service within the Communities directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director of Communities UNLESS the function falls within the terms of reference of the Licensing Committee or its sub-committees or is required to be determined by the Council itself.

1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.	
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.	
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. [This function is performed by Transport for London (the Public Carriage Office)].	
4. Power to license drivers of hackney carriages and private hire vehicles	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. [This function is performed by Transport for London (the Public Carriage Office)].	
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. [This function is performed by Transport for London (the Public Carriage Office)].	

6. Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963. [This area of law is now governed by the Gambling Act 2005]	
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963. [This area of law is now governed by the Gambling Act 2005]	
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963. [This area of law is now governed by the Gambling Act 2005]	
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968. [This area of law is now governed by the Gambling Act 2005]	
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976. [This area of law is now governed by the Gambling Act 2005]	
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976. [This area of law is now governed by the Gambling Act 2005]	
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985. [This area of law is now governed by the Licensing Act 2003]	
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968.	
	[This area of law is now governed by the Licensing Act 2003]	

14. Power to issue entertainment licences.	Section 12 of the Children and Young Persons Act 1933 section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982. [This area of law is now governed by the Licensing Act 2003	
14A. Any function of a licensing authority	Licensing Act 2003(c.17) and any regulations or orders made under the Act	
14AZA Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c.13) and any regulations made under that Chapter	
14B Power to resolve not to issue a casino premises licence	Section 166 of the Gambling Act 2005	
15. Power to license sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	
16. Power to license performances of hypnotism.	The Hypnotism Act 1952. [This Act has been amended.]	
17. Power to license premises for	Sections 13 to 17 of the Local Government	

acupuncture, tattooing, ear piercing and electrolysis.	(Miscellaneous Provisions) Act 1982.	
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	
19. Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London Local Authorities Act 1995. [This Act has been repealed and this is no longer a function undertaken by local authorities.]	
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and section 6 of the London Local Authorities Act 1994).	
21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994. [This area of law is now governed by the Licensing Act 2003	
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.	
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland	

	Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972. [These provisions have been repealed and this is no longer a function undertaken by local authorities.]	
24. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990	
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964	
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.	
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971. [This Act has been repealed and this is no longer a function undertaken by local authorities.]	
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.	
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the	

	Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	
31. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925.	
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).	
35. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.	Operational Director, Children & Families or an officer nominated or authorised by them
36. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510). [This Statutory Instrument has been repealed.]	Operational Director - Revenues, Benefits and Transactional Centre
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). [This Statutory Instrument has been repealed.]	

1981 (c. 67) or (b) an order under section 147 of the Enclosure Act 1845 (c. 8 & 9 Vict. c. 118).		
38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.	
40. The power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993.	
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957. [This Statutory Instrument has been repealed and this is no longer a function undertaken by local authorities.]	
43. Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11). [This Statutory Instrument has been repealed and this is no longer a function undertaken by local authorities.]	
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.	

	[This Statutory Instrument has been repealed.]	
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995. [This Statutory Instrument has been repealed.]	
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871). [This Statutory Instrument has been repealed.]	
46A. Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers	Section 115E, 115F and 115K of the Highways Act 1980	
47. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	
47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980	
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980	
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	

50. Power to license works in relation to buildings etc., which obstruct the highway.	Section 169 of the Highways Act 1980	
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51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980	
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	
54. Power to consent to construction of cellars etc. under street	Section 179 of the Highways Act 1980.	
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematography Film Act 1922. [This Act has been repealed and this is no longer a function undertaken by local authorities.]	
57. Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082). [This Statutory Instrument has been repealed.]	
58. Power to approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205). [This Statutory Instrument has been repealed.]	
59. Power to approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).	

	[This Statutory Instrument has been repealed.]	
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520). [This Statutory Instrument has been repealed.]	
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1 A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763). [This Statutory Instrument has been repealed]	
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994). [This Statutory Instrument has been repealed.]	
63. Power to approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This Statutory Instrument has been repealed.]	
64. Power to register fishing vessels on board which shrimps or molluscs are cooked	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This Statutory Instrument has been repealed.]	
65. Power to approve factory vessels and	Regulation 24 of the Food Safety (Fishery Products and Live	

fishery product establishments	Shellfish) (Hygiene) Regulations 1998. [This Statutory Instrument has been repealed.]	
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This Statutory Instrument has been repealed.]	
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828). [This Statutory Instrument has been repealed.]	
68. Power to register food business premises	Regulation 9 of the Food Premises (Registration) Regulations 1991. [This Statutory Instrument has been repealed.]	
69. Power to issue near beer licences.	Section 16 to 19 of the London Local Authorities Act 1995 and to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.	
70. Power to register premises or stalls for the sale of goods by way of competitive bidding.	Section 28 of the Greater London Council (General Powers) Act 1984	
71. Power to register motor salvage operators	Part 1 of the Vehicles (Crime) Act 2001	
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008	

<p>73. Any other licensing related functions which are or becomes a function which cannot be exercised by the Executive.</p>		
<p>C. Functions relating to health and safety at work</p>		<p>Except where specified, all of the functions listed under this section C will be exercised by the Corporate Director of Regeneration & Culture, a Deputy Chief Officer or Head of Service within the directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director of Regeneration & Culture UNLESS the function is required to be determined by the Council itself.</p>
<p>1. Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</p> <p>2. Any other health and safety related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive</p>	<p>Part I of the Health and Safety at Work etc. Act 1974.</p>	

D. Functions relating to elections		
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983.	Council
2. Power to assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983.	Chief Executive
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	N/A
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.	N/A
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972.	N/A
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983	Council
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c 24).	Chief Executive
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983	General Purposes Committee
9. Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983	General Purposes Committee
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Chief Executive

11. Power to pay expenses properly incurred by electoral registration officers	Section 54 of the Representation of the People Act 1983	Chief Executive
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Chief Executive
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	Chief Executive
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972.	Chief Executive
15. Power to make temporary appointments to parish councils	Section 91 of the Local Government Act 1972	N/A
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215). [These Statutory Instruments have been repealed.]	Head of Democratic & Electoral Services
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000.	Council
18. Duty to consult on change of scheme for elections	Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007	Chief Executive
19. Duties relating to publicity.	Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive

20. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the Local Government and Public Involvement in Health Act 2007.	N/A
22. Any other election related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive		Chief Executive Unless reserved to the Council by law or the Constitution
E. Functions relating to name and status of areas and individuals		All of the functions listed in this section E will be exercised by the Council unless otherwise specified.
1. Power to change the name of a county, district or London borough	Section 74 of the Local Government Act 1972	
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972	N/A
3. Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972	
4. Power to petition for a charter to confer borough status.	Section 245(b) of the Local Government Act 1972.	N/A
5. Any other similar function in this category which by statutory instrument or order are or become functions which cannot be exercised by the Executive		

EB. Functions relating to community governance		All of the functions listed in this section EB will be exercised by the
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		Council unless otherwise specified.
1. Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
3. Functions relating to terms of reference of review	Sections 81(4) to (6) Local Government and Public Involvement in Health Act 2007	
4. Power to undertake a community governance review	Section 82 of the Local Government and Public Involvement in Health Act 2007.	
5. Functions relating to making of recommendations	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007.	
6. Duties when undertaking review	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2000	Chief Executive for section 93 Council For sections 94 and 95
7. Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
8. Function of making an order giving effect to the recommendations made in a governance review	Section 86 of the Local Government and Public Involvement in Health Act 2007	
9. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007.	Chief Executive

10. Power to make agreements about incidental matters.	Section 99 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
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<p>11. Any other similar function which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>		
<p>F. Power to make, amend, revoke, re-enact or enforce bylaws</p>	<p>Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978</p>	<p>Except where specified, all of the functions listed under this section F will be exercised by the Council except that enforcement of bylaws will be exercised by the Corporate Director for Communities or one of his or her Deputy Chief Officers or Heads of Service or another officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director of Communities.</p>

FA. Functions relating to smoke free premises etc.		Except where specified, all of the functions listed under this section FA will be exercised by the Corporate Director for Communities or a Deputy Chief Officer or Head of Service within the Communities directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director for Communities.
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1. Duty to enforce Chapter 1 and registrations made under it	Section 10(3) of the Health Act 2006	
2. Power to authorise officers	Section 10(5) of and Paragraph 1 of Schedule 2, the Health Act 2006	
3. Functions relating to fixed penalty notices	Paragraph 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)	
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2007 (SI 2006/3368)	Corporate Director
G. Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Council

H. Functions relating to pensions etc.		Except where specified, all of the functions listed under this section H will be exercised by the Corporate Director for Resources or a Deputy Chief Officer or Head of Service within the Resources directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director for Resources UNLESS the function is required to be determined by the Council itself or is delegated to the Pension Fund Committee or the Local Pension Board.
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1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	
2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.	Section 26 of the Fire Services Act 1947.	
3. Any other pension related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		
I. Miscellaneous functions		
Part I: Functions relating to public rights of way		Except where specified, all of the functions listed under this part of section I will be exercised by the Corporate Director of Communities or a Deputy Chief Officer or Head of Service within the Communities directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director of Communities UNLESS the function is required to be determined by the Council itself.
1. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980.	

2. Power to create footpaths and bridleways	Section 26 of the Highways Act 1980.	
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.	
4. Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980.	
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.	
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.	
7. Power to make a special extinguishment order	Section 118B of the Highways Act 1980	
8. Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980.	
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.	
10. Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.	
12. Power to require an applicant for a special diversion order to enter into an agreement to defray or make such contribution as is specified in the agreement.	Section 119C(3) of the Highways Act 1980.	
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.	

14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980	
15. Power to decline to determine certain applications	Section 121C of the Highways Act 1980	
16. Duty to assert and protect the rights of the public to use and enjoy highways.	Section 130 of the Highways Act 1980.	
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	
19. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980	
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980.	
21. Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980.	
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.	
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	

25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981	
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	
27. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981	
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981	
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.	
30. Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981.	
31. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990	
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	
33. Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000.	
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000	
Part II: Other miscellaneous functions		

35. Functions relating to sea fisheries	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966.	N/A
36. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Council
37. Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972	The relevant Chief Officer unless the decision falls within the terms of reference of the Staffing Sub-Committee or is reserved to Full Council
38. Power to make standing Orders as to contracts	Section 135 of the Local Government Act 1972.	Council
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972	Corporate Director of Resources
40. Power to appoint an officer for a particular purpose (appointment of "proper officer").	Section 270(3) of the Local Government Act 1972.	Chief Executive
41. Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981.	N/A
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.	The Corporate Director of Communities or a Deputy Chief Officer or Head of Service within the Communities directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director of Communities

43. Duty to designate officer as the head of the	Section 4(1) of the Local Government and Housing Act 1989.	Council
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authority's paid service and to provide staff etc.		
44. Duty to designate officer as the monitoring officer and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989	Council
44A. Duty to provide staff, etc. to person nominated by the Monitoring Officer.	Section 82A(4) and (5) of the Local Government Act 2000	Council
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	Council
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 2003 (S.I. 2003/533). [This Statutory Instrument has been superceded.]	Governance and Assurance Committee
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	The Corporate Director of Regeneration and Culture or a Deputy Chief Officer or Head of Service within the Regeneration and Culture directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director of Regeneration and Culture.
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).	As above
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003.	As above

48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	The relevant Corporate Director
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (S.I. 2007/806)	The Corporate Director of Communities or a Deputy Chief Officer or Head of Service within the Communities directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director of Communities
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c. 38). (S.I. 2008/1430)	As above
51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006 (S.I. 2008/2787)	Operational Director - Assurance, or another officer nominated or authorised to issue legal proceedings or applications in the local scheme of delegation maintained by the Operational Director.
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006 (S.I. 2008/2787)	The Corporate Director of Regeneration and Culture or a Deputy Chief Officer or Head of Service within the Communities directorate or such other officer nominated or authorised for that purpose in the local scheme of delegation maintained by the Corporate Director for Communities
53. Power to institute proceedings for offences	Section 45(2)(b) of the Commons Act 2006	Operational Director - Assurance, or another

in respect of unclaimed registered common land and unclaimed town or village greens	(S.I. 2008/2787)	officer nominated or authorised to issue legal proceedings or applications in the local scheme of delegation maintained by the Operational Director.
J. Other functions which are not to be the responsibility of the Executive		
1. Members allowances.		Council
2. Establishing committees under section 101 of the Local Government Act 1972		Council
3. Except where specified any function which by virtue of any enactment passed or made before 19 October 2000 may be discharged only by an Authority		Council

**LOCAL SCHEME OF DELEGATION
CIVIC PRIDE
(INCORPORATING CONSUMER PROTECTION AND LICENSING, CCTV,
NEIGHBOURHOODS STREET SCENE, FLEET ASSETS AND PASSENGER
TRANSPORT)**

Date Last Reviewed:	New Document June 2023
Date Approved:	
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Document Owner:	Steve Moore, (Interim) Corporate Director – Communities

Introduction

The Scheme of Delegation is set out in the Constitution (at Section 6) and should be read carefully to fully understand the extent of the powers delegated to officers.

Chief Officers, Deputy Chief Officers and Heads of Service (as set out in the Schedule to Section 6 of The Constitution) are authorised and can nominate other officers or third parties to exercise the functions delegated to them PROVIDED that those authorisations or nominations (and any conditions and limitations to which they are subject) are specified in a Local Scheme of Delegation.

It is the responsibility of the Chief Officers, Deputy Chief Officers and Heads of Service to keep their Local Schemes of Delegation up to date. Any changes to the areas of responsibility allocated in this local scheme or the posts mentioned must be notified to the Monitoring Officer as soon as possible.

Any question of interpretation of this document shall be determined by the Monitoring Officer.

The Scheme of Delegation confirms that the Leader of the Council has delegated all necessary powers to the Chief Executive and to other Chief Officers, Deputy Chief Officers, Operational Directors and Heads of Service, and further to the Service Managers, Team Managers and Area Managers reporting to Heads of Service, to lead and manage and make decisions in respect of the executive and non-executive functions for which they are allocated responsibility. These powers are wide and inclusive and are not, therefore, listed by reference to each and every statute or regulation.

Delegation to Officers

The Powers delegated by this Local Scheme are set out below.

The Operational Director of Civic Pride has authorised the following Service Leads to manage and make decisions in respect of all functions that are within the Operational Director's area of responsibility:

- Head of Fleet Assets and Transport
- Head of Community Protection and Licensing
- Head of Neighbourhoods Street-Scene
- CCTV Manager

The Head of Fleet Assets and Transport authorises the officers detailed in Table 1 below to manage and make decisions in respect of the relevant functions listed.

The Head of Head of Community Protection and Licensing authorises the officers detailed in Table 2 below to manage and make decisions in respect of the relevant functions listed.

The Head of Neighbourhoods Streetscene authorises the officers detailed in Table 3 below to manage and make decisions in respect of the relevant functions listed.

The CCTV Manager authorises the officers detailed in Table 4 below to manage and make decisions in respect of the relevant functions listed.

For the avoidance of doubt the delegations set out in this Local Scheme shall continue to be effective notwithstanding the vacancy of any individual post.

Deputising

The Operational Director of Civic Pride has nominated the Head of Fleet Assets and Transport, Head of Community Protection and Licensing and Head of Neighbourhoods Streetscene to deputise for them in their absence in respect of their areas of responsibility.

The Heads of Service have nominated and authorised the following post-holders to act in their absence for all purposes in relation to their areas of responsibility:

Head of Service	Authorised Deputies
Head of Fleet Assets and Transport	Operations Manager, Passenger Services and Fleet Transport Manager
Head of Community Protection and Licensing	Trading Standards & Licensing Manager, Group Manager
Head of Neighbourhoods Streetscene	Neighbourhood Managers

Restrictions & Limitations

The powers delegated to officers are subject to the restrictions, conditions, limitations and provisos contained in the Scheme of Delegation or this Local Scheme of Delegation and in any other part of the Constitution, including Financial Standing Orders and Contract Standing Orders.

Example restrictions from the Scheme of Delegation

Fees & Charges:

Officer powers to set fees and charges is limited to decreasing existing fees and charges or increasing existing fees and charges in line with inflation and does not extend to increasing charges above inflation or setting new charges. In any case where the delegated function includes a power to fix levels of fees or charges, this power shall be exercised in consultation with the relevant Cabinet Member. This does not apply to rents or licence fees or service charges.

Financial Limits:

The financial limit for decisions by individual Cabinet Members, officers and others is £500k, except where the decision is required to be made prior to the next Cabinet meeting for reasons of urgency or in order to meet a constitutional, legal, contractual, third party or government deadline and except where provided for in Contract Standing Orders or Financial Standing Orders.

Notwithstanding this limit, the Chief Executive has, for the time being, set a limit of £250k for officer delegations in relation to all matters (other than property disposals or acquisitions, instructions to lawyers and contract procurement or award decisions where the threshold shall be £500k).

Further Restrictions Imposed under this Local Scheme of Delegation:

Legal:

Only the Assistant Director - Assurance (and those persons authorised or nominated by him or her) may issue, settle or defend legal proceedings in any court or tribunal or settle any matter in contemplation of legal proceedings.

Only the Assistant Director - Assurance (and those persons authorised or nominated by him or her) may instruct external solicitors, lawyers or barristers to act on behalf of or advise the Council and/or to appear in courts and tribunals.

Tables of Functions Delegated to Other Officers

Tables 1 – 4 below set out the post-holders who have been authorised or nominated by the Heads of Service as set out under the “Delegations to Officers” section above to carry out the Council’s functions in relation to Civic Pride.

For the avoidance of doubt the Operational Director of Civic Pride and the Heads of Service reporting to this post may also exercise all and any of the powers listed below.

Table 1: Fleet and Passenger Transport Functions

Legal Proceedings Recommend legal proceedings.	
Disputes, Objections and Appeals Deal with disputes, objections and appeals.	
To conduct annual vehicle inspections (MOTs) on behalf of the DVSA under the powers of the Road Traffic Act 1988.	Any officer qualified as a MOT tester and authorised by the DVSA to conduct tests
To procure and appoint external consultants, advisers, surveyors, agents, managers, auctioneers or other professionals in connection with any matter relating to Fleet Assets and Transport (subject to Contract Standing Orders and the main Scheme of Delegation)	Any officers duly authorised by the Head of Fleet Assets and Transport, subject to that officer's authorised financial limits.
To purchase works, supplies and services included in the approved capital programme in compliance with Council Standing Order requirements.	Any officers duly authorised by the Head of Fleet Assets and Transport, subject to that officer's authorised financial limits.

Table 2: Community Protection and Licensing

Legal Proceedings Recommend legal proceedings.	
Disputes, Objections and Appeals Deal with disputes, objections and appeals.	
The authorisation of staff in, or acting on behalf of, Civic Pride (where individual Officers are deemed proper and competent as specified in personal authorisation documentation) by the Head of Community Protection & Licensing, Head of Fleets Assets and Transport and Head of Neighbourhoods	Trading Standards & Licensing Manager, Group Manager
The authorisation of staff to serve statutory notices, where individual Officers are deemed proper and competent (as specified in personal authorisation documentation) by the Head of Community Protection & Licensing, Head of Fleets Assets & Transport and Head of Neighbourhoods (or their deputy).	Trading Standards & Licensing Manager, Group Manager
The making of recommendations for prosecution or the service of a formal caution on behalf of Council (where legislative provisions permit) and referral of case files to Council's Legal Services for legal action on behalf of the Regulatory Service without prior approval of Council	Trading Standards & Licensing Manager, Group Manager
The grant of approval (conditional or full) to establishments in relation to official controls performed to ensure the verification of compliance with feed and	Group Manager Environmental Health

food law, animal health and animal welfare, without prior approval of Council.	
Grant or Refusal of HMO Licence:	Group Manager Private Sector Housing
Renewal of Licence:	As above
Issue, extension or revocation of Temporary Exemption Notice	As Above
Variation of Licence	As above
Revocation of Licence	As above
To prosecute non-compliance with Statutory Notice or non-payment of fixed penalty	Trading Standards & Licensing Manager, Group Manager Environmental Health
to prosecute in all other cases	Trading Standards & Licensing Manager, Group Manager Environmental Health
To purchase works, supplies and services included in the approved capital programme in compliance with Council Standing Order requirements.	Any officers duly authorised by the Head of C,P&L, subject to that officer's authorised financial limits.
<p>To act under or to exercise any or all powers set out in the various Acts or Regulations specified in the Schedule hereto and any Act, Order and Regulation amending, extending or re-enacting the same.</p> <p>Legislation as follows:</p> <p>Act: ANTI-SOCIAL BEHAVIOUR ACT 2003</p> <p>Act: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014</p> <p>Act: CHILDREN AND FAMILIES ACT 2014 Sections: 91 and 92</p> <p>Act: CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 Sections: 4(5), 6, 7, 73, 74, 76, 77, 78 and 79</p> <p><i>Act: CONTROL OF POLLUTION ACT 1974</i> Sections: 60, 61, 68, 91 and 93</p> <p><i>Act: CONTROL OF POLLUTION (AMENDMENT) ACT 1989</i> Sections: 5, 5A and 5B</p> <p>Act: COUNTRYSIDE ACT 1968 Section: 41</p>	All Community Protection Taskforce Officers (Enforcement)

Act: **CRIMINAL JUSTICE AND POLICE ACT 2001**

Sections: **25, 50, 52, 55, 60 and 62**

Act: CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

Sections: **77, 78 and 79(3)**

Act: **CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Sections: **7A and 26**

Act: DANGEROUS DOGS ACT 1991

Section: **5**

Act: **ENVIRONMENT ACT 1995**

Section: **108**

Act: **ENVIRONMENT ACT 2021**

Act: **ENVIRONMENTAL PROTECTION ACT 1990**

Act: **GAMBLING ACT 2005**

Sections: **307, 309, 310, 311, 312(4), 313, 314, 315, 317, 318, 321, 322, 323, 324, 325 and 346**

Act: **HIGHWAYS ACT 1980**

Sections: **131A, 132, 136, 137ZA, 140, 140B, 141, 142(7), 143, 149(1), 149(2), 149(3), 151, 152, 154, 163, 164, 165, 166 and 184**

Act: **LICENSING ACT 2003**

Section: **179**

Act: LOCAL GOVERNMENT ACT 1972

Sections: **Para 11 of sch 26, 236, 237A, 237C and 237E**

Act: **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

Section: **16**

Act: **LONDON LOCAL AUTHORITIES ACT 1990**

Sections: **35, 38(4), 38A, 38B and 38C**

Act: **LONDON LOCAL AUTHORITIES ACT 2000**

Sections: **10, 16 and 18**

Act: **LONDON LOCAL AUTHORITIES ACT 2004**

Sections: **6, 9 and 15**

Act: **LONDON LOCAL AUTHORITIES ACT 2007**

Sections: **11, 12, 13, 14, 15 and 61**

Act: **LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003**
Sections: **4, 8, 14, 17(2), 17(4), 17(5), 17(6), 17(7), 17(9), 17(10), 17(12), 17(14), 17(15), sch 1 and sch 2**

Act: **LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2008**
Section: **9**

Act: **LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2013**
Sections: **8, 11, 12, 13 and 14**

Act: **NEW ROADS AND STREET WORKS ACT 1991**
Section: **51**

Act: **NOISE ACT 1996**
Sections: **8A, 8B and 9**

Act: **POLICE AND CRIMINAL EVIDENCE ACT 1984**
Sections: **24A and 67(9A)**

Act: **POLICE REFORM ACT 2002**
Section: **Sch 5**

Act: **PREVENTION OF DAMAGE BY PESTS ACT 1949**
Sections: **4, 5, 22 and 26**

Act: **PUBLIC HEALTH ACT 1936**
Sections: **79, 83, 287 and 298**

Act: **PUBLIC HEALTH ACT 1961**
Section: **34**

Act: **REFUSE DISPOSAL (AMENITY) ACT 1978**
Sections: **2A, 2B, 3, 4A, 5, 6 and 8**

Act: **ROAD TRAFFIC OFFENDERS ACT 1988**
Section: **4**

Act: **SCRAP METAL DEALERS ACT 2013**
Sections: **16 and sch 2**

Act: **TOBACCO ADVERTISING AND PROMOTION ACT 2002**
Sections: **13 and 14**

Act: **TOWN AND COUNTRY PLANNING ACT 1990**
Sections: **178, 196A, 196B, 215, 219, 220, 224 and 330**

General - To enforce the Council's byelaws relating to parks, open spaces and leisure facilities.

<p>Trading Standards Officers & Licensing Officers (Inspectors of Weights and Measures)</p> <p>To act under or to exercise any or all powers set out in the various Acts or Regulations specified in the Schedule hereto and any Act, Order and Regulation amending, extending or re-enacting the same.</p> <ol style="list-style-type: none"> 1. as a superior officer authorised under the Explosives Act 1875 to 1976; 2. to act under or to exercise any or all the powers set out in the various Acts or Regulations specified in the Schedule hereto and any Act, Order and Regulation amending, extending or re-enacting the same; 3. to make on behalf of the Council such purchases of goods and to obtain such services as may appear expedient for the purpose of determining whether or not the said Acts or Regulations or any Orders made under such Acts are being complied with; and 4. to institute on behalf of the Council proceedings before any Court of Summary Jurisdiction or to appear on the Council's behalf before a Court of Summary Jurisdiction in any proceedings instituted by the Council or on behalf arising out of or relating to provisions contained in the said Acts, Regulations or Orders, in any Act, Order or Instrument amending, extending or re-enacting the same providing that the discretion as to the institution of proceedings shall remain with the Housing & Environmental Health Services Committee of the Council. <p><u>SCHEDULE</u></p> <p>Agriculture Act 1970 Agriculture (Miscellaneous Provisions) Act 1968 Animal Health Act 1981 Animal Welfare Act 2006 Animals Act 1971 Anti-social Behaviour Act 2003 Brucellosis (England) Order 2015 Cancer Act 1939 Children and Families Act 2014 Children and Young Persons (Protection from Tobacco) Act 1991 Children and Young Persons Act 1933 Clean Air Act 1993 – Motor Fuel (Composition and Content) Regs. Cleaner Neighbourhoods and Environment Act 2005</p>	<p>All Trading Standards and Licensing Officers</p>
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Companies Act 1985 & 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Consumer Rights Act 2015
Copyright, Designs and Patents Act 1988
Control of Pollution Act 1974
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Customs & Excise Management Act 1979
Education Reform Act 1988
Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
Enterprise Act 2002
Environmental Protection (Microbeads)(England) Regulations 2017
Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020
Estate Agents Act 1979
Development of Tourism Act 1969
Education Reform Act 1988
Energy Act 1976
Energy Act 2011
Enterprise and Regulatory Reform Act 2013
Estate Agents Act 1979
European Communities Act 1972 + 1996
Explosives Act 1875 – 1976

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Biofuel Labelling Regulations 2004
Business Protection from Misleading Marketing Regulations 2008
Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008
Construction Products Regulations 2013
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
Consumer Protection from Unfair Trading Regulations 2008
Consumer Rights (Payment Surcharges) Regulations 2012
Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Products Regulation 1223/2009
Crystal Glass (Descriptions) Regulations 1973
Detergents Regulations 2010
Electrical Equipment (Safety) Regulations 2016
Electromagnetic Compatibility Regulations 2016
Energy Information Regulations 2011
Energy Performance of Buildings (England and Wales) Regulations 2012
Financial Services (Distance Marketing) Regulations 2004
Fluorinated Greenhouse Gases Regulations 2015

Footwear (Indication of Composition) Labelling Regulations 1995
 Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
 General Product Safety Regulations 2005
 Package Travel and Linked Travel Arrangements Regulations 2018
 Packaging (Essential Requirements) Regulations 2015
 Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
 Personal Protective Equipment (Enforcement) Regulations 2018
 Pressure Equipment (Safety) Regulations 2016
 Pyrotechnic Articles (Safety) Regulations 2015
 Radio Equipment Regulations 2017
 REACH Enforcement Regulations 2008
 Recreational Craft Regulations 2017
 Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
 Simple Pressure Vessels (Safety) Regulations 2016
 Supply of Machinery (Safety) Regulations 2008
 Textile Products (Labelling and Fibre Composition) Regulations 2012
 Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
 Tobacco and Related Products Regulations 2016
 Toys (Safety) Regulations 2011
 Trade in Animals and Related Products Regulations 2011
 Veterinary Medicines Regulations 2013
 Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

Fair Trading Act 1973
 Fireworks Act 2003
 Food Safety Act 1990
 Food Standards Act 1999
 Forgery and Counterfeiting Act 1988
 Fraud Act 2006
 Hallmarking Act 1973
 Health and Safety at Work etc Act 1974
 Health Act 2006
 Knives Act 1997
 Legal Services Act 2007
 Local Government (Miscellaneous Provisions) Act 1982
 Medicines Act 1968
 Motorcycle Noise Act 1987
 Offensive Weapons Act 2019
 Olympic Symbol etc. (Protection) Act 1995
 Prices Act 1974
 Protection of Animals Act 1911
 Psychoactive Substances Act 2016
 Redress Schemes for Letting Agencies Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

<p>Licensing and Animal Welfare Law Animal Boarding Establishments Act 1963 Animal Welfare Act 2006 Betting, Gaming and Lotteries Act 1963 Breeding of Dogs Act 1973 Breeding of Dogs Act 1991 Breeding and Sale of Dogs (Welfare) Act 1999 Dangerous Wild Animals Act 1976 Animal Boarding Establishments Act 1963 Fire Safety and Safety at Places of Sport Act 1987 Gambling Act 2005 Guard Dogs Act 1975 Hypnotism Act 1952 Licensing Act 2003 Local Government (Miscellaneous Provisions) Act 1982 London Local Authorities Acts 1990, 1991, 1994, 1995, 1996, 2000, 2004, 2007, 2012 Performing Animals (Regulation) Act 1925 Pet Animals Act 1951 Poisons Act 1972 Riding Establishments Acts 1964 & 1970 Safety at Sports Grounds Act 1975 Scrap Metal Dealers Act 2013 Theatres Act 1968 Zoo Licensing Act 1981</p>	
<p>Environmental Health Officers</p> <p>To act under or to exercise any or all powers set out in the various Acts or Regulations specified in the Schedule hereto and any Act, Order and Regulation amending, extending or re-enacting the same.</p> <p>1. Health & Safety at Work etc. Act 1974 (a) be hereby appointed an inspector pursuant to Section 19(1) of the Health and Safety at Work etc Act 1974 for the purpose of enforcing within the London Borough of Redbridge the relevant provisions of the Act; (b) by Section 20(2)(a) to (2)(m) inclusive to enter premises at any reasonable time or, where a situation may be dangerous, at any time, within the area of the London Borough of Redbridge, for the purposes of performing any relevant functions under the Act and Regulations. (including taking equipment, measurements, photographs, recordings, books & documents) (c) by Section 21 to sign and serve an Improvement Notice on any person; and (d) by Section 22 to sign and serve a Prohibition Notice on any person; and (e) by Section 25 to seize and render harmless any article or substance being the cause of imminent danger or serious personal injury, and;</p>	<p>Officers meeting the requirements of the Food Standards Agency Food Law Code of Practice.</p>

(f) by Section 38 to institute proceedings for any offence under the Act and Regulations. subject to the relevant provisions and circumstances prescribed by the Act, Instruments and Codes of Practice issued by The Health & Safety Executive or the Secretary of State.

2. Food Safety Act 1990

(a) by Section 32 inclusive to enter premises within the area of the London Borough of Redbridge or to enter business premises, whether within or outside the authority's area, for the purposes of performing any relevant functions under the Act and Regulations.

(b) by Section 9 to inspect any food and to seize or detain and prohibit for human consumption any food; and

(c) by Section 10 to sign and serve Improvement Notices on the proprietor of the food business; and

(d) by Section 12 to sign and serve Prohibition Notices on the proprietor of the food business; and

(e) by Section 29 to purchase or take samples of food, substance, material or articles found on or in any premises subject to the relevant provisions and circumstances prescribed by the Act.

3. Environmental Protection Act 1990

(a) by Section 81 (Supplementary Provisions) Schedule 3 Statutory Nuisances Supplementary Provisions inclusive (Powers of Entry), enter any premises at any reasonable time for the purpose of ascertaining whether or not a statutory nuisance exists, or for the purpose of taking any action, or executing any work, authorised or required by Part III;

(b) by Section 80 to sign and serve Notices requiring the abatement of statutory nuisance and Section 80A to sign and serve Notices requiring the abatement of statutory nuisances caused by noise to which Section 79 applies;

(c) by Section 4 of the Noise and Statutory Nuisance Act 1993, be authorised to enter, open vehicles, machinery and equipment, if need be by force and to remove the same from a street to a secure place, for the purpose of taking any action or executing any work authorised or required under Part III of the Environmental Protection Act 1990 (as amended) in relation to statutory nuisance caused by noise to which section 79 subsection 1(ga) applies; subject to the relevant provisions and circumstances prescribed by the Act.

4. Public Health Act 1936 - 1961

(a) by Section 287 for performing any relevant functions and ascertaining the existence of any relevant contravention or taking of any action or executing works authorised or required by the Act, or by enactment's amending, extending or re-enacting

any powers or provisions relating to the environmental health of the community within the area of the London Borough of Redbridge;

(b) to sign and serve Statutory Notices pursuant to Sections 45 (Buildings having defective closets capable of repair), 50 (Cesspools) and 83, as amended (Filthy and Verminious Premises) of the 1936 Act in order to remedy insanitary conditions;

(c) to sign and serve Statutory Notices pursuant to Section 17 of the 1961 Act as amended by the Local Government (Miscellaneous Provisions) Act 1982 in respect of drainage defects.

5. Building Act 1984

(a) by Section 95 to enter premises within the London Borough of Redbridge for the purpose of inspection or of ascertaining any failure of compliance, or for the purpose of taking action or executing any work authorised by Part III of the Act relating to drainage, sanitary conveniences or building defects.

(b) to sign and serve statutory notices pursuant to Section 59 (Drainage), Section 60 (Vent Pipes), Sections 64 and 65 (Sanitary Conveniences), Section 76 (Defective Premises) and Section 84 (Courts, Yards and Passages)

6. Prevention of Damage by Pests Act 1949

(a) by Section 22 to enter any land within the London Borough of Redbridge for the purpose of inspection or of ascertaining any failure of compliance, or for the purpose of taking action or executing any work authorised by Part I of the Act in relation to infestations; and

(b) to sign and serve Statutory Notices pursuant to Section 4 to control rats and mice.

7. Water Industry Act 1991

(a) by Section 84 and Schedule 6 to enter premises within the London Borough of Redbridge for the purposes of ascertaining the wholesomeness or sufficiency of water supplies; whether there is any cause of danger to life or health by any water supplies; and for the purposes of exercising any powers or performing any duty; and to carry out such inspections, measurements and tests on the premises or of articles as considered appropriate by the officer.

Subject to the relevant provisions and circumstances prescribed by the Act.

8. Control of Pollution Act 1974

(a) by Section 91 to enter any land or vessel within the London Borough of Redbridge for the purposes of performing any function conferred on the Authority or officers, or determining whether that function should be performed and in what manner, or determining whether any provision of the Act or subservient instrument is

being complied with, or carrying out inspections, measurements and tests on land or vessel or of any articles on it and/or taking away such samples of the land or articles as the officer considers appropriate, subject to the relevant provisions and circumstances prescribed by Parts III and IV of the Act in relation to noise and air pollution;

(b) to sign and serve Statutory Notices pursuant to section 60 to control certain noise;

(c) to determine applications pursuant to section 61 seeking consent to make noise.

9. Local Government (Miscellaneous) Provisions Act 1976

(a) to sign and serve Statutory Notices pursuant to Section 16 Powers of Local Authorities to obtain particulars of persons interested in land and in respect of requisitioning information as to ownership interest in premises;

(b) to sign and serve Statutory Notices pursuant to Section 35 in respect of private sewers

10. Local Government (Miscellaneous) Provisions Act 1982

(a) by Section 29 to enter any buildings and land to which the section applies within the area of the London Borough of Redbridge for the purpose of taking action or undertaking works in order to prevent unauthorised entry to the building or to prevent the building becoming a danger to public health;

(b) to sign and serve Statutory Notices pursuant to Section 29.

11. Public Health (Control of Disease) Act 1984

(a) by Section 18 for the purposes of enabling measures to be taken to prevent the spread of disease or, as the case may be, to trace the source of food poisoning, may require information from the occupier of any premises;

(b) by Section 59 to sign and serve, give, make or issue any Prescribed Notice, Order or Document on behalf of the London Borough of Redbridge in furtherance of any duty or power pursuant to the provisions of the Act and Regulations;

(c) by Section 61 to enter premises for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, any contravention of the provisions of the Act.

14. Sunday Trading Act 1994

1. be hereby appointed inspectors pursuant to Section 1 and Schedule 2 of the Sunday Trading Act 1994 for the purpose of enforcing within the area of the London Borough of Redbridge the provisions of Schedules 1 and 3 and Part II of Schedule 2 of the Act, and be hereby authorised as follows:

- (a) to enter any premises with or without a constable to ascertain whether there is or has been any contravention of the provisions of Schedules 1 and 3 in those premises;
- (b) to require the production of, and to inspect and take copies, of any records relating to any business carried out on the premises which appear to them to be relevant for the purpose, and where computerised, to require those records to be produced in a form in which they can be taken away;
- (c) to take such measurements and photographs as they consider necessary for the purpose mentioned in paragraph 1. above

15. Animal Health Act 1981

- (a) be hereby appointed inspectors pursuant to Section 52 of the Animal Health Act 1981 for the execution and enforcement of this Act within the area of the London Borough of Redbridge;
- (b) to enter any land, building or other place, at any time, with or without a constable where he has reasonable grounds for supposing that this Act or an order of the Minister or a regulation or additional provisions is not being complied with;
- (c) to execute and enforce this Act and every order of the Minister so far as they are to be executed and enforced by local authorities.

16. Clean Air Act 1993

- (a) by Section 35 to obtain information by issuing notices under Section 36 or by measuring and recording emissions and for that purpose to enter, after giving notice, any premises other than private dwellings;
- (b) by Section 56 to enter any land or vessel within the London Borough of Redbridge, if need be by force under a Magistrate's Warrant, for the purpose of performing any function conferred by virtue of the Act, or determining whether such a function should be performed, or determining compliance with the Act, or carrying out inspections, measurements and tests, or taking samples or articles;
- (c) by Section 57 to take with him on to the land or vessel such other persons and equipment as may be necessary.

17. Environment Act 1995

1. be hereby appointed an authorised person pursuant to section 108 of the Act, and
2. for the purposes of determining compliance with pollution control enactments, [Environmental Protection Act 1990 Parts I and IIA; Regulations made by virtue of the Environment Act 1995 Part IV and the European Communities Act 1972 Section 2 (27)] exercising or performing the related pollution control functions, or determining whether such a function

should be exercised or performed be hereby authorised as follows:

(a) by Section 108(4)(a) to enter at any reasonable time (or in an emergency, at any time and, if need be, by force) any premises;

(b) by Section 108(4)(b) to take with him any other authorised person, a constable and any materials or equipment required;

(c) by Section 108(4)(c) - (m) to make examination and investigation, to direct that premises or anything in them be left undisturbed, to take measurements, photographs and make recordings, to take samples of air, water or land, to dismantle or test any article, to detain and examine any article, to require information relevant to examination or investigation, to require the production of records, to take copies of entries in the records, to require any person to afford facilities and assistance with respect to matters or things within their control;

3. be hereby authorised by Section 109 to seize and render harmless an article or substance in circumstances where there is reasonable cause to believe that the article or substance is a cause of imminent danger of serious pollution of the environment or serious harm to human health.

18. London Local Authorities Act 1991

1. be hereby appointed an “authorised officer” pursuant to section 2 of the Act, by the Council to act in relation to the relevant provisions of this Act, and

2. for the purpose of determining compliance with Section 23, (Audible intruder alarms) enter premises by force, taking with him such other persons and such equipment as may be necessary to de-activate alarms.

19. Health Act 2006

a) Be hereby appointed an authorised officer pursuant to Section 10(5) of the Health Act 2006 to act in matters arising under chapter 1 of part 1 of the Act within the London Borough of Redbridge.

b) By Section 9(1) to serve a penalty notice in respect of offences under part 1 of the Act.

c) By Schedule 2 Paragraph 2, to enter any premises at any reasonable hour, other than premises used only as a private dwelling house not open to the public, for the purpose of the proper exercise of his function by virtue of Chapter 1 of Part 1 of the Act and to carry out such inspections and examinations as he considers necessary for that purpose. To require the production of any substance or product, to inspect it and take and retain samples of or extracts from it. To take possession of any substance or product on the premises and retain it for as long as he considers necessary for that purpose. Require any person to give him such information, or afford him such facilities and

assistance, as he considers necessary for that purpose.

d) By Schedule 2 Paragraph 3 to arrange for any substance, product sample or extract mentioned in paragraph 2 of Schedule 2 to be analysed.

e) To make purchases and secure the provision of such services as he considers necessary for the purpose of the proper exercise of his functions by virtue of Chapter 1 of Part 1 of the Act

f) To take with him when entering any premises by virtue of paragraph 2, such other persons and such equipment as he considers necessary.

Agriculture Act 1970
Animal Boarding Establishment Act 1963 & 1970
Animal Welfare Act 2006
Breeding of Dogs Act 1973
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Cinematograph Acts 1909-1982
Clean Neighbourhoods and Environment Act 2005
Criminal Justice and Public Order Act 1994
Dangerous Wild Animal Act 1976
Dogs Act 1906
Environment and Safety Information Act 1988
Fire Safety and Safety at Places of Sport 1987
Greater London Council (General Powers) Act 1972
Greater London Council (General Powers) Act 1973
Health Act 2006, Chapter 28 Part 1, Chapter1 and associated schedules
Housing Act 1985
Housing Act 2004
Land Registration Act 1925
Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009
Licensing Act 1964
Licensing Act 2003
Local Government and Housing Act 1989
Local Government Act 1972
London Local Authorities Act 1995 Part V
London Local Authorities Act 2000
Lotteries and Amusements Act 1976
The Mobile Homes Act 1983
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Office, Shops and Railway Premises Act 1963
Performing Animals (Regulations) Act 1925
Pet Animals Act 1951
Pollution Prevention and Control Act 1999
Poultry Act 1967
Rag Flock and other Filling Materials Act 1951
Riding Establishments Act 1964 & 1970
Safety of Sports Grounds Act 1975
Slaughterhouses Act 1974
Transit of Animals (General) Order 1991

Welfare of Animals (Transport) Order 2006 Water Act 1989 Zoo Licensing Act 1981	
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Table 3: Neighbourhoods Streetscene

<p>To act under or to exercise any or all powers set out in the various Acts or Regulations specified in the Schedule hereto and any Act, Order and Regulation amending, extending or re-enacting the same.</p> <p>Legislation as follows:</p> <p>Act: ANTI-SOCIAL BEHAVIOUR ACT 2003</p> <p>Act: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014</p> <p>Act: CHILDREN AND FAMILIES ACT 2014 Sections: 91 and 92</p> <p>Act: CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 Sections: 4(5), 6, 7, 73, 74, 76, 77, 78 and 79</p> <p><i>Act: CONTROL OF POLLUTION ACT 1974</i> Sections: 60, 61, 68, 91 and 93</p> <p><i>Act: CONTROL OF POLLUTION (AMENDMENT) ACT 1989</i> Sections: 5, 5A and 5B</p> <p>Act: COUNTRYSIDE ACT 1968 Section: 41</p> <p>Act: CRIMINAL JUSTICE AND POLICE ACT 2001 Sections: 25, 50, 52, 55, 60 and 62</p> <p><i>Act: CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994</i> Sections: 77, 78 and 79(3)</p> <p>Act: CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996 Sections: 7A and 26</p>	All Neighbourhood Enforcement Officers (Enforcement)
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Act: DANGEROUS DOGS ACT 1991

Section: 5

Act: ENVIRONMENT ACT 1995

Section: 108

Act: ENVIRONMENT ACT 2021

Act: ENVIRONMENTAL PROTECTION ACT 1990

Act: GAMBLING ACT 2005

Sections: 307, 309, 310, 311, 312(4), 313, 314, 315, 317, 318, 321, 322, 323, 324, 325 and 346

Act: HIGHWAYS ACT 1980

Sections: 131A, 132, 136, 137ZA, 140, 140B, 141, 142(7), 143, 149(1), 149(2), 149(3), 151, 152, 154, 163, 164, 165, 166, 169 and 184

Act: LICENSING ACT 2003

Section: 179

Act: LOCAL GOVERNMENT ACT 1972

Sections: Para 11 of sch 26, 236, 237A, 237C and 237E

Act: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section: 16

Act: LONDON LOCAL AUTHORITIES ACT 1990

Sections: 35, 38(4), 38A, 38B and 38C

Act: LONDON LOCAL AUTHORITIES ACT 2000

Sections: 10, 16 and 18

Act: LONDON LOCAL AUTHORITIES ACT 2004

Sections: 6, 9 and 15

Act: LONDON LOCAL AUTHORITIES ACT 2007

Sections: 11, 12, 13, 14, 15 and 61

Act: LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003

Sections: 4, 8, 14, 17(2), 17(4), 17(5), 17(6), 17(7), 17(9), 17(10), 17(12), 17(14), 17(15), sch 1 and sch 2

Act: LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2008

Section: 9

Act: LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2013

Sections: **8, 11, 12, 13 and 14**

Act: **NEW ROADS AND STREET WORKS ACT 1991**
Section: **51**

Act: **NOISE ACT 1996**
Sections: **8A, 8B and 9**

Act: **POLICE AND CRIMINAL EVIDENCE ACT 1984**
Sections: **24A and 67(9A)**

Act: **POLICE REFORM ACT 2002**
Section: **Sch 5**

Act: **PREVENTION OF DAMAGE BY PESTS ACT 1949**
Sections: **4, 5, 22 and 26**

Act: **PUBLIC HEALTH ACT 1936**
Sections: **79, 83, 287 and 298**

Act: **PUBLIC HEALTH ACT 1961**
Section: **34**

Act: **REFUSE DISPOSAL (AMENITY) ACT 1978**
Sections: **2A, 2B, 3, 4A, 5, 6 and 8**

Act: **ROAD TRAFFIC OFFENDERS ACT 1988**
Section: **4**

Act: **SCRAP METAL DEALERS ACT 2013**
Sections: **16 and sch 2**

Act: **TOBACCO ADVERTISING AND PROMOTION ACT 2002**
Sections: **13 and 14**

Act: **TOWN AND COUNTRY PLANNING ACT 1990**
Sections: **178, 196A, 196B, 215, 219, 220, 224 and 330**

Act: **PUBLIC HEALTH ACT 1936**
Sections: **79,83,287 and 298**

Act: **PUBLIC HEALTH ACT 1961**
Sections: **34**

Act: **PUBLIC HEALTH (Control of Disease) ACT 1984 (2a)**
Sections: **45 and 61**

Act: **CORONAVIRUS ACT 2020**
Sections: **25, 28, 51 and 52**

General - To enforce the Council's byelaws relating to parks, open spaces and leisure facilities.	
Legal Proceedings Recommend legal proceedings.	
Disputes, Objections and Appeals Deal with disputes, objections and appeals.	
To purchase works, supplies and services included in the approved capital programme in compliance with Council Standing Order requirements.	
To be responsible for monitoring capital budgets and the commissioning of any capital schemes for services within the portfolio.	

Table 4: CCTV Functions

Legal Proceedings Recommend legal proceedings.	Group Manager CCTV, CP, TS and L
Disputes, Objections and Appeals Deal with disputes, objections and appeals.	CCTV Manager
Power to take action within approved programme, budget and policy objectives of the Council in relation to CCTV monitoring and maintenance activities across the Borough as a whole.	CCTV Manager and Senior CCTV Officers
To act under or to exercise any or all powers set out in the various Acts or Regulations specified in the Schedule hereto and any Act, Order and Regulation amending, extending or re-enacting the same. Regulation of Investigatory Powers Act 2000	
Security Industry Authority	All CCTV officers

Contracted out Functions

The Council may authorise other persons or bodies to exercise certain functions where permitted by law to do so, for example pursuant to an order made under the Deregulation and Contracting Out Act 1994. The Leader and the Council have delegated power to the Chief Officers, Deputy Chief Officers Operational Directors and Heads of Service to enter into contractual arrangements with other persons or bodies to carry out the functions delegated to them.

