

# NON-CONFIDENTIAL



**Borough of Tamworth**

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## **AUDIT AND GOVERNANCE COMMITTEE**

31 January 2024

Dear Councillor

A meeting of the Audit and Governance Committee will be held in **Town Hall, Market Street, Tamworth on Thursday, 8th February, 2024 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to be 'AJS', followed by a long horizontal line extending to the right.

**CHIEF EXECUTIVE**

**A G E N D A**

**NON CONFIDENTIAL**

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 8)**
- 3 Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

**4 Internal Audit Quarter 3 Progress Report & External Quality Assessment Action Plan** (Pages 9 - 46)

*(Report of the Audit Manager)*

**5 Risk Management Quarterly Update Qt3 2023/24** (Pages 47 - 100)

*(Report of the Assistant Director, Finance)*

**6 Audit Committee Effectiveness** (Pages 101 - 176)

*(Report of the Audit Manager)*

**7 Constitution & Scheme of Delegation Update** (Pages 177 - 444)

*(Report of the Monitoring Officer)*

**8 Audit and Governance Committee Timetable** (Pages 445 - 450)

*(Discussion Item)*

**9 Exclusion of the Press and Public**

To consider excluding the Press and Public from the meeting by passing the following resolution:-

*“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”*

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

**10 FHSF Risk Feb 244** (Pages 451 - 470)

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### **Access arrangements**

*If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail [democratic-services@tamworth.gov.uk](mailto:democratic-services@tamworth.gov.uk). We can then endeavour to ensure that any particular requirements you may have are catered for.*

### **Filming of Meetings**

*The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.*

*If a member of the public is particularly concerned about being filmed, please contact a member of Democratic Services before selecting a seat*

### **FAQs**

*For further information about the Council's Committee arrangements please see the FAQ page [here](#)*

To Councillors: D Maycock, B Clarke, S Daniels, S Doyle, B Price, R Pritchard and  
P Thurgood

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## **MINUTES OF A MEETING OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 15th NOVEMBER 2023**

**PRESENT:** Councillor D Maycock (Chair), Councillors B Clarke, S Daniels, S Doyle, B Price (Vice-Chair), R Pritchard and P Thurgood

Officers	Rebecca Smeathers (Executive Director Finance (S151)), Andrew Wood (Audit Manager), Joanne Goodfellow (Assistant Director Finance), Nicola Hesketh (Monitoring Officer), Tracey Pointon (Legal Admin & Democratic Services Manager) and Tracey Smith (Democratic Services Assistant)
Visitors	Bethany Hincks and Laura Hinsley, Azets, External Auditors

### **39 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **40 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 25<sup>th</sup> October 2023 were approved and signed as a correct record.

*(Moved by Councillor S Doyle and seconded by Councillor B Clarke)*

### **41 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **42 INTRODUCTION OF AZETS AS COUNCIL'S EXTERNAL AUDITORS FOR 2023/24 AND AUDIT PLAN**

Azets were introduced as the Council's external auditors for 2023/24. Bethany Hincks and Laura Hinsley gave an update on the Audit Plan for 2023/24.

#### **43 COUNTER FRAUD UPDATE**

Report of the Audit Manager to provide Members with:

- An update of counter fraud work completed this financial year, including an updated fraud action and fraud risk register;
- A refreshed and updated Counter Fraud & Corruption Strategy;
- A refreshed and updated Whistleblowing Policy; and
- A refreshed and updated Anti Money Laundering Policy.

**RESOLVED** That the Committee:

1. Endorsed this update report including the updated fraud action plan at **Appendix 1** and the fraud risk register at **Appendix 2**.
2. Endorsed the refreshed Counter Fraud & Corruption Policy Strategy at **Appendix 3**.
3. Endorsed the refreshed Whistleblowing Policy at **Appendix 4**.
4. Endorsed the refreshed Anti Money Laundering Policy at **Appendix 5**.
5. Provided delegation to the Audit Manager to make minor changes to the above policies in respect of job titles, name changes and contact details.

*(Moved by Councillor D Maycock and seconded by Councillor S Doyle)*

#### **44 RISK MANAGEMENT QUARTERLY UPDATE QT2 2023/24**

Report of the Assistant Director, Finance, to report on the Risk Management process and progress for Quarter 2 of the 2023/24 financial year.

**RESOLVED** That the Committee:

Endorsed the Corporate Risk Register.

*(Moved by Councillor D Maycock and seconded by Councillor B Price)*

#### **45 REVISED COUNCILLOR CODE OF CONDUCT PROCEDURES**

Report of the Monitoring Officer to provide revised arrangements for dealing with complaints in relation to Councillors for an alleged breach of the Code of Conduct and to ensure that the Council's Code of Conduct is, and continues to be, fit for purpose.

**RESOLVED** That the Committee:

1. Recommend to Council the adoption of the revised Councillor Code of Conduct set out in **Appendix 1**, with delegated authority to the Monitoring Officer, in consultation with the Chair and Vice Chair of the A&G Committee, to make any minor changes in order to finalise a version for adoption.
2. Recommend to Council the use of the updated Code of Conduct Form (**Appendix 2**) and procedures (**Appendix 3**).

*(Moved by Councillor D Maycock and seconded by Councillor Ben Clarke)*

#### **46 CONSTITUTION & SCHEME OF DELEGATION UPDATE**

Report of the Monitoring Officer to provide an update on the Council's Constitution and Scheme of Delegation, presenting the necessary changes made to the Constitution following a number of changes as identified within the report and its appendices to improve the Council's governance.

This item was deferred to be discussed at Audit & Governance at its February meeting, following a working group discussion to be held in December.

#### **47 AUDIT AND GOVERNANCE COMMITTEE TIMETABLE**

The Committee reviewed the timetable.

The Constitution & Scheme of Delegation Update to be re-scheduled to 8<sup>th</sup> February, Audit & Governance meeting.

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Chair

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Thursday, 8 February 2024

**Report of the Audit Manager**

**Internal Audit Quarter 3 Progress Report & External Quality Assessment Action Plan**

**Exempt Information**

None.

**Purpose**

To provide Audit & Governance Committee with internal audit's progress report for the period to 31<sup>st</sup> December 2023. In addition, to provide an update on internal audit's progress in implementing the External Quality Assessment Action Plan for 2023/24.

**Recommendations**

It is recommended that the Committee notes the following reports:

1. Internal Audit's Quarterly Progress Report (**Appendix 1**); and
2. External Quality Assessment Action Plan (**Appendix 2**)

**Executive Summary**

The Accounts and Audit regulations 2015 require councils to undertake an effective internal audit to evaluate the effectiveness of their risk management, control and governance processes, taking into account the Public Sector Internal Audit Standards and guidance.

Progress during Quarter 3 of 2023/24 is contained and detailed in **Appendix 1** to this report. The profiled audit plan completion was expected to be 87% of the audit plan by 31<sup>st</sup> December 2023. During Quarter 3 of 2023/24 we have completed 31% of the overall plan i.e., 5 out of 16 planned audits. Of the remaining 11 audits; 3 audits are in draft report stage and will be finalised shortly, 2 audits fieldwork was commenced in Quarter 3 but minor work to be completed prior to drafting and 6 audits are fully scoped and allocated with fieldwork starting in January/February 2024.

There were 3 audits which were deferred from 2022/23 and these have been fully completed and are reported accordingly in **Appendix 1** of this report.

The progress report outlines the current position, analysis and detail in respect of outstanding audit recommendations. As of 31<sup>st</sup> December 2023, there are currently 52 outstanding audit recommendations (12 high priority, 28 medium priority and 12 low priority). There is a continuing overall trend in the reduction of the number of outstanding recommendations from 66 on 31<sup>st</sup> March 2023 to the current number of 52 as of 31<sup>st</sup> December 2023. The individual high priority recommendations are shown in the table contained within the Quarterly Progress Report, this includes management comments and progress.

Internal Audit is required to comply with the Public Sector Internal Audit Standards and part of this requirement is for an external quality assessment to be undertaken. The external

assessment was completed in December 2022/January 2023 and the results reported to this committee in March 2023. At the conclusion of the assurance work an agreed action plan was completed and this is detailed as **Appendix 2** of this report.

Of the 12 External Quality Assessment recommendations, 2 are currently outstanding. These relate to mapping the work of Internal Audit to the Code of Governance and a review of Risk Management processes within the Council. Mapping will be completed as part of the Annual Governance Statement work to be undertaken in Quarter 4 of 2023/24. A review of the Council's Risk Management processes is scheduled for Quarter 4 2023/24.

There were 6 suggested improvements made at the conclusion of the assessment and of these 5 have been completed. The remaining improvement relates to consideration of key performance indicators and these will be reviewed and where appropriate implemented for 2024/25.

**Audit Opinion**

In giving an opinion, contained in **Appendix 1**, it should be noted that assurance can never be absolute. The most that the internal audit service can provide to the Council is a reasonable assurance that there are no major weaknesses in risk management, governance and control processes.

The matters raised in this report are only those which came to our attention during our internal audit work and are not necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required.

In arriving at an opinion, the following matters have been taken into account:

- The outcomes of all audit activity undertaken during the period.
- The effects of any material changes in the organisation's objectives or activities.
- Whether or not any limitations have been placed on the scope of internal audit.
- Whether there have been any resource constraints imposed upon us which may have impinged on our ability to meet full internal audit needs of the organisation.
- What proportion of the organisation's internal audit needs have been covered to date.

**Options Considered**

Not Applicable

**Resource Implications**

Not Applicable.

**Legal/Risk Implications Background**

Failure to report would lead to non-compliance with the requirements of the Annual Governance Statement and the Public Sector Internal Audit Standards.

**Equalities Implications**

None.

**Environment and Sustainability Implications (including climate change)**

None.

### **Background Information**

None.

### **Report Author**

Andrew Wood – Audit Manager

### **List of Background Papers**

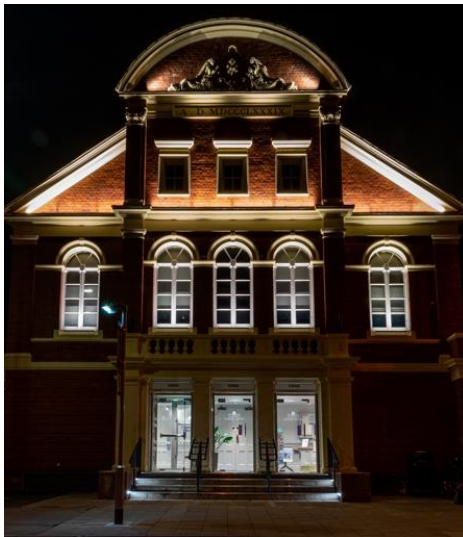
#### **Appendices**

Appendix 1 – Quarterly Internal Audit Progress Report including progress to 31 December 2023.

Appendix 2 – External Quality Assessment Action Plan

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Internal Audit Progress Report (Quarter 3)  
January 2024



## Contents

- 01 Introduction**
- 02 Internal Audit Work Undertaken**
- 03 Opinion**
- 04 Follow Up**
- 05 Performance of Internal Audit**

### Appendices

- 01 Summary of Internal Audit Work Undertaken**
- 02 Assurance and Recommendation Classifications**

In the event of any questions arising from this report please contact Andrew Wood, Audit Manager [andrew-wood@tamworth.gov.uk](mailto:andrew-wood@tamworth.gov.uk)

The matters raised in this report are only those which came to our attention during our internal audit work. Whilst every care has been taken to ensure that the information provided in this report is as accurate as possible, Internal Audit have only been able to base findings on the information and documentation provided and consequently no complete guarantee can be given that this report is necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required. This report was produced solely for the use and benefit of Tamworth Borough Council. The Council accepts no responsibility and disclaims all liability to any third party who purports to use or rely for any reason whatsoever on the report, its contents, conclusions, any extract, reinterpretation, amendment and/or modification.

## 01 INTRODUCTION

### BACKGROUND

This report summarises internal audit activity and performance for the period to 31 December 2023.

### SCOPE AND PURPOSE OF INTERNAL AUDIT

The Accounts and Audit Regulations require councils to undertake an effective internal audit to evaluate the effectiveness of their risk management, control and governance processes, taking into account Public Sector Internal Auditing Standards or guidance.

This progress report and opinion forms part of the framework of assurances that is received by the Council and is used to help inform the annual governance statement. Internal audit also has an independent and objective consultancy role to help managers improve risk management, governance and control.

Internal Audit's professional responsibilities as auditors are set out within Public Sector Internal Audit Standards (PSIAS) produced by the Internal Audit Standards Advisory Board produced by the Internal Audit Standards Advisory Board.

### ACKNOWLEDGEMENTS

Internal audit is grateful to the directors, heads of service, service managers and other staff throughout the council for their help during the period.

### 02 INTERNAL AUDIT WORK UNDERTAKEN

The internal audit plan for 2023/24 approved by the Audit & Governance Committee at its meeting in March 2023. The plan was for a total of 16 audits. To the end of quarter 3 2023/2024 and taking into account the exceptional circumstances previously reported to committee we have completed 31% of the audit plan. In addition we have fully completed the 3 audits rolled forward from 2022/23. Work has been ongoing on all audits contained within the plan in respect of scoping and briefing and agreeing with management the start dates for the reviews, this is outlined in the attached **Appendix 1** and provides the position as at 31<sup>st</sup> December 2023. An analysis of audit plan completion and indicatively planned audits is shown in the table below;

	Q1	Q2	Q3	Q4
Number of audits allocated per quarter	4	4	6	2
% of plan	25	25	37	13
Cumulative 2023/24 audit plan % completed	0	25	31	
Completed and finalised 2022/23 audits	2	3	3	
Audits drafted and awaiting management agreement 2022/23	1	0	0	

Planned work initially envisaged that by 31 December 2023 we would have completed 87% of the Audit Plan, actual out turn figures show that we have due to exceptional circumstances that we have completed 31% of the expected plan. The work undertaken and the progress on each audit is shown in summary and progress made this year is included at **Appendix 01**.

### 03 OPINION

#### SCOPE OF THE OPINION

In giving an opinion, it should be noted that assurance can never be absolute. The most that the internal audit service can provide to the Council is a reasonable assurance that there are no major weaknesses in risk management, governance and control processes.

The matters raised in this report are only those which came to our attention during our internal audit work and are not necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required.

In arriving at an opinion, the following matters have been taken into account:

- The outcomes of all audit activity undertaken during the period.
- The effects of any material changes in the organisation's objectives or activities.
- Whether or not any limitations have been placed on the scope of internal audit.
- Whether there have been any resource constraints imposed upon us which may have impinged on our ability to meet the full internal audit needs of the organisation.
- What proportion of the organisation's internal audit needs have been covered to date.

## INTERNAL AUDIT OPINION

**On the basis of audit work completed, the Audit Manager’s opinion on the council’s framework of governance, risk management and internal control is reasonable in its overall design and effectiveness. Certain weaknesses and exceptions were highlighted by audit work. These matters have been discussed with management, to whom recommendations have been made. All of these have been, or are in the process of being addressed.**

### Specific Issues

No specific issues have been highlighted through the work undertaken by internal audit during the period.

### Fraud & Irregularity

No matters of fraud or irregularity have been reported during the period. Also see the fraud update on this Committee’s agenda.

### Consultancy & Advice

The audit team may be requested by managers to undertake consultancy and advice on governance, risk management and internal control matters from time to time. During the period to 31 December 2023 no additional work was requested.

## 04 Follow Up

As previously agreed by the Committee, all high priority actions and those arising from no and limited overall assurance reports are followed up by audit, managers confirmation applies to the rest.

The total outstanding actions at the end of Quarter 3 are 52 (12 high, 28 medium, 12 low). During 2023/24 the Audit Manager continues to hold quarterly meetings with all Assistant Directors to review all outstanding recommendations, for Quarter 3 these meetings will be undertaken during January/February 2024. This has shown a specific improvement in the implementation and the number of recommendations, over time, has been shown within **Appendix 3**. This shows in tabular graph form the progress regarding the number of outstanding audit recommendations over time.

Priority of Recs	Number of O/S recs – 30 Sept 2023	Number of recs closed during the period Sept 23 – Dec 23	Number of additional recs made during Q3	Number of current O/S recs as at 31 Dec 2023	Overall movement of rec numbers during the quarter 3
High	11	0	1	12	+1
Medium	29	15	14	28	-1
Low	16	8	4	12	-4

As at 31 December 2023 there were 12 high priority recommendations outstanding however of these 11 were overdue and these have been followed up with Assistant Directors. All current outstanding high priority recommendations are contained within **Appendix 3** of this report.



**Compliance with professional standards**

We employ a risk-based approach in planning and conducting our audit assignments. Internal audit work has been performed in accordance with PSIAS.

**Conflicts of interest**

There have been no instances during the year which have impacted on internal audit's independence that have led to any declarations of interest.

**Performance of Internal Audit**

**Internal audit quality assurance**


To ensure the quality of the work internal audit performs, there is a programme of quality measures which includes:

- Supervision of staff conducting audit work.
- Review of files of working papers and reports by managers.
- Regular meetings of our networking groups, which issue technical and sector updates.



**Performance Measures**

- Complete 90% of the audit plan - 31% relates to assurance work completed.
- 100% Draft reports issued within 6 weeks of start date – 43%
- 100% Closure meetings conducted within 5 days of completion of audit work – 100%
- 100% draft reports to be issued within 10 working days of closure meeting – 57%
- 100% of all high priority actions are implemented at follow up – N/A
- All no and limited assurance reports have a revised assurance rating of substantial or reasonable on follow up – Not applicable
- Achieve an average customer satisfaction score of 4 or more – not applicable


## Appendix 01: Summary of Internal Audit Work Undertaken


Assurance	Audit/Corporate Risk	Scope	Indicative Planned Quarter	Assurance Summary	AssuranceOpinion
Core Financial Systems	Creditors CR1,CR6	Risk based review covering the adequacy and effectiveness of controls around the maintenance of creditors systems.	Q2	Audit work complete, report has been drafted and recommendations being agreed with management.	
	Procurement CR1, CR6	Risk based review of Procurement systems to ensure controls in place for the adherence to procurement legislative requirements.	Q1	<p>The Council have reasonable controls in place to support the management of its procurement function. The Procurement Regulations were robust and met the statutory requirements of local authorities in the Public Contract Regulations 2015. Furthermore, the Council have developed a strong set of templates and guidance documents for staff to ensure there is a consistent and effective procurement process.</p> <p>However, due to limited resources in the Procurement Team, spend over £5,000 is not regularly monitored to assess whether staff are not complying with procurement rules. In our sample testing of spend over £5,000 which include three purchases from the purchase ledger (rather than the Contract Register), we identified that purchases had been made without notifying the Procurement Team or having a waiver form approved. Similarly, there was an instance where a procurement waiver form was approved outside of the scheme of delegation.</p> <p>Therefore, while adequate controls were in place, they were not always consistently followed.</p>	 <p>Reasonable Assurance</p> <p>H-0 M-3 L-2</p>
Strategic & Operational Risks	Business Continuity CR1, CR2, CR3, CR6	Risk based review of the council's arrangements for business continuity.	Q2	Audit work commenced.	
	Corporate Policy Management CR1, CR3, CR4, CR5, CR6	Risk based review of the council's arrangements for policy development, update and change. Incorporating reporting and approval requirements.	Q3	Audit work complete, report being drafted.	

Taxi Licences CR3, CR4, CR6	Risk based review of the council's management arrangements for taxi licensing across the Borough, ensuring all checks both individual and vehicle are carried out and completed.	Q3	Audit briefed issued and finalised with management, start date scheduled for February 2024.	
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Assurance	Audit	Scope	Planned Quarter	Assurance Summary	Assurance Opinion
	Community Safety CR3, CR4, CR6	Risk based review of Community Safety arrangements at the Council.	Q3	Allocated to BDO. Audit brief and scope to be agreed with management.	
	Training & Development CR2, CR6	Risk based review looking at the Council's arrangements for training and development.	Q1	<p>Overall, the Council have Limited controls in place to support its management of training and development, underpinned by out-dated training policy and completion of mandatory training and PDRs being lower than we would expect. This impacts the use of the limited training funds allocated to training and developing staff, as there is a lack of clear direction on the most effective use of spend. For example, when allocating the funds, due to PDRs not being completed, the Head of HR and Organisational Development does not have the guidance over which members of staff could benefit the most from further training.</p> <p>Furthermore, there was low compliance of mandatory training despite quarterly reminders being sent to staff that had not completed the training modules. While the mandatory training is delivered via online modules, for some departments where staff work in manual roles, alternative training methods may be more suitable. This could improve compliance.</p>	 Limited Assurance H-1 M-3 L-1
	Safeguarding CR3, CR4, CR5, CR6	Risk based review of the Council's controls around the safeguarding to ensure all legislative requirements are met and being consistently applied.	Q4	<p>The system has some good controls in place to mitigate against key risks.</p> <p>There is a Safeguarding Children and Adults at Risk of Abuse and Neglect Policy and Procedure which was reviewed in March 2023. The policy is accessible to staff through the Infozone and externally on the website. The lead responsibility lies with a Designated Safeguarding Officer (DSO) with a deputy DSO to support and departmental Safeguarding Officers. Training is provided either face to face by an internal officer or through e-learning. There is also a link to identification of training requirements, a table of target five groups with an example of job role and training recommended. Testing noted that training is not being completed as per the policy and the training and development framework.</p> <p>The Council has a Disclosure and Barring Policy which includes a list of job roles and the level of DBS check</p>	 Reasonable Assurance H-0 M-5 L-1

			<p>required i.e. none, basic etc. Testing confirmed for a sample chosen that DBS had been completed in line with the policy, with the exception of one, where the level of check was unknown. Also, current roles were not included on the policy which is dated July 2022. Discussions noted that where sports facilities are hired, the safeguarding policy and details of the welfare officer of the club is obtained.</p> <p>There is regular liaison with external partners, including Tamworth Vulnerability Partnership and MACE panel at Staffordshire County Council.</p> <p>Areas for improvement were noted during the audit, including uploading the latest version of the safeguarding policy and inclusion of all roles into the disclosure and barring policy. Training requirements should be reviewed and monitored and DBS information should be confirmed for service providers working with children and vulnerable adults. Implementation of the recommendations in the action plan will enhance arrangements.</p>	
Insurance CR1	Risk based review to ensure that all insurable risks are identified and appropriately managed.	Q3	Audit scoped, scheduled to commence in January 2024.	
Fees and Charges CR1	Review of arrangements across the Council for the levying and charging for fees and services.	Q3	Audit scoped and briefed, scheduled to start in January 2024.	


<p>Time recording &amp; absence management CR2</p>	<p>Risk based review to ensure that time recording system is appropriately managed and that a consistent approach is maintained in respect of absence management.</p>	<p>Q1</p>	<p>The Council have Reasonable controls in place to support the management of time recording and absence management processes for staff.</p> <p>Staff policies for absence management were clear and in line with our expectations, however, procedure notes on how to record time on Tensor could be improved.</p> <p>The automatic workflows set in Tensor notifies line managers for approval of absences after being completed by staff which enables these requests to be authorised in a timely manner. This was noted through our sample testing of absences.</p> <p>However, there was significant non-compliance by staff in clocking out of Tensor during their lunch break, resulting in a default 20-minute lunch break being applied. This could distort records for staff breaks or could be symptomatic of staff not taking a lunch break which could have longer term impacts on well-being. Furthermore, our analysis of Tensor data for three weeks (between March and May 2023) identified that while most staff do clock-in during usual business hours, there were some customer-facing departments where there were higher levels of staff starting and finishing early. We understand that this has been raised internally by the Council at Executive Leadership Team and is being monitored to ensure there is sufficient capacity during business hours to meet customer needs.</p> <p>It is important to note that this report sets out control improvement areas in relation to time recording per the risks identified in the scope. However in addition to this, it is important for senior leadership at the Council to discuss and agree the purpose of why time recording is required and what they aim to achieve from having such systems in place. This includes agreeing the culture they aim to achieve, the purpose of monitoring time, how time is monitored, actions taken as a result of this analysis and how this will be communicated to the organisation. Without setting this tone from the top, there is a risk that any control improvements will not achieve the desired change.</p>	 <p>H-0 M-3 L-0</p> <p>Reasonable Assurance</p>
<p>Shared Services CR1, CR3, CR5</p>	<p>Risk based review looking at key aspects of the council's shared services arrangements.</p>	<p>Q2</p>	<p>Audit work commenced.</p>	



Assurance	Audit	Scope	Planned Quarter	Assurance Summary	Assurance Opinion
	Housing Voids CR4	Risk based review looking at Housing Void arrangements to ensure properties are appropriately managed and void periods minimised.	Q1	Audit scoped and briefed all fieldwork completed, at draft report stage.	
	Housing White Paper CR4	Risk based review of organisation implementation for the new regulatory inspection regime.	Q4	Audit scheduled for February 2024.	
	Events Management Defer to 23/24	Risk based review looking at key aspects of the council's operations in relation to the management of events, to include; bidding for external events, management of internal events.	Q3	Deferred through to 2023/24.	
ICT	Remote Working	ICT review of the development of remote working solutions.	Q1-Q4	<p>There are generally good IT management and technical controls over remote working, although we have identified some risks that need to be addressed. Remote working is covered in a number of documented corporate IT policies, including Mobile Computing Policy, Acceptable Use Policy, Acceptable Use Guidance and the SMART Working Policy, which is a HR policy. Collectively the policies cover the main areas relevant to remote working, with the exception of remote access security and details on corporately approved collaboration tools. IT policies are published via Astute, a policy management system, which logs confirmation from users that policies have been read and understood. The plan was to re-issue the IT policies annually and get user confirmation, however, we found they have not been issued since they were approved in 2020.</p> <p>All remote access is subject to multi-factor authentication in accordance with good practice. We have identified some technical security weaknesses with the remote access system that provides VPN (Virtual Private Network) access to a small number of users. IT Services are aware of the issues but have no plans to address them as the system is being replaced in the next four/five months. This is accepted.</p> <p>The password policy used for authenticating remote users is the same as the one used on the internal network. A</p>	 <p>H-1 M-4 L-7</p> <p>Reasonable Assurance</p>

				<p>review of the policy found the minimum password length and requirement for password complexity and expiry do not comply with current good practice standards. Remote access logs are available but are not retained for a sufficient period of time as defined by PSN (Public Sector Network) requirements.</p> <p>Personally owned computers are allowed to connect remotely to the network but only via a virtual desktop, thus minimising security risks.</p> <p>There is an inventory of all computer equipment, including laptops, desktops and other mobile devices. A review of the inventory details found that a small number of laptops and some mobile devices do not have a designated owner assigned and hence it is not possible to confirm who they are issued to.</p> <p>All laptop computers are encrypted and a security policy is applied to mobile devices. We have identified a high risk relating to users copying data onto removable USB storage devices, such as memory sticks/flash drives. This access should be blocked to prevent personal data being copied onto insecure devices, which if lost or stolen, could result in a data breach. The password policy for personally owned mobile devices should also be strengthened and all users of personal devices should sign the Bring Your Own Device agreement.</p> <p>There are some configurations on Microsoft Teams that should be changed to further strengthen security over meetings and file sharing.</p>	
	Network Infrastructure	ICT review of the council's network infrastructure to ensure that it is maximised and 'downtime' minimised with the resolution of issues in a prompt manner by third party suppliers.	Q1-Q4	Allocated to E-Tec Business Services, to brief and scope reviews.	
Governance Fraud & Other Assurance	Risk Management	Review of the Council's Risk Management processes.	Q4	Audit scoped and briefed with management, scheduled for January 2024.	
	Disabled Facilities Grant	Assurance Statement	Q3	Assurance work completed for certification sign off	No assurance required
	Municipal Charities	Preparation of municipal charities accounts	Q3	2022 accounts fully completed and submitted to management.	No assurance required.



	Counter Fraud	Work to support the mitigation of fraud risk, the provision of fraud awareness training, pro-active fraud exercises and reactive investigations.	Q1-Q4	On-going	
	Annual Governance Statement	Production of the AGS	Q1-Q2	AGS fully completed and reported to Audit & Governance Committee for 2022/23.	

Assurance	Audit	Scope	Planned Quarter	Assurance Summary	Assurance Opinion
	Annual Audit Opinion	Production of the Annual Audit Opinion	Q1-Q2	Complete	
	Management and Planning	Management, planning and assurance reporting to CMT and Audit & Governance Committee	Q1-Q4	On-going	
	Ad-hoc / Consultancy / Contingency	Contingency allocation to be utilised upon agreement of the Chief Finance Officer	Q1-Q4	On-going	
	IA QAIP and PSIAS	Review of PSIAS standards and review	Q3	Ongoing	
22/23 Planned Audits finalised	Agency Staff	Risk based review of the arrangements for appointment and monitoring of Agency Staff.		<p>The system has some good controls in place to mitigate against key risks.</p> <p>A business case is completed and approved. These were seen for all the agency staff tested. The recruitment for temporary agency staff form was completed for all staff. Agency staff personal details are obtained, and staff had undertaken an induction which included reference to the Council's code of conduct and corporate training of policies/ procedures. Training was provided either in person or through Astute. Performance was monitored by the Manager who agrees workload and hours worked prior to approval for the payment of the invoices.</p> <p>Some weaknesses were identified which included the recruitment of temporary agency staff form not being fully completed, particularly the clearance checks required to be completed by the agency. A DBS check had not been evidenced by the agency for any of the sample tested. Declaration of interest/ secondary employment forms are referred to in the code of conduct which staff are made aware of at induction. Two induction forms did not provide evidence that the code of conduct had been discussed. In addition, two booking forms/ contract for agency staff could not be located. Implementation of the recommendations in the action plan will enhance arrangements and address these risks.</p>	 <p>H-1 M-3 L-0</p> <p>Substantial Assurance</p>

Assurance	Audit	Scope	Planned Quarter	Assurance Summary	Assurance Opinion
	Recovery and Reset	Programme assurance based review of Recovery and Reset programme. Programme assurance includes programme planning, governance structure and controls, delivery, change management, RAIDD management (Risk, Action, Issue, Decision, Dependency), testing and reporting.		<p>The Council have Substantial controls in place to support the management of the Recovery and Reset Programme. As this was a key corporate programme, we would expect robust governance to support oversight and monitoring of projects.</p> <p>Support for the Recovery and Reset Programme was provided by Trueman Change, who maintained effective oversight of risks, performance and the delivery of the programme. They also developed clear reports on the progress of the Programme and individual projects to the ELT and the Corporate Scrutiny Committee.</p> <p>Financial savings and project costs were monitored regularly and escalated through the governance structures where required. Furthermore, project initiation documentation identified the project objectives, providing tangible measures to assess the success of the Programme.</p> <p>Overall, this was a well-managed programme with robust oversight and documentation. Programme templates supported consistency for project proposals, reporting and post-implementation evaluations of projects.</p>	 <p>H-0 M-0 L-0</p> <p>Substantial Assurance</p>
	Income Management	Risk based review of the Council's controls around the management of income throughout the Council is ensure that this collected in a robust manner that accounts for monies received.		<p>We have reached the overall opinion that the Council's controls for income management, collection and reporting were Substantial.</p> <p>The Council's Financial Guidance establishes clear policies and procedures for cash handling and banking, and income collection from non-cash transactions. Our review of three departments where cash is regularly collected identified that there was compliance with these procedures, maintaining security of cash and prompt banking.</p> <p>The Finance Team perform monthly reconciliations between E-Fins (the general ledger system) and Academy (the revenues system) to ensure that council tax and NNDR payments, which are a high proportion of the Council's income, to ensure that transactions are coded correctly. Similarly, the suspense account was</p>	 <p>H-0 M-0 L-0</p> <p>Substantial Assurance</p>

			<p>cleared regularly and our review of 15 suspense account transactions identified that these were supported by sufficient backing documentation.</p> <p>The Revenues and Benefits Team produce monthly reporting on income collection and management, focused on council tax, NNDR and sundry debts. These were robust and provided comparisons to the target collection rates and the previous year.</p>	
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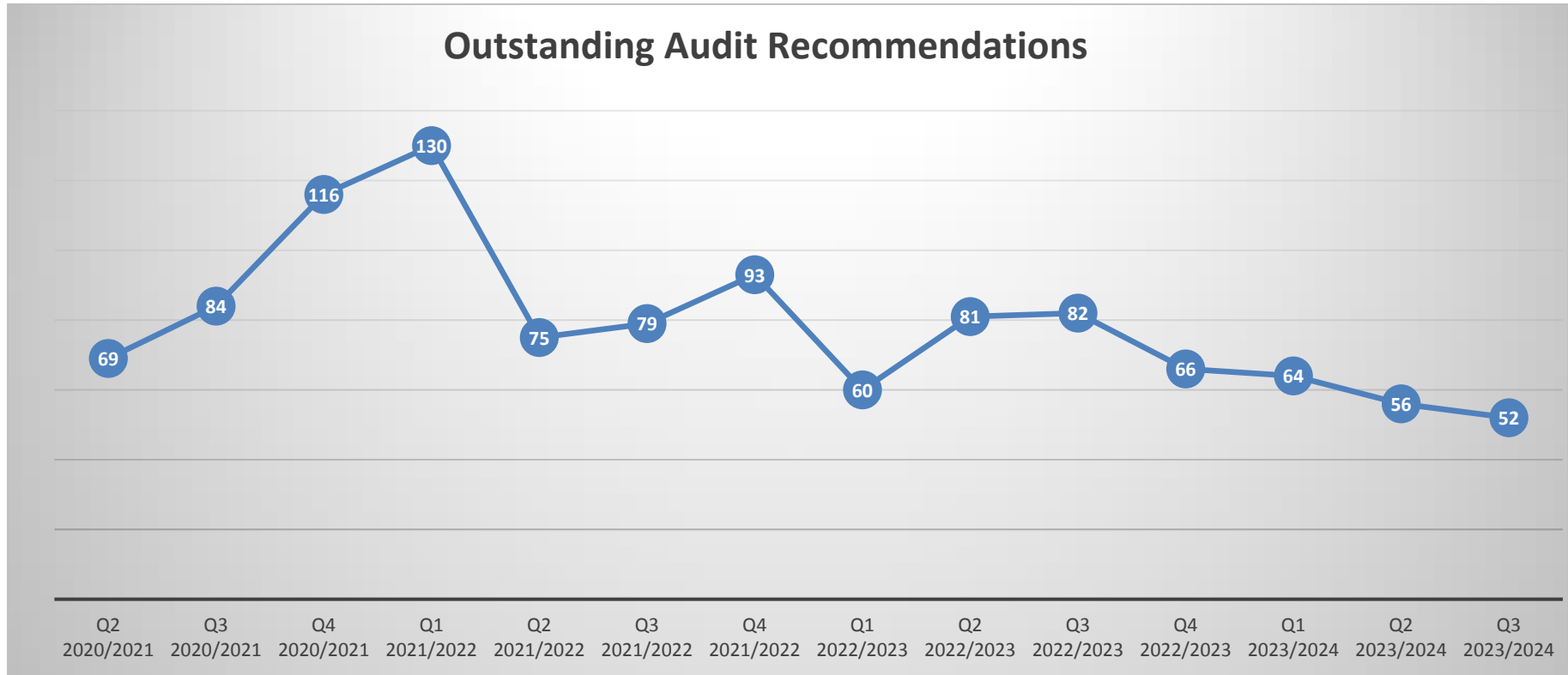
## Appendix 02: Assurance and Recommendation Classifications

Overall Assurance Opinion	Definition
<b>Substantial</b>	There is a sound system of internal control designed to achieve the organisation's objectives. The control processes tested are being consistently applied.
<b>Reasonable</b>	While there is a basically sound system of internal control, there are some weaknesses which may put the organisation's objectives in this area at risk. There is a low level of non-compliance with some of the control processes applied.
<b>Limited</b>	Weaknesses in the system of internal controls are such as to put the organisation's objectives in this area at risk. There is a moderate level of non-compliance with some of the control processes applied.
<b>No</b>	Significant weakness in the design and application of controls mean that no assurance can be given that the organisation will meet its objectives in this area.

Recommendation Priority	Definition
<b>High</b>	High priority recommendation representing a fundamental control weakness which exposes the organisation to a high degree of unnecessary risk.
<b>Medium</b>	Medium priority recommendation representing a significant control weakness which exposes the organisation to a moderate degree of unnecessary risk.
<b>Low (Housekeeping)</b>	Low priority (housekeeping) recommendation highlighted opportunities to implement a good or better practice, to add value, improve efficiency of further reduce the organisation's exposure to risk.

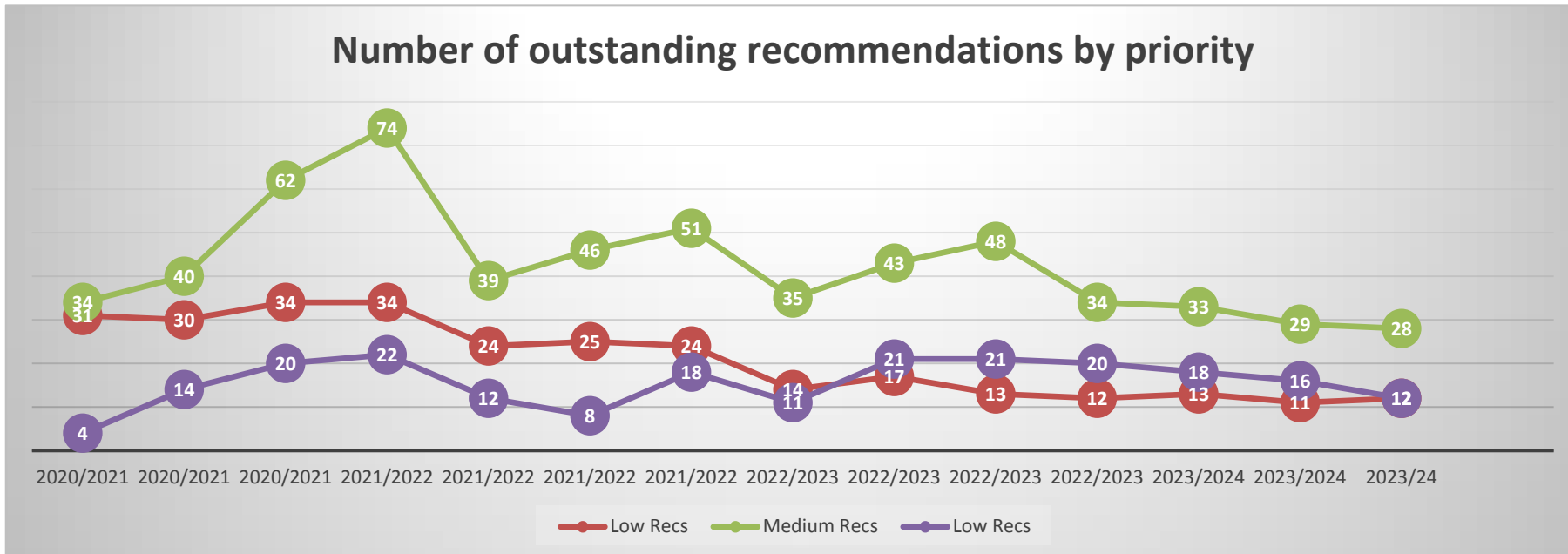
### Appendix 03: Outstanding Audit Recommendations

The graph below shows the number of outstanding audit recommendations over time.



To inform the process I have included a table below outlining the number of outstanding actions whether High, Medium or Low Priority.

Below is a table showing the number of recommendations in each assurance level.



Financial Year	Quarter	No of Outstanding Recommendations	No of High Recs	No of Medium Recs	No of Low recs
2020/2021	Q1				
	Q2	69	31	34	4
	Q3	84	30	40	14
	Q4	116	34	62	20
2021/2022	Q1	130	34	74	22
	Q2	75	24	39	12
	Q3	79	25	46	8
	Q4	93	24	51	18
2022/2023	Q1	60	14	35	11
	Q2	81	17	43	21
	Q3	82	13	48	21
	Q4	66	12	34	20
2023/2024	Q1	64	13	33	18
	Q2	56	11	29	16
	Q3	52	12	28	12

Analysis of current high priority outstanding audit recommendations.

Title	Recommendation	Status	Due Date	Assistant Director Responsible	Comments
Housing Repairs Policy	The policy is reviewed, updated and relevantly approved.	Overdue	30-Apr-23	Paul Weston	Awaiting confirmation of agreement of the new Schedule of Rates and Price per Property arrangements, once agreed this recommendation will be completed.
Pentana Training & Procedures	<p>a) Detailed procedures notes are developed for the use of the contract register on Pentana and made available to staff.</p> <p>b) Detailed training is provided to staff on the requirements of contract monitoring and management, how to use and update the contract register in Pentana to ensure staff are fully aware of their responsibilities and how to appropriately manage their contracts.</p>	In Progress	30-Nov-23	Joanne Goodfellow	Work is ongoing streamlining and updating data on Pentana. Draft procedures have been produced on the operation of the system and how to include contracts on the system.
Asset Management Policy/Strategy	An Asset Management Policy and Strategy covering planned maintenance should be produced, approved and communicated with stakeholders. This should also include the frequency of the stock condition survey.	Overdue	30-Nov-22	Paul Weston	Awaiting confirmation and approval by Cabinet, once received this recommendation will be completed.
PCI DSS Compliance	The PCI DSS Policy and Procedure should be reviewed and finalised. The policy should clearly define all key roles and responsibilities, including the corporate lead for PCI compliance.	In Progress	31-Dec-23	Joanne Goodfellow/Zoe Wolicki	Action Plan agreed with ICT for implementation by due date.
PCI DSS Compliance	The scope of the PCI environment should be explicitly defined, covering people, processes and technology. This should include a list of all service providers. Data flow maps may help define the PCI scope.	In Progress	31-Dec-23	Joanne Goodfellow/Zoe Wolicki	Action Plan agreed with ICT for implementation by due date.



Title	Recommendation	Status	Due Date	Assistant Director Responsible	Comments
PCI DSS Compliance	The relevant SAQ's should be identified and completed on an annual basis.	In Progress	31-Dec-23	Joanne Goodfellow/Zoe Wolicki	Action Plan agreed with ICT for implementation by due date.
Climate Change	<p>Management should develop an action plan for climate change which should be approved and endorsed at a senior level. This should identify short, medium and long-term actions that have been costed. Progress against the action plan should be monitored by senior management and by members periodically, Areas that the Council may wish to consider include in its action plan are;</p> <ul style="list-style-type: none"> <li>• Council housing stock and waste management</li> <li>• Transport/fleet management</li> <li>• Internal Council operations</li> </ul>	In Progress	31-Dec-23	Anna Miller	Financial waiver currently being to sort to progress this further. This will potential use the same consultants who undertook the initial work for the Council. ISAG completion date by end of December 2024.
Climate Change	Following the development of the action plan, management should establish a set of KPI's to monitor performance. These should be reported to management and Committees, as appropriate, to maintain effective oversight of the performance. The KPIs should be aligned to the actions agreed by Cabinet in the action plan.	In Progress	31-Dec-23	Anna Miller	Requires delivery of the action plan.
Climate Change	As part of the action plan, the Council should establish a cross department working group to meet at least monthly to monitor the action plan and oversee joint arrangements for reducing carbon emissions.	In Progress	31-Dec-23	Anna Miller	Unable to resource this area despite a recruitment campaign to employ into the Climate Change role.

Title	Recommendation	Status	Due Date	Assistant Director Responsible	Comments
Climate Change	The Council should review the financial and staff resource available for climate change to assess whether it is sufficient. Based on the lack of activity around developing an action plan and KPI's, it should consider increasing resources to support the delivery of its carbon reduction targets.	In Progress	31-Dec-23	Anna Miller	Assistant Director looking at other recruitment avenues.
GDPR	A ROPA should be developed and maintained.	Overdue	30-Jun-23	Nicola Hesketh; Robert Smith	Ongoing development required for implementation.
Training and Development	<p>a. The Council should liaise with the Astute system providers to assess whether it can automatically assign and re-assign mandatory courses to staff</p> <p>b. Alternatively, if Astute cannot automatically assign and re-assign modules then the Council should develop a checklist for the HR Team to complete for new joiners to record which modules need to be assigned to the individual</p> <p>c. Based on the frequency of refresher training (see Recommendation E) a schedule should be maintained to record the date of refreshed training for each member of staff. This should</p>	Not yet due	31-Jan-24	Anica Goodwin Jackie Noble	

be shared monthly with line managers or set in Astute to issue automatic reminders to the employee

- d. A list of staff that have not completed assigned mandatory training modules should be sent to the Corporate Management Team every quarter or six months. For those that have not completed the mandatory modules. The CMT should consider whether access to Council software and systems should be removed until the modules are completed
- e. Clear timeframes for the refresh of mandatory training should be set in the Training and Development Policy.

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## External Quality Assessment Action Plan

	Priority	Issue Identified	Recommended Action	Management response	Officer responsible/ timescale	Status
1.	Review	<p><b>Internal Audit Charter (IAC)</b> The IAC is comprehensive regarding engagement reports however does not contain details of the requirement for the Chief Audit Executive (CAE) to deliver an Annual Report including an opinion in relation to risk management, governance and control.</p>	<p>Include an appropriate statement in the Internal Charter with regard to the provision of an Annual Report and align this with regard to the benefit of aligning the internal audit planning process with a continuous assessment of the risk environment faced by each client, in order to support the provision of the annual opinion regarding risk management, governance and control.</p> <p><b>PSIAS 1000</b></p>	<p>Agreed.</p> <p>To be implemented via a review of Internal Audit Charters for 2023/24.</p> <p>This will improve wider outcomes in the Council so that the audit plan is more focussed on ensuring strategic/operational risks are mitigated to provide assurance.</p>	<p>Audit Manager</p> <p>May 2023</p>	Completed as part of the Internal Audit Charter update for 2023/24
2.	Review	<p><b>Performance appraisal</b> The self-assessment identified that the CAE's appraisal which is undertaken by the Chief Executive at Tamworth Borough Council (TBC) has not taken place. A new appraisal process is to be introduced at Lichfield District Council (LDC).</p>	<p>Ensure that a robust performance appraisal process is in place within the Internal Audit Team With regard to the Audit Manager consider Inviting observations from both Chairs of Audit Committee in advance of the performance appraisal, as this would provide valuable client feedback and reflect best practice.</p> <p><b>PSIAS 1110</b></p>	<p>Agreed.</p> <p>Ongoing review of Audit Manager performance maintained by Chief Executive at Tamworth BC and both Section 151 Officers. Discussions to agree further approach.</p>	<p>Audit Manager</p> <p>March 2024</p>	Complete

3.	Consider	<p><b>Declarations of interest</b> Each Council has adopted different practices regarding the protocol for declarations or conflicts of interest. Due to the independent nature of internal audit work it would be beneficial for internal audit staff and any contractors to confirm the position on an annual basis.</p>	<p>The CAE should obtain confirmation regarding potential conflicts of interest on 1 April each year and on appointment of any further staff or contractors undertaking internal audit engagements at the Councils.</p> <p><b>PSIAS 1100</b></p>	<p>Agreed</p> <p>Previous declarations of interest have been recorded but only updated if changes have occurred. However to comply with best practice will implemented annual reviews.</p>	<p>Audit Manager</p> <p>April 2023</p>	<p>Completed</p> <p>Confirmation received from external contractors of compliance with standards.</p> <p>Staff members completed declarations of interest for 2023/24.</p>
4.	Review	<p><b>Audit Universe</b> The current internal audit planning model reflects use of a “standard audit universe’ to which a cyclical approach to reviewing areas of activity is applied in consultation with management. This is provided for in circumstances where the client risk management system cannot be relied upon. Internal Audits of risk management have provided positive opinions in relation to their application and as a result it would be beneficial therefore to increasing align the focus of strategic and engagement planning with each clients risk environment as this would enhance internal audits’ ability to demonstrate a</p>	<p>The development of a comprehensive internal audit plan that reflects the significant risks that are recorded within each Councils risk management system represents an essential feature of both strategic and operational internal audit planning as it acts as a basis for both ensuring attention on significant risks on a priority basis as well as providing an indication of the resources required to provide continuous independent assurance. Internal Audit works with each client manager at the time of an engagement to identify significant risks; it would be opportune to increasingly recognise and promote the value of ‘Control Risk’ at an operational level and transparently integrate this within the planning</p>	<p>Agreed</p> <p>Review of current audit universes at both Tamworth and Lichfield.</p> <p>Change of current working practices to develop the auditing of control risks and linking into strategic and operational risk registers are both authorities. To be supported by the current reviews of Strategic Risk Registers which looks at mitigating controls. Additionally, this will improve wider</p>	<p>Audit Manager</p> <p>March 2024</p>	<p>Completed</p> <p>Ongoing progress started with 2023/24 Audit Plan and will be developed moving forward during the financial year to be fully implemented and included in plan for 2024/25</p>

		<p>commitment to helping each Council achieve its objectives. It may be beneficial to consider the content of each clients risk management process as the Audit Universe in future.</p>	<p>process, identifying sources of assurance as a matter of routine. It would be beneficial therefore to increasingly align development of the internal audit planning system with each Councils risk management processes in order to ensure that resources are consistently focused on areas where assurance is required regarding the operation of policies, procedures and controls that mitigate the significant risks to which the Council is exposed at an inherent level.</p> <p>It may be that such an approach would also help embed effective risk management within each clients governance processes.</p> <p><b>PSIAS 2000/2010</b></p>	<p>outcomes in the Council so that the audit plan is more focussed on ensuring strategic/operational risks are mitigated to provide assurance.</p>		
5.	Consider	<p><b>Purpose of the system subject to review</b></p> <p>Audit Planning Memorandum currently contains a statement which reflects the 'Management Objective' of the area subject to review. Whilst the terminology is correct statements tend to focus on a generic statement regarding the internal control environment rather than focusing on what management are aiming to achieve, in accordance with Public Sector</p>	<p>The inclusion of a Management Objective is regarded as good practice however it may be beneficial to increasingly capture the specific aims of management in each review to which can be aligned the significant risks being faced within the area under review .</p> <p>This will assist with the discussions with client managers and specifically the identification of the significant risks which may impact upon achievement of the established objectives and upon which the assurance opinion should be based.</p>	<p>Agreed</p> <p>Audit Planning and pre-meetings will incorporate aims of management in the Audit Brief.</p>	<p>Audit Manager</p> <p>April 2023</p>	<p>Complete - Audit Planning and pre-meetings to include aims of the service in the planning document.</p>

		Internal Audit Standards (PSIAS) requirements, which recognise the value of focusing on operational management objectives.	The significant risks may be all or some of those identified with the risk management process as well as others recognised at the time of audit.  <b>PSIAS 2201</b>			
6.	Consider	<b>Recognition of identified key controls</b> The current risk management methodologies require identification of the primary controls which exist as well as the further mitigating controls which are to be developed. These are likely to represent the key controls upon which the audit should be based, as they represent 'Control Risk' and the implications should a failure of controls occur.	It would be beneficial to increasingly focus on what is regarded as a 'significant risk' within each Councils risk management processes and the associated primary controls as this would increase efficiency through allocating appropriate resources to those areas of most concern. There is limited feedback from the client survey which indicates that the Shared Service might provide increased focus on significant risk and introducing advice best practice within the audit approach and these may be areas where increased understanding of risk throughout the process may produce results which are regarded as adding value by clients.  <b>PSIAS 2010</b>	Agreed.  To be developed over 2023/24 towards full implementation.  This will improve wider outcomes in the Council so that the audit plan is more focussed on ensuring strategic/operational risks are mitigated to provide assurance.	Audit Manager  March 2024	Complete  Ongoing work in this area to link into the strategic and operational risks of the council started with SRR and Risk linkages in 2023/24 Audit Plans for both authorities.
7.	Review	<b>Consideration of Fraud</b> The Team maintain a Fraud Risk Register demonstrating compliance with the standards regarding the recognition of potential fraud, however this is	Ensure that the areas reviewed within an engagement include those where potentially significant fraud risks exist.  <b>PSIAS 2030</b>	Agreed.  As part of annual review of Fraud Risks and reported to respective	Audit Manager  October 2023	Complete  Ongoing to be developed and included following



		not directly considered when scoping engagements.		Committees at Tamworth and Lichfield.		review of fraud risks as part of the council reporting arrangements.
8.	Review	<p><b>Quality Improvement Assurance Policy</b></p> <p>The service has introduced a Quality Improvement Assurance Policy (QIAP) in accordance with the requirements of the standards. The policy focuses on consistent internal review of engagements, an annual assessment against the standards and the External Quality Assessment (EQA) review on a five year cycle. The Head of Internal Audit's Annual report confirms that aspects of the policy have been completed in a diagrammatic presentation. Industry best practice now reflects an extension of the quality review process to include consideration of wider performance in the form of KPI's, resources, skills and training requirements.</p>	<p>It would be beneficial to update the policy in line with best practice and as required confirm annually that all measures have operated during the year as well as summarise any outcomes influencing future development of the service within the Head of Internal audit's Annual Report.</p> <p><b>PSIAS 1300</b></p>	<p>Agreed.</p> <p>QIAP to be reviewed at both Councils and implemented. Changes to be incorporated into the QAIP for 2023/2024.</p>	<p>Audit Manager</p> <p>July 2023</p>	<p>Complete QAIP updated in accordance with standards and presented as part of updated QAIP for 2023/24.</p>
9.	Review	<p><b>Governance</b></p> <p>The standards require the CAE to provide an annual opinion</p>	<p>In Local Government, each Council establishes a Code of Governance in accordance with CIPFA SOLACE – it would be beneficial to map internal</p>	<p>Agreed.</p> <p>To be implemented as part of AGS for</p>	<p>Audit Manager</p> <p>March 2024</p>	<p>Ongoing progress in this area, assurance</p>

		regarding the effectiveness of governance arrangements. Current planning includes various aspects of the governance process including Ethics, Conflicts of Interests and Members expenses.	audit activity to the content of the Code in order to provide assurance at a level which contributes directly to the Annual Governance Statement through the Head of Internal Audit Annual Report.  <b>PSIAS 2110</b>	2022/2023 and ongoing development. To be linked with Monitoring Officer at LDC and internally within TBC.		mapping to be completed.
10.	Review	<b>Risk Management</b> Internal Audit last reviewed risk management as an assignment in TBC (March 2021) and LDC (March 2022) providing a 'Reasonable' assurance opinion.	The standards require an annual opinion to be made in the Head of Internal Audit's Annual Report regarding the adequacy and effectiveness of each Councils risk management processes. It would therefore be beneficial to support the opinion with evidence of how this has been reached through a combination of the assurances gained at both a strategic level and at an operational level within engagements. It would be beneficial to document in this approach how any potential conflict of interest with regard to the Audit Manager and Principal Auditor's roles relating to risk management is managed.  <b>PSIAS 2120</b>	Agreed  To be implemented as part of Annual Internal Audit Reports submitted to each Council Audit Committees.	Audit Manager  April 2023	Ongoing, review of Risk Management to be completed at TBC in 2023/24, audit scheduled for Q4.
11.	Consider	<b>Head of Internal Audit Annual Opinion</b> The current statement is largely based upon the work completed in the current financial year.	In practice, the opinion is actually based upon the continuous thread or trend of assurance work completed in recent years as a result of the focus of internal audit plans, the wider knowledge of significant risks and the	Agreed.  Updating of audit opinion for new financial year 2023/24	Audit Manager.  April 2023	Complete to be included in Annual Report to be presented to A&G

		<p>Best practice reflects using a wider basis for the opinion reflecting the full knowledge of the CAE including significant risks which each client is facing and information from other assurance sources.</p>	<p>various sources of assurance that exist, including the risk management processes. Future opinions should state the full basis upon which the opinion has been reached.</p> <p><b>PSIAS 2450</b></p>			Committee in June 2023.
12.	Consider	<p><b>Internal Audit Risk Based Strategy</b> The teams approach to assessment of the perceived risk at inherent and residual levels within an engagement is reflected in the grading of recommendations and opinions which are then used in reporting. Audit Engagement Plans and Reports contain an explanation of how the Internal Audit Team relate the level of risk evaluation to the conduct of the audit. It would be beneficial to ensure that the wording used is consistent with risk management terminology used by each client. PSIAS guidance emphasises that the focus of internal audit should be on 'significant' risk.</p>	<p>Consider reviewing the wording of definitions that support the grading of recommendations and opinions to better reflect risk appetite of each client. Particular attention should be given to the use of wording such as Fundamental and Significant. Within engagement reports this would then link to alignment of assurance opinions where fundamental or a series of significant recommendations automatically generated a 'Limited Assurance' opinion. Consider whether maintained a fourth level of assurance (being no assurance) is necessary.</p> <p><b>PSIAS 2420</b></p>	<p>Agreed.</p> <p>In conjunction with further reviews of wording and audit opinion, to be carried out in conjunction with these reviews.</p>	<p>Audit Manager</p> <p>December 2023</p>	Completed

## Suggested Enhancements for consideration

	Issue Identified	Recommended Action	Management response	Officer responsible/ timescale	Status
1.	<p><b>Job descriptions</b> Current job descriptions are in a consistent form abut are not routinely reviewed as part of the PDR process..</p>	<p>Best practice reflects regular update of job descriptions, it may be beneficial to review all job descriptions at the same time to ensure that any inter-dependencies are fully reflected, particularly as the two currently vacant posts are advertised</p> <p><b>PSIAS 1210</b></p>	<p>Agreed</p> <p>Review of job Descriptions to be undertaken.</p>	<p>Audit Manager.</p> <p>April 2023</p>	<p>Complete</p>
2.	<p><b>Client surveys</b> Progress has been made in obtaining feedback from auditees following each audit through discussions with client managers and within the annual planning process. Current completion reflects 66% TBC and 82% LDC. This provides informal confirmation from clients regarding the Teams ability to deliver upon its responsibilities and particularly add value.</p>	<p>Internal Audit may find it useful to utilise Survey Monkey or similar technology for collecting feedback and capture similar feedback in relation to each contractors performance, as this can prove to be an efficient means of gathering an early response. Feedback should be included as part of the QAIP process.</p> <p><b>PSIAS 2000</b></p>	<p>Agreed.</p> <p>Will review the possibility and functionality of Survey Monkey and determine a way forward.</p>	<p>Audit Manager</p> <p>April 2023</p>	<p>Ongoing review to ascertain best systems going forward.</p> <p>Completed and determined that current paper based questionnaire was retained.</p>

3.	<p><b>Contract support</b> A contract is in place with each contractor which states that delivery of services should comply with the PSIAS.</p>	<p>In order to evidence that the Shared Service is compliant in overall terms it would be helpful if each contractor were requested to provide evidence that their work had been independently assessed in accordance with the PSIAS.</p> <p><b>PSIAS 1312</b></p>	Agreed	Audit Manager	Complete
4.	<p><b>Key Performance Indicators</b> Completion of the Internal Audit Plan is regarded as the current focus of performance monitoring, although other indicators based on recommendations and opinions made in the year are recorded in the Head of Internal Audit's Annual Report. Good practice elsewhere utilises a range of quantitative and qualitative measures to demonstrate performance against the Internal Audit Charter.</p>	<p>Consideration could be given to devising a more comprehensive list of indicators and a summary of client feedback received. This may include:</p> <ul style="list-style-type: none"> <li>• Reports issued to agreed timescales</li> <li>• Recommendations accepted/not accepted by risk rating</li> <li>• Recommendations acted upon in a timely manner</li> <li>• Client satisfaction</li> <li>• Staffing levels and qualifications</li> <li>• Planned training completed</li> </ul> <p><b>PSIAS 1310</b></p>	<p>Agreed</p> <p>Will review current KPI's and in conjunction with client managers determine a suite of KPI's for Internal Audit.</p>	<p>Audit Manager</p> <p>March 2024</p>	Ongoing, to be reviewed and considered for 2024/25.
5.	<p><b>Training</b> The Internal Audit Team has developed a comprehensive training and skills matrix which includes reference to mandatory requirements although this has not been maintained. As the internal audit planning process devises a forward looking three year plan it would</p>	<p>Consider the benefits of using the priorities included in internal audit plans to identify potential courses or seminars which may provide increased understanding of the risk environment that will be reviewed. Ensure that training records are maintained and used to inform the QAIP.</p> <p><b>PSIAS 1210</b></p>	<p>Agreed</p> <p>Review training and implement as determined by the knowledge and experience of auditors.</p>	<p>Audit Manager</p> <p>March 2024</p>	Ongoing CPD requirements and training opportunities in place. Maintenance of training records to be updated.

	be beneficial to consider the future training needs of internal audit staff and include these in future resource planning.				Training records now documented and retained.  Complete.
6.	<b>Internal Audit Manual</b> The Team has compiled an Internal Audit Manual which was last reviewed in December 2022.	Following completion of the EQA, consider revising the Manual to fully reflect current practice rather than generic example as this will assist when training new staff. It may be useful to include the Internal Audit Protocol document within the Manual as this represents an excellent way of explaining the internal audit process to all stakeholder  <b>PSIAS 2030</b>	Agreed.  Implement changes as suggested.	Audit Manager  March 2023	Complete  Ongoing review of manual to bring into line with best practice.

## AUDIT AND GOVERNANCE COMMITTEE

Thursday 8<sup>th</sup> February 2024

### REPORT OF THE ASSISTANT DIRECTOR FINANCE

#### RISK MANAGEMENT QUARTERLY UPDATE

##### **Purpose**

To report on the Risk Management process and progress for Quarter 3 of the 2023/24 financial year.

##### **Recommendations**

- **That the Committee endorses the Corporate Risk Register.**
- **That the Committee review and approve the revised Corporate Risk Strategy/Policy.**

##### **Executive Summary**

One of the functions of the Audit & Governance Committee is to monitor the effectiveness of the Authority's strategic risk management arrangements. This report includes the actions taken to manage those risks and raises issues of concern that may impact the Authority. Corporate risks are identified, managed, and monitored by the Corporate Management Team (CMT) on a quarterly basis.

A copy of the current Corporate Risk Register is attached, as **Appendix 1**. The control measures contained have been developed to reflect the actions in the 3-year corporate plan. The revised Risk control measures will ensure the delivery of the strategic objectives, as detailed in the 2022-25 Corporate Plan, and minimise the risk of strategic drift.

The corporate risk register has been reviewed and current risk scores and notes have been updated by CMT for quarter 3 reporting.

There has been no change to the overall corporate risk profile since quarter 2 (see **Appendix 2** Risk Matrix Summary).

The operational risk champions did not have any issues of note to bring to CMT or include in the corporate risk register for quarter 3. The risk champions are reviewing their departments' operational risks, and the current reporting process following feedback from Zurich workshops.

Members were invited to attend a Risk Management Awareness workshop provided by Zurich Municipal on 4th December 2023. The course was attended by 12 Councillors and covered the following areas:

- ❖ Understanding the importance and relevance of Risk Management in achieving the Council's goals
- ❖ Tamworth Risk Management principles and the Risk Management process
- ❖ What are the key risks for Tamworth?
- ❖ Risk Appetite
- ❖ The role of Members in supporting effective Risk Management
- ❖ Challenges and benefits and Risk Management

Zurich Municipal have also completed an independent review of Tamworth Borough Council's Risk Management Strategy & Policy (**Appendix 3**). The areas highlighted in yellow are new additions or updates to the existing document which have been reviewed and approved by CMT but now require consideration and sign off from Audit & Governance Committee as per the approval's hierarchy.

A two page "Policy on a Page" has been produced as a quick reference point to support officers with risk management responsibilities (Appendix 4). It summarises the 4 Step Risk Management Process:

1. Risk Identification.
2. Risk Analysis
3. Risk Treatment
4. Review & Monitor

This document will be uploaded on to Infozone and circulated to all departments to support with the ongoing work on reviewing Operational Risks.

The current manifesting risks listed below for 2023/24 remain unchanged:

- Energy supply Crisis
- Cost of Living Crisis
- High Inflation
- Food supply crisis
- Cyberattacks on critical infrastructure

These risks will continue to be monitored and the impact they have on supply and costs to the Council. At the same time as rising supply costs there is also the potential for a fall in income as the disposable income of the public reduces due to the pressures on households. This has the potential to affect collection rates for Council Tax and Housing rents, it is also possible that income to attractions and events will reduce. The situation will continue to be monitored through the monthly budget monitoring process.

### **Options Considered**

None.



## **Resource Implications**

None.

## **Legal / Risk Implications**

There are no direct legal implications from this report but failure to manage strategic risks could lead to issues in delivering strategic priorities.

## **SUSTAINABILITY IMPLICATIONS**

None

## **BACKGROUND INFORMATION**

None

## **REPORT AUTHOR**

Emma Dyer, Operations Accountant, ext. 239

## **LIST OF BACKGROUND PAPERS**

None

## **APPENDICES**

**Appendix 1 Corporate Risk Register Qtr. 3**

**Appendix 2 Risk Matrix Summary**

**Appendix 3 Risk Management Strategy/Policy**


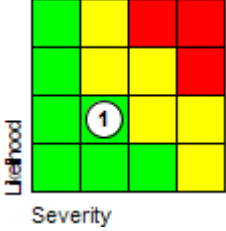

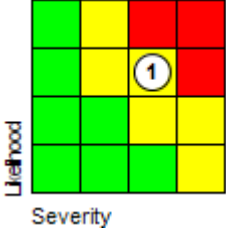

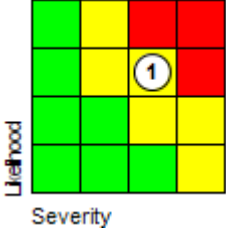

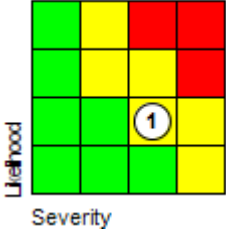
**Appendix 4 Policy on a page**


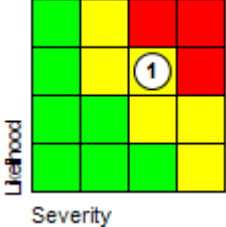
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# Corporate Risks Register Summary 2023

Generated on: 22 January 2024

Code	Corporate Risk Heading	Status	Status	Current Risk Matrix	Executive Leadership Team
1	Finance/Financial stability 2023/24		Alert		Joanne Goodfellow; Rebecca Smeathers
2	Governance 2023		OK		Anica Goodwin
3	Promoting community resilience and cohesive communities		OK		Rob Barnes

Code	Corporate Risk Heading	Status	Status	Current Risk Matrix	Executive Leadership Team
4	Lack of resources, capacity and right skills in place		OK		Anica Goodwin
5	Organisational Resilience 2023/24		Warning		Rob Barnes
6	Failure to meet climate change ambitions/ meet net zero targets and plan for major weather impacts and force majeure.		Warning		Rob Barnes
7	Information and Data Management -		Warning		Anica Goodwin

Code	Corporate Risk Heading	Status	Status	Current Risk Matrix	Executive Leadership Team
8	Inability to deliver economic growth, sustainability and prosperity in the Borough		Warning		Rob Barnes

Risk Status	
	Alert
	High Risk
	Warning
	OK
	Unknown

# 1 Finance/Financial Viability 2023/24

Generated on: 22 January 2024

**Corporate Risk Heading** Finance/Financial stability 2023/24

Risk Code		Risk Title	To ensure that the Council is financially sustainable as an organisation
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Original Matrix		Current Risk Matrix		Target Risk Matrix	
Severity	4	Severity	4	Severity	3
Likelihood	4	Likelihood	3	Likelihood	2
Risk Score	16	Risk Score	12	Risk Score	6
		Date Reviewed	09-Jan-2024	Target Date	

<b>Causes</b>	<ul style="list-style-type: none"> <li>* Risk of Austerity cuts/Major variances to the level of grant/subsidy</li> <li>* Uncertainty risk and potential financial disruption from External economic influences - mainly on income levels and current cost / inflationary pressures (and potential contractual cost increases)</li> <li>* Risk potential for poor Procurement practices and weak or ineffective Contract Management meaning VFM not maximised, and TBC exposed to unnecessary liabilities.</li> <li>* Ongoing cost of living crisis and inflationary pressures risk having an impact on the Council's income if households struggle to pay council tax, housing rent payments, etc. If families find themselves in financial difficulty it could also increase the demand for our</li> </ul>	<b>Consequences</b>	<ul style="list-style-type: none"> <li>* Inability to plan long term due to uncertainty over future Local Government funding. The planned funding reforms, Fair Funding Review, business rates reset, and the revised business rates retention scheme has been deferred again. The draft Local Government Finance Settlement published in December 2023 outlined funding for 2024/25. Indications are that the business rates reset will be deferred to 2026/27 or beyond. While this means the Council will be able to retain its business rate growth for 2024/25 and 2025/26, it also means that the uncertainty continues and potentially the Council still faces losing this growth from 2026/27.</li> <li>* Unplanned cost reductions / savings requirements</li> <li>* Financial issues leading to the Authority being taken</li> </ul>
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	<p>services putting pressure on resources, for example increase in homelessness.</p> <p>* Underutilisation of Assets</p>		<p>over by Government appointed officers.</p> <p>*Inability to plan investments into assets</p> <p>*Inability to diversify income streams</p> <p>*Social cohesion erosion could occur as public are adversely impacted by cost-of-living impact – potential for reputational damage for the council if unable to support effectively (or perception to).</p> <p>*Negative public perception may damage Council's reputation</p>
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Risk Control Measure	Risk Control Measure Due Date	Risk Control Measure Status	Risk Control Measure Note	Assistant Director
Monthly Budget Monitoring	31-Mar-2024		Monthly Financial Health check reports to CMT and quarterly to Cabinet	Joanne Goodfellow
Proactive and targeted cost saving analysis and review of reserve funds	31-Mar-2024		Review of reserves and retained funds reported to Cabinet in December and release of unspent funds to be returned to balances approved. £135,910.36 to General Fund Balances and £67,104 to Housing Revenue Account Balances (HRA)	Joanne Goodfellow
Robust monitoring process for MTFS in place and Quarterly Health check update to Members	31-Mar-2024		2023/24 MTFS included review and update of fees and charges and new charges introduced. Other targeted savings built into budget via policy changes.	Joanne Goodfellow

Latest Note	The planned funding reforms, Fair Funding Review, business rates reset, and the revised business rates retention scheme has been
-------------	--

deferred again. The LGFS published in December 2023 outline funding for 2024/25.

This settlement represents a 'holding position' until the next Parliament, aiming at stability. The ruling out of a business rates reset, or a fair funding review, means that the funding distribution will stay fairly stable (with the exception of Extended Producer Responsibility funding).

But this means that the big questions about the future of the funding system remain unaddressed one way or another.

While this means the Council will be able to retain its business rate growth for 2024/25 and 2025/26, it also means that the uncertainty continues and potentially the Council still faces losing this growth from 2026/27.

The ongoing cost of living crisis and inflationary pressures continue to have an impact on the Council's finances. At the same time as rising supply costs there is also the potential for a fall in income as the disposable income of the public reduces due to the pressures on the household purse. This has the potential to affect collection rates for Council Tax and Housing Rents and it is also possible that income to attractions and events will reduce. If families find themselves in financial difficulty it could also increase the demand for our services putting additional pressure on resources, for example increased homelessness, exacerbated by the potential for increased numbers of asylum seekers or Ukrainian refugees who may also present as homeless. The situation will continue to be monitored, including through the monthly budget monitoring process.

Corporate Priority affected Priority2: The Economy

Priority4: Living in Tamworth

Priority5: Town Centre



## 2 Governance 2023/2024

Generated on: 22 January 2024



**Corporate Risk Heading** Governance 2023

Risk Code		Risk Title	To ensure the Council is fully compliant in all legislative requirements
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Original Matrix		Current Risk Matrix		Target Risk Matrix	
Severity	4	Severity	2	Severity	1
Likelihood	3	Likelihood	2	Likelihood	2
Risk Score	12	Risk Score	4	Risk Score	2
		Date Reviewed	18-Dec-2023	Target Date	

<b>Causes</b>	<ul style="list-style-type: none"> <li>* Failure of democratic process</li> <li>* Failure to understand or respond adequately to new or changing legislation or regulation</li> <li>* No horizon scanning of legislative changes</li> <li>* Out of date policies and procedures</li> <li>*Lack of capacity to meet changing demands and priorities</li> <li>*Not enough capacity to plan ahead proactively due to reactive nature of business activity</li> <li>*Decisions made by Members could impact current planned work</li> <li>*Insufficient direction for strategic priorities – may not be fit for purpose which leads to lack of clarity with planning</li> </ul>	<b>Consequences</b>	<ul style="list-style-type: none"> <li>* Prosecution of individuals</li> <li>* Loss of reputation</li> <li>* Adverse impact on Tamworth residents</li> <li>* Authority taken over by Government appointed officers</li> <li>* Increase in costs, Legal and settlement</li> <li>* Potential harm to vulnerable persons, employees and commercial relationships</li> <li>* Legal action</li> <li>* Financial penalties</li> <li>* Reputational damage</li> <li>* Difficulties quantifying what success of objectives/priorities will look like</li> <li>* Impede work that is underway or already planned</li> <li>* Additional effort if required to manage workloads from</li> </ul>
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			already stretched services *Unable to effectively priorities objectives and workloads *Potential to mis-align resources
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Risk Control Measure	Risk Control Measure Due Date	Risk Control Measure Status	Risk Control Measure Note	Assistant Director
Audit and Scrutiny Committees	31-Mar-2024		Regular meetings in place, training plan for Audit Committee members being developed.	Joanne Goodfellow
Policies and Procedures	31-Mar-2024			Zoe Wolicki

Latest Note	Meeting of Statutory Officers held this quarter - all actions/issues being managed
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Corporate Priority affected	Priority2: The Economy Priority4: Living in Tamworth Priority: Organisation
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### 3 Promoting Community Resilience and Cohesive Communities










Generated on: 22 January 2024

**Corporate Risk Heading** Promoting community resilience and cohesive communities

Risk Code		Risk Title	Failure to understand Borough issues that may lead to community cohesion challenges and community resilience issues affecting Tamworth 'the place'
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Original Matrix		Current Risk Matrix		Target Risk Matrix	
Severity	3	Severity	2	Severity	2
Likelihood	3	Likelihood	2	Likelihood	1
Risk Score	9	Risk Score	4	Risk Score	2
		Date Reviewed	18-Jan-2024	Target Date	

<b>Causes</b>	<ul style="list-style-type: none"> <li>. Lack of strong local leadership (political, community etc)</li> <li>. Failure to provide or signpost support for the most vulnerable in our communities.</li> <li>. Lack of communication activity/strategy to engage with local communities.</li> <li>. Lack of partnership working and initiatives</li> <li>. Failure to understand local issues.</li> <li>. Lack of sustainable approach to community engagement and development which is inclusive and embraces diversity.</li> <li>. Poor educational outcomes and job opportunities</li> <li>Failure to engage with other statutory agencies</li> </ul>	<b>Consequences</b>	<ul style="list-style-type: none"> <li>. May be unable to support the vulnerable leading to wider demands on public services.</li> <li>. Wider health and employment inequality</li> <li>. Rise in crime or perception of crime</li> <li>. Increased levels of community tensions</li> <li>. Rise in environmental crime?</li> <li>. Lack of civic pride Lack of aspiration</li> </ul>
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Risk Control Measure	Risk Control Measure Due Date	Risk Control Measure Status	Risk Control Measure Note	Assistant Director
Commissioning of debt/advice services	31-Jul-2024		Contract in place until March 2025	Joanne Sands
Community cohesion officer in place	31-Jul-2024		Community Cohesion Officer in place until March 2025	Joanne Sands
Quality open spaces	31-Jul-2024			Hannah Peate
Strong Community Safety Partnership in place	31-Jul-2024			Joanne Sands
Strong partnership working with Staffordshire County Council around strategic issues affecting Tamworth communities.	31-Mar-2024		Links to all relevant community safety groups, priority working areas including Cost of Living group and Directors Health Inequalities group	Joanne Sands
Support for the Voluntary Sector	19-Jul-2024			Joanne Sands
Tell Us	31-Jul-2024		New policy implemented, policy reviewed by housing ombudsman rolled out to all staff via astute.	Zoe Wolicki
Use of insight	31-Jul-2024		PID and project scope complete.  Trueman Change directly awarded for consultancy support to produce a model and systems for data collection and analysis.	Zoe Wolicki
Wellbeing Strategy	19-Jul-2024		Baseline in place - H&W Scrutiny Nov 23 Update of district profiles in hand.	Joanne Sands

Wide range of arts, sporting and community events	19-Jul-2024		Hannah Peate
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Latest Note	No change
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Corporate Priority affected	Priority1: The Environment Priority4: Living in Tamworth Priority5: Town Centre
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# 4 Lack of Resources, Capacity and right skills in place

Generated on: 22 January 2024





**Corporate Risk Heading** Lack of resources, capacity and right skills in place

Risk Code		Risk Title	Lack of resources, capacity and right skills in place (recruitment and retention) to deliver corporate objectives
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Original Matrix		Current Risk Matrix		Target Risk Matrix	
Severity	3	Severity	2	Severity	2
Likelihood	4	Likelihood	2	Likelihood	1
Risk Score	12	Risk Score	4	Risk Score	2
		Date Reviewed	18-Dec-2023	Target Date	

<b>Causes</b>	<ul style="list-style-type: none"> <li>*Executive staff turnover may lead to experience/ knowledge loss</li> <li>*Inability to drive public engagement and manage increase in demand/ expectations</li> <li>*Lack of succession planning</li> <li>*Aging profile of organisation</li> <li>*Lack of incentive for young people to work for council</li> <li>*Competitive salary market impedes finding right candidates including not enough applicants for vacant roles</li> <li>*Increased workloads may not leave enough capacity to complete all in a timely manner</li> <li>*Lack of capacity to respond to changes regulations due to delays in releasing from the Gov and staff already stretched with current workloads.</li> </ul>	<b>Consequences</b>	<ul style="list-style-type: none"> <li>*Difficulties retaining staff – they may look more external opportunities</li> <li>*Costs of turnover and retraining new starters</li> <li>*Potential for non-compliance with specific roles that require accreditation or specific skills</li> <li>*Ability to respond to regulatory/ statutory changes may be inefficient</li> <li>*Working to prioritised work/ leader decisions</li> <li>* Unable to deliver organisational strategies</li> <li>* Increased turnover/absenteeism</li> <li>Service failure leading to ombudsman intervention and increased compensation claims.</li> <li>* Decreased staff engagement and satisfaction resulting in poor performance.</li> <li>Impact on health and wellbeing of existing staff</li> </ul>
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	<ul style="list-style-type: none"> <li>* Failure to have the organisational structure and a skilled and motivated workforce</li> <li>* Ineffective project management and governance</li> <li>* Ineffective performance management</li> </ul>		
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Risk Control Measure	Risk Control Measure Due Date	Risk Control Measure Status	Risk Control Measure Note	Assistant Director
Comments, complaints.	31-Mar-2024		Comments, Compliments, Complaints Policy issued to all staff via Astute - January 2024.	Zoe Wolicki
Effective employee relations	31-Mar-2024		<p>Trade Union Meetings held on regular basis at least quarterly.</p> <p>All policies and procedures compliant with legislation with 3 yearly reviews or earlier if legislation dictates.</p> <p>Regular communications with staff via monthly newsletter and everyone emails</p>	Anica Goodwin; Zoe Wolicki
Monitoring of staff turnover	31-Mar-2024		Update to CMT and Statutory Officers Group	Anica Goodwin; Zoe Wolicki
Training plan resourced	31-Mar-2024		<p>PDR process complete</p> <p>Initial analysis of training required complete.</p> <p>Priority training procurement process underway</p>	Zoe Wolicki

Workforce plan in place	31-Mar-2024		work commenced	Zoe Wolicki
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Latest Note	HR continues to monitor turnover. New PDR process implemented			
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Corporate Priority affected	Priority2: The Economy Priority4: Living in Tamworth Priority: Organisation			
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# 5 Organisational Resilience 2023/24




Generated on: 22 January 2024

**Corporate Risk Heading** Organisational Resilience 2023/24

Risk Code		Risk Title	Failure to provide services or maintain the continued wellbeing and operations within the Borough and be resilient to the unprecedented changes of the future.
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Original Matrix		Current Risk Matrix		Target Risk Matrix	
Severity	3	Severity	3	Severity	1
Likelihood	4	Likelihood	3	Likelihood	1
Risk Score	12	Risk Score	9	Risk Score	1
		Date Reviewed	18-Jan-2024	Target Date	

<b>Causes</b>	<ul style="list-style-type: none"> <li>* Significant event outside of our control e.g. major disaster, pandemic etc.</li> <li>* Staff not aware of action to be taken in the event of an emergency/disaster</li> <li>* Lack of sufficient agile operational options</li> <li>* Lack of corporate overview to understand and effectively prioritise workloads, resource allocation and understand where cross-function collaboration stands.</li> <li>* National and local political interference may impede planning and priorities</li> </ul>	<b>Consequences</b>	<ul style="list-style-type: none"> <li>* Services not delivered</li> <li>* Reduced 'economic attractiveness'.</li> <li>* Loss of reputation</li> <li>* Potential to misalign resources</li> <li>* Governance does not provide the full picture</li> <li>* Negative public perception may damage Council's reputation</li> </ul>
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Risk Control Measure	Risk Control Measure Due Date	Risk Control Measure Status	Risk Control Measure Note	Assistant Director
Business Continuity Planning	31-Mar-2024		Detailed work plan in place for EP & BC; work plan has been agreed by CMT and has been conveyed to Heads of Service.	Paul Weston
Delivery of People and Organisational Strategy	31-Mar-2024			Zoe Wolicki
Develop Project management skills for key staff	31-Mar-2024		Staff requiring training identified via PDR process.  Training to be delivered in 2024.	Zoe Wolicki
Emergency Planning (Failure to provide services or maintain the continued wellbeing and operations within the Borough))	31-Mar-2024			Tina Mustafa

Latest Note	No change
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Corporate Priority affected	Priority2: The Economy Priority4: Living in Tamworth Priority: Organisation
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# 6 Failure to meet climate change ambitions/ meet net zero targets and plan for major weather impacts and force majeure



Generated on: 22 January 2024

**Corporate Risk Heading** Failure to meet climate change ambitions/ meet net zero targets and plan for major weather impacts and force majeure.

Risk Code		Risk Title	Failure to meet climate change ambitions/ meet net zero targets and plan for major weather impacts and force majeure
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Original Matrix		Current Risk Matrix		Target Risk Matrix	
Severity	4	Severity	3	Severity	3
Likelihood	3	Likelihood	3	Likelihood	2
Risk Score	12	Risk Score	9	Risk Score	6
		Date Reviewed	17-Jan-2024	Target Date	

<b>Causes</b>	<ul style="list-style-type: none"> <li>* Staff not aware of action to be taken in the event of an emergency/disaster</li> <li>* Global warming/climate change - severe weather impacts to the Borough</li> <li>* Failure to plan ahead financially for cost implications</li> <li>* Not having the specialist skills in place to develop adverse climate resistant infrastructure</li> <li>* Lack of trained staff to deal with emergencies and over reliance on 3rd parties.</li> </ul>	<b>Consequences</b>	<ul style="list-style-type: none"> <li>* Life and property put in harm's way</li> <li>* Extreme weather conditions/impact on business's &amp; communities</li> <li>* Failure to have a plan for recovery/ repairs/ public support</li> <li>* Impact on vulnerable people Unable to deliver services</li> </ul>
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Risk Control Measure	Risk Control Measure Due Date	Risk Control Measure Status	Risk Control Measure Note	Assistant Director
1B - Development of infrastructure for acting on Climate Change	31-Mar-2024		Ongoing discussions with BP Pulse over the delivery of an EV charging hub on Riverdrive.	Anna Miller
Emergency Planning (Failure to meet climate change ambitions / meet net zero targets)	31-Mar-2024			Tina Mustafa

Latest Note	Climate change officer in post
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Corporate Priority affected	Priority1: The Environment Priority4: Living in Tamworth
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# 7 Information and Data Management

Generated on: 22 January 2024

**Corporate Risk Heading** Information and Data Management -

Risk Code		Risk Title	Lack of insight from information and data systems could impede effective decision making and affect systems viability.
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Original Matrix		Current Risk Matrix		Target Risk Matrix	
Severity	3	Severity	3	Severity	2
Likelihood	3	Likelihood	2	Likelihood	1
Risk Score	9	Risk Score	6	Risk Score	2
		Date Reviewed	17-Jan-2024	Target Date	

<b>Causes</b>	<ul style="list-style-type: none"> <li>*Isolated systems may not support sharing information.</li> <li>*Lack of joined up systems</li> <li>*Non-user-friendly systems may inhibit competency/confidence</li> <li>*Unable to keep up with costs of updating systems</li> </ul>	<b>Consequences</b>	<ul style="list-style-type: none"> <li>*Inability to drive value of decision making from data</li> <li>*Missed or gaps in data could impede tracking progress of work especially with leavers</li> <li>*Not paying for updates to systems could result in vulnerabilities - potential for cyber-attacks. Not making use of data available to us.</li> </ul>
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Risk Control Measure	Risk Control Measure Due Date	Risk Control Measure Status	Risk Control Measure Note	Assistant Director
Cyber Security	31-Mar-2024			Zoe Wolicki
Data Protection	31-Mar-2024			Zoe Wolicki


Latest Note	No change
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Corporate Priority affected	Priority2: The Economy Priority: Organisation
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# 8 Inability to deliver economic growth, sustainability and prosperity in the Borough

Generated on: 22 January 2024

<b>Corporate Risk Heading</b>		8 Inability to deliver economic growth, sustainability and prosperity in the Borough			
Risk Code		Risk Title	Lack of economic growth, sustainability and prosperity in the Borough at the levels required		
Original Matrix		Current Risk Matrix		Target Risk Matrix	
Severity	4	Severity	3	Severity	2
Likelihood	3	Likelihood	3	Likelihood	2
Risk Score	12	Risk Score	9	Risk Score	4
		Date Reviewed	17-Jan-2024	Target Date	
<b>Causes</b>	<ul style="list-style-type: none"> <li>* Lack of investment in the Borough</li> <li>* General downturn in the economy due to factors beyond our control</li> <li>* Failure to recognise economic changes</li> <li>* The uncertainty and financial disruption from External Economic influences and current cost / inflationary pressures (and potential contractual cost increases.</li> <li>* Changes in Job market</li> <li>* Inadequate business continuity plans</li> </ul>		<b>Consequences</b>	<ul style="list-style-type: none"> <li>* Economic prosperity declines</li> <li>* Deprivation</li> <li>* Reduced Business Rates income</li> <li>* Tamworth not seen as a positive place to live or invest in</li> <li>* Lack of economic and commercial growth</li> <li>* Unable to recruit key/essential skills</li> <li>* Failure to deliver project outcomes</li> <li>* Failure to deliver corporate plan</li> <li>* Government intervention</li> <li>* Increased customer dissatisfaction</li> <li>* Unrealised benefits</li> <li>* Negative public perception may damage Council's</li> </ul>	

Risk Control Measure	Risk Control Measure Due Date	Risk Control Measure Status	Risk Control Measure Note	Assistant Director
2A - Development of business initiatives to promote start up and growth	31-Mar-2024		<p>The Borough Council has awarded £25,000 grant funding to Tamworth town centre businesses to support local businesses in the current economic climate.</p> <p>The money will help town centre businesses establish or improve their physical or digital presence, gain new customers, increase turnover and increase opportunities for survival, through effective brand image and an improved service or product.</p> <p>This grant funding is available for a total of 3 years.</p> <p>The FHSF is delivering a project called the FLEX which will be entrepreneurial space/pop up space that can be flexibly managed, creating conditions for new businesses to try and establish themselves in the</p>	Anna Miller



			town.	
3A - Local plan to improve infrastructure, evening economy and transport links	31-Mar-2024		Issues and options consultation completed	Anna Miller
Management of Assets - deliver Corporate Capital Strategy and Asset Management Strategy actions	31-Mar-2024		<p>Asset Management Strategy in draft form with amendments due following Scrutiny Feedback.</p> <p>Resources in place to manage current tenancies and deal with lettings as and when properties become vacant.</p> <p>Key strategic risk assets identified and detailed actions plans in place to deal with potential issues.</p>	Paul Weston

Latest Note	No change from previous assessment.
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Corporate Priority affected	<p>Priority2: The Economy</p> <p>Priority1: The Environment</p> <p>Priority3: Infrastructure</p> <p>Priority4: Living in Tamworth</p> <p>Priority5: Town Centre</p>
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**Appendix 2**

**Key to Corporate Risk Headings**

- R1 Finance/Financial stability 2023/24
- R2 Governance 2023
- R3 Promoting community resilience and cohesive communities
- R4 Lack of resources, capacity and right skills in place
- R5 Organisational Resilience 2023/24
- R6 Failure to meet climate change ambitions/ meet net zero targets and plan for major weather impacts and force majeure.
- R7 Information and Data Management
- R8 Inability to deliver economic growth, sustainability and prosperity in the Borough

**Quarter 1 summary**

	R4	R5, R6, R8	R1
	R3	R7, R2	

**Risk profile**

High risk	12.5%
Medium risk	37.5%
Medium/Low Risk	37.5%
Low Risk	12.5%

**Quarter 2 summary**

		R5, R6, R8	R1
	R2, R3, R4,	R7	

**Risk profile**

High risk	12.5%
Medium risk	37.5%
Medium/Low Risk	12.5%
Low Risk	37.5%

**Quarter 3 summary**

		R5, R6, R8	R1
	R2,R3,R4	R7	

**Risk profile**

High risk	12.5%
Medium risk	37.5%
Medium/Low Risk	12.5%
Low Risk	37.5%

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RISK MANAGEMENT POLICY AND STRATEGY

Document Status: Revised

Originator: A Struthers

Updated: E Dyer

Owner: Assistant Director Finance

Version: 01.01.07

Date: 11/01/2024

**Approved by Audit & Governance Committee**

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## Document Location

This document is held by Tamworth Borough Council, and the document owner is Jo Goodfellow, Assistant Director Finance.

Printed documents may be obsolete. An electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes
April 2010	1.01.01	
18/09/12	1.01.02	Scheduled review
30/03/14	1.01.03	Scheduled review
03/09/15	1.01.04	Scheduled review
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## Approvals

Name	Title	Approved
Audit & Governance Committee	Committee Approval	Yes
CMT	Group Approval	Yes
Joanne Goodfellow	Assistant Director Finance	Yes
Emma Dyer	Operations Accountant	Yes

## Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

## Distribution

The document will be available on the Intranet and the website.

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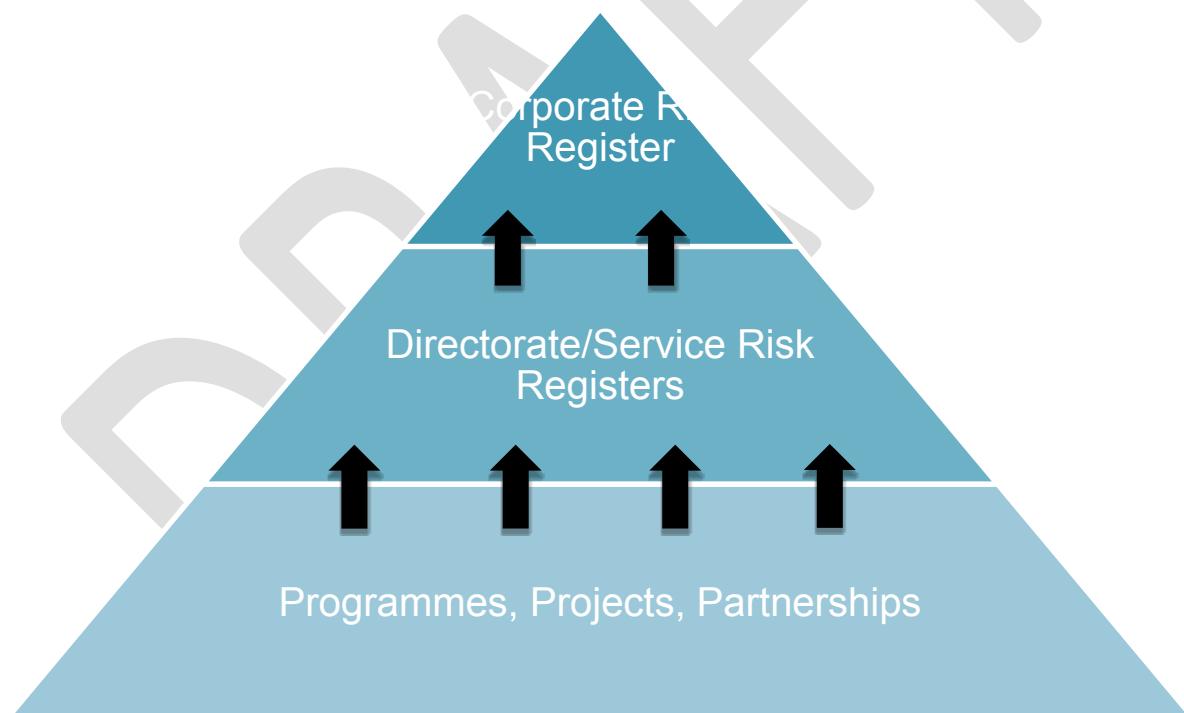
## Introduction

All organisations face internal and external factors that can impact on the achievement of their objectives. To be successful our organisation has to understand and respond appropriately to these uncertainties – or risks which could be a threat or opportunity. This strategy and policy document outlines the arrangements and process for understanding these risks and how to decide on appropriate actions to address them.

The risk management process will be used at different levels and in different contexts. These are set out in figure 1, below. The risk registers should relate to the business planning process. For example, the corporate risk register will consider strategic risks to delivery of the Council's Corporate Plan 2022/25, directorate risks will consider operational risks to directorate objectives and so on.

Subsidiary risk registers may also be created and maintained at individual project or partnership level, or as part of the business continuity planning process. Risks should be able to flow between levels to be managed at the most appropriate level.

Figure 1 – Risk Management Structure





## Risk Management Policy Statement

### Statement by the Leader of the Council and Chief Executive

The Authority is committed to embedding the culture of Risk Management ensuring that its reputation is not tarnished by an unforeseen event nor is it financially or operationally affected by the occurrence.

It recognises that: -

- Management has the responsibility to plan and systematically approach, the identification, evaluation, and control of risk;
- In order for the Authority to improve, risks (opportunities and threats) need to be taken, but they need to be understood and appropriately managed ;
- All Staff Leaders have responsibility for the effective control of risk utilising the support, training and resources provided by the Authority;
- All Staff have the responsibility to manage insurable losses. Insurance is not a substitute for the management of risk.
- There is a need to fully integrate Risk Management into the culture of the Authority.

Risk Management objectives for Tamworth Borough Council are reviewed on a continual basis and reported to CMT and Audit and Governance committee on a quarterly basis.

These objectives are designed to:

- To safeguard the public, members and employees,
- To protect the Authority's Reputation, Physical Assets and Services it provides by minimising losses and associated insurance costs;
- To manage risks in accordance with best practice and ensure risk management is integrated into the culture of the Authority and all those connected with it;
- To identify and take advantage of available opportunities to improve service delivery and/or the Authority's financial position;
- To ensure the Authority delivers its commitments to stakeholders and to demonstrate transparency, accountability and equity in its efforts to do so;
- To anticipate and respond positively to changing social, environmental and legislative requirements; and
- To identify and manage partnership risks.

The Audit & Governance Committee will regularly review the Risk Management Policy and Strategy to ensure their continued relevance to the Borough. They will also assess performance against the aims and objectives.

We attach great significance to Risk Management, and it is essential that the Protocol is known and understood by all staff within the Authority. It will form part of the induction training and performance reviews for all staff and members and will be monitored as part of the performance review process utilising the corporate performance system Pentana. We will make adequate resources available to ensure that the commitments made in this statement are achieved.

Risk Management has our total support – it needs yours too for us to succeed.

DRAFT

(Signed)

Chief Executive

(Signed)

Leader of the Council

## Policy Objectives

In implementing this Policy the Authority will: -

- Adopt a strategic approach to risk management to make better informed decisions which is vital to successful transformational change
- Identify those assets and exposures which have or may give rise to loss producing events;
- Identify opportunity risks that may give rise to increased benefits
- Maintain detailed 'Risk Registers' of the risks identified as threatening the Authority's operation and document their control on the Authority's Corporate Performance system Pentana;
- Ensure Pentana is routinely reviewed and updated to reflect the Authority's current Risk position
- Quantify the impact of potential loss producing events;
- Take reasonable physical and financial steps to avoid and/or reduce the impact of potential losses and their impact on the Authority's Business Plan;
- Work to reduce all serious (RED) risks to an acceptable level either by controls or ceasing the activity;
- Ensure that all systems of work reflect the positive risk management culture of the Authority;
- Establish a comprehensive information base of insurable and uninsurable losses;

Maintain a detailed understanding of insurance and purchase insurance for those financial risks which cannot be avoided or reduced further, always retaining risks where this is economically beneficial.

## Risk Management Strategy

The Purpose of this Risk Management Strategy is to effectively manage potential opportunities and threats to support the Authority in achieving its objectives. The main objectives of the Authority's Risk Management Strategy are to: -

- Achieve continuous improvement in the management of risk;
- Develop a culture that integrates risk management into the day-to-day management process;
- Continue to develop robust systems to identify and evaluate risk;
- Develop reliable performance indicators for target-setting and for making appropriate comparisons;
- Develop systems for performance monitoring to bring about continuous improvements;
- Enabling the Authority to anticipate and respond to changing social, environmental and legislative conditions;
- Reduce the total cost of risk and mitigate potential future increases in insurance premiums and self-insurance options.

To help achieve these objectives it will be necessary to: -

- Increase the profile of and commitment to embedding Risk Management throughout the Authority;
- Ensure adequate resources (financial and time) are provided;
- To make all partners, providers and delivery agents aware of the Authority's expectations on risk, both generally as set out in its Risk Management Policy, and where necessary in particular areas of service delivery;
- Develop arrangements to measure performance of Risk Management activities against the aims and objectives;
- Establish clear accountabilities, roles and reporting lines across all services, departments, management and committees;
- Provide for risk assessment in all decision-making processes of the Authority;
- Develop training to build awareness across all levels of activity;
- Monitor the performance of risk management across the Authority.

- Ensure the Pentana Risk system is the single repository for all managed risks identified across the Authority

## Risk Financing Strategy

The Purpose of the Risk Financing Strategy is to effectively manage the financial implications of risk control measures and their impact to maximise the resources available for the provision of Services and the Authority achieving its objectives. The main objectives of the Authority's Risk Management Strategy are to: -

- Reduce the total cost of risk and mitigate potential future increases in insurance Premiums and self-insurance options.
- To minimise costs by reducing risks
- To utilize risk self-funding where financially advantageous

## Risk Appetite

The risk appetite is *“the amount of risk that an Authority is prepared to accept, tolerate, or be exposed to at any point in time”* (CIPFA).

The Authority will manage the risks by one or more of the following ways:

- Avoid - A decision is made not to take a risk
- Accept – A decision is taken to accept the risk
- Transfer – All or part of the risk is transferred through insurance or to a third party often via a contractual arrangement. This is dependent on the correct use and application of the corporate procurement process
- Reduce – specific actions taken to reduce the risk
- Exploit – A decision is made to exploit opportunities as they arise or are generated.

For both Strategic and Operational risk the Authority has a Low appetite for risk. Despite the low appetite tolerance levels may be higher as it must be recognised that it is not possible to eliminate some of the inherent risks associated with the service delivery activities.

Risk Registers must be maintained and managed in the following areas:

Strategic Risks,

Operational Risks,

Project Risks,  
Partnership Risks,  
Opportunity Risks

“Severe” risks can appear in any of the above risk registers.

Risks scorings over 12 (Red Risks) will need to be escalated and highlighted to CMT by the responsible officer.

## Roles & Responsibilities

The importance of establishing roles and responsibilities within the risk management framework is pivotal to successful delivery. Considering risks must be embedded into corporate policy approval and operational service delivery.

The agreed roles and responsibilities within the risk management framework are outlined in the table below:

Group /Individual	Responsibilities
Corporate Management Team	<ul style="list-style-type: none"> <li>▪ Provide leadership for the process to manage risks effectively.</li> <li>▪ Review and revise the Risk Management Policy and Strategy in accordance with the review period.</li> <li>▪ Monitor and review the Corporate Risk Register on a quarterly basis including the identification of trends, upcoming events and potential new corporate risks.</li> </ul>
Audit & Governance Committee	<ul style="list-style-type: none"> <li>▪ Monitor the effectiveness of the Authority’s risk management arrangements, including the actions taken to manage risks and to receive regular reports on risk management.</li> <li>▪ To monitor the actions being taken to mitigate the impact of potentially serious risks</li> </ul>
Cabinet	<ul style="list-style-type: none"> <li>▪ To provide strategic direction with regard to risk management.</li> <li>▪ To ensure risks are taken into consideration for Committee and Council decisions.</li> </ul>
Assistant Directors	<ul style="list-style-type: none"> <li>▪ To provide leadership for the process of managing risks within their directorate.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ To ensure that risk management methodology is applied to all service plans, projects, partnerships and proposals within their directorate.</li> <li>▪ To identify and manage business /operational risks.</li> <li>▪ To ensure that the management of risk is monitored as part of the performance management process.</li> </ul>
Heads of Service	<ul style="list-style-type: none"> <li>▪ To ensure that all risks are identified, recorded and effectively managed in their area or responsibility.</li> <li>▪ To review and update their risk register on at least an annual basis but appropriate to the risk.</li> <li>▪ To determine the method of controlling the risk.</li> <li>▪ To delegate responsibility if appropriate for the control of the risk.</li> <li>▪ To notify the Assistant Director of new risks identified for consideration for inclusion on the corporate risk register.</li> </ul>
All staff	<ul style="list-style-type: none"> <li>▪ To ensure that risk is effectively managed in their areas.</li> <li>▪ To ensure that they notify their managers of new and emerging risks.</li> </ul>
Assistant Director Finance / Operations Accountant	<ul style="list-style-type: none"> <li>▪ To ensure that the Risk Management Strategy is regularly reviewed and updated.</li> <li>▪ Promote and support the risk management process throughout the Authority.</li> <li>▪ Advise and assist managers in the identification of risks.</li> <li>▪ The Assistant Director Finance will ensure that all Managers are aware of their responsibility for Risk Management.</li> <li>▪ The Assistant Director Finance will be responsible for ensuring that the Risk Strategy of the Authority is achieved.</li> <li>▪ The Operations Accountant will be responsible for the administration of risk and insurance and the co-ordination of advice and support of the Authority is achieved.</li> </ul>

## Risk Management Definitions

### a. Definitions

'Risk' is defined as the "effect of uncertainty on objectives" (ISO 31000). An effect is a positive or negative deviation from what is expected, and that risk is often described by an event, a change in circumstances or a consequence.

'Risk Management' refers to a coordinated set of activities and methods that is used to direct an organisation and to control the range of risks that affect its ability to achieve objectives.

A 'Risk Management process' is one that systemically applies management policies, procedures, and practices to a set of activities intended to establish the context, communicate and consult with stakeholders, and identify, analyse, evaluate, treat, monitor and review risk.

### b. Benefits of Risk Management

Risk Management is an integral component of corporate governance in maintaining a strong control environment.