The following functions have been contracted out (in part/in whole) in relation to Civic Pride.

Contracted Out Functions	Person or body authorised
Waste Collection Services	Redbridge Civic Services
Bereavement Services	Westerleigh Group
Post-mortem Services	Newham Council
CCTV Maintenance Services	Openview Security Solutions
Videalert	LBR Parking Enforcement
Environmental (Littering) Enforcement	Kingdom (LAS)
Greening Services	SH Goss Ltd (weed control), Essex Tree Care (highway grass cutting), Various contractors on Framework for tree and shrub maintenance
Pest Control	SDK ENVIRONMENTAL LIMITED
Stray Dogs Contract	London Borough of Waltham Forest: Neighbourhood Services
Weights and Measures Inspection	North East London Metrology Partnership (NELMP)

Scheme of Delegation to Officers: Highways Parking & Transportation

January 2023

Date Last Reviewed:	
Date Approved:	
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Document Owner:	Steve Moore, Corporate Director – Communities

Summary

The Council and Executive (Mayor & Cabinet) delegate powers to officers through Schemes of Delegation that set out which powers are exercised by which officers, depending on their post and seniority in the Council.

This document sets out those delegations specific to the Highways Parking and Transportation directorate.

Specific Delegated Powers – how legal powers specific to the Directorate will be delegated.

Corporate Directors and Level 2 officers may agree further delegations where they consider appropriate, whether in a Scheme or an individual delegation. Any such delegation must be in writing and a copy must be provided to the Monitoring Officer.

In this Scheme, the Directorate's officers fall within the following levels of authorisation.

Management Tier	Posts (not an exhaustive list)
1	Corporate Director of Communities
2 – relevant Officer reporting directly to the Corporate Director	Operational Director of Highways, Parking & Transportation
3 - Officers reporting directly to a level 2 officer (excluding clerical and administrative staff or where identified elsewhere)	Head of Parking Head of Highways
4 - Officers reporting directly to a level 3 officer (excluding clerical and administrative staff or where identified elsewhere)	Group Managers (Highways) Principal Engineer Parking Operations Manager

DELEGATION OF DIRECTORATE SPECIFIC FUNCTIONS AND POWERS

GUIDANCE FOR COMPLETION

This section identifies the delegation of powers that are specific to the directorate and its services and how they are discharged at different tiers in the directorate. The Corporate Director has delegated authority to discharge all powers to deliver the Council's functions within the services under their responsibility. This is only with the exception of key decisions reserved to Cabinet, decisions reserved to Council or committees in their terms of reference and decisions reserved in this Scheme of Delegation to specific officers.

Examples –

- a. the decision to instruct Legal Services to apply for an emergency protection order to protect a child at risk may be reserved to managers at a certain tier.*
- b. Officers exercising food safety powers will need to have delegated powers of inspection and entry*

To “future proof” the Scheme of Delegation, please avoid detailed reference to specific legislation where possible to avoid the risk that legislation is amended, repealed or replaced.

If appropriate, the Corporate Director or Level 1 director may agree an additional scheme of delegation. If so, it should be referenced in this document.

Reference to a power in this Scheme of Delegation incorporates a reference to the statutory powers that enable or authorise the Council to exercise the power.

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
<p>Bridge and Structures Maintenance</p> <p>Authorise a programme of bridge inspection and maintenance and the construction of approved bridge strengthening schemes subject to the prior inclusion of such schemes in the work programme and the overall finance limits approved by the Cabinet.</p>	X	X	X	None
<p>Temporary Traffic Regulation Orders</p> <p>Under s14 (1) (2), 15(2), 15(8) of the Road Traffic Regulation Act 1984, including temporary orders for waiting/ parking restriction which would attract penalty charge notices for contraventions and (2) 'special events' orders under s16(a), (b) or (c) of the Road Traffic Act 1984 informing the Cabinet Member for Environment & Civic Pride.</p>	X	X	X	None
<p>Traffic Management Orders</p> <p>Where significant objections are received to an advertised Traffic Management Order to decide, in consultation with the Cabinet Member Environment and Civic Pride whether the Traffic Management Order may be made. Where no objections are received (including experimental Traffic Management Orders), to decide whether the Traffic Management Order may be made.</p>	X	X	X	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
<p>School Crossing Patrols</p> <p>To approve the introduction and, following consultation with the divisional Member, withdrawal of school crossing patrols.</p>	X	X	X	None
<p>Penalty Charge Notices</p> <p>Decisions on outcomes of penalty charge notices in accordance with statutory requirements and Council policy and procedures. Includes authority to cancel.</p>	None	None	None	X
<p>Parking Debt</p> <p>Write-off of unrecoverable parking income as a result of statutory limitations, Court instructions or death of the debtor. Write offs subject to financial limits.</p>	X	X	X	X
<p>Parking Debt</p> <p>Write-off of unrecoverable parking income where recovery process would not be appropriate. Write offs subject to financial limits.</p>	X	X	X	X
<p>Parking Permits, Permissions and Concessions</p> <p>Granting of parking permits, permissions and concessions outside of standard procedures.</p>	X	X	X	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
<p>Penalty Charge Notices</p> <p>Authorising refunds of penalty charge notices.</p>	X	X	X	X
<p>General Refunds</p> <p>Authorising refunds of permits, permissions and other parking payments.</p>	X	X	X	X
<p>Traffic Management Duties</p> <p>Authority to act as a proper officer, authorised officer, inspector, traffic manager or other designation and exercise powers for legislation listed after being appropriately nominated and subject to any limitation in individual authorisation.</p>	None	X	X	X
<p>Section 278 Agreements</p> <p>Prepare and sign Section 278 agreements.</p>	X	X	X	None
<p>Stopping Up Orders</p> <p>Prepare, authorise the making of an order for Stopping up Orders for highways and footways.</p>	None	X	X	None
<p>Highway Adoption</p> <p>Authority to adopt Highways.</p>	X	X	X	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
<p>Charges – New Roads and Street Works Act (1991)</p> <p>Enter negotiations relating to charges and recommend charges, including any waiver of charges.</p>	X	X	X	None
<p>Works and Costs</p> <p>Approve works and recovery of costs (subject to financial standing orders).</p>	X	X	X	X
<p>Highway Applications</p> <p>Consider applications and recommend approval/rejection.</p>	X	X	X	X
<p>Legal Proceedings</p> <p>Recommend legal proceedings.</p>	X	X	X	None
<p>Disputes, Objections and Appeals</p> <p>Deal with disputes, objections and appeals.</p>	X	X	X	None
<p>Highway Applications</p> <p>Consider and agree actions relating to challenges in respect to rejected applications and licences.</p>	X	X	X	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
<p>Compulsory Purchase Orders</p> <p>To consider Compulsory Purchase Orders affecting the highway and other Orders made by the Secretary of State and, subject to prior consultation with Legal and Democratic Services, to inform the Secretary of State that the Council have no objection to the Order. NB A report will be submitted to Cabinet in the event that the Council wishes to object to the Order.</p>	X	X	None	None
<p>Legislation</p> <p>Appointment of officers or nomination of other person to exercise powers for any legislation listed, <u>excluding the specific statutory functions identified below:</u></p> <p>London Local Authorities and Transport for London Act 2003 London Local Authorities Act 1996 Traffic Management Act 2004 Town and Country Planning Act 1990 Transport and Works Act 1992 Railways Act 2005 Highways Act 1980 New Roads and Street Works Act 1991 Road Traffic Regulation Act 1984 Wildlife and Countryside Act 1981 Countryside and Rights of Way Act 2000</p>	X	X	None	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
<p>Water Industry Act 1991</p> <p>Flood and Water Management Act 2010</p> <p>Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996</p> <p>The Management of Health and Safety Regulations (1999)</p> <p>The Electricity at Work Regulations (1989)</p> <p>The Electricity Supply Regulations (1988)</p> <p>The Environmental Protection Act (1990)</p> <p>Control of Substances Hazardous to Health Regulations (2002)</p> <p>CDM Regulations (2015)</p> <p>Traffic Signs Regulations & General Directions (TSRGD) (2016)</p> <p>Road Traffic Regulations Act 1984</p> <p>London Local Authorities and Transport for London Act 2003</p> <p>Highways Act 1980</p> <p>Traffic Management Act 2004</p>				
Specific Statutory Powers				
<p>New Roads and Street Works Act 1991 and Traffic Management Act 2004</p> <p>To serve notices and take any other necessary action under this legislation. To negotiate charges made under Section 74 of the New Roads and Street Works Act 1991.</p>	X	X	X	X
Experimental Traffic Orders	X	X	X	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
To formulate and agree experimental traffic orders to impose traffic and parking restrictions such as road closures, controlled parking and other parking regulations.				
The Traffic Management Act 2004 and Traffic Management Permit Scheme (England) Regulations 2007 (as amended) and the Traffic Management Permit Scheme (England) (Amendment) Regulations, and Highways Act 1980 To grant permissions to Works Undertakers, the Highway Authority, and Third-Party Works Promoters, through the London Borough of Redbridge Permit Scheme (Part of the London Permit Scheme), and to issue Permits and Licences, allowing all works promoters to install services, maintain assets and carry out appropriate works. In the case of the Highway Authority to carry out works for roads purposes to improve and maintain the highway. To negotiate charges made under Section 74 of the New Roads and Street Works Act 1991.	X	X	X	X
The Highways Act 1980 To grant permission for the deposit of builders' skips on the highway, for the erection of scaffolding and hoardings referred to in S. 169 of the Highways Act 1980, (subject if necessary to technical approval having first been obtained), and to require the removal or repositioning of such skips, scaffolding or hoardings. To take legal action under this Section of the Act where appropriate.	X	X	X	X
The Highways Act 1980	X	X	X	X

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
To grant and withdraw licences for the planting and maintenance of trees, plants or grass in the highway pursuant to s.142 of the Highways Act 1980.				
The Highways Act 1980 To take action under the various provisions of the Highways Act 1980 or any statutory modification or re-enactment thereof, to carry out routine maintenance of the highway and to facilitate the prompt removal of encroachments, obstructions and dangers from the highway, and to take legal action under the relevant Sections of the Act where appropriate.	X	X	X	X
Highways Act 1980 To exercise all the functions and duties of the Council under S.132 of the Highways Act 1980 in relation to the removal of any picture, letter, sign or other mark painted inscribed or affixed upon the surface of a highway, or upon any tree or structure, or works on or in a highway. To take legal action under the relevant Section of the Act when appropriate.	X	X	X	X
Highways Act 1980 To exercise the powers delegated above on or in a highway structure owned by the Council.	X	X	X	X
Highways Act 1980	X	X	X	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
To grant licences for the construction of private bridges over the highway in accordance with S. 176 of the Highways Act 1980.				
Road Traffic Regulation Act 1984				
To close roads or other public rights of way for a period not exceeding 21 days pursuant to s14 (2) Road Traffic Regulation Act 1984.	X	X	X	None
Highways Act 1980				
Public Health Act 1936				
To authorise any person to enter onto land for the purpose of carrying out drainage works as laid down in s100 of the Highways Act 1980 and s287 of the Public Health Act 1936 after due notice has been served, and to take legal action under the relevant Section of the Act when appropriate.	X	X	X	None
Land Drainage Act 1991				
Following consultation with the Environment Agency to serve notices under s25 Land Drainage Act 1991 and in default of compliance with the notice to authorise any person to enter onto land to carry out works in default and to recover any expenses incurred in doing so.	X	X	X	None
Highways Act 1980				
	X	X	X	X

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
To exercise all the functions and duties of the Council under Part 7 (a) S. 115A to 115K of the Highways Act 1980.				
Highways Act 1980 Where significant objections are received to an advertised Traffic Regulation Order to decide, in consultation with the Cabinet Member Environment and Civic Pride whether the Traffic Regulation Order may be made.	X	X	X	None
Highways Act 1980 To serve notices requiring urgent works to private streets pursuant to s230 of the Highways Act 1980 and to take legal action under the Act when appropriate.	X	X	X	None
Highways Act 1980 To authorise staff or consultants to enter on land for the purpose of survey as laid down in S.289 of the Highways Act 1980 and for the purpose of carrying out works as laid down in S.291 of the Highways Act 1980 after due notice has been served.	X	X	X	None
Highways Act 1980	X	X	X	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
To grant licences for the construction of buildings over highways in accordance with S. 177 of the Highways Act 1980. To serve Notices and take legal action under the relevant Section of the Act when appropriate.				
Highways Act 1980				
To grant consents for the placing of rails, overhead beams, pipes, wire or other similar apparatus over, along or across the highways in accordance with S. 178 of the Highways Act 1980. To take legal action under the relevant Section of the Act when appropriate.	X	X	X	None
Highways Act 1980				
To authorise the service of a notice in pursuance of sections 56(2) and 56(4) of the Highways Act 1980 in response to a notice served by a complainant under section 56(1).	X	X	X	None
Construction (Design and Management) Regulations 2015				
Appointment of Principal Contractor and Designer.	X	X	X	None
2010 Flood and Water Management Act & 2009 Flood Risk regulations				
To exercise the Council's powers under the 2010 Flood and Water Management Act and the 2009 Flood Risk Regulations.	X	X	X	None

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
<p>The Traffic Signs Regulations and General Directions 2016</p> <p>To exercise the Council's powers under the Traffic Signs Regulations and General Directions 2016.</p>	X	X	X	X
<p>London Local Authorities and Transport for London Act 2003</p> <p>To authorise officers to issue Fixed Penalty Notices. The powers of an authorised officer of a borough council under subsection (1) of the Act exercisable only in relation to offences alleged to have been committed in respect of a highway for which the council is the highway authority.</p>	X	X	X	None
<p>Traffic Management Act 2004</p> <p>London Local Authorities Act 1996</p> <p>London Local Authorities and Transport for London Act 2003</p> <p>Determining policy and procedure on issuing of penalty charge notices for parking, bus lanes and moving traffic contraventions in compliance with statutory requirements and guidance issued under the TMA 2004, LLA 1996, LLA 2003.</p>	X	X	X	None
<p>Issuing of penalty charge notices in accordance with the above.</p>	None	None	X	X

Scheme of Delegation to Officers: Housing

February 2023

Date Last Reviewed:	
Date Approved:	
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Document Owner:	Steve Moore, Corporate Director - Communities

Summary

The Council and Executive (Mayor & Cabinet) delegate powers to officers through Schemes of Delegation that set out which powers are exercised by which officers, depending on their post and seniority in the Council.

This document sets out those delegations specific to the Housing directorate.

Specific Delegated Powers – how legal powers specific to the Directorate will be delegated.

Corporate Directors and Level 2 officers may agree further delegations where they consider appropriate, whether in a Scheme or an individual delegation. Any such delegation must be in writing and a copy must be provided to the Monitoring Officer.

In this Scheme, the Directorate's officers fall within the following levels of authorisation.

Management Tier	Posts (not an exhaustive list)
1	Corporate Director of Communities
2 – relevant Officer reporting directly to the Corporate Director	Operational Director of Housing
3 - Officers reporting directly to a level 2 officer (excluding clerical and administrative staff or where identified elsewhere)	Head of Housing Needs Head of Housing Management Head of Asset Management Head of Housing Strategy and Performance Affordable Housing Programme Director
4 - Officers reporting directly to a level 3 officer (excluding clerical and administrative staff or where identified elsewhere)	Service Managers

DELEGATION OF DIRECTORATE SPECIFIC FUNCTIONS AND POWERS

GUIDANCE FOR COMPLETION

This section identifies the delegation of powers that are specific to the directorate and its services and how they are discharged at different tiers in the directorate. The Corporate Director has delegated authority to discharge all powers to deliver the Council's functions within the services under their responsibility. This is only with the exception of key decisions reserved to Cabinet, decisions reserved to Council or committees in their terms of reference and decisions reserved in this Scheme of Delegation to specific officers.

Examples –

- a. the decision to instruct Legal Services to apply for an emergency protection order to protect a child at risk may be reserved to managers at a certain tier.*
- b. Officers exercising food safety powers will need to have delegated powers of inspection and entry*

To “future proof” the Scheme of Delegation, please avoid detailed reference to specific legislation where possible to avoid the risk that legislation is amended, repealed or replaced.

If appropriate, the Corporate Director or Level 1 director may agree an additional scheme of delegation. If so, it should be referenced in this document.

Reference to a power in this Scheme of Delegation incorporates a reference to the statutory powers that enable or authorise the Council to exercise the power.

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
Housing Strategies Agreeing minor consequential amendments to the Housing strategies or to rectify errors	X	X		
Housing policies Agreeing minor consequential amendments to the Housing policies or to rectify errors		X		
Housing Funding Advising the Homes England/GLA or the Government on the relative priorities of different client groups with housing needs and on priorities for funding for Housing	X	X	X	
Housing Funding Negotiating with Homes England/GLA or the Government on the level of grants or other resources for the Council and or other bodies including registered social landlords for the purpose of attracting additional grants or other resources to Redbridge	X	X	X	
Housing Advice	X	X	X	X

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
Exercising the functions of the Authority in relation to the provision of advice in connection with housing and the prevention of homelessness				
LOCAL AUTHORITY HOUSING				
Exercising the functions of the Authority as the Local Housing Authority under Parts II and XVIII of the Housing Act 1985, Part VI of the Local Government and Housing Act 1996, Housing and Planning Act 2016 any regulation made under them, and all other enabling powers, in relation to Authority owned dwellings and estates.	X	X	X	X
Exercising the functions of the Authority in relation to dwellings owned by the Authority but not held under Part III of the Housing Act 1985	X	X	X	
Authorising the granting and allocation of tenancies and leases (Housing Act 1985, Schedule 1)		X	X	X
Approving rents in specific cases		X	X	X
Serving notice to quit, commencing legal proceedings, or seeking possession in respect of secure tenancies and notices of demotion of secure tenancies (Housing Act 1985, Section 83; Protection from Eviction Act 1977, Section 5)	X	X	X	X

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
Statutory reviews of decisions to seek possession of a secure tenancy on the absolute ground for anti-social behaviour, or to seek possession of an introductory tenancy, or to seek possession of a demoted tenancy	X	X	X	X
Decisions to serve notices in respect of displaced residential occupiers and protected intending occupiers (Criminal Law Act, 1977, Section 7)		X	X	X
Maintaining properties and estates		X	X	X
Consenting to the assignment of a tenancy (Housing Act 1985, Section 91(3)(c); Housing Act 1996, Section 134)		X	X	X
Agreeing mutual exchanges (Housing Act 1985, Section 92)		X	X	X
Consenting to subletting of part (Housing Act 1985, Section 93)		X	X	X
Authorise variations to tenancy conditions (Housing Act 1985, Section 102 and 103)	X	X		
Decisions to serve Notice of Extension of an introductory tenancy (Housing Act 1996, Section 125a)		X	X	X
Decision to serve notice of Possession of an introductory tenancy (Housing Act 1996, Section 128)	X	X	X	X

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
Permitting any works or other activity where a tenant requires the approval of the Authority			X	X
Consenting to improvements under the Housing Act 1985, Section 97		X	X	X
Making payments for removal expenses or a compensation for improvements or disrepair		X	X	X
Taking action under Sections 1 and 115 of the Crime and Disorder Act 1998, Part V, Chapter III of the Housing Act 1996 (anti-social behaviour) and Housing Act 1985, Section 83ZA		X	X	X
Confirmation of a statutory succession (Housing Act 1985, Section 89; Housing Act 1996, Section 133 and 143H)		X	X	X
Taking action to secure the eviction of trespassers	X	X	X	X
Undertaking such consultation with tenants as he/she considers to be necessary	X	X	X	X
Exercising functions under the Housing (Service Charge Loans) Regulations 1992		X	X	
Exercising functions under the Commonhold and Leasehold Reform Act 2002		X	X	X
General powers of housing management not otherwise expressly mentioned (Housing Act 1985, Section 21)	X	X	X	
General Leasehold Management not otherwise expressly mentioned		X	X	X

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
General enforcement action for breach of lease not otherwise expressly mentioned		X	X	X
To exercise on behalf of the Council initial notice served under Section 47 of the Building Act, 1984 and exercise the powers of the Council under Sections 50, 51, 52, 53, 54 and 56 of the Building Act 1984 and the current (Approved Inspector, etc) Regulations		X	X	
General administration, management and collection of service charges and major works		X	X	X
To make compensation payments for service failure or other appropriate reason		X	X	
To allocate grant funding within agreed budget limits to TRAs and other tenant groups either directly or via agreed processes		X	X	X
Consultation on matters of housing management affecting no more than one ward (Housing Act 1985, Section 105)		X	X	X
Respond to formal government consultation and self assessments		X		
RIGHT TO BUY				
To dispose of properties in accordance with the Right to Buy legislation		X	X	
Determining eligibility of prospective purchasers and their Right to Buy		X	X	

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
Exercising the functions of the Authority as landlord in respect of the leases that have been sold under Right to Buy, including:				
1. Agreeing variations in the terms of the lease	X		X	X
2. Permitting any works or other thing in respect of which a lessee requires the approval of the Authority under the terms of the lease				
Administration and calculations of discount. Power to calculate and apply discount entitlements in accordance with the Housing Act 1985 and statutory instruments legislating regional discount levels (Housing Act 1985 (as amended) Sections 131, 155 and 156)		X	X	
Determining requests from the owners and lessees of Right to Buy properties to let dwellings		X	X	X
HOMELESSNESS				
Exercising the Authority's responsibilities for homeless people, including the Authority's functions under Part VI Housing Act 1996 and Homelessness Act 2002, and determining applications for assistance and acting as the first stage appeal tribunal	X	X	X	X
Allocate the homelessness prevention grant and any other grants made by the government and third parties for homelessness functions		X	X	

DESCRIPTION OF DELEGATED POWERS	DIRECTORATE LEVEL OF AUTHORISATION & POWERS			
	1 – Corporate Director	2 – Operational Director	3 – Heads of Service	4 – Group/Service Managers
Agreeing terms with private landlords to lease accommodation to meet the temporary housing needs for homeless, where the rate is in line with Pan-London agreed rates		X	X	X
Agreeing terms with private landlords to lease accommodation to meet the temporary housing needs for homeless, where the rate exceeds the Pan-London agreed rates		X	X	X
REGISTERED SOCIAL LANDLORDS				
Exercising the functions of the Authority under Part 1 of the Housing Act 1996 in relation to registered social landlords	X	X	X	X
Prioritising bids for monies submitted by Registered Providers and determining the amount of grants or other resources available to support such offered bids		X		
Agreeing nomination arrangements with RSLs		X	X	

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SECTION 1 - COUNCIL STANDING ORDERS

1. Legal Status

- 1.1 The Council is a principal council as defined in section 270 of the Local Government Act 1972 and is constituted under section 8 and Schedule 2 of this Act. Its proceedings are governed by Schedule 12 and these standing orders are made in pursuance of paragraph 42 of Schedule 12.

2. Meetings of the Council

- 2.1 There are four types of Council meeting:

- (a) the Annual Meeting
- (b) ordinary meetings
- (c) the Budget Meeting
- (d) extraordinary meetings

and each will be conducted in accordance with these standing orders.

3. Calendar of Meetings

- 3.1 Prior to the commencement of the municipal year, the Council will at a meeting of Full Council determine the date and time of all the Council meetings, other than extraordinary meetings, for that municipal year. All such meetings will where possible be held at the Town Hall, Ilford at 7.15pm.
- 3.2 The Council may subsequently change the date of any of these meetings provided that the Annual Meeting is held in accordance with the requirements of Standing Order 7.1. The time or place of a meeting may only be varied if it would not be possible to hold the meeting at the time or place set for it.
- 3.3 The Chief Executive (in consultation with the Mayor and the Leader of the Council) may alter the date, time or place for any ordinary meeting where he or she considers that a material change in circumstances makes this necessary.

4. Notification of Council meetings

- 4.1 At least three clear working days before a meeting (i.e. normally by Friday of the week before a Thursday meeting), notice of the time and place of the meeting will be published at the Town Hall. Where the meeting has been called by Councillors in accordance with Standing Order 16.2, this notice shall be signed by those Councillors and shall specify the proposed business.
- 4.2 At least three clear working days before a meeting, a summons to attend signed by the Chief Executive will be sent to the usual home of every Councillor (or to such other address as notified by them in writing to the Chief Executive, which may include an email address). The summons must specify the time and place of the meeting and the proposed business. Failure to

serve this summons on any Councillor will not affect the validity of the meeting.

5. Admission and exclusion of the public

5.1 The public (including the press) have the right of admission to all Council meetings.

5.2 However, the public must be excluded from a meeting during consideration of any item of business if it is likely that confidential information as defined in section 100A(3) of the Local Government Act 1972 would otherwise be disclosed.

5.3 Whenever it is likely that exempt information as defined in section 100I of the Local Government Act 1972 would be disclosed, the Council may resolve to exclude the public. Any such resolution may be moved without notice, must identify the part of the meeting from which the public are to be excluded, and describe the exempt information by reference to Schedule 12A of the 1972 Act.

6. Quorum at Council meetings

6.1 No business will be transacted unless at least one quarter (i.e. normally 16) of the total number of Councillors is present. However, if more than one-third of Councillors are disqualified at the time then the quorum will instead be at least one quarter of the number remaining qualified.

6.2 If at any time the Mayor finds that a quorum is not present, a bell will be rung and if, after two minutes, a quorum is still not present, the meeting will be adjourned. Consideration of any uncompleted business will be adjourned to a time then fixed by the Mayor (or if the Mayor does not fix a time, to the next ordinary meeting).

7. Annual Council Meeting

7.1 The first meeting of each municipal year will be the Annual Meeting. In election years, the Annual Meeting will be held between 12 and 25 days after the local elections. In other years, it will be held in May.

7.2 At the Annual Meeting, the business and its order will be:

- (a) to choose a person to preside if the Mayor is absent;
- (b) to receive any other apologies for absence;
- (c) to elect a Mayor for the ensuing municipal year and to receive notification of the appointment of his or her Deputy;
- (d) to record a vote of thanks to the retiring Mayor;
- (e) to approve minutes (Standing Order 25);
- (f) to deal with any business required by law to be done;
- (g) to receive the new Mayor's announcements;

- (e) to receive the Leader of the Council's annual address on his vision for the Borough and to hear the responses thereto from the leaders of the opposition groups on the Council;
- (f) to receive the record of Councillors' attendances for the previous municipal year;
- (g) to deal with any business relating to the appointment of the Leader, members of Committees or other bodies appointed by Council, determination of terms of reference of any Committees or of other bodies.

Business not specified in the summons may only be considered where it is business required by law to be conducted at the Annual Meeting.

- 7.3 In election years, the Annual Meeting will also elect the Leader of the Council as provided for in Standing Order 13.
- 7.4 The Leader of the Council will be allowed up to 15 minutes to address the Council on his vision for the Borough, his priorities for the next 18 months and his plans for delivery of the corporate strategy following which the leaders of the opposition groups on the Council will be allowed up to 5 minutes each to respond to that address. No questions or further responses will be permitted and there shall be no debate.

8. Election of Mayor

- 8.1 The Mayor will be elected from among the Councillors (but not a Cabinet Member) and shall continue in office until he or she:
 - (a) resigns from the office; or
 - (b) is disqualified from holding office by virtue of any statutory provision including section 80 of the Local Government Act 1972 or section 173 of the Representation of the People Act 1983
 or until his or her successor is elected.
- 8.2 The Mayor shall continue to be a Councillor during his or her term of office even if he or she is not re-elected as a Councillor. However, in such circumstance, he or she may not vote other than to give a casting vote.
- 8.3 If a casual vacancy occurs in the office of Mayor, an election for a new Mayor shall be held no later than the next ordinary meeting or, if that meeting is held within 14 days of the date on which the vacancy occurs, no later than the next following ordinary meeting. The Chief Executive may convene an extraordinary meeting for this purpose.
- 8.4 The Mayor will have precedence in the Borough but not so as to affect prejudicially His Majesty's royal prerogative.
- 8.5 The process for election of the Mayor is set out in Appendix 6 to these Standing Orders.

9. Appointment of Deputy Mayor

9.1 The Mayor may appoint a Councillor to be their Deputy. The Council must be advised of any appointment in writing and the decision recorded in its minutes. The Deputy Mayor shall continue in office until he or she:

- (a) resigns from the office; or
- (b) is disqualified from holding office by virtue of any statutory provision including section 80 of the Local Government Act 1972 or section 173 of the Representation of the People Act 1983

or until a new Mayor is elected.

9.2 If the office of Mayor is vacant or the Mayor is for any reason unable to carry out their duties, the Deputy Mayor may discharge all the Mayor's functions, except that he/she may only preside at a Council meeting if appointed by that meeting in accordance with Standing Order 11.1.

9.3 The Deputy Mayor shall remain in office even if he or she is not re-elected as a Councillor but may not then cast any vote or preside at any meeting.

10. Payments to Mayor and Deputy Mayor

10.1 The Council may pay appropriate allowances to the Mayor and Deputy Mayor to cover their mayoral expenses.

11. Presiding at Meetings

11.1 The Mayor will preside at any Council meeting at which he or she is present. If the Mayor is absent from a meeting, another Councillor (but not a Cabinet Member) chosen by the Councillors present will preside and will have the powers and duties assigned to the Mayor in relation to the conduct of the meeting.

11.2 The Mayor will manage the meeting in accordance with Standing Orders and decide, having taken advice from the Operational Director - Assurance, all questions of order, competence, relevance, interpretation of Standing Orders, and procedure. His or her ruling may not be challenged at a meeting of the Council.

12. Ordinary Council Meetings – Order of business

12.1 At ordinary meetings, the business and its order will be:

- (a) to choose a person to preside if the Mayor is absent;
- (b) to receive any other apologies for absence;
- (c) to deal with any business required by law to be done before any other business;
- (d) to approve minutes (Standing Order 25);
- (e) to deal with any business required by law to be done;
- (f) to receive any communications from the Mayor or Chief Executive;

- (g) to receive the Mayor's announcements;
 - (h) to deal with questions from the public (Standing Order 17);
 - (i) to receive any petitions and deputations (Standing Orders 19 and 20);
 - (j) to deal with any business relating to the calendar of meetings or appointment of the Leader, members of Committees or other bodies appointed by Council, determination of terms of reference of any Committees, or of other bodies;
 - (k) to consider reports from officers including references from Cabinet, Committees or other bodies appointed by Council;
 - (l) to dispose of any business remaining from the last meeting;
 - (m) to hear any statements by the Leader of the Council, Committee Chairs or Members of the Cabinet (Standing Order 18);
 - (n) to deal with questions from Councillors (Standing Order 17);
 - (o) to consider any requisitioned items (Standing Order 54);
 - (p) to consider any business motions (Standing Order 21) in the order in which they have been received;
 - (q) to consider any other business specified in the summons;
 - (r) to deal with any urgent matters (Standing Order 12.3) including any other business required by law or this Constitution to be done and not otherwise included in the agenda for the meeting;
 - (s) to consider any business from which the public are excluded by virtue of the Local Government Act 1972 because either confidential or exempt information is likely to be disclosed.
- 12.2 Any business within paragraph '(s)' above may be dealt with instead at such time as if it were not confidential or exempt business, following a motion moved in accordance with Standing Order 22.
- 12.3 Business not specified in the summons may only be considered where it is urgent. An item is urgent if by reason of special circumstances the Mayor has decided that it shall be considered at the meeting as a matter of urgency. The special circumstances must be explained to the meeting and recorded in the minutes.

13. Leader of the Council

- 13.1 At the first Annual Meeting following the local elections, which is referred to in these Standing Orders as a "post-election Annual Meeting", the Council will appoint a Leader who will be Chair of the Cabinet.
- 13.2 Where the Leader has been removed from office by a resolution of the Council, a new Leader may be appointed at the meeting which passed the resolution or at a subsequent meeting. Where the Leader has, for any reason, ceased to hold office, the appointment of their successor will be considered at the next ordinary meeting of the Council or, if earlier, the next annual meeting, unless their successor has already been appointed either at an

extraordinary meeting or during the meeting at which the Leader was removed from office.

13.3 The Leader shall hold office from the day of their election until the commencement of the post-election Annual Meeting which follows their election as Leader or until he or she:

- (a) resigns from office;
- (b) ceases to be a Councillor;
- (c) is disqualified; or
- (d) is removed from office by resolution of the Council.

13.4 The Leader shall continue to be a Councillor during his or her term of office even if he or she is not re-elected as a Councillor.

14. Council Appointments

14.1 Where the Council is making any single appointment and more than two people are nominated, the successful candidate must have an overall majority of votes cast. If, after an initial vote, no one has a majority, the candidate(s) with the fewest votes will be eliminated from the process, and further votes taken in the same way until one person has a majority.

14.2 Where the Council is making a group of appointments and there are more nominees than vacancies, each Councillor will have as many votes as there are vacancies. After an initial vote, the candidate(s) with the fewest votes will be eliminated, and further votes taken in the same way until the appropriate number of candidates remain. If there are several candidates tied for last place and only some need to be eliminated from the process, there shall be a separate vote to decide which of the tied candidates is appointed and which are eliminated from the process.

15. The Budget Council Meeting – Order of business

15.1 A Budget Council Meeting will be held each year at which the business and its order will be:

- (a) to choose a person to preside if the Mayor is absent;
- (b) to receive any other apologies for absence;
- (c) to approve minutes (Standing Order 25);
- (d) to deal with any business required by law to be done before any other business;
- (e) to receive the Mayor's announcements;
- (f) to receive any deputations in respect of the Budget;
- (g) to consider any business motions (Standing Order 21) that relate to the setting of the Budget in the order they have been received;
- (h) to agree the Budget;
- (i) to set the amount of Council Tax;

- (j) to deal with any business required by law or this Constitution to be done.

Business not specified in the summons may only be considered where it is business required by law to be conducted at the Budget Council Meeting.

16. Extraordinary Council Meetings

- 16.1 The Mayor may call an extraordinary meeting at any time.
- 16.2 Any five Councillors may present a requisition to the Mayor requiring him or her to call an extraordinary meeting. In order to be valid, the requisition must be signed by each of them and must specify the intended business of the meeting by means of words which meet the criteria of a valid Business Motion under Standing Order 21. The original requisition will be treated as a Business Motion thereafter in accordance with Standing Order 21. If, on receipt of such a requisition the Mayor refuses to call an extraordinary meeting or otherwise fails to call one within seven days, any five Councillors may forthwith call an extraordinary meeting by giving notice to the Operational Director - Assurance that complies with the requirements for the original requisition.
- 16.3 An extraordinary meeting may be called by the Chief Executive, the Monitoring Officer, or the Corporate Director of Resources in pursuance of their statutory duties, in consultation with the Mayor and the Leader of the Council.
- 16.4 The proposed date of the extraordinary meeting must meet the notification arrangements required by Standing Order 4. In addition, as soon as the proposed date of an extraordinary meeting is known, the Operational Director - Assurance will notify this and the intended business of the meeting to all Councillors.
- 16.5 At an extraordinary meeting, the business and its order will be:
- (a) to choose a person to preside if the Mayor is absent;
 - (b) to receive any other apologies for absence;
 - (c) to consider the business specified in the Agenda.
- 16.6 No urgent matters may be considered at an extraordinary meeting.

17. Questions

- 17.1 A period of 30 minutes will be allowed at each ordinary meeting of the Council for the public to ask questions. Questions may be rejected by the Operational Director of Assurance if substantially the same as has been put to a meeting of a Council body in the previous 6 months.
- 17.2 A separate and further period of 30 minutes will be allowed at each ordinary meeting for Councillors to ask questions.
- 17.3 Any Councillor, resident or business ratepayer of the Borough may put questions to the Mayor, Leader of the Council, any Cabinet Member or any Committee Chair (except those of the Standards (Hearings) Sub-Committee or Scrutiny Committees).

- 17.4 Written notice of the question may not be given earlier than 21 days before the meeting. Written notice must be given to the Operational Director - Assurance by 12 noon on the fifth working day before the meeting (i.e. normally noon on the Thursday, the week before the Council meeting).
- 17.5 Additionally, a Councillor may ask a question about an urgent matter if notice is given by noon on the working day before the meeting.
- 17.6 All questions must either:
- (a) be relevant to the functions or responsibilities of the person to whom they are directed, or the Committee that he/she chairs, or
 - (b) relate to a national or local matter that has a significant impact on the Borough.
- 17.7 No question may be put that:
- (a) relates to any current investigation or complaint concerning any Councillor(s) or former Councillor(s);
 - (b) would require disclosure of confidential or exempt information (unless asked by a Councillor);
 - (c) concerns any planning or licensing application made to the Council;
 - (d) is unsuitable in form, frivolous or derogatory to the dignity of the Council;
 - (e) pursues a formal complaint against the Council (whether in a personal, private, business or professional capacity) where other complaint channels exist (for example, the Local Government Ombudsman or the Council's complaints procedure);
 - (f) exceeds 100 words (except in exceptional circumstances, with the approval of the Operational Director of Assurance);
 - (g) relates to a specific person;
 - (h) differs from the question approved by the Council for submission.
- 17.8 The Mayor will have the final decision whether or not a question complies with this Standing Order, and will also, in cases of doubt, decide to which Councillor a question should be addressed.
- 17.9 Questions will be set out in the agenda by tabling them at the meeting, and will be asked and answered in the order in which they were received (except that a Councillor who asks more than one question will have their second and subsequent questions listed after all initial questions submitted by Councillors).
- 17.10 If the questioner is not present to ask the question at the appropriate time, it will be answered in writing. A Councillor who is absent may authorise in writing another Councillor to ask his or her question.
- 17.11 Answers will be given by the Councillor to whom the question has been addressed, or by a Councillor nominated by them if the nominated Councillor agrees.
- 17.12 Each Answer will last no more than two minutes and will be given orally unless:
- (a) the desired information is contained in a Council publication, in which case the answer may simply refer to that publication; or
 - (b) the information can more conveniently be given in writing.

- 17.13 A public questioner will then be allowed to ask one relevant supplementary question. Answers to supplementary questions will last no more than one minute. Any Councillor may then move that the issue(s) raised by the public question should be the subject of a report to a future meeting or be referred to Cabinet or an appropriate Committee. This must be moved, seconded and put to the vote without discussion.
- 17.14 After a Councillor's question, one relevant supplementary question will be allowed which shall be offered first to the original questioner. Answers to supplementary questions will last no more than one minute.
- 17.15 Questions not reached in the time allowed will receive a written reply within ten clear working days after the meeting.
- 17.16 The questions (including supplementary questions) and all answers given, both written and oral, will be recorded in the minutes. A copy of the record to appear in the minutes will be sent in advance to the questioner and the Councillor answering it as soon as it is available. Any other Councillor may receive a copy from the Operational Director - Assurance.
- 17.17 No member of the public may ask more than one question at any meeting.

18. Statements to Council

- 18.1 At any ordinary meeting, the Leader, any Cabinet Member or any Chair of a Committee appointed by Council may make a statement on a matter of urgency concerning the business of the Council if the Mayor decides that special circumstances exist that make this necessary.
- 18.2 The statement must be no longer than 5 minutes.
- 18.3 The following may then speak in response to the statement, and in each case the speech must be no longer than 5 minutes:
- (a) where the statement is made by the Leader, the Leader of each other political group (or their nominee)
 - (b) where the statement is made by a Cabinet Member, the spokesperson for the relevant portfolio from each other political group (or their nominee)
 - (c) where the statement is made by the Chair of a Committee, the spokesperson for each other political group in respect of that Committee (or their nominee).
- 18.4 At any Ordinary Meeting, a period of up to 10 minutes in total will be allowed for the Leader, or any Cabinet Member(s) nominated by the Leader to address the Council on any policy initiative(s) of the Cabinet. A further 10 minutes will be allowed for any Councillor to ask a question and one relevant supplementary question on any of the issues raised by the Leader or Cabinet Member under this

Standing Order. Answers to questions will last no longer than two minutes and, for supplementary questions, no longer than one minute.

19. Petitions to Council

19.1 All petitions presented to the Council will be dealt with in accordance with the petition scheme set out in Appendix 5 to Standing Orders.

20. Deputations

20.1 Deputations shall comprise at least three and up to seven residents or business ratepayers of the Borough or their employees may be received at any ordinary or budget meeting. Deputations must relate to a substantive item on the Council agenda.

20.2 A deputation must give written notice to the Operational Director – Assurance by 12 noon on the third working day before the meeting (i.e. normally noon on the Monday before a Thursday meeting). This notice must state the substantive agenda item that the deputation wishes to raise and the name, address and phone number of the deputation spokesperson. Any associated written representations should be submitted at the same time.

20.3 On receiving notice of any deputation, the Mayor will either:

- (a) refer it to the next ordinary or budget meeting, or
- (b) refer it to Cabinet or the appropriate Committee to be dealt with under Standing Order 52 (provided that the subject matter falls within the terms of reference of the body to which it is referred).

20.4 However, a request for a deputation shall be rejected if it:

- (a) is a request from people that have alternative means to express their views through recognised channels, such as Council employees, trade unions representing them, or school governors;
- (b) is defamatory, frivolous or offensive;
- (c) requires the disclosure of confidential or exempt information;
- (d) concerns a planning or licensing application;
- (e) raises a grievance for which there are other established processes for resolution, or
- (f) relates to any current investigation by or ruling of the Standards (Hearings) Sub-Committee and relates to the behaviour or conduct of one or more individual Councillors or former Councillors.

20.5 Only deputations relating to the Council's budget will be received at a budget meeting.

20.6 Deputations shall be heard in the order in which notice was received.

- 20.7 One spokesperson for each deputation will be allowed to address the meeting for up to two minutes.
- 20.8 Up to 10 minutes will then be allowed for Councillors to ask questions and receive replies from the deputation. No debate will take place on a deputation.
- 20.9 After any questions, the deputation will withdraw to the public gallery.
- 20.10 The only motions that may be moved about a deputation are:
- (i) to refer the matter to Cabinet or an appropriate Committee;
 - (ii) to advise the deputation that the matter is already being considered by the Council and that their views will be taken into account when a decision is made, and they will then be notified of the outcome;
 - (iii) to advise the deputation that the Council has no powers to act in relation to the matter, but will inform any appropriate body about the issues that they have raised;
 - (iv) to thank the deputation for bringing the matter to Council's attention.

21. Business Motions

- 21.1 At any ordinary or budget meeting, any Councillor may move a business motion of which the required notice has been given.
- 21.2 A business motion must be delivered or transmitted to the Operational Director - Assurance not less than seven clear working days before the meeting (i.e. normally by the Monday of the week before a Thursday meeting). The Operational Director - Assurance shall number and date the proposed motion and enter it in a book open to inspection by any Councillor and email the proposed motion to all Members of the Council.
- 21.3 The Operational Director - Assurance will forward every proposed motion to the Mayor, who will have the final decision as to whether or not it is in order. A proposed motion to an ordinary meeting is only in order if it is either relevant to the functions of the Council, or relates to a national or local matter that has a significant impact on the Borough. In addition, a proposed motion to the Budget Meeting must relate to setting the Council's budget.
- 21.4 If, within three clear working days of receiving it, the Mayor decides that a proposed motion is in order but is scurrilous, improper, or unduly long or unclear, the Mayor will return it to the Operational Director - Assurance who will return it to the Councillor who submitted it. It may only then appear in the summons if, not less than seven clear working days before the meeting, it is returned to the Operational Director - Assurance signed by at least ten Councillors, and the summons shall then list the names of the Councillors requiring the proposed motion to be included.
- 21.5 All proposed motions which the Mayor has decided are in order shall be inserted in the summons for the meeting at which they are to be moved, in the same order as they were received.

- 21.6 Any Councillor who has submitted a motion may withdraw it at any time before it is moved at the meeting.
- 21.7 If a motion in the summons is not moved at the meeting it will, unless postponed by the Council, be treated as abandoned and may not be moved without fresh notice. The Councillor who gave notice of the motion may authorise in writing another Councillor to move it in his or her absence.
- 21.8 No Councillor may have more than two proposed motions in his or her name on a Council agenda at the same time.

22. Procedural Motions

- 22.1 The following procedural motions may be moved without notice:
- (i) to appoint a Chair for the meeting;
 - (ii) to challenge the accuracy of minutes prior to their signature;
 - (iii) to vary the order of business;
 - (iv) to refer any matter to Cabinet or any Committee;
 - (v) to suspend Standing Orders (Standing Order 26);
 - (vi) to exclude the public;
 - (vii) following a breach of the Code of Conduct in Meetings (Appendix 1) that a named Councillor be not further heard or leave or be removed from the meeting;
 - (viii) to give the consent of Council where required by Standing Orders;
 - (ix) to extend the time limit for speeches or for questions;
 - (x) to admit or remove or exclude any person from the meeting;
 - (xi) to fix the date of any extraordinary or adjourned meeting;
 - (xii) to move a motion in respect of deputations and petitions (as permitted by Standing Orders 19 and 20);
 - (xiii) to adjourn the debate on any item;
 - (xiv) to adjourn the meeting;
 - (xv) to proceed to the next business;
 - (xvi) that the question now be put;
 - (xvii) to withdraw any motion or amendment already moved.

23. Voting

- 23.1 When the Mayor puts the question, Councillors will vote by means of the electronic voting system. Each Councillor shall record his or her vote or abstention from voting by means of the electronic vote recording system. When the electronic voting system displays the number of votes for and against the motion and of Councillors not voting the Mayor shall declare the result of the division. The names of the Councillors voting for and against the motion and of those recorded as not voting will be entered in the minutes.

- 23.2 If, before a vote is taken, at least five Councillors rise in their seats and demand a delay in the putting of the question, a bell will be rung and one minute will elapse at the expiry of which the Mayor shall put the question.
- 23.3 Where the Mayor considers that there has been a breakdown or failure of the electronic voting system, Councillors will vote by show of hands unless a roll call is demanded. In these circumstances, a roll call may be demanded by at least five Councillors rising in their places before the vote is taken or by at least ten Councillors standing in their places immediately after a vote by the show of hands. A vote by show of hands may not be taken in respect of votes at Budget Council meetings. In the event of a breakdown or failure of the electronic voting system at Budget Council, votes shall be by roll call without the need for any such demand by Councillors.
- 23.4 Where Standing Order 23.3 applies and a roll call has been demanded, a bell will be rung and one minute will elapse at the expiry of which the Mayor shall put the question. The Chief Executive will then call the name of each Member of the Council present. Each Member shall, when his/her name is called, indicate whether he/she is voting for or against the motion or is not voting. The Mayor shall then declare the result of the roll call and the names of the Members voting for and against the motion and of those recorded as not voting will be entered in the minutes.
- 23.5 A roll call may not be requested for votes on:
- (i) appointments to any Committee
 - (ii) any procedural motion (Standing Order 22)
- 23.6 If any vote is tied, the Mayor will have a second or casting vote but need not cast it if he/she so wish. If the vote remains tied the motion or amendment under debate will not be carried.

24. Length of Council Meetings

- 24.1 Except for the purpose of complying with this Standing Order, meetings must not continue beyond four hours and fifteen minutes from the time set down for their commencement in the Summons (i.e. 11.30 pm for a meeting starting at 7.15 pm). The Mayor may call a fifteen-minute recess at a convenient point during the meeting.
- 24.2 When the four hours fifteen minutes has expired, the Mayor will:
- (a) call the mover of any motion under debate to close the debate. Any amendment already under discussion will then immediately be put to the vote, and then the motion will be put to the vote;
 - (b) dispose of any remaining business on the Agenda by putting each item to the vote in order, without discussion, except that any business motions may, if the Council agrees, be postponed to the next ordinary meeting.