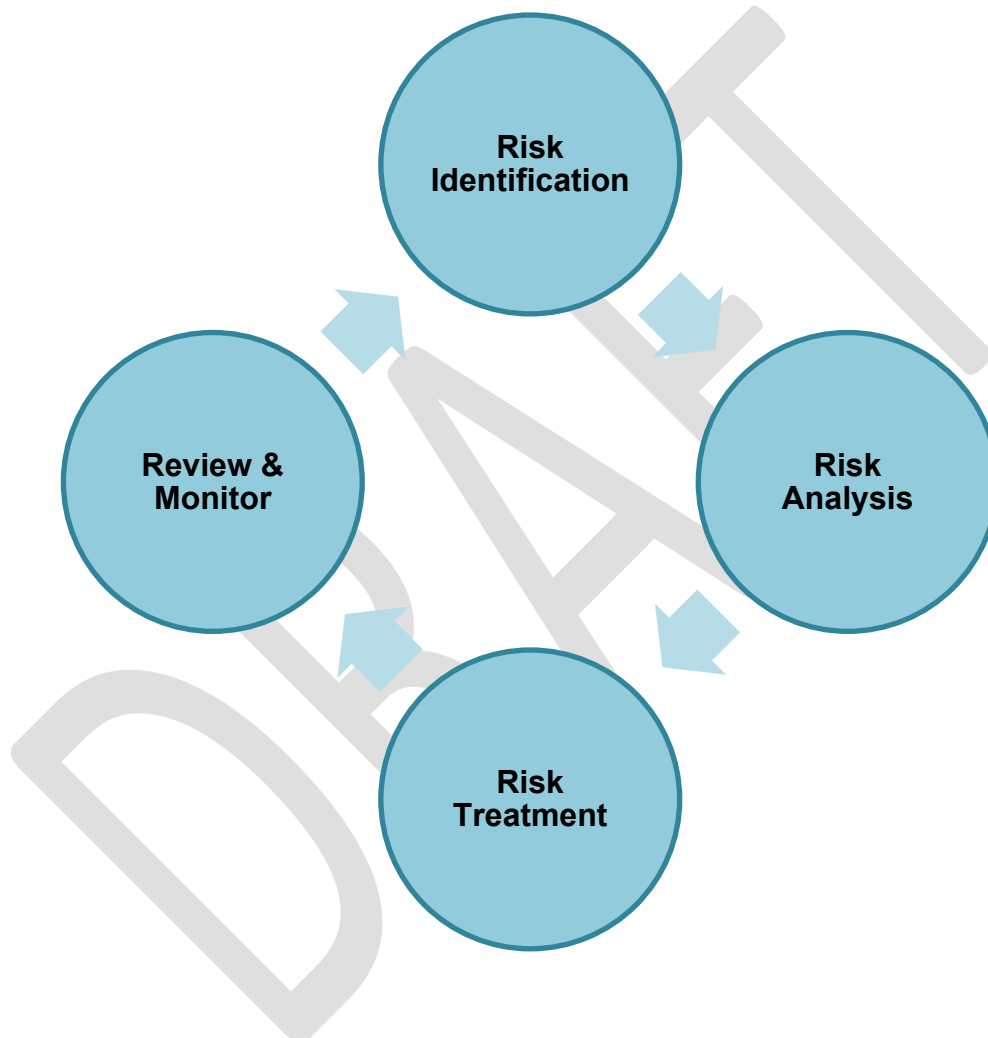
- Risk Management activities are designed to ensure that an organisation complies with legal and regulatory obligations, as well as customer requirements.
- Risk Management activities provide internal and external stakeholders with assurance that significant risks have been identified and appropriate controls put in place.
- Risk Management activities provide additional structured information to assist with decision making.
- Risk Management activities enhance the effectiveness and efficiency of operations within the organisation and ensure business processes (by way of tactics, projects and other change initiatives) are also effective and efficient.



## Risk Management Process

The risk management process has 4 steps as outlined in figure 2, below. Underpinning each stage of the process is communication and consultation with interested parties and stakeholders. This supports ensuring internal and external stakeholders are considered and involved in the Authority's work to understand and define its risks.

Figure 2 – Risk Management Process



## a. Risk Identification

The identification of risks is completed at various levels and primarily, risks (and opportunities) relate to the achievement of the Authority's objectives. The objectives can be Strategic, Operational, Project or Opportunity level. This stage can be repeated regularly to ensure that new risks arising are identified and recorded on the risk register as appropriate.

The Authority acknowledges that no one person is responsible for identifying key risks and that they are identified at various levels and in various ways.

As a basis, the following risks must be identified:

Those that affect:

- 1 the delivery of the Strategic Plan;
- 2 the operational issues i.e. the delivery of a service;
- 3 the delivery of a project;
- 4 the delivery of a Partnership arrangement

Risks can be identified in a number of forums, including:

- A workshop session with management teams having open discussions
- Interviews with responsible individuals
- Meetings with smaller groups of officers (Risk Champions Meetings)
- Questionnaires

Sources of information that could help inform risk identification include:

- The Council's Corporate Plan and Directorate or Service plans
- Strengths, weaknesses, opportunities and threats (SWOT) analysis
- PESTLE analysis (Political, Economic, Social, Technological, Legal, Environmental)
- Performance reports
- Internal or external research papers or statistical trends
- Risks or issues raised by audit or any other internal/ external scrutiny body
- Risks identified through budget setting process
- Health & safety/ business continuity risk assessments
- Partnership, programme or project documentation (e.g. business case or project risk register)

It is crucial for risks to be defined and articulated properly at this stage including understanding the key causes and potential consequences of the risk. Failure to do so can result in confusion about the exact nature of the risk, ineffective risk controls being implemented, or the risk analysis being over or underestimated. A concise structured risk description would take the following format:

Failure to X (cause), Y may happen (risk event), resulting in Z (consequences).

Example: “Failure to plan and be prepared (X) for extreme weather impacts (Y) may result in flooding and other damages (Z).”

## b. Risk Analysis

Once identified the risk matrix (see Figure 3, below) is the main tool for assessing each risk on the Pentana system. The analysis also helps prioritise each risk so we know which risks are most significant and therefore are in need of greater attention, effort and resources. It also allows us to compare different types of risk with each other.

Each risk should be analysed for the likelihood it will happen and the impacts if it did happen. This assessment should be made considering controls that are already in place and working effectively. Probability assessment is applied relative to specific timeframes e.g. ‘operational’ risks will be assessed over a shorter timeframe than ‘strategic’ risks.

Likelihood Criteria:

- 4 – Very likely
- 3 - Likely
- 2 - Unlikely
- 1 – Very unlikely

The impact should be considered against the relevant objectives - corporate risks should be scored against the council’s objectives; directorate risks scored against directorate objectives; service risks scored against service objectives; project risks scored against the objectives of the project. The impact relates to the potential effects on an objective, activity or function which may either be positive or negative.

Impact Measure: There are 4 ‘impact descriptors’ as follows:

- 4 - Major
- 3 - Serious
- 2 - Significant
- 1 - Minor

Each identified risk should be assessed at the Original (Inherent), Current (residual) and Target level.

Figure 3 – Risk Matrix

	4	8	12	16
	3	6	9	12
Likelihood	2	4	6	8
	1	2	3	4
	Severity			

## c. Risk Treatment

The Risk Treatment step is about putting in place appropriate controls or mitigation for each risk. It is about turning the knowledge gained about each risk into appropriate action – to treat or not to treat the risk. The risk identification will inform any specific actions needed.

There are four treatment options available if the judgement of the risk is **further treatment of the risk is needed**:

- **Treat**: to take one or more actions that could reduce the potential likelihood or impact or both of a risk occurring or to mitigate the effects of the risk should it manifest.
- **Tolerate**: where the effects are likely to be within the identified risk tolerances, the risk owner can 'tolerate' the risk assuming they have the authority to do so.
- **Transfer**: to move or transfer the effects of a risk to a third party e.g. purchasing insurance, outsourcing, contractual transfers etc.
- **Terminate**: to 'terminate' the action that gives risk to the risk e.g. to stop an activity, close down operation, programme etc.

Specific actions agreed to further treat risks should be recorded on the relevant risk register with an appropriate timeframe agreed for implementing them. A model to use that supports action(s) implementation is the SMART model – Specific, Measurable, Achievable, Realistic, Timely.

All risks should be allocated a 'risk owner'. The risk owner will be responsible for monitoring the risk and co-ordinating any actions needed to manage the risk.

## d. Review & Monitor

Each directorate or service area is responsible for updating and maintaining its own risk register. Monitoring and review of these risk registers should be done at least quarterly. However individual directorates, services, or officers may choose to monitor and review their risk registers more frequently or on an ad hoc basis between quarterly reviews.

Partnerships and projects should agree their own monitoring cycle. This should be determined by the level of risk and the pace of change to the risks. It is expected however that significant partnerships and projects will review risk registers at least quarterly.

Service risk registers should be challenged through the directorate management team and/or other appropriate review process.

When any team reviews risk registers the following should be considered:

- Have existing risks changed in any way?
- Has the likelihood or impact score changed since the last review?
- Have further actions, if they were needed, been implemented?
- Are the controls in place to manage the risk effective and still working adequately?  
What assurance is available to support this judgement?
- Are the controls in place appropriate to the level of risk?
- Is the response overly cautious or is more attention needed?
- Have all interested parties or stakeholders been consulted on the risk or communicated with in an appropriate way?
- Are there any new or emerging risks not captured in the risk register?

Are there any risks that can be deleted or removed from the register?

## Recording Risks

A Risk Register is the primary tool to administer the risks identified. The Pentana system **must** be used to record all Strategic and Operational, project and partnership risk registers.

As part of business planning, risks are identified and Managers should ensure that the associated risks are recorded on the risk register held within the Pentana system and linked to the appropriate business plan action.

All risks recorded on the risk register should identify the:

- Gross risk,
- Vulnerabilities/causes of the risk,
- Potential effect/consequences of the risk happening,
- Controls in place to reduce the risk, or action plan with to introduce control these items to carry specific completion dates
- Residual risk,
- Risk review period.
- Target risk, to reflect the acceptable level of risk for the issue identified.

## Reporting Risks

The Corporate Risk Register will be reviewed and updated by the Corporate Management Team on a quarterly basis and then reported to the Audit & Governance Committee.

All reports to any Committee of the Authority require that risks are identified. The Committee report template is set up so that this is completed. It is the duty of the report writer to ensure that the relevant risk register on Pentana is updated to take account of these risks.

### Escalating/ de-escalating the risk

A decision may also be taken at this time to escalate or de-escalate the risk, for example from a project manager to a sponsor or from a directorate to the executive. The following criteria may help this decision:

- The level of confidence the risk is fully understood
- Risks outside of the directorate, partnership or project's risk appetite
- Risks of a corporate or cross cutting nature, for example an IT or HR risk that could have significant consequences for others in the Council
- The risks requires co-ordinated action across the Council to manage it effectively

## Performance Management

The following key performance indicators for the risk management process will be completed.

- The Risk Management Policy and Strategy to be reviewed and updated on an annual basis;
- Corporate Management Team to review and update the Corporate Risk Register taking into account emerging and changing risks on a quarterly basis;
- Risks to be reviewed appropriately to the severity /changing nature of the risk;
- Staff to be appropriately trained in Risk Management and the use of the Pentana system.

**Appendix 1 Terminology**

The terminology used is based on ISO31000, 'Risk Management Standard'. The list is iterative and will be developed further over time:

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Term	Definition
<b>Consequence</b>	Is the outcome of an event and that has an effect on objectives. A single event can generate a range of consequences which can have both positive and negative effects on objectives. Initial consequences can also escalate through 'knock-on' effects.
<b>Control</b>	A control is any measure or action that modifies risk. Controls include any policy, procedure, practice, process, technology, technique, method, or device that modifies or manages risk. Risk treatments become controls, or modify existing controls once they have been implemented.
<b>Event</b>	An event could be one occurrence, several occurrences, or even a non-occurrence (when something doesn't happen that was supposed to happen). It can also be a change in circumstances. Events can also be referred to as incidents or accidents and always have causes and usually have consequences.
<b>Original (Inherent) Risk</b>	The probability and impact of a loss arising out of a potential event or which exists in an environment, in the absence of any action to control or modify the effects.
<b>Likelihood</b>	'Likelihood' is the chance that something might happen. Likelihood can be defined, determined, or measured objectively or subjectively and can be expressed either qualitatively or quantitatively.
<b>Monitoring</b>	To monitor means to supervise and to continually check and critically observe. It means to determine the current status and to assess whether or not required or expected performance levels are being achieved.
<b>Operational Risk</b>	Risk of loss or gain, resulting from inadequate or failed internal processes, people, and systems or from external events' and capable of impacting the operations of the organisation.
<b>Current (Residual) Risk</b>	The residual risk is the risk left over after you've implemented a risk treatment option, also known as 'residual', risk. The 'current' risk is the risk remaining after you've reduced the risk, removed the source of the risk, modified the consequences, changed the probabilities, transferred the risk, or retained the risk.
<b>Review</b>	A review is an activity carried out in order to determine whether something is a suitable, adequate, and effective way of achieving established objectives.
<b>Risk</b>	Is the effect of uncertainty on achieving an objective or objectives.
<b>Risk Analysis</b>	Process that is used to understand the nature, sources, and causes of the risks that you have identified and to estimate the level of risk. Risk analysis is also used to study impacts and consequences and to examine the controls that currently exist. How detailed your risk analysis ought to be will depend upon the risk, the purpose of the analysis, the information available and the resources available.
<b>Risk assessment</b>	Risk assessment is a process comprising three stages, i.e., risk identification, risk analysis, and risk evaluation. <ul style="list-style-type: none"> <li>- Risk identification is used to find, recognize, and describe the risks that could affect the achievement of objectives.</li> <li>- Risk analysis is a process that is used to understand the nature, sources, and causes of the risks that you have identified and to estimate the level of risk. It is also used to study impacts and consequences and to examine the controls that currently exist.</li> <li>- Risk evaluation is a process that is used to compare risk analysis results with risk criteria in order to determine whether or not a specified level of risk is acceptable or tolerable.</li> </ul>
<b>Risk appetite</b>	'Risk appetite' is the amount of risk across a broad level that the Council is willing to accept in pursuit of objectives and value. 'Appetite'



	defines the Council's general approach to risk, and influences how risks are assessed and addressed, i.e. whether or not risks are taken, tolerated, retained, shared, reduced, or avoided, and whether or not risk treatments are implemented or postponed.
<b>Risk criteria</b>	<p>Risk criteria are terms of reference and are used to evaluate the significance or importance of an organisation's risks. They are used to determine whether a specified level of risk is acceptable or not acceptable.</p> <p>Risk criteria should reflect your organisation's values, policies, and objectives, should be based on its external and internal context, should consider the views of stakeholders, and should be derived from standards, laws, policies, and other requirements.</p>
<b>Risk Evaluation</b>	'Risk evaluation' is a process that is used to compare risk analysis results with risk criteria in order to determine whether or not a specified level of risk is acceptable or not acceptable.
<b>Risk Level</b>	The 'risk level' is its magnitude. It is estimated by considering and combining consequences and likelihoods. A level of risk can be assigned to a single risk or to a combination of risks.
<b>Risk Management</b>	'Risk management' refers to a coordinated set of activities and methods that is used to direct an organization and to control the range of risks that can affect its ability to achieve objectives.
<b>Risk Management Framework</b>	<p>A set of components that support and sustain risk management throughout an organisation. There are two types of components: foundations and organizational arrangements:</p> <ul style="list-style-type: none"> <li>• Foundations include the risk management policy, objectives, mandate, and commitment.</li> <li>• Organisational arrangements include the plans, relationships, accountabilities, resources, processes, and activities used to manage the Council's risks.</li> </ul>
<b>Risk management policy</b>	Defines a general commitment, direction, or intention. A risk management policy statement expresses an organization's commitment to risk management and clarifies its general direction or intention.
<b>Risk management process</b>	A risk management process is one that systematically applies management policies, procedures, and practices to a set of activities intended to establish the context, communicate and consult with stakeholders, and identify, analyse, evaluate, treat, monitor, and review risk.
<b>Risk owner</b>	A risk owner is a person or entity that has been given the authority to manage a particular risk and is accountable for doing so.
<b>Risk profile</b>	Is the written description of a set of risks relating to an entity. A risk profile can include the risks that the entire organisation must manage or only those that relates to a particular function or part of the organisation.
<b>Risk source</b>	A risk source has the intrinsic potential to give rise to risk. A risk source is where a risk originates, i.e. it is where the risk stems from.
<b>Risk treatment</b>	Risk treatment is a risk modification process, involving selecting and implementing one or more treatment options. Once a treatment has been implemented, it becomes a control or it modifies existing controls. The following risk treatment approaches, i.e. a '4T's':

	<ul style="list-style-type: none"> <li>• <b>Treat:</b> to take one or more actions that could reduce the potential likelihood or impact or both of a risk occurring or to mitigate the effects of the risk should it manifest itself.</li> <li>• <b>Tolerate:</b> where the effects are likely to be within the identified risk tolerance, the Risk Owner can 'tolerate' the risk assuming they have the authority to do so.</li> <li>• <b>Transfer:</b> to move or transfer the effects of a risk to a third party, e.g. purchasing insurance, outsourcing, contractual transfers.</li> <li>• <b>Terminate:</b> to 'terminate' the action that gives rise to the risk, e.g. to stop a particular activity, to close down an operation or facility.</li> </ul>
<b>Stakeholder</b>	A stakeholder is a person or an organization that can affect or be affected by a decision or an activity. Stakeholders also include those who have the perception that a decision or an activity can affect them. ISO 31000 distinguishes between external and internal stakeholders
<b>Strategic Risk</b>	Long-term threat or opportunity risk concerned with where the organisation wants to go, how it plans to get there and how it can ensure survival.
<b>Target Level</b>	The desired impact that a risk would have on an organisation if it occurred.
<b>Uncertainty</b>	Uncertainty (or lack of certainty) is a state or condition that involves a deficiency of information and leads to inadequate or incomplete knowledge or understanding

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## Tamworth Borough Council Risk Management 'Policy on a Page'

This document is intended as a quick reference guide for risk owners managing risks. It supports the Council's Risk Management Policy and Strategy that can be found in Appendix 3.

'Risk' is defined as the "effect of uncertainty on objectives" (ISO 31000). An effect is a positive or negative deviation from what is expected, and that risk is often described by an event, a change in circumstances or a consequence. For further support, please contact Emma Dyer Operations Accountant 01827 709 239.

### The Risk Management Process

Underpinning each stage of the process is communication and consultation with interested parties and stakeholders.

#### Step 1 – Risk identification

Risk identification is completed at various levels of the Authority and primarily relates to objectives.

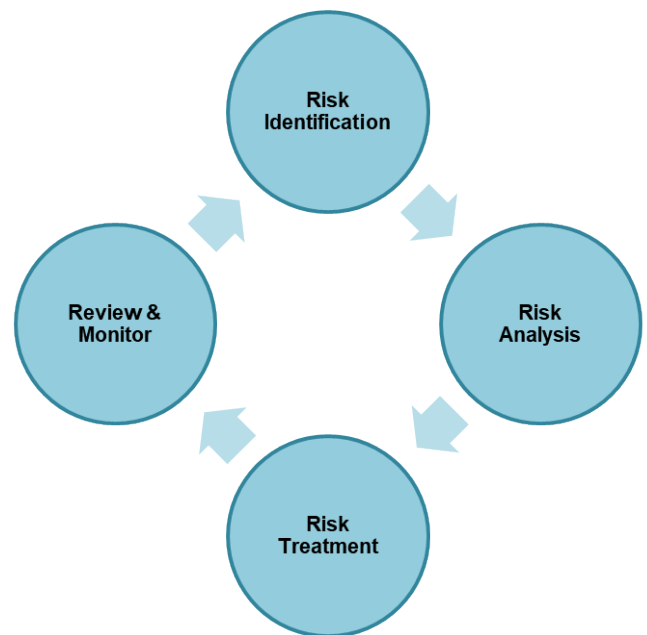
- Delivery of strategic, operational, project or opportunity objectives
- Delivery of a Partnership arrangement
- Regulatory, compliance or contractual arrangements

Consider the following:

- ✓ What could prevent your team from achieving objectives?
- ✓ What could majorly impact the delivery of services?
- ✓ What are the external factors that could impact the Borough Council? (PESTLE/SWOT)?

It is crucial for risks to be defined and articulated properly at this stage including understanding the key causes and potential consequences of the risk. A concise structured risks description would take the following format:

*Failure to X (cause), Y may happen (risk event), resulting in Z (consequences).*



**4 Step Risk Management Process**

Risk		
Risk Description		Potential Effects
Cause	Risk Event	Consequence
Situation or event (real or perceived), that exposes us to a risk/s.	The event that could occur with a negative (or positive) impact on objectives being achieved	The negative/ positive impact: How big? How bad/good? How much? Consider worst likely scenario
LANGUAGE Is, do, has, has not... (present condition)	LANGUAGE May, might, possibly... (uncertain future)	LANGUAGE Would, could... (conditional future)
<b>Risk Owner</b>	Who is monitoring and co-ordinating risk response, and ultimately responsible	

Likelihood	4	8	12	16
	3	6	9	12
	2	4	6	8
	1	2	3	4
	Severity			

### Step 2 – Risk Analysis

Once identified, the risk matrix is the main tool for assessing each risk on the **Pentana system**.

Each risk should be analysed for the likelihood it will happen and the impacts if it did happen.

- Consider controls that are already in place and working effectively.
- Likelihood assessment is applied relative to specific timeframes e.g. ‘operational’ risks will be assessed over a shorter timeframe than ‘strategic’ risks.
- Impact assessment should be considered against relative objectives i.e. corporate risks against corporate objectives, directorate risks against directorate objective and so on.

**See assessment criteria tools on Pentana for more guidance.**

### Step 3 – Risk Treatment

The Risk Treatment step is about putting in place appropriate controls or mitigation for each risk. It is about turning the knowledge gained about each risk into appropriate action – to treat or not to treat the risk.

There are four treatment options available if the judgement of the risk is **further treatment of the risk is needed**:

- **Treat**: to take one or more actions that could reduce the potential likelihood or impact or both of a risk occurring or to mitigate the effects of the risk should it manifest.
- **Tolerate**: where the effects are likely to be within the identified risk tolerances, the risk owner can ‘tolerate’ the risk assuming they have the authority to do so.
- **Transfer**: to move or transfer the effects of a risk to a third party e.g. purchasing insurance, outsourcing, contractual transfers etc.
- **Terminate**: to ‘terminate’ the action that gives rise to the risk e.g. to stop an activity, close down operation, programme etc



Specific actions agreed to further treat risks should be recorded on the relevant risk register with an appropriate timeframe agreed for implementing them. The **SMART model** supports action(s) implementation.

### Step 4 – Review & Monitor

Each directorate or business unit is responsible for updating and maintaining its own risk register.

- Monitoring and review of these risk registers should be done at least quarterly.
- Partnerships and projects should agree their own monitoring cycle – determined by level of risks.
- A Risk Register is the primary tool to administer the risks identified. The Pentana system **must** be used to record all Strategic and Operational, project and partnership risk registers.
- The Corporate Risk Register will be reviewed and updated by the Corporate Management Team on a quarterly basis and then reported to the Audit & Governance Committee.

**For further guidance, please refer to the Risk Management Policy & Strategy**

Thursday, 8 February 2024

**Report of the Audit Manager**

**Audit Committee Effectiveness**

**Exempt Information**

None.

**Purpose**

To undertake the annual self-assessment of Audit & Governance Committee effectiveness and provide an update in relation to the appointment of independent member/s to the Committee.

**Recommendations**

**It is recommended that:**

- 1. The Committee considers the attached self-assessment checklist (Appendix 3) and endorses any actions to improve its effectiveness as appropriate.**
- 2. The Committee notes the current position in relation to appointment of an Independent Member to the Committee.**

**Executive Summary**

CIPFA published guidance on the function and operation of Audit Committees in local authorities and police bodies and this represents good practice for audit committees. The guidance (Position Statement) was updated in 2022 and is attached as **Appendix 1**. Additional guidance has been issued in conjunction with the Position Statement and this is attached as **Appendix 2**.

The Position Statement emphasises the importance of Audit Committees being in place in all principal local authorities, and it also recognises that Audit Committee are a key component of governance. Audit Committees are an important source of assurance about an organisation's arrangements for managing risk, maintaining an effective control environment and reporting on financial and other performance.

**Appendix 3** provides a high-level review that incorporates the key principles set out in CIPFA's Position Statement and has been completed by the Audit Manager, this is circulated to members for their comments and observations. Where an Audit Committee has a high degree of performance against the good practice principles, then it is an indicator that the committee is soundly based and has in place a knowledgeable membership. These are essential factors in developing an effective Audit Committee.

A regular self-assessment should be used to support the planning of the Audit Committee work programme and training to inform it's Annual Report. A full training review was completed in the early Municipal Year and specific training is being developed on the following areas; Local Authority Finance, Role of External Audit, Treasury Management and

Internal Audit/Counter Fraud. Training has been provided during the early part of the year on both the Role of Internal Audit and Risk Management.

During May/June 2024 it is proposed that a skills audit of the committee's membership would be undertaken and a further updated training plan developed for the period 2024/2025.

## **APPOINTMENT OF INDEPENDENT MEMBER/S TO COMMITTEE**

Members will be aware that it was agreed to recruit an independent member/s to the Committee. Following committee's agreement, the role was advertised on WM Jobs. Unfortunately, there were no respondents to this advert. The Audit Manager is considering the next steps available which include remuneration of the role (in excess of out-of-pocket expenses) and whether a joint working approach between other Staffordshire Authorities would be a possibility. The Audit Manager will keep the Chair of the Committee and other committee members aware of further developments.

### **Options Considered**

None.

### **Resource Implications**

None.

### **Legal/Risk Implications Background**

None.

### **Equalities Implications**

None.

### **Environment and Sustainability Implications (including climate change)**

None.

### **Background Information**

None.

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Ext 234

### **List of Background Papers**

#### **Appendices**

Appendix 1 – CIPFA Position Statement on Audit Committees (2022)

Appendix 2 – CIPFA Guidance on Audit Committees (2022)

Appendix 3 – Audit Committee Self-Assessment of Compliance with Good Practice

## CIPFA's Position Statement: Audit Committees in Local Authorities and Police 2022

### Scope

This position statement includes all principal local authorities in the UK, corporate joint committees in Wales, the audit committees for PCCs and chief constables in England and Wales, PCCFRAs and the audit committees of fire and rescue authorities in England and Wales.

The statement sets out the purpose, model, core functions and membership of the audit committee. Where specific legislation exists (the Local Government & Elections (Wales) Act 2021 and the Cities and Local Government Devolution Act 2016), it should supplement the requirements of that legislation.

### Status of the position statement

The statement represents CIPFA's view on the audit committee practice and principles that local government bodies in the UK should adopt. It has been prepared in consultation with sector representatives.

CIPFA expects that all local government bodies should make their best efforts to adopt the principles, aiming for effective audit committee arrangements. This will enable those bodies to meet their statutory responsibilities for governance and internal control arrangements, financial management, financial reporting and internal audit.

The 2022 edition of the position statement replaces the 2018 edition.

**The Department for Levelling Up, Housing and Communities and the Home Office support this guidance.**

## CIPFA's Position Statement 2022: Audit committees in local authorities and police

### Purpose of the audit committee

Audit committees are a key component of an authority's governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

In a local authority the full council is the body charged with governance. The audit committee may be delegated some governance responsibilities but will be accountable to full council. In policing, the police and crime commissioner (PCC) and chief constable are both corporations sole, and thus are the individuals charged with governance.

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

### Independent and effective model

The audit committee should be established so that it is independent of executive decision making and able to provide objective oversight. It is an advisory committee that has sufficient importance in the authority so that its recommendations and opinions carry weight and have influence with the leadership team and those charged with governance.

The committee should:

- be directly accountable to the authority's governing body or the PCC and chief constable
- in local authorities, be independent of both the executive and the scrutiny functions
- in police bodies, be independent of the executive or operational responsibilities of the PCC or chief constable
- have rights of access to and constructive engagement with other committees/functions, for example scrutiny and service committees, corporate risk management boards and other strategic groups
- have rights to request reports and seek assurances from relevant officers
- be of an appropriate size to operate as a cadre of experienced, trained committee members. Large committees should be avoided.

The audit committees of the PCC and chief constable should follow the requirements set out in the Home Office Financial Management Code of Practice and be made up of co-opted independent members.



The audit committees of local authorities should include co-opted independent members in accordance with the appropriate legislation.

Where there is no legislative direction to include co-opted independent members, CIPFA recommends that each authority audit committee should include at least two co-opted independent members to provide appropriate technical expertise.

## Core functions

The core functions of the audit committee are to provide oversight of a range of core governance and accountability arrangements, responses to the recommendations of assurance providers and helping to ensure robust arrangements are maintained.

The specific responsibilities include:

### Maintenance of governance, risk and control arrangements

- Support a comprehensive understanding of governance across the organisation and among all those charged with governance, fulfilling the principles of good governance.
- Consider the effectiveness of the authority's risk management arrangements. It should understand the risk profile of the organisation and seek assurances that active arrangements are in place on risk-related issues, for both the body and its collaborative arrangements.
- Monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the authority's exposure to the risks of fraud and corruption.

### Financial and governance reporting

- Be satisfied that the authority's accountability statements, including the annual governance statement, properly reflect the risk environment, and any actions required to improve it, and demonstrate how governance supports the achievement of the authority's objectives.
- Support the maintenance of effective arrangements for financial reporting and review the statutory statements of account and any reports that accompany them.

### Establishing appropriate and effective arrangements for audit and assurance

- Consider the arrangements in place to secure adequate assurance across the body's full range of operations and collaborations with other entities.
- In relation to the authority's internal audit functions:
  - oversee its independence, objectivity, performance and conformance to professional standards
  - support effective arrangements for internal audit
  - promote the effective use of internal audit within the assurance framework.

- Consider the opinion, reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
- Contribute to the operation of efficient and effective external audit arrangements, supporting the independence of auditors and promoting audit quality.
- Support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.

### Audit committee membership

To provide the level of expertise and understanding required of the committee, and to have an appropriate level of influence within the authority, the members of the committee will need to be of high calibre. When selecting elected representatives to be on the committee or when co-opting independent members, aptitude should be considered alongside relevant knowledge, skills and experience.

Characteristics of audit committee membership:

- A membership that is trained to fulfil their role so that members are objective, have an inquiring and independent approach, and are knowledgeable.
- A membership that promotes good governance principles, identifying ways that better governance arrangement can help achieve the organisation's objectives.
- A strong, independently minded chair, displaying a depth of knowledge, skills, and interest. There are many personal skills needed to be an effective chair, but key to these are:
  - promoting apolitical open discussion
  - managing meetings to cover all business and encouraging a candid approach from all participants
  - maintaining the focus of the committee on matters of greatest priority.
- Willingness to operate in an apolitical manner.
- Unbiased attitudes – treating auditors, the executive and management fairly.
- The ability to challenge the executive and senior managers when required.
- Knowledge, expertise and interest in the work of the committee.

While expertise in the areas within the remit of the committee is very helpful, the attitude of committee members and willingness to have appropriate training are of equal importance.

The appointment of co-opted independent members on the committee should consider the overall knowledge and expertise of the existing members.

## Engagement and outputs

The audit committee should be established and supported to enable it to address the full range of responsibilities within its terms of reference and to generate planned outputs.

To discharge its responsibilities effectively, the committee should:

- meet regularly, at least four times a year, and have a clear policy on those items to be considered in private and those to be considered in public
- be able to meet privately and separately with the external auditor and with the head of internal audit
- include, as regular attendees, the chief finance officer(s), the chief executive, the head of internal audit and the appointed external auditor; other attendees may include the monitoring officer and the head of resources (where such a post exists). These officers should also be able to access the committee members, or the chair, as required
- have the right to call on any other officers or agencies of the authority as required; police audit committees should recognise the independence of the chief constable in relation to operational policing matters
- support transparency, reporting regularly on its work to those charged with governance
- report annually on how the committee has complied with the position statement, discharged its responsibilities, and include an assessment of its performance. The report should be available to the public.

## Impact

As a non-executive body, the influence of the audit committee depends not only on the effective performance of its role, but also on its engagement with the leadership team and those charged with governance.

The committee should evaluate its impact and identify areas for improvement.

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practical guidance for  
local authorities and police

2022 edition

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# Introduction

This section is aimed at officers responsible for guiding the audit committee. It will also be a useful reference guide for an audit committee member wanting to develop greater understanding of the committee's role or access additional resources.

It identifies the underpinning legislation, regulations, guidance or resources that the committee should be referencing in its operations.

It is a supplement to the guides *Audit committee member in a local authority* and the *Police audit committee member* and should be read in conjunction with the appropriate guide. It includes information for both authorities and police bodies.



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# Core functions of the audit committee

## MAINTENANCE OF GOVERNANCE, RISK AND CONTROL ARRANGEMENTS

### Good governance

*Delivering Good Governance in Local Government: Framework* (CIPFA/Solace 2016) is principles based and informs the approach to good governance adopted by police, local authorities and fire and rescue authorities. CIPFA recommends that each authority develops a local code of governance setting out how it applies the principles in practice.

CIPFA's **Financial Management Code** (FM Code) also attributes responsibility for the Framework to the authority's leadership team. This supports the principle of assurance in the FM Code.

Other useful resources for evaluating governance and identifying governance risks include the research resource co-ordinated by the Centre for Governance and Scrutiny, **The governance risk and resilience framework**. This sets out the risks to good governance and can be used as part of the evaluation process for the annual governance statement (AGS) or as part of other governance development work. Further information on the AGS is included in **Accountability and the annual report**.

Where an authority is found to have failed in its statutory obligations to provide best value, the government has the power to intervene. The audit committee is one of the mechanisms an authority should have in place to identify, escalate and oversee the improvement of any governance weaknesses.

In Wales, the **Local Government and Elections (Wales) Act 2021** provides for intervention by Welsh ministers to increase the extent to which a council is meeting the performance requirements.

#### Key references

**Delivering Good Governance in Local Government: Framework** (CIPFA/Solace, 2016) ('the Framework') sets the standard for governance in UK local government bodies. The Framework is supported by guidance notes for each sector (CIPFA/Solace, 2016) as follows.

- **Delivering Good Governance in Local Government: Guidance Notes for English Authorities**
- **Delivering Good Governance in Local Government: Guidance Notes for Scottish Authorities**
- **Delivering Good Governance in Local Government: Guidance Notes for Welsh Authorities**
- **Delivering Good Governance: Guidance Notes for Policing Bodies in England and Wales**

Accounts and audit regulations (various according to location in the UK)

*The governance risk and resilience framework* (Centre for Governance and Scrutiny, 2021)

## Ethical values

As part of the annual governance review, the audit committee should consider how effectively the **Seven Principles of Public Life** are supported and whether the arrangements in place to achieve Principle A of the governance framework are fit for purpose:

*Behaving with integrity, demonstrating a strong commitment to ethical values, and respecting the rule of law.*

Authorities have a standards committee to oversee member conduct and review complaints. This is not a function of the audit committee and combining the two committees should be avoided.

The standards framework for elected members in England was established by the **Localism Act 2011**. English local authorities have a statutory duty to promote and maintain high standards of conduct, and the audit committee should consider assurances on the discharge of this responsibility and be satisfied that there are arrangements in place. The Committee on Standards in Public Life last reviewed standards in local government in 2019. The report recommended some amendments to the Act, but in its 2022 response, the Department for Levelling Up, Housing and Communities (DLUHC) did not commit to these. This remains an active topic that the audit committee should be aware of, and it should understand the steps its authority is taking to promote and ensure good ethical arrangements are in place.

The **Public Sector Internal Audit Standards** (PSIAS) include the ethical framework as a specific area of governance for internal audit work.

Whistleblowing arrangements support the development of ethical conduct and greater transparency and help authorities ensure compliance with the **Public Interest Disclosure Act 1998**. As part of the audit committee's oversight of the governance framework and assurances underpinning the AGS, the committee may wish to review the effectiveness of the whistleblowing arrangements.

### Useful resources

**Upholding Standards in Public Life** (Committee on Standards in Public Life, 2021)

## Risk management

In determining the audit committee's responsibilities towards risk management, authorities should have regard to the responsibilities of other committees such as scrutiny committees and the specific responsibilities of those charged with governance in relation to risk management. Where a local authority establishes a separate risk committee, then its roles and responsibilities need to be considered in determining the role of the audit committee.

Police audit committees are directed in the **Financial Management Code of Practice for the Police Forces of England and Wales** (FMCP) (Home Office, 2018) to advise the PCC and the chief constable on the adoption of appropriate risk management arrangements.

Welsh local authority and English combined authority audit committees are required to review and assess risk management arrangements.

## Internal controls

Internal control arrangements will be informed by service requirements and guidance specific to individual areas.

## Financial management

Regarding financial management arrangements, CIPFA's FM Code is a helpful resource to guide and evaluate the adequacy of financial management. The results of the assessment should be shared with the audit committee.

Audit committees in local authorities in Wales and in combined authorities are required to review and scrutinise the authority's financial affairs. Robust arrangements for financial control, understanding financial risks and longer-term financial planning will provide assurance to the committee. The review of financial statements also supports this objective. Care should be taken to not overlap with financial scrutiny. Tasks such as budget monitoring should not be undertaken by the committee.

## Value for money and best value arrangements

Making best use of resources is a key objective for all local authorities and is part of the Framework. One of the behaviours and actions that underpin Principle C of the Framework is "delivering defined outcomes on a sustainable basis within the resources that will be available." When the AGS is prepared, the adequacy and effectiveness of arrangements to secure value for money (VfM) should be included, as per CIPFA guidance.

One specific area of activity for the committee will be consideration of the external auditor's wider work, as set out in the codes of audit practice and other guidance adopted by national audit bodies as follows.

- **England:** statutory value for money commentary as defined by the [National Audit Office](#).
- **Scotland:** periodic reviews of best value from [Audit Scotland](#).
- **Wales:** annual improvement reports from [Audit Wales](#).
- **Northern Ireland:** a review of arrangements for the use of resources from [Northern Ireland Audit Office](#).

When the external auditor raises concerns about VfM, the audit committee should ensure there is a robust action plan to address the issues raised. A significant VfM failing is likely to lead to a formal recommendation or report in the public interest. In addition to the work of the auditor, the audit committee should consider what other assurances are available in relation to identified VfM risks and highlight areas for improvement.

The [Cities and Local Government Devolution Act 2016](#) requires the audit committee of a combined authority to review and assess the economy, efficiency and effectiveness of resource use in discharging the authority's functions. By reviewing the adequacy of the authority's arrangements, including aspects such as performance management, financial planning and procurement, the audit committee will be able to report and make recommendations to fulfil this responsibility. Where risks to value for money are identified to the audit committee – for example, through the work of internal audit – those concerns need to be escalated for management action.

## Countering fraud and corruption

The audit committee should include counter fraud and corruption within its agenda. This should not be limited to an update to the committee on a significant case of fraud or corruption. The audit committee's responsibility to have oversight of arrangements means that they should be able to judge whether the authority's arrangements are fit for purpose

CIPFA's [Code of Practice on Managing the Risk of Fraud and Corruption](#) (2014) sets out the counter fraud standards for public sector organisations. Sector-specific strategies such as [fighting fraud and corruption locally](#) should also be considered, along with [Integrity matters](#)

(HMICFRS, 2015). The committee should understand the level of fraud risk the authority is exposed to and the implications for the wider control environment.

The audit committee should have oversight of the authority's counter fraud strategy, assessing whether it meets recommended practice and governance standards and complies with legislation such as the **Bribery Act 2010**.

The CIPFA guidance on the AGS recommends that the adequacy of counter fraud arrangements is evaluated and reported on in the AGS with reference to the *Code of Practice on Managing the Risk of Fraud and Corruption*. The audit committee should have sight of the assurances underpinning this assessment and can play an important role in supporting the development of effective counter fraud and corruption practice. The audit committee may also refer to the Internal Audit Standards Advisory Board's (IASAB) guidance on **internal audit's role in counter fraud** (2017), which sets out internal audit's responsibility to provide assurance to the organisation on how it manages fraud risk.

### **Partnership governance, collaborations and subsidiaries**

Ensuring that the audit committee has oversight of significant collaboration arrangements or the governance arrangements for the authority's partnerships is important. This is an area of assurance that should be planned as new arrangements are established as well as considered regularly.

Guidance is available in CIPFA publications, including **Successful Collaborations in the Public Services: The Role of Internal Audit** (2021). This highlights some of the governance risks that should be considered in collaborative arrangements, together with the role of internal audit. It highlights the need for the audit committee's oversight of internal audit to extend to their work on collaborations.

CIPFA's **Effective Governance of Collaboration in Policing** (2021) provides an overview of the nature of collaborations in policing and guidance on governance for those arrangements, and other relevant guidance is included in **Principles for section 151 officers working with LEPs** (2018).

Recently, authorities that have the general power of competence have established trading companies to operate more commercial activities, including delivery of services and commercial investments. Some authorities have experienced difficulties with these activities, so the governance, oversight and risk management arrangements in them are likely to be of considerable interest to the audit committee. CIPFA has issued new guidance in 2022 in **Local Authority Owned Companies: A Good Practice Guide**.

In addition to reviewing assurances over partnerships, the committee may choose to develop its own partnership arrangements with the audit committees of partner organisations. This could involve planning and co-ordinating agendas or developing forums to share ideas or briefings. More established partnerships could lead to the development of a shared audit committee between partner authorities or a joint committee.



## FINANCIAL AND GOVERNANCE REPORTING

### Financial reporting

Local authority financial statements should follow the professional practices set down in the **Code of Practice on Local Authority Accounting in the United Kingdom** (CIPFA/LASAAC). The responsible financial officer is required by statutory provision to sign the statements to confirm that they have been properly prepared and are ready for audit prior to the commencement of the period for the exercise of public rights. These are the unaudited accounts. Currently, deadlines are subject to change because of the COVID-19 pandemic (and because of difficulties resourcing local audit in England). Therefore, it will be important to check the current regulations applicable.

At the time of publication, the latest regulations were as follows.

- In England, **The Accounts and Audit (Amendment) Regulations 2021**. This amends the Accounts and Audit Regulations 2015.
- In Wales, **The Accounts and Audit (Wales) (Amendment) Regulations 2018**. This amends the Accounts and Audit (Wales) Regulations 2014.
- In Scotland, **The Local Authority Accounts (Scotland) Regulations 2014**.
- In Northern Ireland, **The Local Government (Accounts and Audit) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020**. This amends the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015.

Further details about the requirements of the regulations are in Appendix A.

Prior to the current period of disruption, there had been a trend to reduce the elapsed time from the end of the financial year to the publication of audited statements. For example, under the 2015 regulations for English authorities and policing bodies, in practice, the latest date by which the statements would need to be confirmed (by the responsible finance officer) is 31 May, as the 30 working day period for the exercise of public rights must include the first ten days of June. In CIPFA's view, the timely availability of the statements is important for transparency and accountability.

Under the regulations, Scottish and Northern Irish authorities must all ensure that the financial statements are signed off by the chief financial officer (CFO) by 30 June. The Accounts and Audit (Wales) (Amendment) Regulations 2018 require preparation and publication to be completed by 15 June. Authorities have had flexibility to delay due to COVID-19, but deadlines will revert to those specified in regulations at an appropriate point.

CIPFA recommends that it is good practice for the accounts and the AGS to be reviewed by the audit committee prior to the commencement of the external audit. The committee will also review them at the completion of the audit prior to publication. Authorities will formally approve the financial statements after the completion of the external audit.

The date the statements must be published by is set down in government regulations. Prior to COVID-related amendments, the latest date for publication was 31 July for English authorities. Scottish and Welsh authorities must publish by 30 September, and Northern Irish authorities must publish by 31 October. These dates are intended to reflect the target for the completion of the audit. However, meeting the deadline is not a statutory requirement for the auditor; auditors will aim to meet this date, but their primary concern is to complete the audit to the required auditing standard.

The financial statements are the most technical aspect of the audit committee's remit and one that can be daunting for those elected members with no prior experience of financial reporting or

external audit. The differences in financial reporting practice in the accounts can also be daunting for those used to the presentation of company accounts. Additional attention should therefore be paid to this area when evaluating training needs.

## Annual governance statements

Legislation requires local authorities, fire and rescue authorities and police bodies to prepare an AGS and to report publicly on the effectiveness of governance and control (see Appendix A for details of the legislative requirements). The AGS should be reviewed and then approved by an authority body prior to being signed by the leading member and the authority's chief executive. Typically, audit committees undertake the role of reviewing the AGS prior to approval.

Statutory and professional guidelines will determine when the AGS goes before the audit committee for review. These are set out in [Financial reporting](#) and in more detail in Appendix A. CIPFA recommends that the AGS is first reviewed by members of the audit committee at an earlier stage to allow comments and contributions to be made. The AGS must be current at the time it is published, so the audit committee should review it before final approval.

When the AGS is taken to the audit committee for review, it provides an opportunity to sense check the content, ensuring it is consistent with other information and is understandable to a lay reader.

The audit committee should be made aware of any updates to guidance on the AGS issued by CIPFA.

In March 2022, CIPFA's Practice Oversight Panel published an [advisory note on governance](#). The note emphasises the importance of ensuring that annual reviews of governance and the AGS are robust. An effective audit committee is one important aspect of ensuring adequate internal challenge.

## Other accountability reports

The audit committee may be asked to comment on or review other accountability reports. If this is consistent with the purpose of the committee, then it may be appropriate – for example, if the report included extracts from the financial statements or AGS. It should always be clear whether the committee is being asked to formally endorse any report and consider whether this involves duplication with the work of other committees.

## SUPPORTING ARRANGEMENTS FOR AUDIT AND ASSURANCE

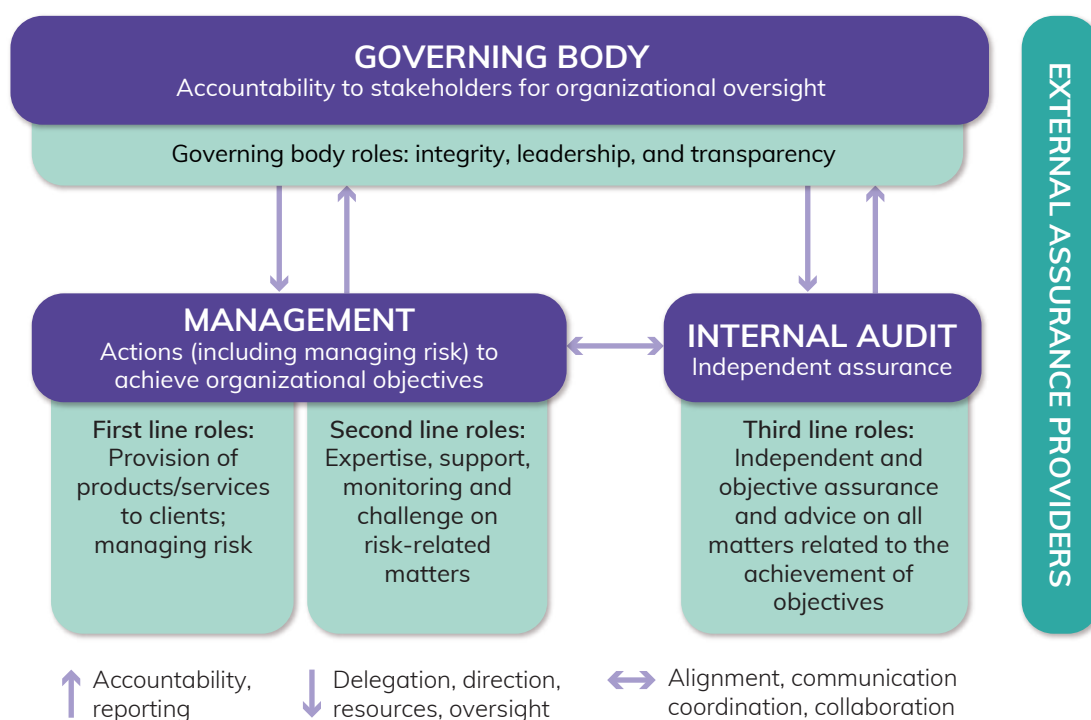
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### Assurance frameworks and assurance planning

The organisation's leadership team should establish arrangements to provide them with assurance. The purpose of assurance is to provide greater certainty over the operation of internal control arrangements and the implementation of policies and decisions. In practice, an organisation will have a range of different means of obtaining assurance, some of which will already be embedded in management arrangements. Taken together, the suite of assurances forms the framework of assurance for the organisation. Some organisations have taken steps to map or summarise their arrangements in diagrammatic or tabular form.

CIPFA is in the process of establishing more detailed guidance for leadership teams on assurance frameworks, including high-level principles to define assurance frameworks. The purpose of this will be to raise awareness of assurance and the different forms it can take. Developing CIPFA guidance will include the [Three Lines Model](#) developed by the Institute of Internal Auditors (IIA).

Figure 1: The IIA's Three Lines Model



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Having a good understanding of different sources of assurance is important:

- for managers and the leadership team, to have confidence in how things work in practice
- for the audit committee, to help them fulfil their responsibilities
- for internal auditors, to inform risk assessments, supplement the direct independent audit work the team undertakes, and to inform the head of internal audit's annual opinion.

As well as understanding the organisation's arrangements for obtaining assurance, the audit committee should ensure that it receives the assurances necessary to support its annual report and to play its part in reviewing the AGS. While internal audit and external audit will be significant contributors to the overall assurance, the committee will need to be proactive in specifying additional areas where assurance is needed.

## External audit

Audit committees have a role to play in relation to the appointment of external auditors. This role varies between England, Scotland, Wales and Northern Ireland, primarily due to the change in appointment procedures for English authorities with the closure of the Audit Commission and the introduction of new local audit arrangements under the **Local Audit and Accountability Act 2014**.

In Scotland, Wales and Northern Ireland, national audit agencies are responsible for the audits of local bodies. In England, authorities have the option to appoint auditors themselves via means of an auditor panel (individually or jointly with other bodies) or through Public Sector Audit Appointments (PSAA), which has been established by the Local Government Association (LGA) and specified as an 'appointing person' under the 2014 Act. For further information on auditor panels and the role of the audit committee, see CIPFA's **Guide to Auditor Panels** (2015).

The audit committee's role in appointment is generally to express an opinion on the selection and rotation of the external auditor through whichever method is applicable for the organisation. The audit committee's objective is to support auditor independence and effective arrangements and relationships with the auditors.

In England, for all opted-in bodies, PSAA appoints the auditor following consultation with the body. Otherwise, the audit committee will work alongside the auditor panel, which will oversee the local appointment process. Where the audit committee members meet the requirements of an auditor panel as defined in regulations supporting the 2014 Act, then the committee can operate as an auditor panel itself and make recommendations on the appointment of the local auditor. Regard must be had for the 2014 Act and regulations if the committee is nominated as an auditor panel.

## Supporting independence

The independence of auditors is critical for confidence in the audit opinion and audit process. For this reason, there is extensive guidance from the Financial Reporting Council (FRC) for external auditors on the need to safeguard independence and objectivity. These rules apply to all auditors across all sectors. In addition, the national audit bodies issue guidance to auditors on safeguarding integrity, objectivity and independence. It is an important role for an audit committee to help guard against threats to independence and to satisfy itself that the external auditor's independence is safeguarded. The critical issue of independence will be considered when the external auditor is appointed, but the audit committee's role will be to monitor on an annual basis, or more often when required.

Each year, the external auditor will disclose to the committee an assessment of whether it is independent. This disclosure should include any significant facts that could impact, or be seen to impact on, independence and objectivity, together with any safeguards put in place. The audit committee should use this opportunity to discuss with the external auditor their assessment of threats to independence and any safeguards. The table below summarises the potential threats that external auditors need to consider and manage.

### Understanding the potential threats to external independence

#### Self-interest threat

This is where there are, or are perceived to be, financial or other interests that could impact on the actions of the external auditor. The potential fees from provision of non-audit or additional services to the audited body could fall within this category.

#### Self-review threat

This is where the audit could include a review of work performed or services or advice provided by the same firm or team.

#### Management threat

This is where the auditor has become involved in or associated with decision making at the audited body.

#### Advocacy threat

This is where the auditor has taken on an advocacy role for the audited body or supports the management in an adversarial or promotional context.

#### Familiarity (or trust) threat

This is where familiarity or close personal relationships mean that the external auditor is insufficiently questioning or accepting in forming audit judgements.

#### Intimidation threat

This is where the conduct of the external auditor is influenced by fear or threats from individuals in the audited body.

Full details of the threats are set out in the [Revised Ethical Standard 2019](#) (FRC).

## Receiving and considering the work of external audit

The timetable of external audit work will be shaped by the appropriate Code of Audit Practice under which the audit is being undertaken and the appropriate regulations of the nation.

From time to time, there may be disruption to the routine timetable of audit. For example, the impact of the pandemic and recent difficulties experienced in England by local audit firms have contributed to delays. Where this is the case, the audit committee should actively monitor changes to timetables and audit plans, supporting good communication between the auditor and the authority to manage difficulties in the best possible way. Those officers responsible for liaising with the external auditor should ensure the audit committee is kept informed and any difficulties drawn to their attention at an appropriate stage.

One of the recommendations of the Redmond Review ([Independent review into the oversight of local audit and the transparency of local authority financial reporting](#)) was that the external audit annual report should be submitted to full council by the external auditor. The rationale behind the recommendation was that there were examples where serious issues raised with the audit committee by the external auditor were not then escalated to full council. As all councillors are “charged with governance”, they should be aware of serious issues and the overall results of the audit.