25. Minutes and Record of Attendance

- 25.1 Minutes of each meeting will be taken and printed. They shall be signed as a true record at the next meeting (except for any extraordinary meeting) by the person then presiding. At least seven clear working days before this meeting a copy will be transmitted to each Councillor.
- 25.2 Minutes will be taken as read and may be challenged only on their accuracy by a procedural motion.
- 25.3 A record shall be kept of all Councillors present at each meeting and shall include how each Member voted on motions considered at the meeting.

26. Suspension of Standing Orders

- 26.1 Unless contrary to law and provided that at least half the total number of Councillors (i.e. normally 32) is present, a Councillor may move a procedural motion that any of the Standing Orders 3 to 7, 11, 12, 15 to 25, 28 and 29 be suspended. The motion must state the Order he/she wishes to suspend, the part of the meeting during which this is to apply and the Councillor moving the motion must state their reasons for doing so. If the motion is formally seconded, another Councillor chosen by the Mayor may be allowed to reply to the motion and it must then be put to the vote.
- 26.2 Any motion to lift the guillotine by suspending Standing Order 24 shall not be moved within the final ten minutes before the meeting is due to conclude.

27. Changing Standing Orders

- 27.1 It is a function of Council to review its Constitution and Standing Orders from time to time. The Standing Orders in Part 3 of the Constitution may only be changed by the Council. The Executive or any Committee may recommend changes, which will be referred to a meeting of the Council for decision.
- 27.2 Except for changes to financial limits made pursuant to Standing Order 130, the Council may not consider a motion to change Standing Orders unless at least 15 clear working days' written notice of the proposal has been given to all Councillors by the Operational Director - Assurance. Any motion proposing any change must therefore be submitted to the Operational Director - Assurance at least 20 clear working days before the meeting to allow the required notice to be given. Otherwise any proposed change will be referred to the next ordinary meeting.
- 27.3 Amendments to any motion proposed under this Standing Order may be moved without providing the specified notice but only if such amendments do not alter the subject to which those particular Standing Orders relate.

28. Disorderly Conduct

28.1 If a member(s) of the public interrupts any meeting, the Mayor may warn them that if they continue, he or she may order their removal from the Council Chamber. If there is a general public disturbance in any part of the Chamber, the Mayor may order that part to be cleared.

28.2 Where the Mayor decides that proper conduct of the meeting has become impossible because of general disturbance by Councillors, he or she may suspend the meeting until a specified time or for a specified period or may without the business under discussion being put to the vote adjourn the meeting to another day.

29. Conduct of Councillors and Rules of Debate

29.1 During meetings, Councillors must behave in an orderly and respectful fashion and follow the Code of Conduct in Meetings set out in Appendix 1 to Standing Orders.

29.2 The Rules of Debate set out in Appendix 2 to Standing Orders will apply during Council meetings.

30. Budget and Policy Framework Rules

30.1 The Budget and Policy Framework Rules set out in Appendix 3 to Standing Orders will apply to the creation and approval of the Budget and Policy Framework and any variations or additions to it.

31. Access to Information Rules

31.1 The Access to Information Rules set out in Appendix 4 to Standing Orders will apply to all Council meetings.

SECTION 2 – STANDING ORDERS RELATING TO CABINET AND COMMITTEES

32. The Leader, Deputy Leader and Cabinet

- 32.1 The Leader will determine the number of Councillors who may be appointed to Cabinet (provided that between two and nine Cabinet members may be appointed in addition to the Leader) and will appoint Cabinet Members. There will be no substitutes for Cabinet Members.
- 32.2 Cabinet Members will hold office until either:
- a) they are removed from office by the Leader;
 - b) their successor is appointed;
 - c) they tender their resignation under Standing Order 84;
 - d) they cease to be a Councillor; or
 - e) they are disqualified or suspended from office by virtue of any statutory provision, including section 80 of the Local Government Act 1982 and section 173 of the Representation of the People Act 1983.
- 32.3 The Leader will determine the terms of reference of Cabinet portfolios and will allocate these to Cabinet Members from time to time as he or she considers appropriate.
- 32.4 The Leader may exercise any executive functions personally or may make arrangements for their exercise by any of the following:
- a) the Cabinet;
 - b) an individual Cabinet Member;
 - c) a committee of the Cabinet;
 - d) an officer;
 - e) another local authority; or
 - f) a joint committee with another local authority
- 32.5 Unless the Leader directs otherwise, the Cabinet may arrange for the discharge of any functions which have been allocated to it to be discharged by:
- a) a committee of the Cabinet;
 - b) an officer;
 - c) another local authority; or
 - d) a joint committee with another local authority
- 32.6 Unless the Leader directs otherwise, an individual Cabinet Member may arrange for the discharge of any functions which have been allocated to them by:

- a) an officer;
 - b) another local authority; or
 - c) a joint committee with another local authority
- 32.7 Unless the Leader directs otherwise, a committee of the Cabinet may arrange for the discharge of any functions which have been allocated to it by:
- a) an officer;
 - b) another local authority; or
 - c) a joint committee with another local authority
- 32.8 Any arrangements or directions made by the Leader, Cabinet, any Cabinet member or a committee of the Cabinet in respect of the discharge of functions will be set out in Part 2 of the Constitution.
- 32.9 The Leader will appoint one Cabinet Member as Deputy Leader and must fill any vacancy in the office of Deputy Leader. The Deputy Leader will be the Vice-Chair of Cabinet and shall hold office from the day of their appointment until the day of the post-election Annual Meeting which follows their appointment or until he or she:
- (a) resigns from office;
 - (b) ceases to be a Councillor;
 - (c) is disqualified; or
 - (d) is removed from office by the Leader.
- 32.10 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his or her place.
- 32.11 If for any reason the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a Cabinet Member to act in his/her place.
- 33. Committees of the Cabinet**
- 33.1 Where the Leader or Cabinet have created a committee of the Cabinet, it must contain at least three members, who must all be Cabinet Members. The terms of reference and membership of any such committee should be reported to the next ordinary meeting of the Council.
- 33.2 Where a Cabinet committee has been created by the Leader, he or she will also appoint the Chair and Vice Chair, otherwise they will be appointed by Cabinet.
- 33.3 The existence of a Committee of the Cabinet shall be reviewed by the Leader or Cabinet no less frequently than at the start of each Municipal Year.

34. Membership of Council Committees and Substitutes

- 34.1 Each municipal year, the Council will appoint the members of each Committee. During the year, the Council may at any time alter any committee's membership.
- 34.2 No member of the Cabinet shall:-
- (a) be a member of or act as a substitute for any member on any Scrutiny Committee or the Governance and Assurance Committee or any of their subsidiary bodies; or
 - (b) participate in the determination of a planning or licensing application where the application is submitted by the Local Authority or its agent.
- 34.3 Members of Committees and Sub-Committees will hold office until either:
- (a) they are removed from office by Council;
 - (b) their successors are appointed;
 - (c) they tender their resignation;
 - (d) they cease to be a Councillor;
 - (e) they are disqualified or suspended from office by virtue of any statutory provision, including section 80 of the Local Government Act 1982 and section 173 of the Representation of the People Act 1983; or
 - (f) in the case of members of Sub-Committees, they cease to be members of the parent committee.
- 34.4 If any councillor is unable to attend a meeting as a member of a committee, or sub-committee, another member from the same political group who is eligible to be a member of the relevant body may attend in their place, provided this has been approved by their group Leader or spokesperson. The names of the substitute and the person he/she is replacing must be advised at the start of the meeting and, once made, a substitution may not be rescinded. Therefore, once a substitution has been made, the member who has been replaced may not take part in the meeting as a member of that committee or sub-committee.
- 34.5 A substitute has the same status and responsibilities as any other committee member except that he/she may not be elected as Chair or Vice-Chair of the body on which he/she is substituting (Standing Order 46). In addition, a substitute member may not, with the exception of substitutes at meetings of Licensing Sub-Committees appointed under the Licensing Act 2003, chair any meeting under the provisions of Standing Order 47.

35. Appointment of Sub-Committees, Panels and Other Bodies

- 35.1 The Overview and Scrutiny Committee may establish, and any other Committee may recommend to Council the establishment of, a Sub-Committee comprised of members of the main committee to exercise functions within its terms of reference. Where the political proportionality

principles apply to the parent Committee, they will also apply to the Sub-Committee.

- 35.2 The Overview and Scrutiny Committee may establish time limited working groups to undertake detailed, in depth work. Any other committee may decide to establish a panel, working group or other body to consider and report back with recommendations on any matters within its terms of reference, but without power to make any decisions itself.
- 35.3 Panels, working groups or other such bodies may include members who are not members of the parent committee(s), although members of working groups set up by the Overview and Scrutiny Committee may not be members of the Cabinet.
- 35.4 If any Committee is abolished by the Council, all of its sub-committees, working groups, panels and other subsidiary bodies shall cease to exist at the same time unless expressly agreed otherwise.

36. Corporate Panels, Community Forums and Partnerships

- 36.1 The Leader or Cabinet may establish Corporate Panels, Community Forums and Partnerships where this helps develop policy within the budget and policy framework agreed by the Council.
- 36.2 Corporate Panels will help develop and co-ordinate policy and strategy. They must be established for a specified period, after which any decision to extend their life must be made by the Leader or Cabinet. Their membership will normally be in accordance with proportionality principles, and may include non-voting Council officers and/or representatives of other agencies or organisations. Papers will not be published but will be made available to any councillor on request. Meetings will be open to councillors but not normally to the public unless a particular body so decides.
- 36.3 Community Forums and Partnerships are intended to bring the Council closer to the local community. Membership will include councillors from each political group in accordance with proportionality principles, and may include representatives of other agencies, community groups or organisations. Papers will be available to councillors and the press and public. Meetings will be open to the public, who will be given the opportunity to participate in discussion.
- 36.4 The terms of reference for any corporate panel, community forum or partnership established under this Standing Order will be included in Section 4 of Part 2 of the Constitution ('Terms of Reference of Committees') for ease of reference.

37. Programme of Meetings

- 37.1 A calendar of meetings will be agreed by the Council in accordance with Standing Order 3.
- 37.2 The Operational Director-Assurance, in consultation with the appropriate Chair (or in their absence, the Vice Chair) will have power to: (a) cancel a

meeting if in their opinion there would be insufficient business, or to (b) alter the date or time of a meeting subject to the approval of a majority of the members and, in either circumstance, will inform every member in writing of the decision taken.

- 37.3 The Operational Director-Assurance may, without receiving a request from members to convene an extraordinary meeting in accordance with Standing Order 39, call meetings of sub-committees of the Licensing Committee 2003 and the Standards (Hearings) Sub-Committee where this is necessary to comply with any statutory requirements. The provisions of Standing Order 39 (Extraordinary Meetings) do not apply to any meetings called by the Operational Director -Assurance under this provision.
- 37.4 Meetings of panels, working groups or other subsidiary bodies established under Standing Order 35.3 will be called in accordance with any arrangements made by the members of those bodies.
- 37.5 No meeting may be held at the same time as a meeting of the full Council. No Committee will meet during a meeting of the Cabinet.

38. Place of Meeting

- 38.1 Cabinet, Committees and their subsidiary bodies will meet at the Town Hall, Ilford, although exceptionally meetings may be arranged elsewhere if expedient.

39. Extraordinary Meetings

- 39.1 The Chair or a Quorum of members of the Cabinet or a Committee may require an extraordinary meeting to be summoned by the Operational Director-Assurance. Extraordinary Meetings will not start before the time usually agreed for Cabinet or Committee meetings unless prior consent is obtained by the Operational Director-Assurance from a majority of the Members of the Cabinet or relevant Committee.

40. Summons, Agenda Papers and Order of Business

- 40.1 Meetings of Cabinet, Committees and Sub-Committees will be summoned by the Operational Director-Assurance who will send the agenda and any supporting papers to members at least five clear working days beforehand. No business other than that specified in the agenda will be considered unless the Chair judges it to be an urgent matter (the reasons for which will be given to the meeting and recorded in the minutes).
- 40.2 Non-receipt of any summons sent by the Operational Director-Assurance will not affect the validity of the meeting.
- 40.3 Any member of a Committee or Sub-Committee and any Cabinet Member may give notice requiring the inclusion of any item on the agenda of any meeting of the body of which he/she is a member. Any notice must be given to the Operational Director-Assurance at least 15 clear working days before the meeting and the matter to be included on the agenda must be within the terms of reference of the body in question. The Operational

Director-Assurance will then either submit a report formally presenting the member's notice for consideration, or arrange for the appropriate Chief Officer to submit a report.

- 40.4 The order of business will be set out in the agenda, but may be varied during the meeting.
- 40.5 Agenda and other papers circulated for Cabinet, Committee or Sub-Committee meetings will be made available at the same time to all members of the relevant body. Any Councillor on request will be entitled to the agenda papers for meetings of Cabinet, Overview and Scrutiny Committee and Planning Committee. Members substituting at a meeting should arrange to receive the agenda and papers for that meeting from the absent member, or to receive a copy of the agenda and papers at the beginning of the meeting. Any other councillor will be able to access those papers electronically.
- 40.6 At least five clear working days before meetings of the Cabinet and Committees and Sub-Committees, copies of agenda and of reports marked "PUBLIC" will be open to public inspection at appropriate public offices, except that where a meeting is convened at shorter notice, the papers must be open to public inspection from the time the meeting is convened. They will also be available to the public electronically from the Council's website.
- 40.7 If the Operational Director-Assurance decides that the whole or any part of a report relates only to items that are unlikely to be considered in public at the meeting, he/she may exclude the report from the published part of the agenda. Each such report will be marked "NOT FOR PUBLICATION" and the relevant category of Exempt or Confidential information will be indicated on the report.
- 40.8 All agenda, reports and other documents and all proceedings of the Cabinet and Committees and Sub-Committees must be treated as confidential unless and until they become public in the ordinary course of the Council's business.

41. Members and Officers reporting to Overview and Scrutiny Committee

- 41.1 The Overview and Scrutiny Committee may require any Cabinet Member or Senior Officer to attend its meeting to explain any particular decision(s) within their remit, the extent to which their actions implement Council policy, and/or their or their department's performance. The Committee Chair will arrange this by informing the Operational Director-Assurance, who will then write to the member or officer giving at least 10 working days notice of the meeting that he/she is required to attend. It is the duty of any person required by this Standing Order to attend a meeting of an Overview and Scrutiny Committee to do so.
- 41.2 Where the member or officer is unavoidably unable to attend on the required date, the Committee shall agree an alternative date with them.

42. Attendance of Councillors not on the Committee

- 42.1 Any councillor or co-opted member who is bound by the Code of Conduct for Members may attend Cabinet, committee or sub-committee meetings, other than:
- bodies conducting staff appointments or disciplinary or grievance proceedings, or
 - bodies that exercise a quasi-judicial function during any deliberations within the exempt part of the Agenda.
- 42.2 Non-Members of the Cabinet or a Committee have no right to speak or vote at meetings except that permission to speak may be granted by the Chair.
- 42.3 When attending a meeting, non-members of that body are to sit apart from the members, although they may be invited by the Chair to join the table where there is sufficient space provided that the non-member does not have a personal interest in the business being conducted.

43. Quorum

- 43.1 Except where authorised by statute and ordered by the Council, no business will be transacted at any meeting unless a quorum is present. The quorum will be three, or a third of the membership of the relevant body, whichever is the larger. However, exceptionally, the quorum for any Sub-Committee established under the Licensing Act 2003 is two.
- 43.2 If after 15 minutes from the due start time a quorum is not present, the meeting will not take place and no business will be transacted. The names of those members who were present will be recorded by the Operational Director-Assurance and reported to the next meeting.

44. Admission/Exclusion of the Public

- 44.1 The public and press have the right of admission to all Cabinet, Committee and Sub-Committee meetings. While any such meeting is open to the public any person attending is permitted to report on the meeting by broadcasting, video or sound recording, photographing or filming of the proceedings. Oral commentary on a meeting is prohibited in the same room as the meeting during proceedings.
- 44.2 However, in addition to any power of exclusion in order to suppress or prevent disorderly conduct or misbehaviour, the public may be excluded from all or part of a meeting if it is likely that confidential information as defined in section 100A(2) of the Local Government Act 1972 would otherwise be disclosed, or if the meeting decides that disclosure of exempt information as defined in section 100A(4) of the 1972 Act is otherwise likely. Where the public have been excluded from all or part of a meeting to prevent the disclosure of confidential or exempt information, proceedings at that meeting may not be reported or broadcast.

45. Appointment of Spokespersons

- 45.1 Political Groups may appoint Spokespersons and Deputy Spokespersons on Committees and other bodies, and should advise the Operational Director-Assurance of the people so appointed before the first meeting after the membership of the Committee or other body has been appointed in each Municipal Year.
- 45.2 The Chair and Vice Chair will be deemed to be the Spokesperson and Deputy for their own Group unless their Group Leader advises the Operational Director-Assurance otherwise, or they belong to different Political Groups.
- 45.3 A Committee Spokesperson will be deemed to be Spokesperson also for that Committee's subsidiary bodies unless the Group advises the Operational Director-Assurance otherwise.
- 45.4 A Group Leader can decide to change any of their spokespersons at any time by writing to the Operational Director-Assurance, and such change will be effected immediately.

Proceedings at Cabinet, Committee and Sub-Committee Meetings**46. Election of Chair and Vice Chair**

- 46.1 Subject to Standing Order 33.2 (Cabinet Committees), every Council Committee and Sub-Committee at the start of its first meeting after its members have been appointed in each municipal year will elect a Chair and Vice Chair in accordance with the terms of reference of that committee or sub-committee. They will hold office until:
- (a) they are removed from office by the Committee or Sub-Committee;
 - (b) their successors are appointed;
 - (c) they tender their resignation; or
 - (d) they cease to be a member of the Committee or Sub-Committee.

47. Powers and Duties of Chairs

- 47.1 The Chair will preside at every meeting at which he or she is present. In their absence, the Vice Chair will preside. In the absence of both Chair and Vice Chair, the Cabinet, Committee or Sub-Committee will elect one of its members to act and have the same powers and rights as the Chair during such absence.
- 47.2 The Chair will manage the meeting in accordance with Standing Orders and decide all questions of order and procedure. His or her ruling will not be open to challenge at the meeting.
- 47.3 The Chair may at any time, if he or she thinks it necessary to maintain order, adjourn or suspend a meeting to or for a specified time. After giving a warning, he/she may order:

- (a) any Member acting in an unruly manner to leave the meeting;
- (b) the removal of any member of the public causing disturbance.

48. Conduct of Debate and Access to Information in Committees and Sub Committees

- 48.1 The "Rules of Debate" at Appendix 2 of these Standing Orders will apply to Cabinet, Committee and Sub-Committee meetings.
- 48.2 The Access to Information Rules set out in Appendix 4 of these Standing Orders will apply to all meetings of Cabinet, Committees and Sub-Committees.

49. Voting

- 49.1 Voting in the Cabinet, Committees and Sub-Committees will be by a show of hands. The Chair of the meeting will have a second or casting vote if there is a tie.
- 49.2 Any councillor may have their vote or abstention on any decision recorded for the minutes on request, but no other expression, protest or vote of dissent will be recorded.

49A. Guillotine

- 49A.1 Meetings of the Cabinet, committees and sub-committees must not continue beyond three hours and fifteen minutes from the time set down for their commencement in the Summons (i.e. 10.30 pm for a meeting starting at 7.15 pm).

Except for meetings of the Planning Committee and the Licensing Sub-Committee, when the three hours fifteen minutes has expired, the Chair will:

- (a) put to the vote without any further debate any recommendations in reports under consideration or amendments thereto (where a vote is required);
- (b) dispose of any remaining business on the Agenda by putting each item to the vote (where a vote is required) in order, without discussion, except that any items may, if the Cabinet or committee or sub-committees agrees, be postponed to the next meeting.

Any remaining items on the agenda of the Licensing Sub-Committee will be deferred to the next meeting.

Any remaining items for consideration on the agendas of the Planning Committee will be automatically delegated for Officer Delegated decision unless the committee agrees to defer the item to the next meeting.

- 49A.2 Any motion to lift the guillotine by suspending Standing Order 49A.1 shall be moved not less than 10 minutes before the scheduled end time for the

meeting or such other end time as may have already been agreed by the Council under this Standing Order.

50. Determination of Planning, Licensing Applications and Children Safeguarding

50.1 No Councillor may sit, whether as an appointed member or as a substitute, on any Committee or Sub-Committee to determine any planning or licensing application unless he/she has, in the 13 months immediately preceding the date of that determination, received relevant training approved by the Operational Director-Assurance.

50.2 No Member of any Committee, Sub-Committee, Panel, Working Group or Governing Body determining or making recommendations in relation to any safeguarding children matter may take part in any debate or vote in respect of that determination or those recommendations unless he/she has, in the 13 months immediately preceding the date of that determination or those recommendations, received relevant training approved by the Operational Director-Assurance.

51. Suspension of Standing Orders at Cabinet and Committee Meetings

51.1 Unless contrary to law, a member may move that any of the Standing Orders or Rules of Debate relating to the conduct of any meeting be suspended. If this motion is seconded, another member chosen by the Chair may be allowed to reply and the motion will then be put to the vote. The motion must specify the Standing Orders or Rules being suspended and to which part of the meeting this is to apply.

52. Public Participation

52.1 At every Cabinet or Committee meeting (except for meetings of the standards (Hearings) Sub-Committee and the Staffing Sub-Committee), a period of up to 30 minutes will be set-aside for any member of the public to make a statement, ask a question, or (together with not more than six people) present a deputation or petition. Questions and statements must relate to a substantive item on the agenda for that meeting and may be rejected by the Operational Director of Assurance if substantially the same as has been put to a meeting of a Council body in the past 6 months. Deputations and petitions will be accepted on any matter within the terms of reference of the body. New petitions within 6 months may be permitted. Any person wishing to do any of the things set out in this Standing Order is referred to as a "speaker".

52.2 Each speaker must notify the Operational Director of Assurance, or the relevant Committee Clerk, of the substantive agenda item on which he/she wishes to speak by 5.00p.m. on the working day before the meeting.

52.3 Each speaker shall have a maximum of two minutes in which to address the meeting. If asking a question, he or she will then be allowed to ask one relevant supplementary question.

- 52.4 Cabinet and Committee members may ask the speaker questions but no other discussion with the speaker may take place.
- 52.5 Within these rules, the Cabinet and each Committee may decide its own procedures to enable the public to participate.
- 52.6 At meetings of the Planning Committee, a period of 20 minutes will be provided for public comment on issues other than planning applications. The Committee will agree guidelines to allow additional time for people to comment on individual planning applications.
- 52.7 The public must not use participation at any meeting to pursue a complaint against the Council (whether in a personal, business or professional capacity) where a formal complaint channel exists, such as the Local Government Ombudsman or the Council's Complaints Procedure, or where such a complaint is already being pursued.

Procedures Following Cabinet and Committee Meetings

53. Cabinet and Committee Minutes, Reports and Books of Decisions

- 53.1 A summary of the decisions made by the Leader, Cabinet, individual Cabinet Members, and Committees and Sub-Committees, and of any Key Decisions made by officers, will be made available to all councillors by the second working day after the meeting or decision. A summary of the decisions of the Executive will also be made available within the Town Hall by the first working day after the decision has been taken.
- 53.2 After each meeting the minutes of the proceedings will be printed in the "Book of Minutes", and a copy made available to Councillors electronically. If an item is subsequently called in, the minute will indicate this.
- 53.3 The minutes will be presented to the next ordinary meeting of the relevant Committee and, once agreed, will be signed by the Chair.
- 53.4 If a meeting makes a decision outside its delegated powers, the minutes will be embodied in a report by officers that will be considered at the next meeting of Cabinet in respect of executive matters or, otherwise, of full Council.

SECTION 3 – STANDING ORDERS RELATING TO CALL IN OF EXECUTIVE DECISIONS

54. Call In of Executive Decisions

54.1 Decisions of the following may be called in by Overview and Scrutiny Committee in accordance with these provisions:

- (a) The Leader
- (b) The Cabinet
- (c) Individual Cabinet Members
- (d) Committees of the Cabinet
- (e) Officers (but only in respect of key decisions)

EXCEPT:

- (f) where the urgency provisions of Part VA of the Local Government Act 1972 have been invoked;
- (g) relating to pending or threatened legal proceedings where the Operational Director - Assurance has advised that action needs to be taken before a Scrutiny Committee can consider the matter or before the next Council meeting;
- (h) where a deadline for action has been imposed by a third party which will expire before the meeting at which the requisition would be considered;
- (i) where the decision relates to the setting of the Council's budget;
- (j) where the decision falls to be considered by Council in any case.

54.2 Every report on a Cabinet agenda will indicate whether or not each recommended decision is subject to Call in.

54.3 In order to call in an item, the Operational Director - Assurance must receive a written request, within three working days of the decision having been published in the memorandum of or other record of decisions, from:

[Scrutiny Call In]

- (a) any five members of Overview and Scrutiny Committee, for the decision to be considered by that committee, or

[Council Call In]

- (b) a majority of the members who were present at the Overview and Scrutiny Committee when the item was considered by it for the decision to be considered at Full Council if that decision is inconsistent with a recommendation that was made on the item by the Committee.

54.4 Where a decision has been called in, in accordance with Standing Order 54.3(a), it will be considered at the next meeting of Overview and Scrutiny Committee (where scheduled to take place within 10 working days) or at an

extraordinary meeting convened by the Operational Director - Assurance, in consultation with the Chair of Overview and Scrutiny Committee and any minority Group spokesperson(s) within 10 working days of the expiry of the requisition period.

- 54.5 Where a decision has been called in to Council, in accordance with Standing Order 54.3(b), it will be considered at the next ordinary meeting of Council.
- 54.6 Where a decision has been called in to Overview and Scrutiny Committee in accordance with Standing Order 54.3(a) and the same decision has been called in to Council in accordance with Standing Order 54.3(b), the call in to Council will take precedence and the call in to Overview and Scrutiny Committee shall fall.
- 54.7 Having received such a request under 54.3(a) or (b) above, the Operational Director - Assurance will notify all councillors that the decision has been called in and therefore that its implementation has been put on hold.
- 54.8 Once the three working days has elapsed, those decisions published that have not been called in may be implemented.
- 54.9 Where a decision is called in to Council in accordance with Standing Order 54.3(b) or Standing Order 54.9(b), the Council may:
- (a) refer it back to the relevant decision-making person or body for further consideration setting out in writing the nature of its concern;
 - (b) make the decision with or without amendment, if it falls within the Council's power to do so;
 - (c) decide to take no action.

The procedure for handling the call in debate at Council is set out in the Rules of Debate at Appendix 2 of these Standing Orders.

- 54.10 Where a decision is called in to Overview and Scrutiny Committee, it may:
- (a) refer it back to the decision-making person or body for reconsideration setting out in writing the nature of its concern;
 - (a) refer the matter to full Council, or
 - (b) decide to take no action.
- 54.11 If the Council or Overview and Scrutiny Committee decides to take no action or if a deadline for action imposed by a third party will expire before the decision can be re-considered, the decision may then be implemented immediately.
- 54.12 If a decision is referred back to the decision maker pursuant to Standing Order 54.9(a) or 54.10(a), it will be reconsidered by the decision-making person or body at the earliest opportunity. No further right of call in may be exercised and the decision made after reconsideration will then be implemented.

**Please note
Numbers 55 – 63
have not been used.
The next Standing Order
commences at No. 64.**

SECTION 4 - STANDING ORDERS RELATING TO CHIEF OFFICERS AND GENERAL PROVISIONS

Legal Matters

64. Seal of the Council

- 64.1 The Common Seal of the Council may be affixed either by physical means or by such electronic means as the Operational Director of Assurance may from time to time authorise. The fixing of an electronic seal shall be of the same legal effect as affixing the Corporate Seal of the Council physically.
- 64.2 The Operational Director - Assurance or, such other officer as may be nominated by them, will be responsible for the safe custody of the Corporate Seal of the Council, this will include the electronic version.
- 64.2 Any decision of the Council, Executive, any committee or sub-committee, or any officer exercising delegated powers shall, for the purposes of this standing order, be deemed to authorise the affixing of the Corporate Seal of the Council to any document where this is required to implement the decision.
- 64.3 The affixing of the Corporate Seal of the Council shall be attested by the Mayor or Deputy Mayor or the Operational Director - Assurance (or such other officer as may be nominated by the Operational Director - Assurance to act in his or her absence). The signature(s), which may be either by physical means or by such electronic means as the Operational Director - Assurance may from time to time authorise, will be taken as proof that the document has been sealed in accordance with the Constitution.
- 64.4 Details of all documents sealed will be recorded in a register specifically kept for that purpose by the Operational Director - Assurance and each entry will be signed by the person or people who attested to the affixing of the Seal and such signature may be applied physically or electronically.
- 64.5 The Council's seal shall be affixed to contracts where required by Contract Standing Orders.

65. Authentication of Documents for Legal Proceedings

- 65.1 Any document which will form a necessary step in legal proceedings on behalf of the Council must be signed, either physically or by electronic means, by the Operational Director - Assurance or a person nominated by him or her unless:
- (a) any enactment requires or authorises otherwise, or
 - (b) the Council gives the necessary authority to another person.

66. Custody of Minutes, Deeds, Etc.

- 66.1 A printed copy of the signed (either physically or electronically) minutes of the proceedings of a meeting of the Council, the Cabinet or a Committee will be termed "official copy" and will be kept by Operational Director - Assurance. Official copies will be bound together periodically and stored in a safe place at the offices of the Council.

- 66.2 Deeds, contracts, registers, papers and other official and legal documents belonging to the Council will be kept in the charge of the Operational Director - Assurance at the offices of the Council. These documents will not be taken out of the custody of the Operational Director - Assurance without leave of the Council or of the Cabinet.
- 66.3 The Chief Executive as Electoral Registration Officer will have custody of the Electoral Register.
- 66.4 The Corporate Director of Resources will have custody of the Council's books of accounts.

67. Interest of Officers in Contracts

- 67.1 The Operational Director - Assurance will record particulars of pecuniary interests notified to him or her by Officers under Section 117 of the Local Government Act 1972. The record will be made in a book kept for the purpose, which will be available for inspection, by Members during normal office hours.

Media

68. Use of Equipment for Broadcasting or Recording Proceedings

- 68.1 The public and press will be permitted to report on meetings to which the public have the right of admission by broadcasting, video or sound recording, photographing or filming of the proceedings. Oral commentary on a meeting is prohibited in the same room as the meeting during proceedings.

(Also refer to the Protocol on Conduct at Meetings and Use of Modern Media Tools set out in 'Other Documents')

69. Communications to the Media

- 69.1 The Chief Executive and/or Head of the Paid Service, Directors and Heads of Service (or in their absence their deputies or nominees) may give information about the business of the Council (including factual information about the published policy of the Council) to the press and broadcasting organisations provided that the Head of Corporate Communications is informed of any such communications.

Employment Of Officers

70. Appointment of Staff – Definitions

- 70.1 The expressions Head of the Paid Service and Chief Officers shall have the following meanings: -

- the Head of the Paid Service designated under Section 4(1) of the Local Government and Housing Act 1989;
- The Monitoring Officer designated under Section 5(1) of the Local Government and Housing Act 1989;

- Statutory Chief Officers within the meaning of Section 2(6) of the Local Government and Housing Act 1989;
- Non-Statutory Chief Officers within the meaning of Section 2(7) of the Local Government and Housing Act 1989 and;
- Deputy Chief Officers within the meaning of Section 2(8) of the Local Government and Housing Act 1989.

70A. Principles

- 70A.1 The appointment of the Head of the Paid Service will require a final decision by a meeting of the full Council.
- 70A.2 Councillors will only be involved in the appointment and dismissal of Chief Officers and Deputy Chief Officers whose contracts are governed by Chief Officer Terms and Conditions.
- 70A.3 Members of the Cabinet will have the opportunity to raise objections to decisions about the appointment and/or dismissal of Chief Officers prior to offers being made to individuals.
- 70A.4 All appointments and dismissals of employees below the level of Chief Officer as defined above will be conducted at officer level. *[Note: The Local Authorities (Standing Orders) (England) Regulations 2001 prohibit elected Members from being involved in the appointment, discipline or dismissal of employees below the level of deputy Chief Officers, except as members of an Appeals Committee].*

71. Relationship of Candidates to Members or Officers

- 71.1 Any candidate for appointment by the Authority will be notified that he/she must disclose a known relationship to any Member or Chief Officer of the Council. A candidate who fails to disclose a relationship will be disqualified from the appointment and if appointed will be liable to dismissal without notice.
- 71.2 Persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or the spouse of the other. For the purposes of this Standing Order "spouse" includes people who are unmarried partners, or who are separated.
- 71.3 No Member or employee of the Council will attempt to improperly influence the recruitment process on behalf of a candidate.
- 71.4 Every Member and Chief Officer and Head of Service (or equivalent) will disclose to the Monitoring Officer any relationship known to exist between himself/herself and any person whom he/she knows is a candidate for appointment. The Monitoring Officer will report any such disclosure, to the Governance and Assurance Committee.

71.5 The Monitoring Officer will notify on a 6 monthly basis, to the Governance and Assurance Committee, details of any appointments made when a relationship has been declared.

72. Canvassing of and Recommendations by Members

72.1 Canvassing of Members of the Council or any body of the Council directly or indirectly for any appointment to the Council's service shall disqualify the candidate for such appointment. Reference to this paragraph of this Standing Order shall be included either in the advertisement inviting applications for appointment or in the form of application supplied for use by candidates, or both.

72.2 A Member of the Council shall not solicit for any person any appointment to the Council's service, nor recommend or provide a reference for any person seeking an appointment to, or promotion within, the service.

73. Filling of Vacancies

73.1 Apart from the posts appointed by Members (see Standing Order 70A.2 above), all vacancies will be filled in accordance with the Council's Recruitment Policy.

73.2 Where in relation to a member level appointment, it is not proposed to appoint exclusively from among Council Officers, the Head of Human Resources or other senior HR adviser will be responsible for the preparation of the job description, the person specification and the advertisement for the post. The job description and person specification will specify the duties of the Officer concerned and the qualifications and the qualities sought and will be sent to any person on request. The post will be advertised in such a way as to bring it to the attention of persons who are qualified to apply for it.

73.3 The Head of Human Resources or other senior HR adviser will, following consultation with the Cabinet Member and the relevant Chief Officer or Head of Service, prepare a shortlist of candidates for posts.

73.4 Member-level appointments will be made by the Staffing Sub-Committee, except for the appointment of the Chief Executive or Head of the Paid Service which will be made by the full Council on the recommendation of the Staffing Sub-Committee.

73.5 If a vacancy occurs in a similar post within six months of filling a vacancy, which has been publicly advertised, the Staffing Sub-Committee or delegated Officer may appoint one of the former applicants.

73.6 Appointment Procedure - Head of the Paid Service

- (a) Full Council must give final approval to the appointment of the Head of the Paid Service before an offer of appointment is made. The selection process must be

undertaken by the Staffing Sub-Committee which shall include at least one member of the Cabinet.

- (b) The appointment of Head of the Paid Service shall be subject to the provisions set out in paragraph 73.7 below permitting the Cabinet an opportunity to raise objections to the appointment.

73.7 Appointment Procedure – Head of the Paid Service and Chief Officers

Before appointing to any Chief Officer post, the Head of Human Resources or other senior HR adviser shall notify every member of the Cabinet of the name of the person whom it is proposed to appoint and any other particulars relevant to the appointment. The Proper Officer must then provide a specified period within which the Leader may advise him or her of any objection on the part of the Cabinet to the proposed appointment. This specified period to be no greater than 3 working days.

The offer of appointment can only be made:

- I) if the Leader has informed the Proper Officer that neither he/she nor the Members of the Cabinet have any objection to the offer of appointment; or
- II) if, in the event that there has been an objection to the proposed appointment notified by the Leader, the Staffing Sub-Committee is satisfied that the objection is not material or is not well founded. For an objection to be valid it must be both material and well founded. The Staffing Sub-Committee must take into account any objection, but such objections are not a right of veto over a decision to appoint.

74. Dismissal of Chief Officers

- 74.1 The Staffing Sub-Committee shall be responsible for the dismissal for any reason of any Chief Officer covered by Standing Order 70A.2 unless summarily dismissed by the Chief Executive on advice from the Head of Human Resources or other senior HR adviser.
- 74.2 The notice procedure set out in Standing Order 73.7 above relating to the proposed appointment of any Chief Officer shall also apply to the proposed dismissal of any Chief Officer.
- 74.3 No decision to dismiss the Council's Head of Paid Service, Monitoring Officer or Section 151 Officer that falls within the scope of the Local Authorities (Standing Order)(England) Regulations 2001 shall be taken other than by Council.
- 74.4 Before taking a vote at the relevant meeting of Council on whether or not to approve such a dismissal, the Council shall take into account, in particular:
 - (a) The advice, views or recommendations of a Panel appointed in accordance with Schedule 3 to the Local Authorities (Standing Order) (England) Regulations 2001 (as amended), and including two Independent Persons;
 - (b) the conclusions of any investigation into the proposed dismissal;
 - (c) any representations from the officer concerned.

- 74.5 Any remuneration, allowances or fees paid by the authority to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable in respect of that person's role as Independent Person under the 2011 Act.

SECTION 5 – STANDING ORDERS RELATING TO MEMBERS

75. Record of Members' Attendance

- 75.1 A record will be kept by the Operational Director - Assurance of the names of Members and substitute Members attending each Council, Cabinet and Committee meeting.
- 75.2 Every Member and Substitute Member attending a meeting on an approved duty will indicate his or her presence on the Attendance Sheet provided.
- 75.3 The total number of these meetings attended by each Member during the year will be reported to the Annual meeting of the Council by the Operational Director - Assurance.

76. Absence from Meetings

- 76.1 If a Member does not attend any Council, Cabinet or Committee meetings for six consecutive months, he or she will no longer be a Member.
- 76.2 The above rule will not apply to non-attendance: -
- (a) during war or an emergency, as defined in the Local Government Act 1972, Section 85;
 - (b) where the Council approve the absence at any point before the expiry of the six-month period.

ACCESS TO DOCUMENTS

77. Documents to Which Members have Access

- 77.1 Members can apply in writing to the Operational Director - Assurance to inspect any document in the possession or control of the Council if it is not covered by "Documents to Which Members Do Not Have Access" (Standing Order 78) and either:-
- (a) It is necessary to carry out his or her duty as a Member, or
 - (b) The document includes material which relates to Agenda items for Council or Committee meetings or meetings of other subsidiary bodies.

78. Documents to which Members Do Not Have Access Under this Standing Order

- 78.1 Documents which are or may be relevant to a Personal or Prejudicial Interest of a Member:

- (a) No Member must knowingly inspect any documents in respect of which he or she is professionally interested or which relates to any personal or prejudicial interest of the member, directly or indirectly.
- (b) No Member acting in opposition to the Council in a business, professional or private capacity can inspect any documents relating to that issue unless permission is given by the Operational Director - Assurance.
- (c) "Acting in opposition" to the Council, means taking some form of legal action against the Council.

78.2 Legally Privileged Documents:

No Member will be allowed to inspect any document, which is protected by the relationship of professional privilege between Solicitor and client, or would be, in the event of legal proceedings.

78.3 Other Documents to Which Members Do Not Have Access:

The Operational Director - Assurance may decline to allow a Member to inspect documents which deal with:

- (i) personal matters relating to a member of the public or an employee of the Council or a contractor;
- (ii) negotiations in respect of contracts for the acquisition or disposal of property, or the supply of goods, works or services;
- (iii) consultation or negotiations on labour relations;
- (iv) matters relating to legal proceedings;
- (v) matters relating to prevention, investigation or prosecution of crime.

78.4 If any Member wishes to inspect a document falling within Standing Order 78.3 and his or her request is declined then he or she will be given a written notice by the Operational Director - Assurance explaining why he or she cannot see it, with details of any relevant statutory provision which applies.

78.5 Confidential Information:

No Member will disclose any confidential information of which he or she is aware. No Member will disclose any exempt information, unless the Council or one of its Committees passes a Motion to disclose it.

APPOINTMENTS

79. Family Relationships of Members with Staff and Candidates

79.1 Members must tell the Monitoring Officer about any relative they have who is to his or her knowledge: -

- (i) appointed or has applied to work for the Council;
- (ii) promoted, or has applied for promotion within the Council;

- (iii) transferred to another position within the Council;
- (v) leaving the employment of the Council.

79.2 The Monitoring Officer will report the Member's disclosure to the Governance and Assurance Committee.

80. Members not Eligible for Staff Appointments

80.1 A Member may not take paid employment with the Council while elected, or for twelve months after ceasing to be a Member.

RESTRICTIONS ON MEMBER ACTIVITIES

81. Communicating on Behalf of the Council

81.1 Only Members of the Cabinet may negotiate with other bodies on behalf of the Council and, in relation to contracts, they may do so only in accordance with Contract Standing Orders and all other relevant parts of the Constitution and on advice from the relevant Chief Officer.

82. Issuing Orders

82.1 No Member will issue orders for Council goods, services or works.

83. Declarations of Interest

83.1 A Member who has an interest in any matter coming before the Council, the Cabinet, or a committee, must take the necessary action as described in the Member Code of Conduct, set out in Part 4 of the Constitution.

MISCELLANEOUS

84. Resignation

84.1 A Member may resign at any time by writing and signing a notice of resignation and delivering it to the Chief Executive and/or Head of the Paid Service. The resignation takes effect from the time the Chief Executive and/or Head of the Paid Service receives the notice of resignation.

84.2 A Chair, Vice-Chair or Member of the Cabinet or a Committee or subsidiary body may resign that office using the same method of notifying resignation as for resigning as a Member.

85. Codes of Conduct

85.1 Every Member must conduct himself or herself according to the Members Code of Conduct agreed by the Council.

SECTION 6 – CONTRACT STANDING ORDERS

86. SCOPE

Officer responsibilities

- 86.1 These Contract Standing Orders ('CSO') apply to the procurement of goods, services and works by the Council. They are intended to ensure:
- (a) certainty in Contract terms;
 - (b) consistency in the application of the law and Council policy;
 - (c) probity;
 - (d) Value for Money.
- 86.2 Contract Standing Orders are made under section 135 of the Local Government Act 1972.
- 86.3 Officers responsible for procuring goods, services or works must comply with these CSO, Financial Standing Orders and all UK legislative requirements.
- 86.4 CSO 86.3 shall apply to Agents and Consultants in the same way that it applies to Officers. However, Officers shall bear ultimate responsibility for ensuring Agents and Consultants comply with this requirement.
- 86.5 References to posts in these CSO are references to designated postholders and the authorised deputies or delegates of these postholders, in accordance with the Council's Scheme of Delegation (set out in section 6 of part 2 of the Council's Constitution).
- 86.6 Officers must comply with these CSO in full, except where a valid waiver has been obtained in accordance with CSO 90 or a Contract falls outside the scope of these CSO. Failure to do so may constitute misconduct leading to disciplinary action. If any Officer witnesses or identifies a failure to comply with these CSO, they should raise it with their manager or report it confidentially under the Council's 'Whistle Blowing Policy'.
- 86.7 Members and Officers must abide by the Member and Employee Codes of Conduct respectively, particularly in relation to their personal and prejudicial or other interests in Contracts, which have been or are to be entered into by the Council. No Member of the Council shall purport to act on behalf of the Council in respect of any Contract or proposed Contract except with the prior authority of the Leader or Cabinet. No Member shall be involved in, directly or indirectly, the short-listing of Bidders, evaluation of Quotations or Tenders or terms of appointment except with the prior authority of the Leader or Cabinet. No Member shall enter into any Contract on behalf of the Council or purport to bind the Council except in accordance with these CSO.
- 86.8 No Contract shall be awarded, nor Quotation/Tender invited, unless the expenditure involved has been included in approved capital or revenue budgets or has been otherwise approved by or on behalf of the Council.
- 86.9 Prior to commencing a Procurement Process, Officers must:
- (a) check with a Procurement Officer whether a suitable Contract already exists;
 - (b) seek all necessary technical, procurement, legal and financial advice.

Interpretation

86.10 The Operational Director of Assurance shall make all decisions relating to the interpretation of these Rules.

The Procurement Act 2023

86.11 Contracts with a value estimated to be equal to or greater than the relevant Procurement Act Threshold, and Procurement Processes for the award of such Contracts, are subject to the Procurement Act 2023 and associated secondary legislation.

86.12 Procurement Act Thresholds vary from time-to-time. Officers unaware of current Procurement Act Thresholds must verify these with a Procurement Officer prior to commencing any Procurement Process.

Acceptance and awarding of grants

86.13 Where a proposed Contract is to be financed, wholly or partly, by a grant offered by any organisation or person external to the Council, Officers must comply with any conditions attaching to the grant prior to accepting the grant or commencing any Procurement Process.

86.14 Where it is proposed to award a grant of a value exceeding the relevant Procurement Act Threshold to any organisation or person external to the Council, the Written advice of a Legal Officer must be obtained prior to awarding the grant (even where previously approved standard conditions of grant are used) in order to determine whether the grant may be a Contract subject to the Procurement Act.

Exclusions

86.15 These CSO do not apply to:

- (a) contracts of employment which make an individual a direct employee of the Council. This shall not include Contracts for the provision of agency staff or consultants;
- (b) Contracts solely for the acquisition, disposal, lease or rental of land, existing buildings or other immovable property (such Contracts shall be subject to Property Procedure Rules). However, some property transactions may be subject to these CSO or the Procurement Act, in particular where goods, services or works are connected with the transaction. The advice of a Legal Officer must be sought prior to awarding a Contract in these cases;
- (c) Contracts solely for the disposal of assets other than land, buildings or other immovable property (such Contracts shall be subject to Financial Standing Orders);
- (d) unconditional grants awarded by the Council;
- (e) the instruction of barristers or solicitors;
- (f) specialist professional services necessary for legal proceedings, including, but not necessarily limited to, expert witnesses, experts, mediators, adjudicators, arbitrators and costs draftsmen;
- (g) mortuary, pathology and toxicology services;
- (h) payments to any publicly funded school or further education college that are wholly related to the provision of primary or secondary education to adults or children;
- (i) the award of Contracts for which competition is prevented by government or statutory control;

- (j) Contracts awarded to a wholly owned company established by the Council in accordance with part 1, section 2 of Schedule 2 to the Procurement Act 2023 ('horizontal arrangements');
- (k) Contracts between the Council and another public body established for the purpose of achieving objectives they have in common relating to the exercise of their public functions, and where none of the activities covered by the Contract are performed on the open market.

86.16 For the avoidance of doubt, unless a proposed Contract relates to one or more of the exclusions specified in CSO 86.15, Officers must assume that the Contract is subject to the full extent of these CSO. Where in doubt, Officers must seek the advice of a Procurement Officer prior to commencing any Procurement Process.

Health Care Contracts

86.17 Contracts referred to as 'Health Care Contracts' in these CSO are contracts that are the subject of the Health Care Services (Provider Selection Regime) Regulations 2023 ('the PSR').

86.18 Health Care Contracts shall be awarded in accordance with the PSR and these CSO. Health Care Contracts, including those in Band 3, are not subject to the Procurement Act.

86.19 Health Care Contracts, shall be awarded in accordance with the procedures applicable to one of the three 'provider selection processes' specified in the PSR. In addition to these procedures, Health Care Contracts shall be subject to the following CSO:

- (a) 'direct award' processes (A, B, and C): 86 (except 86.9(a), 86.11, 86.12, 86.15 and 86.16), 87.2, 87.6 (where it applies to these CSO only), 88, 89.8 and 89.9, 90, 92, 103, 104, 106, 107.
- (b) 'most suitable provider' process: 86 (except 86.9(a), 86.11, 86.12, 86.15 and 86.16), 87.2, 87.6 (where it applies to these CSO only), 88, 89.8 and 89.9, 90, 92, 103, 104, 106, 107.
- (c) 'competitive' process: a Procurement Process shall be undertaken in full compliance with these CSO.