In addition, full council is more visible to the public than the audit committee, so it supports greater transparency. When this recommendation was considered by the stakeholder group advising DLUHC, it was considered important for the audit committee to receive the external auditor’s reports, allowing more in-depth discussion and formulation of recommendations for action in response to issues raised. It suggested that the annual report should be presented to full council in the way suggested by Sir Tony to improve transparency and strengthen the governance response, but it should also be accompanied by a report from the audit committee setting out its suggested response to the report. This was discussed in the technical consultation issued in July 2021 and CIPFA would support this approach.

Although the specific recommendation related to English local authorities, CIPFA would recommend that authorities in the rest of the UK also consider adopting a similar approach, if they do not do so already.

## Supporting the quality and effectiveness of the external audit process

The audit committee should support the quality and effectiveness of the external audit process:

- at the planning stage, understanding and commenting on external audit plans, assessment of risks and proposed areas of focus, and deployment of audit effort in response to identified risks
- during the external audit process, including:
  - assessing whether the external auditor has a good understanding of the authority
  - how the external auditor has responded to areas of audit risk
  - actions taken to safeguard independence and objectivity
- at the reporting and finalisation stages:
  - ensuring there is feedback from key people such as the CFO and the head of internal audit on the conduct of the audit
  - supporting the auditor’s annual report to the full council, PCC, chief constable or other body as appropriate on the results of its considerations with the audit committee report.

In monitoring the quality of the external audit provision, the audit committee should be briefed on any relevant issues around quality that emerge from the regulation of external audit – for example, the quality reports from the FRC and contract monitoring reports from PSAA. Links to useful resources are provided at the end of the section.

There should be an opportunity for the audit committee to meet privately and separately with the external auditor, independent of the presence of those officers with whom the auditor must retain a working relationship.

### Supporting audit quality

The audit committee should be an advocate for high audit quality. Ensuring that quality is maintained provides confidence in the audit opinion and recommendations. In its interactions with the auditors, the committee should be alert to the culture of the auditor and its regard for quality, its customer focus and how the firm creates a positive audit culture. The FRC's recent report **What Makes a Good Audit?** (2021) highlights the importance of governance and leadership in the audit firm.

*Senior leadership must live and drive the right values, ethics and behaviours that support high audit quality throughout the firm. There must be a clear link between remuneration/ promotion and audit quality. Learning from audit inspections (internal and external) must be shared across the audit practice and understood, including the sharing of good practice identified within the firm or from external reviews. There must also be an emphasis on the public interest role of audit. At the larger firms, Independent Non-Executives (INEs) already have an important role to play in holding leadership to account for improving audit quality and for driving an appropriate culture and mindset within audit.*

*What Makes a Good Audit? (FRC, 2021)*

The committee should ask about the auditor's approach to audit quality, including the support and training provided to the team on specialist areas within the scope of the audit. This is a particular consideration in England where audits are undertaken by a firm, as the team may not consist of auditors with extensive local audit experience. It should be noted that the key audit partner must have that experience and knowledge. This was an issue raised by the Redmond Review, and work to improve and support auditors is ongoing. For the firms, achieving improvements in this area is challenging, given wider issues around shortages of appropriate skilled auditors.

The audit committee needs to work with auditors and key officers to ensure that there is a shared understanding of objectives, expectations and outcomes from the audit. It is likely that the committee members will need support and training to improve their knowledge and understanding in this area unless they have had prior experience.

Where there are difficulties in the relationship between auditor and client, the audit committee should seek to support and resolve in an objective way that helps the delivery of a quality and timely audit.

### Assessing audit quality

In determining the committee's role in reporting on external audit, CIPFA has taken account of requirements in other sectors. The **UK Corporate Governance Code** (FRC, 2018) expects the audit committee to report annually on its assessment of the independence and effectiveness of external audit. The audit committee annual report should also include a section on external audit. This is addressed in **Independence and accountability**.

The FRC published **Audit Quality: Practice Aid for Audit Committees** in 2019 to help support audit committees. It should be noted that this is not tailored to audit committees in local

government, but some general principles remain relevant for an authority committee. Suggested good practice would be to consider the following areas:

- How the auditor interacts with the audit committee. Examples could include how auditors respond to questions or challenge from the committee and whether communications are open, constructive, informative and regular.
- Evidence from management. For example, the audit committee could ask management for evidence where auditors have challenged judgements and estimates.
- Asking auditors how they have demonstrated professional scepticism.
- Considering how well the auditor has met the agreed audit plan and addressed the risks it has identified.
- The quality of the audit report. For example, is it helpful and does it avoid generic 'boiler plate' content?

The audit committee should also review reports and assessments on their contracted auditor. The national audit bodies publish external reviews of their quality arrangements, and the FRC publishes an annual report of the local audit quality reviews undertaken for each firm. The committee should consider the conclusions on audit quality and areas for improvement and discuss with the auditor if appropriate. In England, PSAA may also publish reviews of interest to the committee on their monitoring of the audit contracts and satisfaction surveys, etc.

#### References and useful resources

[Financial audit quality arrangements](#) (Audit Wales)

[Major Local Audits: Audit Quality Inspection](#) (FRC, 2021)

[Managing audit quality](#) (PSAA)

[Quality of public audit in Scotland annual report 2021/22](#) (Audit Scotland)

[Quality assurance review 2021 executive summary](#) (Northern Ireland Audit Office)

## Internal audit

The audit committee has a clear role in relation to oversight of the authority's internal audit function. From 1 April 2013, internal auditors throughout local and central government and health have had to follow the PSIAS, and for local government bodies, the [Local Government Application Note \(LGAN\) for the UK PSIAS](#) (CIPFA, 2019). All principal local authorities and other relevant bodies subject to the Accounts and Audit Regulations 2015, the Accounts and Audit (Wales) Regulations 2014, the Local Authority Accounts (Scotland) Regulations 2014 and the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015 must make provision for internal audit in accordance with the PSIAS and LGAN.

The PSIAS include the mission of internal audit, code of ethics, definition of internal auditing and the core principles for the professional practice of internal auditing, and together these highlight the importance of effective internal audit to those in the organisation who are responsible for governance.

In its adoption of the PSIAS and LGAN, each authority should consider which committee or individual is the most appropriate to fulfil the role of the board in relation to internal audit. In determining the functional reporting arrangements of internal audit, the authority will need to bear in mind the need to preserve the independence and objectivity of internal audit as required by the PSIAS. It is for these reasons that in the LGAN, CIPFA expressed an expectation that the audit committee would fulfil the role of the board usually.

The role of the audit committee in relation to internal audit is to:

- oversee its independence, objectivity, performance and professionalism
- support the effectiveness of the internal audit process
- promote the effective use of internal audit within the assurance framework.

Those audit committees that operate under the Local Authority Accounts (Scotland) Regulations 2014 and the Accounts and Audit (Wales) Regulations 2014 must conduct a review of the effectiveness of their internal audit annually (Appendix A includes details of the relevant regulations). The audit committee should consider internal audit's quality assurance and improvement programme (QAIP) when conducting such a review.

The **CIPFA Statement on the Role of the Head of Internal Audit in Public Service Organisations** (2019) states that engagement between the head of internal audit and the audit committee is a crucial component of delivering an effective internal audit service. For the head of internal audit to operate an effective internal audit arrangement, the authority has a responsibility to ensure that they can operate effectively and perform their core duties. This responsibility exists regardless of the method of delivery of internal audit, whether in-house, outsourced or through some form of shared arrangement. The audit committee plays an important role in supporting the effectiveness of those arrangements in accordance with the CIPFA statement.

The committee should develop sufficient understanding of the effectiveness of internal audit and its adherence to professional standards. While helping to ensure that the right organisational arrangements are in place to support the internal audit service, the committee should also hold internal audit to account for the following:

- Conformance with professional standards.
- Effective management of resources.
- Focus on risks and assurance needs.
- Delivery of required outputs.
- Impact.

In 2022, CIPFA published **Internal audit: untapped potential** – a research report examining how internal audit supports public sector organisations and opportunities for the future. It features the results of an extensive survey that included management clients and audit committee members, as well as internal auditors. Included within are recommended topics that audit committee members should consider and discuss with their head of internal audit to help ensure that their organisation is getting the best out of internal audit.



# Guiding the audit committee – wider functions

## WIDENING THE WORK OF THE COMMITTEE

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This chapter sets out relevant guidance where additional responsibilities are brought within the scope of the committee. The scope should not be extended so broadly that the committee effectively becomes a joint committee with other priorities. The areas covered in the guidance are relevant as a result of legislation or other standards.

## WALES

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Governance and audit committees in Wales will need to have regard to the Local Government and Elections Wales Act 2021 in agreeing their terms of reference and conducting business.

The significant difference is the requirement to review the draft self-assessment or panel assessment report and make recommendations. The performance assessments are a new requirement introduced by the 2021 Act. Statutory guidance has been produced in [Performance and governance of principal councils](#) (2021).

In undertaking this role, CIPFA recommends distinguishing between the committee and the performance monitoring that scrutiny committees will have undertaken, which will be a contributory part of the self-assessment.

To enable the committee to perform its role effectively, members will need to be briefed on the requirements of the Act and supporting statutory guidance.

## TREASURY MANAGEMENT

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CIPFA's [Treasury Management in the Public Services: Code of Practice and Cross-sectoral Guidance Notes](#) (2021) requires all local authorities to adopt four clauses defining responsibilities for treasury management.

It is possible for the audit committee to be nominated to undertake the scrutiny role.

*This organisation nominates (name of responsible body/committee) to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.*

Where the audit committee has been nominated, it should be aware that it needs to undertake a scrutiny role in accordance with the Treasury Management Code, in addition to any oversight of governance, risks and assurance matters relating to treasury management that it would consider as an audit committee. It is not appropriate for the audit committee to undertake any of the other roles outlined in the Treasury Management Code clauses, as these are executive and decision-making roles rather than a scrutiny role.

Treasury management is a specialist area, so it is likely that committee members will require training, guidance and support when undertaking scrutiny. Specific areas of knowledge and skills are identified in Appendix C, and these can be used to support a training needs assessment and to plan development.

## SUPPORTING CORPORATE IMPROVEMENT PROGRAMMES

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Where an authority has undergone an external inspection, peer review or other intervention, an improvement programme will be developed. It will be important for the audit committee to play its part in supporting the effective implementation of agreed actions.

The primary role of the committee is to receive assurances that implementation of the programme is on track. The programme will have links to external audit reports, future audit risk assessments and the AGS, so it is important that the committee is aware of the overall progress. A significant programme may have a dedicated board that can provide an update to the committee to fulfil its assurance needs.

There may be aspects of the programme that directly link to the work of the committee – for example, the adequacy of financial management arrangements or internal audit. In such cases, the committee may be more actively involved in monitoring progress.

# Independence and accountability

## INTRODUCTION

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CIPFA is keen that each local authority or police body adopts an audit committee model that achieves its purpose and functions successfully. CIPFA's recommended best practice is intended to support the development of effective arrangements and should not be regarded merely as a compliance checklist.

For a local authority, in CIPFA's view, it is best practice for the audit committee to report directly to council rather than to another committee, as the council itself most closely matches the body of 'those charged with governance.' In the police sector, both the PCC and chief constable are separate corporations sole, so each will fulfil the role of 'those charged with governance.'

In establishing the audit committee within the governance structure of the authority, three key elements should be considered:

- Any statutory guidance applicable to the sector.
- Independence from the executive and political allegiances.
- How the structure of the committee can support its effective operation.

Each of these elements is considered in more detail in the following sections.

## SECTOR AND DEVOLVED GOVERNMENT GUIDANCE

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The local authority and police sectors are subject to differing laws and regulations according to both sector and devolved national governments. Those affecting audit committees are set out in Appendix A. While there is broad similarity in the guidance across the UK, there are differences because of specific statutory guidance and regulations, including:

- statutory requirements for audit committees in Wales
- statutory requirements for combined authorities to establish an audit committee
- statutory guidance underpinning the operation of police audit committees in England and Wales.

Audit committees in Wales have a clear statutory role established by the **Local Government (Wales) Measure 2011** and updated in the **Local Government and Elections (Wales) Act 2021**. The Welsh Government has provided statutory guidance on the implementation of the measure's requirements, and local authorities in Wales must have regard to this guidance.

The Cities and Local Government Devolution Act 2016 requires combined authorities to establish an audit committee where at least one member must be appointed as an independent member.

The Home Office's **Financial Management Code of Practice for the Police Forces of England and Wales** (the FMCP) (2018) requires PCCs and chief constables to establish an independent audit committee. This is an advisory committee to both the PCC and the chief constable, both of whom are established as a corporation sole.

The **Policing and Crime Act 2017** enables a PCC in England (following local consultation and approval from the secretary of state) to take on the governance of their local fire and rescue service(s) to become a PCC fire and rescue authority (PCC FRA). The 2018 edition of the FMCP includes guidance concerning audit committees in this event.

Those supporting audit committees should be aware of other regulations, including the appropriate accounts and audit regulations for England, Scotland, Wales and Northern Ireland. These regulate functions such as internal audit and the timing of the AGS review and the accounts. These functions should be undertaken by the audit committee, and the committee should have regard to the regulations.

## STRUCTURE AND INDEPENDENCE

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### Ensuring a dedicated audit committee

In some local authorities, the audit committee has been combined with other committees. CIPFA recommends that the audit committee should have no other functions, and explicitly no decision-making role. The most common combinations adopted by authorities have been an audit and scrutiny committee or audit and standards committee. CIPFA recommends these are separated.

Sometimes the audit committee is given a different title, such as 'governance and audit' or 'audit and risk' committee. This would not be a problem if the terms of reference are consistent with the **CIPFA Position Statement**. Care should be taken to not delegate additional responsibilities that conflict with or dilute the audit committee focus.

The Centre for Governance and Scrutiny published **Audit committees and scrutiny committees: working together** (2021) to help understand the difference between scrutiny and audit committees. CIPFA contributed to the resource to help ensure it was consistent with its 2018 guidance on audit committees. It helps scrutiny members understand how the audit committee role is different but complementary and identifies opportunities for the committees to work constructively together.

### Committee size

Police audit committees should follow the FMCP guidance on a committee size of three to five members. In determining size, consider the quorum for meetings, as three allows little flexibility for meeting quorum at every scheduled meeting.

The sections on **Membership** and **Accountability** cover the composition of the committee between elected members and co-opted independents in an authority.

Committee size and composition are subject to legislation in some local authorities but not all.

Appendix A sets out the legislation for Wales and combined authorities in England.

In sectors outside local government, it is typical for audit committees to have fewer than six members. Among local authorities, there is a range of practice, including some committees that exceed ten members. In the sector, it can be harder to achieve the depth of knowledge and experience that is desirable with a small number, but equally it can be difficult to provide training and development for a large group.

CIPFA's recommendation is that a committee size of no more than eight members should be established. This allows sufficient breadth of experience but is small enough to allow the training and development of a dedicated group.

CIPFA also recommends that the use of substitutes on the committee is avoided. Substitute members are less likely to have received relevant training. It also disrupts the continuity of the committee, where committee members can build on information received in previous meetings. We have found that where committee members are regularly substituted, it is an indication of lack of engagement with the committee's purpose and agenda.

### Audit committees for collaborations

Where an authority has a significant level of joint or collaborative working, there may be some value in considering the constitution of a shared audit committee. This will be particularly appropriate if there is a shared management team and single functions for finance, audit and risk management. There will need to be a formal agreement that sets out how the balance of representation between the partners will be decided, reporting lines and how the chair will be selected.

### Delegated decision making and voting rights

Currently, some authorities have delegated decisions such as the approval of the financial statements to the audit committee. This takes the audit committee beyond its advisory role. It also means that authorities will need to have regard to Section 13 of the **Local Government and Housing Act 1989**, which relates to the voting rights of non-elected committee members. Independent members cannot vote on matters for decision, whereas making recommendations to another decision-making body would not be impacted.

CIPFA recommends that the audit committee remains an advisory committee and does not have delegated powers.

## ADMINISTRATIVE AND OPERATIONAL ARRANGEMENTS

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In planning the number and timing of meetings and the committee agendas, key dates in the reporting and audit cycle will be important. In addition, the need for the committee to meet the expectations of auditing standards (both internal and external audit) in providing appropriate oversight will mean space on agendas should be found for these topics.

The CIPFA *Statement on the Role of the Head of Internal Audit in Public Service Organisations* (2019) emphasises the importance of organisational support for the role, including direct reporting lines to the audit committee and good engagement between the committee and head of internal audit. Providing the facility for private meetings between the head of internal audit and the audit committee will signal the importance of maintaining the independence of internal audit.

While private meetings between the committee and internal and external audit help to build a trusted relationship, those concerned should always make sure that the meeting is not used as a substitute for escalating governance concerns with responsible officers. The private meeting should always be in accordance with other principles of good practice – non-political and supporting transparent and accountable good governance.

Ensuring there is good support for the committee in agenda planning, minute taking, guidance and communications will help to build member confidence in the committee.

Providing a protocol about access to information that includes provision for co-opted independents will help to ensure clarity for both the committee members and officers. Members need to be confident that they have sight of relevant information in a timely way. There may be operational reasons why information is not immediately available or has to be treated in confidence, but it is important to explain this adequately.

## ACCOUNTABILITY AND THE ANNUAL REPORT

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CIPFA has recommended that the audit committee should produce an annual report since the 2013 edition of this guidance. In this latest edition, the annual report is given greater prominence and has been included in the Position Statement. The report should be used to provide accountability to those charged with governance on compliance with the Position Statement and performance and provide assurance over the areas within its terms of reference.

The timing of the report will need to take account of whether there will be changes in committee membership – for example, because of elections or rotation of committee members at annual meetings. The conclusions of the report can support the AGS.

It is for the committee chair to prepare the annual report in consultation with the members, although some support may be required to check accuracy or provide supporting information. Developing the report will ensure the committee is better placed for any future policy developments that might expect more from accountability disclosures.

# Membership and effectiveness

## COMPOSITION AND OPERATION OF THE COMMITTEE

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The composition of the committee will be one of the key factors in achieving a good audit committee. Some local government bodies will need to follow specific rules on composition. These are referenced below.

The composition of the audit committee for Welsh local authorities is determined by the Local Government and Elections (Wales) Act 2021, which requires local authority audit committees to have one-third lay members and a lay member as chair. The 2021 Act amended the Local Government Measure 2011, which established that only one of the committee's members may be from the council's executive, and this must not be the leader or the elected mayor.

Combined authorities in England are required to establish an audit committee by the Cities and Local Government Devolution Act 2016. The Act and the subsequent **Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017** require combined authority audit committees to include at least one independent member. The definition of independent is set out in Part 4 of the Order.

The FMCP determined that audit committees in policing must be composed solely of independent members.

## POLITICAL BALANCE

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One factor that is important for the success of the committee is ensuring a non-political approach to meetings and discussions. Any audit committee that is a properly constituted committee of a local authority will need to abide by the rules concerning political balance, as outlined in Section 15 of the Local Government and Housing Act 1989. When establishing a joint audit committee, the political balance of both authorities will need to be considered.

The **Local Government (Democracy) (Wales) Act 2013** inserted a requirement into the 2011 Measure for the audit committee to be politically balanced. This has not changed as a result of the 2021 Act.

The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 requires the audit committee to be politically balanced, taking into account the constituent councils.

Where the committee is strictly advisory and not subject to other requirements, full council can vote to waive the political balance requirement and specify other criteria to decide who should serve on the committee. For example, the selection of members with relevant knowledge and expertise could be prioritised.

The length of tenure of an elected representative on the committee will be influenced by the need to maintain political balance (if applicable) as well as other factors. In principle, establishing continuity on the committee is helpful to make the best of knowledge and experience. Some

rotation is also helpful to bring in a new perspective. CIPFA would suggest that two full terms on the committee would be a reasonable maximum.

## APPOINTING THE CHAIR OF THE COMMITTEE

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Unless there is specific legislation or guidance in place on the selection of the committee chair, authorities can determine their own approach. To try and emphasise the independence and apolitical nature of the committee, some authorities specify that the position should be occupied by an 'opposition' member. This approach may be appropriate for some but will not be possible for all authorities – for example, where there are few opposition members.

## CO-OPTED INDEPENDENTS

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### Definition of a co-opted independent or lay member

There are some definitions set out in legislation for some audit committees but not all.

The Local Government and Elections (Wales) Act 2021 defines a lay member as a person who:

- is not a member or an officer of any local authority
- has not been a member or an officer of any local authority in the last 12 months
- is not the spouse or civil partner of a member or officer.

Co-opted independent members of audit committees for combined authorities should be in accordance with the 2017 Order as follows.

- Not a member, co-opted member or officer of the authority.
- Not a member, co-opted member or officer of a parish council in the area of the principal authority.
- Not a relative or close friend of one of the above.
- Not a member, co-opted member or officer of the authority or parish council in the last five years.

There are no statutory definitions of 'independent' for audit committee members in local authorities in England, Scotland or Northern Ireland.

The independent members of the police audit committees in England and Wales must all be independent of the PCC and the force. The FMCP does not define this any further.

Where there is no established definition, authorities are recommended to establish their own policy before commencing recruitment. This will provide clarity to potential candidates and support the independence of the committee. CIPFA would suggest alignment to the combined authority requirements as the basis for a suitable policy.

As long as any requirements are met, it is possible for an individual to be a co-opted member of more than one local government body.



## MAKING BEST USE OF INDEPENDENT MEMBERS

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There are some potential pitfalls to the use of independent members that should also be borne in mind.

- Over-reliance on the independent members by other committee members in local authorities can lead to a lack of engagement across the full committee.
- A lack of organisational knowledge or 'context' among the independent members when considering risk registers or audit reports.
- Both independent members and officers/staff must try to establish an effective working relationship and appropriate protocols for briefings and access to information.

These factors should be considered when developing the committee structure and plans put in place to provide an appropriate level of support to the audit committee member.

### Role descriptions for co-opted independent members

Where the authority is recruiting members to co-opt onto the audit committee, a clear role description should be established. The following areas should be addressed:

- The role of the co-opted independent, including expected time commitment and location of meetings.
- The suggested appointment period and options for renewal (two terms would be a suggested maximum appointment period).
- The definition of 'independent' applicable to the role.
- Any restrictions or conflicts of interest that would make a candidate unsuitable. As the role is non-political and requires working with elected representatives in a local authority, it is recommended that candidates should not be political party members.
- Vetting requirements (particularly for police committee members).
- Desired knowledge, experience and skills.
- Remuneration and expenses.
- The expected conditions of engagement, including adherence to the authority's code of conduct, disclosure of interests, etc.

Consideration should also be given to attracting suitable candidates. While it is up to each authority to decide, authorities may want to consider the following:

- Selecting candidates beyond the local area. If candidates are able and willing to travel to attend the required meetings and supporting activities, then living outside the authority area should not be a barrier to suitability.
- Working with other authorities in the region to promote and support opportunities to be an independent member.
- Advertising nationally or using specialist agencies if professional knowledge and skills are required.
- Promoting the role through means in addition to advertising. For example, a change to the constitution of the audit committee could be part of a wider governance improvement programme that could be publicised locally or through council channels of communication.
- Council orientation and support that will be provided in the role.

- The opportunity for an informal discussion on the role with a senior officer or committee chair.
- Ensuring an easy application process (see below).

Under the combined authorities order, the vacancy must be publicly advertised.

## Selection process

The authority's HR team will be able to advise on the process for recruitment. Normal practice in recruitment for non-executive roles such as this will be a CV and supporting letter, and adopting this approach may assist in attracting candidates. This may be a deviation from the process of recruiting a member of staff, however, so early discussion with HR is advised.

The format of selection is for the authority to decide, but inclusion of the current committee chair in some way would be helpful for the candidate.

As well as a formal interview, candidates could be invited to meet the PCC, chief constable or deputy chief constable, senior councillors or officers to emphasise the value of the committee.

## Supporting members of the committee

Establishing a training programme and ongoing support for committee members is essential to ensure that they can confidently and effectively discharge their responsibilities. Establishing a budget will ensure that training can be ongoing rather than ad hoc.

Exact needs will depend on the composition of the committee and members' existing knowledge and experience. The following table sets out the core elements.

Development area	Core content	Target audience
<b>Induction – the authority</b>	<p>Introduction to the authority, including:</p> <ul style="list-style-type: none"> <li>• governance structures</li> <li>• plans, strategies and priorities of the authority</li> <li>• local government context.</li> </ul>	Primarily for co-opted independent members who are new to local government/police.
<b>Induction – the audit committee</b>	<ul style="list-style-type: none"> <li>• Terms of reference.</li> <li>• CIPFA Position Statement and guidance.</li> <li>• Key relationships – CFO, head of internal audit, external auditor, committee support.</li> </ul>	All members new to the committee.
<b>Core knowledge areas</b>	<p>Basic knowledge for all areas outlined in the knowledge framework.</p> <ul style="list-style-type: none"> <li>• Good governance and ethical framework</li> <li>• Risk management</li> <li>• Internal controls</li> <li>• Financial management</li> <li>• Value for money</li> <li>• Counter fraud and corruption</li> <li>• Partnerships and collaborations</li> <li>• Assurance framework</li> <li>• Financial reporting</li> <li>• Annual governance statement</li> <li>• Internal audit</li> <li>• External audit</li> <li>• Treasury management (where applicable)</li> <li>• Performance assessment (Wales) (where applicable)</li> </ul>	All members of the committee, tailored appropriately to existing knowledge.
<b>Briefings and guidance</b>	<p>Targeted support for members on:</p> <ul style="list-style-type: none"> <li>• aspects where members need additional support, eg guidance on understanding the financial statements</li> <li>• the development of more in-depth knowledge and understanding</li> <li>• ad hoc briefings on new developments in the sector (for example CIPFA’s audit committee update resource, horizon scanning updates from external auditors, etc)</li> <li>• updates on new developments or changes at the authority.</li> </ul>	<p>All members.</p> <p>Co-opted independent members.</p>
<b>Webinars, training and networking events</b>	<ul style="list-style-type: none"> <li>• Attending relevant webinars or events to develop more in-depth knowledge or updates.</li> <li>• Networking and sharing with audit committee members in other authorities to learn from others and build a network of support.</li> <li>• A range of formal events and webinars are available from a range of providers, eg regional forums.</li> </ul>	Chairs and all members

## Training needs analysis

It is helpful to undertake an analysis of training needs to identify which areas should be prioritised for training and support. Some of the core areas involve technical standards and are complex – for example, financial reporting, audit quality and treasury management. These will need regular attention to maintain committee effectiveness.

The knowledge framework can help with a training needs analysis. It can be done at any point, but the annual assessment should reflect on whether the analysis is up to date and the planned programme of support sufficient to address the priority areas.

## Impact and effectiveness

To develop the committee and provide assurance via the annual report, it is recommended that the committee is supported in a self-assessment. Alternatively, an independent review can be undertaken.

The appendices provide resources to support self-assessment and to encourage reflection on the impact that the committee has.

CIPFA has identified key indicators to inform the performance review of the audit committee. These indicators are all aspects of governance, risk, control and audit that are within the audit committee's scope of influence. While they are not solely within the control of the audit committee, weakness in these areas could indicate that the audit committee is failing to have sufficient impact.

## Problem solving

Where self-assessment indicates problems, or where those interacting with the committee report it to be under-performing, swift diagnosis and action should be planned. Appendix D highlights some areas of difficulty the committee might experience. Usually, problems arise because of misapprehension of the committee's role or inadequate training or support. Occasionally, behaviours from individual members can also contribute. These issues may be more difficult to resolve, especially if they are symptomatic of wider governance problems in the authority.

Significant weakness in the audit committee is likely to be highlighted by the external auditor as part of their governance review or as part of a peer review.

# Sector and devolved government guidance

## PART 1: COMPARISON OF SECTOR AND DEVOLVED GOVERNMENT REGULATIONS AND GUIDANCE ON KEY AREAS RELATING TO AUDIT COMMITTEES

Guidance area	England (combined authorities)	Wales (local authorities and corporate joint committees)	England and Wales Police	England, Northern Ireland and Scotland (local authorities)
Specific legislation or statutory guidance	<a href="#"><u>Cities and Local Government Devolution Act 2016.</u></a> <a href="#"><u>Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.</u></a>	<a href="#"><u>Local Government (Wales) Measure 2011</u></a> as amended by the <a href="#"><u>Local Government (Democracy) (Wales) Act 2013.</u></a> <a href="#"><u>Local Government and Elections (Wales) Act 2021.</u></a>	<a href="#"><u>Financial Management Code of Practice for the Police Forces of England and Wales (FMCP)</u></a> (Home Office, 2018).	Not applicable
Establishment of an audit committee	Required	Required	Required It is recommended that this should be a combined body for both PCC and chief constable.	No guidance
Composition of the audit committee	Committees must have at least one independent person as defined by guidance. The committee should reflect the political balance of the constituent authorities as far as is reasonably practical. The committee may not include an officer of the combined authority or a constituent council.	The committee must have lay persons comprise one-third of its members. The member appointed as the committee chair must be a lay person. The deputy chair must not be a member of the executive or an assistant to its executive. The committee must be politically balanced.	Police audit committees should comprise between three and five members who are independent of the PCC and the force.	No guidance

Guidance area	England (combined authorities)	Wales (local authorities and corporate joint committees)	England and Wales Police	England, Northern Ireland and Scotland (local authorities)
<b>Specified functions of the audit committee</b>	<p>Review and scrutinise the authority's financial affairs.</p> <p>Review and assess the authority's risk management, internal control and corporate governance arrangements.</p> <p>Review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions.</p> <p>Make reports and recommendations to the combined authority.</p>	<p>Review and scrutinise the authority's financial affairs.</p> <p>Make reports and recommendations in relation to the authority's financial affairs.</p> <p>Review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority.</p> <p>Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements.</p> <p>Review and assess the authority's ability to handle complaints effectively.</p> <p>Make reports and recommendations on the authority's ability to handle complaints effectively.</p> <p>Oversee the authority's internal and external audit arrangements.</p> <p>Review the financial statements prepared by the authority.</p>	<p>Consider the internal and external audit reports of both the PCC and the chief constable.</p> <p>Advise the PCC and the chief constable according to good governance principles and adopt appropriate risk management arrangements in accordance with proper practices.</p>	No guidance
<b>Responsibilities of the audit committee in relation to external audit</b>	No guidance	Oversee external audit arrangements.	Review external audit reports.	No guidance

## PART 2: GOVERNMENT GUIDANCE BY SECTOR AND DEVOLVED GOVERNMENT ON MATTERS THAT MAY BE INCLUDED IN AUDIT COMMITTEE TERMS OF REFERENCE

Accounts and audit regulations are statutory instruments issued by the UK or devolved governments. The various regulations impose requirements on 'relevant bodies' – eg a local authority, fire and rescue authority or police body – in relation to governance, internal control, financial reporting and internal audit.

The accounts and audit regulations do not specify that these requirements must be met by an audit committee. However, where it is the audit committee of a relevant body that undertakes or reviews the specified task, the audit committee must meet the requirements of the regulations and take them into account in agreeing their terms of reference.

The following is a link for each sector and/or region and the sets of regulations affecting them, highlighting key regulations. The regulations are subject to periodic updates by the appropriate government body, and audit committee members should be made aware of any changes by their organisation.

<b>Local authorities in England (including combined authorities and fire and rescue authorities)</b>	
Relevant government guidance	<a href="#"><u>Accounts and Audit (England) Regulations 2015</u></a>
<b>Local authorities in Wales</b>	
Relevant government guidance	<a href="#"><u>Accounts and Audit Regulations (Wales) 2014</u></a> and the <a href="#"><u>Accounts and Audit (Wales) (Amendment) Regulations 2018</u></a>
<b>Local authorities in Scotland</b>	
Relevant government guidance	<a href="#"><u>Local Authority Accounts (Scotland) Regulations 2014</u></a>
<b>Local authorities in Northern Ireland</b>	
Relevant government guidance	<a href="#"><u>Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015</u></a>
<b>Police in England</b>	
Relevant government guidance	<a href="#"><u>Accounts and Audit (England) Regulations 2015</u></a> (see also the statutory guidance <a href="#"><u>Financial Management Code of Practice for the Police Forces of England and Wales</u></a> (FMCP) (Home Office, 2018))
<b>Police in Wales</b>	
Relevant government guidance	<a href="#"><u>Accounts and Audit Regulations (Wales) 2014</u></a> and the <a href="#"><u>Accounts and Audit (Wales) (Amendment) Regulations 2018</u></a> (see also the <a href="#"><u>FMCP</u></a> )

### Financial reporting deadlines

Amendments affecting the timetables for financial and governance reporting have been introduced to allow for difficulties caused by the COVID-19 pandemic, and in England, difficulties with local audit. Committee members are advised to check the latest positions.





# Suggested terms of reference – local authority

## INTRODUCTION

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This appendix contains suggested terms of reference for local authorities.

In developing the terms of reference for an organisation, care should be taken to ensure that the specific regulations appropriate for the authority are taken into account. Appendix A sets out these requirements. Additional functions should be included where required.

Where the terms of reference refer to internal audit, regard should be had for how the internal audit charter has allocated responsibilities to the committee. The audit committee's terms of reference and the audit charter should align.

## SUGGESTED TERMS OF REFERENCE – LOCAL AUTHORITIES

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### Governance

The terms of reference should set out the committee's position in the governance structure of the authority.

### Statement of purpose

The committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance [*or insert appropriate governing body*] that those arrangements are effective.

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

### Governance, risk and control

- To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- To monitor the effective development and operation of risk management in the council.
- To monitor progress in addressing risk-related issues reported to the committee.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

- To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's **Financial Management Code**.
- To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- To monitor the counter fraud strategy, actions and resources.
- To review the governance and assurance arrangements for significant partnerships or collaborations.

## Financial and governance reporting

### Governance reporting

- To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

### Financial reporting

- To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

## Arrangements for audit and assurance

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

### External audit

- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To consider additional commissions of work from external audit.

- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

### **Internal audit**

- To approve the internal audit charter.
- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
  - regular reports on the results of the QAIP
  - reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- To consider the head of internal audit's annual report, including:
  - the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
  - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations (see Appendix A).

- To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

### Accountability arrangements

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.
- 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.
- To publish an annual report on the work of the committee, including a conclusion on the compliance with the **CIPFA Position Statement**.

# Suggested terms of reference – police

## INTRODUCTION

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This appendix contains suggested terms of reference for the audit committee of the PCC and chief constable. The police audit committee must ensure that its terms of reference are in accordance with the FMCP (Home Office, 2018) and remain an advisory body.

In developing the terms of reference for an organisation, care should be taken to ensure that the specific regulations appropriate for the authority are taken into account. Appendix A sets out these requirements. Additional functions should be included where required.

Where the terms of reference refer to internal audit, regard should be had for how the internal audit charter has allocated responsibilities to the committee. The audit committee's terms of reference and the audit charter should align.

## SUGGESTED TERMS OF REFERENCE – AUDIT COMMITTEE OF THE PCC AND CHIEF CONSTABLE

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### Governance

The terms of reference should set out the committee's position as an advisory committee to support the PCC and chief constable.

### Statement of purpose

The committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance risk and control gives greater confidence to the PCC and chief constable that those arrangements are effective.

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

### Governance, risk and control

- To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- To monitor the effective development and operation of risk management in the OPCC and force.

- To monitor progress in addressing risk-related issues reported to the committee.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's **Financial Management Code**.
- To consider the OPCC's and force's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To review the assessment of fraud risks and potential harm to the OPCC and force from fraud and corruption.
- To monitor the counter fraud strategy, actions and resources.
- To review the governance and assurance arrangements for significant partnerships or collaborations.

## Financial and governance reporting

### Governance reporting

- To review the AGS prior to approval by the PCC and chief constable and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the OPCC's and force's objectives.

### Financial reporting

- To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- To review the annual statements of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- To consider the external auditor's reports to the PCC and the chief constable on issues arising from the audit of the accounts.

## Arrangements for audit and assurance

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

### External audit

- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the auditor panel as appropriate.
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.

- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To advise on commissions of additional work from external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

### **Internal audit**

- To recommend for approval the internal audit charter.
- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- To review the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To consider significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to recommend and periodically review safeguards to limit such impairments.
- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
  - regular reports on the results of the QAIP
  - reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- To consider the head of internal audit's annual report, including:
  - the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
  - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the OPCC or force, or where there are concerns about progress with the implementation of agreed actions.

- To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations (see Appendix A).
- To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

### Accountability arrangements

- To report to the PCC and chief constable on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.
- To report to the PCC and chief constable 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.
- To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.



# Audit committee members – knowledge and skills framework

## CORE AREAS OF KNOWLEDGE

Knowledge area	Details of core knowledge required	How the audit committee member is able to apply the knowledge
<b>Organisational knowledge</b>	<ul style="list-style-type: none"> <li>An overview of the authority's governance structures and decision-making processes.</li> <li>Knowledge of the organisational objectives and major functions of the authority.</li> </ul>	<ul style="list-style-type: none"> <li>This knowledge will be core to most of the audit committee's activities, including the AGS review, internal and external audit reports and risk registers.</li> </ul>
<b>Audit committee role and functions</b>	<ul style="list-style-type: none"> <li>An understanding of the audit committee's role and place within the governance structures.</li> <li>Familiarity with the committee's terms of reference and accountability arrangements.</li> <li>Knowledge of the purpose and role of the audit committee.</li> </ul>	<ul style="list-style-type: none"> <li>This knowledge will enable the audit committee to prioritise its work to ensure it discharges its responsibilities under its terms of reference and to avoid overlapping the work of others.</li> <li>It will help the committee undertake a self-assessment and prepare its annual report.</li> </ul>
<b>Governance</b>	<ul style="list-style-type: none"> <li>Knowledge of the seven principles as outlined in <b><u>Delivering Good Governance in Local Government: Framework</u></b> (CIPFA/Solace, 2016).</li> <li>The requirements of the AGS.</li> <li>How the principles of governance are implemented locally as set out in the local code of governance.</li> </ul>	<ul style="list-style-type: none"> <li>The committee will review the local code of governance and consider how governance arrangements align to the principles in the Framework.</li> <li>The committee will plan the assurances it is to receive to adequately support the AGS.</li> <li>The committee will review the AGS and consider how the authority is meeting the principles of good governance.</li> <li>The committee will receive audit reports and information on risks relating to governance.</li> </ul>

Knowledge area	Details of core knowledge required	How the audit committee member is able to apply the knowledge
Internal audit	<ul style="list-style-type: none"> <li>• An awareness of the key principles of the PSIAS and the LGAN.</li> <li>• Knowledge of the arrangements for delivery of the internal audit service in the authority and the charter.</li> <li>• How the role of the head of internal audit is fulfilled.</li> <li>• Details of the most recent external assessment and level of conformance with the standards.</li> <li>• Internal audit's strategy, plan and most recent annual opinion.</li> </ul>	<ul style="list-style-type: none"> <li>• The audit committee has oversight of the internal audit function and will monitor its adherence to professional internal audit standards.</li> <li>• The audit committee will review the assurances from internal audit work and will review the risk-based audit plan.</li> <li>• The committee will also receive the annual report, including an opinion and information on conformance with professional standards.</li> <li>• In relying on the work of internal audit, the committee will need to be confident that professional standards are being followed.</li> <li>• The audit committee chair is likely to be interviewed as part of the external quality assessment, and the committee will receive the outcome of the assessment and action plan.</li> </ul>
Financial management and financial reporting	<ul style="list-style-type: none"> <li>• Awareness of the financial statements that a local authority must produce and the principles it must follow to produce them.</li> <li>• An understanding of good financial management practice as set out in the CIPFA <b><u>Financial Management Code</u></b> (FM Code) and the level of compliance with it.</li> <li>• Knowledge of how the organisation meets the requirements of the role of the CFO as required by <b><u>The Role of the Chief Financial Officer in Local Government</u></b> (CIPFA, 2016) and <b><u>The Role of CFOs in Policing</u></b> (2021).</li> <li>• An overview of the principal financial risks the authority faces.</li> </ul>	<ul style="list-style-type: none"> <li>• Reviewing the financial statements prior to publication, asking questions.</li> <li>• Receiving the external audit report and opinion on the financial audit.</li> <li>• Reviewing both external and internal audit recommendations relating to financial management and controls.</li> <li>• The audit committee should consider compliance with the FM Code and the role of the CFO and how this is met when reviewing the AGS.</li> </ul>
External audit	<ul style="list-style-type: none"> <li>• Knowledge of the role and functions of the external auditor and who currently undertakes this role.</li> <li>• Knowledge of the key reports and assurances that external audit will provide.</li> <li>• Familiarity with the auditor's most recent plan and the opinion reports.</li> <li>• Knowledge about arrangements for the appointment of auditors and quality management undertaken.</li> </ul>	<ul style="list-style-type: none"> <li>• The audit committee will meet with the external auditor regularly and receive their reports and opinions.</li> <li>• Monitoring external audit recommendations and maximising the benefit from the audit process.</li> <li>• The audit committee should monitor the relationship between the external auditor and the authority and support the delivery of an effective service.</li> </ul>

Knowledge area	Details of core knowledge required	How the audit committee member is able to apply the knowledge
Risk management	<ul style="list-style-type: none"> <li>Understanding of the principles of risk management, including how it supports good governance and decision making.</li> <li>Knowledge of the risk management policy and strategy of the organisation.</li> <li>Understanding of risk governance arrangements, including the role of members and of the audit committee.</li> <li>Knowledge of the current risk maturity of the organisation and any key areas of improvement.</li> </ul>	<ul style="list-style-type: none"> <li>In reviewing the AGS, the committee will consider the robustness of the authority's risk management arrangements.</li> <li>Awareness of the major risks the authority faces is necessary to support the review of several audit committee agenda items, including the risk-based internal audit plan, external audit plans and the explanatory foreword of the accounts. Typically, risk registers will be used to inform the committee.</li> <li>The committee should also review reports and action plans to develop the application of risk management practice.</li> </ul>
Counter fraud	<ul style="list-style-type: none"> <li>An understanding of the main areas of fraud and corruption risk that the organisation is exposed to.</li> <li>Knowledge of the principles of good fraud risk management practice in accordance with the <b><u>Code of Practice on Managing the Risk of Fraud and Corruption</u></b> (CIPFA, 2014).</li> <li>Knowledge of the organisation's arrangements for tackling fraud.</li> </ul>	<ul style="list-style-type: none"> <li>Knowledge of fraud risks and good fraud risk management practice will be helpful when the committee reviews the organisation's fraud strategy and receives reports on the effectiveness of that strategy.</li> <li>An assessment of arrangements should support the AGS, and knowledge of good fraud risk management practice will support the audit committee member in reviewing that assessment.</li> </ul>
Values of good governance	<ul style="list-style-type: none"> <li>Knowledge of the Seven Principles of Public Life.</li> <li>Knowledge of the authority's key arrangements to uphold ethical standards for both members and staff (eg code of conduct).</li> <li>Knowledge of the whistleblowing arrangements in the authority.</li> </ul>	<ul style="list-style-type: none"> <li>The audit committee member will draw on this knowledge when reviewing governance issues and the AGS.</li> <li>Oversight of the effectiveness of whistleblowing will be considered as part of the AGS. The audit committee member should know to whom concerns should be reported.</li> </ul>
Treasury management (only if it is within the terms of reference of the committee to provide scrutiny)	<ul style="list-style-type: none"> <li><b><u>Effective Scrutiny of Treasury Management</u></b> is an assessment tool for reviewing the arrangements for undertaking scrutiny of treasury management. The key knowledge areas identified are: <ul style="list-style-type: none"> <li>regulatory requirements</li> <li>treasury risks</li> <li>the organisation's treasury management strategy</li> <li>the organisation's policies and procedures in relation to treasury management.</li> </ul> </li> </ul> <p>See also <b><u>Treasure your assets</u></b> (Centre for Governance and Scrutiny, 2017).</p>	<ul style="list-style-type: none"> <li>Core knowledge on treasury management is essential for the committee undertaking the role of scrutiny.</li> </ul>

## SPECIALIST KNOWLEDGE THAT ADDS VALUE TO THE AUDIT COMMITTEE

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More specialist knowledge will add value to the committee, helping to ensure the committee is able to achieve a greater depth of understanding. Including members with specialist knowledge means there is an additional resource to support other members. Specialist knowledge may be demonstrated by professional qualification and prior work experience.

When reviewing the overall knowledge of audit committee members or when planning the appointment of co-opted independent members, it is helpful to look for opportunities to include the following specialisms:

- Accountancy, with experience of financial reporting
- Internal auditing
- Risk management
- Governance and legal
- Expert service knowledge relevant for the organisation
- IT systems and security

## CORE SKILLS

As well as technical knowledge, the following skills will enhance an audit committee member's aptitude to be on the committee.

Skills	Key elements	How the audit committee member is able to apply the skill
<b>Strategic thinking and understanding of materiality</b>	Able to focus on material issues and the overall position rather than being side tracked by detail.	When reviewing audit reports, findings will include areas of higher risk or materiality to the organisation but may also highlight more minor errors or control failures. The audit committee member will need to pitch their review at an appropriate level to avoid spending too much time on detail.
<b>Questioning and constructive challenge</b>	Able to frame questions that draw out relevant facts and explanations, challenging performance and seeking explanations while avoiding hostility or grandstanding.	The audit committee will review reports and recommendations to address weaknesses in internal control. The audit committee member will seek to understand the reasons for weaknesses and ensure a solution is found.
<b>Focus on improvement</b>	Ensuring there is a clear plan of action and allocation of responsibility.	The audit committee's outcome will be to secure improvements to the governance, risk management or control of the organisation, including clearly defined actions and responsibilities. Where errors or control failures have occurred, the audit committee should seek assurances that appropriate action has been taken.
<b>Able to balance practicality against theory</b>	Able to understand the practical implications of recommendations to understand how they might work in practice.	The audit committee should seek assurances that planned actions are practical and realistic.
<b>Clear communication skills and focus on the needs of users</b>	Support the use of plain English in communications, avoiding jargon, acronyms, etc.	The audit committee will seek to ensure that external documents such as the AGS and the narrative report in the accounts are well written for a non-expert audience.
<b>Objectivity</b>	Evaluate information based on evidence presented, avoiding bias or subjectivity.	The audit committee will receive assurance reports and review risk registers. There may be differences of opinion about the significance of risk and the appropriate control responses, and the committee member will need to weigh up differing views.
<b>Meeting management skills</b>	Chair the meetings effectively: summarise issues raised, ensure all participants can contribute, and focus on the outcome and actions from the meeting.	These skills are essential for the audit committee chair to help ensure that meetings stay on track and address the items on the agenda. The skills are desirable for all other members.



# Problem-solving difficulties with the audit committee

It is not uncommon for audit committees to face difficulties or barriers in fulfilling their potential effectiveness. Some of these may be common issues that audit committees in any sector may face; others may be unique to the local authority or police setting. The following assessment may be of value in helping audit committee members or those supporting the committee to recognise and address the challenges.

Areas of difficulty	Possible causes	Possible improvement options
<b>Lack of experience and continuity of knowledge among audit committee members.</b>	<ul style="list-style-type: none"> <li>Where turnover of membership is very frequent, it will be difficult for the committee to build up experience.</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced level of support and training to members will be required. To enhance continuity, the authority should consider recruitment of independent members.</li> </ul>
<b>Audit committee members do not feel confident in their knowledge of particular areas.</b>	<ul style="list-style-type: none"> <li>Lack of training and support.</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced level of support and training to members.</li> </ul>
<b>Independent members lack knowledge of the organisation and lack connections with key managers.</b>	<ul style="list-style-type: none"> <li>Poor induction.</li> <li>Limited opportunities to engage with the organisation outside of formal meetings.</li> </ul>	<ul style="list-style-type: none"> <li>Improve induction.</li> <li>Identify appropriate meetings, briefings or other opportunities that independent members could attend to help develop better understanding.</li> </ul>
<b>Poor management of audit committee meetings means that work is unfocused or fails to reach a clear conclusion.</b>	<ul style="list-style-type: none"> <li>Lack of experience or skill in managing meetings by the chair.</li> <li>Committee members are unsure about their role.</li> <li>Poor support from the committee secretary.</li> </ul>	<ul style="list-style-type: none"> <li>Training and support.</li> <li>Develop a mentoring/coaching programme.</li> <li>Chair seeks feedback from meeting participants.</li> <li>Consider skills and experience in the selection of the chair.</li> <li>Provide training and guidance to committee members on their role.</li> <li>Improve committee support.</li> </ul>
<b>The audit committee spends too much time on minor details rather than underlying arrangements of governance, risk and control.</b>	<ul style="list-style-type: none"> <li>Agenda management fails to prioritise key areas.</li> <li>The chair does not intervene to keep the focus at an appropriate level.</li> </ul>	<ul style="list-style-type: none"> <li>Review the process of agenda development.</li> <li>Review the terms of reference and provide training.</li> <li>The chair seeks feedback from meeting participants.</li> <li>Provide the chair with committee management training.</li> </ul>

Areas of difficulty	Possible causes	Possible improvement options
<p><b>The committee lacks focus, and members struggle to gain an overall understanding of their remit.</b></p>	<ul style="list-style-type: none"> <li>• Committee members have a range of objectives rather than focusing on governance, risk, control and audit matters.</li> <li>• The committee is too large or lacks continuity because of regular attendance by substitutes.</li> <li>• Infrequent attendance by senior officers.</li> </ul>	<ul style="list-style-type: none"> <li>• Training and emphasis on the non-political and strategic focus of the committee.</li> <li>• Reform of the committee structure to reduce membership and remove use of substitutes.</li> </ul>
<p><b>Senior officers do not understand the work of the committee and are not sighted on its output.</b></p>	<ul style="list-style-type: none"> <li>• The audit committee fails to engage with other committees in the authority.</li> <li>• Attendance is often limited to the CFO and the head of internal audit.</li> </ul>	<ul style="list-style-type: none"> <li>• Expand attendance at audit committee meetings – for example, invite heads of service when major risks or control issues are being discussed – and share the CIPFA guidance (FAQs) more widely.</li> </ul>
<p><b>Elected representatives not directly involved with the committee have little understanding of its work and do not see its output.</b></p>	<ul style="list-style-type: none"> <li>• Committee recommendations are not directed to appropriate member bodies.</li> <li>• Reporting arrangements are not effective.</li> <li>• Wider induction arrangements do not cover the audit committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Invite newly elected members to attend audit committee meetings.</li> <li>• Review reporting and accountability arrangements.</li> <li>• Prepare an annual report that sets out how the committee has fulfilled its responsibilities.</li> <li>• Share the CIPFA guidance (FAQs).</li> </ul>
<p><b>Recommendations made by the audit committee are not actioned.</b></p>	<ul style="list-style-type: none"> <li>• A poor relationship between the committee and the executive or senior officers.</li> <li>• The audit committee's recommendations are not adequately aligned to organisational objectives.</li> </ul>	<ul style="list-style-type: none"> <li>• A senior officer provides internal facilitation to support improved relationships.</li> <li>• Improve knowledge and skills among audit committee members.</li> <li>• Ensure better engagement with appropriate managers or the executive at an earlier stage.</li> </ul>
<p><b>The audit committee fails to make recommendations or follow up on issues of concern.</b></p>	<ul style="list-style-type: none"> <li>• A weak or inexperienced chair.</li> <li>• Members are inexperienced or do not fully understand their role.</li> <li>• Poor briefing arrangements prior to meetings.</li> <li>• Committee reports fail to adequately identify the action required by the committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide guidance and support.</li> <li>• Improve briefing to the chair prior to the meeting.</li> <li>• Ensure reports contain clear recommendations.</li> </ul>
<p><b>The audit committee strays beyond its terms of reference – for example, undertaking a scrutiny role.</b></p>	<ul style="list-style-type: none"> <li>• The terms of reference do not adequately scope the work of the committee.</li> <li>• Misunderstanding about the role of the committee.</li> <li>• Inadequate guidance from the committee secretary to the chair on its role.</li> </ul>	<ul style="list-style-type: none"> <li>• Review the terms of reference and provide training and guidance.</li> </ul>



Areas of difficulty	Possible causes	Possible improvement options
Political points of view interfere with the work of the audit committee.	<ul style="list-style-type: none"> <li>• A lack of understanding about the role of the committee.</li> <li>• Difficulty separating the work of the committee from the wider politics of authority.</li> </ul>	<ul style="list-style-type: none"> <li>• Seek feedback from those interacting with the committee or external assessment.</li> <li>• Provide support or training for the chair.</li> <li>• Consider the role of independent members.</li> </ul>
A breakdown in the relationship between committee members and the executive, PCC or chief constable/deputy chief constable, or with senior management.	<ul style="list-style-type: none"> <li>• A lack of understanding about the role of the committee.</li> <li>• Differing perceptions on the value of the committee</li> <li>• Personality clashes.</li> </ul>	<ul style="list-style-type: none"> <li>• Review the terms of reference and provide training and guidance.</li> <li>• A senior officer provides internal facilitation to support improved relationships.</li> <li>• Seek an external assessment or facilitation.</li> <li>• Change the chair or membership if the constitution or opportunity arises.</li> </ul>



# Self-assessment of good practice

This appendix provides a high-level review that incorporates the key principles set out in CIPFA's Position Statement and this publication. Where an audit committee has a high degree of performance against the good practice principles, it is an indicator that the committee is soundly based and has in place a knowledgeable membership. These are the essential factors in developing an effective audit committee.