Partnerships/ shared services

86.20 Only Cabinet, a Council Committee or a Decision Maker may make a decision to enter into a Contract on behalf of the Council.

86.21 Unless any third-party organisation with a separate legal identity from the Council has delegated authority to act on the Council's behalf:

- (a) that third-party organisation shall only make recommendations to the Council in respect of a Procurement Process and/or the award of a Contract; and
- (b) all decisions concerning the conduct of that Procurement Process and/or the award of the Contract shall be made by Cabinet, a Council Committee or a Decision Maker as required by and in accordance with these CSO.

87. CONTRACT VALUE BANDS AND VALUING CONTRACTS

87.1 The procedures applicable to Procurement Processes are determined by Contract Value Bands ('Bands'):

Band	Contract Value
1	Up to £9,999
2	£10,000 to any amount below the relevant Procurement Act Threshold
3	Procurement Act Threshold and over

- 87.2 When valuing a Contract, Officers must estimate the value of the Contract as the maximum amount it could expect to pay under the Contract, excluding VAT. This shall include:
- (a) the value of any goods, services or works provided by the Council under the Contract other than for payment;
 - (b) amounts that would be payable if an option in the Contract to supply additional goods, services or works were exercised;
 - (c) amounts that would be payable if an option in the Contract to extend or renew the term of the contract were exercised;
 - (d) amounts representing premiums, fees, commissions or interest that could be payable under the Contract;
 - (e) amounts representing prizes or payments that could be payable to participants in the Procurement Process.
- 87.3 CSO 87.2 does not apply to the estimation of the value of a Concession Contract. Officers must estimate the value of a Concession Contract as the maximum amount a Supplier could expect to receive under or in connection with the Contract including, where applicable, amounts already received. The amount a Supplier could expect to receive includes:
- (a) amounts representing revenue (whether monetary or non-monetary) receivable pursuant to the exploitation of the works or services to which the Contract relates (whether from the Council or otherwise);
 - (b) the value of any goods, services or works provided by the Council under the Contract other than for payment;
 - (c) amounts that would be receivable if an option in the Contract to supply additional services or works were exercised;
 - (d) amounts that would be receivable if an option in the Contract to extend or renew the term of the Contract were exercised;
 - (e) amounts representing premiums, fees, commissions or interest that could be receivable under the Contract;
 - (f) amounts received on the sale of assets held by the Supplier under the Contract.
- 87.4 In accordance with the Procurement Act, where estimated Contract value cannot be calculated in accordance with CSO 87.2 or 87.3 (for example because the duration of the Contract is unknown), Officers must assume that the estimated value of the Contract exceeds the relevant Procurement Act Threshold.
- 87.5 Framework Agreements and Dynamic Markets shall be valued as a single Contract.
- 87.6 Officers are not permitted to subdivide Contracts with the intention of amending or preventing the application of any part of these CSO or the Procurement Act.
- 87.7 Where estimating the value of two or more Contracts and the goods, services or works to be supplied under the contracts could reasonably be supplied under a single contract, Officers must estimate the value of each of the Contracts as including the value of all of the Contracts, unless there are good reasons for not doing so.

88. OFFICERS WITH DELEGATED AUTHORITY TO MAKE DECISIONS IN RELATION TO THESE CSO ('DECISION MAKERS')

88.1 Officers with delegated authority to make decisions in relation to these CSO ('Decision Makers') are as follows:

Band	Maximum Contract value	Decision Maker
1	Up to £9,999	The responsible Team Manager or Cost Centre Manager
2	£10,000 to any amount below the relevant Procurement Act Threshold	Operational or Corporate Director
3	Relevant Procurement Act Threshold and over – up to £4,999,999	Operational or Corporate Director
	£5,000,000 and over	The responsible Corporate Director

88.2 However, Officers shall only be deemed to have delegated authority to make decisions in relation to CSO where they have complied in full with CSO, including any requirement to obtain the approval of a Cabinet Member/s or Cabinet or another Officer.

89. APPROVAL TO COMMENCE A PROCUREMENT PROCESS

Procurement Pipeline

89.1 In March of each year, the Head of Procurement shall submit an Procurement Pipeline to Cabinet for approval. The Procurement Pipeline shall set out relevant details of all Procurement Processes the Council proposes to commence in the forthcoming financial year for Contracts with a value estimated to be equal to or greater than following amounts:

Type of Contract	Amount
Goods	Procurement Act Threshold for goods
Services	Procurement Act Threshold for services
Works and works concessions	£1,000,000

89.2 For the avoidance of doubt, the threshold amount for 'services' Contracts referred to in CSO 89.1 also applies to light touch contracts (as defined in the Procurement Act) and services concessions Contracts. CSO 89.1 therefore does not imply the higher thresholds for light touch services and services concessions Contracts set out in the Procurement Act.

89.3 Each year, every Council directorate shall submit a report to the Head of Procurement by no later than 31 January, providing relevant details of all proposed Procurement Processes they require to be included in the Procurement Pipeline.

- 89.4 The Head of Procurement shall review the Procurement Pipeline prior to it being submitted to Cabinet for approval in accordance with CSO 89.1 and 89.3.
- 89.5 For the purposes of CSO 89.1 and 89.3, 'relevant details' of each Procurement Process include:
- (a) name of Decision Maker;
 - (b) Contract title and brief description of Contract;
 - (c) estimated Contract start and end dates and details of any optional extension periods;
 - (d) estimated Contract value (annual value and total value).
- 89.6 Procurement Processes for the award of Contracts with a value estimated to be at or above the relevant threshold specified in CSO 89.1 that were for any reason not included in the Procurement Pipeline, shall be permitted to commence provided that the remaining provisions of CSO 89 have, where applicable, been complied with. However, where the Procurement Process is subject to CSO 89.12, the Decision Maker shall, in seeking their approval, inform the Cabinet Member for Finance and Regeneration of the reasons why the Procurement Process was not included in the Procurement Pipeline.
- 89.7 In addition to the requirements set out in CSO 89.1 to 89.5, the Head of Procurement shall ensure compliance with the requirements relating to 'pipeline notices' set out in the Procurement Act.

Strategic Commissioning Board

- 89.8 A business case in a Standard Form must be submitted to and approved by Strategic Commissioning Board prior to the commencement of any Procurement Process for the award of a Contract/s with a value estimated to equal to or greater than the following amounts:

Type of Contract	Amount
Goods	Procurement Act Threshold for goods
Services	Procurement Act Threshold for services
Works and works concessions	£1,000,000

- 89.9 For the avoidance of doubt, the threshold amount for 'services' Contracts referred to in CSO 89.8 applies to all services contracts, including Health Care Contracts, light touch Contracts (as defined in the Procurement Act) and services concessions contracts. CSO 89.8 therefore does not imply the higher thresholds for light touch services and services concessions Contracts set out in the Procurement Act, nor does it exclude Health Care Contracts.

Cabinet Member approval

- 89.10 Where applicable, CSO 89.12 shall be complied with regardless of whether a Procurement Process has, where required by CSO 89.1, been included in the Procurement Pipeline.
- 89.11 For any Contract/s with a value equal to or greater than £1,000,000, the Decision Maker must obtain the approval of the Cabinet Member for Finance and Regeneration prior to commencing a Procurement Process. For this purpose, the

approval of the Cabinet Member for Finance and Regeneration may be sought prior to the approval of the business case by Strategic Commissioning Board in accordance with CSO 89.8. However, the Cabinet Member for Finance and Regeneration may require the Decision Maker to obtain the approval of Cabinet prior to commencing a Procurement Process. In this case, Cabinet approval shall only be sought following the approval of the business case by Strategic Commissioning Board in accordance with CSO 89.8.

90. WAIVERS

- 90.1 The Head of Procurement may, in exceptional circumstances, waive one or more CSO after consideration of a Waiver Application.
- 90.2 Where seeking a waiver of one or more CSO, the Decision Maker shall submit a Waiver Application to the Head of Procurement in accordance with current guidance issued by Head of Procurement. The Waiver Application must at a minimum specify:
- (a) the CSO to be waived;
 - (b) reasons for the proposed waiver/s; and
 - (c) evidence that the waiver/s will provide Value for Money and is in the best interests of the Council.
- 90.3 The Head of Procurement cannot waive any CSO requiring:
- (a) compliance with any legislative obligation (including, but not limited to, the Procurement Act);
 - (b) compliance with any Council policy or code of conduct, except with the written permission of the Officer/s or Member/s with ultimate responsibility for that policy or code of conduct;
 - (c) compliance with any other part of the Council's constitution;
 - (d) the referral of any decision to another Officer, except with the written permission of that Officer;
 - (e) the referral of any decision to a Cabinet Member or Cabinet, except with the written permission of either the Cabinet Member or Cabinet, depending on which of these has decision making authority under these CSO in relation to the matter in question.
- 90.4 After consideration of a Waiver Application, the Head of Procurement shall respond in Writing to the Decision Maker and either:
- (a) approve the Waiver Application;
 - (b) decline the Waiver Application.
- 90.5 Officers shall not be permitted to implement the waiver/s proposed in a Waiver Application until the Head of Procurement has responded to the Waiver Application in accordance with CSO 90.4.
- 90.6 Under no circumstances shall the Head of Procurement provide a verbal response to a Waiver Application.
- 90.7 Where a Waiver of one or more CSO is approved by the Head of Procurement in accordance with CSO 90, all applicable CSO other than those waived shall remain in full force and effect.
- 90.8 Prior to performing any action/s which may be in breach of any legislative requirement (including, but not limited to, the Procurement Act), the Decision Maker

must seek the Written advice of the Head of Procurement and the Operational Director of Assurance.

90.9 Where a Waiver Application requests a waiver of any part of CSO 103 (Terms and conditions, signing and sealing of Contracts) or CSO 104 (Suspension and termination of Contracts, and claims from Contractors), the Head of Procurement shall refer the Waiver Application to the Operational Director of Assurance for advice prior to responding to the Waiver Application.

90.10 The Head of Procurement shall produce a quarterly report for submission to Cabinet, containing details of all Waiver applications received during the preceding quarter.

90.11 Unless otherwise agreed by the Head of Procurement, Contracts awarded under a Waiver application approved in accordance with CSO 90.4 may be varied in accordance with CSO 105 ('Contract variations') and shall be subject in full to the provisions of CSO 105.

91. DURATION OF CONTRACTS, FRAMEWORK AGREEMENTS AND DYNAMIC MARKETS

91.1 No Contract (excluding Framework Agreements and Dynamic Markets) shall be awarded for a period exceeding five years without the prior Written approval of the Head of Procurement (the submission of a Waiver Application is not required for this purpose).

91.2 No Framework Agreement or Dynamic Markets shall be awarded for a period exceeding four years without the prior Written approval of the Head of Procurement (the submission of a Waiver Application is not required for this purpose).

92. PRELIMINARY MARKET CONSULTATIONS

92.1 Before commencing a Procurement Process, Officers may consult with prospective Suppliers for the purpose of undertaking market analysis, informing the preparation of the Procurement Process (including the preparation of the Procurement Documents) and informing Suppliers of the Council's plans and requirements.

92.2 For the purposes of CSO 92.1, any advice sought or accepted from prospective Suppliers may only be used in the planning and conduct of a Procurement Process provided that it does not have a discriminatory effect or distort competition.

93. PROCUREMENT DOCUMENTS

93.1 All Quotations shall be invited using the Council's standard Invitation to Quote. Exceptions must be agreed in Writing by the Head of Procurement prior to Quotations being invited (the submission of a Waiver Application is not required for this purpose).

93.2 All Tenders shall be invited using the Council's standard Invitation to Tender. Exceptions must be agreed in Writing by the Head of Procurement prior to Tenders being invited (the submission of a Waiver Application is not required for this purpose).

93.3 Procurement Documentation shall always include a copy of the Council's relevant terms and conditions.

93.4 Notwithstanding the provisions of these CSO, Procurement Documents, and the Procurement Processes specified in those documents, Officers must have regard to

the fact that small and medium-sized enterprises may face particular barriers in competing for the Contract, and consider whether such barriers can be removed or reduced.

- 93.5 CSO 93.4 does not apply to Call-Off Contracts awarded under Framework Agreements.

94. COMPETITION REQUIREMENTS

Exemptions from competitive Procurement Processes

- 94.1 The obtaining of competitive Quotations or Tenders (in particular, the provisions of CSO 94.7 to 94.10, and 94.13) is not required when undertaking a Procurement Process for:
- (a) goods/services/works where procured under an existing Contract, subject to the Contract and the use of it being compliant with these CSO;
 - (b) goods or services required in connection with existing equipment (including software) of a proprietary nature where no suitable alternative supplier exists;
 - (c) a unique work of art or artistic performance;
 - (d) social care or education services that are intended wholly for the benefit of an identifiable individual;
 - (e) education services, specifically Contracts for the direct provision of primary or secondary education to adults or children;
 - (f) medical services (including, but not limited to, Contracts awarded to general practitioners, hospitals and clinics);
 - (g) undertaker services for body transportation;
 - (h) the purchase of professional memberships for Council employees, or any training specifically required to attain or renew a professional membership where the organisation bestowing such membership requires the engagement of a particular Supplier/s;
 - (i) the payment of corporate membership fees to professional bodies;
 - (j) subscriptions to professional publications, directories or databases for use by Council employees;
 - (k) vocational or academic qualifications for Council employees (such as, but not limited to, diplomas, NVQs, degrees and higher degrees);
 - (l) specific training courses, for any purpose, up to a value of £49,999 (this does not include the establishment of Framework Agreements or Dynamic Market agreements for general provision);
 - (m) the award of Contracts in situations of genuine emergency, in particular where the Council is required to procure goods, services or works in order to protect life or property or prevent serious disruption to services to the public. Situations arising from a lack of planning and/or internal process delays do not constitute emergencies.

Electronic Procurement System

- 94.2 All Procurement Processes for the award of Contracts in Band 2 and Band 3 shall be undertaken using the Council's Electronic Procurement System. Exceptions must be agreed in Writing by the Head of Procurement prior to Quotations/Tenders being invited (the submission of a Waiver Application is not required for this purpose).
- 94.3 CSO 94.2 does not apply to Procurement Processes for:
- (a) Call-Off Contracts awarded on a 'direct award' basis. For the purposes of this CSO 94.3(a), 'direct award' shall mean a process whereby a Call-Off Contract is awarded without reopening competition amongst the Suppliers party to a Framework Agreement or Dynamic Market;

- (b) anything referred to in CSO 94.1.

Contracts within Band 1

- 94.4 At least one (1) Quotation must be received. For this purpose, an Invitation to Quote shall be sent to at least one Supplier. Where practicable, a Quotation from a Local Supplier must be sought.
- 94.5 Officers may choose to openly advertise the Invitation to Quote.
- 94.6 Where seeking one Quotation only, Officers must be able to demonstrate that Value for Money has been obtained by maintaining appropriate records in accordance with CSO 107.

Contracts within Band 2

- 94.7 Competition requirements depend on whether a proposed Contract is for goods, services or works, and estimated Contract value. These requirements are as follows:

Contract type	Estimated Contract value	Minimum competition requirements
Goods or services	£10,000 to £49,999	<p>At least three (3) Quotations must be obtained. For this purpose, an Invitation to Quote shall be sent to at least three Suppliers. All such Suppliers must be contacted prior to the commencement of the Procurement Process to establish their interest in submitting a Quotation.</p> <p>Where practicable, a Quotation from at least one Local Supplier must be sought.</p> <p>Officers may choose to openly advertise the Invitation to Quote.</p>
Goods or services	£50,000 to Procurement Act Threshold for goods/services	<p>At least three (3) Quotations must be obtained. For this purpose, an Invitation to Quote shall be sent to at least three Suppliers. All such Suppliers must be contacted prior to the commencement of the Procurement Process to establish their interest in submitting a Quotation.</p> <p>Where practicable, a Quotation from at least one Local Supplier must be sought.</p> <p>Officers are recommended to openly advertise the Invitation to Quote.</p>

Works	£10,000 to £499,999	At least three (3) Quotations must be obtained. For this purpose, an Invitation to Quote shall be sent to at least three Suppliers. All such Suppliers must be contacted prior to the commencement of the Procurement Process to establish their interest in submitting a Quotation. Where practicable, a Quotation from at least one Local Supplier must be sought. Officers may choose to openly advertise the Invitation to Quote.
Works	£500,000 to Procurement Act Threshold for works	An Invitation to Quote shall be openly advertised.

94.8 For Contracts with a value equal to or exceeding £24,000, where the Invitation to Quote is openly advertised, the Invitation to Quote must be:

- (a) advertised on Contracts Finder, regardless of any other means of advertising used; and
- (b) advertised on Contracts Finder within 24 hours of the time when it first advertised it in any other way.

94.9 All Dynamic Markets in Band 1 and 2 shall be openly advertised, irrespective of estimated value. Dynamic Markets shall be advertised on Contracts Finder, regardless of any other means of advertising used. For the avoidance of doubt, this CSO 94.9 refers to Dynamic Markets, not Call-Off Contracts.

94.10 Where CSO 94.7 requires that at least three Quotations must be obtained and fewer than this number of Quotations are received, the Decision Maker must obtain the Written approval of the Head of Procurement prior to awarding a Contract (the submission of a Waiver Application is not required for this purpose).

94.11 Subject to CSO 95.2, the requirements of CSO 94.7 do not apply to the award of Call-Off Contracts.

94.12 The time limit for the return of Quotations shall not be less than seven (7) calendar days from the date the Invitation to Quote is made available to Suppliers or, where applicable, the Invitation to Quote is advertised. In any event, the time limit for the return of Quotations shall allow reasonable time for Quotations to be prepared and submitted, taking into account the complexity of the subject-matter of the Contract.

94.13 All Procurement Documentation shall be made available to all Bidders at the same time.

Contracts within Band 3

94.14 Tenders shall be sought in accordance with the Procurement Act.

Local Suppliers

- 94.15 For the purposes of CSO 94.4 and 94.7, a 'Local Supplier' shall mean a supplier who performs any part of a Contract from premises with an address in the London Borough of Redbridge.
- 94.16 Where no suitable Local Supplier exists, Officers shall have discretion to change the definition of Local Supplier to mean a supplier based in one or more of the following London Boroughs: Waltham Forest, Newham, Barking and Dagenham, Havering.

95. FRAMEWORK AGREEMENTS AND DYNAMIC MARKETS

General principles

- 95.1 Officers are permitted to award a Contract under a Framework Agreement or Dynamic Market awarded by or on behalf of another public body, provided that:
- (a) use of the Framework Agreement/ Dynamic Market is legally compliant and likely to offer Value for Money; and
 - (b) the Council has the right to use the Framework Agreement/ Dynamic Market.
- 95.2 Call-Off Contracts shall be awarded strictly in accordance with the procedures specified in the Framework Agreement or Dynamic Market. It is the responsibility of the Officer awarding the Call-Off Contract to ensure the correct procedures are followed, seeking the advice of a Procurement Officer and/or a Legal Officer as necessary.

Dynamic Markets

- 95.3 A Dynamic Market ('DM') shall be similar to a Framework Agreement, except that any Supplier may apply for admittance to a DM throughout the full period of its operation by satisfying defined Supplier Qualification Criteria.
- 95.4 A DM may be divided into different categories of goods/services/works (i.e. lots). In such cases, it is permissible to stipulate Supplier Qualification Criteria appropriate to each category.
- 95.5 At the time of inviting Tenders or Quotations under a DM, Officers shall ensure that all applications for admittance to the DM received by that time have been processed and all applicants have been notified of whether or not they have been admitted to the DM.
- 95.6 Officers shall, in Writing, invite all Suppliers admitted to a DM to respond to any Invitation to Tender/ Invitation to Quote issued under a DM. Where a DM has been divided into lots, Officers shall invite all Suppliers admitted to the lot/s corresponding to the procurement to submit a Quotation/Tender.

96. SUPPLIER SUITABILITY

- 96.1 No Procurement Process for the award of a Contract with a value below the relevant Procurement Act Threshold shall include a pre-qualification stage. For the purposes of this CSO 96.1, a 'pre-qualification stage' shall mean a stage within a Procurement Process during which Bidders are assessed against Supplier Qualification Criteria with the purpose of shortlisting a smaller number of Bidders who are to proceed to a later stage of the Procurement Process.

- 96.2 CSO 96.1 does not apply to Procurement Processes for the award of Works Contracts in cases where estimated Contract is equal to or greater than the amount specified in section 85(3)(b) of the Procurement Act(not inclusive of VAT).
- 96.3 Notwithstanding CSO 96.1, Officers shall ensure that all Suppliers have been suitably assessed prior to being awarded a Contract. Suppliers shall be assessed against appropriate Supplier Qualification Criteria relating to one or more of the following:
- (a) suitability to pursue a professional activity;
 - (b) economic and financial standing;
 - (c) technical and professional ability;
 - (d) Social Value.
- 96.4 In Procurement Processes for Contracts with a value below the relevant Procurement Act Threshold, CSO 96.3 may be complied with by applying minimum standards or thresholds, which shall be specified in the Procurement Documents.
- 96.5 All Contracts must require the Contractor to maintain the Council's minimum insurance requirements for the duration of the Contract. These requirements will depend on the risks associated with the Contract and must be approved by the Council's Insurance Manager prior to the commencement of the Procurement Process.
- 96.6 Prior to awarding a Contract to a Supplier, Officers are required to obtain Written evidence of the Supplier's insurance cover. Where required, Officers shall seek the advice of the Insurance Manager.

97. AWARD CRITERIA

- 97.1 Award Criteria shall be the criteria used to assess Tenders, Quotations or the terms of a Framework Agreement. These criteria may include one or more sub-criteria. For the purposes of CSO 97, 'Award Criteria' shall be understood to mean both the Award Criteria and any corresponding sub-criteria.
- 97.2 All Award Criteria shall be assigned a relative weighting expressed as a percentage.
- 97.3 Award Criteria, including their relative weightings, shall be established prior to the commencement of a Procurement Process and must be stated in full in the Procurement Documents. Under no circumstances shall the Award Criteria be changed following the Submission Date.
- 97.4 The award of Contracts shall be based solely on the Award Criteria specified in the Procurement Documents.
- 97.5 Award Criteria must be appropriate to the procurement and designed to secure an outcome that will provide Value for Money for the Council, and shall be one or more of:
- (a) lowest cost, lowest price or highest return (if payment is to be received by the Council);
 - (b) quality;
 - (c) Social Value, as required by CSO 98.

98. SOCIAL VALUE

- 98.1 Officers shall have regard to:

- (a) any current guidance in relation to CSO 98 issued by the Head of Procurement;
 - (b) the Council's Social Value Policy.
- 98.2 Officers are not required to comply with CSO 98 where doing so would prevent compliance with CSO 95.2.
- 98.3 The Award Criteria used for the award of Contracts in Band 3 must include Social Value, which shall carry a minimum 10% weighting.
- 98.4 For Contracts in Band 2, Officers may voluntarily include measures to assess and secure Social Value. Such measures may include:
- (a) particular requirements or minimum standards within the technical specifications or Contract conditions;
 - (b) appropriate Supplier Qualification Criteria;
 - (c) appropriate Award Criteria;
 - (d) awarding a Contract in the form of separate lots.
- 98.5 For the purposes of CSO 98.3 and 98.4, Officers must only consider weightings and measures that are relevant and proportionate to the subject matter of the Contract.
- 98.6 The Council has committed to ensuring the London Living Wage ('LLW') is paid as a minimum to staff employed by the Council's Contractors and Sub-Contractors in the delivery of certain Contracts.
- 98.7 Officers must seek advice from a Procurement Officer as to the applicability of LLW to a particular Contract prior to commencing a Procurement Process for the award that Contract.
- 98.8 For Contracts of a value equal to or greater than the amounts specified in CSO 89.8, Officers must specify in the business case submitted to Strategic Commissioning Board:
- (a) whether LLW will be paid under the proposed Contract;
 - (b) that the financial modelling has been done to support payment of LLW;
 - (c) if LLW is not to be paid, the reasons supporting this.

99. OPENING OF QUOTATIONS AND TENDERS

- 99.1 Where Quotations or Tenders are not invited via the Electronic Procurement System, Officers must:
- (a) comply with this CSO 99.1 except in cases where only one Quotation or Tender is sought;
 - (b) prior to the Submission Date, agree in Writing with a Procurement Officer a process for opening such Quotations/Tenders;
 - (c) ensure that such Quotations/Tenders are kept in a safe and secure place at all times and not opened until after the Submission Date.
- 99.2 No Tender or Quotation for a Contract in Band 1 or 2 received after the Submission Date shall be accepted without the prior Written agreement of the Head of Procurement (the submission of a Waiver Application is not required for this purpose).
- 99.3 No Tender or Quotation for a Contract Band 3 received after the Submission Date shall be accepted without the prior Written agreement of the Head of Procurement

and the Operational Director of Assurance (the submission of a Waiver Application is not required for this purpose).

- 99.4 Quotations and Tenders received by any method other than by the method specified in the Procurement Documents shall be rejected.
- 99.5 The procedures set out in CSO 99 also apply to the opening of Supplier Qualification Documents where Suppliers are required to submit these separately from a Tender or Quotation.

100. CLARIFICATION OF QUOTATIONS AND TENDERS

- 100.1 Where information or documentation contained in a Quotation or Tender is incomplete, or where specific documents are missing, Officers may require the Bidder to submit or complete the applicable information or documentation. However, Bidders shall not be permitted to submit any missing information or documentation that is subject to the Award Criteria (such as but not limited to pricing schedules and method statements).
- 100.2 No opportunity shall be given to amend any information contained in a Tender or Quotation where the information concerned is subject to the Award Criteria, other than where due to a demonstrable arithmetical or interpretive error attributable to the Bidder.
- 100.3 In all Procurement Processes undertaken using the Electronic Procurement System, all clarifications must be issued and received via the Electronic Procurement System.
- 100.4 Any changes made to the Procurement Documents following the time at which an Invitation to Quote/ Invitation to Tender is made available to Suppliers shall be communicated in Writing to Bidders prior to the Submission Date. Where significant changes are made to the Procurement Documents, consideration shall be given to extending the Submission Date by a period of time sufficient to give Bidders reasonable opportunity to prepare responsive Quotations/Tenders.

101. EVALUATION OF QUOTATIONS AND TENDERS AND AWARD OF CONTRACTS

- 101.1 The confidentiality of Quotations and Tenders must be preserved at all times and information about one Bidder's Quotation/Tender must not be given to another Bidder.

Evaluation of Quotations and Tenders in Band 1

- 101.2 Quotations shall be evaluated in accordance with Award Criteria. Procedures for the evaluation of Quotations shall be determined with the aim of ensuring that Value for Money is obtained.
- 101.3 The award of any Contract in Band 1 shall be subject to the prior Written approval of the responsible Cost Centre Manager/s.

Evaluation of Quotations and Tenders in Band 2

- 101.4 Quotations and Tenders shall be evaluated in accordance with Award Criteria, which shall be specified in the Procurement Documents.
- 101.5 Prior to the award of a Contract, a Contract Award Report in a standard form shall be drafted by the Decision Maker and retained in accordance with CSO 107.

Evaluation of Quotations and Tenders in Band 3

- 101.6 Quotations and Tenders shall be evaluated in accordance with Award Criteria, which shall be specified in the Procurement Documents.
- 101.7 Prior to the award of a Contract, a Contract Award Report in a Standard Form shall be drafted by the Decision Maker for Written approval by:
- (a) Head of Procurement;
 - (b) Operational Director of Finance;
 - (c) Operational Director of Assurance.
- 101.8 The Decision Maker shall obtain approval of the Contract Award Report as required by CSO 101.7 prior to awarding a Contract.

Evaluation of Framework Agreements, Dynamic Markets and Call-Off Contracts

- 101.9 The evaluation of Quotations and Tenders for Framework Agreements and Dynamic Markets awarded by the Council shall be in compliance with CSO 101.
- 101.10 The evaluation of Quotations and Tenders invited under a Framework Agreement or Dynamic Market ('Call-Off Contracts') shall be in compliance with CSO 101.
- 101.11 The evaluation of any pre-existing terms (for example, pricing) which form part of a Framework Agreement, for the purpose of awarding a Call-Off Contract based on those terms, shall be in compliance with CSO 101.
- 101.12 For the purposes of CSO 101.10 and 101.11, where it is anticipated that a series of Call-Off Contracts are to be awarded over the term of a Framework Agreement or Dynamic Market, it is permissible for a single Contract Award Report to authorise the award of all such Contracts provided that the Contract Award Report is in compliance with the relevant provisions of CSO 101.

Publication of Contract awards

- 101.13 After a Contract has been awarded, Officers must:
- (a) where Contract value exceeds £5000, publish details of the Contract in the Council's contract register, via the Electronic Procurement System; and
 - (b) where Contract value exceeds £24,000, publish details of the Contract on Contracts Finder.
- 101.14 The Head of Procurement shall produce a quarterly report for Cabinet, containing details of all Contracts awarded by the Council during the preceding quarter, including the total value of each contract and the name of the Decision Maker.

102. NOTIFYING SUCCESSFUL AND UNSUCCESSFUL BIDDERS

- 102.1 Following approval of a Contract Award Report in accordance with CSO 101, all Bidders shall be notified in Writing of the outcome of the Procurement Process. This shall not include any Bidders that have already been excluded from the Procurement Process.

103. TERMS AND CONDITIONS, SIGNING AND SEALING OF CONTRACTS

- 103.1 The Common Seal of the Council may be affixed either by physical means or by such electronic means as the Operational Director – Assurance may from time to time authorise. The affixing of an electronic seal shall be of the same legal effect as affixing the Common Seal of the Council physically.
- 103.2 The signature applied to contracts may either be by physical means or by such electronic means as the Operational Director – Assurance may from time to time authorise. The electronic signature shall be of the same legal effect as a signature applied physically.
- 103.3 Subject to CSO 104.9, no Officers shall commit the Council to the delivery of goods, services or works until:
- (a) the Contract is signed by all parties and (if required by CSO 104.5) sealed; and
 - (b) the Contractor is in receipt of a Council purchase order, duly authorised by the Decision Maker, which must contain reference to Contract.
- 103.4 All Contracts shall be in Writing.
- 103.5 Every Contract shall be based on contract conditions in a form approved by a Legal Officer. No modifications to these conditions shall be made (whether during the course of a Procurement Process or after the Contract has been awarded) without prior written consultation with a Legal Officer. This shall include any modifications proposed by Bidders or Contractors.
- 103.6 Contracts of a value of up to £100,000 shall be prepared and signed by the Decision Maker.
- 103.7 Contracts of a value exceeding £100,000 shall be prepared by a Legal Officer and executed as a deed.
- 103.8 A Contract must be made under the common seal of the Council where:
- (a) the Contract is of a value exceeding £1,000,000; or
 - (b) irrespective of Contract value, the Council wishes to enforce the contract for a period of more than 6 years; or
 - (c) the value of the consideration paid or received under the Contract is a nominal value that does not reflect the value of the supplies or services.
- 103.9 Call-Off Contracts, whether awarded under a Framework Agreement or Dynamic Market established by the Council or an external organisation, shall be signed and sealed in accordance with CSO 104.
- 103.10 Where a Bidder is required to provide goods, services or works prior to entering into a formal written Contract with the Council a 'letter of intent' may be submitted to the Bidder. A letter of intent shall not be submitted without the written agreement of the Operational Director of Assurance and until an award decision has been made in accordance with CSO 102.

104. SUSPENSION AND TERMINATION OF CONTRACTS, AND CLAIMS FROM CONTRACTORS

Suspension and termination of Contracts

104.1 No Contract with a value exceeding the relevant Procurement Act Threshold shall be suspended or terminated without prior Written consultation with the Head of Procurement and the Operational Director of Assurance.

Claims from Contractors

104.2 Claims from Contractors in respect of matters not clearly within the terms of any Contract shall be referred to the Operational Director of Assurance for consideration of the Council's legal liability before any settlement is made. Any payments in respect of such claims shall be subject to the following approval procedures:

Value of claim	Approval procedure
Up to £999,999	Decision Maker to approve payment under delegated authority.
£1,000,000 and above	Decision Maker to obtain the written approval of the Cabinet Member for Finance and Regeneration, who may instead require the Decision Maker to obtain the approval of Cabinet.

105. VARIATIONS TO CONTRACTS AND EXTENSIONS TO CONTRACTS

Variations to Contracts

105.1 Contracts may be varied without the need to undertake a new Procurement Process so as to allow the procurement of additional goods, services or works from the original Contractor ('Contract Variations'), where all of the following conditions are fulfilled:

- (a) a budget has been allocated for any additional expenditure;
- (b) the Contract Variation does not alter the overall nature of the Contract;
- (c) the Decision Maker is able to demonstrate that the Contract Variation provides Value for Money;
- (d) the value of the additional goods, services or works do not exceed 50% of the value of the original Contract;
- (e) where it is proposed to extend the duration of a Contract (and the Contract is not subject to CSO 105.8), the length of the extension is for a period no greater than 12 months;
- (f) the Contract Variation does not entail any material variations to the Contract conditions.

105.2 Contract Variations permitted by this CSO 105 may be authorised by the Decision Maker without the need to comply with CSO 90 (Waivers).

105.3 Where a Contract is subject to successive Contract Variations:

- (a) the cumulative value of the additional goods, services or works to be procured shall not exceed 50% of the value of the original Contract;
- (b) the cumulative duration of any extensions to the duration of the Contract does not exceed 12 months.

- 105.4 CSO 105 does not apply to any Contract with a value above the applicable Procurement Act Threshold. Prior to implementing Contract Variations in relation to such Contracts, the Decision Maker must seek the Written advice of the Head of Procurement and the Operational Director of Assurance.
- 105.5 Officers are not permitted to implement any Contract Variation that has the effect of increasing the value of a Contract beyond the relevant Procurement Act Threshold. Where in doubt, Officers shall in Writing seek the advice of a Legal Officer and a Procurement Officer.
- 105.6 Any proposed Contract Variation that would of itself be of a value equal to or greater than the amounts specified in CSO 89.8 shall be subject to approval by Strategic Commissioning Board.
- 105.7 A decision to implement a Contract Variation of a value equal to or greater than £1,000,000, or that has the effect of increasing the value of a Contract to an amount equal to or greater than £1,000,000 shall be subject to the approval of the Cabinet Member for Finance and Regeneration and/or Cabinet, in accordance with CSO 89.12. Where in doubt, Officers shall in Writing seek the advice of a Legal Officer and a Procurement Officer.

Contract extension options

- 105.8 Where a Contract includes an explicit option to extend its duration for a specified period of time, the Decision Maker may exercise this option provided all of following conditions are met:
- (a) the extension is for the same goods, services or works described in the Contract;
 - (b) the length of the extension is no longer than permitted by the Contract;
 - (c) the financial terms for the extension are the same as those specified in the Contract;
 - (d) for Contracts of a value equal to or greater than the amounts specified in CSO 89.8, the decision to extend has been approved by Strategic Commissioning Board.

106. CONTRACT MANAGEMENT

- 106.1 Decision Makers shall assign a Contract Manager/s to all new Contracts.
- 106.2 Contract Managers must follow all current guidance on Contract Management issued by the Head of Procurement.
- 106.3 Contract managers will be responsible for delivering against all required tasks set by The Council and as required by the Procurement Act.

107. RECORD KEEPING

- 107.1 All records shall be retained in accordance with the Procurement Retention Schedule.

DEFINITIONS

Terms listed below shall have the corresponding definitions meanings assigned to them. The term 'person' shall include persons and any body of persons, corporate or non-corporate.

Term	Definition
'Agent'	Any person acting on the Council's behalf.
'Award Criteria'	The criteria, which may include one or more sub-criteria, used to assess Tenders, Quotations or the terms of a Framework Agreement.
'Bidder'	A Supplier who has, or is seeking to, submit a Tender or Quotation to the Council.
'Cabinet'	The Cabinet of the London Borough of Redbridge.
'Cabinet Member'	A member of the Cabinet of the London Borough of Redbridge.
'Cabinet Member for Finance and Regeneration'	A Cabinet Member of the London Borough of Redbridge officially designated to act in this role.
'Call-Off Contract'	A Contract awarded under a Framework Agreement or Dynamic Market.
'Consultant'	A person engaged to advise the Council.
'Contract'	A legally binding agreement between the Council and one or more third parties for the supply of goods, provision of services or execution of works (or a combination of these). Unless otherwise stated, the term 'Contract' shall also refer to a Framework Agreement and a Dynamic Market.
'Contract Award Report'	A report in a Standard Form setting out details of a Procurement Process undertaken and a proposal to award a Contract to one or more Suppliers.
'Contract Management'	The process undertaken by Contract Managers to ensure that risk and cost are managed within the terms of a Contract and that the intended outcomes of the Contract are delivered.
'Contract Manager'	An Officer assigned by the Decision Maker to undertake Contract Management.
'Contractor'	Any person awarded a Contract by the Council.
'Contracts Finder'	www.gov.uk/contracts-finder
'Contract Value Bands'/ 'Bands'	Contract value ranges as defined in CSO 87 for the purpose of determining the procedures relating to each Procurement Process.

'The Council'	The Council of the London Borough of Redbridge.
'Council Committee'	A committee established by the Council which has functions of the Council delegated to it. This definition includes sub-committees.
'Decision Maker'	As defined in CSO 88.
'Dynamic Market'	For the purposes of these CSO, to also mean Dynamic Purchasing System. A procurement system that is similar to a Framework Agreement, except that it shall be open throughout the full period of its operation to any Supplier that satisfies defined Supplier Qualification Criteria. Dynamic Markets shall be awarded and operated in accordance with CSO 95.3 to 95.6.
'Electronic Procurement System'	An electronic system for inviting and receiving Tenders and Quotations, approved for use by the Head of Procurement.
'Framework Agreement'	An agreement between the Council or another public body, and one or more Suppliers, which establishes the terms under which the Suppliers may enter into one or more Contracts with the Council in the period during which the Framework Agreement applies.
'Head of Procurement'	The person designated by the Council to act in this role.
'Health Care Contracts'	As defined in CSO 86.17.
'Invitation to Tender'	A set of Procurement Documents, in a Standard Form, constituting a formal invitation from the Council to one or more suppliers to submit a legally binding Tender.
'Invitation to Quote'	A set of Procurement Documents, in a Standard form, constituting a formal invitation from the Council to one or more suppliers, to submit a legally binding Quotation.
'Legal Officer'	A representative of the Operational Director of Assurance.
'Local Supplier'	As defined in CSO 94.15 and 10.16.
'Member'	An elected member of the Council of the London Borough of Redbridge.
'Officers'	An employee of the Council. For the purposes these CSO, 'Officers' shall have the same meaning as 'Members'.
'Operational Director of Assurance'	The person designated by the Council to act in this role.
'Operational Director of Finance'	The person designated by the Council to act in this role.

'Procurement Documents'/ 'Procurement Documentation'	The documents constituting an Invitation to Quote or an Invitation to Tender. This shall include Supplier Qualification Documents.
'Procurement Officer'	A representative of the Head of Procurement.
'Procurement Process'	A process undertaken in accordance with these CSO with the intention of awarding a Contract. For the purposes of these CSO, a Procurement Process shall be deemed to have started at the time an Invitation to Tender/ Invitation to Quote is advertised, or at the time an Invitation to Tender/ Invitation to Quote is sent to participating suppliers (whichever is sooner). A Procurement Process shall be deemed to have concluded at the time a Contract is signed by all parties (and, where required by CSO 103.6, sealed), in accordance with CSO 103.1. The activities described in CSO 92 (preliminary market consultations) are not deemed to form part of a Procurement Process.
'Procurement Act'/ 'Procurement Act 2023'	The Procurement Act 2023 and associated secondary legislation.
'Procurement Act Thresholds'	The threshold amounts applicable to Contracts for goods, services and works as specified in the Procurement Act. Contracts with a value estimated to be equal to or greater than the relevant Procurement Act Threshold, and Procurement Processes for the award of such Contracts, are subject to the Procurement Act.
'Quotation'	An offer submitted to the Council by a Bidder in response to an Invitation to Quote.
'Social Value'	Economic, environmental and social benefits (or any combination of these).
'Standard Form'	In a form approved by the Head of Procurement.
'Sub-Committee'	A sub-committee established by the Council or by a Committee, which has functions delegated to it by the Council or a Committee.
'Submission Date'	The last time and date by which Quotations or Tenders may be submitted.
'Supplier'	Any person who offers the supply of goods, the provision of services or the execution of works.
'Supplier Qualification Criteria'/ 'Supplier Qualification Questions'	Questions designated for the purpose of assessing the suitability of Suppliers to be invited to submit a Tender or Quotation or to be awarded a Contract, more particularly defined in CSO 96.3.
'Supplier Qualification Documents'	Documents consisting of Supplier Qualification Questions.

'Tender'	An offer submitted to the Council by a Bidder in response to an Invitation to Tender.
'Value for Money'	The optimum balance of cost, quality and risk and Social Value.
'Waiver Application'	An application to waive one or more CSO submitted in accordance with CSO 90 (Waivers).
'Written'/ 'in Writing'	Information conveyed in hard-copy (paper) or electronically transmitted documents (including, but not necessarily limited to, email and e-forms). This shall not include the transmission of information via mobile telephone text messages and e-messaging services such as, but not limited to, Microsoft Skype and Microsoft Teams.

SECTION 7 - FINANCIAL STANDING ORDERS

Definitions

For the purposes of the Financial Standing Orders, the following words shall have the following meanings:

Budget means a plan for the Revenue and Capital expenditure and income relating to activities of the Council.

Capital Programme means the Capital Budget approved by the Council for the forthcoming financial year together with the indicative programme of Capital Schemes for the subsequent four financial years.

Chief Officers means the Chief Executive, Directors and Chief Officers in charge of Service Areas.

Corporate Director of Resources means the officer or other person discharging that role at any time, save that where, for the purposes of article 11 of the Constitution, the officer appointed as Section 151 officer is not the Corporate Director of Resources reference to the functions and responsibilities of the Section 151 Officer shall be read as relating to the holder of that post.

Financial year means the Council's accounting period which runs from 1st April to 31st March.

Private Funds means funds that Council Officers hold on behalf of others.

Relevant Committee means the Executive (or a Committee of the Executive), or a Committee with decision-making powers for a particular Service Area.

Statement of Accounts: The statutory report of the Final Accounts for each Financial Year as defined in the Accounts and Audit Regulations 2011.

Three Year Financial Plan means the Revenue Budget approved for the Council for the forthcoming Financial Year together with indicative figures for the subsequent two Financial Years.

General Approach

115. Introduction

- 115.1 In approving the Financial Standing Orders, the Council has sought to provide a strong corporate framework for conducting the financial affairs of the Council, incorporating appropriate controls and providing those responsible for delivering services with financial responsibility and flexibility within their Service Area. All financial and accounting procedures of the Council will take place in accordance with these Financial Standing Orders.

116. Schools

- 116.1 The Council's Scheme for Financing Schools prepared under the Schools Standards and Framework Act 1998 shall include Financial Standing Orders applying specifically to schools.

117. External Bodies

- 117.1 The Corporate Director of Resources will be the first contact within the Council for the External Auditor who has rights of access to all documents and information necessary for audit purposes.
- 117.2 The Council may, from time to time, be subject to audit, inspection or investigation of its financial systems by other external bodies such as OFSTED and HM Revenue and Customs who have statutory rights of access to financial records. The Corporate Director of Resources will be the principal contact within the Council on such matters.
- 117.3 The Corporate Director of Resources will make arrangements for completing the Council's tax returns and other statutory financial returns and providing relevant information to external bodies on the financial activities of the Council as a whole.

Responsibilities of the Corporate Director Of Resources**118. Proper Administration of the Council's Financial Affairs**

- 118.1 The functions and responsibilities of the Corporate Director of Resources as Section 151 Officer are set out in Article 11 of the Constitution.
- 118.2 It is the duty of Chief Officers to notify the Corporate Director of Resources of any expenditure situations that might be considered to be:
- (a) unlawful; and/or
 - (b) excessive against available resources.
- 118.3 In discharging his or her functions and responsibilities, the Corporate Director of Resources will ensure that arrangements for financial and accounting matters and the security of financial assets are efficient and effective.
- 118.4 The Corporate Director of Resources can require Chief Officers to provide any timely and relevant information to enable him/her to carry out his or her functions and to give proper advice.
- 118.5 All financial systems, functions and controls and changes to them must be agreed in advance with the Corporate Director of Resources, who may issue formal instructions or guidance from time to time.
- 118.6 The Corporate Director of Resources will be responsible for

monitoring the overall spending of the Council and reporting this to the appropriate Officers, the Executive, Members and Committees.

119. Financial Advice

- 119.1 The Corporate Director of Resources is the Council's most senior executive charged with leading and directing financial strategy and operations and accordingly will advise the Council, the Cabinet or any other relevant Committee on all material business decisions. The Corporate Director of Resources will have the necessary access to the Executive, Members, Chief Officers, the Audit Committee and external audit in order to do this.
- 119.2 Chief Officers will ensure that the Corporate Director of Resources is consulted on matters that have financial implications at the earliest practical stage, and in any event no less than ten Working Days before the dispatch of a report. The Corporate Director of Resources' advice may be contained in such reports.
- 119.3 Members and Officers carrying out functions under delegated powers must ensure that they seek and take into account such financial and legal advice as may be necessary on the consequences of a course of action before taking a decision on such action.
- 119.4 The Corporate Director of Resources is responsible for advising Members and Chief Officers where relevant on the financial implications of guidance and relevant legislation issued by appropriate bodies as it applies.
- 119.5 The Corporate Director of Resources is responsible for advising Chief Officers on relevant taxation and other technical issues (including those relating to other funds such as the Pension Fund) and liaising, negotiating and where necessary taking appropriate action to promote and protect the Council's financial position.

120. Accounting

- 120.1 The Corporate Director of Resources will determine the format of and maintain the Council's principal accounting records and will be the Council's adviser on all accounting and financial matters. Chief Officers are responsible for making sure that financial records are maintained in a manner determined in advance by the Corporate Director of Resources.
- 120.2 The Corporate Director of Resources will ensure that the Council's accounting records are kept in accordance with appropriate accounting standards and mandatory guidance and that the Statement of Accounts is prepared in line with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice.
- 120.3 The Corporate Director of Resources will ensure that the Council's

Annual Statement of Accounts is prepared and made available in accordance with the statutory timetable.

- (a) The Corporate Director of Resources shall issue procedures and a timetable for the closure of the accounts in accordance with good accounting practice.
- (b) Chief Officers are responsible for making sure that the timetable referred to in (a) above is complied with.
- (c) A meeting of the Council is responsible for approving the draft Annual Statement of Accounts by the statutory date following the end of the Financial year on 31st March.

121. Internal Audit and Control

- 121.1 Accounting regulations require the Council to maintain an adequate and effective internal audit. The Corporate Director of Resources will commission on behalf of the Council a suitable internal audit of its accounting records and control systems.
- 121.2 The Corporate Director of Resources or their representative shall have access to all documents and records in the possession of the Council and shall be afforded all facilities and co-operation by Members; Chief Officers and members of their staff, who shall provide whatever information and explanation are deemed necessary.

Planning and Budgeting

122. Three Year Plan – Strategy and Resource Targets

- 122.1 The Executive, with the advice of the Chief Executive and the Corporate Director of Resources, will propose a Medium Term Financial Strategy each year, including Budget priorities and the financial prospects for the current year and the next three years.
- 122.2 The Medium Term Financial Strategy will set the overall strategy and remit for the annual revenue and capital budget setting process.

123. Annual Revenue and Capital Budget

- 123.1 The Corporate Director of Resources, in consultation with Chief Officers, will prepare a detailed proposed Budget of Revenue and Capital expenditure and income for the forthcoming financial year.
- 123.2 The Executive will:
 - (a) Consider the Revenue and Capital Budgets that are proposed for the Council's services.
 - (b) Make arrangements to consult on the proposed Revenue and Capital Budget. This will include public consultation and obtaining the views of Scrutiny Committees and other

appropriate Committees of the Council.

- (d) Consider the results of the consultation with the public and the Scrutiny and other appropriate Committees as described in 121.2 (b) above.
- (e) Consider Precepts and Levies, the need for Central Reserves and Contingencies, the Level of Balances and the grants available from the Government.
- (f) Recommend to a meeting of the Council the proposed Revenue and Capital Budget and the Council Tax to be levied for the forthcoming Financial year. The Council will consider these and must approve, amend or replace the executive's proposal and give its decision not later than 11th March each year.
- (g) Any disagreement between the Council and the Executive as to the contents of the Budget shall be determined in accordance with Part 3 (Section 1, Appendix 3) of the Constitution.

124. Capital Programme

- 124.1 Further to Financial Standing Order 121 as set out above, the Executive will propose a Capital Programme comprising of capital schemes for the Council to approve, taking account of the Capital Budget, any guidance or targets set out in the Medium Term Financial Strategy, capital resources available and the revenue implications involved.
- 124.2 Chief Officers will implement and keep under review the Council's agreed Capital Programme for services under their control covering Schemes in progress, Schemes commencing in the current and forthcoming financial years and the revenue implications of those Schemes.
- 124.3 The Executive may approve the inclusion of any new Scheme or delete or amend any Scheme in the Capital Programme providing that it accords with the Budget and Policy Framework and can be funded from resources available to the Council, including those funded from grants.

Spending of Budgets

125. Spending of Revenue Budgets

- 125.1 A Revenue Budget approved by the Council may be spent without further reference to the Council, the Executive (including a Committee appointed by the Executive) or Committees appointed by the Council.
- 125.2 No power is delegated to any Chief Officer to spend above the Approved Budget for their Service Area unless or until the Executive has approved in advance the spending.

- 125.3 Chief Officers may transfer any Revenue Budget within their control for any lawful purpose relating to the Service Areas for which they are responsible providing that: -
- (a) the transfer is within the Budget approved by the Council for the relevant Service Area, and
 - (b) the reason for the transfer is within the Budget and Policy Framework, and
 - (c) no commitment to a higher overall level of expenditure in future Financial years is entered into, and
 - (d) the amount in question does not exceed £200,000 at any one occasion;
 - (e) no other Service or Chief Officer is affected; and
 - (f) if the transfer exceeds £100,000 but does not exceed £200,000, details are reported in the next monthly Budgetary Control Report following the date of the transfer.
- 125.4 Individual Cabinet Members may agree to transfer any Revenue Budget within their control for any lawful purpose relating to services for which they are responsible providing that: -
- (a) The transfer is within the Estimate approved by the Council for services within the portfolio of that Member; and
 - (b) The reason for the transfer is within the Budget and Policy Framework; and
 - (c) No commitment to a higher overall level of expenditure in future years is entered into; and
 - (d) No other Cabinet Portfolio is affected;
 - (e) The amount in question does not exceed £200,000 on any one occasion; and
 - (f) if the transfer exceeds £100,000 but does not exceed £200,000, details are reported in the next monthly Budgetary Control Report following the date of the transfer.
- 125.5 Any transfer of Budget not falling within the criteria detailed in Financial Standing Orders 123.3 and 123.4 as set out above will require the prior approval of the Executive.
- 125.6 Where the above criteria 123.4 (a-e) apply in relation to Budget Transfers between Budgets controlled by two Chief Officers approval of the Executive will not be required provided that the transfer is agreed by both Chief Officers concerned.

- 125.7 The Corporate Director of Resources should be consulted on any proposed changes to Revenue Budgets.

126. Spending of Capital Budgets

- 126.1 A Capital Budget approved by the Council may be spent without further reference to the Council, the Executive (including a Committee appointed by the Executive) or Committees appointed by the Council subject to 126.2 below:
- 126.2 The approval of the Executive will be required before expenditure is incurred for the following items in the approved Capital Programme:
- (a) A scheme costing in excess of £1 million forming part of an overall programme of the capital expenditure which has been approved in aggregate during the budget setting process without its individual component schemes being identified.
 - (b) Schemes financed by external funding secured after the Capital Programme was approved in excess of £500,000.
- 126.3 For Schemes requiring Executive approval, the Executive will be provided with: -
- (a) An estimate of the cost of the Scheme.
 - (b) An estimate of any consequential expenditure or income, whether capital or revenue.
 - (c) Any other information as may be necessary to permit full consideration of the proposal.
- 126.4 Capital Schemes which are included in the Capital Programme requiring Executive approval may be progressed by the relevant Chief Officer, in consultation with the Cabinet Member for Finance and Resources, before receiving the approval of the Executive, provided that expenditure on each Scheme in any one financial year does not exceed £200,000.
- 126.5 A Scheme that is approved by the Executive spanning more than one year does not require approval in subsequent years unless there is a material change to the original design or aggregate expenditure is in excess of the total approved budget for the scheme.
- 126.6 Subject to Standing Order 126.7 below, the Executive may agree to transfer budgets to other schemes within the Capital Programme.
- 126.7 In making amendments to the approved Capital Programme, the Executive must:
- (a) have regard to the Budget and Policy Framework approved by the Council, and resolutions of the Council, and
 - (b) be satisfied that an amendment to the Capital Programme can be offset by available income, Government grants, usable

reserves, credit approvals or reductions elsewhere within the Capital Programme,

- (c) be satisfied that any revenue budget consequences of the amendment can be offset by additional income, contingencies (including reserves and balances) or savings elsewhere within the Budget, and
- (d) only include additional schemes in the Capital Programme approved by the Council to the extent that they can be funded from additional Government grants or grants and contributions from other external bodies.

126.8 The Corporate Director of Resources should be consulted on any proposed changes to the Capital Programme under Financial Standing Orders 126.5, 126.6 and 126.7.

127. Amendment of Approved Budgets

127.1 Subject to 125.2 above, the approved Revenue and Capital Budgets may be amended by:

- (a) The Corporate Director of Resources, in consultation with the Cabinet Member for Finance and Resources, authorising transfers to or from the contingencies or between budgets of another service (all such transfers must be reported to the next Cabinet meeting), or
- (b) The Corporate Director of Resources authorising budget transfers to or from any contingency for changes in pay and prices.

127.2 In making amendments to the approved Budget, the Corporate Director of Resources must:

- (a) have regard to the Budget and Policy Framework approved by the Council, and resolutions of the Council, and
- (b) be satisfied that an amendment to the Budget can be offset by additional income, contingencies (including reserves and balances) or savings elsewhere within the Budget.

128. Treatment of Unspent Budgets

128.1 A Chief Officer must apply to the Executive in order to earmark any unspent resources or savings for a planned purpose in a future financial year.

128.2 Any unspent resources held in a fund (e.g. Repairs & Renewals, Building Maintenance) at the end of the financial year can be carried forward to the following financial year provided it is earmarked for a specified purpose.

128.3 The Executive may agree the use of any under spending in any one

financial year to be used in the following Financial year for a purpose consistent with the Council's Budget and Policy Framework, subject to the advice of the Corporate Director of Resources as to the overall financial position of the Council.

129. Action on Overspent Budgets

- 129.1 Where it appears that an approved Revenue Budget may or will overspend by £200,000 or 5% of the Gross Budget for the Service concerned (whichever is the smaller) or an approved Capital Scheme will overspend by any amount, then the responsible Chief Officer will notify the Corporate Director of Resources, the Cabinet Member and the Executive and will immediately take steps to investigate the reason and to rectify the situation.
- 129.2 Where it appears that no action by Officers can prevent an overspend as defined in 127.1 above, the Chief Officer will make a report setting out an Action Plan to the next meeting of the Executive following the initial notification of the overspend to the Executive.

Review and Reporting of Performance

130. Review of Performance

- 130.1 The Executive will ensure that the Budget approved by the Council is implemented and will receive reports from Chief Officers to enable it to do so.
- 130.2 Chief Officers will be responsible for the performance of Services under their control against financial and non-financial performance targets including performance against the Budget, and will undertake an ongoing review of performance against these targets.
- 130.3 Chief Officers will ensure that they have access to such financial or non-financial information as they may reasonably require to undertake their service responsibilities and will consult the Corporate Director of Resources accordingly.
- 130.4 The Corporate Director of Resources will support and advise Chief Officers in ensuring that financial management information is adequate for management purposes.
- 130.5 Chief Officers, with the assistance of the Corporate Director of Resources, will be responsible for monitoring the overall spending of their Service Areas and reporting to the appropriate Members and the Council, the Executive and relevant Committees and Officers on any significant variances.

131. Reporting of Performance

- 131.1 The Corporate Director of Resources will be responsible for monitoring the overall spending of the Council and reporting to the

appropriate officers each month, to the Executive at each of its regular meetings and to the relevant Scrutiny Committees on a quarterly basis.

Other Financial Standing Orders

132. Review of Financial Limits

- 132.1 The financial limits in these Financial Standing Orders will be reviewed periodically by the Corporate Director of Resources with due consultation. The prior approval of the Executive will be required for any amendments.

133. Payment of Invoices, VAT Payments, Salaries, Pensions and Allowances

- 133.1 Invoices for payment will be properly completed, certified and paid in accordance with procedures and guidance issued by the Corporate Director of Resources. The Corporate Director of Resources will make available up-to date guidance on the proper treatment and accounting for VAT which includes a timetable for preparation and submission of the claim that ensures VAT payments are fully and promptly recovered from HM Revenue and Customs. It is the duty of Chief Officers to comply with these procedures and time-scales and to notify the Corporate Director of Resources if there are or may be any problems.
- 133.2 The Corporate Director of Resources will make arrangements for payment of salaries, pensions and allowances and Chief Officers will provide any information that is required in carrying out this function.
- 133.3 It is the responsibility of Chief Officers to ensure that proper procedures in respect of financial transactions have been established within their Service Area and are operating effectively. The Officers' Scheme of Delegation should identify staff authorised to act on the Chief Officer's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of their authority.
- 133.4 The Corporate Director of Resources will maintain records of all persons authorised to initiate financial transactions on behalf of the authority.
- 133.5 It is the duty of Chief Officers to give required details for a new authorised person to the Corporate Director of Resources and to promptly notify any changes.

134. Collection of Income

- 134.1 Chief Officers will seek prompt collection of all monies due to the Council in accordance with arrangements approved by the Corporate Director of Resources and the Operational Director - Revenues, Benefits & Transactional Centre.

135. Review of Charges

- 135.1 Chief Officers will review charges for goods and services at least once a year in consultation with the Corporate Director of Resources and, except where authority has been delegated, will submit proposals to the Cabinet for approval, save that no approval will be required from Executive where charges are changed as the result of a budget proposal or changes are broadly in accordance with inflation as set out as part of the Council's annual budget process.

136. Custody of Assets

- 136.1 Chief Officers will be responsible for the safe custody of all assets under their control and will establish appropriate procedures for recording them including the value at which they are to be shown in the Council's accounting records.
- 136.2 Chief Officers will be authorised to dispose of surplus, damaged or scrap stocks, materials or equipment on the best possible terms provided the estimated realisable value exceeds £5,000 either quotations will be invited, or the Corporate Director of Resources will be consulted on an alternative method of disposal.

137. Write - Offs

- 137.1 The Executive is responsible for approving procedures for writing off losses.
- 137.2 Chief Officers may write off losses up to the value of £10,000 for any one item in respect of: -
- (i) losses arising when property of the Council is lost, stolen, damaged or destroyed and the loss is not recoverable from insurance or other sources;
 - (ii) losses upon disposal of stock at a price less than the book value at the time of disposal; and
 - (iii) money due to the Council which has become irrecoverable or is thought no longer cost effective to recover.
- Provided in each case that proper steps have been taken to mitigate the loss and to prevent a recurrence.
- 137.3 Chief Officers will keep records of all such write-offs in a form approved in advance by the Corporate Director of Resources.
- 137.4 Any write-offs exceeding £10,000 but not exceeding £50,000 must be approved in consultation with the Corporate Director of Resources and the Cabinet Member for Finance and Support Services and reported in the next monthly Budgetary Control Report following the

date of the transfer. Any write-offs exceeding £50,000 must be approved in advance by the Executive.

138. Banking and Cash Handling

- 138.1 The Corporate Director of Resources will be responsible for all arrangements relating to the operation of the Council's bank accounts.
- 138.2 Chief Officers will ensure that the collection and banking of monies is undertaken in accordance with any instructions issued by the Corporate Director of Resources and the Operational Director - Revenues, Benefits & Transactional Centre.
- 138.3 Petty Cash floats will be operated in accordance with instructions issued by the Corporate Director of Resources and the Operational Director - Revenues, Benefits & Transactional Centre.
- 138.4 Chief Officers must inform the Corporate Director of Resources when individual items of income amounting to £500,000 or more are expected to be received.

139. Risk Management and Insurance

- 139.1 The Corporate Director of Resources is responsible for preparing the Council's Risk Management Policy, promoting it throughout the Council and advising the Executive on appropriate insurance cover. The Executive is responsible for approving the Council's Risk Management policy. Chief Officers are responsible for promoting and implementing this policy.
- 139.2 Chief Officers will be responsible for identifying all risks within the Service Areas under their control and for developing and implementing appropriate strategies to manage and reduce the risks.
- 139.3 Chief Officers will notify the Corporate Director of Resources annually in accordance with the Risk Management Policy and any guidelines issued by him/her, of all specific risks and assets valued at over £50,000 indicating their cost or value, and of any material changes in these risks or assets as they arise so that the Corporate Director of Resources may make appropriate arrangements for insurance cover, payments and administration.
- 139.4 Chief Officers will notify the Corporate Director of Resources immediately of any event which may give rise to an insurance claim, and will provide estimates and any other information required for the settlement of the claim.
- 139.5 Chief Officers should notify the Corporate Director of Resources of any material acquisitions, enhancements, disposals or changes of use. If the financial impact is greater than £50,000 then such a transaction will be deemed to be material. An enhancement arises when there

has been further expenditure on an existing fixed asset, which does not simply constitute a repair or reinstatement, that adds to its value.

140. Treasury Management

- 140.1 The Council has adopted the CIPFA Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (the Code).
- 140.2 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:
- (i) A Treasury Management Policy Statement, stating the policies, objectives and approach to risk management of its treasury management activities;
 - (ii) Suitable treasury management practices setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- The content of the policy statement and treasury management practices will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the Council materially deviating from the Code's key principles.
- 140.3 The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in the treasury management practices.
- 140.4 The Council has delegated responsibility for the implementation and regular monitoring of its Treasury Management Policies to the Executive and implementation, amendment and monitoring of its Treasury Management Practices and the execution and administration of treasury management decisions to the Corporate Director of Resources and nominated staff, who will act in accordance with the Council's Treasury Management Policy Statement and Treasury Management practices and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
- 140.5 The Council nominates the Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.
- 140.6 The Corporate Director of Resources shall report to the Executive on its treasury management policies, practices and activities, including an annual report each financial year after its close, in the form prescribed in the Treasury Management Practices.

- 140.7 The Corporate Director of Resources shall present to the Executive, for consideration as part of the budget process, the Annual Treasury Management and Investment Strategy for recommendation to Council prior to the start of the financial year.
- 140.8 All money in the hands of the Council (except the externally held assets of the Pension Fund) is aggregated for the purposes of Treasury Management and is under the control of the Corporate Director of Resources, subject to the constraints of delegated powers given to schools.

141. Pension Fund

- 141.1 The Corporate Director of Resources has a duty to maintain and manage a Pension Fund in accordance with the Local Government Pension Scheme Regulations. He/she has powers to use and invest monies in accordance with these regulations and having regard to the advice of the Pension Fund Investment Panel.
- 141.2 The Corporate Director of Resources has a statutory duty to arrange for a triennial Actuarial Valuation; to obtain an Actuary Certificate and to send a copy to the Minister; and to supply a copy of the Pension Fund audited accounts to admitted employing authorities.
- 141.3 The Corporate Director of Resources has a duty to arrange and negotiate the tax affairs of the Pension Fund and where necessary taking appropriate action to promote and protect it.

142. Financial Irregularities

- 142.1 The Corporate Director of Resources is responsible for the development and maintenance of an Anti-Fraud and Anti-Corruption Policy. The Executive is responsible for approving it. Chief Officers are responsible for promoting and implementing the Anti-Corruption Policy.
- 142.2 The Corporate Director of Resources and the Operational Director-Assurance shall be notified immediately of any suspected irregularity relating to both private and Council funds, including cash, stores, property and any material weakness which has been identified in any system or control. In all cases involving a Council employee, the Head of Human Resources or other senior HR adviser should also be notified immediately.
- 142.3 The relevant Chief Officer, in consultation with the Corporate Director of Resources will take such action as he/she deems appropriate, and advise the Chief Executive accordingly.
- 142.4 The relevant Chief Officer shall inform the Chief Executive, Corporate Director of Resources and Operational Director- Assurance of any case reported to the Police. The Leader of the Council and relevant Cabinet Member(s) must be advised of the referral if the police decide

to investigate.

142.5 Any action taken will not override the Council's disciplinary procedures or the corporate Whistle blowing Scheme.

143. Private Funds

143.1 Private Funds shall mean those funds held in an official capacity by the Council or its officers such as trust funds, voluntary grant aided funds etc.

143.2 Where Private Funds exist in connection with Council activities, officers responsible for administering these funds will bring them to the attention of the Chief Officer concerned and the Corporate Director of Resources and, where one exists, the managing body.

143.3 Proper accounts, which should follow the guidance within the rest of these Financial Standing Orders, will be kept of such Private Funds, which will be audited in accordance with the requirements of the Fund concerned. All audit arrangements shall be approved by the Corporate Director of Resources. The Corporate Director of Resources will determine any additional guidelines or requirements that may be necessary.

144. Partnerships and External Funding

144.1 The Council provides a leadership role for the communities within the Borough and brings together the contributions of the various stakeholders. It also acts to achieve the promotion or improvement of the economic, social and environmental well-being of the Borough. The Council may also enter into shared service arrangements with other organisations.

144.2 The Executive is responsible for approving the frameworks when the Council enters partnerships arrangements and shared service agreements. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

144.3 A named person or persons will represent the authority on partnership and external bodies and when the authority enters into a shared service agreement. A named Officer should wherever possible be appointed to be the Lead Officer in relation to any partnership.

144.4 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to administration in partnerships that apply throughout the authority and shared service agreements. He/she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.

- 144.5 The Corporate Director of Resources must ensure that the accounting arrangements that are to be adopted relating to partnerships and joint ventures are satisfactory, and must ensure that the financial risks have been fully appraised before contracts and other relationships are entered into with external bodies and shared service agreements.
- 144.6 Chief Officers are responsible for ensuring that any negotiations are in accordance with the Contract Standing Orders in relation to contracts with external bodies.

APPENDIX 1**CODE OF CONDUCT IN MEETINGS**

1. This Code of Conduct governs the conduct of Councillors at all meetings of the Council, Cabinet and Committees and Sub-Committees. Councillors are required always to comply with the requirements of this Code of Conduct and with any rulings of the person presiding.
2. Councillors are expected to conduct themselves with decorum and maintain common courtesies and good manners both amongst themselves and when talking to officers and the public. This also applies in meetings of less formal groups and subsidiary bodies to which the remainder of these formal rules do not apply unless expressly adopted by that body.
3. Councillors must not talk audibly during meetings, except when called to speak, and no Councillor may pass between a speaker and the person presiding.
4. Whenever the person presiding rises during a meeting, any Councillor then standing shall sit down and the meeting must be silent.

Misconduct

5. If a Councillor fails to comply with any requirement of this Code:
 - (a) the person presiding may order them to end their speech;
 - (b) the person presiding or any other Councillor may move that the Councillor "be not further heard". If any such motion is seconded, it must be decided without debate. If carried, the named Councillor may not then speak further at that meeting;
 - (c) the person presiding may move that the Councillor "do leave or be removed from the meeting" for a specified period of time (which may extend to the rest of the meeting). Any such motion must be decided without seconding or debate. If carried, the named Councillor shall leave or the person presiding shall order their removal.
6. Where a motion under paragraph 5 above has been carried and the named Councillor continues to fail to comply with this Code of Conduct, the person presiding may suspend the meeting for such period as he/she considers appropriate.

Use of Modern Media Tools

7. Councillors will have regard to the Protocol on Conduct at Meetings and the Use of Modern Media Tools.

APPENDIX 2**RULES OF DEBATE****Speaking**

1. A Councillor will indicate their wish to speak by standing or raising their hand, but shall only speak when called by the person presiding. If more than one Councillor wishes to speak the person presiding will call on one and the others will sit down or remain seated.
2. In Council meetings, a Councillor shall stand when speaking (unless he/she is unable to do so). All other Councillors shall remain seated and not interrupt a speech unless they wish to make a point of order or move a procedural motion that may be put during a Councillor's speech. Whenever the person presiding stands, any Councillor speaking at the time must stop and sit down and the meeting must be silent.
3. Standing is only required at Council meetings.
4. Councillors shall address the person presiding when speaking, and shall not use unbecoming language, make comments of a personal nature about or attribute improper motives to another Councillor, or make any comment about a current investigation by the Standards (Hearings) Sub-Committee into the conduct of any one or more Councillors or former Councillors.
5. Speeches must be directed to the matter under discussion or to a point of order or personal explanation. The person presiding will check Councillors for irrelevance, tedious repetition or for failure to comply with these Rules of Debate.
6. In Council meetings, no Councillor may speak for more than five minutes without the consent of the Council, except in respect of Petitions for Debate where Members may speak for no more than three minutes.

Proposing and Seconding

7. No motion or amendment may be debated unless it has been proposed and (unless not required) seconded, except for business dealt with at the end of a meeting under Standing Order 24.1 or after a motion to adjourn the meeting has been carried. However, officer recommendations within an agenda report shall be deemed to have been proposed by the person presiding and no seconder is required.
8. The person presiding may ask the mover to put any motion or amendment in writing before it is further discussed or put to the meeting.
9. Where the motion is a procedural one (Standing Order 22), except for one to adjourn a meeting, it will be moved with a summary of the proposal and

its reasons of no more than half a minute in duration, and then formally seconded without a speech.

10. The seconder of any motion or amendment other than a procedural motion (Standing Order 22) may speak when seconding, or may reserve the right to speak later.

Amendments

11. An amendment to a motion may be moved at any time after the motion has been proposed and (if required) seconded. Only one amendment may be moved and (subject to paragraph 16) debated at a time, and no further amendment may be moved until the amendment under discussion is dealt with.
12. Amendments must be relevant to the motion (as altered by any amendment already carried) and will either:
 - (a) refer a matter to the Cabinet or a Committee for consideration;
 - (b) delete words or sentences;
 - (c) delete words or sentences and insert or add others, or
 - (d) insert or add words or sentences.
13. No amendment may negate the motion under discussion by turning support for a proposition into opposition or vice versa, or by deleting and replacing so much of the motion as to introduce a completely new proposal, or reverse any amendment to it that has already been carried.
14. If an amendment is carried, the motion as amended takes the place of the original motion and becomes the motion to which any further amendments may be moved. The person presiding will read out the amended motion before accepting any further amendments or, if there are none, putting the amended motion to the vote.
15. If an amendment is not carried, other amendments to the original motion may be moved.
16. The person presiding may decide to allow the debate on any motion to range across more than one tabled amendment at a time, where this would facilitate the progress of business.

Withdrawal or Alteration of Motions and Amendments

17. Once a motion or amendment has been moved, the proposer will require the consent of the meeting to withdraw or alter it. If withdrawn no Councillor may then speak further on it. There will be no debate on any proposal to withdraw any motion or amendment.

Debate

18. In Council meetings, a Councillor who has spoken on any motion may not speak again whilst it is being debated except:
 - (a) to speak once on any amendment moved by another Councillor;
 - (b) to move a new amendment if the motion has been amended since he/she last spoke;
 - (c) to speak on the original motion if the first speech was on an amendment moved by another Councillor (whether carried or not);
 - (d) to exercise a right of reply;
 - (e) to raise a point of order, or
 - (f) by way of personal explanation under paragraph 39.
19. All procedural motions (Standing Order 22), except for those to adjourn the meeting, will be put to a vote without debate.

Items called in to Council

20. When Council considers a called in item (Standing Order 54), a motion that the original decision will stand is deemed to have been proposed by the person presiding and no seconder is required.
21. The call in motion, which must be consistent with the Council's powers to deal with a called in matter set out in Standing Order 54.7, will then immediately be moved and seconded as an amendment to this motion or, alternatively, the members who called in the item may simply state without a speech that they do not intend to move such an amendment. In this case, no other amendment may be moved and the Mayor will put to the Council, without debate, the motion that the original decision stands.
22. If an amendment is moved, the normal rules of debate apply except that the Chair of Cabinet, the relevant Cabinet Member or the Chair of the relevant Committee will have the right of reply which will be exercised before the vote on the amendment.
23. Whether or not the amendment is carried, further amendments may be moved and the Chair of Cabinet, relevant Cabinet Member or the Chair of the relevant Committee has a right of reply on each amendment. If no amendment is carried, the original decision shall stand.

Procedural Motions that may be moved during a speech

24. The following are the only motions that may be moved at any time, including during a speech:
 - (a) to exclude the public;
 - (b) to extend the time limit for speeches or for questions;

- (c) that a named Councillor be not further heard or leave or be removed from the meeting (Code of Conduct, Appendix 1);

- (d) to admit or remove or exclude any person from the meeting.
25. Other procedural motions may be moved during debate on another motion or amendment, but only after a Councillor has finished speaking. A procedural motion to adjourn the debate, proceed to the next business or that the question be now put shall not be proposed in respect of the debate on any agenda item within 30 minutes of any previous such motion being rejected.

Motions to adjourn a debate

26. If a motion to adjourn the debate on an agenda item is carried, the debate shall be resumed as adjourned business at the next ordinary meeting of Council (or at the next meeting of Cabinet or Committee as applicable), or at the date and time specified in the motion. The meeting shall then proceed to the next business. On resumption of an adjourned debate, the Councillor who moved its adjournment shall be entitled to speak first.

Motions to adjourn a meeting

27. No Councillor may move or second more than one motion to adjourn a meeting at any one meeting, or move an adjournment motion within two hours of any previous adjournment motion without leave of the person presiding.
28. If any motion to adjourn a meeting is challenged, it may not be moved without the support of ten other Councillors, signified by them standing.
29. If the meeting is not an ordinary Council meeting, any motion to adjourn a meeting must specify the date to which the meeting shall be adjourned, otherwise it may, but need not, do so.
30. The Councillor moving a motion to adjourn a meeting may speak for no more than five minutes following which the motion must be formally seconded. The person presiding may then invite a Councillor to reply for no more than five minutes following which it will be put to the vote.
31. If the motion is carried, the person presiding will put to the meeting the remaining items on the agenda. Those that are unopposed will be carried and the meeting will then be adjourned either to the date specified in the motion or, if no date is specified, to the next ordinary meeting.
32. If any meeting is adjourned to a specified date, the subsequent meeting will be deemed to be a continuation of the original meeting. Notice of the new meeting will be sent to each Councillor specifying the remaining business to be transacted, and no business may be transacted that was not included in the original agenda.
33. If any meeting is adjourned without a date being specified, any business left unfinished will be transacted at the next ordinary meeting together with such other business as may be specified in the new agenda.

Motions to proceed to next business

34. If a motion to proceed to next business is carried, the original motion will be deemed to have been lost and the meeting shall proceed to the next business on the agenda.

Motion that the question be now put

35. If a motion that the question be now put is carried, the person with the right of reply to the original motion shall have the right to reply, and the original motion will then be put to the vote.

Right of Reply

36. The proposer of any business motion has a right of reply at the close of the debate, immediately before the motion (as altered by any carried amendments) is put to the vote.
37. The proposer of any amendment has no right of reply to the debate on his/her amendment.

Points of Order

38. A Councillor may raise a point of order at any time but should do so after a Councillor has finished speaking unless the matter is one that can only be dealt with immediately. The person presiding will hear all points of order immediately but may check a Councillor making frivolous points or who attempts to use a point of order to make a speech. A point of order may only relate to an alleged breach of Standing Orders or the law and the Councillor raising the point of order must indicate the relevant Standing Order or law and the way in which he/she considers it has been broken.

Personal Explanation

39. After any Councillor's speech, any other Councillor may ask to make a personal explanation. A personal explanation may only be used to refute or correct any statement made about the Councillor or his or her actions.

APPENDIX 3**BUDGET AND POLICY FRAMEWORK RULES****1. The Budget and Policy Framework**

- (a) The Council is responsible for agreeing the Budget and Policy Framework. The current policy framework is set out in the Glossary; the Council's budget is agreed annually. Once the Budget and Policy Framework has been agreed, the Executive is responsible for implementing it.
- (b) The Executive is also responsible for leading the development of the Policy Framework and putting forward proposals for the draft Budget for the Council to consider.

2. Approved Changes to the Budget and Policy Framework

- (a) The Executive shall have power to amend, modify, vary or revoke the Policy Framework within the year, without reference to Council in response to legislative changes.
- (b) Any such changes shall be reported to the Council.
- (c) The Executive shall have power to vary the budget in accordance with the Financial Standing Orders of the Council (Section 6 of Part 3).
- (d) Any other changes to the Policy and Budget framework are reserved to the Council.

3. Urgent decisions outside the Budget and Policy Framework

- (a) Provided Rule 14 (Urgency) of the Access to Information Rules is complied with, the Executive or a person or body exercising delegated executive powers may take a decision, which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4. Consulting on proposals

- (a) Other than in relation to changes approved under paragraph 2 above, the Leader will include in the forward plan a timetable for making proposals to the Council for:

- (i) the adoption / approval or amendment of any policy, plan, or strategy that forms or is likely to form part of the policy framework; or
 - (ii) the draft annual budget or amendments to the agreed budget; and
 - (iii) its arrangements for consultation on those proposals (see the Budget Process Consultation Protocol (Part 7, Other Documents)).
- (b) If a relevant Scrutiny or other Committee wishes to respond to the Executive in that consultation process then it may do so.

5. Executive reports to Council

- (a) Once the consultation process has ended, the Executive will draw up proposals for submission to the Council.
- (b) The Executive will take any response from relevant Committees into account in drawing up its proposals for submission to the Council.

6. Council Consideration of Executive Proposals in Respect of the Budget and Policy Framework

- (a) Where the Executive submit the draft annual budget or any draft plan or strategy which will form part of the policy framework (including any plan or strategy for the control of the Council's borrowing or capital expenditure) and the Council has any objections to it, then, unless it adopts the Executive's recommendation without amendment, it must do the following:
 - (i) inform the Leader of any objections which it has to the draft budget, plan or strategy;
 - (ii) set out the modifications it proposes to make to the draft budget, plan or strategy;
 - (iii) give the Leader instructions requiring the Executive to reconsider the draft budget, plan or strategy in the light of the Council's objections, within 5 working days.
- (b) When the Council gives instructions to the Executive to reconsider any draft budget, plan or strategy, the Leader may, within five working days, either:
 - (i) submit a revision of the draft budget plan or strategy together with the Executive's reasons for any amendments;
 - (ii) inform Council of any disagreement that the Executive has with any of the Council's objections and the reasons for any such disagreement; or
 - (iii) inform Council that the modifications proposed by it are accepted.

- (c) If the Leader informs Council that the proposed modifications are agreed, the amended budget, plan or strategy will immediately be adopted or approved.
- (d) If the Leader neither submits a revised budget, plan or strategy nor informs Council of any disagreements within 5 working days, the proposed modifications will take effect and the amended budget, plan or strategy will be adopted or approved.
- (e) If the Leader either submits a revised budget, plan or strategy or informs the Council of any disagreements within 5 working days, he or she will notify the Chief Executive who will, within 5 working days call a Council meeting, to take place within 10 working days thereafter, to consider the matter again, taking into account any amendments to the draft budget, plan or strategy and the Executive's reasons for those amendments or any disagreements that the Executive has with the Council's objections and the reasons for those disagreements.
- (f) At such a meeting, the Council may adopt or approve the budget, plan or strategy in any form and its decision will take effect immediately.
- (g) The procedure set out above does not apply to any proposals made by the Executive in connection with the calculation of the budget and the council tax for any financial year where they are considered by Council on or after 8 February of the preceding financial year.

APPENDIX 4**ACCESS TO INFORMATION RULES****1. Scope**

- 1.1 Except where stated, these rules apply to all meetings of the Council, its Committees or Sub-Committees and meetings of the Cabinet, its Committees or Sub-Committees (together called meetings).
- 1.2 For the purposes of these rules a meeting is in private if it is either an entirely private meeting where all the business would be either confidential or exempt, or it is a public meeting which at any stage goes into private session.

2. Additional rights to information

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

3. Rights to attend meetings

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.
- 3.2 While a meeting is open to the public, any person attending for the purposes of reporting the proceedings, so far as is practicable, will be afforded reasonable facilities for making their report. The use of equipment for broadcasting or recording proceedings will be in accordance with Standing Order 68.

4. Notices of meetings

- 4.1 For meetings to be held in public the Operational Director - Assurance will give at least five clear working days' notice by posting details of the meeting at the Town Hall, Ilford, which is the designated office. Notice will also be published on the Council's website. Where a meeting is convened at shorter notice, these notices will be given at the time that the meeting is convened.

5. Access to Agenda and Reports before the meeting

- 5.1 The Operational Director - Assurance will make copies of the agenda and accompanying reports available for inspection by the public at the office of the local authority (Town Hall, Ilford) at least five clear working days before the meeting. These will also be published on the Council's website.
- 5.2 Where a report is not included with the Agenda, the Operational Director - Assurance shall make each such report available to the

public for inspection as soon as the report is completed and sent to Members.

- 5.3 Nothing in this rule requires the disclosure of any report containing confidential or exempt information as defined in the glossary to the Constitution.

6. Supply of copies

- 6.1 Except during any part of a public meeting when the public are excluded, the Operational Director - Assurance will make available for the use of members of the public present at the meeting, a reasonable number of copies of the agenda and public reports for the meeting.

- 6.2 The Operational Director - Assurance shall, following any request by a member of the public or on behalf of a newspaper also supply:-

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Operational Director - Assurance thinks fit, copies of any other documents supplied to Members in connection with an agenda item;

on payment of a charge for postage, copying and/or any other reasonable transmission costs.

- 6.3 Any agendas and reports to be supplied pursuant to paragraphs 6.1 and 6.2 above shall be made available in electronic form via the Council's website as soon as practicably possible.

7. Access to Minutes etc. after the meeting

- 7.1 The Operational Director - Assurance will make available copies of the following for public inspection for six years after the date of the meeting:

- (a) The minutes of the meeting or records of decisions taken, together with reasons, for all meetings excluding any part of the minutes or record when the meeting was in private because confidential or exempt information was disclosed or discussed.
- (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 reports relating to items considered when the meeting was open to the public.

8. Background Papers

8.1 List of background papers

The report writer shall ensure that every report includes a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion;

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report, except published works or those which would disclose confidential or exempt information as defined in the glossary to the Constitution.

8.2 Public Inspection of background papers

The Operational Director - Assurance will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Exclusion of access by the public to meetings

9.1 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.

9.2 Exempt information - discretion to exclude public

The public may be excluded by a resolution passed at the meeting in question from any meeting 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 otherwise be disclosed to the public. A resolution must identify the proceedings or part of the proceedings to which it applies and state, by reference to the descriptions in Schedule 12A of the Local Government Act 1972, the description of exempt information giving rise to the exclusion.

10. Exclusion of access by the public to reports

10.1 If the Operational Director - Assurance thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during the consideration of which, in accordance with Rule 9, the meeting is likely to be in private.

10.2 Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

SPECIAL RULES APPLICABLE TO THE EXECUTIVE AND KEY DECISIONS

11. Meetings

11.1 This rule and rules 12 to 17 inclusive only apply to the making of executive decisions and the meetings at which those decisions are made.

11.2 Any meeting at which an executive decision is to be taken must meet in public, subject to the rules on confidential or exempt information.

11.3 Where it is intended that any meeting will be held in private the following rules apply:

11.3.1 Unless it is impracticable to do so, at least 28 clear days before the meeting the Operational Director - Assurance must:

- (a) make available at the Town Hall a notice of the intention to hold the meeting in private, including a statement of the reasons for the relevant part of the meeting being held in private; and
- (b) publish that notice on the Council's website.

11.3.2 At least five clear working days before the meeting, the Operational Director - Assurance must then make available a further notice at the Town Hall of its intention to hold the meeting in private, including the reasons for doing so. This notice must also include details of any representations received about why the meeting should be held in public, and a statement of the response to any such representations. This notice must also be published on the Council's website.

11.3.3 Where the date by which a meeting must be held makes compliance with the 28 clear day notice period impracticable, the meeting may only be held in private with the agreement of the chair of the relevant scrutiny committee, or, if there is no such person or if the chair of the relevant scrutiny committee is unable to act, the Mayor, or if there is no Mayor the Deputy Mayor, that the meeting is urgent and cannot reasonably be deferred. As soon as reasonably practicable after this agreement has been obtained the Operational Director - Assurance must make available a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred, and publish that notice on the Council's website.

12. Procedure Before Taking Key Decisions

12.1 Subject to Rule 13 (general exception) and Rule 14 (urgency), a Key Decision may not be taken by any person or body (including Officers) unless at least 28 clear days before the decision is made a document is made available for inspection by the public at the Town Hall and on the Council's website which states:

- (a) that a key decision is to be made;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

12.2 Rule 12.1 does not require the disclosure of any information which is confidential or exempt.

13. General exception

13.1 Where a proposed decision which is likely to be a Key Decision has not been published in accordance with rule 12 above, the decision may still be taken if the following conditions are met:-

- (a) it is impracticable to defer the decision until Rule 12 can be complied with; and
- (b) the Operational Director - Assurance has given written notice to the Chair of Overview and Scrutiny Committee, or, if there is no such person, each member of Overview and Scrutiny Committee, of the matter about which the decision is to be made;
- (c) the Operational Director - Assurance has made copies of that notice available to the public at the Town Hall and published it on the Council's website; and
- (d) at least 5 clear working days have elapsed since the Operational Director - Assurance complied with (b) and (c).

13.2 As soon as reasonably practicable after the Operational Director - Assurance has complied with rule 13.1, a notice setting out the reasons why compliance with rule 12 was impracticable must be made available at the Town Hall and published on the Council's website.

14. Urgency

- 14.1 Where the date by which a key decision must be made makes compliance with rules 12 and 13 impracticable the decision can only be taken if the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the relevant Scrutiny Committee, or if there is no such person or the Chair is unable to act, the agreement of the Mayor or, if there is no Mayor, the Deputy Mayor that the proposed decision is urgent and cannot reasonably be deferred.
- 14.2 As soon as reasonably practicable after the decision maker or Chair has obtained the agreement required in rule 14.1, the Operational Director - Assurance must make a notice available at the Town Hall and on the Council's website setting out the reasons why the decision is urgent and cannot reasonably be deferred.

15. Recording of Executive Decisions made at meetings

- 15.1 As soon as reasonably practicable after any meeting at which an executive decision was made, the Operational Director - Assurance will ensure that a written statement is produced for every executive decision made which shall include the following:
- (a) a record of the decision, including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
 - (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
 - (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Chief Executive.

16. Recording of Executive Decisions made by individuals

- 16.1 As soon as reasonably practicable after an individual Member or Officer has made an executive decision, the decision-maker must instruct the Operational Director - Assurance to produce a written statement of that executive decision which includes the following information:
- (a) a record of the decision, including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected by the decision-maker when the decision was made;

- (d) a record of any conflict of interest declared by any Cabinet Member who is consulted on the decision, which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Chief Executive.

17. Inspection and Supply of Documents following Executive Decisions

- 17.1 After a meeting of a decision-making body at which an executive decision has been made, or after an individual member or an officer has made an executive decision, the Operational Director - Assurance will make available copies of any records or reports prepared or considered in accordance with rules 15 or 16 for inspection by members of the public at the Town Hall and on the Council's website. Such documents will be made available for inspection by the public for a period of at least 10 years.
- 17.2 The Operational Director - Assurance shall, after any request made on behalf of a newspaper, supply copies of any documents available for inspection under rule 15.1 on payment of a charge for postage, copying and/or any other reasonable transmission costs.

ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF THE COUNCIL

18. Additional Rights of Access to documents for Scrutiny Committee Members

18.1 Rights to copies

A member of a Scrutiny Committee is entitled to a copy of any document which is in the possession or control of the Executive and which contains material relating to: -

- (a) any business that has been transacted at a meeting of a body of the Council exercising executive functions ;
- (b) any decision made by an individual Cabinet Member; or
- (c) any executive decision that has been made by an Officer.

18.2 Where a Scrutiny Committee member requests a document which falls within rule 18.1, the Executive or decision-maker must provide that document as soon as reasonably practicable, and in any case no later than 10 clear working days after the request is received.

18.3 Where the Monitoring Officer determines that a Scrutiny Committee Member is not entitled to a document or part of any such document, he or she must provide the member with a written statement setting out the reasons for that decision.

18.4 Limit on rights

A member of a Scrutiny Committee is not entitled to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he/she is reviewing or scrutinising or is relevant to any review contained in any programme of work of the relevant Scrutiny Committee or any sub-committee of it.
- (b) any document or part of a document containing advice provided by a political adviser or Operational.

19. Additional rights of access for all Members

19.1 Rights to inspect documents

All Members are entitled to inspect any document which is in the possession or under the control of the Executive and which contains material relating to any business to be transacted at a public meeting. Any such document must be available for inspection for at least five clear working days before the meeting. However, if the meeting is convened at shorter notice it must be available for inspection when the meeting is convened and if the document relates to an item which is added to the agenda at shorter notice it must be available for inspection when the item is added to the agenda.

19.2 In addition, Members are entitled to inspect any document in the possession or control of the Executive which contains material relating to:

- (a) any business transacted at a private meeting;
- (b) any decision made by an individual Cabinet Member; or
- (c) any executive decision made by an Officer

within 24 hours of the conclusion of the meeting, or the decision being made.

19.3 Limit on Rights

The right to inspect documents contained in rules 19.1 and 19.2 does not include a right to inspect:

- (a) any document which in the opinion of the Operational Director - Assurance discloses exempt information; or
- (b) any document or part of a document containing advice provided by a political advisor or Operational.

However, exempt information which falls within paragraph 3 or 6 of Schedule 12A of the Local Government Act 1972 is not excluded from

the right to inspect except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract.

19.4 Copies of Documents

Subject to paragraph 19.3 above, Members are entitled on request to be provided with copies of documents which they are entitled to inspect pursuant to paragraphs 5, 7, 8, 12, 17, 19.1 and 19.2 and above unless the format of the documents in question makes this

- (i) impossible; or
- (ii) impractical other than at significant and wholly disproportionate expense.

20. Reports to Council

20.1 Where an Executive decision has been made and: -

- (a) was not treated as a Key Decision; and
- (b) the relevant Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision;

that Scrutiny Committee may require the Executive to submit a report to the Council within such reasonable period as the Committee may specify. The report to Council will include details of the decision and the reasons for the decision, details of the decision-maker and, if the Executive is of the opinion that the decision was not a Key Decision, the reason for that opinion.

20.2 Reports by Leader on urgent decisions

The Leader will prepare a report to each Ordinary Council meeting containing details of each executive decision taken during the period since the last report was submitted where the making of the decision was agreed as urgent in accordance with rule 14 (urgency). This report must include particulars of each decision made and a summary of the matters in respect of which each decision was made.

21. Disputes

Any disputes relating to the rights of access of any person under these rules or any statutory provision or common law rights shall be referred to the Monitoring Officer of the Council.

PETITION SCHEME

1. Introduction

Redbridge Council recognises that petitions are a useful way for people to let us know issues or concerns and allow elected Councillors to consider the need for change. We want to make sure that local people have an opportunity to express their views and the Petition Scheme is one of several ways you can have your say. This Petition Scheme sets out how you can submit a petition and what action the Council will take upon receiving it.

2. Our petitions pledge

Firstly we'd like to pledge our commitment in making the Petitions Scheme a meaningful opportunity to voice your opinion. The Council will:

- Consider and respond to every petition submitted
- Provide a formal response and explanation of the actions, if any, it proposes to take as a result of the petition
- Protect the privacy and personal details of every signatory and the petition organiser

3. First steps

Anyone who lives, works or studies in Redbridge can organise or sign a petition to be submitted to the Council. Under 18s can also sign and submit petitions.

3.1 What is a petition?

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people.

3.2 What should a petition contain?

A petition should include:

- 3.2.1 A clear statement of your concerns and what you want the authority to do. This must relate to something which is the responsibility of the Council, or which relates to any improvement in the economic, social or environmental well-being of the Borough to which any of the Council's partners can contribute. Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition does not relate to any of the matters set out above we will return the petition to the petition organiser with an explanation for that decision.

3.2.2 The name and contact details of the "petition-organiser" or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an Email address.

3.2.3 The names of the petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but an actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which may be useful to the authority, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential. If you want your petition to be debated at a meeting of the Council ("A Petition for Debate") or at a public meeting of an Overview and Scrutiny Committee at which a specific officer will be required to report ("A Petition to hold an Officer to Account"), your petition will need to contain a higher number of signatories or petitioners (see below);

3.2.4 If you are submitting the petition in response to our consultation on a specific matter, please identify the matter that it relates to, so that we can ensure that your petition is considered along with original matter.

3.2.5 Petitions that are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a submitted petition refers to the subject of ongoing legal proceedings or targets individual members of the community it will be considered to be inappropriate. A petition will generally not be accepted within 6 months of the Council considering a petition on the same subject. We will reject any petition that obviously relates to a party political matter. In the six weeks before an election or referendum we may need to deal with your petition differently - if this is the case we will explain the reasons and discuss the changes which will apply with the petition organiser. If your petition is rejected, we will write to you to explain why.

3.3 Who should you send a petition to?

Where you submit a petition in response to consultation by the authority, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

We have appointed a Petitions Officer, who is responsible for receiving, managing and reporting all other petitions sent to the authority. Please address petitions to -

The Petitions Officer
London Borough of Redbridge
PO Box 2, Ilford, Essex, IG1 1 DD

Or to [Petitions@redbridge.gov.uk]

The Petitions Officer will ensure that your petition is acknowledged to the petition organiser and entered on the authority's petitions website

(www.redbridge.gov.uk) and that the website is regularly up-dated with information on the progress of your petition. The Petitions Officer can also provide you with advice about how to petition the authority or the progress of your petition, at either of the above addresses or by telephone at 0208 708 2159.

3.4 [-petitions:

3.4.1 E-petitions can be created and submitted through the Council's e-petition link, which is at this address www.redbridge.gov.uk. This scheme applies to e-petitions in the same way as it applies to paper petitions. The petition organiser must provide:

- his/her name, postal address and e-mail address
- a time frame for how long the e-petition should be open for signatures. Most petitions run for 6 months but the organiser can choose a longer or shorter time frame, up to a maximum of 12 months.

3.4.2 It is possible to run an e-petition at the same time as a paper petition. The petition organiser should inform the Council that a paper petition is also being undertaken when submitting their e-petition. As with paper petitions, the responsibility for publicising an e-petition lies with the petition organiser.

3.4.3 Once an e-petition has been created it will be published online within 5 working days. The Council will check that the content is suitable before it is made available for signatures. If we feel that we cannot publish a petition, the petition organiser will be contacted and the reasons explained. The organiser will then have the opportunity to change and resubmit the petition. If this is not done within 14 days, a summary of the petition and the reason why it has not been accepted will be published on the Council website.

3.4.4 When an e-petition has closed for signature, it will automatically be submitted to an officer to take forward. In the same way as a paper petition, the petition organiser will receive an acknowledgement within 14 days.

3.4.5 A petition acknowledgement and response will be e-mailed to all signatories of the e-petition who have requested to receive this information. The acknowledgement and response will also be published on the website.

3.4.6 To 'sign' an e-petition, signatories will be asked to provide their name, postcode and e-mail address. When this information is submitted, an email will be generated to the e-mail address provided. This will include a link that must be clicked on in order to confirm that the e-mail address is valid. Once this step is complete, the 'signature' will be added to the petition. People visiting the e-petition will be able to see the names of those who have signed it but not any contact details.