A regular self-assessment should be used to support the planning of the audit committee work programme and training plans. It will also inform the annual report.

Good practice questions	Does not comply	Partially complies and extent of improvement needed*			Fully complies
	Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement
Weighting of answers	0	1	2	3	5

## Audit committee purpose and governance

1	Does the authority have a dedicated audit committee that is not combined with other functions (eg standards, ethics, scrutiny)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Does the audit committee report directly to the governing body (PCC and chief constable/full council/full fire authority, etc)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Has the committee maintained its advisory role by not taking on any decision-making powers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's 2022 Position Statement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Do all those charged with governance and in leadership roles have a good understanding of the role and purpose of the committee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Does the audit committee escalate issues and concerns promptly to those in governance and leadership roles?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Does the governing body hold the audit committee to account for its performance at least annually?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* Where the committee does not fully comply with an element, three options are available to allow distinctions between aspects that require significant improvement and those only requiring minor changes.

Good practice questions	Does not comply	Partially complies and extent of improvement needed			Fully complies
	Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement
Weighting of answers	0	1	2	3	5
<b>8</b> Does the committee publish an annual report in accordance with the 2022 guidance, including:					
<ul style="list-style-type: none"> <li>compliance with the CIPFA Position Statement 2022</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>results of the annual evaluation, development work undertaken and planned improvements</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>how it has fulfilled its terms of reference and the key issues escalated in the year?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Functions of the committee</b>					
<b>9</b> Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement as follows?					
Governance arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk management arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal control arrangements, including:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>financial management</li> <li>value for money</li> <li>ethics and standards</li> <li>counter fraud and corruption</li> </ul>					
Annual governance statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial reporting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assurance framework	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal audit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
External audit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10</b> Over the last year, has adequate consideration been given to all core areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11</b> Over the last year, has the committee only considered agenda items that align with its core functions or selected wider functions, as set out in the 2022 guidance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12</b> Has the committee met privately with the external auditors and head of internal audit in the last year?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Good practice questions	Does not comply	Partially complies and extent of improvement needed			Fully complies
	Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement
Weighting of answers	0	1	2	3	5

### Membership and support

<b>13</b> Has the committee been established in accordance with the 2022 guidance as follows?					
<ul style="list-style-type: none"> <li>• Separation from executive</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• A size that is not unwieldy and avoids use of substitutes</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Inclusion of lay/co-opted independent members in accordance with legislation or CIPFA's recommendation</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>14</b> Have all committee members been appointed or selected to ensure a committee membership that is knowledgeable and skilled?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15</b> Has an evaluation of knowledge, skills and the training needs of the chair and committee members been carried out within the last two years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16</b> Have regular training and support arrangements been put in place covering the areas set out in the 2022 guidance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>17</b> Across the committee membership, is there a satisfactory level of knowledge, as set out in the 2022 guidance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18</b> Is adequate secretariat and administrative support provided to the committee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>19</b> Does the committee have good working relations with key people and organisations, including external audit, internal audit and the CFO?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Effectiveness of the committee

<b>20</b> Has the committee obtained positive feedback on its performance from those interacting with the committee or relying on its work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>21</b> Are meetings well chaired, ensuring key agenda items are addressed with a focus on improvement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>22</b> Are meetings effective with a good level of discussion and engagement from all the members?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>23</b> Has the committee maintained a non-political approach to discussions throughout?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Good practice questions	Does not comply	Partially complies and extent of improvement needed			Fully complies
	Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement
Weighting of answers	0	1	2	3	5
24 Does the committee engage with a wide range of leaders and managers, including discussion of audit findings, risks and action plans with the responsible officers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 Does the committee make recommendations for the improvement of governance, risk and control arrangements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 Do audit committee recommendations have traction with those in leadership roles?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27 Has the committee evaluated whether and how it is adding value to the organisation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28 Does the committee have an action plan to improve any areas of weakness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29 Has this assessment been undertaken collaboratively with the audit committee members?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Subtotal score</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Total score</b>					
<b>Maximum possible score</b>					<b>200**</b>

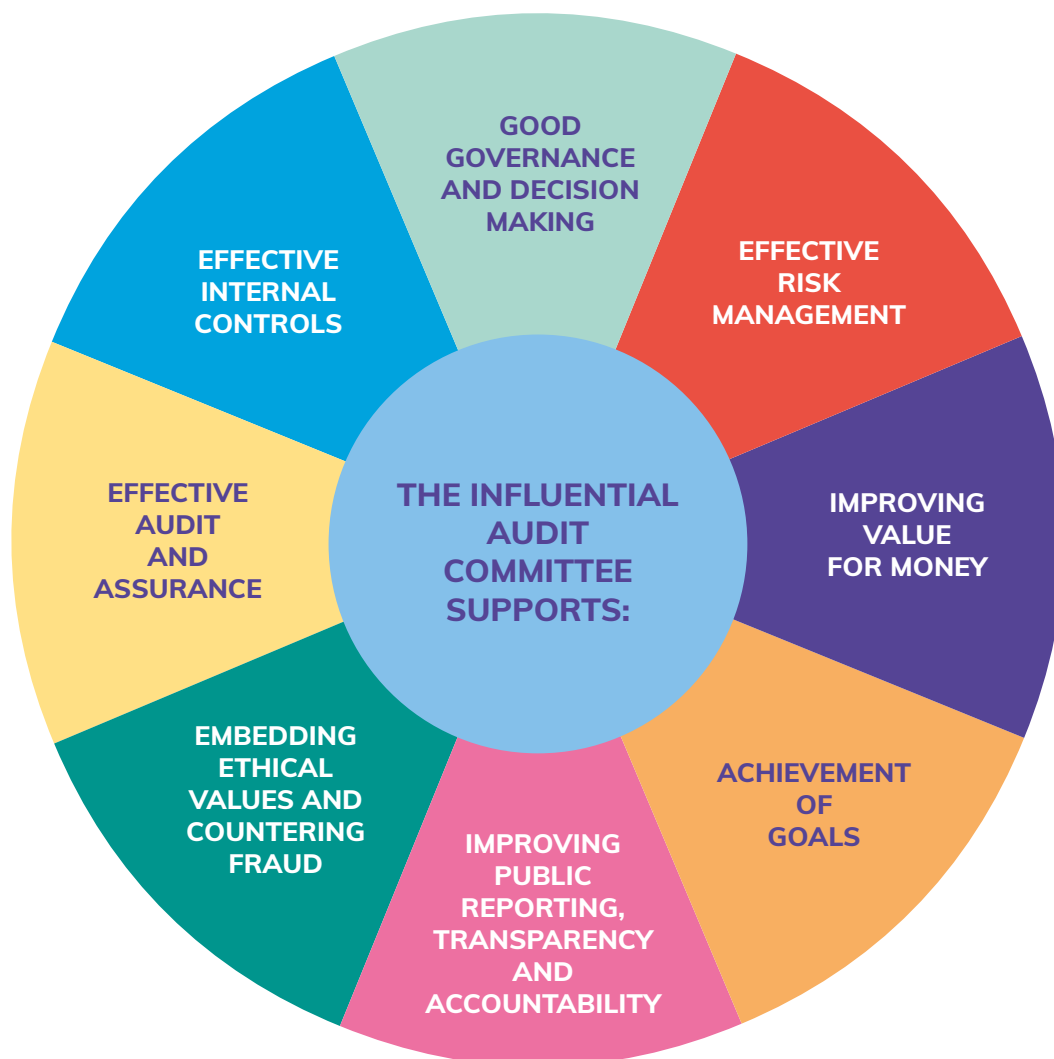
\*\* 40 questions/sub-questions multiplied by five.

# Evaluating the impact and effectiveness of the audit committee

An audit committee's effectiveness should be judged by the contribution it makes to and the beneficial impact it has on the authority's business. Since it is primarily an advisory body, it can be more difficult to identify how the audit committee has made a difference. Evidence of effectiveness will usually be characterised as 'influence', 'persuasion' and 'support'.

The improvement tool below can be used to support a review of effectiveness. It identifies the broad areas where an effective audit committee will have impact.

**Figure 1: The influential audit committee**



The table includes examples of what the audit committee might do to have impact in each of these areas.

The third area includes key indicators that might be expected to be in place if arrangements are in fact effective. These indicators are not directly within the control of the audit committee, as it is an advisory body. They do provide an indication that the authority has put in place adequate and effective arrangements, which is the purpose of the committee.

Use the tool for discussion and evaluation of the strengths and weakness of the committee, identifying areas for improvement.

Areas where the audit committee can have impact by supporting improvement	Examples of how the audit committee can demonstrate its impact	Key indicators of effective arrangements	Your evaluation: strengths, weaknesses and proposed actions
<p><b>Promoting the principles of good governance and their application to decision making.</b></p>	<ul style="list-style-type: none"> <li>• Supporting the development of a local code of governance.</li> <li>• Providing a robust review of the AGS and the assurances underpinning it.</li> <li>• Supporting reviews/audits of governance arrangements.</li> <li>• Participating in self-assessments of governance arrangements.</li> <li>• Working with partner audit committees to review governance arrangements in partnerships.</li> </ul>	<ul style="list-style-type: none"> <li>• Elected members, the leadership team and senior managers all share a good understanding of governance, including the key principles and local arrangements.</li> <li>• Local arrangements for governance have been clearly set out in an up-to-date local code.</li> <li>• The authority's scrutiny arrangements are forward looking and constructive.</li> <li>• Appropriate governance arrangements established for all collaborations and arm's-length arrangements.</li> <li>• The head of internal audit's annual opinion on governance is satisfactory (or similar wording).</li> </ul>	
<p><b>Contributing to the development of an effective control environment.</b></p>	<ul style="list-style-type: none"> <li>• Encouraging ownership of the internal control framework by appropriate managers.</li> <li>• Actively monitoring the implementation of recommendations from auditors.</li> <li>• Raising significant concerns over controls with appropriate senior managers.</li> </ul>	<ul style="list-style-type: none"> <li>• The head of internal audit's annual opinion over internal control is that arrangements are satisfactory.</li> <li>• Assessments against control frameworks such as CIPFA's FM Code have been completed and a high level of compliance identified.</li> <li>• Control frameworks are in place and operating effectively for key control areas – for example, information security or procurement.</li> </ul>	



Areas where the audit committee can have impact by supporting improvement	Examples of how the audit committee can demonstrate its impact	Key indicators of effective arrangements	Your evaluation: strengths, weaknesses and proposed actions
Supporting the establishment of arrangements for the governance of risk and for effective arrangements to manage risks.	<ul style="list-style-type: none"> <li>Reviewing risk management arrangements and their effectiveness, eg risk management maturity or benchmarking.</li> <li>Monitoring improvements to risk management.</li> <li>Reviewing accountability of risk owners for major/ strategic risks.</li> </ul>	<ul style="list-style-type: none"> <li>A robust process for managing risk is evidenced by independent assurance from internal audit or external review.</li> </ul>	
Advising on the adequacy of the assurance framework and considering whether assurance is deployed efficiently and effectively.	<ul style="list-style-type: none"> <li>Reviewing the adequacy of the leadership team's assurance framework.</li> <li>Specifying the committee's assurance needs, identifying gaps or overlaps in assurance.</li> <li>Seeking to streamline assurance gathering and reporting.</li> <li>Reviewing the effectiveness of assurance providers, eg internal audit, risk management, external audit.</li> </ul>	<ul style="list-style-type: none"> <li>The authority's leadership team have defined an appropriate framework of assurance, including core arrangements, major service areas and collaborations and external bodies.</li> </ul>	
Supporting effective external audit, with a focus on high quality and timely audit work.	<ul style="list-style-type: none"> <li>Reviewing and supporting external audit arrangements with focus on independence and quality.</li> <li>Providing good engagement on external audit plans and reports.</li> <li>Supporting the implementation of audit recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>The quality of liaison between external audit and the authority is satisfactory.</li> <li>The auditors deliver in accordance with their audit plan and any amendments are well explained.</li> <li>An audit of high quality is delivered.</li> </ul>	
Supporting the quality of the internal audit activity, in particular underpinning its organisational independence.	<ul style="list-style-type: none"> <li>Reviewing the audit charter and functional reporting arrangements.</li> <li>Assessing the effectiveness of internal audit arrangements, providing constructive challenge and supporting improvements.</li> <li>Actively supporting the quality assurance and improvement programme of internal audit.</li> </ul>	<ul style="list-style-type: none"> <li>Internal audit that is in conformance with PSIAS and LGAN (as evidenced by the most recent external assessment and an annual self-assessment).</li> <li>The head of internal audit and the organisation operate in accordance with the principles of the CIPFA <b><u>Statement on the Role of the Head of Internal Audit</u></b> (2019).</li> </ul>	

Areas where the audit committee can have impact by supporting improvement	Examples of how the audit committee can demonstrate its impact	Key indicators of effective arrangements	Your evaluation: strengths, weaknesses and proposed actions
<p><b>Aiding the achievement of the authority's goals and objectives by helping to ensure appropriate governance, risk, control and assurance arrangements.</b></p>	<ul style="list-style-type: none"> <li>• Reviewing how the governance arrangements support the achievement of sustainable outcomes.</li> <li>• Reviewing major projects and programmes to ensure that governance and assurance arrangements are in place.</li> <li>• Reviewing the effectiveness of performance management arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>• Inspection reports indicate that arrangements are appropriate to support the achievement of service objectives.</li> <li>• The authority's arrangements to review and assess performance are satisfactory.</li> </ul>	
<p><b>Supporting the development of robust arrangements for ensuring value for money.</b></p>	<ul style="list-style-type: none"> <li>• Ensuring that assurance on value-for-money arrangements is included in the assurances received by the audit committee.</li> <li>• Considering how performance in value for money is evaluated as part of the AGS.</li> <li>• Following up issues raised by external audit in their value-for-money work.</li> </ul>	<ul style="list-style-type: none"> <li>• External audit's assessments of arrangements to support best value are satisfactory.</li> </ul>	
<p><b>Helping the authority to implement the values of good governance, including effective arrangements for countering fraud and corruption risks.</b></p>	<ul style="list-style-type: none"> <li>• Reviewing arrangements against the standards set out in the <i>Code of Practice on Managing the Risk of Fraud and Corruption</i> (CIPFA, 2014).</li> <li>• Reviewing fraud risks and the effectiveness of the organisation's strategy to address those risks.</li> <li>• Assessing the effectiveness of ethical governance arrangements for both staff and governors.</li> </ul>	<ul style="list-style-type: none"> <li>• Good ethical standards are maintained by both elected representatives and officers. This is evidenced by robust assurance over culture, ethics and counter fraud arrangements.</li> </ul>	

Areas where the audit committee can have impact by supporting improvement	Examples of how the audit committee can demonstrate its impact	Key indicators of effective arrangements	Your evaluation: strengths, weaknesses and proposed actions
Promoting effective public reporting to the authority's stakeholders and local community and measures to improve transparency and accountability.	<ul style="list-style-type: none"> <li>• Working with key members/ the PCC and chief constable to improve their understanding of the AGS and their contribution to it.</li> <li>• Improving how the authority discharges its responsibilities for public reporting – for example, better targeting the audience and use of plain English.</li> <li>• Reviewing whether decision making through partnership organisations remains transparent and publicly accessible and encourages greater transparency.</li> <li>• Publishing an annual report from the committee.</li> </ul>	<ul style="list-style-type: none"> <li>• The authority meets the statutory deadlines for financial reporting with accounts for audit of an appropriate quality.</li> <li>• The external auditor completed the audit of the financial statements with minimal adjustments and an unqualified opinion.</li> <li>• The authority has published its financial statements and AGS in accordance with statutory guidelines.</li> <li>• The AGS is underpinned by a robust evaluation and is an accurate assessment of the adequacy of governance arrangements.</li> </ul>	

## OVERALL QUESTIONS TO CONSIDER

- 1 Does the committee proactively seek assurance over the key indicators?
- 2 How proactive is the committee in responding to aspects of governance, risk, control and audit that need change or improvement?
- 3 Are recommendations from the committee taken seriously by those responsible for taking action?

## REPORTING RESULTS

The outcome of the review can be used to inform the committee's annual report.

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10/2022

# Self-assessment of good practice

This appendix provides a high-level review that incorporates the key principles set out in CIPFA's Position Statement and this publication. Where an audit committee has a high degree of performance against the good practice principles, it is an indicator that the committee is soundly based and has in place a knowledgeable membership. These are the essential factors in developing an effective audit committee.

A regular self-assessment should be used to support the planning of the audit committee work programme and training plans. It will also inform the annual report.

Good practice questions	Does not comply	Partially complies and extent of improvement needed*			Fully complies
	Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement
Weighting of answers	0	1	2	3	5

## Audit committee purpose and governance

- 1 Does the authority have a dedicated audit committee that is not combined with other functions (eg standards, ethics, scrutiny)?
- 2 Does the audit committee report directly to the governing body (PCC and chief constable/full council/full fire authority, etc)?
- 3 Has the committee maintained its advisory role by not taking on any decision-making powers?
- 4 Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's 2022 Position Statement?
- 5 Do all those charged with governance and in leadership roles have a good understanding of the role and purpose of the committee?
- 6 Does the audit committee escalate issues and concerns promptly to those in governance and leadership roles?
- 7 Does the governing body hold the audit committee to account for its performance at least annually?

\* Where the committee does not fully comply with an element, three options are available to allow distinctions between aspects that require significant improvement and those only requiring minor changes.

Good practice questions	Does not comply					Partially complies and extent of improvement needed					Fully complies														
	Major improvement					Significant improvement					Moderate improvement					Minor improvement					No further improvement				
Weighting of answers	0					1					2					3					5				
8 Does the committee publish an annual report in accordance with the 2022 guidance, including:																									
<ul style="list-style-type: none"> <li>compliance with the CIPFA Position Statement 2022</li> </ul>																									
<ul style="list-style-type: none"> <li>results of the annual evaluation, development work undertaken and planned improvements</li> </ul>																									
<ul style="list-style-type: none"> <li>how it has fulfilled its terms of reference and the key issues escalated in the year?</li> </ul>																									
<b>Functions of the committee</b>																									
9 Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement as follows?																									
Governance arrangements																									
Risk management arrangements																									
Internal control arrangements, including:																									
<ul style="list-style-type: none"> <li>financial management</li> <li>value for money</li> <li>ethics and standards</li> <li>counter fraud and corruption</li> </ul>																									
Annual governance statement																									
Financial reporting																									
Assurance framework																									
Internal audit																									
External audit																									
10 Over the last year, has adequate consideration been given to all core areas?																									
11 Over the last year, has the committee only considered agenda items that align with its core functions or selected wider functions, as set out in the 2022 guidance?																									
12 Has the committee met privately with the external auditors and head of internal audit in the last year?																									

Good practice questions	Does not comply					Partially complies and extent of improvement needed					Fully complies														
	Major improvement					Significant improvement					Moderate improvement					Minor improvement					No further improvement				
Weighting of answers	0					1					2					3					5				

### Membership and support

13 Has the committee been established in accordance with the 2022 guidance as follows?																				
<ul style="list-style-type: none"> <li>Separation from executive</li> </ul>																				
<ul style="list-style-type: none"> <li>A size that is not unwieldy and avoids use of substitutes</li> </ul>																				
<ul style="list-style-type: none"> <li>Inclusion of lay/co-opted independent members in accordance with legislation or CIPFA's recommendation</li> </ul>																				
14 Have all committee members been appointed or selected to ensure a committee membership that is knowledgeable and skilled?																				
15 Has an evaluation of knowledge, skills and the training needs of the chair and committee members been carried out within the last two years?																				
16 Have regular training and support arrangements been put in place covering the areas set out in the 2022 guidance?																				
17 Across the committee membership, is there a satisfactory level of knowledge, as set out in the 2022 guidance?																				
18 Is adequate secretariat and administrative support provided to the committee?																				
19 Does the committee have good working relations with key people and organisations, including external audit, internal audit and the CFO?																				

### Effectiveness of the committee

20 Has the committee obtained positive feedback on its performance from those interacting with the committee or relying on its work?																				
21 Are meetings well chaired, ensuring key agenda items are addressed with a focus on improvement?																				
22 Are meetings effective with a good level of discussion and engagement from all the members?																				
23 Has the committee maintained a non-political approach to discussions throughout?																				

Good practice questions	Does not comply					Fully complies
	Partially complies and extent of improvement needed					
	Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement	
Weighting of answers	0	1	2	3	5	
24 Does the committee engage with a wide range of leaders and managers, including discussion of audit findings, risks and action plans with the responsible officers?						
25 Does the committee make recommendations for the improvement of governance, risk and control arrangements?						
26 Do audit committee recommendations have traction with those in leadership roles?						
27 Has the committee evaluated whether and how it is adding value to the organisation?						
28 Does the committee have an action plan to improve any areas of weakness?						
29 Has this assessment been undertaken collaboratively with the audit committee members?						
<b>Subtotal score</b>						
<b>Total score</b>						
<b>Maximum possible score</b>						<b>200**</b>

\*\* 40 questions/sub-questions multiplied by five.



Thursday, 8 February 2024

**Report of the Monitoring Officer**

**Constitution & Scheme of Delegation Update**

**Exempt Information**

None

**Purpose**

The Constitution sets out how the Council operates, how decisions are made, who can make them and the procedures that need to be followed to deliver open, transparent and democratic governance.

It is good practice for the Constitution to be reviewed and updated on a regular basis, to take account of changing legislation and to ensure the Constitution continues to meet the democratic needs of the Council.

The report presents the necessary changes made to the Constitution following a number of changes as identified within the report and its appendices.

**Recommendations**

This report asks the Committee to:

1. Endorse and recommend to Council the adoption of changes to the Constitution which are necessary following staff changes and policy amendments. The report also includes other constitutional changes to improve the Council's governance.
2. Changes to the Constitution are highlighted in detail in the draft working copy - **Appendix 1**, with a summary of changes at **Appendix 2**.

**Reason for recommendation**

To ensure that the Council's Constitution is and continues to be fit for purpose

**Executive Summary**

The Council's constitution is a working document which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Scheme of Delegation, within the Constitution details where the Council delegates to certain officers' powers to undertake duties and functions on its behalf.

Article 16 of the Constitution requires the Monitoring Officer to maintain, monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Any changes to the Constitution must be approved by full Council after consideration of the proposal by the Monitoring Officer and the Audit & Governance Committee (as necessary).

Article 16 "Review and Revision of the Constitution" allows the Monitoring Officer to make changes / updates to the Council Constitution in relation to:

- a) Legislation;
- b) Changes to the Officer structure or changes of responsibility within the Officer Structure;

c) The need to correct any administrative or typing errors.

### **Resource Implications**

None

### **Legal/Risk Implications Background**

Without a constitution, including a Scheme of Delegation, the Council could not operate effectively. The Council would risk failure to comply with statutory requirements which in turn would expose the organisation to further vulnerability from potential legal challenge. Such challenges could lead to serious financial and reputational damage.

It should be noted that the Constitution has not been subject to a complete constitution review, with only the proposed changes and amendments to specific parts subject to legal consideration. Continuing review of the constitution should be maintained to ensure compliance with the Council's duties

### **Equalities Implications**

None identified

### **Background Information**

The Council's constitution was last reviewed and implemented in December 2020. Under Article 16 of the Councils Constitution, the monitoring officer is required to maintain, monitor, and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

To ensure the constitution is fit for purpose, during 2022/2023 there were a number of updates that required amendment within the Constitution. These changes are highlighted in the updated Constitution at **Appendix 1**, with a tabled summary in **Appendix 2**.

The amendments centre on the following areas:

- Change in name / job title
- Enhanced wording (EG: legislation changes / updates)
- Policy endorsements, reflecting constitutional changes (EG: decisions made by the Council or the Executive)
- Overall formatting of document

At the request of the committee on 15<sup>th</sup> November 2023, a working group was arranged for 6<sup>th</sup> December 2023 where the changes (**Appendix 2**) were considered, and member input captured.

### **Report Author**

Nicola Hesketh – Information Governance Manager (Monitoring Officer)

### **List of Background Papers**

[Constitution & Scheme of Delegation Update 15.11.23](#)

### **Appendices**

Appendix 1 – Working copy of The Constitution

Appendix 2 – Summary of changes table

# TAMWORTH BOROUGH COUNCIL



## CONSTITUTION

As approved at the meeting of the Council on **20<sup>th</sup> Edition** \*\*\*\* **2023**

Working Draft

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Working Draft

## 1 Part 1 - Summary and Explanation

### Summary and Explanation

Tamworth Borough Council is the democratically elected authority for Tamworth. The Council provides community leadership to develop Tamworth and enhance the experiences of those who live here, work here and visit the Borough. It has statutory responsibility for the provision of a range of services, some of which are delivered directly by the Council, others are delivered on its behalf by a range of organisations and partners. The Council works in partnership with other organisations such as Staffordshire County Council and other District Councils, the Police, Health bodies and the voluntary and community sector.

### The Council's Constitution

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

The Constitution is divided into 17 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### What's in the Constitution?

Article 1 of the Constitution commits the Council to provide clear transparent and effective community leadership. Articles 2 – 17 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory committees (Article 8).
- The Audit and Governance Committee (Article 9).
- Nominations and Grants Committee (Article 10).
- Area Committees (Article 11).
- Joint Arrangements (Article 12).
- Officers (Article 13).
- Decision making (Article 14).
- Finance, contracts and legal matters (Article 15).
- Review and revision of the Constitution (Article 16).
- Suspension, interpretation and publication of the Constitution (Article 17).

### How the Council operates

The Council is composed of 30 councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. Councillors receive training and advice on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council, and members of the various committees and sub committees, receives reports from the Leader and its scrutiny committees, answers questions from the public and holds an annual state of Tamworth debate.

### 1.1 How Decisions are made

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive (which may also be referred to as the Executive Cabinet) is made up of the Leader, who is elected by the Council, and an Executive of a maximum of nine councillors whom s/he appoints.

When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

There are some decisions, mostly those of a regulatory nature such as planning and licensing, which the law does not allow the Executive to make. These are made by committees appointed by the full Council.

In many cases decisions are delegated by members, both from the Executive and from the Council committees to officers. The Scheme of Delegation at Part 3 gives details of the delegations which are in force.

### 1.2 Overview and Scrutiny

There are three overview and scrutiny committees which hold the Executive to account and support the work of the Executive and the performance delivery of the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

The Council also has other committees such as Audit and Governance Committee and Nominations and Grants Committee. Non councillors may be co-opted onto overview and scrutiny committees.

### The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources

wisely. A code of practice governs the relationships between officers and members of the council.

### **Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a change back to a Committee system or for an elected Mayor;
- participate in the Council's question time and contribute to investigations by the overview and scrutiny committees;
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council through the Tell Us Policy and Procedure;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's Tell Us Policy and Procedure;
- complain to the Council if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Customer Services the main switchboard on telephone 01827 709709 or by emailing [enquiries@tamworth.gov.uk](mailto:enquiries@tamworth.gov.uk).



## **2 Part 2 - Articles of the Constitution**

### **2.1 Article 1 – The Constitution**

#### **2.1.1 Powers of the Council**

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

#### **2.1.2 The Constitution**

This Constitution, and all its appendices, is the Constitution of Tamworth Borough Council.

#### **2.1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

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

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

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 16.

Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

## 2.2 Article 2 – Members of the Council

### 2.2.1 Composition and eligibility

- (a) **Composition.** The Council will comprise 30 members, otherwise called councillors. The Borough is divided into 10 wards and 3 councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the borough; or those living or working there, or you have occupied as owner or tenant any land or other premises in the borough local authority area during the whole of the 12 months before the day of your nomination and the day of election will be eligible to hold the office of councillor.

### 2.2.2 Election and terms of councillors

- (a) The ordinary election of a third of all councillors will be held on the first Thursday in May in each year beginning in 2003 except that in 2005 and every fourth year after there will be no regular election. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.
- (b) The overriding duty of councillors is to the whole community of the Borough, but they have a special responsibility to each one of their constituents. Councillors are democratically accountable to residents of their ward.

### 2.2.3 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
  - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities. Councillors have a duty to the whole of the Borough, but a special role in relation to their ward;
  - (iii) deal with individual casework and act as an advocate supporting constituents in resolving particular concerns or grievances;
  - (iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
  - (v) be involved in decision-making;

- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics; and
- (viii) have the power to refer to an overview and scrutiny committee for consideration of inclusion in their agenda for discussion, any local government matters which are relevant to the functions of the committee.

(b) **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than 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 4 of this Constitution.
- (iv) Members of overview and scrutiny committees or a sub-committee of such a committee may refer for inclusion in the agenda for discussion by the committee any matter which is relevant to the functions of the committee.
- (v) A councillor who is not a member of an overview and scrutiny committee may refer for inclusion on the agenda for discussion at that committee any matter which is relevant to the functions of the committee (except for excluded matters as defined in the Local Government Act 2000, as amended).

2.2.4 **Conduct**

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

2.2.5 **Allowances**

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

## 2.3 Article 3 – Citizens and the Council

### 2.3.1 Citizens' rights

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

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and to request a referendum for an elected Mayor form of Constitution. Citizens may request a Councillor at Council meetings in July, September, December and March to present a petition to the Council on their behalf. The petition is thereafter processed as provided in the Petition Scheme.
- (b) **Information.** Citizens have the right to:
  - (i) Attend and report on meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.
  - (ii) Attend and report on meetings of the Executive except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.
  - (iii) Find out from the Forward Plan what key decisions will be taken by the Executive and when.
  - (iv) See reports and background papers, unless these contain confidential or exempt information and any records of decisions made by the Council and the Executive.
  - (v) Inspect the Council's accounts and make their views known to the external auditor.
  - (vi) Seek information held by the Council under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- (c) **Participation.** Citizens have the right to participate in the Council's question time and contribute to investigations by overview and scrutiny committees.
- (d) **Complaints.** Citizens have the right to complain to:
  - (i) The Council itself under its comment's compliments and complaints scheme.
  - (ii) The **Local Government** Ombudsman (**normally** after using the Council's own complaints scheme.
  - (iii) The Housing Ombudsman.
  - (iv) The **Monitoring Officer** about a breach of the Councillor's Code of Conduct.

### 2.3.2 **Citizens' responsibilities**

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

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## 2.4 Article 4 – The Full Council

Subject to any statutory requirements, the Council may determine those plans and strategies to be included in the Policy Framework.

### 2.4.1 Meanings

(a) **The Budget and Policy Framework** means the Budget and the following plans and strategies:-

- The Council's Procedure Rules as adopted pursuant to this Constitution;
- Pay Policy Statement;
- Corporate Capital Strategy
- Treasury Management Strategy;
- Licensing Act 2003 Statement of Policy;
- Gambling Act 2005 Statement of Policy;
- Plans and strategies which together comprise the Local Plan;
- The Housing Revenue Account Business Plan and Investment;
- Housing Allocations Policy;
- Regulation & Investigative Powers (RIPA) Policy

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### 2.4.2 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which

would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;

- (d) electing the Leader and resolving to remove the Leader;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them (except where the appointment to a committee is required to give effect to the wishes of a political group); and ensuring that, with the exception of the Mayor, members are appointed to at least two committees (one of which shall not include the Budget Review Joint Scrutiny Committee); except for Executive members who are appointed to one committee;
- (f) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.2.5;
- (h) changing the name of the area, conferring the title of Honorary Alderman, Freeman, or Freedom of the Borough;
- (i) approving the appointment or dismissal of the Chief Executive & Head of Paid Service; Monitoring Officer and s151 Officer;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) approving the Council's Code of Conduct;
- (l) approving the Chief Officers Pay Scheme (JNC Conditions) as part of Annual Pay Policy;
- (m) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- (n) electing the Mayor and the Deputy Mayor at the annual meeting;
- (o) appointing Independent Persons; and
- (p) all other matters which, by law, must be reserved to Council.

#### 2.4.3 **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

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

**2.4.4 Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

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## 2.5 **Article 5 – Chairing the Council**

### 2.5.1 **Role and function of the Mayor**

The Mayor and in their absence, the Deputy Mayor will have the following roles and functions:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary which includes promoting the highest standards of conduct and behaviour during meetings of the Council;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;
- (d) to promote public involvement in the Council's activities;
- (e) to be the conscience of the Council; and
- (f) to attend such civic and ceremonial functions as the Council and s/he determine appropriate.

## 2.6 Article 6 – Overview and Scrutiny Committees

### 2.6.1 Terms of reference

The Council will appoint the overview and scrutiny committees set out in the left-hand column of the table below to discharge the functions conferred by sections 9F and 9FA of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table. The membership of the committees and any sub-committees will be politically balanced. Members of the Executive may not be members of overview and scrutiny committees.

Committee	Primary Scope
<p>Health and Wellbeing Scrutiny</p> <p>(The Committee shall comprise 9 members of the Council and one co-opted member with voting rights being a member nominated by Staffordshire County Council)</p> <p>The County Council is entitled to appoint one of its members to the [relevant Borough/District Overview &amp; Scrutiny Committee] in relation to health matters</p>	<p>To provide effective scrutiny of the achievement of the Council's strategic priorities by scrutinising the performance of the Executive and external providers in securing a safe environment in which local people can reach their full potential and live longer, healthier lives:</p> <p>-</p> <p>The Council has agreed a Code of Joint Working between the Borough Council and Staffordshire County Council in relation to Overview and Scrutiny of health matters.</p> <p>In accordance with the agreed code:</p> <ul style="list-style-type: none"> <li>• the County Council shall discharge the overview and scrutiny function under the Health and Social Care Act 2001 and subsequent guidance including the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.</li> <li>• the [Borough/District] Chairman of the [relevant Overview &amp; Scrutiny Committee] Committee will be appointed to Staffordshire County Council's Health and Care Overview &amp; Scrutiny Committee.</li> <li>• Leisure</li> <li>• Voluntary Sector</li> <li>• Non HRA Housing</li> <li>• Disability Service</li> <li>• Social Care</li> <li>• Elderly and Vulnerable People Services</li> </ul> <p>To undertake such other scrutiny activities relevant to the committee's scope, as may be required in relation to the performance of the Council, governance, financial management and discharge of statutory functions.</p>

<p>Infrastructure, Safety and Growth Scrutiny (The Committee shall comprise 9 members of the Council)</p>	<p>To provide effective scrutiny of the achievement of the Council's strategic priorities and external providers in securing the primary outcome of creating a safe and sustaining thriving local economy and making Tamworth a more aspirational and competitive place to do business, with a focus on:-</p> <ul style="list-style-type: none"> <li>• Infrastructure</li> <li>• Education</li> <li>• Employment/Inward Investment</li> <li>• Town Centre</li> <li>• Open Space and Play</li> <li>• Public Space Protection Orders</li> </ul> <p>Statutory Crime and Disorder obligation; the Committee shall act as the Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006 and may co-opt additional members subject to the Crime and Disorder Overview and Scrutiny) Regulations 2009.</p> <p>To undertake such other scrutiny activities, relevant to the committee's scope, as may be required in relation to the performance of the Council, governance, financial management and discharge of statutory functions.</p>
<p>Corporate Scrutiny (The Committee shall comprise 9 members of the Council)</p>	<p>To provide effective scrutiny of the achievement of the Council's strategic priorities by scrutinising the performance of the Executive.</p> <p>To review and scrutinise the performance and functions of other public bodies, statutory undertakers, or other such organisations, including voluntary and not for profit institutions, who provide or facilitate the provision of public services within the Borough.</p> <p>The Committee shall review and scrutinise matters relating to: -</p> <ul style="list-style-type: none"> <li>• Forward Plan</li> <li>• Quarterly performance reports</li> <li>• Corporate plan</li> <li>• Major Council led projects</li> <li>• Investment Strategy</li> <li>• HRA function</li> <li>• Bi-annually review and scrutinise matters relating to the Local Authority Trading Company's activities and performance.</li> </ul>

	To undertake such other scrutiny activities, relevant to the committee's scope, as may be required in relation to the performance of the Council, governance, financial management and discharge of statutory functions.
Budget Review Joint Scrutiny Committee  The Committees membership includes all non-Executive members of the Council	The Committee meets up to twice a year to consider the budget proposals being put forward by the Executive and may make comments and recommendations back to the Executive on their budget proposals.
For All Committees	All Committees will consider the following matters as they carry out their primary functions <ul style="list-style-type: none"> <li>• Policy Development</li> <li>• Service Delivery &amp; Performance</li> <li>• Use of technology to ensure access and equality</li> <li>• Use of Corporate assets</li> <li>• Finance</li> </ul>

## 2.6.2 General role

Within their terms of reference, overview and scrutiny committees and sub-committees will:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions including consideration at each meeting of the Forward Plan;
- (b) review and/or scrutinise matters identified as relevant to that committee, including items on the Forward Plan which have not yet been approved and/or implemented;
- (c) prepare an annual scrutiny work plan and make reports and/or recommendations to the full Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- (d) liaise regularly with each other to ensure that there is no duplication between them in respect of scrutiny and review activity;
- (e) consider any matter affecting the area or its inhabitants; and
- (f) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees;
- (g) appoint Task and Finish Groups as and when required. Normally the Chair or Vice-Chair of the Committee would Chair such groups and there would be an expectation that any such groups

would co-opt external expertise. No external appointees will be able to vote on any matter.

### 2.6.3 Specific functions

(a) **Policy development and review.**

Overview and scrutiny committees and sub-committees may:

(b) assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of the budget and policy issues;

- (i) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (ii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iii) question members of the Executive, other committees and chief officers about their views on issues and proposals affecting the area and receive a reply/progress statement from the responsible body or member within 3 calendar months relating to any recommendations accepted by Full Council or Executive which have been referred from the scrutiny process; and
- (iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(c) **Scrutiny.**

Overview and scrutiny committees and sub-committees may:

- (i) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (ii) review and scrutinise members of the Executive and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iii) make recommendations to the Executive and Council arising from the outcome of the scrutiny process;
- (iv) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance.

- (d) **Finance.**  
Overview and scrutiny committees and sub-committees may exercise overall responsibility for any finances that may be made available to them.
- (e) **Annual report.**  
Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

2.6.4 **Proceedings of overview and scrutiny committees and sub-committees**

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules and the Non Regulatory Committee Procedure Rules set out in Part 4 of this Constitution.

## 2.7 Article 7 – The Executive

### 2.7.1 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

### 2.7.2 Form and composition

The Executive will consist of the Executive leader together with not more than nine councillors appointed to the Executive by the Executive leader.

### 2.7.3 Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office from the date s/he is elected as leader until the next annual Council meeting or until:

- (a) s/he resigns from the office as Leader; or
- (b) s/he is removed from office by resolution of the Council; or
- (c) s/he is disqualified from being a councillor.

### 2.7.4 The Leader will

- (a) Determine the size of the Executive
- (b) Appoint members of the Executive
- (c) Allocate portfolio areas to members of the Executive
- (d) Remove and replace members of the Executive
- (e) Appoint and replace member champions

### 2.7.5 Other Executive members

The Leader will nominate one member of the Executive as a Deputy Leader to exercise the powers of the Leader when the Leader is unable to act or in the event of the office of Leader being vacant.

The Deputy Leader will hold office until the end of the Leader's term of office unless removed from office by the Leader or ceases to hold office as provided in this article.

The Leader shall give notice in writing to the Chief Executive of appointments made of the Deputy Leader and other Executive members.

The Deputy Leader and other Executive members shall hold office until:

- (a) they resign from office; or
- (b) they are disqualified from being councillors; or
- (c) they are no longer councillors; or
- (d) they are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice to the Chief Executive.

#### 2.7.6 **Proceedings of the Executive**

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

#### 2.7.7 **Responsibility for functions**

The Leader will inform the Chief Executive which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions and the Monitoring Officer will maintain the list in Part 3 of this Constitution.

2.7.8 The Executive may appoint a committee or committees of Executive members, which committees may discharge Executive functions.

#### 2.7.9 **Member Champions**

The Leader may at the Annual meeting of the Council or such other time as s/he decides, appoint members to act as champions in such areas as he deems appropriate.

A champion is a Member who will champion an issue on behalf of the Council, as appointed by the Leader of the Council. Examples are issues like heritage, youth, sports, housing, business, town centre. This is not exhaustive but is an example of issues to champion.

- Champions are expected to become very knowledgeable on their issue and report to Council, Executive, and relevant committees on their subject as required.
- They have no authority to decide Council actions, policy or direct to staff to act on their issue.
- All policy and decision making authority is the exclusive role of the Executive.
- A champion cannot be a Tamworth Borough Council Executive member, Scrutiny committee Chair, Deputy Mayor or Mayor.

A champion will:-

- Act as a lead person to gather, collect and research an issue on behalf of the Executive;
- Represent the Council, if authorised by the Executive, at relevant internal or external events and or meetings;
- Engage external partners and agencies on the issue if authorised by the Executive;
- Engage the public on the issue if authorised by the Executive;



- Act as a project spokesperson or council representative on a body group, such as youth council, if required by the Executive;
- Engage external agencies in the course of researching or investigating an issue or subject.

## 2.8 Article 8 – Regulatory Committees

### 2.8.1 Regulatory Committees

The council will appoint such regulatory Committees as it considers necessary and appropriate from time to time to discharge non-Executive functions. The committees to be appointed and their detailed terms and references are set out in Part 3 of this Constitution (Responsibility of Functions).

### 2.8.2 Planning Committee

See Schedule 16 – Local Protocol for Councillors and Officers Dealing with Planning Matters.

### 2.8.3 Licensing Committee

Under the Licensing Act 2003 and the Gambling Act 2005, Licensing Sub Committees will be formed in accordance with the **current Statement of Licensing Policy and Gambling Statement of Principles**

The Monitoring Officer shall determine the makeup of the sub-Committees (not necessarily to be politically balanced) with members as far as practically possible serving in rotation).

## 2.9 Article 9 – Audit & Governance Committee

2.9.1 The Council will establish an Audit & Governance Committee.

### 2.9.2 Composition

- Membership.** The Audit & Governance Committee will be composed of at least seven councillors who are not members of the Executive or the Chair of any Scrutiny Committee.
- Independent members.** The Committee may co-opt up to two independent (non-elected) non-voting persons as and when it deems appropriate, for a period or periods it may determine.
- Chairing the Committee.** The Chair and Vice-Chair will be appointed in accordance with Council Procedure Rules.

### 2.9.3 Role and Function

The Audit & Governance Committee will have the following roles and functions:

#### (a) Audit Activity

- (i) Receive, but not direct, internal audit's strategy and audit plan;
- (ii) Consider reports dealing with the management and performance of Internal Audit;
- (iii) Consider the **Audit Managers** annual report and opinion, and the level of assurance Internal Audit can give over the Council's corporate governance arrangements;
- (iv) Consider periodic reports from Internal Audit on the main issues arising from their work and "high priority" recommendations not implemented within a reasonable timescale, and seek assurance that action has been taken where necessary;
- (v) Consider the final external audit Annual Audit and Inspection letter and any other relevant reports to "those charged with governance".
- (vi) Consider on an annual basis the Local Authority Trading Company's Code of Practice and Governance Statement.

#### (b) Regulatory Framework

- (i) Maintain an overview of the Council's Constitution, including Contract Procedure Rules, Financial Regulations and Codes of Conduct;
- (ii) Consider the internal control environment and the level of assurance that may be given as to its effectiveness, to include the review of the Statement on Internal Control and the recommendation to the Council of its adoption;
- (iii) Satisfy itself that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it;
- (iv) Monitor the effectiveness of the authority's risk management arrangements, including the actions taken to manage risks and to receive regular reports on risk management;
- (v) Monitor the effective development and operation of the corporate governance framework in the Council and to recommend to the Executive or the Council, as appropriate, the actions necessary to ensure compliance with best practice;
- (vi) Monitor the effectiveness of the Council's policies and arrangements for anti-fraud and corruption and whistle-blowing, complaints handling, RIPA and Ombudsman investigations.

(c) **Accounts**

Approve the annual statement of accounts, external auditor's opinion and reports to members and monitor management action in response to the issues raised by external audit

(d) **Reports to Council**

The Chair of the Audit & Governance Committee will provide an annual report of the Committee's activities to Council.

(e) **Delegated Powers**

The Committee is empowered to deal with the functions detailed above.

(f) **Standards of Conduct**

This Committee, in the form of a Sub-committee, shall exercise all the functions of the Council relating to the Members' Codes of Conduct as provided in the Localism Act 2011 except for those functions which under Chapter 7 of the Localism Act 2011 may only be exercised by the full Council.

Where a complaint is made alleging a breach of the Code, the matter will be considered by a Sub-committee of the Audit & Governance Committee. The Sub-committee will consider the complaint in accordance with the procedure set down in the Council's Arrangements for Making Complaints Against a Councillor for an Alleged Breach of the Code of Conduct.

The Sub-committee shall be made of three members of the Audit & Governance Committee and shall include representation from each political group (where practicable).

The Independent Person(s) appointed by full Council shall attend meetings of the Sub-committee and the Sub-committee shall have regards to the views of the Independent Person(s).

The Monitoring Officer will report to the Audit & Governance Committee regarding an investigation of a complaint if the investigation has not concluded within 6 months of the date of the complaint, and the Audit & Governance Committee may review the investigation of such a complaint, following consideration of the Monitoring Officer's report.

The Council's Arrangements for Making Complaints Against a Councillor for an Alleged Breach of the Code of Conduct is appended.

## 2.10 Article 10 – Nominations and Grants Committee

2.10.1 The Council will establish a Nominations and Grants Committee.

### 2.10.2 Composition

- (a) **Membership.** The nominations and Grant committee will be composed of at least:
  - (i) seven councillors
  - (ii) one person who is not a councillor or an officer of the council (“Independent person”).
- (b) **Chairing the Committee.** The Chair and Vice-Chair will be appointed in accordance with Council Procedure Rules.
- (c) **Independent persons.** Independent persons will be entitled to vote at meetings.

### 2.10.3 Role and Function

The Nominations and Grants Committee will have the following roles and functions:

- (a) Consider nominations to be made to the Council pursuant to section 249(1) of the Local Government Act 1972 for conferring the title of Honorary Aldermen or Honorary Alderwomen on persons who have, in the opinion of the Council, rendered eminent services to the Council;
- (b) Consider nominations to be made to the Council pursuant to section 249(5) of the Local Government Act 1972 to admit to be honorary freemen or honorary freewomen of the Borough of Tamworth persons who are of distinction and who have, in the opinion of the Council, rendered eminent services to the Borough;
- (c) Consider award of Tamworth Borough Council grants funding.
- (d) Maintain a publicly accessible application process for the two above honours;
- (e) Refer any approved applications to Full Council for approval;
- (f) Act as a sponsor to a new application, make referral to, or support an existing application that nominates a Tamworth resident to any outside bodies’ awards or recognition scheme;
- (g) Seek nominations from the Tamworth public, persons worthy of public recognition for their service or work for the Borough of Tamworth;
- (h) Bi-annually, promote by way of the Council’s media, details of the operation and function of the Committee.

## 2.11 Article 11 – Area Committees and Forums

### 2.11.1 Area Committees and Forums

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

## 2.12 Advisory Boards

### 2.12.1 Housing & Homelessness Advisory Board

2.12.2 The role of the board is to act as an advisory board to The Cabinet in relation to the development, implementation, monitoring, evaluation, and review of housing strategies and policies and impact on Tenants and Leaseholders

2.12.3 The board shall comprise no fewer than 5 members of the Council and 2 independent members from the Tenancy Consultative Group.

2.12.4 The membership will consist of the Leader(s) (or their representative) from all opposition parties together with any other independent councillors; chaired by the Portfolio Holder of Housing & Planning; together with two tenant and leaseholder representatives from the Tenant Consultative Group

## 2.13 Article 12 - Joint Arrangement

### 2.13.1 Arrangements to promote well being

The Council, in respect of Non-Executive functions, and the Executive in respect of Executive functions, to carry out activities falling within its powers under the General Power of Competence may:

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

Subject, in all cases, to compliance with the statutory requirements.

### 2.13.2 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 to 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 Council 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 authority and that area is smaller than two fifth of the authority by areas or population. In such cases the Executive may appoint to the Joint Committee any Councillor who is a member for a ward which is wholly or partly contained within the area
  - (ii) the Joint Committee is discharging a function in relation to five or more authorities;
  - (iii) the function which the Joint Committee is discharging is a function which is required by statute to be discharged by a Joint Committee;
  - (iv) political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including delegations to Joint Committees will be found in Part 3 of this Constitution.

### 2.13.3 **Access to information**

The Access to Information Rules in Part 4 of this Constitution will apply.

### 2.13.4 **Delegation to and from other local authorities**

- (a) The Council may delegate 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 or refuse such a delegation from another local authority shall be reserved to the Council meeting.

2.13.5 **Contracting out**

The Council in respect of non-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.

2.14 **Article 13 – Officers**

2.14.1 **Management structure**

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

Chief Executive

Executive Director – Organisation (Head of Paid Service & Deputy Chief Executive)  
Executive Director – Finance  
Executive Director – Communities

Assistant Directors:-  
Assets  
Finance  
Growth & Regeneration  
Neighbourhoods  
Operations & Leisure  
Partnerships  
People

- (c) **Head of Paid Service, Monitoring Officer, and Chief Financial Officer.** The Council will designate the following posts as shown:

STATUTORY OFFICERS

Post	Designation
Executive Director Organisation	Head of Paid Service
Information Governance Manager	Monitoring Officer
Executive Director – Finance	Section 151 Officer

Such posts will have the functions described in Article 12.14.2 – 12.14.4 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

#### 2.14.2 **Functions of the Head of Paid Service**

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

#### 2.14.3 **Functions of the Monitoring Officer (to be exercised after consultation with the Chief Executive)**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Chief Executive and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered in accordance with s5 of the Local Government and Housing Act 1989.
- (c) **Supporting the Audit & Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the relevant committee.
- (d) **Conducting investigations or other action.** The Monitoring Officer will conduct investigations or take other action into matters referred by the Audit & Governance Committee in accordance with the Complaints Procedure.
- (e) **Proper officer for access to information.** The Chief Executive will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible and will advise upon issues relating to confidential and exempt information.
- (f) **Advising whether Executive decisions are within the Budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.



- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all councillors.
- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

2.14.4 **Functions of the Section 151 Officer (to be exercised after consultation with the Chief Executive)**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Chief Executive 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 s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Section 151 Officer will provide financial information to the media, members of the public and the community.

2.14.5 **Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

2.14.6 **Conduct**

Officers will comply with the Officers’ Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

2.14.7 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4, schedule 8 of this Constitution.

## 2.15 **Article 14 – Decision Making**

### 2.15.1 **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 particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### 2.15.2 **Principles of decision making**

All decisions of the Council will be made with due regard to the Members' Code of Conduct and in accordance with the following principles:

- a) proportionality (i.e. the action must be proportionate to the desired outcome) and having regard to the Council's Diversity and Equality Scheme;
- b) due consultation and the taking of professional advice from officers;
- c) respect for human rights (see below for further details);
- d) a presumption in favour of openness;
- e) the provision of the options considered;
- f) the provision of reasons for the decision made;
- g) the proper recording of the reasons;
- h) compliance with the law and this Constitution; and
- i) clarity of aims and desired outcomes.