3.5 The Subject Matter of a Petition

The way in which a petition is dealt with will depend partly on what it is about. There are three different types of subject matter, which are set out below.

3.5.1 Ordinary Petitions

These are petitions that do not come within either of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be considered by the Monitoring Officer as the proper officer nominated to deal with allegations of misconduct by councillors, rather than considered under this Petitions Scheme.

3.5.2 Licensing or Planning Petitions

These are petitions that relate to applications for licences or planning permission, reviews of such licences, enforcement action, the adoption of development plan documents and related matters. These petitions will, where appropriate, be reported to a public meeting of the body which will be taking the decision, or otherwise to the relevant senior officer.

3.5.3 Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements. Also, there are a number of cases in which an individual has a statutory right to a review or an appeal against a decision of the Council. Any petition dealing with a matter in respect of which there is such a right will be referred to the relevant review or appeal body.

3.6 Special Types of Ordinary Petition

There are two special types of ordinary petition. These are as follows:

3.6.1 Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,500 signatories or petitioners.

3.6.2 Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of an Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 1,250 signatories or petitioners. The authority has determined that such petitions must relate to a Senior Officer of the Council.

The current post titles of the Senior Officers are as follows: **Chief**

Executive

Corporate Director of People

Operational Director, Children & Families
Operational Director, Educational & Inclusion
Director of Public Health
Operational Director, Adult Social Services

Corporate Director of Place

Operational Director, Regeneration & Property
Operational Director, Housing
Operational Director, Civic Pride

Corporate Director of Resources

Operational Director - Finance, Business Support & Enablement
Operational Director - Assurance
Operational Director - Revenues, Benefits & Transactional Centre

Director of Strategy

Head of Strategy & Performance
Head of Transformation
Head of Commercial
Head of Marketing and Communications

In order for such a petition to be treated in this way, the petition organiser must state clearly the reasons for requiring the officer to give evidence. These reasons must relate to the officer's job and not to their personal circumstances or character. Please be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of the senior officer named in the petition.

4. The Petitions Website

- 4.1 The authority maintains a petitions website at www.redbridge.gov.uk.
- 4.2 When a petition is received, within 5 working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.
- 4.3 As soon as it is decided who the petition will be considered by within the authority, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the authority's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

4.4 Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key-words to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

5. What happens when a petition is received?

Whenever a petition is received -

5.1 Within 7 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

5.2 The Petitions Officer is responsible for determining whether the petition is one which meets the criteria set out in paragraph 3.2 (e.g. whether it relates to any of the specified matters and whether it is vexatious, abusive or inappropriate) and within which of the categories set out in paragraph 3.5 it falls. This officer is also responsible for determining whether the special criteria applying to petitions for debate or petitions to hold an officer to account apply.

5.3 The Petitions Officer will within 14 working days of receipt of the petition provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration (see below at paragraph 8).

5.4 Whilst we are committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before any meeting of a relevant decision making body if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary for the Petitions Officer to decide that the petition will be held over until the following meeting of the relevant body.

5.5 Within 5 working days of receipt of a petition, the Petitions Officer will open a new public file for the petition on the authority's petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

5.6 At each stage of the consideration of the petition, within 5 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

5.7 The process after this stage differs for the various types of petitions - see below.

6. What happens to a Licensing or Planning Petition?

- 6.1 Licensing or planning petitions relate to applications for a licence or planning permission, applications to review or revoke licences, enforcement activity, and the adoption of development plan documents.
- 6.2 Where the matter to which the petition relates will be determined by a Council body, such as a Licensing Committee or Sub-Committee, the petition will be reported to that body at the meeting when the matter will be determined. In other cases the petition will be referred to the relevant Senior Officer of the Council, who will inform the petition organiser of what steps, if any, have been taken in response to the petition. The Council's Constitution defines who will take different types of decision, as set out in the terms of Reference of Committees and Sub-Committees and the Scheme of Delegations.

7. What happens to a Statutory Petition?

- 7.1 Particular Acts of Parliament require the Council to consider petitions, for example a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements. Where the petition relates to a matter in respect of which a person has a statutory right of review or appeal, it will be reported to the relevant review or appeal body.

8. What happens to an Ordinary Petition?

The following applies to ordinary petitions which do not qualify as petitions for debate or petitions to call an officer to account.

- 8.1 After a valid petition has been received and acknowledged, it will be referred to the most appropriate Senior Officer, who will decide what steps to take.
- 8.2 If it is possible for the Council to do what the petition asks for, the relevant officer may confirm that we have taken the action requested and the petition will be closed.
- 8.3 Otherwise our response to the petition will depend on what it asks for and how many people have signed it but may include one or more of the following:
- Considering the petition at a meeting, including a meeting of full Council, Cabinet, a committee or a meeting where a Senior Officer gives evidence
 - Holding an inquiry into the matter
 - Undertaking research
 - Holding a public meeting
 - Holding a consultation
 - Holding a meeting with petitioners

- Referring the petition for consideration by a Scrutiny Committee
- Writing to the petition organiser setting out our views about the request in the petition.

- 8.4 All accepted petitions will be considered and the conclusions and any resulting actions will be published on the Council website. This may include 'no action' for reasons provided.
- 8.5 Within 5 working days of the consideration of the petition, the Petitions Officer will notify the petition organiser of the authority's decision in respect of it and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.
- 8.6 At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.
- 8.7 A report will be submitted to the Overview and Scrutiny Committee each quarter advising on the action taken in response to each petition received in accordance with the Petition Scheme.

9. Petitions for Debate

- 9.1 Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition.
- 9.2 The petition organiser will be given up to five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will then decide how to respond to the petition. If full Council has the power to do so it may decide to take the action requested in the petition, not to take the action for reasons considered during the debate, or to commission further work. If, on the other hand, only the Council's Executive may take the action requested it may refer the matter to the Executive for consideration with or without a recommendation. The petition organiser will receive written confirmation of the decision, which will also be published on our website.
- 9.3 If, before a petition for debate has been considered by full Council, the Council takes the action requested we will write to the petition organiser and ask him/her if s/he still wishes the matter to be debated or if s/he wishes to withdraw it. If the petition organiser withdraws the petition no further action will be taken. The result of the petition will still be published on the Council's website.

10. What happens to a Petition to Hold an Officer to Account?

- 10.1 Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.

- 10.2 In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chair of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.
- 10.3 At the meeting, the Chair will invite the petition organiser to address the Committee for a maximum of 5 minutes on the issue, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chair may invite the petition organiser to suggest questions for him/her to put to the officer.
- 10.4 The Scrutiny Committee may decide that a report or recommendations should be submitted to the Council's Executive or full Council after the meeting. This will be made available on the Council's website.

11. Appeal to an Overview Committee

- 11.1 If the petition organiser is not satisfied with the outcome of the Council's consideration of his/her petition, he/she may appeal to the Overview Committee by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition. (This only applies to valid petitions which meet the criteria set out in paragraph 3.2).
- 11.2 Within 5 working days of receipt of intention to appeal, the Petitions Officer will notify the petition organiser of the time, date and place of the next convenient meeting of the Overview Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to 5 minutes on why he considers that the authority's decision on the petition is inadequate.
- 11.3 At that meeting, the Committee will invite the petition organiser to make their representations and to explain why s/he considers that the authority's response was insufficient. Should the Committee decide that the Council has not dealt with the petition adequately, it may:
- Set up a working group to review the handling of the petition.
 - Making recommendations to the Cabinet.
 - Arranging for the matter to be considered at a meeting of full Council.
 - Asking a Scrutiny Committee to be involved in the review.

APPENDIX 6

PROCESS FOR ELECTING MAYOR

(a) Nominations

- (i) No Member may nominate more than one candidate.
- (ii) There is no specific selection/qualification criteria but it is expected that the candidate will have a good knowledge of Council procedures and will have served a full term (four years) on the Council.
- (iii) Candidates for Mayor to be nominated on an Official Notification Form, which must be signed by at least three Members, together with an endorsement signed by the Member nominated that he/she is prepared to stand for the office of Mayor.
- (iv) Blank Official Nomination Forms will be sent to all Members of the Council.
- (v) All Members to be advised that, should they wish to nominate a candidate for Mayor, they must submit an Official Nomination Form signed by at least three Members to the Chief Executive (or his/her nominated Officer, hereinafter referred to as the "Presiding Officer") by the prescribed date.
- (vi) Chief Executive (or the Presiding Officer) to confirm eligibility of nominations received and then advise all Members of the names of the candidates and the arrangements for holding the secret ballot on the prescribed date.

(b) Ballot

- (i) The ballot will take place in a committee room between 6.00pm – 7.00pm on the night of the Ordinary Council meeting in January. Members must vote in person; postal voting or voting by proxy will not be permitted.
- (ii) Members on entry to the designated committee room will have their names recorded on a register as having received a ballot paper and will receive from the Presiding Officer an Official Ballot Form, which will be marked with an official stamp. The Official Ballot Form will list the candidates and Members will be able to vote for one of them or mark a box indicating that they do not vote for any of the candidates.
- (iii) Members will make their vote on the Official Ballot Form and place the form in the ballot box provided. Once a Member has received a Ballot Form he/she may not leave the room prior to their placing the Ballot Form in the ballot box.

(c) Counting of Votes

(i)

(ii) At 7.00pm, the ballot will close and the Presiding Officer will immediately count the votes cast and advise the Chief Executive of the number of votes cast for each candidate and the number not voting for any candidate.

(iii) A candidate who has received an overall majority of those votes that were cast in favour of a candidate appearing on the ballot form will be deemed to be the Mayor-Elect (forms that did not cast a vote for any of the candidates are not considered for the purpose of this calculation). The Chief Executive will advise the Mayor of the outcome immediately prior to the Council meeting and the result will be declared as part of the Mayor's Announcements at the beginning of the Council meeting.

(iv) Should no candidate receive a majority of the votes cast, then the candidate with the fewest votes will be removed and a second ballot held during the break in the Full Council meeting. The arrangements for voting will be the same as for the first ballot and the result will be declared by the Mayor when the Council meeting reconvenes.

(NOTE: The above process envisages a maximum of two ballots being enough to secure an overall majority for one candidate. Should there be more than three candidates, this arrangement would need to be refined to ensure that the number of potential ballots can be fitted into the requirements of a Council meeting.)

(d) Mayor-Elect

The Member who receives a majority of the votes cast in the secret ballot will be known as the Mayor-Elect and day to day arrangements (e.g. preparation for the Annual Council Reception) may be made on the basis that the Mayor-Elect will be elected Mayor at the Council meeting, but without prejudice to the decision of Annual Council.

(e) Annual Council – Election of Mayor

The Council at its annual meeting will elect the Mayor for the following municipal year. The outcome of the secret ballot is not binding on the Council in making the formal decision to elect the Mayor at the annual meeting.

(f) Selection of Mayor in Year of Borough Election

Should the Member deemed Mayor-Elect not be re-elected as a Member at the Borough Election, the arrangements for selecting a replacement Mayor-Elect prior to the commencement of the Annual Meeting next following the

Borough Elections will be a matter for agreement between the Leaders of the Council's relevant Groups.

Public Participation at Council, Cabinet and Committee meetings.

1. Introduction

- 1.1 The Council welcomes public participation from members of the public at Council, Cabinet and Committee meetings.
- 1.2 The Council's Constitution sets out rules to ensure that speaking at meetings is easily accessible and fair to participants, whilst ensuring that the contributions that speakers wish to make are suitable for meetings held in public. These rules include ensuring that questions:
 - do not include lengthy introductions or accompanying statements, as there is limited time available on each agenda. All Questions submitted for full Council must be limited to questions only and a word limit of 100 words will be enforced. Statements or lengthy introductions will not be permitted at meetings of Council.
 - do not relate to a specific person.
 - MUST be the same as the question submitted to and approved by Officers. Any requested deviations from the pre-submitted question must be submitted in advance of the meeting and may only be asked if approved in advance of the meeting.
 - are not a repetition of questions already asked and answered in the last six months. If an issue has already been raised in the last six months, it will not be accepted. Instead, a link to the recording where the previous question was asked and answered will be sent to the person making the enquiry or a written response will be sent.
- 1.3 We will ensure that the public participation rules are communicated properly to anyone requesting to speak at a Council, Cabinet or Committee meeting. Where participation at a public meeting is not appropriate, we will provide the public with responses to their queries in writing o.
- 1.4 All registered speakers must be able to attend the Council, Cabinet or Committee meeting in person to present their question. Registered speakers may not pass their question to unregistered persons.

2. Disruptive Behaviour

- 2.1 Occasionally speakers will attempt to use public participation at meetings to pursue complaints, make defamatory comments, or to raise matters that are not within the public participation rules.
- 2.2 We will take action to prevent misuse of public participation at meetings. If a speaker behaves in a way that is unreasonably disruptive or vexatious and disregards the Council's Constitution, we will follow this policy.

- 2.3 In the first instance, the Democratic Services Officer or Scrutiny Officer present at a meeting where there has been an abuse of public participation rules will notify the Head of Democratic & Electoral Services and the Operational Director of Assurance.
- 2.4 The Head of Democratic & Electoral Services will, in consultation with the Operational Director of Assurance, issue a warning to the speaker in writing or by email to explain why the behaviour has caused concern and ask them to change this behaviour. The Head of Democratic & Electoral Services will explain the actions that the council may take if the behaviour does not change.
- 2.5 If the disruptive behaviour continues, the Operational Director of Assurance will issue a letter or email to the speaker advising them that the way in which they will be allowed to participate at Council, Cabinet and Committee meetings in future will be restricted. The Operational Director of Assurance will inform the speaker in writing of what procedures have been put in place and for what period.
- 2.6 Any restriction that is imposed on the speaker's participation in meetings will be appropriate and proportionate and the speaker will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.
- 2.7 Restrictions will be tailored to deal with the individual circumstances of the speaker and may include the speaker having appropriate pre-submitted questions or statements read out on their behalf.

When the decision has been taken to apply this policy to a speaker, the Operational Director of Assurance will contact the speaker in writing to explain:

- Why the council has taken the decision
- What action the council is taking
- The duration of that action
- The review process of this policy
- The right of the speaker to contact the Local Government Ombudsman

Support for members of the public

A copy of this policy will be included with the letter or email to the speaker.

Where a speaker continues to behave in a way which is unacceptable, the Operational Director of Assurance may decide to refuse the speaker any participation at meetings. In such cases, the council will give the speaker pre-warning of that action.

We understand that speakers may feel strongly about a particular issue and may not be fully familiar with the Council's rules and procedures. We will ensure that Chairs are fully trained on how to handle public participation and will always try to deal with members of the public compassionately.

3. New request to speak after a period of restriction has ended

- 3.1 New public participation requests from speakers who have come under this policy will be treated on their merits. The Head of Democratic & Electoral Services will decide whether any restrictions which have been applied before are still appropriate and necessary.
- 3.2 The fact that a speaker is judged to be unreasonably disruptive or vexatious, and any restrictions imposed on permitting the speaker to participate at meetings will be recorded and notified to those who need to know within the council.

4. Record keeping

- 4.1 Adequate records will be retained by the Head of Democratic & Electoral Services of the details of the case and the action that has been taken. In addition a central record will be maintained by the Customer Service Centre setting out:
 - The name and address of each speaker who is treated as vexatious or disruptive;
 - When the restriction comes into force and ends; and
 - What the restrictions are.

SECTION 1 - MEMBERS' CODE OF CONDUCT**London Borough of Redbridge****Members' Code of Conduct 2022****Contents**

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Definitions

For the purposes of this Code of Conduct, a "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".

General principles of Councillor conduct

Serving the public as a Councillor is both a privilege and responsible role, the democratic mandate obtained direct from the electorate gives Councillors the mandate to champion the interests of the public to ensure the Council remains responsive to the needs of local communities. This privilege also carries responsibilities to maintain public confidence and trust in our elected representatives and uphold the reputation of the Council.

Redbridge Council has a long and proud history of Councillors working diligently to serve the best interests of residents. We are required by law to have a code of conduct for Councillors which ensures the high standards of conduct are always maintained. Councillors are the 'shop window' for the Council and their actions maintain confidence and trust in the organisation.; 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 will not enter into any contract on behalf of the Council or purport to bind the Council, except with the prior authority of Full Council
- I will have regard to any applicable Local Authority Code of Publicity

made under the Local Government Act 1986.

- I will have regard to advice provided to me by the Council's S151 Officer and the Monitoring Officer when reaching decisions
- I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council
- 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.

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 which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephonemeetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor. In relation to the use of social media, you are referred to the Social Media Protocol for Members which can be found in the Council's Constitution.

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.

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, if found to be proven, which may result in action being taken.

In interpreting this Code the Council will, as appropriate, refer to the Local Government Association Model Councillor Code of Conduct Guidance.

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 appreciate 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, deliberately undermine or attack individuals groups of people or organisations.

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 and can bring your office or the Council into disrepute

In return, you have a right to expect respectful behaviour from the public. If members of the public are 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.

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.

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, and information relating to child protection cases.

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 your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

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 Councillor 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 authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of 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.

Protecting your reputation and the reputation of the Council

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

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, and if in doubt, seek advice from the Monitoring Officer. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. There may be occasions when the Monitoring Officer withholds publication of sensitive interests pursuant to s.32(2) of the Localism Act 2011 where disclosure of the detail of the interest could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from 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 £25 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 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 disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

1. Within 28 days of becoming a Councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register (pursuant to s.32(2) of the Localism Act 2011).

Non participation in case of disclosable pecuniary interest

5. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. It is your responsibility to apply for the Dispensation.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or

vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects**—
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**you must disclose the interest. You can then remain in the meeting, participate and vote after disclosing your interest unless the following paragraph (9) applies.

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decisionand;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest. Please contact the Monitoring Officer should you require any guidance on this.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	<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>
Land and Property	<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>

Subject	Description
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and () either— (i) the total nominal value of the securities** exceeds £25,000 or one hundredth of the total issued share capital of that body; or () 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 have a beneficial interest exceeds one hundredth of the total issued share capital of that class

* '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.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) 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 of management

SECTION 2 - E-MAIL AND INTERNET POLICY, AND SOCIAL MEDIA PROTOCOL FOR MEMBERS

1. Introduction

- 1.1 E-mail and the Internet are essential business tools for communication, obtaining and sharing information. The increasing use of 'social media', such as Facebook and Twitter, provide opportunities for Members to engage with residents. By clarifying the standards expected of all users, this Policy aims to:
- prevent misuse of Internet and e-mail;
 - ensure that Internet and e-mail use complies with Council policies and the law;
 - protect the Council's data, systems and equipment;
 - encourage usage that supports the business goals and objectives of the Council.
- 1.2 Members' attention is drawn to paragraph 6(b) of the Code of Conduct for Members. This governs the use of Council resources. Members are required to use Council resources in accordance with the Council's instructions and are to ensure that such resources are not to be used for party political purposes. For the avoidance of doubt, the contents of this e-mail and Internet policy set out the Council's instructions with regard to the use of the Council's computer equipment. Equipment is provided solely for the use of Members who are also required to ensure that it is not used by any others, including their family.
- 1.3 The Council considers this policy to be extremely important. Breaches of this policy may amount to breaches of the Code of Conduct for Members and, as such, may result in complaints being taken to the Council's Standards Committee or the Standards Board. You should also be aware that improper use of e-mail or the Internet could result in either you and/or the Council incurring civil or criminal liability. The Council also reserves the right to report any illegal activities to the appropriate authorities.
- 1.4 All the Council's resources, including computers, e-mail and voicemail are provided for business purposes. At any time and without prior notice, the Council maintains the right and ability to examine any systems and inspect and review any and all data recorded in those systems. Any information stored on a computer, whether the information is contained on a hard drive, computer disk or in any other manner, may be subject to scrutiny by the Council. This examination helps ensure compliance with internal policies and the law. It supports the performance of internal investigations and assists the management of information systems.
- 1.5 In order to ensure compliance with this policy, the Council may employ monitoring software to check on the use and content of any Internet

access or e-mail use, to ensure that there are no serious breaches of the policy. The Council specifically reserves the right for authorised personnel to analyse a user's Internet Access Log and to access, retrieve, read and delete any communication that is created on, received through or sent in the e-mail system, to assure compliance with all Council policies. Such monitoring will be used for legitimate purposes only.

2. E-mail Usage

2.1 Scope

This policy applies to all Members of the Council.

2.2 Introduction

The e-mail service is a valuable resource for the Council, in that it allows Council business activity to be carried out more effectively. However, it can also present business risks if it is used without proper safeguards or used inappropriately. The Council may in circumstances be liable for email communications sent from its e-mail accounts and which carry its e-mail footer. This document sets out the standards of use and behaviour expected of all Members in sending and receiving electronic communications.

All external e-mails go out with the Council's email footer and this is the equivalent of sending an official letter with a business letterhead. The standards must be observed to protect the Council. You are responsible for what is sent from your e-mail account. The Council can monitor your e-mail usage - all e-mails sent and received are recorded and stored by the Council. The Council owns the copyright of email and can retrieve and view e-mail (even after you delete messages from your e-mail account).

To protect the Council from business risk all incoming and outgoing e-mails are monitored for inappropriate content.

2.3 Standard of Use

The following points provide clear guidance regarding email usage. You must:

- Ensure all business carried out via email is performed under your email account only.
- Remember your business e-mail account is not a personal email account and your access to it is a privilege that must not be abused. You are responsible for what is sent from your email account.
- Protect your e-mail account. You should not share your password with others or otherwise allow any other person to access your email account without senior management agreement. You should lock your computer when you are away from your workstation.

- Be aware that leaving your e-mail address on Internet sites may lead to you receiving unsolicited emails.
- Take care when using email not to send sensitive or personal information, as the security of data transmitted externally cannot be guaranteed.
- Users should not use the “reply to all” when sending an e-mail when this is not necessary or feasible.

2.4 Inappropriate Use of E-mail

You should exercise due care when writing an e-mail to avoid being rude or unnecessarily curt and ensure that your message meets the standards expected of Members. Do not make statements on your own behalf, or on behalf of the Council, which are or may be defamatory or damage the reputation of any person, or bring the Council into disrepute.

You should not engage in any activity that is illegal, distasteful or likely to have negative repercussions for the Council. You must not upload, download, use, retain or distribute any images, text or software which:

- Includes offensive, threatening, illegal or obscene content of any sort.
- Discriminates or encourages discrimination on the grounds of race, ethnicity, gender, sexual orientation, marital status, disability or political or religious beliefs in any email.
- Involves distributing chain mail, including jokes, hoaxes or photographs.
- Knowingly uses material that infringes copyright or other intellectual property rights.
- Misrepresents any matter to a third party or commits the Council to a legally binding contract you are not authorised to do.
- Divulges confidential, personal or sensitive information to a third party.
- Involves activities outside the scope of your responsibilities – for example, unauthorised selling/advertising of goods and services.
- Involves activities that might affect the performance of or damages the Council’s system or network.
- Involves activities that might be defamatory or incur liability on the part of the Council or adversely impact on the image of the Council.
- Would be a breach of copyright or licence provision with respect to both programs and data.

The above is not an exhaustive or exclusive list of inappropriate usage.

The following activities are expressly forbidden:

- The wilful introduction of any form of computer virus.
- Seeking to gain access to restricted areas of the network or other hacking activities.
- Forgery.
- Attempts to read other users' e-mail without permission.
- Using any other person's email account or password.
- E-mail messages that have been deleted from the system can be traced and retrieved. Therefore, all persons having a part in creating or forwarding any offending e-mail can be identified. E-mails, both in hard copy and electronic form, may be admissible in a court of law.

2.5 Prohibited Use of E-mail

Abuse of the email service is inappropriate behaviour which may amount to a breach of the Code of Conduct for Members. Depending on the nature of the abuse, the act can be a criminal offence, which could lead to a prosecution. The following are examples of acts which are likely to amount to a breach of the Code of Conduct (the examples are neither exhaustive nor exclusive). You must not:

- Use your Redbridge e-mail account to run a private business and / or any activity designed for any form of personal gain.
- Use the email service to knowingly receive or distribute material that is unlawful, indecent or brings the Council into disrepute.
- Store any material that is unlawful, indecent or inappropriate (accessed either knowingly or inadvertently) on any storage medium (network drive, PC drive, DVD, etc).
- Forward on to others prohibited material.

Material accessed involving child pornography and similar material will always be notified to the Police.

2.6 Receipt of Unsolicited E-mail Material

It is recognised by the Council that a user may, during acceptable use of the e-mail service receive unsolicited e-mails containing material, which is unlawful, indecent or inappropriate. In this circumstance, the Member should close the e-mail immediately and notify the ICT Service Desk in writing, providing details of the e-mail so that steps may be taken to block any further unsolicited items of this nature. Do not forward on any material inadvertently received.

2.7 Confidentiality

You are expected to treat confidential electronic information with the same care as you would confidential paper-based information. Keep all such information secure, use it only for the purposes intended and do not disclose the information to any unauthorised third party. In particular:

- Keep passwords safe. Do not disclose them to anyone without consulting ICT.
- Do not forward, send or in any way disseminate such information that may compromise the Council.
- Maintain confidentiality by not forwarding or sharing any information that would violate the Data Protection Act. A copy of the Act is available on the Intranet.
- Return any message received that was intended for another recipient. Delete any copies of misdirected messages. Any incorrectly addressed message should only be forwarded to the intended recipient if the identity of that recipient is known and certain.

2.8 What to do if You Know or Suspect Improper Use of E-mail

If you know or suspect that someone is breaching this policy / guidelines, the Council would expect you to raise your concerns at the earliest opportunity. You can do this by:

- Contacting the Operational Director – Finance, Business Support & Enablement under the Council's Whistle Blowing Policy, as appropriate.

2.9 Personal Use of E-mail

The Council provides e-mail facilities as a business tool. However, it is accepted that Members may use these facilities for limited personal use. Members must, though, ensure that they comply with paragraph 6(b)(ii) of the Members' Code of Conduct which states that resources are not to be 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 Council or of the Member's office. In addition, Members are reminded that the equipment that has been provided to them is for their use alone and that Members should not allow their family or friends to make use of it.

3. Internet Usage

3.1 Scope

This policy applies to Members of the Council (All Councillors, co-opted and independent members).

3.2 Introduction

This policy covers all electronic devices supplied by the Council, which permit access to the Internet and enable the uploading or publishing content (e.g. pictures or text). It also includes the use of social media services such as Facebook and Twitter to publish text and pictures.

The Internet is a valuable resource for the Council, allowing you to carry out legitimate Council business activity more effectively. However, as an information resource it can present a business risk.

As a worldwide network containing millions of pages of information, some pages contain material that is offensive, sexually explicit or otherwise inappropriate for a business environment. The security of data sent across the Internet cannot be guaranteed. The following points provide clear guidance regarding Internet usage.

You must:

- Be aware that leaving your e-mail address on Internet sites may lead to you receiving unsolicited emails.
- Uploading comments using social media services such as Facebook or Twitter should be regarded as putting them in the public domain.

You must not:

- Access, download, forward or print Internet sites which contain offensive, sensitive, malicious or illegal material of any sort, e.g. pornography, racist or sexist material, or violent images.
- Access or place any material on the Internet that might be considered inappropriate or offensive to others.
- Use the Internet for personal gain or profit, including share dealing or gambling.
- Conduct on-line financial transactions as part of a private business for gain.
- Access chat rooms, bulletin boards, newsgroups or any similar Internet service unless relating to Council business.
- Copy software files from the internet – this is not permitted. Software downloads must only be carried out by authorised IT staff.
- Access any sites or download or print any files displaying material, which the user knows to contravene the Council's Equality and

Diversity policies (including any Codes of Practice covering discrimination/bullying). If such a site is accessed inadvertently, ICT should be informed immediately.

- Respond to surveys on the Internet on behalf of the Council without relevant Council authority.
- Open a subscription account on the Internet on behalf of the Council.
- Access the Internet unless it is under your own username and password.
- Leave your computer unattended whilst logged on to the Internet.
- Examples of inappropriate downloading includes any software (freeware or share ware) or information from external or internal sources that potentially breaches copyright law or intellectual property law including fonts, games, screensavers, desktop wallpaper, video clips, photographs/pictures and music files.

This is not an exhaustive or exclusive list of inappropriate usage of downloading. Do not download any information that can lead to criminal prosecution, e.g. pornography, sexist or racist material, incitement to religious hatred or advocating violence to a particular group.

This also includes any copyright materials such as screensavers and music as mentioned above.

As a safeguard against fraud, you should never provide personal data of any sort. Information (such as credit card details) sent across the Internet, can be "stolen", read or altered, unless encrypted. Do not send details on the Council's behalf unless the Internet site has a certificate of encryption and you are authorised to do so.

Remember – you are responsible for all Internet sites accessed under your login. The Council can monitor your Internet usage – the Internet sites you visit at work are recorded.

3.3 Prohibited use of the Internet

Abuse of Internet access is inappropriate behaviour which may amount to a breach of the Code of Conduct for Members. Depending on the nature of the abuse, the act can be a criminal offence, which could lead to a prosecution. The following are examples of acts which are likely to amount to a breach of the Code of Conduct (the examples are neither exhaustive nor exclusive).

You must not:

- Use the Internet for running a personal business for gain.
- Use of the Internet to knowingly search for or access material that is unlawful, indecent or which brings the Council into disrepute.

- Store material that is unlawful, indecent or brings the Council into disrepute (accessed either knowingly or inadvertently) on any storage medium (network drive, PC drive, DVD, etc).
- Publish or upload material that is unlawful indecent or brings the Council into disrepute.
- Forward on to others prohibited material (accessed either knowingly or inadvertently).
- Download or store materials from the Internet for non-work purposes.
- Material accessed involving child pornography and similar material will always be notified to the Police.

3.4 Inadvertent use of the Internet

It is recognised by the Council that users may, during acceptable use of the Internet, make inadvertent access to a site or page that contains material which is unlawful, indecent or objectionable. In this circumstance, the individual should disconnect from the Internet immediately and notify the ICT Service Desk so that steps may be taken to block any further access as soon as possible after the incident, providing details of the date and time of the inadvertent access. Do not forward on any material inadvertently accessed.

3.5 Personal use of the Internet

The Council provides access to the Internet as a business tool. However, it is accepted that Members may use these facilities for limited personal use. Members must, though, ensure that they comply with paragraph 6(b)(ii) of the Members' Code of Conduct which states that resources are not to be 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 Council or of the Member's office. In addition, Members are reminded that the equipment that has been provided to them is for their use alone and that Members should not allow their family or friends to make use of it.

3.6 What to do if You Know or Suspect Improper Use of the Internet

If you know or suspect that someone is breaching this policy / guidelines, the Council would expect you to raise your concerns at the earliest opportunity. You can do this by:

- Contacting the Operational Director – Finance, Business Support & Enablement under the Council's Whistle Blowing Policy, as appropriate.

Social Media Protocol for Members

1. Purpose

Social media can be a valuable tool in engaging with local residents, businesses and other stakeholders. This protocol is intended to help Councillors to use social media in an effective and appropriate way that avoids legal and reputational risk.

The protocol sets out guidelines for the use of social media by Councillors and should be read in conjunction with the Members' Code of Conduct.

For the purposes of this protocol, a "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".

2. What is Social Media?

Social media is a term describing a range of websites and online tools that enable people to create and share content and interact with others. This includes blogs and postings on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Flickr, Instagram and Snapchat.

You do not have to use social media to fulfil your role as a local Councillor. However, for those Councillors who are keen to be involved, the use of social media can help to increase your local profile, as well as enabling you to reach out to local residents and stay in touch with local views.

3. Legal Issues

There are also considerations apart from the Code that you should take into account when using online media. The following is a brief guide to some of the legal pitfalls in establishing personal social media sites such as blogs. These can be avoided if your online content is objective, balanced, informative and accurate.

In the main, you have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences.

- **Libel:** If you publish an untrue statement about a person which is damaging to their reputation they may bring proceedings for libel against you. This

will also apply if you allow someone to publish something libelous on your website or social media page and do not take prompt action to remove it.

- **Bias and Predetermination:** You should avoid publishing anything that might suggest you have already made up your mind about a matter that you may be involved in determining. The risk is predetermining a decision of the Council. The the decision runs the risk of being invalidated.
- **Copyright:** Placing images or text on a site from a copyrighted source (e.g. extracts from publications, photos etc.) without permission is likely to breach copyright legislation. You should avoid publishing anything you are unsure about or seek permission from the Head of Democratic Services in advance. Breach of copyright may result in prosecution or an award of damages. This risk may be avoided by providing a link to the material.
- **Data Protection:** Never publish the personal data of individuals in your capacity as a Councillor. You should not publish/upload any photographs of others unless you have expressly sought permission from them to take the picture and to post it to your social media. You should avoid taking pictures of children or vulnerable people altogether. You should be careful to ensure that the way photographs are presented on social media is not misleading.
- **Pre-Election Period:** The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. There are additional requirements such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at www.electoralcommission.org.uk. The Council will not support Councillors to use social media and will not publish blogs when the blog author is involved in an election.
- **Repetition:** It is important to note that you cannot avoid liability by saying you are repeating what others have said. Anyone who repeats a libellous statement is liable for it. This is particularly important if you 'like' something on Facebook or re-tweet something. Think carefully before re-tweeting or 'liking' a post. If in doubt, please don't. Liking, sharing or retweeting content from others can appear as agreement or recommendation.
- **Emergency Situations:** Social media is a useful way to get information to the community during the response to an emergency. However, the uncontrolled flow of unconfirmed information can disrupt the activities of the emergency services. As a Councillor, any messages you post will be given greater weight than postings by members of the public. It is therefore strongly recommended that in such situations you consult those in charge of the emergency response before posting information. This will ensure that you do not inadvertently mislead the public or hamper the response to an incident.
- **Confidential information:** You need to be careful that anything that you comment on or post is in the public domain. If you deliberately or inadvertently release confidential information e.g. about individuals or about commercial transactions, this could lead to legal action against you and/or the Council
- **Criminal action:** You can commit a criminal offence if you publish something which is indecent, grossly offensive, a threat, known to be false, obscene or incites racial hatred. You may face prosecution and conviction.

4. Social Media and the Members' Code of Conduct

4.1 Using Social Media as an Individual

You can make private and personal non-political social media contributions, unconnected to Council business, where you are making that contribution in your personal capacity. In these circumstances the Code is unlikely to apply. You must be clear that you are using these platforms for personal purposes and that any posts are your own personal views and you must not imply you are speaking for or on behalf of the Council. In considering whether you are acting as a Councillor, the following factors will be taken into account:

4.1.1 The privacy settings on your social media site - Where you have a private, personal blog or social media site, which is used in your personal capacity as a private individual and not as a Councillor, there should be appropriate privacy settings in place on those accounts. This will enable you to control who is able to see, review and comment on your posts. If your account is open to all readers, it may be reasonable for residents to assume that you are acting in your capacity as a Councillor.

4.1.2 Your profile on the social media site - Where this is intended to be private, you should not describe yourself as a Councillor or refer to Council business or contacts. If you refer to yourself as a Councillor to discuss official business it would be difficult to argue that you were not subject to the Code.

Note: A disclaimer in a private blog to the effect that comments are not made as a Councillor will not necessarily avoid the application of the Code.

4.1.3 Anonymous postings on social media - The Council does not support or encourage anonymous postings by Councillors. An anonymous post by you conducting Council business will be subject to the Code. The issue of whether there was sufficient evidence to attribute the post to you will be a matter that will be considered at the assessment stage of any complaint made and/or by the independent investigator if the complaint is referred to an investigation.

4.2 Using Social Media as a Councillor

When your profile on any social media platform identifies you as a Councillor, there is a strong presumption that all posts have been posted by you in your capacity as a Councillor on that particular platform. As such you are advised to separate your accounts by using one for Councillor business only and another for your personal use. However, any accounts you use for personal use may still come under scrutiny if you have used that account whilst undertaking duties as a Councillor and any such post has given rise to a complaint.

As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting.

The Members' Code of Conduct and relevant legislation continues to apply online and in social media. If you are referring online in any way to your role as a Councillor, you are deemed to be acting in your "official capacity" and any conduct may fall within the code.

When posting on social media, you will need to be particularly aware of the following aspects of the Code and their practical application:

- **Treat others with respect** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments;
- **Comply with equality laws** - do not publish anything that might be seen as contrary to equalities legislation which protects individuals from unfair treatment on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy;
- **Do not bully or harass anyone** - do not say anything that might be construed as bullying or intimidation;
- **Do not bring the Council into disrepute** - you should not publish anything that could reasonably be perceived as bringing your office or the Council into disrepute;
- **Do not disclose confidential information** - in your use of social media, just as in any other circumstances, you must not disclose exempt information you have received in your role as a Councillor. You should also not disclose information given to you in confidence by anyone or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

5. Guidelines for Councillors

- The Golden Rules attached to this protocol are intended to support Councillors to get the best from social media whilst avoiding some pitfalls that might arise. Advice and guidance is available from the Communications Team to support you in your use of social media.
- If you are on the receiving end of abuse or inappropriate comment on social media and want some advice, please contact the Monitoring Officer. You may also find this following Local Government Association (LGA) guidance on handling intimidation useful: <https://www.local.gov.uk/councillors-guide-handling-intimidation>
- You may also find the following LGA link useful for resources relating to social media use: [Further resources | Local Government Association](#)

SECTION 3 - CODE OF CONDUCT (FOR OFFICERS)

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CODE OF CONDUCT

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all Employees who work for local government. The purpose of this Code is to restate existing laws, regulations and conditions of service to assist Council employees (and others engaged by the Council - see 3.2 below) in their day-to-day work, in the light of the challenges they face in the new and more commercially orientated environment.
- 1.2 All employees are required to comply with this Code and Council policies and procedures. There may also be additional requirements set out in their contract of employment which must be adhered to

2. Status of the Code

- 2.1 The Code sets out the minimum standards that should apply. The aim of the Code is to lay down guidelines for employees and others working on behalf of the Council which will help maintain and improve standards and protect employees from misunderstanding or criticism.

3. Who the Code is aimed at

- 3.1 The Code applies to all London Borough of Redbridge employees.
- 3.2 This Code also applies to anyone the Council engages or contracts to carry out any of its functions, even though not directly employed by the Council. **When the term 'employee' is used, this will also apply to the following:**

- Consultants and their employees
- Contractors and their employees
- Employees of other organisations who have been seconded to work for the Council
- Agency workers
- Volunteers and individuals undertaking work placements or apprenticeships or similar roles
- Casual workers

- 3.3 Inevitably some of the issues covered by the Code will affect senior managerial and professional employees more than others, but the Code covers all employees under a contract of employment including office holders such as registrars. Activities carried out by employees acting on behalf of the Borough as members of companies or voluntary organisations are subject to the Code.

4. Breaches of the Code

- 4.1 Breaches of the Code may result in action under the [Council's Disciplinary Policy and Procedures](#). Serious breaches of the Code may be considered to be gross misconduct.
- 4.2 In the case of those not directly employed by the Council (see 3.2. above) if it is established that they have knowingly withheld information concerning an

interest as set out in this policy, and this is relevant to their work with the Council, the following will apply:

- Consultants/contractors- consideration will be given to terminating, or seeking compensation under, the contract or other arrangement between the consultant/contractor/outside organisation and the Council
- Others - consideration will be given to termination of the assignment, placement or engagement with the Council

4.3 Where there is evidence of fraud or corruption, the matter may be referred to the police and/or other relevant regulatory body.

5. Standards

5.1 Local Government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to other employees and Councillors. Such advice must be unambiguous, impartial, objective and within any rules of conduct by which that employee is bound.

5.2 Employees may, without fear of recrimination, bring to the attention of the appropriate level of management any deficiencies in the provision of service.

5.3 Employees must report any impropriety or breach of procedure. Where an employee has a reasonable belief that the matter is in the public interest, they are encouraged to use the Council's [Whistle Blowing Procedure](#)

6. Disclosure of Information

6.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The authority itself may decide to open other types of information. Employees must be aware of the types of information which, at Redbridge, are open and which are not, and act accordingly.

6.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor or a fellow employee which is personal to that person and does not belong to the authority, should not be divulged by the employee without prior approval of that person.

6.3 All employees are required to comply with the Data Protection Act and [Information Governance](#) requirements.

7. Political neutrality

7.1 Staff are employees of the Council as a whole, and must support Members regardless of political group, ensuring that the individual rights of all Members are respected.

7.2 Some senior staff will have particular working relationships, especially in policy development, with Members of the majority party or an Administration or groups which combine to form an Administration. Nevertheless, all officers are responsible for providing service and advice to

all groups on the Council, and such working relationships will not prejudice that overriding requirement.

- 7.3 Staff must follow every lawful expressed policy of the Council and must not allow their personal or political opinions to interfere with providing balanced professional advice or their duty to implement the policies of elected Members.
- 7.4 Staff should be aware of the political restriction placed on certain post holders by the Local Government and Housing Act 1989 and ensuing Regulations. Staff who are not directly affected by these provisions should ensure that their involvement in any outside interests does not affect the performance of their duties at work, nor risk. [Guidelines on politically restricted posts](#) are available on the intranet.
- 7.5 The Chief Executive and Heads of Service/Operational Directors will be available to all political groups to advise on matters specific and general. The basis on which such advice is made available is that the offer shall be made to all such groups and that advice will be confidential to the group to which it is given.
- 7.6 The Chief Executive shall be advised on all occasions that such advice is requested.

8. Relationships

- 8.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a personal relationship outside work with him or her.
- 8.2 It is recognised that colleagues who work together may be involved in a personal relationship. This includes colleagues working together who are members of the same family or with whom they have a relationship outside work, e.g. partner. The Council will investigate any circumstances where that relationship appears to be having a negative impact on employment decisions, compliance with policy, or service delivery.
- 8.3 Employees must not be involved in employment decisions for any other employee who is a partner, relative, or close friend. This includes: recruitment and selection, promotion or transfer or redeployment, performance appraisal and access to training, allocation of pay and benefits, disciplinary and grievance proceedings etc. where one colleague has the authority to make a decision about another.
- 8.4 Managers should put in place the necessary control mechanisms in relation to the above decisions to ensure that the Council remains a fair, reasonable and equitable place to work, that there is complete transparency in all decision making processes.
- 8.5 Employees should follow the Council's [Guidelines on Personal Relationships at Work](#)

Councillors

- 8.6 Employees are responsible to the authority through its senior managers. For some, their job is to give advice to Councillors: all are there to carry out the authority's work (individual members have no executive Authority). Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

The Local Community and Service Users

- 8.7 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

Contractors

- 8.8 All relationships with contractors or potential contractors should be made known to the appropriate manager. To do otherwise contravenes the law. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by for example former colleagues, friends, partners or relatives. No part of the community should be discriminated against.
- 8.9 Employees who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, should declare that relationship to their manager.

9. Dual Employment

- 9.1 Employees graded LBR7 or above are bound by their contracts of employment to devote their full time service to the Council and are not entitled to engage in any other business or take up any other appointment without the express consent of their Head of Service/Operational Director. Employees should therefore consult their manager before committing themselves to business or other employment.
- 9.2 While employees' off duty hours are their personal concern, they should not subordinate their duty to the London Borough of Redbridge to their private interest or put themselves in a position where their duty and private interests could conflict.
- 9.3 Any additional employment must not conflict with or react detrimentally to the business. Where there is any difference of view as to whether or not a particular additional employment would have that effect, the Council's view must prevail.
- 9.4 In all instances employees should discuss offers of private work with their manager to avoid potential conflict of interest. All employees should read the [Guidelines on Pecuniary Interests](#) available on the intranet and must declare as appropriate, i.e. dual employment, sponsorships, personal relationship. Further advice can be obtained from Employment Relations in the Human Resources Service.

- 9.5 Employees must not use Council premises, facilities or equipment for anything other than authorised Council business. If in doubt, employees should discuss this with their manager.

10. Personal Interests

- 10.1 Employees must declare to their manager any non-financial interests which they consider could bring about conflict with the Authority's interests such as:

- Acting as a school governor within schools maintained by the Council
- Involvement with an organisation receiving grant aid from the Council
- Involvement with an organisation.

- 10.2 Employees must declare any financial interests which could conflict with their work for the Council.

- 10.3 Employees must declare to their Head of Service/Operational Director membership of any organisation which has secrecy about rules, membership or conduct. The Head of Service/Operational Director must maintain a register of such declarations for their Department.

- 10.4 Employees must not, subject as provided below, participate in any reporting process that leads to a decision concerning terms and conditions of employment that affects them directly. Participation includes: drafting, or providing comments on, any report to be considered by a relevant decision maker, and being present at a meeting of a decision making committee when a relevant report is taken.

Provided that nothing in this sub paragraph shall restrict:

- i. The discharge by the Council's Heads of Service/Operational Directors who are referred to in Article 9 of the Constitution of their responsibilities to ensure that all relevant legal, constitutional, procedural, probity, financial and budgetary issues that are relevant to such decisions are duly reported, including by arranging for other Heads of Service/Operational Directors to prepare reports;
or
- ii. Any of the Heads of Service/Operational Directors who are referred to above from attending items of business at committees, subject to compliance with relevant legal obligations as to the declaration of officer interests and any ensuing restrictions on participation.
- iii. The Head of Human Resources and his/her representatives in carrying out the responsibilities of their roles in terms of conducting such reviews of employment terms and conditions as are necessary. This to include preparing options for the relevant committee and Council decision, conducting negotiations with the trade unions and the implementation of decisions made.

11. Equality Issues

- 11.1 All employees have an obligation to ensure that policies relating to equality issues as agreed by the authority are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

12. Separation of Roles During Tendering

- 12.1 Employees should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.2 Employees in contractor or provider units must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and subcontractors.
- 12.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 12.4 Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them.

13. Corruption

- 13.1 Employees must be aware that it is a criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour to any person in their official capacity. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

14. Use of Financial Resources

- 14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Authority.
- 14.2 In order to comply with this requirement, employees should ensure that they have the relevant delegated authority having advised the Council of any proposed expenditure. Employees have an obligation to present Council with the necessary information concerning such issues and recommendations should be made upon the basis of fact, professional judgement and any appropriate standards as laid down by legislation, the authority or other relevant professional body. In addition, any personal involvement or benefit arising from the expenditure must be declared in advance of any decision making process.

15. Hospitality

- 15.1 Hospitality should only be accepted where there is a genuine need to impart or receive information or to represent the Local Authority in the community or where it is in the interests of the authority to be represented. Individuals must make a record of all hospitality accepted.
- 15.2 Where hospitality has to be declined, the offerer should be courteously, but firmly informed of the procedure and standards operating within the authority.
- 15.3 Employees must not accept significant personal gifts from contractors or outside suppliers. This does not apply to insignificant "tokens" such as promotional pens or diaries, etc.
- 15.4 See also [Council guidelines on the receiving and giving of hospitality](#).

16. Sponsorship – Giving and Receiving

- 16.1 Employees should ensure that any individual or organisation wishing to sponsor a London Borough of Redbridge activity, whether by invitation, tender, negotiation or voluntarily, observes the provisions of this Code governing hospitality.
- 16.2 When dealing with potential sponsors, the integrity of the authority must never be compromised in any way, by its employees. In all instances employees must declare any sponsorship under the Council's [Pecuniary and Non-Pecuniary Interests Guidelines](#) and inform their Head of Service/Operational Director accordingly.
- 16.3 Employees are responsible for ensuring that they never place themselves in a situation where a conflict of interest could occur in respect of sponsorship.
- 16.4 Employees should ensure that any individuals or organisations wishing to sponsor a Council activity are aware that in so doing this does not give or imply support to the individual or organisation's activities by the Council.
- 16.5 Employees should be aware that any form of sponsorship by the Authority of an external individual or organisation, can only be authorised by a meeting of the Council or a Committee with delegated authority.
- 16.6 Employees should always give impartial advice to any person or persons when through sponsorship, grant aid, financial or other means, the authority provides support within the community.

SECTION 4 - E-MAIL AND INTERNET POLICY FOR OFFICERS

1. INTRODUCTION

1.1 E-mail and the Internet are essential business tools for communication, obtaining and sharing information. By clarifying the standards expected of all users, this Policy aims to:

- prevent misuse of Internet and e-mail;
- ensure that Internet and e-mail use complies with Council policies and the law;
- protect the Council's data, systems and equipment;
- encourage usage that supports the business goals and objectives of the Council.

1.2 This policy applies to all users of the Council's e-mail and Internet systems, including employees, agency workers, consultants and workers from partner organisations. It also applies regardless of work location and therefore includes those working from home.

1.3 The Council considers this policy to be extremely important. Breaches of the policy may lead to disciplinary action, which, under certain circumstances, could result in dismissal. You should also be aware that improper use of e-mail or the Internet could result in either you and/or the Council incurring civil or criminal liability. The Council also reserves the right to report any illegal activities to the appropriate authorities.

1.4 All the Council's resources, including computers, e-mail and voicemail are provided for business purposes. At any time and without prior notice, the Council maintains the right and ability to examine any systems and inspect and review any and all data recorded in those systems. Any information stored on a computer, whether the information is contained on a hard drive, computer disk or in any other manner, may be subject to scrutiny by the Council. This examination helps ensure compliance with internal policies and the law. It supports the performance of internal investigations and assists the management of information systems.

1.5 In order to ensure compliance with this policy, the Council may employ monitoring software to check on the use and content of any Internet access or e-mail use, to ensure that there are no serious breaches of the policy. The Council specifically reserves the right for authorised personnel to analyse a user's Internet Access Log and to access, retrieve, read and delete any communication that is created on, received through or sent in the e-mail system, to assure compliance with all Council policies. Such monitoring will be used for legitimate purposes only.

2. EMAIL USAGE

2.1 Scope

This policy applies to ALL persons employed by the Council including school-based staff where the Board of Governors have adopted the policy,

2.2 Introduction

The e-mail service is a valuable resource for the Council, in that it allows Council business activity to be carried out more effectively. However, it can also present business risks if it is used without proper safeguards or used inappropriately. The Council may in circumstances be liable for e-mail communications sent from its email accounts and which carry its e-mail footer. This document sets out the standards of use and behaviour expected of all staff in sending and receiving electronic communications.

All external e-mails go out with the Council's e-mail footer and this is the equivalent of sending an official letter with a business letterhead. The standards must be observed to protect the Council. You are responsible for what is sent from your e-mail account. The Council can monitor your e-mail usage – all e-mails sent and received are recorded and stored by the Council. The Council owns the copyright of e-mail and can retrieve and view e-mail (even after you delete messages from your e-mail account).

To protect the Council from business risk all incoming and outgoing e-mails are monitored for inappropriate content.

2.3 Standard of Use

The following points provide clear guidance regarding e-mail usage.

You must:

1. Ensure all business carried out via e-mail is performed under your e-mail account only.
2. Remember your business e-mail account is not a personal e-mail account and your access to it is a privilege that must not be abused. You are responsible for what is sent from your e-mail account.
3. Protect your e-mail account. You should not share your password with others or otherwise allow any other person to access your e-mail account without senior management agreement. You should lock your computer when you are away from your workstation.
4. Be aware that leaving your e-mail address on Internet sites may lead to you receiving unsolicited emails.
5. Take care when using e-mail not to send sensitive or personal information, as the security of data transmitted externally cannot be guaranteed.
6. Staff should not use the "reply to all" when sending an e-mail when this is not necessary or feasible.

2.4 Inappropriate Use of E-mail

You should exercise due care when writing an e-mail to avoid being rude or unnecessarily curt and ensure that your message meets the standards of professionalism the Council expects of your position. Do not make statements on your own behalf, or on behalf of the Council, which are or may be defamatory or damage the reputation of any person, or bring the Council into disrepute.

You should not engage in any activity that is illegal, distasteful or likely to have negative repercussions for the Council. You must not upload, download, use, retain or distribute any images, text or software which:

1. Includes offensive, threatening, illegal or obscene content of any sort.
2. Discriminates or encourages discrimination on the grounds of race, ethnicity, gender, sexual orientation, marital status, disability or political or religious beliefs in any e-mail.
3. Involves distributing chain mail, including jokes, hoaxes or photographs.
4. Knowingly uses material that infringes copyright or other intellectual property rights.
5. Misrepresents any matter to a third party or commits the Council to a legally binding contract you are not authorised to do.
6. Divulges confidential, personal or sensitive information to a third party.
7. Uses a colleague's e-mail account or password without senior management permission.
8. Involves activities outside the scope of your responsibilities – for example, unauthorised selling/advertising of goods and services.
9. Involves activities that might affect the performance of or damages the Council's system or network.
10. Involves activities that might be defamatory or incur liability on the part of the Council or adversely impact on the image of the Council.
11. Would be a breach of copyright or licence provision with respect to both programs and data.

The above is not an exhaustive or exclusive list of inappropriate usage.

The following activities are expressly forbidden:

1. The wilful introduction of any form of computer virus.
2. Seeking to gain access to restricted areas of the network or other hacking activities.
3. Forgery.
4. Attempts to read other users e-mail without the relevant senior management permission.

E-mail messages that have been deleted from the system can be traced and retrieved. Therefore, all persons having a part in creating or forwarding any offending e-mail can be identified. E-mails, both in hard copy and electronic form, may be admissible in a court of law.

2.5 Prohibited Use of E-mail

Abuse of the e-mail service is inappropriate behaviour for which staff can be subject to disciplinary action. Depending on the nature of the abuse, the act can be a criminal offence, which could lead to a prosecution. The following are examples of acts which could constitute Gross Misconduct and result in summary dismissal (the examples are neither exhaustive nor exclusive). You must not:

1. Use your Redbridge e-mail account to run a private business and / or any activity designed for any form of personal gain.

2. Use the email service to knowingly receive or distribute material that is unlawful, indecent or brings the Council into disrepute.
3. Store any material that is unlawful, indecent or inappropriate (accessed either knowingly or inadvertently) on any storage medium (network drive, PC drive, DVD, etc).
4. Forward on to others prohibited material.

Material accessed involving child pornography and similar material will always be notified to the Police.

2.6 Receipt of Unsolicited E-mail Material

It is recognised by the Council that an employee may, during acceptable use of the e-mail service receive unsolicited e-mails containing material, which is unlawful, indecent or inappropriate. In this circumstance, the individual should close the email immediately and notify their line manager, as soon as possible after the incident, providing details of the e-mail. The ICT Helpdesk should also be advised (in writing) so that steps may be taken to block any further unsolicited items of this nature. Do not forward on any material inadvertently received.

2.7 Personal Use of the E-mail

The Council provides access to the e-mail facilities as a business tool. However, it is accepted that employees may use these facilities for limited personal use. This must normally be restricted to outside working hours or during your official breaks. Permitted personal use is, of course, subject to the restrictions as set out in this guidance and must not impact on your day-to-day work.

2.8 Confidentiality

You are expected to treat confidential electronic information with the same care as you would confidential paper-based information. Keep all such information secure, use it only for the purposes intended and do not disclose the information to any unauthorised third party (which may include other workers of the Council).

1. Keep passwords safe. Do not disclose them to anyone without the agreement of senior management.
2. Do not forward, send or in any way disseminate such information that may compromise the Council.
3. Maintain confidentiality by not forwarding or sharing any information that would violate the Data Protection Act. A copy of the Act is available on the Intranet.
4. Return any message received that was intended for another recipient. Delete any copies of misdirected messages. Any incorrectly addressed message should only be forwarded to the intended recipient if the identity of that recipient is known and certain.

2.9 Employees without access to E-mail

Some employees do not have access to e-mail or the Internet. In such circumstances, managers should use alternative forms of communication to ensure

that all staff have access to communications, especially information needed to do their job effectively.

2.10 What to do if you know or suspect improper use of email

If you know or suspect that someone is breaching this policy / guidelines, the Council would expect you to raise your concerns at the earliest opportunity. You can do this by:

1. Informing your line manager,
2. Contacting the Operational Director – Finance, Business Support & Enablement under the Council's Whistle Blowing Policy.

Any breach of this policy will be dealt with, where applicable, in line with the Council's Disciplinary policy.

3. INTERNET USAGE

3.1 Scope

This policy applies to ALL staff, including school-based staff where the Board of Governors has adopted the policy.

3.2 Introduction

This policy covers all electronic devices supplied by the Council, which permit access to the Internet.

The Internet is a valuable resource for the Council, allowing you to carry out legitimate Council business activity more effectively. However, as an information resource it can present a business risk. As a worldwide network containing millions of pages of information, some pages contain material that is offensive, sexually explicit or otherwise inappropriate for a business environment. The security of data sent across the Internet cannot be guaranteed. The following points provide clear guidance regarding Internet usage.

You must:

1. Be aware that leaving your e-mail address on Internet sites may lead to you receiving unsolicited e-mails.

You must not:

1. Access, download, forward or print Internet sites which contain offensive, sensitive, malicious or illegal material of any sort, e.g. pornography, racist or sexist material, or violent images.
2. Access or place any material on the Internet that might be considered inappropriate or offensive to others.
3. Use the Internet for personal gain or profit, including share dealing or gambling.
4. Conduct on-line financial transactions as part of a private business for gain.
5. Access chat rooms, bulletin boards, newsgroups or any similar Internet service unless relating to Council business.

6. Copy software files from the internet – this is not permitted. Software downloads must only be carried out by authorised ICT staff.
7. Access any sites or download or print any files displaying material, which the user knows to contravene the Council's Equality and Diversity policies (including any Codes of Practice covering discrimination/bullying). If such a site is accessed inadvertently, the user's line manager should be informed immediately.
8. Respond to surveys on the Internet on behalf of the Council without consulting your line manager.
9. Open a subscription account on the Internet on behalf of the Council without consulting your line manager.
10. Access the Internet unless it is under your own username and password.
11. Leave your computer unattended whilst logged on to the Internet.

Examples of inappropriate downloading includes any software (freeware or share ware) or information from external or internal sources that potentially breaches copyright law or intellectual property law including fonts, games, screensavers, desktop wallpaper, video clips, photographs/pictures and music files. This is not an exhaustive or exclusive list of inappropriate usage of downloading.

Do not download any information that can lead to criminal prosecution e.g. pornography, sexist or racist material, incitement to religious hatred or advocating violence to a particular group. This also includes any copyright materials such as screensavers and music as mentioned above.

As a safeguard against fraud, you should never provide personal data of any sort. Information (such as credit card details) sent across the Internet, can be "stolen", read or altered, unless encrypted. Do not send details on the Council's behalf unless the Internet site has a certificate of encryption and you are authorised to do so.

Remember – you are responsible for all Internet sites accessed under your login. The Council can monitor your Internet usage – the Internet sites you visit at work are recorded.

3.3 Prohibited Use of the Internet

Abuse of Internet access is inappropriate behaviour for which individuals will be subject to disciplinary action and possible criminal prosecution depending on the nature of the offence. The following are examples, which could constitute Gross Misconduct and can result in summary dismissal (these examples are neither exhaustive nor exclusive). You must not:

1. Use the Internet for running a personal business for gain.
2. Use of the Internet to knowingly search for or access material that is unlawful, indecent or which brings the Council into disrepute.
3. Store material that is unlawful, indecent or brings the Council into disrepute (accessed either knowingly or inadvertently) on any storage medium (network drive, PC drive, DVD, etc.).
4. Forward on to others prohibited material (accessed either knowingly or inadvertently).

5. Download or store materials from the Internet for non-work purposes.

Material accessed involving child pornography and similar material will always be notified to the Police.

3.4 Inadvertent Use of the Internet

It is recognised by the Council that staff may, during acceptable use of the Internet, make inadvertent access to a site or page that contains material which is unlawful, indecent or objectionable. In this circumstance, the individual should disconnect from the Internet immediately and notify their line manager as soon as possible after the incident, providing details of the date and time of the inadvertent access. The ICT Helpdesk should also be advised (in writing) so that steps may be taken to block any further access. Do not forward on any material inadvertently accessed.

3.5 Personal use of the Internet

The Council provides access to the Internet as a business tool. However, it is accepted that employees may use these facilities for limited personal use but should not download or store materials from the Internet for non-work purposes. This personal usage must normally be restricted to outside working hours or during your official breaks. Permitted personal use is, of course, subject to the restrictions as set out in this guidance and must not impact on your day-to-day work.

3.6 What to do if you know or suspect improper use of the Internet

If you know or suspect that someone is breaching this policy / guidelines, the Council would expect you to raise your concerns at the earliest opportunity. You can do this by:

1. Informing your line manager.
2. Contacting the Operational Director – Finance, Business Support & Enablement under the Council's Whistle Blowing Policy.

Any breach of this policy will be dealt with, where applicable, in line with the Council's Disciplinary policy.

This policy will be reviewed within six months of its first implementation and thereafter at least annually. The review body will include Management Team, senior management, members of ICT, Legal, Finance, Human Resources and Audit.

SECTION 5 - MEMBER/OFFICER PROTOCOL

1. Introduction

- 1.1 The relationship between Members and Officers is vital to the successful working of the Borough. At Redbridge, that relationship has traditionally been a good one, based on mutual respect and trust. Members and Officers communicate with each other openly and honestly and recognise the appropriate boundaries between informal and formal behaviour.
- 1.2 This Protocol is not intended to change that relationship, rather to complement it. The Protocol gives clear guidance about the respective roles of Members and Officers and what each group has the right to expect from the other. It is intended to cover, where appropriate, not only elected Members, but also co-opted Members and Independent Members. It also outlines what to do on the rare occasions that things go wrong.
- 1.3 The Protocol must be read and operated in the context of any relevant legislation, the Council's Constitution, including Standing Orders, and national and local Codes of Conduct.

2. Roles of Members and Officers

- 2.1 Elected Members are responsible for:
- (i) The initiation and monitoring of policy
 - (ii) Strategic Decision making within policy
 - (iii) Democratic accountability to the electorate for service delivery
 - (iv) Scrutiny of the Council's services and the effectiveness of Council policy
 - (v) Civic and community leadership
 - (vi) Representing their constituents
 - (vii) The promotion of partnership working
 - (viii) The presentation of Council policy
 - (ix) Deciding the Council's Budget
- 2.2 Officers are responsible for:
- (i) Providing professional advice to assist Members in formulating policy and in decision-making
 - (ii) Implementing Council policy and decisions taken by Members
 - (iii) Day to day running of services and administration including the management of staff
 - (iv) Making managerial and operational decisions in accordance with the Council's schemes of delegation
 - (v) The provision of information regarding Council services
 - (vi) Working for and serving the Council as a whole

3. Expectations

3.1 Members can expect from Officers:

- (i) Political neutrality and even-handed support
- (ii) An awareness of respective roles, workloads and pressures
- (iii) A constructive working relationship in all Member/Officer contact
- (iv) Response to enquiries and complaints within agreed timescales
- (v) Professional advice
- (vi) Regular, relevant and up-to-date information (with particular regard to individual responsibilities and positions)
- (vii) Awareness of and sensitivity to the political environment
- (viii) Respect and courtesy
- (ix) That appropriate training and development opportunities will be provided to Members
- (x) Integrity and confidentiality
- (xi) Not to be subjected to bullying or to be put under undue pressure
- (xii) That Officers shall not use their relationship with Members to advance their personal interests or to influence decisions improperly
- (xiii) That Officers will at all times comply with the relevant Code of Conduct

3.2 Officers can expect from Members:

- (i) An understanding of and respect for the fact that officers must be politically neutral
- (ii) Political leadership
- (iii) A constructive working relationship in all Member/Officer contact
- (iv) The freedom to manage operational service delivery without direct Member involvement
- (v) Consideration of advice given
- (vi) An awareness of respective roles, workloads and pressures
- (vii) Respect and courtesy
- (viii) Integrity and confidentiality
- (ix) Fair comment and discussion of officer reports, advice and recommendations, but the avoidance of personal criticism.
- (x) Duly diligent efforts by the Chair of a meeting to curtail any derogatory personal comments by members of the public.
- (xi) Not to be subjected to bullying or to be put under undue pressure
- (xii) That Members shall not use their position or relationship with employees to advance their personal interests or those of others
- (xiii) That Members will at all times comply with the relevant Code of Conduct

4. Communication with the Media

- 4.1 Any Redbridge Council communication with the media must be directed via the Council's Communications Team. Members of the Team will provide advice on publicity opportunities and media protocols. The Team will provide the media with factual information, quotes will be provided after consultation with the relevant Cabinet Member or Committee Chair.

- 4.2 Members may communicate with the media directly over matters of personal interest or political comment. Party groups will have their own protocols to cover this.
- 4.3 Officers from the Communications Team will liaise with the appropriate Member(s) and officers before and after Council Meetings, events and in response to media enquiries.

5. Briefings and attendance at meetings including political group meetings

- 5.1 Staff in Constitutional Services will automatically arrange officer briefings for the Cabinet and for Chairs of meetings. If any other group spokesperson requires a briefing they should communicate this to the Operational Director - Assurance.
- 5.2 Officer attendance (including staff from the Communications Team) at those briefings and at the meeting itself will be agreed between the Leader/relevant Chair/Spokesperson (as appropriate) and the Lead Officer for the meeting. The principle should be where possible to optimise officer attendance at meetings and not to have officers present unnecessarily.
- 5.3 Scrutiny Committees have the power to require Senior Officers to appear before them to answer questions. Senior Officers are defined as "the Chief Executive, a Director or Chief Officer, or other Senior Officer on Chief Officer grades, for example in the Education Service. In the case of attendance at Scrutiny Committees, a Senior Officer may nominate a Manager, at the discretion of the Chief Executive."
- 5.4 Officers do not normally attend political group meetings but may be invited to give advice. Any such invitation should be routed through the Chief Executive. Officers should not attend private meetings of the Cabinet prior to 28 days of a Cabinet Meeting if the making of key decisions is being discussed. Officers can, however, attend such meetings for the purposes of briefing Members.

6. The Decision Making Process

- 6.1 The Council's Constitution clearly indicates who is responsible for making decisions. It is important that neither Members nor officers make decisions outside this constitutional framework. Generally speaking, routine decisions have been delegated to officers, more strategic decisions are reserved for the Executive and a small number of decisions are made by Council. All decisions must be made within the Budget and Policy Framework agreed by the Council.
- 6.2 Where a decision is made by a Cabinet Portfolio holder under delegated powers, it has to be based on Officer advice given in a written format and which includes advice from the Corporate Director of Resources and the Operational Director - Assurance. Any such decision will be clearly recorded and available for inspection.

- 6.3 Equally, if Officers make certain categories of delegated decisions (with or without consultation with the relevant portfolio holder), such decisions will be clearly recorded and made publicly available.
- 6.4 At present, individual Cabinet Members have very few delegated decision making powers, however, each Portfolio Holder is responsible for making his/her recommendations to Cabinet on specific issues within the remit of his/her portfolio. Such recommendations are based on the receipt of Officer reports containing relevant facts, all the information necessary to enable Members to come to an informed decision, correct and complete professional advice including the advice of the Corporate Director of Resources and the Operational Director - Assurance and any alternative options that may be available. Each such report will be discussed between the relevant Portfolio Holder and Senior Officer.

7. Support to Members

- 7.1 Across the Council, Officers will make every effort to respond to requests from Members for information and support. Many senior staff work outside of normal office hours and when doing so are generally available for contact, however, once an officer has left Council premises, Members are expected to reserve contact to emergencies unless otherwise agreed.
- 7.2 Members are entitled to see Council documents relating to business transacted at Council, Cabinet and Committee Meetings or relating to decisions made by individual Cabinet Members. This entitlement may not apply in all cases as stated in the Constitution.

When things go wrong

8. Procedure for Officers

- 8.1 From time to time the relationship between individual Members and Officers may break down or become strained. It is preferable for such issues to be resolved informally, by conciliation through an appropriate Senior Officer or Member. However, should this not be possible, an individual may refer the matter to the Chief Executive. The Chief Executive, who having advised the Leader and when appropriate any other Group Leader, shall decide the course of action to be taken. This may involve referring the matter to the Standards Board / Standards Committee. (This process will be developed and added to the protocol once further guidance is received from the Standards Board).
- 8.2 Notwithstanding the arrangements set out in the preceding paragraph, all officers have the right to pursue their concerns through any of the following Council procedures/policies:
- (i) Grievance procedure
 - (ii) Harassment and bullying procedure
 - (iii) Racial harassment policy
 - (iv) Whistle-blowing policy

9. Procedure for Members

- 9.1 In the event that a Member is dissatisfied with the conduct, behaviour or performance of an employee, the matter shall be raised with the appropriate Senior Officer.
- 9.2 It is for the Senior Officer to decide whether or not the matter falls to be dealt with in accordance with the Council's Disciplinary or Capability procedures. If the Member is not satisfied with this decision, the matter may be referred to the Chief Executive.
- 9.3 No action should be taken against an officer other than in accordance with the provisions of the appropriate procedure. In cases concerning Senior Officers, the provisions relating to disciplinary and capability matters are specified in National Agreements, which are contractually binding on the officers, and the Council.

SECTION 6 - CODE OF CORPORATE GOVERNANCE

1. Introduction and background

The Chartered Institute of Public Finance and Accountancy (CIPFA) and Society of Local Authority Chief Executives (SOLACE) published a document of corporate governance in local government entitled "Delivering Good Governance In Local Government". Redbridge Council has drawn together a code of corporate governance which:

- brings together the various aspects of our arrangements for corporate governance, in a single document;
- demonstrates our ongoing commitment to uphold the highest standards of integrity, openness and accountability;
- underpins the credibility and confidence in our work as a service provider, community leader and employer;
- reinforces our role and aims of delivering best value services and being properly accountable to all relevant parties and subject to effective scrutiny and challenge.

We want people to have confidence in the way we work as we tackle our 6 aims for making Redbridge a better place to live. Our aims are to make Redbridge:

- a safer place to live
- a cleaner, greener place to live
- a better place to learn
- a better place for care
- a better place for business
- a better place to live together

These aims are set out in our Corporate Strategy. The Strategy sets out an integrated planning process that shows the thread which links the Community Strategy, the Council's Visions, aims and priorities right through to service planning and individual staff performance. The key to our success in achieving our aims lies in Members, staff and partners working together.

To do this, we must be open about the way we do our business and about the standards of conduct we expect from our Members and staff. We know that setting high standards of self governance provides a clear lead to our existing and potential partners, so this code of corporate governance provides the basis for effective community involvement.

2. What is corporate governance?

CIPFA and SOLACE say:

"Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner"

"It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities".

3. The six core principles of corporate governance

CIPFA and SOLACE have identified six core principles in delivering good governance. We fully embrace and support these principles of good corporate governance and will make sure they underpin the delivery of services to the public.

1. ***Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.***

– Our corporate vision, aims and plan has been developed following close consultation with our partners and those we serve. We have clear strategies and systems for gauging Value for Money and our performance is closely monitored and reported through various means including our **Annual Best Value Performance Plan** and our published accounts.

2. ***Members and officers working together to achieve a common purpose with clearly defined functions and roles.***

– Redbridge's Constitution sets out the respective roles of the Council, Cabinet (the executive) and Scrutiny and other Committee functions which provide the essential balance of authority, responsibility and accountability subjected to robust scrutiny and challenge. Our Standing Orders and Financial Regulations set out how the Authority's business should be conducted and these are supported by working protocols between Members and officers. We have key officers namely:

Our Chief Executive – responsible for all aspects of operational management and a pivotal role / relationship with the Leader and all other Members of the Council.

The Corporate Director of Resources – responsible for the proper financial administration of authority and for maintaining an effective system of internal financial control and who operates in accordance with the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.

The Operational Director - Assurance - responsible for ensuring that the Authority operates in accordance with all applicable statutes and regulations.

We recognise the benefits and value of working with our partners and through the Redbridge Strategic Partnership and other mechanisms, we will continue to share our vision, practices and values with our partners in developing and delivering our services to the community.

3. ***Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.***

- Effective leadership is an essential part of corporate governance, so we will

achieve these principles by leading by example in our decision-making and other actions and conducting ourselves to high standards. All Members and staff are required to act in accordance with relevant codes of conduct and standards and there are formal processes for declaring relationships or interests so as not to unduly influence or prejudice. There are appropriate mechanisms in place for dealing with anyone who breaches our standards and expectations.

4. ***Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.*** - We are open and consult stakeholders on all relevant issues. We provide access to full, accurate and clear information and make sure all stakeholders and potential stakeholders have the opportunity to be involved in our decision-making and actions. We have developed a Data Quality Strategy to help ensure that the information upon which decisions are made is robust. We seek to learn and improve through having an effective scrutiny function which last year was reviewed and strengthened. Furthermore, our Audit Committee, which is independent of the executive and scrutiny functions, continually reviews our governance and control frameworks. Our decisions and actions are transparent and documented. We are developing innovative new ways for our stakeholders to access our services and give us feedback. The “Redbridge-i” project is a key development and example of our determination to provide quick and easy access for all those for whom we serve and work with. We know that there are times when things can and do go wrong. We have a strong risk management strategy and processes which aims to minimise these events and identify ways of putting things right as well as “learning lessons” for the future. We actively encourage people to tell us where things have gone wrong and we expect our Members, staff, partners and contractors to tell us if they suspect any fraud or irregularity is occurring.
5. ***Developing the capacity and capability of members and officers to be effective.*** - We recognise the importance of having highly skilled and motivated Members and staff to drive through and deliver our demanding aims and to sustain public confidence in our services. We are committed to the development of Members and staff skills, knowledge and performance through programmes of induction, training and development programmes. We will also continue to share our practices with and involve our partners from all sections of the community to engage with and participate in the work of the Authority, thereby broadening our overall knowledge and skills base and shared values.
6. ***Engaging with local people and other stakeholders to ensure robust public accountability.*** - We are committed to engaging with all sectors of our community to ensure that we are directing our efforts to those areas of greatest concern and priority but being equally aware of the competing demands that need to be considered and addressed. Our approach to consulting with all stakeholders is set out in our document “Redbridge Consults”. Our aim is to be accessible to all groups in our diverse communities. Our website “Redbridge-I” is a prime example of the Council’s strong commitment to innovation and accountability with stakeholders. This new communication channel is transforming the type of conversations the Council is able to have with its stakeholders, providing a means for residents

to discuss local issues and give feedback in the forums and online polls. We also measure and report on our own performance through communications such as the Annual Report and via the Scrutiny process. We will continue to publish reports on how well we are achieving our objectives and remain open to scrutiny and encourage people to challenge performance and outcomes through public meetings, and other forums.

4. Making the Code work

We expect the principles set out in this Code to be upheld by our Members, staff and partners in the wider community. We will make sure this happens through a range of policies, systems and processes, including our:

- Corporate Planning and Performance Framework
- Constitution based on a system of Cabinet and Scrutiny
- Risk Management Strategy
- Anti-fraud and Corruption Policy including whistleblowing arrangements
- Project and Performance Management
- Human Resources policies & Codes of Conduct for Members and officers
- The Redbridge Corporate Strategy -2014-18

We will review the Code each year and publish a statement setting out whether or not we are still meeting the standards.

SECTION 7 - LOCAL COUNCILLOR JOB DESCRIPTION

ALL COUNCILLORS

MAIN PURPOSE:

- To represent effectively the interests of the ward for which the member is elected and deal with constituents' enquiries and representations.
- To champion causes which best relate to the interest and sustainability of the community.
- To build wider community cohesion and public engagement within Redbridge.
- To participate effectively in policy making.

Duties and Responsibilities (to include but not limited to):

1. To ensure that all duties are performed in compliance with the highest standards of probity, integrity and equality.
2. To be familiar with, and to comply at all times with the Council's Members' Code of Conduct and to understand the need for impartiality, disclosure of interests, to guard against lobbying, and to understand the personal liabilities and legal penalties that may arise from any breaches of the code
3. To represent the Council to the community, and vice versa, by participating actively in the available forums.
4. To participate fully in matters reserved to the Full Council meeting.
5. To develop and maintain a working knowledge of the Council's services, management arrangements, powers, duties and constraints.
6. To develop constructive working relationships with relevant Council officers where briefings are sought to improve understanding of key issues.
7. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact on the community's wellbeing and identity by attending briefings, reading reports, talking to residents, and by asking questions.
8. To work closely with community groups, community representatives and other agencies within and beyond your ward.

9. To promote the economic, social and environmental wellbeing of a community whilst having regard to the effects on other communities and the borough as a whole.
10. To give constituents an opportunity to raise issues of concern or personal concern and to take the appropriate action.
11. To attend all meetings and training for committees and bodies to which the member has been appointed unless there is a bona fide reason not to attend.
12. To make appropriate use of information technology as a means of effective communication.
13. To endeavor to take a full part in training and development programmes to acquire relevant skills to ensure that the member's role is undertaken as effectively as possible.
14. To understand safeguarding requirements and the responsibilities of being a Corporate Parent.
15. To comply with GDPR and to treat all information acquired, both formally and informally, in strict confidence and in accordance with Caldicott principles.
16. To consider all relevant information presented when making a decision and to make decisions in fulfilment of legal obligations.
17. To take part in community events organised by the Council.
18. To be active in scrutinising the decisions of the Cabinet and the Council
19. To communicate clearly and effectively both face to face and over email and social media in a manner that reflects the council in a good light at all times.

LEADER OF THE COUNCIL

MAIN PURPOSE:

To provide effective political leadership and strategic direction for the Council, and to ensure that the Council delivers high quality, efficient, value for money services.

Duties and Responsibilities (to include but not limited to):

1. To demonstrate clear leadership experience and capability, with a track record of decision making at a strategic level.
2. To provide the political leadership to the Council, including proposing the policy framework within which the Council will operate and to take such executive action as may be delegated by the authority.
3. To lead the Cabinet and be responsible for the Council's corporate strategy and policy co-ordination.
4. To ensure the Cabinet achieves its aims both collectively and as individual portfolio holders.
5. To ensure the effective integration of roles, responsibilities and functions within the Cabinet membership.
6. To take the lead in overseeing the monitoring of relevant spend is within service budgets included in the remit of the portfolio.
7. To establish and maintain an appropriate work programme and undertake agenda planning for the Cabinet.
8. To ensure the preparation and publication of a Forward Plan of key decisions.
9. To be the key contact for outside organisations (including central Government, local authority organisations and Council partner agencies).
10. To be the representative voice of the Council when appropriate, eg. in dealings with central Government, other local authorities and partner agencies.
11. To promote flagship projects of strategic significance to the borough.

12. To take a lead in forming partnerships with other local, public, private, voluntary and community organisations.
13. To act as the political spokesperson for the Council.
14. To ensure the effective communication of policies and recommendations of the Cabinet.
15. To have regard to the views expressed by the Council's Scrutiny Committees and ensure that their recommendations are fully considered.
16. To directly lead and support Cabinet members.
17. To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

DEPUTY LEADER OF THE COUNCIL

(To be read in conjunction with portfolio brief)

MAIN PURPOSE:

- To deputise for the Leader in his or her absence;
- To provide strong and fair political leadership and the strategic direction for the effective delivery of services within the relevant portfolio;
- To ensure that the Council delivers high quality, efficient, value for money services.

Duties and Responsibilities (to include but not limited to):

1. To assist the Leader in the formal processes and matters of leadership of the Council as set out in the Leader of the Council role description.
2. To share with appropriate service managers responsibility for the performance of services and functions within the relevant portfolio.
3. To act as spokesperson within and outside the Council on those services.
4. To propose new policy and strategic thinking and to make recommendations to the Executive on matters within the relevant portfolio and on cross cutting issues as appropriate.
5. To share collective responsibility for decisions taken by the Cabinet.
6. To take the lead in overseeing the monitoring of relevant spend within service budgets included in the remit of the portfolio.
7. To ensure the delivery of best value and continuous improvement in services and implementation of best practice in the Council.
8. To attend and/or chair meetings in relation to the portfolio responsibilities.
9. To ensure effective communication of the decisions related to the portfolio responsibilities to the Council, all Members, the community and all appropriate agencies/bodies.
10. To take a lead on external partnership working in the relevant area of responsibility.

11. To have regard to the Council's Scrutiny Committees to ensure that recommendations in relation to the portfolio responsibilities are fully considered and responded to.
12. To seek to involve and consult all members in the area of work for which you have responsibility, particularly members of the relevant overview and scrutiny committees.
13. To seek appropriate advice and support from officers of the Council.
14. To ensure that you are informed of good practice within the Council and elsewhere.
15. To undertake training relevant to the areas of the portfolio responsibilities.
16. To undertake media and other public affairs work on behalf of the Council.

CABINET MEMBER

(To be read in conjunction with portfolio brief)

MAIN PURPOSE:

- To provide strong and fair political leadership and the strategic direction for the effective delivery of services within the relevant portfolio;
- To ensure that the Council delivers high quality, efficient, value for money services.

Duties and Responsibilities (to include but not limited to):

1. To have relevant transferable skills, experience and knowledge that would demonstrate capability in the role.
2. To understand the time commitment involved and be able to meet the time and decision making demands required of the role.
3. To share with appropriate service managers responsibility for the performance of services and functions within the relevant portfolio.
4. To act as spokesperson within and outside the Council on those services.
5. To propose new policy and strategic thinking and to make recommendations to the Cabinet on matters within the relevant portfolio and on cross cutting issues as appropriate.
6. To share collective responsibility for decisions taken by the Cabinet.
7. To take the lead in overseeing the monitoring of relevant spend is within service budgets included in the remit of the portfolio.
8. To ensure the delivery of best value and continuous improvement in services and implementation of best practice in the Council.
9. To attend and/or chair meetings in relation to the portfolio responsibilities.
10. To ensure effective communication of the decisions related to the portfolio responsibilities to the Council, the community and all appropriate agencies/bodies.

11. To take a lead on external partnership working in the relevant area of responsibility.
12. To have regard to the relevant and Scrutiny Committee and task groups, attend the relevant meeting and to ensure that recommendations in relation to the portfolio responsibilities are fully considered and responded to.
13. To seek to involve and consult all members in the area of work for which you have responsibility, particularly members of the relevant overview and scrutiny committees.
14. To seek appropriate advice and support from officers of the Council.
15. To ensure that you are informed of good practice within the Council and elsewhere.
16. To undertake training relevant to the areas of the portfolio responsibilities.
17. To undertake media and other public affairs work on behalf of the Council.
18. To be accessible to and respond to service users with respect to portfolio responsibilities.

CHAIR AND VICE CHAIR OF SCRUTINY COMMITTEE

MAIN PURPOSE:

- To ensure the effective management and running of the Scrutiny Committee in order to assist the Council and Cabinet in the development of the policy framework and budget.
- To ensure the effective management and running of the committee in order to scrutinise the decisions made or other action taken in connection with the discharge of any of the local authority's executive functions, and scrutinise external organisations and agencies which are in the scope of the committee.
- To chair meetings of the committee as programmed in the Council's calendar of meetings.

Duties and Responsibilities (to include but not limited to):

1. To take a lead in assisting the development of policy by in-depth analysis of policy issues.
2. To take a lead in the review, challenge and questioning of the formulation and implementation of agreed policy and service delivery and to make recommendations to the Cabinet and Council to improve policy, performance and service delivery.
3. To develop a clear understanding of the terms of reference of the Scrutiny Committee, and the scope and range of the services for which the committee is responsible.
4. To submit regular reports to meetings of the Full Council on the activities of the committee.
5. To ensure the work of the Committee contributes to the delivery of best value and continuous improvement in services and implementation of best practice.
6. To agree all agendas for Committee meetings and take a lead in developing a forward work programme and ensuring it is adhered to.
7. To attend relevant training and to be aware of changes to legislation relevant to scrutiny functions.

8. To ensure that the Cabinet and Council members are briefed at the appropriate time of significant issues.
9. To invite officers, service users, and external agencies to give evidence, answer question, and give presentations at Scutiny meetings.
10. To seek and consider officer advice when appropriate.

CHAIR OF LICENSING COMMITTEE

MAIN PURPOSE:

- To chair and manage Committee meetings and ensure that the Committee adheres to its terms of reference
- To determine alcohol and entertainment licensing applications in accordance with the terms of reference of the alcohol and licensing sub-committee.

Duties and Responsibilities (to include but not limited to):

1. To show leadership and represent the interests of the Council.
2. To ensure that meetings function in an orderly and efficient manner.
3. To ensure that decisions are taken transparently and fairly.
4. To work with the Licensing Manager to review the performance of the committee and to support new members.
5. To attend pre-committee briefings with officers and the vice chair.
6. To ensure that members of the public are clear about the roles and responsibilities of people at committee
7. To ensure that members of the public are clear about the decision making process
8. To ensure that public speaking arrangements are implemented in accordance with standing orders.
9. To ensure that decisions made are clear and reflected in minutes
10. To take part in decision making as a committee member and in accordance with the relevant code of conduct and terms of reference.

MEMBER OF LICENSING COMMITTEE

MAIN PURPOSE:

To hear and determine alcohol and entertainment licensing applications in accordance with the terms of reference of the alcohol and licensing sub-committee.

Duties and Responsibilities (to include but not limited to):

1. To implement the Council's licensing policies in a way that supports business development whilst protecting amenity.
2. To attend meetings of the committee and assigned sub-committee
3. To read, know and understand the licensing code and underlying reasons for applications, and the work carried out by licensing officers.
4. To maintain high standards of procedure, behaviour and ethics in making decisions, in accordance with law and relevant codes of practice.
5. To attend relevant training and be aware of changes to legislation in relation to licensing procedures.
6. To develop constructive and respectful working relationships with officers.

CHAIR OF PLANNING COMMITTEE

MAIN PURPOSE:

- To chair and manage Committee meetings and ensure that the Committee adheres to its terms of reference
- To make decisions on planning applications in accordance with the terms of reference of the Planning Committee.
- To consider schemes at pre-application stage in accordance with the terms of reference of the Planning Committee

Duties and Responsibilities (to include but not limited to):

1. To show leadership and represent the interests of the Council.
2. To ensure that meetings function in an orderly and efficient manner.
3. To ensure that decisions are taken transparently and fairly.
4. To work with the Head of Planning to review the performance of the committee and to support new members,
5. To attend pre-committee briefings with officers and the vice chair.
6. To ensure that members of the public are clear about the roles and responsibilities of people at committee
7. To ensure that members of the public are clear about the decision making process
8. To ensure that public speaking arrangements are implemented in accordance with standing orders.
9. To ensure that decisions made are clear and reflected in minutes
10. To take part in decision making as a committee member and in accordance with the relevant code of conduct and terms of reference.

MEMBER OF PLANNING COMMITTEE

MAIN PURPOSE:

- To make decisions on planning applications in accordance with the terms of reference of the Planning Committee.
- To consider schemes at pre-application stage in accordance with the terms of reference of the Planning Committee

Duties and Responsibilities (to include but not limited to):

1. To implement the Council's planning policies as set out in the Development Plan, to help secure the Council's growth and regeneration objectives.
2. To foster and maintain a disciplined approach to considering planning applications and pre-application schemes, namely:
 - To have read the reports in advance
 - To attend all relevant site visits
 - To approach decision making with an open mind
 - To attend all Planning briefings
3. To maintain high standards of procedure, behaviour and ethics in making decisions, in accordance with planning law and relevant codes of practice.
4. To attend relevant training
5. To develop constructive and respectful working relationships with officers.
6. To seek early resolution of any points of clarification or concern from planning officers following publication of the report, before the committee meeting.

CHAIR OF GOVERNANCE AND ASSURANCE COMMITTEE

MAIN CAPABILITIES:

- To chair and manage Committee meetings and ensure that the Committee adheres to its terms of reference
- To assess the adequacy of the risk management framework and the internal control environment across the organization.
- To review the authority's integrated governance, risk management and control frameworks.
- To oversee the annual financial reporting and annual governance processes.
- To ensure efficient and effective assurance arrangements are in place.
- To consider the Members Code of Conduct.
- To approve the annual audit plan – Ensure that audit resources are focussed on areas that represent the highest risk.
- To review periodic updates on the work of Internal Audit – Oversight of key audit issues and hold management to account to ensure the organisation has a robust system of internal control.
- To review the Annual Internal Audit opinion – Review the assessment of the effectiveness of the organisation's framework of internal control and review of effectiveness of the internal audit function.
- To hold management to account – Ensure there is management representation at committee in the instance of serious issues identified by audit.
- To challenge audit coverage – Enquire how assurance is being obtained over contextual issues and risks.
- Escalation and oversight of key issues – Escalate significant issues for consideration at Scrutiny committee. Request detailed updates from management around what action is being taken to resolve key control issues identified.
- To think about the bigger picture – Consider whether issues you are aware of or poor Council performance may be in relation to control weaknesses and proactively flag this to audit.

Duties and Responsibilities (to include but not limited to):

1. To show leadership, direction and represent the interests of the Council.
2. To ensure that meetings function in an orderly and efficient manner.
3. To ensure that decisions are taken transparently and fairly.
4. To ensure any breach of duty is considered and followed under the scheme's procedure.
5. To work with the Monitoring Officer to review the performance of the committee and support new members.
6. To attend pre-committee briefings with officers.
7. To ensure that decisions made are clear and reflected in minutes.
8. To ensure that members of the public are clear about the decision-making process and are aware of the public speaking arrangements.
9. To submit recommendations to Cabinet and Full Council.
10. To participate in the decision-making process as a committee member and in accordance with the relevant code of conduct and terms of reference.
11. To seek and consider advice when appropriate.

MEMBER OF GOVERNANCE AND ASSURANCE COMMITTEE

MAIN CAPABILITIES:

- To assess the adequacy of the risk management framework and the internal control environment across the organization.
- To review the authority's integrated governance, risk management and control frameworks.
- To oversee the financial reporting and annual governance processes.
- To ensure efficient and effective assurance arrangements are in place.
- To consider the Members Code of Conduct.
- To approve the annual audit plan – Ensure that audit resources are focussed on areas that represent the highest risk.
- To review periodic updates on the work of Internal Audit – Oversight of key audit issues and hold management to account to ensure the organisation has a robust system of internal control.
- To review the Annual Internal Audit opinion – Review the assessment of the effectiveness of the organisation's framework of internal control and review of effectiveness of the internal audit function.
- To hold management to account – Ensure there is management representation at committee in the instance of serious issues identified by audit.
- To challenge audit coverage – Enquire how assurance is being obtained over contextual issues and risks.
- Escalation and oversight of key issues – Escalate significant issues for consideration at Scrutiny committee. Request detailed updates from management around what action is being taken to resolve key control issues identified.
- To think about the bigger picture – Consider whether issues you are aware of or poor Council performance may be in relation to control weaknesses and proactively flag this to audit.
- To participate in the decision-making process as a committee member and in accordance with the relevant code of conduct and terms of reference.
- To seek and consider advice when appropriate

CHAIR OF PENSION FUND COMMITTEE

MAIN CAPABILITIES:

To Chair the Committee responsible for the overall investment policy, strategy and operation of the fund and its performance, including taking into account the profile of the Pension Fund liabilities, including the following:

1. To determine the Fund management arrangements, including the appointment and, if necessary, termination of the Pension Fund Managers, Custodian and Pension Fund Advisers
2. To monitor and review the performance of the Fund and of the individual Pension Fund Managers, Custodian and Pension Fund Advisers;
3. To approve the Pension Fund Investment Strategy
4. To approve the Pension Investment Strategy Statement, the Funding Strategy Statement and other policy statements
5. To review the performance of Pension Fund investments and to endorse improvement plans where relevant;
6. To review the votes cast by Fund Managers at Annual General and Extraordinary company meetings;
7. To review the development and effectiveness of the London Collective Investment Vehicle; and consider the investment opportunities that this vehicle presents for the Pension Fund.
8. To receive the Pension Fund Annual Report and accounts;
9. To receive actuarial valuations of the Pension Fund, including the report on the outcome of the 2016 Triennial Pension Fund Review and subsequent reviews;
10. To consider other strategic issues referred to the committee by the s151 officer.
11. To keep the Pension Fund governance and administration arrangements under review and to recommend changes to the Council when necessary.
12. To keep under review the LGPS regulations, Codes of Practice or guidance issued by the Pensions Regulator and the National Scheme Advisory Board ensuring compliance as applicable;
13. To consider any recommendations made or views expressed by the London Borough of Redbridge Local Pension Board
14. To advise the Administering Authority on other strategic matters relating to the Pension Fund and/or management of Superannuation Fund Investments.

Duties and Responsibilities (to include but not limited to):

1. To show leadership, direction and represent the interests of the Council.
2. To ensure that meetings function in an orderly and efficient manner.
3. To ensure that decisions are taken transparently and fairly.
4. To ensure any breach of duty is considered and followed under the scheme's procedure.
5. To secure compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme.
6. To ensure that decisions made are clear and reflected in minutes
7. To take part in decision making as a committee member and in accordance with the relevant code of conduct and terms of reference.
8. To attend pre-committee briefings with officers.
9. To ensure that members of the public are clear about the roles and responsibilities of people at committee
10. To ensure that members of the public are clear about the decision-making process.

MEMBER OF PENSION FUND COMMITTEE

MAIN PURPOSE:

To be responsible for the overall investment policy, strategy and operation of the fund and its performance, including taking into account the profile of the Fund liabilities.

Duties and Responsibilities (to include but not limited to):

1. To determine the Fund management arrangements, including the appointment and, if necessary, termination of the PensionFund Managers, Custodian and PensionFund Advisers.
2. To monitor and review the performance of the Fund and of the individual PensionFund Managers, Custodian and PensionFund Advisers.
3. To approve the Pension Fund Investment Strategy.
4. To approve the Pension Investment Strategy Statement, the Funding Strategy Statement and other policy statements.
5. To review the performance of Pension Fund investments and to endorse improvement plans where relevant.
6. To review the votes cast by Pension Fund Managers at annual general and extraordinary company meetings.
7. To review the development and effectiveness of the London Collective Investment Vehicle; and consider the investment opportunities that this vehicle presents for the Pension Fund.
8. To receive the Pension Fund Annual Report and accounts.
9. To receive actuarial valuations of the Fund, including the report on the outcome of the 2016 Triennial Pension Fund Review and subsequent reviews.
10. To consider other strategic issues referred to the committee by the s151 officer.
11. To keep the Pension Fund governance and administration arrangements under review and to recommend changes to the Council when necessary.
12. To keep under review the LPS regulations, Codes of Practice or guidance

issued by the Pensions Regulator and the National Scheme Advisory Board ensuring compliance as applicable;

13. To consider any recommendations made or views expressed by the London Borough of Redbridge Local Pension Board
14. To advise the Administering Authority on other strategic matters relating to the Pension Fund and/or management of Superannuation Fund Investments.

CHAIR OF LOCAL PENSION BOARD

MAIN CAPABILITIES:

- To ensure the Board delivers its purpose as set out in the Terms of Reference of the Local Pension Board;
- To ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered;
- To seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached.
- To assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
 - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
 - (b) to ensure the effective and efficient governance and administration of the Scheme.
- To at all times act in a reasonable manner and abide by the code of conduct for Board members.
- To attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
- To participate in such personal training needs analysis or other processes that are put in place in order to ensure that the required level of knowledge and understanding is maintained to carry out their role on the Board.
- To seek and consider advice when appropriate

MEMBER OF LOCAL PENSION BOARD

MAIN CAPABILITIES:

- To assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
 - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
 - (b) to ensure the effective and efficient governance and administration of the Scheme.
- To at all times act in a reasonable manner and abide by the code of conduct for Board members.
- To attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
- To participate in such personal training needs analysis or other processes that are put in place in order to ensure that the required level of knowledge and understanding is maintained to carry out their role on the Board.
- To seek and consider advice when appropriate

CHAIR OF HEALTH & WELL-BEING BOARD

MAIN CAPABILITIES:

To Chair the Health & Well-Being Board in advancing the health and wellbeing of people in Redbridge, including assisting the Board to :

- Encourage persons who arrange for the provision of any health or social care services in Redbridge to work in an integrated manner.
- Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- Encourage persons who arrange for the provision of any health-related services in Redbridge to work closely with the Health and Wellbeing Board.
- Encourage persons who arrange for the provision of any health or social care services in Redbridge and persons who arrange for the provision of any health-related services in Redbridge to work closely together.
- Carry out the functions of the Council and Redbridge Clinical Commissioning Group under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 to:-
 - (a) prepare and publish a Joint Strategic Needs Assessment and
 - (b) prepare and publish a Health and Wellbeing Strategy for the area of the London Borough of Redbridge.
- Prepare and publish a local Pharmaceutical Needs Assessment (PNA) – an overview of local pharmaceutical needs, services and gaps in provision.
- Appoint such additional persons to be members of the Board as it thinks appropriate.