### 2.15.3 **Types of decision**

- a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4 will be made by the full Council and not delegated.
- b) Decisions that are not reserved to full Council under this Constitution or by law or are otherwise delegated by full Council to a Committee or Sub Committee of the Council are Executive decisions and the Leader and Executive have overall responsibility for these decisions.
- a) Key decisions are taken by the Executive:-
  - i. Key decision means any Executive decision to spend or forego income or raise additional income or make savings which is significant having regard to the Council's budget for the service or function to which the decision relates. For the

purposes of this paragraph the Council interprets as “significant” any decision to spend or forego income or raise additional income or make savings exceeding £100,000 in one financial year.

or

- ii. any Executive decision that has a significant effect on two or more wards. For the purposes of this paragraph the Council interprets as “significant” any proposal which will make a substantial physical alteration to the appearance of the area of two or more wards, or any proposal which will substantially alter the level of a Council service given to people who live or work in the area;
- iii. An Executive decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

#### **2.15.4 Decision making by the full Council**

Subject to Article 2.14.8, the Council at their meetings will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **2.15.5 Decision making by the Executive**

Subject to Article 2.14.8, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **2.15.6 Decision making by overview and scrutiny committees**

Overview and scrutiny committees will follow the Overview and Scrutiny Procedures Rules, and where applicable the Non-Regulatory Committee Procedure Rules, set out in Part 4 of this Constitution when considering any matter.

#### **2.15.7 Decision making by other committees and sub-committees established by the Council**

Subject to Article 2.14.8, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### **2.15.8 Decision making by Council bodies acting as tribunals**

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/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 and the duties placed on the Council under the Equality Act 2010.

## 2.16 **Article 15 – Finance, Contracts and Legal Matters**

### 2.16.1 **Financial management**

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

### 2.16.2 **Contracts**

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

### 2.16.3 **Legal proceedings**

The Executive / Executive Directors are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests.

### 2.16.4 **Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Executive Director or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £50,000 entered into on behalf of the local authority in the course of the discharge of an Executive function shall be made in writing.

Any document determined by the Chief Executive and in accordance with financial guidance to be a deed or otherwise required by law to be sealed, must be sealed with the Common Seal of the Council.

### 2.16.5 **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the **Legal, Admin & Democratic Services Manager**. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Executive should be sealed.

### 2.16.6 **Affixing of the Common Seal**

The Common Seal shall be affixed by the Chief Executive, or some other person authorised by the Chief Executive.

### 2.16.7 **Attesting to the Affixing of the Common Seal**

The affixing of the Common Seal will be attested by the Chief Executive, or some other person authorised by the Chief Executive.

## 2.17 **Article 16 – Review and Revision of the Constitution**

### 2.17.1 **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.

#### **Protocol for monitoring and review of constitution by monitoring officer**

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

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

### 2.17.2 **Changes to the Constitution**

**Approval.** Any changes to the constitution other than those delegated to the Monitoring Officer as described below must be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Audit and Governance Committee (as necessary).

Changes to factual references and those required as a result of legislative changes or decisions of the full Council, or the Executive (in the case of Executive arrangements) may be made by the Monitoring Officer.

## 2.18 **Article 17 – Suspension, Interpretation and Publication of the Constitution**

### 2.18.1 **Suspension of the Constitution**

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with this Article:

The Council's Procedure Rules to the extent provided 4.24 and Schedule 1, 18.

### 2.18.2 **Interpretation**

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### 2.18.3 **Publication**

The Monitoring Officer will ensure that a copy of this constitution is published on the Council's website and available for inspection at the council offices at Marmion House and can be purchased by members of the local press and the public on payment of a reasonable fee.

## 2.19 **Schedule 1: Description of Executive Arrangements**

The following parts of this Constitution constitute the Executive arrangements:

- 2.19.1 Article 6 (Overview and Scrutiny committees) and the Overview and Scrutiny Procedure Rules;
- 2.19.2 Article 7 (The Executive) and the Executive Procedure Rules;
- 2.19.3 Article 11 (Area Committees) where the Area Committee is exercising Executive functions;
- 2.19.4 Article 12 (Joint Arrangements) where the Joint committee is exercising Executive functions;
- 2.19.5 Article 14 (Decision making) and the Access to Information Procedure Rules (as they relate to Executive matters);

2.19.6 Part 3 (Responsibility for Functions) (as it relates to Executive matters);

Working Draft

### 3 Part 3 - Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended or replaced) specify which functions are not the responsibility of the Executive, functions which may be the responsibility of the Executive (local choice functions) and functions which are partly the responsibility of the Executive and partly the Council.

#### 3.1 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The following local choice functions shall be the responsibility of the Executive: -

Appointments under paragraph 19 of Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended or replaced).

All other local choice functions shall be the responsibility of the Council but may be delegated to committees.

#### 3.2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Membership	Functions	Delegation of functions
Planning Committee	Thirteen Members	<p>Planning and conservation Functions conferred on the Council relating to town and country planning, development control, highways and environmental protection as specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended):</p> <p>Schedule 1 Part A 1-27            Schedule 1 Part B 47-55, Part I 1-34, 46-47            Schedule 2 – 10-12, 14-15 and 16,17 and 18 (except the powers reserved to the Executive)</p>	Assistant Director – Growth & Regeneration (In accordance with any arrangements approved from time to time by the Planning Committee)
Licensing Committee	Thirteen Members	Licensing Committee role – Functions of the Council set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”) including but not limited to those listed below (but excluding functions reserved to full Council or delegated to the Licensing Committee):-	Assistant Director - Growth & Regeneration



		<p>2. The Council's statutory powers and duties in relation to the licensing of Hackney Carriages, Private Hire, gambling, entertainment, gaming, alcohol, food and miscellaneous licensing functions relating to licensing and registration</p> <p>3. All functions of the Council, as the Licensing Authority under the provisions of the Licensing Act 2003 (except Section 5 and 6 of that Act, which are functions of the Full Council), for which the Committee will act as the 'Licensing Committee'. The Licensing Committee will be responsible for: i. Establishment of Sub-Committees for the discharge of those functions detailed in Section 10 (4) of the Licensing Act 2003; ii. Determination of any case relating to the effect of cumulative impact in the Borough; iii. Any licensing matter where the Proper Officer considers that it should be dealt with by the Licensing Committee instead of by him/her.</p> <p>5. All the functions of the Council, in relation to gambling under the provisions of the Gambling Act 2005. The Licensing Committee will be responsible for: i. Establishment of Sub-Committees for the discharge of those functions detailed in Parts 8 and 9 and Schedules 10 and 12 of the Gambling Act 2005; ii. Any licensing matter where the Proper Officer considers that it should be dealt with</p>	
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	<p>by the Licensing Committee instead of by him/her.</p> <p>6. All of the functions, powers and duties of the Council relating to the control of sexual establishments under Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009).</p> <p>7 Functions relating to pavement licences under Business and Planning Act 2020 (as amended) where the Proper Officer considers it should be dealt with by the Licensing Committee instead of by him/her</p> <p>8 Functions relating to the licensing of persons for charitable causes where the proper Officer considers that it should be dealt with by the Licensing Committee instead of by him/her (<u>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)</u> 63</p> <p>9. Functions relating to Food Business registration, Hairdressing registration, Animal Welfare Licensable Activities Dangerous Wild Animal licence, , Zoo licensing Hypnosis licence, Acupuncture/Tattooing/Semi-permanent Skin colouring registration, Cosmetic piercing/Electrolysis registration where the Proper Officer considers it should be dealt with by the Licensing Committee instead of by him/her</p>	
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		<p>10. The Licensing Committee may establish Panels of not less than 6 Members to deal with Hackney Carriage and Private Hire Licensing.”</p>	
Appointments and Staffing Committee	Five Members, of which one must be a member of the Executive.	<p>To recommend to full Council the appointment or dismissal of the Chief Executive and Head of Paid Service and Posts designated as Chief Officer (including any such Officers on Chief Officer conditions), as well as the Monitoring Officer and S151 Officer.</p> <p>To determine the terms and conditions on which all staff hold office including policies and procedures dealing with grievance and dismissal.</p> <p>In respect of Chief Officers and Officers appointed on Chief Officer conditions, to be the appeal Committee for appeals against decisions made on matters of grievance and discipline by an Investigating Committee or the Chief Officer Conduct Committee.</p>	
Chief Officer Conduct Committee	Five Members of which one must be a member of the Executive	<p>To act as the Investigating Committee or the first stage Committee to hear the case against an employee appointed in accordance with Joint Negotiating Committee terms for Executives or Chief Officers.</p> <p>The Committee will not act as an appellate Committee as such provisions are reserved to the</p>	

		Appointment & Staffing Committee.	
Audit & Governance Committee	Seven Members	<p>Those functions conferred on the Council in relation to Audit and Governance matters including Audit Activity, Regulatory Framework and Accounts.</p> <p>To advise the council on the adoption or revision of its Code of Conduct.</p> <p>To monitor and advise the council about the operation of its Code of Conduct in the light of best practice and in terms of the Localism Act 2011.</p> <p>To assist members and co-opted members of the authority.</p> <p>To ensure that all members of the Council have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code</p> <p>1) Other functions</p> <p>Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011 including complaints against members and co-opted members of the Council for breach of the Code of Conduct; and the granting of dispensations pursuant to section 33, Localism Act 2011.</p> <p>The Council's complaints procedure.</p>	Monitoring Officer

Statutory Officer Conduct Committee	Seven comprised of five elected Members of whom one must be a member of the Executive and two voting Independent Persons	To recommend to Council any disciplinary action (including dismissal) etc. of statutory officers.	
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### 3.3 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Executive functions shall be subject to the provisions of Section 9E of the Local Government Act 2000 (as amended) and shall be the responsibility of the Leader of the Council. The Leader may discharge Executive functions or arrange for their discharge by the Executive, by another member of the Executive, by a committee of the Executive or by an officer of the Council.

The Monitoring Officer shall, as required by Article 7 (2.7.7) maintain a list of delegations of functions which shall form part of this Constitution.

#### Delegated Executive Functions

The Leader has determined that the Executive functions should be discharged by the following portfolio holders:

CLLR PAUL TURNER Leader of the Council		CLLR THOMAS JAY Operations and Finance		CLLR SAMUEL SMITH Housing and Planning	
Portfolio	A.D.	Portfolio	A.D.	Portfolio	A.D.
Mid Term Financial Strategy	A.D. Finance	Revenues & Benefits	A.D. Finance	Disabled Facilities Grants and Disabled Facilities Adaptations	A.D. Assets
Organisational Development inc HR & Payroll	A.D. People	Treasury Management	A.D. Finance	Planning: Development Control, Building Control and Conservation	A.D. Growth
Education and Aspiration	A.D. Growth	Finance	A.D. Finance	Local Plan Development/Implementation	A.D. Growth
Corporate Assessments	C.E.O.	Procurement	A.D. Finance	HRA Repairs standards /performance	A.D. Assets
WMCA Member	A.D. Growth	Audit & Governance	C.E.O.	HRA Regeneration and Communcal Buildings	A.D. Assets
Local Enterprise Partnerships (LEP's)	A.D. Growth	Corporate Risk Management	A.D. Finance	HRA Business Planning	ED Communities
Performance	A.D. People	Land Charges/Legal/Right To Buy	ED. Organisation	Tenant Regulation / enforcement	A.D. Neighbourhoods
Climate change & Green Agenda Lead	AD Growth	Customer Services and insight	A.D. People	HRA Community contribution	A.D. Neighbourhoods
Future High Street Fund	AD Growth	TIC	A.D. People	Homelessness Prevention	A.D. Neighbourhoods
Town Centre Regeneration	A.D. Growth	Information Mgt/GDPR/Ombudsman	A.D. People	Private Rental Sector (including private sector enforcement)	A.D. Partnerships
Town Centre Master-planning	A.D. Growth	Waste Management	C.E.O.	Social Landlord Providers	A.D. Neighbourhoods
Economic & Business Development	A.D. Growth	Joint Waste Board with LDC.	C.E.O.	HRA Strategy	A.D. Neighbourhoods
Organisational Financial Sustainability	Executive Management Team	Communication and engagement	A.D. People	Chairman of Shadow Housing Committee	A.D. Neighbourhoods
General Regeneration opportunity	A.D. Growth			Electric vehicle strategy and wider provision	AD Growth
CLLR PAUL THOMPSON Town Centre and Commercial Property		CLLR ANDREW COOPER Entertainment and Leisure		CLLR MARTIN SUMMERS Environmental Health and Community Partnerships	
Portfolio	A.D.	Portfolio	A.D.	Portfolio	A.D.
Property Management Investment	A.D. Assets	Street Scene	A.D. Op's & Leisure	Partnerships and Voluntary Sector	A.D. Partnerships
GF Repairs	A.D. Assets	Tamworth in Bloom	A.D. Op's & Leisure	Environmental Health (all disciplines)	AD Growth, A.D. Ops & Leisure
Commercial Property Portfolio	A.D. Assets	Cemeteries	A.D. Op's & Leisure	Community Safety and ASB	A.D. Partnerships, A.D. Neighbourhoods
Asset Management	A.D. Assets	Community Leisure / Sport	A.D. Op's & Leisure	Safeguarding	A.D. Partnerships
Evening economy	AD Growth	Nature Reserves	A.D. Op's & Leisure	neighbourhood resilience	AD Neighbourhoods
Town Centre Relationships	A.D. Growth	Parks and Play	A.D. Op's & Leisure	CCTV	AD neighbourhoods
Heritage Assets - maintenance, upkeep	A.D. Growth	Entertainment - Assembly Rooms, Castle Operations, Outdoor events, Arts, Culture, Heritage experience, Street Markets	A.D. Op's & Leisure	Car parking Enforcement	A.D. Partnerships
Town Centre Strategy	A.D. Growth	Sports Development	A.D. Op's & Leisure	Emergency Planning	A.D. Neighbourhoods
Tourism / Destination Tamworth	A.D. Growth	HRA Green Spaces and Neighbourhoods	A.D. Op's & Leisure	Partnership Development	A.D. Partnerships
Town Centre Car Parks	A.D. Growth			Litter	A.D. Partnerships
Public Toilets	A.D. Assets			Business Continuity	AD Assets

## SCHEME OF DELEGATION TO OFFICERS

### 3.3.1 Introduction

- (a) In accordance with Article 14 of the Constitution this Scheme forms part of Part 3 of the Council's Constitution.
- (b) This Scheme is approved by the Council in respect of those functions which by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended or replaced) are not the responsibility of the Executive and which in accordance with Section 101 of the Local Government Act 1972 and all other powers enabling such delegation are delegated by the Council to officers.
- (c) This scheme is approved by the Leader of the Council in respect of those functions which under the Council's Executive arrangements are the responsibility of the Executive and which in accordance with Section 9E of the Local Government Act 2000 are delegated by the Leader of the Council to officers.
- (d) This Scheme is adopted with the intent that it should lead to a streamlining and simplification of the decision-making processes of the Council, and accordingly it should be interpreted widely rather than narrowly.
- (e) This Scheme delegates to Directors and other Authorised Officers the powers and duties necessary for the discharge of the Council's functions within the broad functional description set out, together with the specific delegations therein, and should be taken to include powers and duties within those descriptions under all present and future legislation, and all powers incidental to that legislation including the application of the incidental powers under Section 111 of the Local Government Act 1972.
- (f) An Officer may decline to exercise delegated powers and instead report to the Council or appropriate Committee or the Executive (whether that is the Leader, the Executive or another appropriate Executive member or committee of the Executive) to make a decision.
- (g) For the purpose of this Scheme:
  - (i) "the estimates" means the revenue estimates approved by the Council;
  - (ii) "the establishment" means the staff establishment of the Council for which funds have been provided in the estimates;
  - (iii) "the Council" includes any committee or officer of the Council acting within delegated powers and acting as agent for another body or person;
  - (iv) "Authorised Officer" means an Officer who is specified under this Scheme as having the authority to exercise delegated powers and duties on behalf of the Council. This includes the Chief Executive, Executive Director Organisation, Executive Director Finance, Executive Director Communities, Monitoring Officer, Assistant Director Organisation, Assistant Director Operations & Leisure, Assistant Director Finance, Assistant Director

Neighbourhoods, Assistant Director Partnerships, Assistant Director Assets, Assistant Director Growth & Regeneration

- (v) "function" includes any power or duty;
- (vi) "legislation" and "statute" includes subordinate legislation and "legislative" and "statutory" shall be construed accordingly;
- (vii) "proceedings" includes any tribunal, inquiry, arbitration or other legal or quasi-legal proceedings;
- (viii) "Portfolio Holder" shall be taken to mean a Councillor (including the Leader of the Council if so nominated) nominated in writing to the Chief Executive by the Leader of the Council as a Member of the Executive;
- (ix) "Leader of the Council" shall mean the person elected to that position by the full Council;
- (x) "Proper Officer" shall be taken to mean the Officer appointed by the Council for the purpose of the Scheme, or in default of such appointment the Chief Executive of the Council;
- (xi) "Statutory Officer" means:
  - the Head of Paid Service in respect of the manner in which the co-ordination by the Council of the discharge of their different functions is co-ordinated, the number of staff required for the discharge of those functions, the organisation of those staff and the appointment and proper management of those staff;
  - the Monitoring Officer in respect of any proposal, decision or omission which has given rise to or is likely to give rise to a breach of law or of any statutory code of practice, or maladministration;
  - the Section 151 Officer in respect of the proper administration of the Council's financial affairs.

(h) Where an Authorised Officer designation has ceased to exist eg. because of a re-organisation of services, the Authorised Officer shall be that person who has taken over responsibility for the function classified in this Scheme.

### 3.3.2 Limitations

- (a) This Scheme does not delegate to Officers:
  - (i) any matter reserved by law or by the Constitution, Terms of Reference of the Executive, Committees and Sub-Committees to the Council, or to a Committee or Sub-Committee of the Council;
  - (ii) any matter which by law may not be delegated to an officer;
  - (iii) any matter which is specifically excluded from delegation by this Scheme or by resolution of Council, the Executive or a Committee or Sub-Committees
- (b) Officers may only exercise delegated powers in accordance with the:
  - (i) Policies, Plans and Programmes approved by or on behalf of the Council;

- (ii) budget and policy framework and Executive procedural rules;
  - (iii) officer employment procedural rules;
  - (iv) Financial Regulations, Contract Procedure Rules and Financial Guidance;
  - (v) any statutory restrictions, statutory guidance/circulars or statutory code of practice; and
  - (vi) the provisions of the Council's Constitution.
- (c) In exercising delegated powers, Officers shall act only within the revenue and capital budgets for the relevant service as approved by the Council, subject to any variation thereof which is permitted by the Council's Financial Regulations, Contract Procedure Rules and Financial Guidance.

### 3.4 Sub-Delegation

- (a) This Scheme includes the power for Authorised Officers to authorise another Officer to exercise the delegation to the Authorised Officer in their name and on their behalf. Every such authorisation shall be in writing, setting out the name of the Officer, the terms, and conditions upon which that function is to be performed, and accountability for the performance of the function. The Authorised Officer making such an authorisation shall record the authorisation in a register maintained for the purpose by the Authorised Officer responsible for the function.
- (b) Authorised Officers shall devolve operational responsibilities for day-to-day service delivery and management to the nearest practicable point to the service user.
- (c) The Officer named shall have the power to act for the purposes of these matters as if he/she were the Authorised Officer. Sub-delegated decisions are taken in the name of the Authorised Officer.
- (d) Delegated Decision-Making – General Principles
  - (i) In exercising any delegated function, Officers shall have regard to the requirement to comply with the limitations set out in paragraph 3.4.2 above, and shall be responsible for undertaking any appropriate consultation with the Council's Statutory Officers before taking any decision;
  - (ii) If a function, power or responsibility has not been specifically reserved to the Council, a committee or the Executive, the Authorised Officer within whose remit the matter falls is authorised to act;
  - (iii) Where any matter involves professional or technical considerations not within the sphere of competence of the Authorised Officer concerned, he shall consult with the appropriate Statutory Officer of the Council before authorising action. Such constraints are kept to the absolute minimum necessary for internal check;



- (iv) The Officers exercising such powers shall take account of any previous decision of the Council on any relevant policies or procedures;
- (v) All decisions shall be taken in the name of, but not necessarily personally by, the Officer(s) to whom the power is delegated. Arrangements shall be made for the recording of action taken pursuant to these powers;
- (vi) In any case, where an Officer, exercising a delegated power or duty considers that a new departure in policy, procedure or a significant change in financial practice is likely to be involved, he/she shall consult with the Statutory Officer(s), who shall, if necessary, refer the matter to the appropriate decision-making process;
- (vii) Where there is a dispute between Authorised Officers, either Officer may refer the matter to the Chief Executive for appropriate action;
- (viii) The Chief Executive shall monitor the exercise of delegated powers and duties other than statutory functions for which other Authorised Officers have responsibility. The Chief Executive may require any Officer to cease the exercise of such powers and duties pending a report to the next meeting of the Council, Executive or appropriate Committee.

#### **3.4.2 Interpretation**

- (a) References in the Scheme to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time.

### **3.5 GENERAL DELEGATIONS OF POWERS AND DUTIES TO AUTHORISED OFFICERS**

Subject to the general principles and requirements of the Scheme, the following powers/duties are exercisable by the Authorised Officer.

#### **3.5.1 Employment**

Subject always to:

- (a) Budget provision;
- (b) The policies and practices adopted by the Council from time to time; and
- (c) Observance of contracts of employment and conditions of service including any discretions incorporated within them.

The Chief Executive and Executive Director Organisation shall be fully empowered in the following matters of HR Management (other than those specifically subject to Appointments and Staffing Committee).

- (a) To re-grade posts, hold posts vacant, amend the titles of posts and to make interim arrangements as necessary (where no budgetary impact).
- (b) To make minor changes to Job Descriptions to be agreed with the appropriate Chief Officer prior to any changes being made. Changes to Job Descriptions should not include:
- (c) additional responsibilities warranting salary increases;
- (d) not exceeding 25% of the existing job description (Consultation with staff prior to any change).
- (e) Job Share/Reduced Hours

All posts should be available to apply for job share, with the following exceptions:

- (a) Job share/reduced hours which would disrupt management arrangements (e.g. the reduction in hours meant that the remaining hours were impossible to cover).
  1. Employee contracts, for time limited periods e.g. fixed term contracts.
- (b) Unpaid leave up to a maximum of 10 days may be granted subject to the demands of the service in the following circumstances:
  2. Extended holidays;
  3. For reasons set out in the Employment Rights Act 1996 and 1999 (e.g. parental leave);
  4. Compassionate grounds;
  5. Exceptional circumstances;
  6. Religious observance.

NB: Annual leave and flexi leave should be taken into account.

- (c) Secondment to another Service Unit or to an external organisation may be granted in accordance with the Council Policies in effect at the time of the secondment.

NB: Increase in salary may be available subject to existing budget; otherwise the secondment must be on the basis of a staff loan (this may include budget virement).

- (d) Training within available budget

All training should be notified to the appropriate Chief Officer, for monitoring purposes and identification as to whether it is to be considered as corporate training. It should be job related and for the purpose of:

1. Changes to job requirements;
2. To meet an employee's skills gap;
3. Personal development;
4. To meet the business needs of the Organisation ;

5. Succession planning and the future needs of the Council;
6. Such training will involve:
  - a. CPD;
  - b. Training in-house;
  - c. External courses/seminars.

NB: Any other forms of training must be approved by the appropriate Chief Officer and the cost met out of the corporate training budget.

Training expenses and time off for attendance will be in accordance with the appropriate policies and procedures.

Notification of all training must be provided to HR so as to ensure accurate records are maintained on the employees' individual HR record.

(e) Paid Leave

Allowable as provided in current policies (Consult Human Resources for advice).

- (i) To action matters arising from the application of the Council's Human Resource policies and procedures.
- (ii) To deal with the appointment of staff and disciplinary/grievance proceedings in accordance with the Council's approved scheme. (Dismissal is referred to the Head of Paid Service in consultation with the Chief Executive, in accordance with Council Policy)

3.5.2 Subject always to budget provision to appoint and instruct when necessary temporary or agency staff provided there is no increase in the Council's permanent establishment, and outside agents or consultants to carry out specific work within the normal terms of reference of the Directorate of the relevant Director and to authorise overtime working for officers; and in consultation with the Head of Paid Service to authorise planned overtime for officers above the overtime limit always subject to budgetary control.

3.5.3 To nominate an officer to deputise in the Director's absence.

A. Finance

Subject to:

- (a) Budget provision;
- (b) Having due regard to the professional advice pertinent to the particular matter:
  - (iii) All Authorised Officers in respect of financial matters for which they are responsible can authorise expenditure within approved revenue budgets and decisions on works programmes within those budgets except any items reserved by the Council or Executive for further approval;
  - (iv) Approve expenditure within approved capital budgets and decisions on work programmes within those budgets. Authority to approve

additional expenditure in accordance with current financial guidance.;

(v) Authorise the transfer of funds (virement) between approved revenue budget headings within a service area subject to there being no commitment to recurring expenditure in future years as determined by financial guidance;

(vi) In consultation with the Executive Director Finance and where necessary the Portfolio Holder, to set rent, fee, charges and other income levels unless any changes:-

- exceed inflation by more than 3%; and/or
- involve a change in policy; or
- potentially have significant political implications.
- 

Which will require Executive approval;

(vii) To authorise the write-off of individual sums in line with current financial guidance;

(viii) Are responsible for the carrying forward from one financial year to another any approved planned expenditure that remains unspent (excluding wages and salaries budgets) provided a decision to approve is taken by Executive before the end of June in the new financial year.

#### B. Contracts

All authorised Officers shall comply with financial guidance in respect of contract tendering and procurement making use of the internal system where appropriate.

To include:

- (i) Hiring of plant and engaging of specialist sub-contractors;
- (ii) Any special requirements or directions given by the Council, its Committees or the Executive;
- (iii) To sign all contracts which fall outside the categories set out in Financial Guidance.

#### C. Miscellaneous

All authorised Officers shall comply with relevant guidance subject to their specific delegation.

- (a) Exercise any power of the Council in relation to the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007, the Local Democracy Economic Development and Construction Act 2009 and the Localism Act 2011 as appropriate.
- (b) In consultation with Group Leaders and other Directors as appropriate to respond to consultation papers on matters which are routine, or which do not have significant policy or financial implications and to share any correspondence replies with those leaders and directors as required.

- (c) In consultation with the Chief Executive other Executive Directors and/or the Communications Team as appropriate to respond to the press or otherwise to make personal statements on behalf of their service which are routine or do not have significant policy or financial implications.
- (d) Subject to securing independent valuation advice, to sell surplus vehicles, stores, equipment and services. All such sales shall be notified to the Executive Director Finance before the property is handed over to the purchaser.
- (e) To exercise the Council's powers under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (disposal of lost and unconnected property) subject to notifying the Executive Director Finance before actual disposal.
- (f) After consultation with the relevant Assistant Director to authorise the installation, replacement or removal of telephones in Council establishments and in premises occupied by employees.
- (g) To formulate the requirements for property use and occupation of the services and Directorates for which he is responsible.
- (h) To authorise the provision of equipment at Council premises.
- (i) To accept on behalf of the Authority contributions by individuals or bodies towards approved capital or revenue projects subject to the concurrence of the Chief Executive and Executive Directors as appropriate and reported to the next meeting of the Executive or relevant committee; provided always that any modifications or additions to Council property to be funded by third parties shall be agreed by the Director concerned.
- (j) To issue, sign and serve all statutory notices and orders properly authorised by the Council, any decision-making body or an officer exercising delegated powers under this scheme and not specifically delegated under this Scheme to an Authorised Officer.
- (k) To liaise with and advise public, private, voluntary and community groups and other stakeholders relating to corporate issues.
- (l) To provide/contractually receive goods and services to/from adjoining authorities (subject to any requirement for competitive tendering), and (within the powers of the Authority) to supply/receive them to other bodies. (In accordance with Financial Regulations)
- (m) To prepare and sign any corporate policies and strategies authorised by the Council as appropriate.
- (n) In consultation with the relevant portfolio holder, to consultation on behalf of the authority where time prohibits the matter being referred to a Committee for consideration.
- (o) To assist the Head of Paid Service in any conflict regarding employment matters.
- (p) All authorised officers to be responsible for obtaining all relevant grants and awards that may be available to their service area.
- (q) Subject to the Council's Constitution (Contracts Procedure Rules), within their respective responsibilities for the functions of the Council, to accept a quotation submitted to the Council for the provision of goods, materials, services or works in respect of a relevant function.
- (r) To attend meetings of professional and local government bodies of which they are members and to authorise the attendance of members of their departments at similar meetings.
- (s) To formulate responses and respond to any Freedom of Information Act 2000 and/or Environmental Information Regulations 2004 requests for information.

### 3.6 SPECIFIC DIRECTORATE DELEGATIONS

Subject to the general principles and requirements of the Scheme, the following powers/duties (expressed as functions) are delegated to the specified Authorised Officer.

#### A. CHIEF EXECUTIVE/HEAD OF PAID SERVICE

	<b>FUNCTION</b>	<b>AUTHORISED OFFICER</b>
1.	<p><b>Urgent Action</b> To take urgent action to protect the interests of the Council and the inhabitants of the Borough.</p>	Chief Executive in consultation with the Leader of the Council & opposition group leaders so far as is practicable
2.	<p><b>Major Incident/Emergencies</b> To incur expenditure and commit resources within or adjoining borough until a meeting of the Council can be called to respond to a major incident/business continuity emergency when the Council's Emergency Plan or Business Continuity Plan is invoked.  To designate Directors/Managers to carry out emergency functions in accordance with CCU Guidelines and Tamworth Borough Councils Emergency Plan and Business Continuity Procedures.</p>	Chief Executive in consultation with Executive Directors and relevant officers
3.	<p><b>Corporate Complaints</b> The administration of the Corporate Complaints Procedure known as The Tell Us Policy and Procedure.</p>	Executive Director Organisation

4.	<p><b>Local Government Ombudsman</b></p> <p>To respond to the Local Government Ombudsman in respect of complaints of maladministration made against the Council.</p> <p>To authorise payments or other benefits under Section 92 Local Government Act 2000.</p>	Executive Director Organisation in consultation with the Assistant Director People
5.	<p><b>Head of Paid Service</b></p> <p>To carry out the statutory duties as Head of the Council's Paid Service in addition with the following specific powers:</p>	
	<p>(a) Appointment of staff and determination of individual salary points within the approved grading structure (provided that such decisions are not reserved to Appointments and Staffing Committee).</p> <p>(b) Long service awards and the award of increments within salary grades.</p> <p>Authority to execute letters and contracts of appointment</p> <p>(c) The exercise of disciplinary powers over staff (including power immediately to suspend), and to dismiss.</p> <p>Authority to execute letters of dismissal and settlement agreements to terminate employment (subject to where full Council approval is required).</p> <p>Authority to vary contracts of employment (subject to Council Polices and Committee decisions) and to execute such letter and contracts of variation</p> <p>Authority to pay overtime and planned overtime above the overtime limit.</p> <p>d) The signing of Certificates of opinion to accompany applications for exemption for posts from political restrictions.</p> <p>(e) Honoraria to be paid in accordance with NJC conditions, or any local agreement with the following exceptions:</p> <ul style="list-style-type: none"> <li>Duties can be shared between more than one</li> </ul>	<p>Chief Executive/Executive Director Organisation</p> <p>Chief Executive/ Executive Director Organisation</p> <p>Chief Executive/ Executive Director Organisation</p> <p>Chief Executive/ Executive Director Organisation</p> <p>Chief Executive/Executive Director Organisation</p> <p>Relevant Authorised officer in consultation with Chief Executive/Executive Director Organisation</p> <p>Relevant Authorised officer in consultation with Chief Executive / Executive Director Organisation</p> <p>Relevant Authorised officer in consultation with Chief Executive/Executive Director Organisation</p> <p>Any Officer authorised by either the Chief Executive and the Executive Director Organisation</p>

<p>Director but payment would therefore be restricted to one to two increments.</p> <p>(f) To prepare and sign (or send or otherwise authenticate) any notice, order or other document authorised by the Council.</p> <p>(g) To represent the Authority at any conference meeting or enquiry to which the Authority is invited unless the Council has indicated otherwise and to exercise any voting rights conferred by corporate membership of any body.</p> <p>(h) To settle proceedings regarding employment matters</p> <p>(i) To agree accelerated increments.</p> <p>(j) To enter into and execute such agreements on behalf of the Authority as required including but not limited to Partnership and other local area agreements.</p> <p>(k) To chair Director or other multi-disciplinary Groups.</p> <p>(l) To appoint multi-disciplinary teams or engage consultants to undertake projects falling outside the remit of any specific Director.</p> <p>(m) To assume the delegated powers of Directors in specific cases when requested so to do by such Director.</p> <p>(n) To make appropriate arrangements for the resolution of disputes between Directors.</p> <p>(o) On behalf of the Council where necessary and, having consulted the Leader of the Council, to suspend Directors pending the institution of disciplinary procedures.</p> <p>(p) To undertake the duties of Proper Officer in default of a specific appointment by the Council.</p> <p>(q) Ex-Gratia Payment.</p>	<p>Chief Executive Executive Director Organisation</p> <p>Any authorised Chief Officer in consultation with Chief Executive/Executive Director Organisation</p> <p>Any authorised Chief Officer in consultation with Chief Executive/Executive Director Organisation</p> <p>Chief Executive/Executive Director Organisation in consultation with appropriate Executive Directors</p> <p>Chief Executive/Head of Paid Service in consultation with appropriate Directors</p> <p>Chief Executive/Executive Director Organisation in consultation with appropriate Executive Directors</p> <p>Chief Executive/Executive Director Organisation in consultation with appropriate Executive Directors</p> <p>Chief Executive/Executive Director Organisation in consultation with appropriate Executive Directors</p> <p>Chief Executive/Executive Director Organisation in consultation with Executive Director Finance</p> <p>Chief Executive/Executive Director Organisation</p> <p>Chief Executive</p> <p>Chief Executive/Executive Director Organisation</p>
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	(r) Settlement of claims in respect of loss or damage to an employee's personal effects.	Executive Director Organisation
6.	<p><b>Returning Officer</b></p> <p>To carry out the duties of Acting Returning Officer and Returning Officer for Parliamentary, Local, County, Fire Police and Crime Commissioner and Referendums.</p> <p>(b) To designate Polling Places where necessary in exceptional circumstances for Parliamentary, Fire Police and Crime Commissioner Local Elections.</p> <p>© To amend from time to time the scale of fees, costs, charges and expenses to be allowed for Borough elections. (Note: the level of remuneration for the Returning Officer personally to be determined by Executive).</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>
7.	<p><b>Electoral Registration Officer</b></p> <p>To act as the Council's Electoral Registration Officer</p>	Chief Executive
8.	<p><b>Common Seal</b></p> <p>To attest the Common Seal of the Borough Council</p> <p>To execute and/or attest any document as required on behalf of the Council.</p>	<p>Chief Executive/or any officer authorised by the Chief Executive</p> <p>Chief Executive</p>
9.	<p><b>Mayor</b></p> <p>To provide banking facilities for the Mayor, and to pay the Mayor's annual allowance as may be determined from time to time by the Council.</p>	Chief Executive/Executive Director Organisation/ Legal, Admin & Democratic Services Manager
10.	<p><b>Monitoring Officer</b></p> <p>To act as the Council's Monitoring Officer and carry out the statutory duties set out in the Local Government &amp; Housing Act 1989 the Local Government Act 2000 and the Localism Act 2011.</p>	Information Governance Manager
11.	<p><b>Local Land Charges</b></p> <p>To reply to requisitions for a search of the Local Land Charges Register and Enquiries of Local Authorities.</p>	Executive Director Organisation
12.	<p><b>Town and Village Greens</b></p> <p>To consider applications for, and where appropriate,</p>	Chief Executive

	register Town and Village Greens under the Commons Registration Act 1965 and the Commons Act 2006.	
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13.	<b>Representation in Court</b> To authorise the appearance of persons other than Solicitors pursuant to Section 223 of the Local Government Act 1972.	Relevant Executive Director
14.	<b>Legal Proceedings (Civil)</b>  (a) To institute, defend, appeal from, settle or abandon legal proceedings whether administrative or civil in any matter in which the Council or its officers may institute or defend proceedings in any court or arbitration or administrative tribunal.  (b) To institute proceedings in the Magistrates or Crown Court where there has been a breach of any statutory notice issues/served by the Council or where the Authority has a general power or duty to enforce the law through the criminal courts.	Relevant Executive Director  Relevant Executive Director
15.	<b>Legal Agreements/Public Notices</b> To be responsible for:  (a) the execution of legal agreements pursuant to the Council's Procedural and Contract Rules. (b) the issue of Public Notices	Relevant Executive Director
16.	To make a charge on a property when an individual enters Part III residential accommodation.	Executive Director Communities
17.	To enter into Deed of Release and/or Variation in landlord tenant matters.	Executive Director Communities
18.	To take peaceable re-entry of leasehold property in the event of occupation of property not in agreement with agreed terms.	Executive Director Communities
19.	To enter into nomination agreements on housing matters.	Executive Director Communities
20.	To enter into Highway Bond Agreements under Sections 219 to 220 Highways Act 1980.	Relevant Executive Director

21.	<p><b>Implementation of Decisions</b></p> <p>To take all such steps as are in his/her opinion necessary, including the affixing of the Common Seal of the Council and the bringing of legal proceedings and the making of orders to give effect to any decision or action taken properly by the Council, or any duly authorised body or officer acting on its behalf, or to protect the interests of the Council or any person or property to whom or for which the Council has responsibility.</p>	Chief Executive
22.	<p><b>Compulsory Purchase Orders</b></p> <p>To make, vary and/or amend Compulsory Purchase Orders.</p>	Relevant Executive Director
23.	<p><b>Property Management</b></p> <p>Service of notices under Section 25 of the Landlord &amp; Tenant Act 1954 to enable rents and any other new terms to be negotiated.</p>	Executive Director Communities
24.	<p>Arrangement of defective title indemnity cover in respect of land or property being disposed of by the Council up to a premium limit of £6,500 each such costs to be met from sale proceeds.</p>	Executive Director Communities
25.	<p><b>Council Halls/Meeting Rooms</b></p> <p>To determine any applications for the use of Council halls or meeting rooms by extremist organisations other than use required under the Representation of the People Acts.</p>	Chief Executive in consultation with Assistant Director Assets and Leader of the Council
26.	<p><b>Hire of Civic Accommodation</b></p> <p>To waive the charges for the hire of Civic meeting rooms to outside organisations where such organisations are of a charitable or non-profit making nature or where there are exceptional circumstances.</p>	Assistant Director People
27.	<p><b>Regulation of Investigatory Powers Act 2000</b></p> <p>To make any necessary amendments to the Covert Surveillance Policy and Procedural Guidance documentation.</p>	Executive Director Communities Assistant Director Partnerships
28.	<p><b>Data Protection Act 2018 (DPA) / UK- General Data Protection Regulations (UK-GDPR)</b></p> <p>To act as the Council's Data Protection Officer</p>	Information Governance Manager (Monitoring Officer)

	To take all necessary steps under the Freedom of Information Act and all relevant secondary legislation and guidance	Information Governance Manager (Monitoring Officer) / in consultation with Assistant Director - People
29.	To determine arrangements for the inspection of background papers for meetings.	Legal, Admin and Democratic Services Manager in consultation with the Executive Director Organisation
30.	<b>Members' Allowances Scheme</b>	
	To consider on its merits and make payment in respect of any claim not received within 4 months of the date of performance of the duty.	Executive Director Finance
31.	<b>Entertainment of Civic Guests/Hospitality</b>	
	Authority to approve arrangements and expenditure in respect of the entertainment of civic guests within approved budget.	Chief Executive / Executive Director Organisation
	To arrange all civic ceremonies and ancillary events in consultation with the Mayor.	Chief Executive / Executive Director Organisation
32.	<b>Courses &amp; Seminars</b>	
	To approve the attendance of Members at courses and seminars.	Chief Executive, Executive Director Organisation

## **(B) LAND AND PROPERTY**

1. Subject always to:

- (a) Budget provision;
- (b) Having due regard to the professional advice pertinent to the particular matter.

The Executive Director Communities having taken consultation as necessary, with the Council's legal advisors, be authorised in respect of the land and property for which he is responsible subject to:

	<b>FUNCTION</b>	<b>AUTHORISED OFFICER</b>
(i)	To authorise the granting, renewal, termination, assignment or sub-letting of leases, tenancies or other interests in land and property.	Assistant Director Assets
(ii)	To approve variations in rent arising from rent reviews of land and property leased to or by the Council.	Assistant Director Assets
(iii)	To authorise the acquisition of legal estates or interests in land and property up to the value of £50,000 plus appropriate and reasonable incidental fees and costs in line with the Acquisitions and Disposals Policy.	Chief Executive in consultation with Executive Director Communities
(iv)	To authorise the disposal of legal estates or interests in land and property not required by the Council up to the value of £50,000 set out in the Acquisitions and Disposals Policy plus appropriate and reasonable incidental fees and costs.	Chief Executive in consultation with the Executive Director Communities
(v)	To approve the payment of interest on the purchase price of land and property in those cases where entry on to the land is required in advance of completion.	Assistant Director Assets
(vi)	To authorise the taking, granting, revocation or termination of covenants, easements, wayleaves, licences and other rights or user and to undertake the management of land and property.	Assistant Director Assets
(vii)	To arrange for payment of appropriate rates, charges and taxes.	Assistant Director Assets
(viii)	To approve claims for disturbance arising out of compulsory and voluntary acquisitions.	Assistant Director Assets
(ix)	To commence preliminary negotiations with respect to any land or property to be acquired so as to be able to ascertain questions of willingness to sell and general terms.	Executive Director Communities Assistant Director Assets

(x)	To approve modifications or additions to Council land and property funded by third parties.	Assistant Director Assets
(xi)	To authorise works of improvement or repair to Council land and property.	Assistant Director Assets
(xii)	To authorise building maintenance work.	Assistant Director Assets
(xiii)	To authorise the design and execution of building and incidental work.	Assistant Director Assets
(xiv)	To commission building contracts to be entered into by the Council.	Assistant Director Assets
(xv)	To commission feasibility studies and value for money appraisals on all capital investments.	Assistant Director Assets
(xvi)	To proceed with compulsory acquisition of rights over land under the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.	Assistant Director Assets

Working Draft

**(C) RESOURCES**

	<b>FUNCTION</b>	<b>AUTHORISED OFFICER</b>
	<b>Banking Arrangements and Cheques</b>	
1.	All necessary arrangements with the Council's bankers and Girobank concerning the Council's banking requirements and to administer the same on a day to day basis including the provision of any necessary indemnity to the Council's bankers, and the authorisation of the signing of cheques and negotiable instruments.	Executive Director Finance
2.	Arrangements for overdraft facilities as necessary within the limit authorised by the Council.	Executive Director Finance
3.	The creation, investment, realisation and utilisation of sinking funds, reserves, capital funds and receipts and other special funds.	Executive Director Finance
4.	To administer and act as Registrar in respect of existing Council bonds, including discretion to make premature payment.	Executive Director Finance
5.	The raising and management of all loans (except stock) for the purpose and amount for which the Council is authorised to borrow money in accordance with Section 172 and Schedule 13 of the Local Government Act 1972.	Executive Director Finance
6.	To exercise (as far as may be lawful) the powers of the Council to borrow and invest.	Executive Director Finance
	<b>Finance</b>	
7.	Determination of accounting procedures and the form and extent of financial records.	Executive Director Finance
8.	Production and distribution of financial management information.	Assistant Director - Finance
9.	Financial negotiations with external bodies in Consultation with the Chief Executive and Solicitor & Monitoring officer. Determination of the manner in which the cost of capital schemes is to be defrayed and the application of capital receipts.	Executive Director Finance

10.	Approval of accounts for payment, having been satisfied that payment is lawful and that property certification procedures have been followed.	Any Authorised Officer
11.	Co-ordination, control and supervision of all monies due to the Council.	Executive Director Finance
12.	Issue of all cheques appropriately signed for: <ul style="list-style-type: none"> <li>• cheques below £10,000 bearing facsimile signature</li> <li>• cheques in excess of £10,000 bearing the autograph signature of authorised officers.</li> </ul>	Executive Director Finance
13.	Undertaking all borrowing of monies, financial and operational leasing of vehicles, equipment and other assets and the making of all arrangements concerning the investment or utilising of capital monies and other funds.	Executive Director Finance
14.	Registrar of Council Bonds and Stock Issues.	Executive Director Finance
15.	Approval of all petty cash floats and imprests to officers.	Executive Director Finance
16.	Agreeing form in which stores and stock records are kept, and agreement to adjustments to accounts if less than £5,000 in any one year.	Executive Director Finance
17.	Declarations and Certificates relating to Securities.	Executive Director Finance
18.	The Executive Director Finance shall be the delegated officer for signing/authorising any statutory, legal, grant documents requiring the signature of a finance officer.	Executive Director Finance
19.	The payment and reimbursement of monies in respect of Benefit Scheme and Grant Subsidy income.	Executive Director Finance
	The Executive Director Finance to report quarterly to Council on the Councils Financial Position.	Executive Director Finance
21.	To determine the method of financing of capital projects within the overall financing reserves strategy of the Council.	Executive Director Finance
22.	To arrange credit cards and limits for staff use on behalf of the Council	Assistant Director Finance



23.	<p><b>National Non Domestic Rates</b></p> <p>The powers, duties and functions as required/granted under the Local Government Finance Act 1988 as amended by the Localism Act 2011 Part 4.</p>	Executive Director Finance
24.	<p><b>National Non Domestic Rates</b></p> <p>The issue of demands for void rates in respect of empty properties within such class or classes of hereditaments which the Council shall have determined to be subject to change under Non-Domestic Rating (Unoccupied Property) Regulations 1989 as amended.</p>	Executive Director Finance
25.	Any action necessary in respect of the recovery of rates including void rates.	Executive Director Finance
26.	Action on Valuation Officer's proposals for revision of rating assessments.	Executive Director Finance
27.	Lodging of proposals by the Council for revision of existing rating assessments.	Executive Director Finance
28.	To deal with the remission of Non-Domestic Rates under statute.	Assistant Director Finance Executive Director Finance
29.	To determine, where necessary, whether or not objection should be made to any proposal for the amendment of the Valuation Lists, and whether or not compromises should be agreed.	Executive Director Finance
30.	To process claims for discretionary rate relief applications as approved by the Portfolio Holder.	Assistant Director Finance
31.	Making allowances under Section 47 and Section 48 of the Local Government Finance Act 1988.	Executive Director Finance
32.	<p><b>Mortgages &amp; Advances</b></p> <p>To determine the rate of interest to be applied to advances on mortgage for house purchase, etc., The Housing (Financial Provisions) Act 1958 and the Section 110 of the Housing Act 1980.</p>	Executive Director Finance

33.	To deal with applications for advances on mortgages for house purchase, etc., under the Housing Act 1980 where no special considerations arise.	Executive Director Finance
	<b>Sundry Income &amp; Miscellaneous Rents</b>	
34.	<p>To collect income of the Council, including:</p> <ul style="list-style-type: none"> <li>the recovery of unpaid income of the Council by the issue of summonses or otherwise, including proceedings in tribunals and inferior courts</li> <li>the issue and recovery of penalties (or their waiver and writing off) under the Third Schedule to the Local Government Finance Act 1988 and the Third Schedule to the Local Government Finance Act 1992.</li> <li>The writing off of Court costs in respect of rates and council tax.</li> <li>The payment of sums properly payable from the Collection Fund.</li> <li>Requests to the Valuation Officer to revise valuation lists by e.g. the inclusion of newly completed properties, and appeals against valuations of Council property.</li> <li>The determination of on-costs and rates of interest in respect of any sums due where such on-cost or interest is properly chargeable.</li> <li>To set fees in consultation with the Data Protection Officer in consultation with Executive Director, for the provision of personal information protected by the Data Protection legislation and for the provision of information subject to the Freedom of Information legislation.</li> </ul>	Executive Director Finance in conjunction with the authorised Officer.
	<b>Insurances</b>	
35.	Management of the Council's insurances including the renewal of policies within long term agreements.	Executive Director Finance
36.	<p>Approval of payments from the insurance fund in respect of claims meeting the criteria and terms of self-insured risks.</p> <p>To deal with all insurance against loss to or liability of the Council including the areas of cover, the extent of cover, the negotiation and acceptance of conditions of cover, and settlement of claims against the insurer or by a claimant (so far as permitted by the insurer).</p>	Executive Director Finance
	<b>Car Loans &amp; Allowances</b>	
37.	The day to day grant and administration of car loans, and financial allowances to staff, including the	Executive Director Organisation/Executive Director

	schemes for travelling, subsistence, relocation expenses, telephone and car allowances, including variations to local terms to reflect variation in national agreed schemes or in line with inflation. The authorisation /sign off of car loan agreements	Finance
38.	To regularly review the interest rate charged on car loans and adjust the rate to provide that the true annual interest rate charged on loans should be calculated in line with the Bank of England base rate prevailing at the time the loan is approved subject to a minimum level of 2% (in line with scheme conditions for term rates).	Executive Director Finance
39.	Determination of eligibility for the amount of loan within approved policy.	Executive Director Organisation
40.	Determination of eligibility for car purchase loans within approved policy.	Executive Director Organisation and appropriate authorised Officer
41.	Management of the Council's Car Allowance Scheme in accordance with approved guidelines.	Executive Director Organisation, Assistant Director People and relevant authorised officer
	<b>Remuneration &amp; Organisational Review</b>	
42.	(a) The payment of salaries, allowances and authorised supplementary payments, and the authorised deduction of appropriate sums and payment thereof to any body to whom such payment is due, and including the implementation of national awards in respect of salaries, etc. the payment of superannuation gratuities (following Executive/Council resolution).	Executive Director Organisation and Assistant Director People
	(b) Advance payments of salaries, wages and allowances (excluding Member allowances) to be made in accordance with the Financial Regulations.	Executive Director Organisation, Assistant Director People
43.	<b>Representation of Council in Court</b>  To authorise appropriate staff to represent the Council in Court in respect of Sundry Income, Council Tax and Non-Domestic Rates debt.	Executive Director Finance, Assistant Director Finance
	<b>Health &amp; Safety</b>	
44.	a) In respect of the Council's own premises and land, authority to instruct contractor(s) to cease work where it may constitute a risk to the health and safety of the public and/or employees or where there is a breach of a contractual requirement or statutory duty. b) In respect of the Council's employees to instruct them to cease work where it may constitute a risk to	Chief Executive/Assistant Director Growth & Regeneration  Executive Director Organisation / Chief Executive / Assistant Director,

	their or others health and safety or where there is a breach of a statutory duty.	Environment, Culture and Wellbeing
	<b>Write-offs</b>	
45.	In respect of all write-off's below £10,000.	Executive Director Finance
	<b>Housing Benefit, &amp; Council Tax Benefit and Council Tax Reduction</b>	
46.	To take all necessary action in the general administration, implementation and enforcement of the Housing Benefit Regulations 2006, the Council Tax Benefit Regulations 2006 and the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and Staffordshire County Council's Charging for Residential Accommodation Guide including the submission of returns, funding arrangements, and other such documents.	Assistant Director Finance
47.	To apply administration penalties, sanctions and administer Cautions under current legislation in relation to Social Security and Council Tax Reduction fraud.	Assistant Director Finance /Head of Revenues & Benefits
	<b>Council Tax</b>	
48.	Lodging of proposals by the Council for revision of existing bandings.	Executive Director Finance
49.	(a) To discharge any of the functions imposed upon and capable of delegation to an Officer by the Borough Council, as a billing authority, by virtue of the Local Government Finance Act 1992 (as amended) in connection with the administration, billing collection and recovery of the Council Tax including: <ul style="list-style-type: none"> <li>To give due notice of the agreed Council Tax in the manner provided by Section 38(2) of the 1992 Act.</li> <li>To calculate the Council Tax Base for the whole Council area [Item T in the formula in Section 31B(3) of the 1992 Act as amended]</li> </ul>	Executive Director Finance
	<ul style="list-style-type: none"> <li>To apply when necessary for a summons against any Council Tax payer or non-domestic ratepayer on whom an account for the said tax or rate and arrears has been duly served and who has failed to pay the amounts due to take all subsequent necessary action to recover them promptly.</li> </ul>	Executive Director Finance
	<ul style="list-style-type: none"> <li>To collect (and disperse from the relevant accounts) the Council Tax and National Non-Domestic Rate.</li> </ul>	Executive Director Finance

	(b) To impose or revoke penalties under the provisions of Schedule 3 of the Local Government Finance Act 1992 (as amended).	Executive Director Finance
	(c) Arrangements for Officers to agree with any Council Tax payer an alternative payment to the standard scheme where it is considered that it is in the best interests of the Authority.	Executive Director Finance
	(d) To determine applications for awards of Local Council Tax discount, under Section 13A of the Local Government Finance Act 1992, in cases of hardship.	Executive Director Finance
	(e) To consider any referenda received from persons regarding increases in Council Tax as provided in the Local Government Finance Act 1992 as amended	Executive Director Finance
50.	Town & Country Planning Act 1990 To determine and allocate S106 funding for appropriate projects and activities	Assistant Director Finance Assistant Director Growth & Regeneration both in consultation with the approved mechanism for the expenditure of Section 106 funding

#### (D) HOUSING AND HEALTH

	<b>FUNCTION</b>	<b>AUTHORISED OFFICER</b>
	<b>Consultation</b>	
1.	To consult and promote participation of tenants in service development.	Executive Director Communities
	<b>Government Returns</b>	
2.	Complete relevant returns annually in line with the agreed capital programme and strategy.	Executive Director Communities
	<b>Tenants' Improvements</b>	
3.	Approval or refusal of applications from tenants to carry out external or internal improvements to Council accommodation subject to the Housing Act 1985 and subject to compliance with building regulations and planning requirements.	Executive Director Communities/ Assistant Director Assets
	<b>Improvements to Sold Council Dwellings</b>	
4.	Approval or refusal of applications from owners of sold Council dwellings:-	Executive Director Communities/ Assistant Director Assets

	(a) To carry out internal improvements or external improvements not involving significant additions to the existing building.	Executive Director Communities/ Assistant Director Assets
	(b) To carry out significant external improvements.	Executive Director Communities
	<b>Rents &amp; Management Matters</b>	
5.	(a) Fixing of rents for properties on Council housing estates used for special purposes.	Executive Director Finance and Executive Director Communities
	(b) Payment of sums as approved to tenants in respect of their transfer from under-occupied housing of any type to smaller properties.	Executive Director Communities Assistant Director Neighbourhoods
	(c) To deal with tenant consultation in accordance with the Council's policy and current legislation.	Executive Director Communities/ Assistant Director Neighbourhoods
	(d) Payment of reasonable removal and reconnection of appliance expenses and a disturbance allowance (not exceeding the maximum approved from time to time), in appropriate cases to tenants who are requested to move by the Council, and where there is a management advantage to the Council in their moving.	Executive Director Communities/ Assistant Director Neighbourhoods
	(e) Service of Notice of Variation of Rent.	Executive Director Communities
	(f) Amendments to tenancy terms in accordance with the Council's policy.	Executive Director Communities
	(g) Fixing of standard charges for rechargeable repairs.	Executive Director Communities/ Assistant Director Assets
	(h) Approval of applications for "three room scheme" of internal redecoration.	Executive Director Communities Assistant Director Neighbourhoods
	(i) Authorisation of refunds of undue expenditure, rent refunds and similar items (not the fault of the tenants) in appropriate circumstances; waiver of rents and charges in respect of temporary disruption of occupation or services; authority to waive or reduce the standard charge for bed and breakfast accommodation in cases of hardship.	Executive Director Communities Assistant Director Neighbourhoods

	<p>(j) Authority to act on behalf of the Council in respect of the provisions of the Housing Act 1985 (amended), including powers to serve notice, powers of entry and inspection, survey and examination under sections 197, 395, 319 (1), 337 (1), 340(1) and elsewhere within the Act.</p> <p>(k) Ordering of works of alteration within budget provision to Council properties to meet the needs of disabled persons.</p> <p>(l) Issue of distress warrants for rent arrears.</p>	<p>Executive Director Communities Assistant Director Neighbourhoods Assistant Director Assets</p> <p>Executive Director Communities Assistant Director Assets</p> <p>Executive Director Communities Assistant Director Neighbourhoods</p>
6.	<p><b>Homelessness</b></p> <p>(a) To consider and deal with cases of permanent re-housing arising from the implementation of Part 7 of the 1996 Housing Act as amended.</p> <p>(b) Determination of appeals against decisions in homelessness cases in accordance with approved policy guidelines.</p> <p>(c) Authorisation to give rent guarantees as part of the duty to provide advice and assistance and the prevention of homelessness.</p> <p>(d) To deal with the leasing of private sector properties in accordance with the Council's approved scheme.</p>	<p>Executive Director Communities Assistant Director Neighbourhoods</p> <p>Executive Director Communities Assistant Director Neighbourhoods</p> <p>Executive Director Communities Assistant Director Neighbourhoods</p> <p>Executive Director Communities Assistant Director Partnerships</p>

7.	<p><b>Allocation Scheme</b></p> <p>(a) To deal with all matters in connection with (i) the allocation of housing accommodation in accordance with current legislation and the schemes of allocation adopted by the Council and (ii) applications for transfer and exchanges of accommodation.</p> <p>(b) To deal with all applications from tenants of the Council for alternative accommodation on non-housing needs grounds.</p>	<p>Executive Director Communities / Assistant Director Neighbourhoods</p> <p>Executive Director Communities /Assistant Director Neighbourhoods</p>
	<p>(c) Re-housing of the tenants and their families in cases where Closing, Demolition and Clearance Orders are made.</p> <p>(d) Acceptance of service authorities' certificates of cessation of entitlement to occupy a service quarter in lieu of Court Order.</p> <p>(e) To amend or vary the designation as elderly persons dwellings, bed-sit bungalows and one bedroom flats which are not part of a sheltered complex.</p> <p>(f) Appeals on those matters referred to in (a) and (b) above.</p> <p>(g) To transfer tenants on management grounds.</p>	<p>Executive Director Communities /Assistant Director Neighbourhoods</p> <p>Executive Director Communities / Assistant Director Partnerships/Assistant Director Neighbourhoods</p> <p>Executive Director Communities</p> <p>Executive Director Communities</p> <p>Executive Director Communities</p>
8.	<p><b>Provision of Council Housing in Special Cases</b></p> <p>(a) Within established policy deal with applications for priority housing on medical grounds, non-housing need grounds and emergency housing accommodation from persons who are homeless or threatened with eviction from their present accommodation.</p> <p>(b) Appeals on those matters referred to in 11 (a) above.</p>	<p>Executive Director Communities / Assistant Director Partnerships/Assistant Director Neighbourhoods</p> <p>Executive Director Communities/ Assistant Director Partnerships/Assistant Director Neighbourhoods</p>



	<b>Management of Council Housing</b>	
9.	To deal with:	
	(a) Applications for succession of tenancy within statutory right where the property is not under-occupied.	Assistant Director Neighbourhoods
	(b) Applications for second succession or succession leading to under-occupation.	Assistant Director Neighbourhoods
	(c) Applications for assignment of a tenancy.	Assistant Director Neighbourhoods
	(d) Applications to sublet or part with possession of part of a property.	Assistant Director Neighbourhoods
	(e) Application under the “right to approve”.	Assistant Director Neighbourhoods
<p>N.B. Appeals against the Officer decisions referred to in 11 and 12(i), (iii), (iv) and (v) shall be considered initially by the Executive Director Communities. There may be a further appeal to the Appeals Sub-Committee on referral by Officers or at the request of 3 Members.</p>		
	<b>Termination, Possession &amp; Legal Proceedings</b>	
10.	(a) To sign and serve Notices of Seeking Possession for tenancy conditions.	Executive Director Communities, Assistant Director Neighbourhoods
	(b) To serve Notice to quit for unauthorised occupation or abandonment of tenancy and recover possession.	Executive Director Communities, Assistant Director Neighbourhoods
	(c) To authorise possession proceedings.	Executive Director Communities, Assistant Director Neighbourhoods
	(d) To authorise eviction proceedings.	Executive Director Communities, Assistant Director Neighbourhoods
	(e) Recovery of Court costs and associated fees from Possession Proceedings, and other legal action for breach of Tenancy Conditions.	Executive Director Communities, Assistant Director Neighbourhoods
	(f) Waiver of or partial claim for Court costs where reasonable.	Executive Director Communities Assistant Director Neighbourhoods
	<b>Squatting</b>	
11.	To authorise recovery under the Criminal Law Act 1977.	Executive Director Communities Assistant Director Neighbourhoods

	<b>Sales of Housing</b>	
12.	Signature of TP1 and Right to Buy (RTB) forms in connection with Housing Act 1985 unless under seal which would require the Chief Executive's authority.	Chief Executive Executive Director Organisation
13.	<p>In respect of sales under the Housing Act 1985, the Housing &amp; Building Control Act 1984 and any voluntary sales scheme to:</p> <p>(a) Seek determination from the Secretary of State – appropriate cases, to serve Admission of the Right to Buy, authorise cases in pursuance of Sections 4(2) and 15(2) of the Housing Act 1985 and acceptance of statutory declarations;</p> <p>(b) Approve and exercise discretions permitted in the Acts covering mortgages;</p> <p>(c) Determine the parameters in respect of mortgage offers to be made in cases where a tenant has served a Notice requesting a shared equity lease;</p> <p>(d) Grant of extension of time limits as permitted;</p> <p>(e) (i) Determine service charges in respect of leasehold sales and refunds in accordance with current legislation;</p> <p>(ii) To authorise refunds of undue expenditure on service charges and similar items (not the fault of leaseholders) in appropriate circumstances;</p> <p>(iii) To waive charges in respect of temporary disruption of occupation or services.</p> <p>(f) Carry out structural surveys as required.</p> <p>(g) Determine applications for the purchase of amenity areas and off-site garages by Right to Buy purchasers;</p>	<p>Executive Director Organisation</p> <p>Executive Director Organisation</p> <p>Executive Director Organisation</p> <p>Executive Director Organisation</p> <p>Assistant Director Assets</p> <p>Assistant Director Assets</p> <p>Executive Director Communities</p> <p>Assistant Director Assets</p> <p>Assistant Director Assets</p>

	(h) To decide on applications for the Right to Buy from tenants of designated elderly persons' dwellings, in accordance with the legislation currently in force, ensuring that as far as possible the properties concerned are retained in the Council's housing stock;	Executive Director Organisation
	(i) Appeal against discretionary determinations.	Executive Director Organisation
	<b>Tenants' Right to Repair</b>	
14.	(a) Authority to operate statutory schemes under Right to Repair legislation.  (b) Authority to pay compensation for failure of the Council to carry out repairs in accordance with the Tenancy Agreement and current Landlord and Tenant legislation.	Assistant Director Assets  Assistant Director Assets
	<b>Harassment</b>	
15.	Investigation of complaints or alleged offences including the instigation of legal proceedings and prosecutions, under Landlord & Tenant Act 1962 and under the Protection from Eviction Act 1977 and under the Protection of Harassment Act 1997.	Executive Director Communities / Assistant Director Neighbourhoods / Assistant Director Partnerships
16.	To determine applications for transfer from tenants suffering from harassment.	Executive Director Communities / Assistant Director Neighbourhoods
	<b>Private Tenants – Restoration of Services</b>	
	Local Government (Miscellaneous Provisions) Act 1976/1982	
17.	Section 33 (Assistance to private tenants in restoration or continuation of supply of water, gas or electricity).	Executive Director Communities /Assistant Director Partnerships
	<b>Private Sector Housing</b>	
18.	(a) To exercise all of the Council's powers and duties under the housing/public health statutes set out in Annex 1 and any Regulations and Orders made thereunder.	Executive Director Communities Assistant Director Partnerships
	(b) To authorise suitably qualified Officers to exercise the various powers of entry for the purposes of inspection, survey etc. as provided for by the above-mentioned statutes.	Executive Director Communities Assistant Director Partnerships
	<b>Authorised Signatories for Affordable Housing Funded Schemes</b>	

19.	(a) Authority to sign Local Authority Social Housing Grant applications, subject to available Capital Funding.	Executive Director Communities Assistant Director Partnerships
	(b) Authority to sign Housing Association Grants claims.	Executive Director Communities Assistant Director Partnerships
	(c) Authority to sign scheme work certifications.	Executive Director Communities Assistant Director Partnerships
	<b>First Homes Matters</b> To consider and deal with all approvals, consents, compliance, and any matters arising therefrom pursuant to the Governments First Homes Programme	Executive Director Communities Assistant Director Partnerships
20.	<b>Infill Housing Sites on Council Housing Estates</b> Authority to approve sites before proceeding further.	Executive Director Communities
21.	Authority to dispose of surplus sites to Registered Social Landlords for provision of new affordable housing.	Executive Director Communities
22.	<b>Demolition of Unfit Properties/Garage Sites</b> Following completion of Compulsory Purchase Order to arrange for demolition of unfit housing or garage site in the interests of public safety and health and to seek to recover any expenditure as appropriate.	Executive Director Communities / Assistant Director Assets
	Public Health - Public Health Act 1936	Executive Director Communities
23.	Incurring of expenditure in premises requiring emergency cleansing on a discretionary basis.	Executive Director Communities / Assistant Director Assets
24.	To set charges for individual alarm units that cover the actual cost of purchase by the Council.	Executive Director Communities / Assistant Director Neighbourhoods / Assistant Director Assets
25.	To waive the connection charge for individual alarm units provided by third parties and to vary this charge in response to market conditions for other subscribers.	Executive Director Communities / Assistant Director Neighbourhoods / Assistant Director Assets

**(E) COMMUNITIES, PLANNING AND PARTNERSHIPS**

	<b>Building Control</b>	
1.	Notices and action under Sections 16 and 18 of the Building Act 1984.	Assistant Director Growth & Regeneration but delegated to joint arrangements hosted by Lichfield District Council
2.	Directions under Sections 8, 10, 15, 19, 20, 21, 24, 25, 30, 32, 33, 35, 36, 47, 72, 77, 78, 79, 80, 81, 95, 96 and 107 of the Building Act 1984.	Assistant Director Growth & Regeneration through Partnership Agreement with Lichfield District Council
3.	Notices and action under the Building Regulations 2000 and subsequent amendments thereto.	Assistant Director Growth & Regeneration and Development Control Manager through Partnership Agreement with Lichfield District Council
4.	To determine the scheme of charges to recover the costs in connection with the performance of the functions relating to building regulations as provided by the Building (Local authority Charges) Regulations 2010 and subsequent amendments thereto.	Assistant Director Growth & Regeneration in consultation with Executive Director Finance through Partnership Agreement with Lichfield District Council
	<b>Clean Air – Height of Chimney</b>	
5.	Notices and action under Section 10 of the Clean Air Act 1956 (Height of Chimneys – for development control purposes).	Assistant Director Growth & Regeneration
	<b>Scaffolding &amp; Hoarding</b>	
6.	Issue of licences and appropriate actions under Section 169, 171 and 172 of the Highways Act 1980.	Authorised officers through Partnership Agreement with Lichfield District Council
	<b>Party Wall Act 1996</b>	
7.	Appointment of “third” surveyor under Section 10 of the Party Wall Act 1996.	Assistant Director Growth & Regeneration & Assistant Director Assets
	<b>Protection of Buildings during Demolition</b>	
8.	Action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982.	Assistant Director Growth & Regeneration through Partnership Agreement with Lichfield District Council

	<b>Uninspected Work</b>	
9.	Laying open uninspected work under Regulation 15 of the Building Regulations 2000.	Assistant Director Growth & Regeneration through Partnership Agreement with Lichfield District Council
	<b>Development Control Functions</b>	
10.	The Development Control Functions set out in the Appendix 2 hereto.	Assistant Director Growth & Regeneration
	<b>Emergency Tree Works</b>	
11.	Action under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 in cases of emergency (including the institution of legal proceedings and prosecutions).	Assistant Directors Operations & Leisure/Growth & Regeneration
12.	The making and confirmation of orders under Sections 198 and 201 of the Town & Country Planning Act 1990 for the preservation of trees in the Borough (where no objections have been received) and issue of consents to the felling, topping, lopping, etc. of individual trees.	Assistant Director Growth & Regeneration/
	<b>Cable Television</b>	
13.	Response to consultations between The Cable Corporation and the Local Planning Authority regarding the proposed installation of cable television apparatus except for proposals relating to installations within conservation areas or affecting listed buildings or where it is considered an objection should be raised.	Assistant Director Growth & Regeneration
	<b>Advertising Boards</b>	
14.	Determination of applications for advertisement consent made in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in consultation with the Borough Secretary and Solicitor the powers in these Regulations relating to the discontinuance of deemed consent.	Assistant Director Growth & Regeneration
	<b>Demolition</b>	
15.	To determine whether the approval of the Council will be required to the method of the proposed demolition and any proposed restoration of the site under the relevant regulations.	Assistant Director Growth & Regeneration

16.	To determine whether to approve the submission of subsequent details of demolition/restoration under the relevant regulations.	Assistant Director Growth & Regeneration
	<b>Town &amp; Country Planning Act 1990 (as amended)</b>	
17.	(a) To issue & serve planning contravention notices under Section 171C of the Act and to consider any representations subsequently received.	Assistant Director Growth & Regeneration
	(b) To authorise the issue and service of an Enforcement Notice, Stop Notice and Temporary Stop Notice under the Town & Country Planning Act 1990 where urgent action is required to protect the amenities of local residents and the surrounding area.	Assistant Director Growth & Regeneration
	(c) To authorise the issue and service of an enforcement notice where operational development (i.e. building, engineering, mining or other operations) or an unauthorised change of use has occurred.	Assistant Director Growth & Regeneration
	(d) To authorise the issue and service of a notice requiring the proper maintenance of land under Section 215 of the Town and Country Planning Act 1990.	Assistant Director Growth & Regeneration

	(e) To authorise the raising and issuing of notices under the provisions of S.330 and S. 172 of the Town and Country Planning Act 1990 and/or S.16 of the Local Government (Miscellaneous) (Provisions) Act 1976 and the Local Government and Planning (Amendment) Act 1981 and Planning Contravention Notices under S.171c and 171d of the Town & Country Planning Act 1990.	Assistant Director Growth & Regeneration
	(f) Not to take enforcement action in those cases where it would be in expedient.	Assistant Director Growth & Regeneration
	<b>Planning &amp; Compensation Act 1991</b>	
18.	To decide to decline to determine applications if he/she is satisfied that they fall within all provisions of Section 17 of the Act.	Assistant Director Growth & Regeneration
	<b>Listed Buildings</b>	
19.	To take urgent action in respect of Listed Buildings and Conservation Areas under the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990.	Assistant Director Growth & Regeneration
	<b>Planning Briefs</b>	
20.	Approval of planning briefs in accordance with planning policy.	Assistant Director Growth & Regeneration
	<b>Street Naming and Numbering</b>	
21.	Towns Improvement Clauses Act 1847, Public Health Acts Amendment Act 1907 and Public Health Act 1925  Numbering and re-numbering of premises in streets.	Assistant Director Growth & Regeneration



22.	<p><b>Allocation of new street names</b></p> <p>Planning Act 2008 Community Infrastructure Levy Part II – General administration to include undertaking enforcement and amending and publishing the Regulation 123 List.</p>	Assistant Director Growth & Regeneration
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**(F) ASSETS AND ENVIRONMENT**

	FUNCTION	AUTHORISED OFFICER
1.	<p><b>Highways &amp; Transportation Services - Regulatory Functions</b></p> <p>The Highway &amp; Transportation functions set out in Appendix 3.</p>	Assistant Director Assets
2.	To enforce the provisions of the Highways Act 1980 that relate to enviro-crime, nuisance parking and nuisance where applicable to the Borough Council.	Assistant Directors Assets, Partnerships, <b>Environment, Culture and Wellbeing</b>
3.	Authority to remove and/or obliterate all unauthorised signs and free-standing advertisement boards on or projecting over highway or Council land; charge for their return and following warning to the owners, destroy any signs not collected within 21 days and instigate legal proceedings against persistent offenders as necessary. [Sections 224 and 225 Town and Country Planning Act 1990]	Assistant Director Assets
4.	Position of litter bins.	<b>Assistant Director, Environment, Culture and Wellbeing</b>
5.	Selection of sites for and planting of street trees within approved estimates.	<b>Assistant Director, Environment, Culture and Wellbeing</b>
	<b>Permits</b>	
6.	To exercise the Council's powers under the Road Traffic Regulations (Special Events) Act 1994 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a relevant event where the relevant Authorised Officer considers an order under the Town Police Clauses Act 1847 is inappropriate.	The relevant Authorised Officer

	<b>Hackney Carriages &amp; Private Hire Vehicles</b>	
7.	<p>(a) Substitution of vehicles under existing Hackney Carriages and Private Hire Licences.</p> <p>(b) Transfer of ownership of Hackney Carriages and Private Hire Vehicles.</p> <p>(c) The grant or renewal of Hackney Carriage Drivers and Private Hire Vehicles, Operators and Driver's Licences (except when drivers have convictions) in accordance with guidelines laid down.</p>	Assistant Director Growth & Regeneration
	<b>Allotments</b>	
8.	Decisions on requests from allotment associations for permission to erect additional storage accommodation at their own expense for member's use, subject to compliance with planning legislation.	Assistant Director Assets
9.	Routine management of allotment plots in accordance with Smallholdings and Allotments Act 1908 and Allotments Act 1922.	Assistant Director Assets
	<b>Cemetery &amp; Crematorium</b>	
10.	Management of the Cemetery and Crematorium in accordance with Cemetery and Crematorium Rules and appropriate statutory provisions.	Assistant Director, Environment, Culture and Wellbeing
	<b>Commercial Transport</b>	
11.	Appointed Licence holder for any commercial transport for the Council	Chief Executive or any person authorised to act on their behalf

### (G) MISCELLANEOUS

	<b>Emergency Planning</b>	
1.	All matters relating to the preparation, production, maintenance and implementation of the Council's Emergency Peacetime and Civil Defence Plans.	Assistant Director Neighbourhoods

	<b>Public Transport</b>	
2.	To exercise the power of the Council under Section 7 of the Transport Act 1985 to request the Traffic Commission to make, vary or revoke Traffic Regulation conditions affecting local services or to hold an inquiry prior to determination of such conditions.	Authorised Officer
3.	To enter into public transport service subsidy agreements under the Transport Act 1985 where they are exempted from the tendering requirements in that Act.	Authorised Officer
4.	To lodge holding objections regarding proposals by operators for withdrawals of or alterations to rail services, or the fares and charges thereof, where it is anticipated that extra Council expenditure would result, and to pursue objections before the Transport Users Consultative Committee.	Authorised Officer
5.	To serve a 42 day Notice of Deregulation	Authorised Officer
	<b>Stopping Up</b>	
6.	To exercise the powers of the Highway Authority to stop up or divert the highway or private access to the highway under the Highways Act 1980 and the Town and Country Planning Act 1990 (if applicable) and to undertake all necessary legal procedures in connection therewith.	Authorised Officer
	<b>Traffic Regulation Orders</b>	
7.	To consider objections to proposed Traffic Regulation Orders and formal notices to other traffic management matters including traffic calming measures and Public Rights of Way and to authorise the making of the necessary orders with or without modification or to refer to the Executive as appropriate.	Authorised Officer
	<b>Formal Cautions</b>	
8.	To issue formal cautions with respect to Environmental Health, Community Safety, Licensing and Registration functions (to meet current Home Office requirements) on behalf of the Council. To delegate authority to suitably qualified officers to issue cautions.	Assistant Directors, Growth & Regeneration, Partnerships, Head of Environmental Health

	<b>Public Health Acts (Amendment) Act 1907</b>	
9.	Authority to act on behalf of the Council in respect of the provisions of the Public Health Acts (Amendment) Act 1907.	Appropriate Authorised Officer
10.	Wildlife and Countryside Act 1981	Appropriate Authorised Officer
11.	Guard Dogs Act 1975 (as amended)	Appropriate Authorised Officer
12.	Authority to act on behalf of the Council in respect of the provisions of Section 2 of the Local Government Act 2000 (the Wellbeing Power).	Appropriate Authorised Officer
	<b>Information and Communication Technology</b>	
13.	To enter into contracts for the provision of information technology systems	Appropriate Executive Director in consultation with the Assistant Director People

Working Draft

## ANNEX 1

### HOUSING & PUBLIC HEALTH

#### a) PRIVATE SECTOR HOUSING FUNCTIONS

The power and duties of the Council contained in the following Acts of Parliament are delegated to the Executive Director Communities to the extent set out in the right-hand column: -

ACT	EXTENT OF DELEGATION (Parts or Sections)
Housing Act 1985 (as amended)	Part VIII Area Improvement (except declaration of Neighbourhood Renewal Area) Part IX Slum Clearance (except declaration of Clearance Area).
Housing Grants, Construction & Regeneration Act 1996	Mandatory Grants to help with disabled facilities.
The Regulatory Reform (Housing Assistance) Order 2002	Policy for grants etc. for renewal of Private Sector Housing and Provision of mandatory and discretionary disabled facilities grants.
Public Health Act 1936	Sections 45, 50, 83, 84, 268 and 269
Prevention of Damage by Pests Act 1949	Sections 4, 5, 6 & 7
Caravan Site & Control of Development Act 1960	Conditional licensing of caravan sites, subject to current planning permission, including approval to transfer licences and stationing of caravans.
Mobile Homes Act 2013	Sections 1-7 and 12-14
Public Health Act 1961 (as amended)	Sections 17 and 34
Housing Act 2004	Part I – Enforcement of housing conditions Part II – Licensing of houses in Multiple Occupation Part III – Selective licensing of other residential accommodation Part IV – Additional control provisions in relation to residential accommodation (interim and final management orders in HMOs and empty dwellings), Overcrowding and supplementary provisions. Part VI other provisions about housing – secure tenancies /rights to buy, mobile homes, overcrowding and other provisions. Part VII – supplementary and final provisions.
Housing and Planning Act 2016	Part II – Rogue Landlords and property agents in England

Local Government (Miscellaneous Provisions) Act 1976	Section 16, 29 & 35
Local Government (Miscellaneous Provisions) Act 1982	Sections 27, 29, 30 31 & 32, 33
Building Act 1984	Sections 59, 60, 64, 76, 79
Environmental Protection Act 1990	Part III Statutory Notices
Anti-Social Behaviour, Crime and Policing Act 2014	All sections and powers within the Act which are relevant to Local Authorities with effect from 1 October 2014
Protection from Eviction Act 1977	Parts I, II and III
Protection from Harassment Act 1997	Sections 1-7
Enterprise and Regulatory Reform Act 2013	Part 6 Miscellaneous Provisions

## ANNEX 2

### DEVELOPMENT MANAGEMENT FUNCTIONS

The following functions are delegated to the Assistant Director Growth & Regeneration subject to any conditions set out below:

1. Power to determine applications for certificates of lawfulness under the Town and Country Planning Act 1990 as amended by Section 191 and 192 of the Planning & Compensation Act 1991.

2. Directions requiring further details, information, evidence or particulars in respect of an application for planning permission pursuant to Part 2 Article 4 of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3. Decisions under the Town & Country Planning (EIA) Regulations 2011 as to:-

(a) whether or not an environmental impact assessment is needed (screening opinion);

and

(b) the main effects of a development which an Environmental Statement should cover (scoping opinion)

4. Determination of all applications for planning permission, permission in principle (PIP's), technical consents, listed buildings, conservation area and advertisement consents, and Certificates of Lawfulness of Proposed Use or Development (except for major developments ++) under the relevant Acts within the constraints set out below: -

(a) Approval of applications which comply with existing approved statutory statements of policy and substantially comply with non-statutory policy guidelines.

(b) Refusal of applications which do not comply with existing approved statutory and non-statutory statements of policy.

defined as

(i) Development of 10 or more dwellings (0.5 hectare where no numbers are given)

(ii) Development of buildings of 1,000 square metres floor space or development on sites of 1 hectare or more

5. Power to decline to determine applications for planning permission under section 70A (following a refusal at appeal where there has been no substantial change to the proposal) and 70B (for an application for a similar application which is still to be determined) of the Town and Country Planning Act 1990.

6. To enter into planning obligations under Section 106 of the Town & Country Planning Act 1990 in cases where in all other respects the application falls within this Scheme of Delegation.

7. To determine all applications for planning permission (except for major developments ++) requiring a payment to be made in accordance with an agreed charging schedule approved by Council.

8. To deal with the administration of all aspects of development management matters including:

(a) validation of all applications for planning permission, planning in principle, technical consents, listed building, conservation area and advertisement consents in accordance with the adopted validation scheme

(b) consultation with appropriate bodies and persons in accordance with national legislation and council policy

(c) the wording of planning conditions, planning obligations, policy reasons for approval and reasons for refusal

(d) preparation and signature of decision notices in respect of planning applications, listed building, conservation and advertisement consents

(e) the approval of or refusal to accept minor variations to submitted plans, planning permissions, listed building consents, conservation area consents and advertisement consents

(f) preparation and presentation of the Councils case in the event that a planning decision made by the Council, either by the Planning Committee or through the use of delegated powers is challenged by means of an appeal

9. Determination of applications deferred by the Planning Committee which are subsequently amended such that they comply with the provisions of 4(a) above, unless the Committee specifically reserves the determination to itself.

10. Determination of applications for discharge and variation of conditions, and non material amendments to planning applications under the Town & Country Planning (Development Management Procedure) (England) Order 2015.

11. Determination of applications for prior notification relating to development pursuant to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

12. To make and confirm Tree Preservation Orders.

13. Determination of applications for the felling, lopping or other works to trees within a Conservation Area or any trees which are subject to a Tree Preservation Order.

14. Determination of applications under the Anti-Social Behaviour Act 2003 on respect of high hedges.

15. Determination of application for Hedgerow Removal Notices and Hedgerow Retention Notices under the Hedgerow Act 1997.

16. To receive and investigate any alleged breach of planning control, including the carrying out of any administrative duties associated therewith

17. In consultation with the Council's legal advisors as necessary, to issue: -

(a) Stop notices and enforcement notices

(b) Building preservation notices

(c) Discontinuance notices in respect of advertisements

(d) Requisition for information notices

(e) Breach of condition notices

(f) Planning contravention notices

(g) Section 215 notices in respect of untidy land and buildings

(h) Determine applications for Certificates of Lawful Use or Development

18. To withdraw or amend a Stop Notice, Enforcement Notice, Building Preservation Notice, Breach of Condition Notice, Planning Contravention Notice or Section 215 Notice when there has been a change in circumstances.



19. To respond, if necessary in consultation with the portfolio holder, to consultations on planning proposals from neighbouring authorities or the County Council.

20. To make and confirm an order for the stopping up, or diversion of a public footpath, under Section 257 of the Town and Country Planning Act 1990, unless substantive objections are received.

21. To comment on: -

- (a) proposals for the stopping up, diversion or creation of public footpaths
- (b) changes to existing overhead power lines
- (c) proposals for electricity sub stations
- (d) proposals to remove public payphones
- (e) proposals being carried out within the public highway by the Highway

22. Naming (and renaming) and numbering (and renumbering) of streets and all necessary consultation with the residents and statutory bodies in respect of this duty.

## **Conditions**

### **Members**

The Assistant Director Growth & Regeneration / shall refer applications under Paragraph 4(a) and 4(b) above to the Planning Committee for determination where any Member has:

- (i) set out in writing to the Planning Case Officer the detailed planning issues/concerns which s/he has in respect of the Application; and
- (ii) s/he has had an official and formal discussion on such planning issues/concerns with the **Development Management Team Leader** and the issues/concerns remain unresolved. The Member will be informed of the date of the meeting so that s/he can attend and speak in support of the referral.

### **Objections**

The Assistant Director Growth & Regeneration shall refer applications under Paragraph 4(a) and 4(b) above to the Planning Committee for determination in the event that they consider that the application raises issues of considerable public interest.

### **Council Applications**

In the case of Applications made by the Council paragraphs 4(a), 8, 9, 10,11,12,16 14 and 17 shall apply unless a substantive written objection has been received on material planning grounds against the proposal and if so the Application shall be referred to the Planning Committee for determination

### **Appeals**

Planning Appeals shall be reported to the Planning Committee and dealt with by the Assistant Director Growth & Regeneration and the Democratic Services in accordance with Council Policy.

## ANNEX 3

### ENVIRONMENTAL HEALTH

#### COMMUNITY SAFETY, LICENSING AND REGISTRATION FUNCTIONS

The powers and duties of the Council contained in the following Acts of Parliament are delegated to the Assistant Directors, Growth & Regeneration/Partnerships/Assets/**Environment, Culture and Wellbeing** and **Head of Environmental Health** as appropriate to area of responsibility and to the extent set out in the right-hand column.

ACT	EXTENT OF DELEGATION (Parts or Sections)
1. Local Government (Miscellaneous Provisions) Acts 1976 and 1982:-	Powers under the following sections of the Local Government (Miscellaneous Provisions) Acts 1976 and 1982)

	<p>(a) Securing of unoccupied premises against unauthorised entry or likely to be a danger to public health, as per Sections 29 and 30 of the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>(b) Section 20 (Notice requiring provision of sanitary appliances at places of public entertainment) Local Government (Miscellaneous Provisions) Act 1976.</p> <p>(c) Section 35 (Power by notice to require removal of obstructions from private sewers) Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Service of notices requiring works to be carried out, carrying out of works in default and recovery of costs and expenses in connection therewith under Local Government (Miscellaneous Provisions) Act 1976 and 1982.</p> <p>Charitable Collections - The 'Police, Factories, etc, (Miscellaneous Provisions) Act 1916' as amended by schedule 29 of the Local Government Act 1972 which regulates collections of money or sales of articles for charitable purposes in street and public places</p> <p>In consultation with the Chair (or vice chair) of the Licensing Committee, immediately suspend or revoke a Hackney Carriage / Private Hire vehicle driver's licence where it is considered necessary in the interest of public safety (Section 61 of Local Government (Miscellaneous Provisions) Act 1976</p>
<p>2. Registration and Licensing – Various Acts</p>	<p>Registration of persons and premises in respect of acupuncture, tattooing and electrolysis in accordance with sections 14 and 15 of the Local (Miscellaneous Provisions) Act 1982.</p> <p>Enforcement of Parts III and V of the Food Act 1984.</p> <p>Entry into premises where it is suspected that an offence is being committed in accordance with Section 17 of the Local Government (Miscellaneous) Provisions Act 1982.</p>
<p>3. Sunbeds (Regulations) Act 2010</p>	<p>Powers under the following sections of the Sunbed (Regulations) Act 2010</p> <ul style="list-style-type: none"> <li>• Section 2 – Duty to prevent sunbed use by</li> </ul>

	<p>children</p> <ul style="list-style-type: none"> <li>• Section 7 - Enforcement by local authorities</li> <li>• Section 8 - Obstruction etc. of authorised officers</li> <li>• Section 9 - Offences by bodies corporate</li> <li>• Schedule - Powers of entry etc.</li> </ul>
<p>4. Licensing Act 2003</p>	<p>All powers under the Licensing Act 2003 which can be delegated to an officer relating to</p> <ul style="list-style-type: none"> <li>(a) The determination of an application for a premises licence</li> <li>(b) The determination of an application for a provisional statement</li> <li>(c) The determination of an application to vary a premises licence</li> <li>(d) The determination of an application to vary a premises licence so as to specify a new premises supervisor</li> <li>(e) The determination of an application to transfer a premises licence</li> <li>(f) The determination of an application for review of premises licence</li> <li>(g) The determination of whether a club is established and conducted in good faith</li> <li>(h) The determination of an application for club premises certificate</li> <li>(i) The determination of an application to vary club premises certificate</li> <li>(j) The determination of an application for review of club premises certificate</li> <li>(k) The determination of an application by temporary event notice for a permitted temporary activity</li> <li>(l) The determination of an application for grant or renewal of personal licence</li> <li>(m) The authorisation of an officer as an "authorised person" for the purposes off the Act</li> <li>(n) The authorisation of an officer as an "authorised officer" for the purposes of the Act</li> </ul>

5. Gambling Act 2005	<p>All powers under the Gambling Act are to be delegated to an officer relating to:</p> <ul style="list-style-type: none"> <li>(a) The setting of fees</li> <li>(b) The determination of applications for a premises licence</li> <li>(c) The determination of an application to vary a premises licence</li> <li>(d) The determination of an application for a transfer of a premises licence</li> <li>(e) The determination of the Pre-Instatement of a premises licence</li> <li>(f) The determination of an application for a provisional statement</li> <li>(g) The determination of a Notification of Charge of a premises licence</li> <li>(h) The determination of an application for a club gaming/club machine permit</li> <li>(i) The determination of all other notifications and permits under the Act</li> <li>(j) The determination of an application for the registration of a Non-Commercial Society Lottery</li> <li>(k) Cancellation of licensed premises gaming machine permits</li> <li>(l) Consideration of temporary and occasional use Notices</li> <li>(m) To exercise the role of Licensing Authority as the Responsible Authority under Part 8 of the Act, and when otherwise necessary</li> </ul>
Taxi legislation (Town Police Clauses Act 1847 & The Local Government (Miscellaneous Provisions) Act 1976)	The Whole Act where applicable to the council
6. Sex Establishment Licences - (Local Government (Miscellaneous Provisions) Act 1982)	The Whole Act
7. Street trading consent (except the fixing of fees for consents and the designation of consent or prohibited streets) (Local Government (Miscellaneous Provisions) Act 1982)	The Whole Act
8. Zoo Premises - (Zoo Licensing Act 1981)	The Whole Act
11. House to House Collections - (House to House Collections Act 1939)	The Whole Act

12. Dangerous Wild Animals - (Dangerous Wild Animals Act 1976)	The Whole Act
15. Motor Salvage Operators – (The Motor Salvage Operators Regulations 2002 and Vehicle (Crime) Act 2001	To accept and determine applications for registration as a Motor Salvage Operator
16. Acupuncture, tattooing, Ear-Piercing, and Electrolysis – (Local Government Miscellaneous Provisions) Act 1982 as amended by The Local Government Act 2003	To accept and determine applications for registrations as for Acupuncture, Tattooing, Ear-Piercing and Electrolysis
17. Public Health Act 1936	<p>Section 42 (Alteration to drainage systems of premises)</p> <p>Section 45 (Notice to repair water closets)</p> <p>Section 48 (Power to examine &amp; test drains believed to be defective.)</p> <p>Section 50 (Overflowing or leaking Cesspools)</p> <p>Section 78 (Scavenging of common courts and passages)</p> <p>Section 79 (power to remove noxious matter)</p> <p>Section 83 (As amended) (Cleansing of filthy and/or verminous premises)</p> <p>Section 84 (Cleansing or destruction of filthy or verminous articles)</p> <p>Section 141 (Powers to deal with wells, tanks, cisterns etc.)</p> <p>Sections 259, 260 (Powers to deal with nuisances from ponds, pools ditches and watercourses etc)</p> <p>Section 268(Powers to deal with nuisances from tents, vans etc.)</p>
18. Public Health Act 1961	Section 17 (Drainage) as amended by Section 27 of the Local Government (Miscellaneous Provisions)

	<p>Act 1982.</p> <p>Section 34 (Accumulation of rubbish)</p> <p>Section 74 (Pigeons)</p>
19. Public Health (Control of Disease) Act 1984	<p>Section 23 (Exclusion of children from places of entertainment)</p> <p>Section 24 (Control of infected articles)</p> <p>Section 25 (Library books)</p> <p>Section 26 (Infectious matter in dustbins)</p> <p>Section 28 (Prohibition of work on premises where notifiable diseases exist)</p> <p>Section 30 (Giving of notice to owners and occupiers of houses after the recent case of notifiable disease)</p> <p>Section 34 (Disinfection of public conveyance)</p> <p>Section 41 and 42 (Common lodging houses - notifiable disease)</p> <p>Section 46 (Burial and Cremation)</p> <p>Section 51 (Canal Boats)</p>
20. Provisions of the Public Health (Infectious Disease) Regulations 1968, 1974 and 1976 and subsequent regulations made.	The Whole Acts
21. Prevention of Damage by Pests Act 1949	Service of Notices, carrying out of works in default, recovery of reasonable expenses and exercise of powers relating to entry onto premises in accordance with Sections 4, 5, 6, 7 and 22.
22. Building Act 1984	Section 59 (Drainage of buildings)

	<p>Section 60 (Ventilation of soil pipes)</p> <p>Section 64 (Closets in buildings)</p> <p>Section 65 (Sanitary conveniences in workplaces)</p> <p>Section 70 (Food storage accommodation)</p> <p>Section 76 (Defective Premises)</p> <p>Section 79 Ruinous and dilapidated buildings and neglected sites.</p>
23. Refuse Disposal (Amenity) Act 1978	The Whole Act
24.	
25. Food Safety Act 1990	The Whole Act
26. Health and Safety Legislation	<p>Authority to act on behalf of the Council in respect of the provisions of the Health and Safety at Work Act 1974, the Offices, Shops and Railway Premises Act 1963 and relevant codes of practice, regulations and guidance made under these acts.</p> <p>Under the Health and Safety at Work Act 1974 Authority to issue instruments in writing to suitably qualified persons to act as 'Inspector' Sections 20(2), 21, 22, 25 and 39.</p> <p>Under Section 19 of the above act, authority to issue instruments in writing to suitably qualified persons to act as 'inspector' for the purposes of the Health and Safety at Work Act 1974 and thus the Petroleum (Regulations) Acts 1928 and 1936, Petroleum Consolidation Act 1928 and appropriate associated legislation.</p>
27. Public Health Act 1961 – Section 73	<p>Authority to serve notice under section 73 to require the occupier of a premise on which a fixed tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose 'to take all such steps as may be reasonably necessary to prevent danger from that container'.</p> <p>Authority to appoint and/or authorise a</p>



	suitably qualified officer for the purposes of Section 73 (2), (3), (4).
33. Hypnotism Act 1952	The Whole Act
34. Animal Welfare Legislation	<p>The powers and functions of the Council in connection with the receipt and determination of applications and consideration of reports by Veterinary Surgeons and Practitioners, relating to the issue of licences and to approve arrangements for the retention of Veterinary Surgeons or practitioners under:</p> <p>The Dangerous Wild Animals Act 1976 The Zoo Licensing Act 1981</p> <p><b>Animal Welfare (Licensing of Activities Involving Animals) (England) regulations 2016</b></p> <p>The negotiation and agreement in respect of fees under the Animal Welfare Acts (subject to fees proposed, not exceeding those recommended by the British Veterinary Association or prescribed by DEFRA).</p>
35. Water Act 1989, Water Industry Act 1991	Authority to act on behalf of the Council in relation to the controls and duties over public and private water supplies under the terms of the above acts.
36. Caravan Sites & Control Of Development Act 1960	The Whole Act where applicable to the Council
<b>Land Drainage Act 1991</b>	The Whole Act where applicable to the Council
<b>Caravan Sites Act 1968</b>	The Whole Act where applicable to the Council
<b><a href="#">Scrap Metal Dealers Act 2013</a></b>	<b>The whole act where applicable to the Council.</b>
38. Control of Asbestos Regulations 2006	Authority to determine notifications received under Regulation 9 of the Control of Asbestos Regulations 2006 and to agree the commencement of work before the end of the 14-day notification period.

<p>39. Environmental Protection Act 1990</p>	<p>The powers and duties of the Council under Parts I, II, IIa, III, IV, VIII, IX of the Environmental Protection Act 1990.</p> <p>Authority to serve relevant notices under the provisions of part IIa of the Act in respect of contaminated land and the declaration of land as contaminated.</p> <p>Authority to appoint suitably qualified persons to act as authorised Officers/Inspectors for the purposes of the provisions of parts I, II, IIa, III, IV, VIII, IX.</p> <p>Compliance with the Council's Duty of Care in respect of waste (Section 34).</p> <p>Compliance with the Council's Duty to keep land and highways clear of litter etc. (Section 89).</p> <p>Compliance with the Councils duties under section 45, 46 and 48 in respect of collection and disposal of household waste.</p>
<p>40. Food &amp; Environment Protection Act 1985 (Part III) and the Control of Pesticides Regulations 1986</p>	<p>To enforce relevant provisions of the above legislation.</p>

<p>41. Environment Act 1995</p>	<p>To exercise the functions and duties of the Council in respect of air quality management and contaminated land management.</p> <p>Authority to appoint and/or authorise suitably qualified persons in writing to exercise the powers under Section 108 – Powers of enforcing authorities and persons authorised by them and Section 109 – Power to deal with imminent danger of serious pollution etc.</p>
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<p>Environment Act 2021</p>	<p>The Whole Act where applicable to the Council</p>
<p>Environment and Safety Information Act 1988</p>	<p>The Whole Act where applicable to the Council</p>
<p>Health Act 2006</p>	<p>The Whole Act where applicable to the Council</p>

<p>42. Dangerous Dogs Act 1991</p>	<p>The Whole Act.</p>
<p>43. Noise &amp; Statutory Nuisance Act 1993</p>	<p>To carry out relevant statutory functions for the purposes of this Act, in respect of vehicles, machinery and equipment noise on the highway.</p>

44. Anti Social Behaviour, Crime and Policing Act 2014	All sections and powers within the Act which are relevant to Local Authorities with effect from 1 October 2014.
CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994	
Regulation of Investigatory Powers Act 2000	
45. Control of Pollution Act 1974	Parts III and V of the Act
The Pollution Prevention & Control Act 1999	The whole
46. Clean Air Act 1993	The Whole Act
47. Noise Act 1996	The Whole Act
48. Transport Act 1968	Part V – to make representation on behalf of the Council to the licensing authorities in connection with the revocation, suspension or curtailment of operation licences in appropriate circumstances.
49. Animal Health  Dogs Act 1906 Protection of Animals Act 1911 Dogs (Amendment) Act 1928 Protection of Animals (Amendment) Act 1954 Protection of Animals (Anaesthetics) Act 1954 Abandonment of Animals Act 1960 Agriculture (Miscellaneous Provisions) Act 1968 Animal Health Act 1981 Animal Health and Welfare Act 1984 Protection of Animals (Penalties) Act 1987 Protection of Animals (Amendment) Act 1988  Dangerous Dogs Act 1989 Welfare of Animals at Slaughter Act 1991 Animal Health Act 2002 Animal Welfare Act 2006 Dangerous Dogs (Amendment) Act 1997	As applicable to Borough Council

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.	
Civic Amenities Act 1967	
<p>50. Company Law</p> <p>Companies Act 1985 &amp; 2006  Companies Consolidation (Consequential Provisions) Act 1985  Business Names Act 1985  Insolvency Act 1986  Company Directors Disqualification Act 1986</p>	As applicable to Borough Council
<p>51. Consumer Credit</p> <p>Administration of Justice Act 1970  Consumer Credit Act 1974 &amp; 2006  Law of Property (Miscellaneous Provisions) Act 1989</p>	
<p>52. Consumer Protection</p> <p>Consumer Protection Act 1987  Motor Vehicles (Safety Equipment for Children) Act 1991</p>	
<p>53. Control of Pollution</p> <p>Control of Pollution Act 1974  Environmental Protection Act 1990  Clean Air Act 1993</p>	
<p>54. Copyright</p> <p>Registered Designs Act 1949  Patents, Designs and Marks Act 1986  Copyright, Designs and Patents Act 1988  Broadcasting Act 1990  Trade Marks Act 1994  Olympic Symbol etc (Protection) Act 1995  Copyright, Designs, Patents and Trade Marks Act 2002</p>	

<p>Patents Act 2004</p>	
<p>55. Explosives</p> <p>Explosives Act 1875  Explosives Act 1923  Fireworks Act 1951  Fireworks Act 1964  Explosives (Age of Purchase) Act 1976  Fireworks (Safety) Regulations 1987  Package Travel, Package Holiday and Package Tours Regulations 1992  Fireworks Act 2003  Fireworks Regulations 2004  Firework (Safety) (amendment) Regulations 2004  Manufacture and storage of Explosive Regulations 2005</p>	
<p>56. Food and Environmental Protection</p> <p>Food and Environment Protection Act 1985  Food Safety Act 1990  Food Safety &amp; Hygiene (England) Regulations 2013 (as amended)</p>	<p>As applicable to Borough Council</p>
<p>57. Hallmarking Act 1973</p>	
<p>58. Health and Safety at Work etc Act 1974</p>	
<p>59. Insurance Brokers (Registration) Act 1977  Insurance Companies Act 1982</p>	
<p>60. Medicines Act 1968</p>	
<p>61. Other Enforcement Legislation</p>	

<p>Children and Young Persons Act 1933  Timeshare Act 1992  Violent Crimes Reduction Act 1984  Telecommunications Act 1984  National Lottery Act 1993 &amp; 2006  Offensive Weapons Act 1996  Children &amp; Young Persons (Protection from Tobacco) Act 1991  Tobacco Advertising &amp; Promotion Act 2002  Customs &amp; Excise Management Act 1979  Sale of Goods Act 1979 (as amended)  Development of Tourism Act 1969  Licensing Acts 1964 &amp; 2003  Cancer Act 1939  Accommodation Agencies Act 1953  Trading Representations (Disabled Persons) Act 1958  Theft Act 1968  Trading Representations (Disabled Persons) Act 1972  Employment Agencies Act 1973</p>	
<p>62. Road Traffic</p> <p>Vehicles (Excise) Act 1971  Road Traffic (Foreign Vehicles) Act 1972  Road Traffic (Consequential Provisions) Act 1988  Road Traffic Act 1988  Road Traffic Offenders Act 1988  Road Traffic Act 1991</p>	<p>As applicable to Borough Council</p>
<p>Staffordshire Act 1983</p>	<p>The whole Act as applicable to the Council</p>
<p>63. Telecommunications</p> <p>Telecommunications Act 1984</p>	
<p>64. Trade Descriptions</p> <p>Trade Descriptions Act 1968  Property Misdescriptions Act 1991</p>	
<p>65. Unsolicited Goods and Services</p> <p>Unsolicited Goods and Services Act 1971</p>	

Unsolicited Goods and Services (Amendment) Act 1975	
66. Video Recordings  Video Recording Act 1984 Video Recordings Act 1993	
67. Weights and Measures  Weights and Measures etc. Act 1976 Merchant Shipping Act 1979 Weights and Measures Act 1985	
68. Nationality, Immigration and Asylum Act 2002	Performance and Management of Citizenship Ceremonies
69. Refuse Disposal (Amenity) Act 1987 and the Vehicle Excise and Registration Act 1994	To authorise the removal of untaxed vehicles on an adopted highway under the devolved powers scheme of the Driver and Vehicle Licensing Agency.
70. Pollution Prevention Control Act 1999	To carry out the relevant functions of the Council with respect to a Part A(2) & Part B Installation or mobile plant for the purpose of achieving a high level of protection of the environment by reducing emissions into the air, water and land.  Authority to appoint suitable officers to exercise any such functions and conferring powers (such as those specified in Section 108 (4) of the Environment Act 1995) on persons so appointed.
71. Clean Neighbourhoods and Environment Act 2005	Authority to carry out the relevant functions as applicable to a Borough Council in authorising suitable officers for the purpose of exercising a statutory function with respect to Environmental Health, Community Safety, Licensing and Registration.
72. Control of Pollution (Amendment) Act 1989	Authority to authorise suitable officers to demand that a person produce his, or his employer's authority for transporting waste and to search any vehicle that is being, or has been used for transporting waste and to carry out tests on anything found and to take samples away for testing.
73. Housing Grants, Construction & Regeneration Act 1996	Mandatory Grants to help with disabled facilities.
74. The Regulatory Reform (Housing Assistance) Order 2002	(i) Policy for grants etc. for renewal of Private Sector Housing and Provision of mandatory and discretionary disabled facilities grants.

75. Byelaws for Pleasure Grounds, Public Walks and Open Spaces 2004	Full Byelaws
76. Byelaws for Good Rule and Government 2004	Full Byelaws

Working Draft



## ANNEX 4

### MISCELLANEOUS

The following functions are delegated to the Officer(s) named in the Authorised Officer column subject to any conditions set out below.