MEMBER OF HEALTH & WELL-BEING BOARD

MAIN CAPABILITIES:

To assist the Health and Well-Being Board in advancing the health and wellbeing of people in Redbridge, including assisting the Board to :

- Encourage persons who arrange for the provision of any health or social care services in Redbridge to work in an integrated manner.
- Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- Encourage persons who arrange for the provision of any health-related services in Redbridge to work closely with the Health and Wellbeing Board.
- Encourage persons who arrange for the provision of any health or social care services in Redbridge and persons who arrange for the provision of any health-related services in Redbridge to work closely together.
- Carry out the functions of the Council and Redbridge Clinical Commissioning Group under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 to:-
 - (a) prepare and publish a Joint Strategic Needs Assessment and
 - (b) prepare and publish a Health and Wellbeing Strategy for the area of the London Borough of Redbridge.
- Prepare and publish a local Pharmaceutical Needs Assessment (PNA) – an overview of local pharmaceutical needs, services and gaps in provision.
- Appoint such additional persons to be members of the Board as it thinks appropriate.

SECTION 8 – PLANNING CODE OF CONDUCT

Introduction

This Code has been prepared using advice in the Local Government Association/Planning Advisory Service revised guidance note – Probity in Planning: Advice for councillors and officers making planning decisions (December 2019).

Key Purpose of Planning

Planning has a positive and proactive role to play at the heart of local government. Its purpose is to translate goals into actions. It balances social, economic and environmental needs to achieve sustainable development. It can deliver important public benefits such as new housing, infrastructure and local employment opportunities.

The planning system works best when Councillors and officers involved in planning understand their roles and responsibilities and the context and constraints in which they operate.

Planning decisions are based on balancing competing interests and making an informed judgement against a local, regional and national policy framework. In doing this, decision-makers need an ethos of decision-making in the wider public interest on what can be controversial proposals.

Aim of the Code

In today's place-shaping context, early Councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the places that communities need. This guidance is intended to reinforce Councillors' community engagement role whilst maintaining good standards of probity that minimises the risk of legal challenge.

Planning decisions can be controversial. 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 planning decisions. Nevertheless, it is important that the decision-making process is open and transparent.

One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved. Whilst Councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that the Council makes planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.

The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally flawed.

When the Code Applies

This Code applies to Councillors and Officers when they are involved in the planning process. This includes, where applicable, when part of decision-making meetings of the Council, in exercising the functions of the planning authority or when involved on less formal occasions, such as meetings with officers or consultative meetings. It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications. If a Councillor has any

doubts about the application of this Code to their own circumstances they should seek advice early from the Monitoring Officer, and preferably well before any meeting takes place.

This Code applies to all meetings of the Council's Planning Committee. When the term "Councillor" is used, it means that the text is applicable to all members of the Council. The term "Planning Committee Councillor" means a member or a substitute member of the Council's Planning Committee.

Relationship to The Members' Code of Conduct

Councillors are reminded that this Code is designed primarily for Planning Committee Councillors and Councillors who, for whatever reason, find themselves involved in the planning process. It should not be read in isolation. Whilst this Code interprets the Code of Conduct for Members (Constitution Part 4, Section 1) with respect to planning matters, it is subordinate to that Code and in the event of any inconsistencies arising between this Code and the Code of Conduct for Members, the latter shall prevail.

Role and Conduct of Councillors and Officers

General Roles of Councillors and Officers

Councillors and officers have different but complementary roles. Both serve the public. Officers are responsible to the Council as a whole, whilst Councillors are responsible to the electorate as a whole.

Officers are not appointed to serve any political group and therefore advise all Councillors. Officers carry out the daily functions of the Council's business in accordance with Council or Committee decisions or under powers delegated to them pursuant to the Constitution. Officers are governed by the Code of Conduct for Officers contained in the Constitution (Part 4, Section 3). In addition, planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Solicitors Regulation Authority. Officers in other professions will have similar codes.

The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by Councillors and to adopt a code of conduct. The Code of Conduct for Members is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It embraces the standards central to the preservation of an ethical approach to Council business, including the need to register and disclose interests, as well as appropriate relationships with other Councillors, staff and the public. The Council's constitution sets down rules and orders which govern the conduct of Council business.

Relationship Between Councillors and Officers

Mutual trust, respect and understanding between Councillors and officers are the keys to achieving effective local government. A successful relationship can only be based upon mutual trust and an understanding of each other's positions. This relationship, and the trust and respect that underpins it, must never be abused or compromised.

Planning officers' views, opinions and recommendations will be presented based on their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of a committee or other meeting or its Councillors.

Councillors must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a Councillor from asking questions or submitting views to an officer. These views must be received in written form (eg

email) and be placed on the planning file, so that they can be considered together with other material planning considerations.

Interests: Registration and Disclosure

The provisions of the 2011 Act seek to separate interests arising from the personal and private interests of the Councillor from those arising from the Councillor's wider public life. Councillors 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 the Councillor's involvement would be appropriate.

A Councillor should refer to the Code of Conduct for Members for assistance in identifying Disclosable Pecuniary Interests or any Other Interests or seek advice from the Monitoring Officer prior to attending a meeting. A failure to properly register a Disclosable Pecuniary Interest or to participate in discussion or voting in a meeting on a matter in which a Councillor has a Disclosable Pecuniary Interest, are criminal offences. Ultimately, responsibility for fulfilling these requirements rests with each Councillor.

Registration of Interests

A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes.

Disclosure of Interests

It is always best to identify a potential interest early on. If a Councillor thinks that they may have an interest in a matter to be discussed at Planning Committee, he or she should raise this with the Monitoring Officer as soon as possible.

Personal and Pecuniary Interests

The Council's Code of Conduct for Members includes provision for declaration of interests that are wider than Disclosable Pecuniary Interests under the Localism Act 2011. Some personal interests may amount to pecuniary interests that impact on members' ability to participate and vote on that item.

Disclosable Pecuniary Interests

Where a Councillor has a Disclosable Pecuniary Interest relating to an item under discussion, the Councillor may not participate (or participate further) in any discussion of the matter at the meeting or participate in any vote (or further vote) on the matter. The Councillor should also withdraw from the committee room. This means that a Councillor with a Disclosable Pecuniary Interest is precluded from making representations orally to the committee or from making representations on behalf of a party to the hearing.

A Councillor with a Disclosable Pecuniary Interest can still present their views to the committee through other means. For example, the Councillor can:

- make written representations on a planning application in their private capacity – the existence and nature of the interest should be disclosed in such representations and the Councillor should not seek preferential consideration for their representations – such written representations should be addressed to officers rather than to other Councillors;
- use a professional representative to make a representation on the Councillor's behalf in circumstances where the Councillor's planning application is under consideration; or

- arrange for another Councillor (eg, a fellow ward Councillor) to represent the views of the Councillor's constituents on matters in which the Councillor has a Disclosable Pecuniary Interest.

Although a Disclosable Pecuniary Interest relating to an item under discussion requires the withdrawal of the Councillor from the committee, in certain circumstances, a dispensation can be sought from the Monitoring Officer to be present for that item of business.

Members should also have regard to the requirements regarding personal and pecuniary interests under the Code since these may also require a declaration of interest and may impact on members' ability to participate in an item.

Bias: Predetermination/Predisposition

In addition to being aware and taking appropriate action in relation to interests, Planning Committee Councillors need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application, on planning policies or on other planning matters, such as enforcement. Avoidance of bias or predetermination or the appearance of bias or predetermination is a principle of natural justice that the decision maker is expected to adhere to.

The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a "closed mind" and likely to leave the committee's decision susceptible to challenge by Judicial Review. The latter is the perfectly normal process of someone making up their mind.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear that, although they have an initial view, they are willing to listen to all the material considerations presented at the committee and to keep an open mind before deciding on how to exercise their vote (predisposition). The latter is acceptable; the former is not and may result in a Court quashing such a planning decision.

Section 25 of the 2011 Act 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. This enacted the common-law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and are prepared to change their mind in the light of information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider whether the Councillor was biased. It is not enough just to say you have an open mind, you need to act in a way that shows that you have.

For example, a Councillor who states, "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a Councillor who states, "Many people find windfarms ugly and noisy, and I will need a lot of persuading that any more windfarms should be allowed in our area." The former has a closed mind and is predetermined, whereas the latter is predisposed but is still maintaining an open mind.

This distinction is particularly important in the context of the Council's practice of facilitating presentations to Planning Committee by developers of schemes at the pre-application stage. After these presentations, Planning Committee Councillors question details of the development so that they can input into the design development of these strategic schemes. They will therefore express views on aspects of the development (such as its external appearance, impact on neighbours or transport network implications) which will display predisposition around these

elements. What a Planning Committee Councillor should not do at this pre-application stage is to express a firm view on the development as a whole, as this could amount to predetermination. Such a view should only be formed at the end of the process, when all the material considerations are available to the Planning Committee Councillors to consider and weigh up before finalising their view.

Dealing with Lobbying

A Planning Committee Councillor who has been lobbied and wishes to support their constituent or is a Ward Councillor and wishes to campaign for or against a proposal, will need to consider whether this is likely to be regarded as amounting to bias and going against the fair determination of the planning application. If they have predetermined their position or have given that impression, they should avoid being part of the decision-making body for that application. A Planning Committee Councillor could speak at Planning Committee (in accordance with the Public Speaking Rights rules in the Planning Committee Terms of Reference) on behalf of their constituents, having declared their pre-determined position, but could not take part in the planning decision.

Participation as a Planning Committee Councillor where a Councillor is or may be perceived to be biased, in addition to the risk of a complaint against the individual Councillor, also places the decision of the Committee at risk from legal challenge. As such, if a Planning Committee Councillor considers that they are or have given the impression that they are biased or predetermined they must carefully consider whether it is appropriate for them to participate in the matter.

Applications Submitted by the Council, Councillors or Officers

Care needs to be taken in the way these applications are dealt with.

Applications Submitted by the Council

Proposals for a Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the Council. Proposals for a Council's own development will be treated no differently from any other application.

Certain Councillors may, through their other roles outside of Planning Committee (eg a Portfolio Holder), have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at Planning Committee, the Councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action, if that is the case, is that the Councillor concerned may address the Committee in the applicant's speaking slot (see the Public Speaking Rights rules in the Planning Committee Terms of Reference) but does not take part in its consideration and determination. It is important that the Councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

Applications Submitted by Councillors or Officers

It is perfectly legitimate for planning applications to be submitted by Councillors and members of staff. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination.

If a councillor or an officer submits their own proposal to the Council which they serve, they should take no part in its processing. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing.

The Terms of Reference for Planning Committee sets out the circumstances when applications submitted by councillors and officers must be determined by Committee.

The procedures to be followed in Committee in such circumstances are as follows:

- The consideration in Committee of an application from a Councillor may be considered a Disclosable Pecuniary Interest for that Councillor and they will need to be mindful of their obligations in relation to Disclosable Pecuniary Interests as set out in the Code of Conduct for Members.
- If such a Councillor does not have a Disclosable Pecuniary Interest, they may address the Committee as the applicant in accordance with the Council's public speaking procedures.
- If such a Councillor has a Disclosable Pecuniary Interest, they may not participate in the consideration of the matter and may therefore not speak on the matter. They would need to have a representative speak on their behalf, unless they have received a specific dispensation for this purpose from the Monitoring Officer.
- The Planning Committee Councillors must consider whether the nature of any relationship means that they have a Disclosable Pecuniary Interest in relation to the matter and if so, they may not participate in the consideration of that matter.

The principle in the final bullet point also applies to an application submitted by a member of staff when it is considered in Committee.

Lobbying of and by Councillors

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, enforcement action, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their Ward Councillor or to a Councillor sitting on a relevant committee.

As 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."

Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense are exercised by all the parties involved.

Lobbying of Councillors

A Planning Committee Councillor should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may prejudice their impartiality and ability to participate in the Committee's decision making if they are asked to express either an intention to vote one way or another or such a firm point of view that it amounts to the same thing. Planning Committee Councillors should ensure that it is made clear to any lobbyists that they will only be able to reach a final decision on any planning matter after they have heard all the relevant arguments and looked at the relevant information during the sitting of the determining Committee.

Planning Committee Councillors should therefore:

- suggest to lobbyists that they write to the Planning Service in order that their views can be included in the officer report prepared for determination under delegated powers or by Committee;
- pass on any lobbying correspondence received (including correspondence, plans, data etc in respect of an application) to the Planning Service as soon as practicably possible so that it can be considered and included in the report on the application;

- refer the matter to another ward councillor;
- remember that their overriding duty is to the whole community not just to the residents and businesses within their ward and that they have a duty to make decisions impartially and should not improperly favour, or appear to improperly favour, any person, company, group or locality;
- not accept gifts or hospitality from any person involved in or affected by a planning proposal, but if a degree of hospitality is unavoidable (eg, refreshments at a meeting), ensure that they comply with the provisions in the Code of Conduct for Members on gifts and hospitality; and
- 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, including where they have been declined), who will in turn advise the appropriate officers to follow the matter up where necessary.

Planning Committee Councillors should note that, subject to the requirements to ensure that they comply with the Code of Conduct for Members and the rules regarding bias and pre-determination and ensure that they take appropriate action in relation to Disclosable Pecuniary Interests, they are not precluded from:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to predetermination and they make clear they are keeping an open mind;
- seeking information through appropriate channels, which generally would be officers in the Planning Service; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided they explain their actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

In the interest of openness and transparency, Planning Committee Councillors should declare any lobbying to which they have been subject.

It is very difficult to convey every nuance of these situations and to get the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual Councillor.

Lobbying by Councillors

Planning Committee Councillors should not become a member of, lead or represent a national or local organisation that regularly lobbies to promote or oppose planning proposals. If a Councillor does, they may appear to be biased. Whilst they may be able to address the Committee as a Ward Councillor or an objector, they are not able to participate or vote on any matter in respect of which they have such an interest, unless they have received a specific dispensation for this purpose from the Monitoring Officer.

Planning Committee Councillors can join general groups which reflect their areas of interest, and which concentrate on issues beyond particular planning proposals, but they should disclose a personal interest and consider whether that also amounts to a pecuniary interest where that organisation has made representations on a particular proposal or other planning matter. Where a Planning Committee Councillor is able to participate, they should make it clear to that organisation and the Committee that they have reserved judgement and the independence to make up their own mind on each separate proposal.

Councillors should not excessively lobby Planning Committee Councillors regarding their concerns or views on a planning application, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, is likely to compromise, or could be seen as compromising the officers' impartiality or professional integrity. Nor should they request officers to speed up or delay the determination or assessment of an application for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.

Call-in requests, whereby in certain circumstances a Councillor can request a proposal that would normally be determined under officers' delegated authority to be determined by Committee, require the reasons for call-in to be recorded in writing and to refer solely to material planning considerations. The decision as to whether such an application is considered by Planning Committee is for the Chair in consultation with the Operational Director of Planning & Building Control based on whether there is a material planning reason for reporting the application to Planning Committee. If a Planning Committee Councillor makes a call-in request, because they are required to set out their objections to the application, they are likely to be seen as bias and therefore should not participate in the determination of it at committee.

Planning Committee Councillors should not decide or discuss how to vote on any application at any sort of political group meeting or lobby any other Planning Committee Councillor to do so.

As previously outlined, Councillors must always be mindful of their responsibilities and duties under their Code of Conduct. These responsibilities and duties apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this Code.

Pre-Application Discussions

Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged by the National Planning Policy Framework. However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. For this reason, the Council have developed a pre-application process that enables engagement at the pre-application stage.

For major strategic applications, the Council offers a service to potential applicants, which includes presenting their schemes to the Council's Planning Committee. Details of this are set out in the Planning Committee's Terms of Reference. This is the way in which Planning Committee Councillors engage with these schemes and there should therefore be no need to attend any other meetings with potential applicants or their agents/representatives.

For other application types, potential applicants may seek to meet Planning Committee Councillors. For minor or household applications, these can be treated as a form of lobbying and Councillors, including Planning Committee Councillors, should follow the advice on lobbying set out above.

Where an application is more substantial, but not subject to a pre-application committee presentation, these meetings will be subject to the following procedures:

- No meeting involving Planning Committee Councillors shall be convened without the presence of a Council planning officer for the entire duration of the meeting.
- Understand that such meetings will attract a fee and make sure the applicant understands this.

- Both this Code and the Code of Conduct for Members will apply when attending such meetings.
- Any Planning Committee Councillor involved in such a meeting, who sits on the Committee that subsequently considers any resulting application, should declare their attendance at the meeting in the same way as lobbying would be declared.
- Officers (and any Councillor, if present) should make it clear from the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
- Any advice given should be consistent and in accordance with the Development Plan and officers should agree, prior to any meeting, on a consistent interpretation of Development Plan policies as applied to the particular proposal.
- Councillors should not become drawn into any negotiations, which should be done by officers to ensure that the authority's position is co-ordinated.
- A contemporaneous note of the meeting should be prepared by the planning officer attending and a copy sent to all parties for their comments on accuracy.
- The final version of the note of the meeting will be placed on the planning file and should a planning application subsequently be received, it will thereby be open to public inspection.

Councillors should not seek to arrange meetings that would circumvent the Council's normal pre-application procedures, including the need to charge applicants for such meetings.

Planning Committee Councillors should not attend pre-application meetings that are not organised through officers.

Post-Submission Discussions

A Planning Committee Councillor should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.

There are limited circumstances when Planning Committee Councillors may legitimately engage in post-submission discussions. An example would be in the case of a very large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers as a Technical Briefing and run under the procedures set out in the Planning Committee's Terms of Reference.

If a Planning Committee Councillor is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether it would be prudent in the circumstances to make notes when contacted. A Councillor should report to the Operational Director of Planning & Building Control any significant contact with the applicant or other parties, explaining the nature and purpose of the contact and their involvement, so that it can be recorded on the planning file. Any material received by a Councillor from an applicant, their agent or objectors in relation to an application should be passed onto the Operational Director of Planning & Building Control so that it can be taken into account in the determination of the application.

Planning Committee Councillors should not attend post-submission meetings that are not organised through officers.

Planning Appeals

Appeals against the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Councillors are able to attend. Councillors are encouraged to attend such hearings, as they can be a good learning

experience. This part of the Code is concerned with Councillors who wish to actively participate in these appeals.

If a Councillor wishes to attend a public inquiry or hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the Operational Director of Planning & Building Control to ensure that they are aware of the process and that the Councillor does not act in a manner which compromises their position as a Councillor, brings the Council into disrepute, prejudices the Council's case or puts the decision made by the Council at risk of challenge.

A Planning Committee Councillor cannot attend an appeal on behalf of the Council's Planning Committee, even if they sat on the Committee that made the decision, unless this is as part of the Council's case as decided by the Operational Director of Planning & Building Control. The decision of the Committee will be recorded in the minute and set out in the decision notice. A planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision. The inspector is required to determine the appeal on its planning merits and therefore all representations by the Council will be so directed.

Where the appealed decision was contrary to the officer's recommendation, officers should be able to present the Council's case in a satisfactory manner. Where this is not the case, the matter will be presented by a planning consultant employed by the Council.

Planning Enforcement

It is perfectly legitimate for Councillors to bring to the attention of the Planning Service suspected breaches of planning control so that they may be investigated to see whether any action is possible or necessary. They should bring these to the attention of the Planning Service via the online form on the Planning Enforcement web page.

The Council's planning enforcement service operates to a priority system so that those breaches that cause the most harm are dealt with first. This priority system is designed to produce a fair and responsive enforcement service. Councillors must not seek to have matters that they have raised given preferential treatment merely because they are a Councillor.

Councillor Training

Councillors may not participate in decision making at meetings of the Council's Planning Committee unless they have attended mandatory training. This will be provided by the Council's Planning and Legal Services and will cover the principles of planning and probity in planning.

Whilst all new Planning Committee Councillors (and new substitutes) must attend this compulsory training before they can participate in the Council's Planning Committee, all other Planning Committee Councillors (and substitutes) are also encouraged to attend so that they can ensure that they keep up to date on these matters. All Planning Committee Councillors (and substitutes) must attend this training at least every two years, or as otherwise recommended individually or collectively by the Monitoring Officer.

All Planning Committee Councillors should endeavour to attend any other specialised training sessions provided, since these will be designed to extend and deepen their knowledge of planning law, policy, procedures, and good practice, which will assist them in carrying out their role.

Training provided on planning related matters, whilst aimed at Planning Committee Councillors, is open to any Councillor with an interest to attend.

PART 5

MEMBERS' ALLOWANCES SCHEME

The London Borough of Redbridge in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, and having had regard to the recommendations of the Independent Panel convened by the London Councils ("The Remuneration of Councillors in London 202...") hereby makes the following scheme:

1. Outline of Scheme

- (a) This Scheme may be cited as the "Members' Allowances Scheme for the London Borough of Redbridge (224)" and comes into effect on 26 July 2024, except that the Allowances included in the Schedule to this scheme are effective from the respective dates of appointment to the Special Responsibility roles.
- (b) In this Scheme, "Member" means an elected Member of the London Borough of Redbridge.
- (c) The Scheme makes provision for the payment of a basic allowance for all Members and Special Responsibility Allowances for Members appointed to certain positions of responsibility, together with the reimbursement of the reasonable out of Borough travelling and subsistence expenses and, where appropriate, carers' expenses incurred by Members.
- (d) A Member or any other person entitled to any allowance under this Scheme may by notice in writing to the Operational Director - Assurance elect to forego any part of his or her entitlement to an allowance under this Scheme. A Member or such other person may also revoke such notice, in writing, to the Operational Director - Assurance.

2. Basic Allowance

Subject to paragraph 5 and 6(d) below, a basic allowance set out in the schedule to this Scheme shall be paid to each Member.

3. Special Responsibility Allowances

- (a) For each year a Special Responsibility Allowance shall be paid to those Members who have the special responsibilities, deemed to require a significant time commitment and level of responsibility from those generally expected of a member, as specified in the schedule to this Scheme;
- (b) Subject to paragraph 5, the amount of each such allowance shall be the amount specified against that special responsibility in the schedule;
- (c) When a Member would otherwise be entitled under the Scheme to more than one Special Responsibility Allowance, then the entitlement shall instead be only to one of them, being the one attracting the higher rate;

4. Co-optees' Allowances

- (a) For each year a co-optees' allowance shall be paid to those co-opted members who have the special responsibilities that are specified in the schedule to this Scheme;
- (b) Subject to paragraph 5, the amount of each such allowance shall be the amount specified against that special responsibility in the schedule.

5. Scheme and Entitlement change

- (a) Where, in the course of a year, this Scheme is amended and the resolution effecting that amendment so provides, the effect of the resolution may be backdated to the beginning of the municipal year.
- (b) Where, in the course of a year, this Scheme is amended and paragraph (a) above does not apply, or where a Member's or other person's entitlement changes, the relevant basic allowance, Special Responsibility Allowance, or co-optees' allowance will be calculated and paid pro-rata during the particular month in which the Scheme amendment or entitlement change occurs.

6. Travelling and Subsistence Expenses

- (a) Members and co-opted members may submit claims for the reimbursement of their reasonable expenses for travelling to and from "approved duties" at the rates set out in paragraph (c) and (d) below. Subject to paragraph (b) below, Members, but not co-opted members, may only submit claims in respect of those duties which are undertaken outside the Borough. Members, but not co-opted members, may submit claims for the reimbursement of their reasonable subsistence expenses incurred in connection with approved duties at the rates set out in paragraph (e) below.

"Approved duties" are defined as follows:-

- i) attendance at meetings of any body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body; subject to any limitations in the approved Scheme;
 - ii) attendance at any other meetings, the holding of which is authorised by the Council and to which Members from at least two political groups have been invited;
 - iii) attendance at any meeting of any association of local authorities of which the Council is a member;
 - iv) the performance of any duties undertaken in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises, but only where those premises are outside the Borough;
 - (v) attendance at any conference or training seminar where the relevant Director or the Operational Director - Assurance, in consultation with the appropriate Cabinet Member/Scrutiny Chair, authorises such attendance;
 - (vi) participation in any official or courtesy visits on behalf of the Council (whether inside or outside the United Kingdom) where the relevant Director or the Operational Director - Assurance, in consultation with the appropriate Cabinet Member/Scrutiny Chair, authorises such participation;
 - (vii) the carrying out of any other duty or class of duty approved by the Council for the purpose of or in connection with the discharge of the Council's functions or those of its committees.
- (b) In cases where a Member or co-opted member is away on business (from their usual place of work) and has to make a journey from that location in order to attend a meeting of the Council, Cabinet or any Committee or Sub-Committee of the Authority and then has to return to that business location following the meeting, the Operational Director - Assurance is authorised to approve payment of travel expenses only.

(c) **Travel Expenses - IRates**

Actual expenses incurred by Members or co-opted members in connection with approved duties for which a claim may be made under paragraph (a) and for travelling expenses payable under paragraph (b) will be fully reimbursed up to amounts of allowances as directed from time to time by the Secretary of State for Communities and Local Government as follows:

For travel by public transport –

The actual fare paid not exceeding the ordinary fare (or any available cheap fare) and where there is more than one class of fare available, second-class fare.

For travel by private transport –

For use of a private car for attendance at approved duties mileage will be paid to Members at the flat rate of 40p per mile.

The rate may be increased in respect of the carriage of one or more passengers to whom a travelling allowance would otherwise be payable, of not more than 3p a mile for the first passenger and 2p a mile for the second and subsequent passengers.

The full amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

The following rate will be paid for use of motorcycle for attendance at approved duties –

- Any motorcycle – 11.76p per mile; and
- a rate of 26p per day for the use of a pedal cycle for attendance at approved duties.

The rate for travel by taxi-cab or cab shall not exceed-

- (i) In cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid, and
- (ii) In any other case, the amount of the fare for travel by appropriate public transport.

(d) Members with Special Travel Needs

The Scheme also includes a provision for the reimbursement of the reasonable travelling costs for those Members or co-opted members with special travel needs, whether those needs are permanent or temporary, to the extent that they are unable to walk, drive, cycle or use public transport to attend Council duties. A reduction of 2% shall be made in respect of the basic allowance for Members with permanent special travel needs (in lieu of the travelling element contained in the basic allowance). The duties for which reimbursement will apply are set out below:-

- i) the carrying out of any of the approved duties specified in paragraph 6(a) above;
- ii) the performance of any duties undertaken in pursuance of any Standing Order requiring a Member or Members to be present when tender documents are opened;
- iii) attendance at any meetings with officers (at the officer's request), to discuss a matter relating to the terms of reference or functions of any committee on which the Member sits;

- iv) attendance at any meetings with officers on the content of a committee agenda (allowances can be claimed by a Chair, Vice-Chair or Spokesperson of the relevant committee only);
- v) attendance at any ward surgery; and
- vi) attendance at any formal opening ceremonies, either organised by the Council, or of Council premises/facilities, to which a Member or Members have been invited.

(e) **Out of Borough Subsistence Allowances**

The rate of subsistence allowance shall not exceed:-

In the case of an absence outside the Borough where a Member incurs additional expenditure for meals and/or absence overnight in order to undertake an approved duty as set out in 6a (i) – (vii) above, the Member shall be reimbursed the actual amount of expenditure incurred, subject to the submission of receipts to substantiate any such claims. Prior approval should be sought by the Member from the relevant Director or the Operational Director - Assurance on the maximum costs to be incurred in each case.

7. Carers' Allowances

The Scheme shall include a provision for the payment of expenses for childcare and dependent care and the duties for which reimbursement will apply are the same as those set out in paragraph 6(a) above.

- (i) The maximum rate per hour shall be set at the London Living Wage (currently £13.15 per hour) up to 7.5 hours of care per week;
- (ii) Payment should be claimable in respect of children aged 15 or under in respect of other dependants where there is medical or social work evidence that care is required;
- (iii) One weekly payment should be claimable in respect of the household of each Member;
- (iv) The allowance should be paid as a reimbursement of incurred expenditure against receipts;
- (v) The allowance should not be payable to a member of the claimant's own household.

8. Claims and Payments

- (a) Basic Special Responsibility, and co-optees' allowances are paid via the Council's payroll system, in instalments of one twelfth of the amounts specified in the Scheme, on approximately the 15th day of the month following the month to which payment relates.
- (b) Claims for travelling, subsistence and carers' allowances should be made on the appropriate claim form, supplemented by receipts where possible, and submitted to the Operational Director - Assurance no later than the end of the month. Payments will be made via the Council's payroll system, on approximately the 15th day of the month following the month to which the expenses relate.
- (c) At the beginning of each municipal year, the Operational Director - Assurance will advise all Members and co-opted members of the precise dates for the payment of Members' Allowances in each month.

9. Annual Uprating of Allowances

The Operational Director - Assurance shall, in consultation with the Leader and Deputy Leader of the Council and the Corporate Director of Resources, apply increases to all those allowances set out in the schedule to this Scheme and the carers' allowances set out in paragraph 7 of this Scheme in 2024/25 and 2025/26 capped at the level of the annual local government pay settlement when known, subject to any advice to the contrary being received from the Independent Remuneration Panel.

10. Record Keeping and Publication

- (a) The Council is required to keep a record of the payments made by it in accordance with this Scheme and of any payments made by it by virtue of section 174 to 176 of the Local Government Act 1972 (travel and subsistence), specifying the name of the recipient and the nature and amount of the payment;
- (b) The record is required to be available for inspection at all reasonable times free of charge by any local government elector for the Borough who may make a copy of any part of it;
- (c) The Council is also required to arrange publication (in a local newspaper) of the total sums paid in each year to each Member in respect of basic and Special Responsibility Allowances.

11. Withdrawal of Allowances

The Standards Committee may withdraw allowances in whole or in part in the event of a Member or co-opted member being suspended or partially suspended.

12. Sickness and Maternity and Paternity Leave

Special Responsibility Allowances payable under paragraph 3 of this Scheme will remain payable in cases of sickness or maternity and paternity leave on the same terms and to the same extent (so far as possible) as if the Member were a Council employee entitled to sickness, maternity or paternity benefits.

Maternity Leave - 52 weeks' leave, made up of 39 weeks' ordinary maternity leave (full SRA allowance) and up to 13 weeks' additional maternity leave (SRA unpaid). Shared Parental Leave will be available for parents to choose how to share the care of their child during the first year of birth or adoption.

Paternity Leave - 2 weeks paid leave around the time of the birth/adoption

No Councillor will be removed from their special responsibility role whilst on ordinary maternity leave unless the role ceases to exist.

MEMBERS ALLOWANCES SCHEME SCHEDULE 2024 /25

Category of Allowance	Amount 2024/25 (From 26 July 2024) £
BASIC:	
Basic allowance (63 Members)	12,500
SPECIAL RESPONSIBILITY ALLOWANCES:	
Special Responsibility Allowances – Leaders/ Deputy Leaders	
Leader of the Council	49,900
Deputy Leader of the Council & Cabinet Member	29,028
Leader of the Opposition	12,398
Special Responsibility Allowances – Cabinet Members	
Cabinet Members (8 Members)	22,690
Special Responsibility Allowances – Overview Committee Chair	
Overview and Scrutiny	11,331
Special Responsibility Allowances – Committee Chairs	
Children and Young People PDC Clean and Green PDC Health and Care PDC Homes and Neighbourhoods PDC Safe Redbridge PDC Strategy & Resources PDC	7,500
Special Responsibility Allowances - Other Committee Chairs	
General Purposes Committee	5,000
Governance & Assurance Committee	7,000
Special Responsibility Allowances - Regulatory Committees	
Licensing Committee Planning Committee	7,500
Special Responsibility Allowances – Sub-Committee & Panel Chairs	

Education Scrutiny Sub-Committee External Scrutiny Committee	5,000
Health Scrutiny Sub-Committee	5,000
Commissioning Panel	5,000

Independent Members	Amount £
Governance & Assurance Independent Adviser	1,000
Standards (Hearings) Sub-Committee Independent Chair	685

MEMBERS ALLOWANCES SCHEME SCHEDULE 2024 /25

Category of Allowance	Amount 2024/25 (From 26 July 2024) £
BASIC:	
Basic allowance (63 Members)	12,500
SPECIAL RESPONSIBILITY ALLOWANCES:	
Special Responsibility Allowances – Leaders/ Deputy Leaders	
Leader of the Council	49,900
Deputy Leader of the Council & Cabinet Member	29,028
Leader of the Opposition	12,398
Special Responsibility Allowances – Cabinet Members	
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Licensing Committee Planning Committee	7,500
Special Responsibility Allowances – Sub-Committee & Panel Chais	
Education Scrutiny Sub-Committee External Scrutiny Committee	5,000

Health Scrutiny Sub-Committee	5,000
Commissioning Panel	5,000

Independent Members	Amount £
Governance & Assurance Independent Adviser	1,000
Standards (Hearings) Sub-Committee Independent Chair	685

PART 7

OTHER DOCUMENTS

BUDGET CONSULTATION PROTOCOL

1. The Executive will consider the budget outlook in relation to policy priorities and will determine proposed budget priorities for the forthcoming budget process (May/June). Officers will work with Cabinet Members to draw up detailed options (July/August).
2. The Executive will consult upon the budget priorities and initial officers' options with Scrutiny Committees. The Scrutiny Committees may carry out further consultation on their own behalf. The results of any consultation will be reflected in the responses to the Executive. Consultation on budget priorities will also take place with the public, schools and partner organisations (September/October).
3. Taking account of the results of the earlier consultation, and drawing upon Government resource announcements the Executive will draw up detailed budget proposals for further consideration (early January).
4. The detailed proposals will be referred to Scrutiny Committees, partners and schools for further consultation. Other consultations may take place subject to timescales allowing (January).
5. The Executive may amend their proposals in light of this consultation, and further information, prior to proposal being submitted to Council (February).
6. Council will then receive proposals and views of Scrutiny Committees and other consultees and accept or amend the Executive proposals (late February/early March).
7. If the Leader of the Council does not agree with the decision, a further Council meeting can take place (early March). At that meeting, the Council decision is final.
8. Any budget amendment or alternative budget should where reasonably practicable be shared with the Section 151 officer not less than 10 clear working days prior to the Budget Meeting so that he or she may consider and advise the Council on the implications of any such proposal

CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

(Draft Code of Practice laid before Parliament under section 4(5) of the Local Government Act 1986, for approval by resolution of each House of Parliament)

Introduction

1. This code applies to all local authorities in England specified in section 6 of the Local Government Act 1986 and to other authorities in England which have that provision applied to them by other legislation. Where the term “local authorities” is used in this code it should be taken as referring to both those categories of authority. References to “the Act” are to the Local Government Act 1986.

2. Local authorities are required by section 4(1) of the Act to have regard to the contents of this code in coming to any decision on publicity. Section 6 of the Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. The code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material which is created by third parties.

3. Nothing in this code overrides the prohibition by section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 offer some guidance for local authorities on the management of publicity which may contain or have links to party political material.

Principles

4. Publicity by local authorities should:

- be lawful
- be cost-effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity

Lawfulness

5. Local authorities should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority’s Advertising Codes.

6. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.

7. Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the referendum is held.

8. Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.

9. Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

Cost-effectiveness

10. In relation to all publicity, local authorities should be able to confirm that consideration has been given to the value for money that is being achieved, including taking into account any loss of potential revenue arising from the use of local authority-owned facilities to host authority publicity.

11. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case authorities should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is the most appropriate.

12. If another public authority, such as central government, has issued publicity on a particular topic, local authorities should incur expenditure on issuing publicity on the same matter only if they consider that additional value is achieved by the duplication of that publicity. Additional value might be achieved if locally produced publicity gives a local context to national issues.

13. The purchase of advertising space should not be used as a method of subsidising voluntary, public or commercial organisations.

14. Local authorities should consider whether it is appropriate to seek advice from economic analysts, public relations experts or other sources of expert advice before embarking on a publicity campaign involving very large expenditure.

Objectivity

15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.

16. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.

17. Where paid-for advertising is used by local authorities, it should be clearly identified as being advertising. Paid-for advertising, including advertisements for the recruitment of staff, should not be used in any publication owned or controlled by a political party.

18. Advertisements for the recruitment of staff should reflect the tradition of political impartiality of local authority employees and should not (except in the case of advertisements relating to the appointment of staff pursuant to section 9 of the Local Government and Housing Act 1989 (assistants for political groups)) refer to any political activities or affiliations of candidates.

Even-handedness

19. Where local authority publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.

20. Other than in the circumstances described in paragraph 34 of this code, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the "face" of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.

21. It is acceptable for local authorities to host publicity prepared by third parties – for example an authority may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by a local authority of a website permitting the posting of material by third parties constitutes a continuing act of publication by that local authority which must accordingly have a system for moderating and removing any unacceptable material.

22. It is generally acceptable for local authorities to host publicity, such as a blog, which itself contains links to external sites over which the local authority has no control where the content of those sites would not itself comply with this code. This does not amount to giving assistance to any person for the publication of material which local authorities are not permitted to publish. However, particular care must be taken by local authorities during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums which contain links to impermissible material during such periods.

23. It is acceptable for publicity containing material prepared by third parties and hosted by local authorities to include logos of political parties or other organisations with which the third parties are associated.

24. It is acceptable for publicity produced or hosted by local authorities to include a logo associated with a particular member of the authority, such as a directly elected mayor, or leader of the authority. Publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.

25. Where local authorities provide assistance to third parties to issue publicity they should ensure that the principles in this code are adhered to by the recipients of that assistance.

Appropriate use of publicity

26. Local authorities should not incur any expenditure in retaining the services of lobbyists for the purpose of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.

27. Local authorities should not incur expenditure on providing stands or displays at conferences of political parties for the purpose of publicity designed to influence members of political parties to take a particular view on any issue.

28. Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, newsheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, newsheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the council or other local service providers.

29. Publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided.

30. All local authority publicity should clearly and unambiguously identify itself as a product of the local authority. Printed material, including any newsletters, newsheets or similar publications published by the local authority, should do this on the front page of the publication.

Equality and diversity etc.

31. Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.

32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

Care during periods of heightened sensitivity

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

PROTOCOL ON CONDUCT AT MEETINGS AND USE OF MODERN MEDIA TOOLS

Introduction

1. Council Standing Orders 11 and 28 and Committee Standing Order 47 set out the powers and duties of the Mayor /Chairs including in respect of powers to deal with issues relating to the conduct of those present to ensure the due and orderly despatch of business.
2. The purpose of this Protocol is to provide guidance on the conduct within meetings which is acceptable, in the context of the use of electronic media devices for various uses at meetings, including blogging, tweeting, filming and recording.

The Protocol

3. A balance needs to be struck between the presumption of openness in relation to the use of media tools by those attending the proceedings of meetings, and the principle that those proceedings should not be impaired or handicapped by the use of such tools. It is a matter for the Chair to determine on the day, in the particular circumstances, what he or she regards as appropriate in terms of the striking of this balance. In relation to the proceedings of quasi-judicial committees, such as those dealing with planning or licensing matters, the Chair must also have particular regard to the requirements of fairness and transparency in the conduct of these proceedings.
4. The protocol attempts to recognise the different obligations which rest on the Chair, elected members, representatives of the media and members of the public respectively.

Chair

5. As part of their duties the Chair will be responsible, at the outset of each meeting, for reminding all present that the proceedings may be recorded, filmed or published by other electronic means. The Chair should remind Members of the terms of this Protocol at the start of each meeting, and also of the need for business to be confined to the listed agenda items and their related papers.

Elected Members and Other Participants

6. Members are in a different position to members of the public and their actions affect the reputation of the Council. Members have an obligation to pay close attention to the proceedings of meetings they attend, and to demonstrate that they are playing an active part. They must also be mindful of the need to have regard to documents supporting agenda items in reaching decisions on those items. And they should at all times show respect and courtesy to other participants. Any use of modern media tools by participants in meetings should be considered in these contexts.

Members of the Public and media representatives

7. No restrictions will be placed on members of the public or the media attending meetings in relation to the use of Twitter, blogs, Facebook or still photography, otherwise than for non reporting related commercial purposes, provided that their actions do not adversely affect the conduct of the meeting.

MONITORING OFFICER PROTOCOL

1. STATUTORY RESPONSIBILITIES

1.1 The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. This Protocol provides guidance on how the duties of the Monitoring Officer will be carried out at London Borough of Redbridge.

1.2 The role of the Monitoring Officer is assigned to the Operational Director of Assurance under the provisions of the Constitution, Article 9.4. The Monitoring Officer is required to appoint a Deputy Monitoring Officer to deputise in their absence. As such the Chief Legal Officer is appointed as the deputy.

1.3 A summary of the Monitoring Officer's responsibilities are set out more fully in section 6.0 of this Protocol. These duties will be carried out in accordance with the Council's Constitution, legislative requirements and relevant Government guidance. The Monitoring Officer's ability to carry out these duties and responsibilities effectively will depend upon the proactive assistance and co-operation of Members and Officers:

(i) complying with the law and relevant Codes of Conduct;

(ii) complying with any general guidance, codes or protocols issued by the Standards Committee and the Monitoring Officer;

(iii) making lawful and proportionate decisions;

(iv) not taking action that would bring the Council, their offices or professions into disrepute.

1.4 All officers are responsible for acting within the confines of the law and it is incumbent on them to have a full understanding of the law and legal provisions relevant to their respective areas of work.

2. WORKING ARRANGEMENTS

2.1 The Monitoring Officer will promote effective working relations with Members and Officers to advance good governance, the highest standards of ethical behaviour and the effective discharge of the Monitoring Officer's statutory duties. A speedy flow of relevant information and access to debate, particularly at the early stages of any decision-making by the Council, is central to fulfilling those responsibilities. Members and Officers are required to work with the Monitoring Officer and (and their staff) to this end.

2.2 The following arrangements and understandings between the Monitoring Officer, Members, the Head of Paid Service, the S.151 Officer and Officers are designed to ensure the effective discharge of the Council's business and functions.

2.3 **Resources**

The Monitoring Officer will:

- (i) report to the Council, as necessary on the staff, accommodation and resources they require to discharge their statutory functions;
- (ii) have sufficient resources to enable him/her to address any matters concerning his/her functions as Monitoring Officer;
- (iii) have control of a budget sufficient to enable them to seek Counsel's opinion on any matter concerning their functions if the need arises. In the absence of such a ringfenced budget, and whilst the Monitoring Officer will seek to minimise the use of Counsel opinion so far as possible, any expenditure will be met by the relevant Directorate;
- (iv) appoint a deputy and keep them briefed on any relevant issues that they may be required to deal with in the absence of the Monitoring Officer.

2.4 **Access to Information**

The Monitoring Officer will:

- (i) be informed by Members and Officers of any issue(s) that may become of concern to the Authority, including, issues relating to legal powers, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen;
- (ii) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority (including meetings at which Officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (iii) have the right to attend (including the right to be heard at) any meeting of the Authority (including meetings at which Officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (iv) have access to the Corporate Leadership Team Boards and receive advance notice of meetings, agenda and reports to those meetings, including the right to attend;
- (v) in carrying out investigation(s) and/or making enquiries following matters reported to them, have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of their functions and in addressing any matters raised in order for them to reach conclusions.

(vi) expect officers to work with them to address any concerns raised with them by Officers, Members and/or the public and for Officers/Members to provide all information sought by the Monitoring Officer to attempt to resolve matters and reach conclusions.

2.5 Relationships

The Monitoring Officer will:

(i) ensure the other Statutory Officers (Head of Paid Service and the Section 151 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 arise or have arisen;

(ii) meet as frequently as necessary with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are of concern, that are likely to arise or have arisen;

(iii) develop a close working relationship of respect and trust with the Leader, Cabinet Members, Leader of the Opposition Group(s), Chief Whips, the Chairs of all Committees with a view to ensuring the effective and efficient conduct of Council business;

(iv) develop an effective working relationship with Internal Audit, External Auditors, the Local Government and Social Care Ombudsman together with all other regulatory bodies (including having the authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

(v) in consultation, as necessary, with the Leader, Cabinet and Standards Committee, defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.

2.6 Standards Matters

The Monitoring Officer will:

- (i) receive all written complaints against Councillors in compliance with the requirements of the Council's published Members' Complaints' procedure;
- (ii) give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Standards'

Committee if, in the opinion of the Monitoring Officer, there is a serious breach of the Members' Code of Conduct;

- (ii) be responsible, on behalf of the Standards' Committee, for preparing any training programme for Members on ethical standards and Code of Conduct;
- (iii) instruct investigations, where agreed with the Independent Person in line with the procedure, into matters referred to them under the Council's Members' Code of Conduct and arrange the conduct of hearings into allegations of breaches of the Code as and when the need arises.

2.7 The Constitution

The Monitoring Officer will keep under review and monitor the Constitution in accordance with Article 12 of the Constitution. Directorates/Officers are expected to regularly review the workings of the Constitution as relevant to their respective areas and contact the Monitoring Officer with any recommended changes that are necessary. The Monitoring Officer will undertake to report any proposed changes as necessary to the General Purposes Committee.

3. MEMBER AND OFFICER RESPONSIBILITIES

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above. Members and Officers will report:

- (i) any breaches of statutory duty; and/or
- (ii) breaches of Council policies; and/or
- (iii) breaches of procedures; and/or
- (iv) other constitutional concerns

to the Monitoring Officer, as soon as practicable, who will investigate and/or make enquiries regarding the matter in order to reach a resolve whilst keeping the reporting Members/Officers informed as appropriate.

4. ADVICE

The Monitoring Officer is available for Members and Officers to consult on any issues relating to the Council's legal powers, possible maladministration, procedural irregularity, impropriety and probity issues, or general advice on the constitutional arrangements (eg interpretation of the Constitution, Policy Framework, Terms of Reference, Scheme of Delegations, etc).

5. MONITORING THE PROTOCOL

The Governance and Assurance Committee will consider an Annual Report from the Monitoring Officer, part of which will identify whether the arrangements set

out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

6. **SUMMARY OF FUNCTIONS** (see table below)

	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Sections 5 and 5A, Local Government and Housing Act 1989
2	Report on any maladministration or injustice where the Ombudsman has carried out an investigation.	Sections 5 and 5A, Local Government and Housing Act 1989
3	Appointment of a Deputy Monitoring Officer	Sections 5 and 5A, Local Government and Housing Act 1989
4	Report on the sufficiency of resources	Sections 5 and 5A, Local Government and Housing Act 1989
5	Establish and maintain the Register of Members' interests, gifts and hospitality.	Section 81, Local Government Act 2000 and Members' Code of Conduct
6	Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.	Local Authorities (Contracts) Regulations 1997
7	Maintain, monitor and review the Constitution.	Constitution – Articles 12
8	Support the Standards Committee and promote and maintain high standards of conduct.	Part III, Local Government Act 2000
9	Receive reports from Ethical Standards Officers and case tribunals.	Part III, Local Government Act 2000
10	Conduct investigations into misconduct.	Local Government Act 2000, Section 66
11	Consult with the Head of Paid Service and the S.151 Officer on issues of lawfulness and decision making.	Constitution – Articles 12.03 and 13
12	Proper Officer for Access to Information.	Constitution – Article 12.03
13	Advise whether executive decisions are within the budget and policy framework.	Constitution – Articles 12.03 and 13
14	Advise on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Members.	Constitution – Article 12.03