	<b>FUNCTION</b>	<b>AUTHORISED OFFICER</b>
	Public space for Events	Assistant Director, Environment, Culture and Wellbeing or authorised officer
1.	Town Hall Bookings of the Town Hall	Customer Experience Operations Manager
2.	To determine appeals following the refusal of a booking of the Town Hall.	Assistant Director People
3.	Opening Hours Fixing of opening and closing dates of public buildings within control of the Council including bank and public holiday periods.	Assistant Director Assets in consultation n with relevant Assistant Directors
4.	Museums and Archives To determine the policy on the materials and records to be held in any archives maintained by the Council, other than those maintained for statutory or similar purposes.	Assistant Director Growth & Regeneration
5.	Lettings of Public Buildings and Parks Arrangements for letting of public buildings/parks within control of Council to local and voluntary organisations for occasional use, in accordance with approved scales of charges and Council's general policies.	Assistant Director, Environment, Culture and Wellbeing /Assets
6.	General management of and authority to authorise bookings for non core activities.	Assistant Director, Environment, Culture and Wellbeing /Assets
	Concessionary Charges for Public Buildings/Parks	Assistant Director, Environment, Culture and Wellbeing /Assets
7.	Determination of applications for concessionary charges for use of public buildings/parks within control of Council. Within established policy.	Assistant Director, Environment, Culture and Wellbeing /Assets

8.	<p>Localism Act 2011 – section 30 / 31 /33 dispensation</p> <p>To determine whether to grant a member or members a dispensation relieving the member(s) from all or any restrictions in Procedure Rule 4.21.6. A written request must be made by the member and the Monitoring Officer may only grant such a dispensation in the following circumstances :</p> <ul style="list-style-type: none"> <li>• without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,</li> <li>• without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,</li> <li>• granting the dispensation is in the interests of persons living in the authority's area,</li> <li>• without the dispensation each member of the Council's Executive would be prohibited by Section 31(4) Localism Act 2011 from participating in any particular business to be transacted by the Council's Executive, or</li> <li>• it is otherwise appropriate to grant a dispensation.</li> </ul> <p>Any dispensation must specify the period for which it is to have effect and can be for no longer than 4 years.</p>	Monitoring Officer
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8.	<ul style="list-style-type: none"> <li>• Corporate Complaints</li> <li>• Council Halls and meeting rooms</li> <li>• Hire of Civic Accommodation</li> <li>• Compensation claims associated with complaints made via Tell Us Scheme</li> <li>• Telecommunications Act</li> <li>• Town hall, Carnegie Centre and Phil Dix Centre</li> <li>• Determine the appeals following the refusal of a booking of venue</li> <li>• Opening hours to the public</li> <li>• Access to buildings</li> <li>• Letting of public buildings</li> <li>• Charges applied to hire of public buildings etc</li> <li>• Provide services on behalf of Staffordshire County Council in relation to the administration of - Blue Badges, appointee ships, Concessionary travel, and other services</li> </ul>	Executive Director Organisation & Assistant Director People
9.	<p>Child Protection</p> <p>To exercise the functions of the Council in relation to its duties as necessary to decide whether action should be taken to safeguard or promote the welfare of vulnerable adults.</p>	Assistant Director Partnerships

## ANNEX 5

### PROPER OFFICER APPOINTMENTS

Various Acts of Parliament require certain statutory functions to be performed by an Officer specified by the council. It is open to each Council to decide which of its Officers should be designated as the “Proper Officer” for the particular function in question.

Where functions are delegated to specific named officers, the same powers and duties shall be exercised by any subsequent post which incorporates the relevant powers and duties of the post detailed below.

#### 1. ALL DIRECTORS

Act	Function	Deputy
Local Government Act 1972 – Section 225(1)	Deposit of Documents	Appropriate Authorised Officer
Local Government (Access to Information) Act 1985, Section 100D(1)(a)	Compilation of lists of background papers in reports produced by them and production of the papers themselves.	Appropriate Authorised Officer

#### 2. CHIEF EXECUTIVE

(a) any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October, 1972, to the Clerk of a Council or the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council;

(b) any reference in any local statutory provision to the Clerk of a specified Council or the Town Clerk of a specified Borough which is to be construed as a reference to the Proper Officer of the Council;

(c) any amendment, re-enactment or statutory substitution of any of the matters detailed in these provisions insofar as an Officer of the Council remains under a duty to perform the same or similar tasks;

(d) the following provisions;

(e) where a “Proper Officer” function has not been specified by the Council to an Officer then in default of such appointment the Chief Executive shall be deemed to be the “Proper Officer”.

#### In the Local Government Act 1972:

Section	Function	Authorised Officer
83	Witness and receipt of declarations of acceptance of office within 2 months of the day of election.	Chief Executive
84	Receipt of Resignation of Office.	Chief Executive
88(2)	Convening of meeting of Council to fill casual vacancy in the office of Chair.	Chief Executive

89(1)(b)	Receipt of Notice of casual vacancy from two Local Government Electors.	Chief Executive
100 B (2)	Exclusion of confidential reports from copies of reports made open to inspection by public.	Chief Executive
100 B (2)	Circulation of reports and agenda.	Chief Executive
100 B (7)	Supply of Committee papers to the Press.	Chief Executive
100 C (2)	Production of record of confidential proceedings (Minutes).	Chief Executive
100 F	Members' Right to Papers.	Chief Executive
248 & 249	Keeping of Roll of Honorary Freemen/Women and Aldermen/Women.	Chief Executive
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to the Proper Officer.	Chief Executive
Section 234 (1) and (2)	Authentication of documents.	Chief Executive
Schedule 12, Paragraph 4(2)(b)	Signature of summonses to attend Council meetings.	Chief Executive

#### **The Health and Safety at Work Act 1974**

Section	Function	Officer
The Whole Act	Council Operations.	Chief Executive

#### **In the Representation of the People Act 1983 and 1985**

Section	Function	Officer
The Whole Act	To act as an Electoral Registration Officer	Chief Executive
35	Returning Officer, Acting Returning Officer and Deputy Acting Returning Officer for Parliamentary, European, County, Borough & Parish Elections and National Referenda.	Chief Executive

81	Receipt & Deposit of Election Expenses.	Electoral Services Manager
82	Declarations as to Expenses.	Electoral Services Manager
Schedule 2 Rule 50 Local Elections (Principal Areas)(England & Wales) Rules 2006	Receipt of Notice of Persons Elected.	Electoral Services Manager
Schedule 2 Rules 52 & 54 Local Election (Principal Areas) (England & Wales) Rules 2006	Receipt, retention and disposal of election documents.	Electoral Services Manager

3.

**In the Local Government Act 1972:**

Section	Function	Officer
229(5)	Certification of photographic copies of documents in legal proceedings.	Legal Admin & Democratic Services Manager
236(9)	Sending of copies of Bye-Laws as required	Legal Admin & Democratic Services Manager
238	Certification of Bye-Laws.	Legal Admin & Democratic Services Manager
Schedule 14 Para. 25(7)	Certification of Resolution for Legal Proceedings.	Legal Admin & Democratic Services Manager

**In the Local Land Charges Act 1975:**

Section	Function	Officer
The Whole Act	To act on Local Land Charges Register.	Executive Director Organisation

#### 4. EXECUTIVE DIRECTOR FINANCE

(a) Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26<sup>th</sup> October, 1972, to the Treasurer of a Council or the borough Treasurer of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Executive Director Finance of the Council;

(b) Any reference in any local statutory provision to the Treasurer of a specified Council or the Borough Treasurer of a specified Borough which is to be construed as a reference to the Executive Director Finance of the Council;

(c) Any amendment, re-enactment or statutory substitution of any of the matters detailed in these provisions insofar as an Officer of the Council remains under a duty to perform the same or similar tasks.

(d) The following provisions, namely:-

##### In the Local Government Act 1972:

Section	Function	Officer
115 (2)	Receipt of money due from Officers.	Executive Director Finance
146(1)(a) & (b)	Declaration and Certificates with regard to securities.	Executive Director Finance
151	Administration of the Council's financial affairs.	Executive Director Finance (In the absence of Executive Director Finance - Assistant Director Finance

##### In the Local Government Finance Act 1988:

Section	Function	Officer
6	Officer responsible for financial administration of certain authorities.	Executive Director Finance
114	Reports on financial administration.	Executive Director Finance

#### 5. Public Health

(a) Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 6<sup>th</sup> October, 1972, to

the Chief Public Health Inspector of a Council or the Chief Public Health Inspector of a Borough which by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.

(b) Any reference in any local statutory provision to the Chief Public Health Inspector of a specified Council or the Chief Public Health Inspector of a specified Borough which is to be construed as a reference to the Proper Officer of the Council.

(c) Any amendment, re-enactment or statutory substitution of any of the matters detailed in these provisions insofar as an Officer of the council remains under a duty to perform the same or similar tasks.

The following provisions, namely:

In the Public Health Act 1936:

Section	Function	Officer
79	Power to require removal of noxious matter.	Assistant Director Growth & Regeneration
84	Cleansing of disinfection of filthy or verminous articles.	Assistant Director Growth & Regeneration
85	Cleansing of verminous persons and their clothing.	Assistant Director Growth & Regeneration
343(1)	Definition – authorisation of officers of the local authority.	Assistant Director Growth & Regeneration

In the Public Health Act 1961:

Section	Function	Officer
S.17 (as amended by S.27 of the Local Government (Miscellaneous Provisions) Act 1982	Power to remedy stopped-up drains.	Assistant Director Growth & Regeneration
37	Prohibition of sale of verminous articles.	Assistant Director Growth & Regeneration



**In the Public Health (Control of Diseases) Act 1984:**

Section	Function	Officer
11	Cases of notifiable disease and food poisoning to be reported.	Head of Environmental Health/Assistant Director Growth & Regeneration
18	Information to be furnished by occupier in case of notifiable disease or food poisoning.	Head of Environmental Health/Assistant Director Growth & Regeneration
20	Stopping work to prevent spread of disease.	Head of Environmental Health/Assistant Director Growth & Regeneration
21	Exclusion from school.	Head of Environmental Health/Assistant Director Growth & Regeneration
22	Exclusion of children from places of entertainment or assembly.	Head of Environmental Health/Assistant Director Growth & Regeneration
24	Infected articles.	Assistant Director Growth & Regeneration
29	Letting of house or room.	Assistant Director Growth & Regeneration
31	Disinfection of premises.	Assistant Director Growth & Regeneration
32	Removal of person from infected house.	Assistant Director Growth & Regeneration
59	Authentication of documents.	Legal Admin & Democratic Services Manager

**In the Rent Act 1977:**

Section	Function	Officer
The Whole Act	Exercise of functions under Part IV.	Executive Director Communities

**In the Small Holdings & Allotments Act 1908:**

Section	Function	Officer
28	Making of rules for the regulation of allotments.	Executive Director Communities
30	Recovery of rent and possession of allotments.	Executive Director Communities
1	Determination of tenancies of allotments.	Executive Director Communities

**In the Housing Act 1957:**

Section	Function	Officer
Part V	Service of Notices to Quit where rent is more than four weeks in arrears.	Assistant Director Neighbourhoods

**In the Caravan Sites Act 1968:**

Section	Function	Officer
2	Service of Notices to Quit.	Assistant Director Partnerships

6. **OTHER STATUTORY APPOINTMENTS**

**In the Local Government & Housing Act 1989:**

Section	Function	Designation	Deputy
4	Head of Paid Service	Executive Director Organisation	Chief Executive
5	Monitoring Officer	Information Governance Manager	Deputy Monitoring Officer/s

**In the Representation of the People Acts 1983 & 1985:**

Section	Function	Designation	Deputy
35	Returning Officer	Chief Executive	Assistant Director People and Election Services Manager

**a) In the Regulation of Investigatory Powers Act 2000**

Section	Function	Designation	Administrator
28 & 29	Authorisation of covert surveillance and/or the use of covert human intelligence source including applications for judicial approval where required	Chief Executive	Assistant Director Partnerships

**b) In the Localism Act 2011**

Section	Function	Designation	Administrator
Part 5 Chapter 3	Assets of Community Value - processes as per the policy	Executive Director Communities. Appeals in relation to the above Chief Executive	Chief Executive
Part 5 Chapter 2	Community Right to Challenge – processes as per the policy	Executive Director Communities Appeals in relation to the above Chief Executive	Chief Executive
	Town & Country Planning (Brownfields Land Register) Regulations 2007	Assistant Director Growth & Regeneration	Assistant Director Growth & Regeneration
Sec 38 (1)	Prepare Pay Policy Statement	Head of Paid Service	Assistant Director People

Part 4 - Rules of Procedure

**Rules of Procedure**

**Council Procedure Rules**

Working Draft

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## **4.1 ANNUAL MEETING OF THE COUNCIL**

### **4.1 Timing and business**

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

The annual meeting will elect:

- a) the Mayor of Council;
- b) the Deputy Mayor of Council;
- c) the Leader.

The annual meeting may immediately precede the first ordinary meeting of Council.

## **4.2 ORDINARY MEETINGS OF COUNCIL**

There will be at least three ordinary meetings of the Council which will take place in accordance with a programme decided at the Council's annual meeting.

The first of them will take place within no longer than five working days of the annual meeting and may immediately follow the annual meeting.

The First Ordinary Meeting will:

- 4.2.1 receive any announcements from the Mayor, Leader, Members of the Executive or the Chief Executive;
- 4.2.2 receive questions from, and provide answers to, the public and Members of the Council in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the Council;
- 4.2.3 receive a report on the appointment of the Executive and allocation of responsibilities;
- 4.2.4 receive a report on the review of the Constitution;
- 4.2.5 receive a report on the review of the Scheme of Delegation;
- 4.2.6 receive a report from the Leader of the Council on the urgent Executive decisions taken under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012;
- 4.2.7 decide which committees to establish for the municipal year;
- 4.2.8 decide the size and terms of reference for those committees;
- 4.2.9 decide the allocation of the position of Chairs for those committees
- 4.2.10 decide the allocation of seats to political groups in accordance with the political balance rules;
- 4.2.11 receive nominations of councillors to serve on each committee;

- 4.2.12 receive the calendar of meetings for the forthcoming municipal year; and
- 4.2.13 receive such other matters which the Council receives at other ordinary meetings, as set out below.

Ordinary meetings will:

- 4.2.14 confer the title of Honorary Alderman or Alderwoman on past members who have completed at least three consecutive terms as a councillor of the Borough of Tamworth;
- 4.2.15 elect a person to preside if the Mayor and Deputy Mayor are not present;
- 4.2.16 receive petitions presented by members of the Council and determine the action to be taken in response to each petition, as provided in the Petition Scheme;
- 4.2.17 receive questions from, and provide answers to, the public and Members of the Council in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the Council;
- 4.2.18 approve the minutes of the last meeting;
- 4.2.19 receive any declarations of interest from members;
- 4.2.20 receive any announcements from the Chair, Leader, members of the Executive or the Chief Executive;
- 4.2.21 receive any communications which the Mayor, the Leader, or the Chief Executive consider should be laid before the Council; with the permission of the Mayor, members of the Council shall be given the opportunity to ask questions of the Leader and Portfolio Holders, following receipt of communications, if these specifically relate to portfolio areas;
- 4.2.22 the Leader will inform Council of any changes in the membership of the Executive and champions and both the Leader and the Leader of the Opposition in exceptional circumstances will inform Council of any changes in the membership of Committees;
- 4.2.23 deal with any business from the last Council meeting;
- 4.2.24 consider items of business referred by the Chief Executive or another authorised officer;
- 4.2.25 receive authorised reports from the Executive and receive questions and answers on any of those reports;
- 4.2.26 consider matters referred by overview and scrutiny and any referrals from committees or sub committees;
- 4.2.27 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

- 4.2.28 consider motions;
- 4.2.29 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the overview and scrutiny committees and receive questions and answers on any of those reports, prior to debate; and
- 4.2.30 consider annual reports from the Council's Local Authority Trading Company.

### 4.3 EXTRAORDINARY MEETINGS

#### 4.3.1 Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### 4.4 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

#### 4.4.1 Allocation by the Council

As well as allocating seats on Committees and Sub-Committees, the Council may if it so decides allocate seats in the same manner for substitute Members.

For each Committee or Sub-Committee, the Council may if it decides appoint one substitute in respect of each political group per Committee or Sub-Committee with the exception of the, Audit & Governance Committee, Executive, Planning Committee and Licensing Committees under the Licensing Act 2003.

#### 4.4.2 Substitution by notice

Irrespective of whether or not a substitute has been allocated in accordance with 4.4.1, a Group Leader or Deputy Group Leader may notify the Chief Executive no later than 5.00 p.m. on the working day before the commencement of the meeting of an intended substitution. The following chart sets out the last day for submission of the substitution.

Day of Meeting	
Monday	5pm the previous Friday
Tuesday	5pm the previous Monday
Wednesday	5pm the previous Tuesday
Thursday	5pm the previous Wednesday
Friday	5pm the previous Thursday



This rule will be strictly applied to ensure fairness and equality for all notifications of substitution.

#### **4.4.3 Powers and duties**

Substitute members when acting will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. If the ordinary member named in the notice given in rule 4.4.1 or 4.4.2 above is the Chair of the relevant Committee, then the Vice-Chair shall preside, or if absent, the first item of business shall be the appointment of a Chair at the meeting.

#### **4.4.4 Substitution**

Substitute members may attend meetings in that capacity only:

- a) to take the place of the ordinary member for whom they are the substitute and for that meeting only;
- b) where the ordinary member will be absent for the whole meeting;
- c) in the event that the permanent Member attends the meeting after a notification of substitution has been received, the permanent member would be required to leave.

The Substitution scheme shall not apply to Audit & Governance Committee, Executive, Licensing Committee and Planning Committee.

#### **4.5 TIME AND PLACE OF MEETINGS**

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

#### **4.6 NOTICE OF AND SUMMONS TO MEETINGS**

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

#### **4.7 CHAIR OF MEETING**

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

#### **4.8 QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and

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

## **4.9 DURATION OF MEETING**

### **4.9.1 Interruption of the meeting**

If the business of the meeting has not been concluded by 8.30 p.m., a bell will be rung and the member speaking must immediately sit down. The Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion provided no motion under rule 4.13 is passed.

### **4.9.2 Motions and recommendations not dealt with**

Subject to 4.9.1 above, if there are other motions or recommendations on the agenda that have not been dealt with by 8.30 p.m., they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

### **4.9.3 Recorded vote**

If a recorded vote is called for during this process it will be taken immediately.

### **4.9.4 Motions which may be moved**

During the process set out in Rules 4.9.1 – 4.9.2 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

### **4.9.5 Close of the meeting**

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

## **4.10 QUESTIONS BY THE PUBLIC**

### **4.10.1 Questions on notice at Ordinary Meetings of the Council**

Subject to Rule 4.10.3, a member of the public may ask:

- a) any member in receipt of a Special Responsibility Allowance, except the Mayor and Deputy Mayor;
- b) a question on any matter in relation to which the Council has powers or duties or which affects Tamworth.

No member of the public may ask more than two questions at any meeting of the Council.

Questions by members of the public will not be permitted at the Annual Meeting, the State of Tamworth Debate meeting or Extraordinary Meetings.

## 4.10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions and may give preference to questions from members of the public who have asked the least number of questions previously

### 4.10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 5pm two clear working days before the day of the meeting. The following chart sets out the last day for submission of the question. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

Day of Meeting	
Monday	5pm the previous Wednesday
Tuesday	5pm the previous Thursday
Wednesday	5pm the previous Friday
Thursday	5pm the previous Monday
Friday	5pm the previous Tuesday

This rule will be strictly applied to ensure fairness and equality for all questioners.

### 4.10.4 Number of questions

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

### 4.10.5 Scope of questions

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

The questioner will be advised of the reasons for rejection.

### 4.10.6 Process in relation to questions

The Chief Executive will immediately send a copy of the accepted question to the member to whom it is to be put.

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

#### 4.10.7 **Asking the question at the meeting**

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

#### 4.10.8 **Written answers**

Any question which cannot be dealt with during question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put or for any other reason, will be dealt with by a written answer.

These answers will:

- Be published on the Council website as soon as practicable after the meeting, but in any event before the next ordinary meeting, and
- be attached to the minutes of that meeting.

#### 4.10.9 **Supplementary Questions**

A question asked under Rule 4.10.1 allows the questioner to ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. Rule 4.10.5 applies to the supplementary question.

#### 4.10.10 **Reference of question to the Executive**

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

#### 4.10.11 **Time limit on questions from members of the public**

The time which the meeting spends upon dealing with questions from members of the public shall be limited to twenty minutes save that the time permitted for dealing with questions may be extended with the approval of the meeting signified without discussion.

#### 4.10.12 **Record of Questions**

As soon as practicable after the meeting, such answers, whether given orally at the meeting or in writing after the meeting, shall be published on the Council website and any written answers provided after the meeting shall be attached to the minutes of that meeting.

## 4.11 QUESTIONS BY MEMBERS

### 4.11.1 On reports of the Executive

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

### 4.11.2 Questions on notice at Ordinary Meetings of the Council

Subject to Rule 4.11.3, a member of the Council may ask:

- a) any member in receipt of a Special Responsibility Allowance, except the Mayor and Deputy Mayor;
- b) a question on any matter in relation to which the Council has powers or duties or which affects Tamworth.

No member may ask more than two questions at any meeting of the Council.

Questions by members will not be permitted at the Annual Meeting, the State of Tamworth Debate meeting or Extraordinary Meetings.

### 4.11.3 Notice of questions

A member may only ask a question under Rule 4.11.2 if

- (a) notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 5.00 p.m. two clear working days before the day of the meeting. The following chart sets out the last day for submission of the question. Each question must give the name of the member of the Council to whom it is to be put ; or
- (b) the question relates to urgent matters, they have the consent of the member of the Executive or other member in receipt of a Special Responsibility Allowance to whom the question is to be put and the content of the question is given to the Chief Executive by 10.00 a.m. on the day of the meeting.

Day of Meeting	
Monday	5pm the previous Wednesday
Tuesday	5pm the previous Thursday
Wednesday	5pm the previous Friday
Thursday	5pm the previous Monday
Friday	5pm the previous Tuesday

This rule will be strictly applied to ensure fairness and equality for all questioners.

#### 4.11.4 **Scope of questions**

The Chief Executive may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility or which affects the borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- d) requires the disclosure of confidential or exempt information.

#### 4.11.5 **Response**

An answer may take the form of:

- a) a direct oral answer;
- b) a reference to a publication where the desired information is in a publication of the Council or other published work; or
- c) a written answer circulated later to the member where the reply cannot conveniently be given orally and in the circumstances described in rule 4.11.6.

#### 4.11.6 **Written answers**

Any question which cannot be dealt with during question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put or for any other reason, will be dealt with by a written answer.

These answers will:

- Be published on the Council website as soon as practicable after the meeting, but in any event before the next ordinary meeting, and
- be attached to the minutes of that meeting.

#### 4.11.7 **Supplementary question**

A member asking a question under Rule 4.11.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. Rule 4.11.4 applies to the supplementary question.

#### 4.11.8 **Record of Questions**

As soon as practicable after the meeting, such answers, whether given orally at the meeting or in writing after the meeting, shall be published on the Council website and any written answers provided after the meeting shall be attached to the minutes of that meeting.

## 4.12 MOTIONS ON NOTICE

### 4.12.1 Notice

Except for motions which can be moved without notice under Rule 4.13, written notice of every motion, signed by at least five members, must be delivered to the Chief Executive not later than seven clear working days before the date of the meeting. These will be entered in a book open to public inspection.

### 4.12.2 Motion set out in agenda

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

### 4.12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect Tamworth. Motions must not be defamatory, unlawful, frivolous or offensive; and must not require the likely disclosure of confidential or exempt information. If it appears to the Chief Executive that the motion falls into these categories s/he will refer the matter to the Mayor who will rule on whether or not the motions can be considered.

## 4.13 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved, where the Mayor or Deputy Mayor are absent;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer an item to an appropriate body or individual;
- (e) to appoint a committee or member to deal with any matter arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;

- (m) that the meeting continue beyond 8.30 p.m. in duration provided rule 4.9.1 has not been passed;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 4.21.3 or to exclude them from the meeting under Rule 4.21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

#### **4.14 RULES OF DEBATE**

##### **4.14.1 No speeches until motion seconded**

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

##### **4.14.2 Right to require motion in writing**

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

##### **4.14.3 Secunder's speech**

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

##### **4.14.4 Content and length of speeches**

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

##### **4.14.5 When a member may speak again**

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

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



#### 4.14.1 **Amendments to motions**

An amendment to a motion must be relevant to the motion and will either be:

- a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or
- d) to insert or add words;

as long as the effect of (b) to (d) is not to negate the motion.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 4.14.1 **Alteration of motion**

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

#### 4.14.1 **Withdrawal of motion**

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

#### 4.14.1 **Right of reply**

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote;
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it;

- c) The mover of the amendment has no right of reply to the debate on his or her amendment.

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

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

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) to exclude the public and press in accordance with the Access to Information Rules; and
- h) to not hear further a member named under Rule 4.21.3 or to exclude them from the meeting under Rule 4.21.4.

#### 4.14.1 **Closure motions**

A member may move, without comment, the following motions at the end of a speech of another member:

- to proceed to the next business;
  - that the question be now put;
  - to adjourn a debate; or
  - to adjourn a meeting.
- a) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
  - b) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the mover of the original motion a right of reply before putting his/her motion to the vote.
  - c) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 4.14.1 **Point of order**

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

#### 4.14.1 **Personal explanation**

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

#### 4.14.1 **Single Issue Debate Meetings**

With regard to Single Issue Debate meetings, there will be no more than two of these meetings a year. No member will be allowed to speak for longer than 5 minutes with each group speaking in turn. Once each Member of the minority group has spoken, the order for speech to be determined by each Member indicating to the Mayor.

### 4.15 **STATE OF TAMWORTH DEBATE**

#### 4.15.1 **Calling of debate**

The Leader will call a state of Tamworth debate annually in a form to be agreed with the Mayor.

#### 4.15.1 **Form of debate**

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding conferences, debating forums, "Question Time", workshops and other events prior to or during the state of Tamworth debate.

#### 4.15.1 **Chairing of debate**

The debate will be chaired by the Mayor.

#### 4.15.1 **Results of debate**

The results of the debate will be:

- a) organisations in the area; and
- b) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.
- c) used to inform the Overview and Scrutiny committees of suggested areas for their work programme.

## 4.16 PREVIOUS DECISIONS AND MOTIONS

### 4.16.1 Motion to rescind a previous decision

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

### 4.16.1 Motion similar to one previously rejected

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

## 4.17 VOTING

### 4.17.1 Majority

Unless the legislation provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### 4.17.1 Mayor's casting vote

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

### 4.17.1 Show of hands

Unless this constitution provides otherwise, or a named vote is demanded under 4.17.4 or 4.17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 4.17.1 Recorded vote

If five members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

### 4.17.1 Right to require individual vote to be recorded

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

### 4.17.1 Voting on appointments

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

majority of votes for one person. In a situation where there is an equality of votes for two people the decision on the appointment will be made by the flip of a coin.

#### **4.17.1 Recorded Votes at Council Budget Decision Meetings**

A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/ amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended.

### **4.18 MINUTES**

#### **4.18.1 Signing the minutes**

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

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

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

#### **4.18.3 Form of minutes**

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

### **4.19 RECORD OF ATTENDANCE**

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

### **4.20 EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Schedule 2 Access to Information Procedure Rules in Part 4 of this Constitution or Rule 4.22 (Disturbance by Public).

### **4.21 MEMBERS' CONDUCT**

#### **4.21.1 Standing to speak**

When a member speaks at full Council they must stand – unless disabled from doing so and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

#### 4.21.1 **Mayor standing**

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

#### 4.21.1 **Member not to be heard further**

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

#### 4.21.1 **Member to leave the meeting**

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

#### 4.21.1 **General disturbance**

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

#### 4.21.1 **Disclosable pecuniary interests**

A disclosable pecuniary interest is defined by section 30 of the Localism Act 2011.

A member with a disclosable pecuniary interest is prohibited from:-

- participating in any discussion of any matter at a meeting or
- participating in any vote or further vote taken on the matter at the meeting

A member so prohibited shall be excluded from that part of the meeting unless granted a dispensation by the Monitoring Officer.

A member so excluded shall withdraw from the meeting and shall not remain in the room in which the meeting is taking place or remain in any part of the room reserved for members of the public.

### 4.22 **DISTURBANCE BY PUBLIC**

#### 4.22.1 **Removal of member of the public**

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

#### 4.22.1 **Clearance of part of meeting room**

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

#### 4.23 **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

##### 4.23.1 **Suspension**

All of these Council Rules of Procedure except Rule 4.17.6 and 4.18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

##### 4.23.1 **Amendment**

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

#### 4.24 **APPLICATION TO REGULATORY COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council and Regulatory Committees. The rules which apply to meetings of the Executive are identified within Schedule 4 - Executive Procedure Rules The rules which apply to meetings of non regulatory Committees and Sub-Committees are identified within Schedule 1 Non Regulatory Committee Procedure Rules.

## SCHEDULE 1 – NON REGULATORY COMMITTEE PROCEDURE RULES

### 1 APPLICATION

These Rules shall apply to non-regulatory meetings of Committees and Sub Committees not being full Council, Regulatory Committee Meetings or meetings of the Executive.

### 2 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

#### 2.1 Allocation by the Council

As well as allocating seats on Committees and Sub-Committees, the Council may if it so decides to allocate seats in the same manner for substitute Members.

For each Committee or Sub-Committee, the Council may if it decides appoint one substitute in respect of each political group per Committee or Sub-Committee.

Where a substitute has been appointed as above, notice of the attendance at a relevant committee meeting of the substitute is to be given to the Mayor, Chief Executive and Monitoring Officer at least two hours prior to the start of the meeting.

#### 2.2 Substitution by notice

Irrespective of whether or not a substitute has been allocated in accordance with 2.1, a Group Leader or Deputy Group Leader may notify the Chief Executive no later than 5.00 p.m. on the working day before the commencement of the meeting of an intended substitution. The following chart sets out the last day for submission of the substitution.

Day of Meeting	
Monday	5pm the previous Friday
Tuesday	5pm the previous Monday
Wednesday	5pm the previous Tuesday
Thursday	5pm the previous Wednesday
Friday	5pm the previous Thursday

This rule will be strictly applied to ensure fairness and equality for all notifications of substitution.

#### 2.3 Powers and duties

Substitute members when acting will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. If the ordinary member named in the notice given in rule 2.1 or 2.2 is the Chair of the relevant Committee, then the Vice-Chair shall preside, or if absent, the first item of business shall be the appointment of a Chair at the meeting.

#### 2.4 Substitution

Substitute members may attend meetings in that capacity only:

- 2.4.1 to take the place of the ordinary member for whom they are the designated substitute and for that meeting only;



2.4.2 where the ordinary member will be absent for the whole meeting;

2.4.3 in the event that the permanent member attends the meeting after a notification of substitution has been received, the permanent member would be required to leave.

The Substitution scheme shall apply to the Audit & Governance Committee, the Appointments & Staffing Committee, the Infrastructure, Safety and Growth Scrutiny Committee, the Health and Wellbeing Scrutiny Committee, the Corporate Scrutiny Committee, Statutory Officers Conduct Committee, Chief Officer Conduct Committee and Nominations and Grants Committee.

### **3 TIME AND PLACE OF MEETINGS**

The time and place of non regulatory meetings can be determined by the Committee Chair or the Chief Executive and notified in the summons. Regulatory Committees will be determined by the Chief Executive.

### **4 NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days (three days in the case of a Licensing Sub Committee) before a meeting, the Chief Executive will send a summons signed by him or her to every member of the Committee or Sub-Committee. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **5 CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chair. If the Chair is not present the Vice-Chair shall act as Chair. If both the Chair and Vice-Chair are absent the Committee shall appoint a Chair for that meeting as per rule 9.1.1.

### **6 QUORUM**

The quorum of a meeting will be one quarter of the whole number of the Committee or Sub Committee members. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

### **7 DURATION OF MEETING**

#### **7.1 Interruption of the meeting**

If the business of the meeting has not been concluded by 8.30 p.m., except for Regulatory Committee meetings, a bell will be rung and the member speaking must immediately sit down. The Chair must interrupt the meeting and call for any motion under rule 9. If no motions are moved under rule 9 then the Chair calls for a vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

#### **7.2 Motions and recommendations not dealt with**

Subject to 7.1 above, if there are other motions or recommendations on the agenda that have not been dealt with by 8.30 p.m., they are deemed formally moved and seconded (together with

any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

### **7.3 Recorded vote**

If a recorded vote is called for during this process it will be taken immediately.

### **7.4 Motions which may be moved**

During the process set out in Rules 7.1–7.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

### **7.5 Close of the meeting**

When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.

## **8 MOTIONS ON NOTICE**

### **8.1 Notice**

Except for motions which can be moved without notice under Rule 9, written notice of every motion, signed by at least five members, must be delivered to the Chief Executive not later than seven clear working days before the date of the meeting. These will be entered in a book open to public inspection.

### **8.2 Motion set out in agenda**

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

### **8.3 Scope**

Motions must be about matters for which the Committee or Sub Committee has a responsibility or which affect Tamworth. Motions must not be defamatory, unlawful, frivolous or offensive; and must not require the likely disclosure of confidential or exempt information. If it appears to the Chief Executive that the motion falls into these categories s/he will refer the matter to the Chair who will rule on whether or not the motions can be considered.

### **8.4 Motion to remove the Chair**

A motion to remove the Chair can only be moved by giving written notice. A written notice of a motion to remove the Chair must be signed by at least five members and must be delivered to the Chief Executive not later than seven clear working days before the date of the meeting. These will be entered in a book open to public inspection. Rules 8.2 and 8.3 shall apply to a motion moved under rule 8.4.

## 9 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- 9.1.1 to appoint a Chair of the meeting at which the motion is moved where the existing Chair or Deputy Chair are absent;
- 9.1.2 in relation to the accuracy of the minutes;
- 9.1.3 to change the order of business in the agenda;
- 9.1.4 to refer something to an appropriate body or individual;
- 9.1.5 to appoint a committee or member to carry out a task as designated by the Committee arising from an item on the summons for the meeting;
- 9.1.6 to receive reports or adoption of recommendations of Members, Sub-Committees, officers and Outside Bodies and any resolutions following from them;
- 9.1.7 to withdraw a motion;
- 9.1.8 to amend a motion;
- 9.1.9 to proceed to the next business;
- 9.1.10 that the question be now put;
- 9.1.11 to adjourn a debate;
- 9.1.12 to adjourn a meeting;
- 9.1.13 that the meeting continue beyond 8.30 p.m. in duration provided rule 7.1 has not been passed;
- 9.1.14 to suspend a particular Committee rule of procedure;
- 9.1.15 to exclude the public and press in accordance with the Access to Information Rules;
- 9.1.16 to not hear further a member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4.

## 10 RULES OF DEBATE

### 10.1 No speeches until motion seconded

Questions and speeches may be made on the subject matter before and after a mover has moved a proposal and it has been seconded.

### 10.2 Right to require motion in writing

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

### 10.3 **Secunder's speech**

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

### 10.4 **Content and length of speeches**

Speeches must be directed to the question or item under discussion or to a personal explanation or point of order. There is no time limit on speeches (subject to rule 17).

### 10.5 **When a member may speak again**

A member may speak as many times as he/she considers appropriate, subject to rule 17.

### 10.6 **Amendments to motions**

An amendment to a motion must be relevant to the motion and will either be:

- 10.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
- 10.6.2 to leave out words;
- 10.6.3 to leave out words and insert or add others; or
- 10.6.4 to insert or add words.

as long as the effect of (10.6.2) to (10.6.4) is not to negate the motion.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### 10.7 **Alteration of motion**

A member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

A member may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

### 10.8 **Withdrawal of motion**

A member may withdraw a motion which s/he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may

speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 10.9 Right of reply

The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

The mover of the amendment has no right of reply to the debate on his or her amendment.

#### 10.10 Motions which may be moved during debate

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

- 10.10.1 to withdraw a motion;
- 10.10.2 to amend a motion;
- 10.10.3 to proceed to the next business;
- 10.10.4 that the question be now put;
- 10.10.5 to adjourn a debate;
- 10.10.6 to adjourn a meeting;
- 10.10.7 to exclude the public and press in accordance with the Access to Information Rules; and
- 10.10.8 to not hear further a member named under Rule 17.2 or to exclude them from the meeting under Rule 17.3.

#### 10.11 Closure motions

A member may move, without comment, the following motions at the end of a speech of another member:

- 10.11.1 to proceed to the next business;
- 10.11.2 that the question be now put;
- 10.11.3 to adjourn a debate; or
- 10.11.4 to adjourn a meeting.

If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the mover of the original motion a right of reply before putting his/her motion to the vote.

If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **10.12 Point of order**

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

#### **10.13 Personal explanation**

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

### **11 PREVIOUS DECISIONS AND MOTIONS**

#### **11.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Committee or Sub - Committee within the past six months cannot be moved unless the notice of motion is signed by at least two members.

#### **11.2 Motion similar to one previously rejected**

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

### **12 VOTING**

#### **12.1 Majority**

Unless the legislation provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

#### **12.2 Chair's casting vote**

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

#### **12.3 Show of hands**

Unless a recorded vote is demanded under Rule 12.4, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

## **12.4 Recorded vote**

If five members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

## **12.5 Right to require individual vote to be recorded**

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

## **12.6 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. In a situation where there is an equality of votes for two people the decision on the appointment will be made by the flip of a coin.

## **13 MINUTES**

### **13.1 Signing the minutes**

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

### **13.2 Form of minutes**

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

## **14 DISTURBANCE BY PUBLIC**

### **14.1 Removal of member of the public**

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

### **14.2 Clearance of part of meeting room**

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

## **15 RECORD OF ATTENDANCE**

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

## **16 EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Schedule 2 Access to Information Rules in Part 4 of this Constitution or Rule 14.1 (Disturbance by Public).

## **17 MEMBERS' CONDUCT**

### **17.1 Chair standing**

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

### **17.2 Member not to be heard further**

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

### **17.3 Member to leave the meeting**

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

### **17.4 General disturbance**

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

### **17.5 Disclosable pecuniary interests**

A disclosable pecuniary interest is defined by section 30 of the Localism Act 2011.

A member with a disclosable pecuniary interest is prohibited from:-

- participating in any discussion of any matter at a meeting and
- participating in any vote or further vote taken on the matter at the meeting

A member so prohibited shall be excluded from that part of the meeting unless granted a dispensation by the Monitoring Officer.

A member so excluded shall withdraw from the meeting and shall not remain in the room in which the meeting is taking place or remain in any part of the room reserved for members of the public.

## **18 SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURE RULES**

### **18.1 Suspension**

All of these Committee Rules of Procedure except Rules 12.6 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Committee are present. Suspension can only be for the duration of the meeting.

### **18.2 Amendment**

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



## **SCHEDULE 2 - ACCESS TO INFORMATION PROCEDURE RULES**

These rules implement the requirements of Sections 100 A – K at Schedule 12A of the Local Government Act 1972; Section 9G and 9GA of the Local Government Act 2000, The Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012 and The Openness of Local Government Bodies Regulation 2014.

### **1 SCOPE**

These rules apply to all meetings of the Council, overview and scrutiny committees and Regulatory Committees (together called meetings). Rules 12 – 16 apply to meetings of the Executive.

### **2 ADDITIONAL RIGHTS TO INFORMATION**

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

### **3 RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject to the exceptions in these rules, Rule 4.20, Rule 4.23 of the Council's Procedure Rules and Rules 14 and 16 of Schedule 1 – non Regulatory Committee Procedure Rules.

### **4 NOTICES OF MEETING**

The council will give at least five clear days' notice of any meeting by posting details of the meeting at its main offices and publishing it on the Council's website.

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

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at its main offices at least five clear days before the meeting and the Council's website.
- 5.2 If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection when the item is added to the agenda.
- 5.3 Where the meeting is convened at shorter notice a copy of the agenda and associated reports will be available for inspection when the meeting is convened.
- 5.4 If the Chief Executive thinks it fit there may be excluded from any report provided the whole or any part of the report which relates only to matters during which in the Chief Executive opinion the meeting is likely to be a private meeting.

### **6 SUPPLY OF COPIES**

- 6.1 Except during any part of a meeting during which the public are excluded, the Council will make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting;
- 6.2 Subject to any 'Confidential Information' and/or 'Exempt Information' following a request by a member of the public or on behalf of a newspaper and on payment being made of postage,

copying or other necessary charge for transmission, the Council will supply to that person or newspaper;

- 6.2.1 a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meetings;
- 6.2.2 Each further statements or particulars, as are necessary to indicate the nature of the items contained in the agenda; and
- 6.2.3 if the Chief Executive thinks fit in the case of any item a copy of any other documents supplied to Councillors in connection with the item.

## **7 ACCESS TO MINUTES ETC AFTER THE MEETING**

As soon as reasonably practicable after any meeting of the Executive, or its Committees & Joint Committees at which an Executive Decision or delegated decision by an Officer, Monitoring Officer or person writing on their behalf has been made, shall make available copies of the following for six years after the meeting.

- 7.1 the minutes of the meeting or records of decisions taken, together with details of any other options considered the reasons for the decision and the rejection of any other options, save for any part of the minutes or record of proceedings when the meeting was not open to the public which would disclose exempt or confidential information;
- 7.2 a record of any conflict of interest relating to the matter decided which is declared by any member or a note of any dispensation granted by the Audit and Governance Committee;
- 7.3 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;
- 7.4 the agenda for the meeting; and
- 7.5 reports relating to items when the meeting was open to the public.

## **8 BACKGROUND PAPERS**

### **8.1 List of background papers**

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

- 8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and
- 8.1.2 which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

### **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers, excluding those disclosing exempt or confidential information..

## 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 from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

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

### 9.3 Meaning of confidential information

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

### 9.4 Meaning of exempt information

Exempt information means information falling within the following 10 categories (subject to any condition):

## PART 1 DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

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

	(b) to make an order or direction under any enactment.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**PART 2  
QUALIFICATIONS: ENGLAND**

8	Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:-  (a) the Companies Acts (as defined in section 2 of the Companies Act 2006);  (b) the Friendly Societies Act 1974;  (c) the Friendly Societies Act 1992;  (d) the Industrial and Provident Societies Acts 1965 to 1978;  (e) the Building Societies Act 1986; or  (f) the Charities Act 1993.
9	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
10	Information which:-  (a) falls within any of paragraphs 1 to 7 above;  and  (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed. The final decision as to whether or not public access should be refused to such a report rests with members.

## **11 DEFINITIONS**

### **11.1 Executive Decisions**

An Executive decision is any decision made or to be made in connection with the discharge of a function which is the responsibility of the Executive of the Council but does not include purely administrative decisions.

### **11.2 Key Decisions**

A key decision is defined at Article 2.13.3 (C) (i) and (ii) above.

### **11.3 Delegated Decision by an Officer**

Is a decision which would otherwise have been taken by the Executive, the Council, or a Committee, sub Committee or joint Committee of the Council, but it has been delegated to a officer at the Council either

- 11.3.1 under a specific express authorisation; or
- 11.3.2 under a general authorisation to take such decisions and the effect or the decision is to;
- 11.3.3 grant a permission or licence; or
- 11.3.4 affect the rights of an individual

## **12 EXECUTIVE MEETINGS**

### **12.1 Notice of Private Meetings of the Executive**

When the public are to be excluded from a meeting, or part of a meeting of the Executive or its committees a notice of intention to hold a meeting in private will be published on the Council's website at least 28 clear days before the date of the private meeting. The notice will also be made available at the Council offices. The notice will state the reasons why the meeting is to be held in private and how to make representations about holding the meeting in public.

At least five days before the meeting a further notice will be published of the intention to hold a private meeting. This notice will include a statement of the reasons why the meeting is to be held in private, details of any representations made about holding the meeting in public, and the response to those representations.

### **12.2 Urgent Private Meetings of the Executive**

If the urgency of a decision makes compliance with rule 11.1 impracticable, the decision maker or decision making body will seek agreement from the Monitoring Officer and Chair of the relevant Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. In the absence of the Chair of the Overview and Scrutiny Committee, the Mayor and Monitoring Officer shall be asked for their agreement and, in their absence, his/her appointed Deputy's. If agreement is granted, a notice will be published on the Council's website and made available at the Council offices setting out why the meeting is urgent and cannot reasonably be deferred.

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

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken by the Executive unless:

13.1 a Notice (called here a Key Decision Notice) has been published in connection with the matter in question;

13.2 at least 28 clear days before the date when the decision is to be taken; and

13.3 where the decision is to be taken at a meeting of the Executive or its committees, notice of the meeting has been given in accordance with Rule 47 (notice of and summons to meetings).

## **14 THE FORWARD PLAN**

### **14.1 Period of forward plan**

Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

### **14.2 Content of forward plan**

The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, officers, area committees or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained.

A Key Decision Notice will contain details of:

14.2.1 the matter in respect of which a decision is to be made;

14.2.2 where the decision taker is an individual, his/her name and, title, if any and where the decision taker is a body, its name and details of membership;

14.2.3 the date on which, or the period within which, the decision will be taken;

(a) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

(b) the means by which any such consultation is proposed to be undertaken;

the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;

(c) a list of the documents submitted to the decision taker for consideration in relation to the matter. and

(d) The forward plan will be published at least 7 days before the start of the period covered.

14.2.4 Exempt information need not be included in a forward plan and confidential information cannot be included.

## **15 GENERAL EXCEPTION – URGENT BUSINESS**

- 15.1 Subject to Rule 16, where a matter which is a Key Decision requires an urgent decision and the required 28 days' notice has not been given, the decision may still be taken if:
- 15.1.1 the Chair of the Overview and Scrutiny Committee, or, if there is no such person, each member of the Overview and Scrutiny Committee, has been informed by notice in writing of the matter about which the decision is to be made;
  - 15.1.2 a Key Decision Notice has been published and made available for inspection by the public; and
  - 15.1.3 five clear days have elapsed following the day on which the Key Decision Notice was published and made available.

## **16 SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision is urgent and cannot reasonably be deferred. If the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor in conjunction with the Monitoring Officer will suffice, or, in their absence, the agreement of their Deputy's.

## **17 REPORT TO COUNCIL**

### **17.1 When an overview and scrutiny committee can require a report**

If an overview and scrutiny committee thinks that a key decision has been taken which was not:

- 17.1.1 included in the forward plan; or
- 17.1.2 the subject of the general exception procedure; or
- 17.1.3 the subject of an agreement with a relevant overview and scrutiny committee Chair, or the chair of the body making the decision under Rule 16.

The committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the committee when so requested by (the Chair or any five members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

### **17.2 Executive's report to Council**

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

### **17.3 Executive reports on special urgency decisions**

In any event the Leader will submit where required a report to the next meeting or the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency). The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

17.4 The Leader of the Council is required to submit at least one report under paragraph 17.3 annually

## **18 RECORD OF DECISIONS**

After any meeting of the Executive or any of its committees, whether held in public or private, the Chief Executive or monitoring officer or person acting on their behalf will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## **19 NOTICE OF PRIVATE MEETING OF THE EXECUTIVE**

Members of the Executive or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned unless the meeting is convened at shorter notice as a matter of urgency.

## **20 ATTENDANCE AT MEETINGS OF THE EXECUTIVE WHERE EXEMPT ITEMS ARE ON THE AGENDA ("PRIVATE MEETINGS")**

20.1 All members of the Executive will be served notice of all private meetings of committees of the Executive, whether or not they are members of that committee.

20.2 All members of the Executive are entitled to attend a private meeting of an Executive committee although they may not speak unless the Chair agrees.

20.3 Notice of private meetings of the Executive and its committees will be served on the chairmen of all overview and scrutiny committees and sub-committees, at the same time as notice is served on members of the Executive. Where an overview and scrutiny committee does not have a Chair, the notice will be served on all the members of that committee.

20.4 Where a matter under consideration at a private meeting of the Executive, or a committee of it, is within the remit of an overview and scrutiny committee/sub-committee, the Chair of that committee or in his/her absence the vice Chair may attend that private meeting with the consent of the person presiding, though not speak unless those present agree.

20.5 The Chief Executive, Head of the Paid Service, the Monitoring Officer and the Section 151 Officer, and their nominees are entitled to attend any meeting of the Executive and its committees.

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

## **21 DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE**

### **21.1 Reports intended to be taken into account**

Where an individual member of the Executive receives a report which s/he intends to take into account in making any key decision, then s/he will not make the decision until at least three clear days after receipt of that report.



## **21.2 Provision of copies of reports to overview and scrutiny committees**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

## **21.3 Record of individual decision**

As soon as reasonably practicable after any Executive decision has been taken by an individual Member or after a Key Decision has been taken by an officer he or she will instruct the Chief Executive/Monitoring Officer or person acting on their behalf to prepare a record of the decision, a statement of the reasons for it, any alternative options considered and rejected, a record of any conflict of interest declared by any Executive Member and in respect of any declared conflict of interest, a note of dispensation granted by the Councils Chief Executive.

## **21.4 Nature of rights**

These rights of a member are additional to any other right s/he may have.

## **21.5 Rights of Members to attend meetings when exempt information is being considered**

All Members are entitled to attend a meeting of the Council or its committees or sub committees, where they are not an ordinary member, when exempt information is being considered. Exceptions to this entitlement will be made at the discretion of the respective Chair and/or the Chief Executive or Monitoring Officer depending on the nature of the exempt information, for example staffing issues, licensing appeals and standards and ethics issues.

## **22 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **22.1 Material relating to business to be transacted at a public meeting of the Executive**

All members of the Council will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business to be transacted at a public meeting, and any such document must be available for inspection for at least five clear days before the meeting.

### **22.2 Other Material relating to business transacted**

All members of the Council will be entitled to inspect any document which is in the possession or under the control of Executive and contains material relating to any business transacted at a private meeting of Executive, or any decision made by an individual Executive member or an officer, within 24 hours after the meeting concludes or after the decision has been made.

### **22.3 Exceptions**

However, a document is not required to be available for inspection under Rule 22.1 or 22.2 if it contains exempt information as set out in Schedule 12A of the Local Government Act 1972, unless the information falls within paragraph 4 (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 contract negotiations), or paragraph 6 of Schedule 12A. A document is not required to be available for inspection if advice provided by a political adviser or assistant would be disclosed.

## 22.4 Nature of Rights

These rights of a member are additional to any other right they may have in statute or at common law.

## 23 OVERVIEW AND SCRUTINY'S ACCESS TO DOCUMENTS

23.1 Within 10 working days of so requesting, an Overview and Scrutiny Committee or any member of the Overview and Scrutiny Committees (including task groups) will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to:

23.1.1 any business that has been transacted at a meeting of a decision-making body of the Council;

23.1.2 any decision that has been made by an individual Executive Member in accordance with Executive arrangements; or

23.1.3 any decision that has been made by an officer of the Council in accordance with Executive arrangements except for documents, or parts of documents, which contain:

(a) advice provided by a political adviser; or

(b) exempt or confidential information, unless that information is relevant to:

(i) any action or decision that the Member is reviewing or scrutinising; or

(ii) any review contained in the work programme of the Overview and Scrutiny Committee.

Overview and Scrutiny will not be entitled to any document which is in draft form.

Where the Executive determines that a member of an Overview and Scrutiny committee is not entitled to a copy of a document or part of a document for a reason set out in (a) or (b) above, it will provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

## **SCHEDULE 3 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1 The framework for Executive decisions**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

### **2 Process for developing the framework**

The process by which the budget and policy framework shall be developed is:

- 2.1 Not less than four months before a plan/strategy/budget forming a constituent element of the budget and policy framework needs to be adopted, the Executive will publish initial proposals for the plan/strategy/budget, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Executive's consultation process shall be included in relation to each of these matters in the forward plan and made available on the Council's web page. Any representations made to the Executive shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where an overview and scrutiny committee has carried out a review of policy, then the outcome of that review will be reported to the Executive and considered in the preparation of initial proposals.
- 2.2 The Executive's initial proposals shall be referred to the relevant overview and scrutiny committee for further advice and consideration. The proposals will be referred by sending a copy to the Chief Executive who will forward them to the Chair of the relevant overview and scrutiny committee. If there is no such Chair, a copy must be sent to every member of that committee. The overview and scrutiny committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Executive. The overview and scrutiny committee shall report to the Executive on the outcome of its deliberations. The overview and scrutiny committee shall have six weeks to respond to the initial proposals of the Executive unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the overview and scrutiny committee of the time for response when the proposals are referred to it.
- 2.3 Having considered the report of the overview and scrutiny committee, the Executive, if it considers it appropriate, may amend its proposals before submitting them to the council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the overview and scrutiny committee.
- 2.4 The Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's proposals and any report from any relevant overview and scrutiny committee.
- 2.5 The Council's decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately if the Council accepts the Executive's proposals without amendment or if the Executive's proposals are not accepted without amendment, that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- 2.6 If the Leader objects to the decision of the Council, s/he shall give written notice to the Chief Executive to that effect prior to the date upon which the decision is to be effective. The written

notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

- 2.7 The Council meeting must take place within ten working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- 2.8 The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
- 2.9 In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

### **3 Decisions outside the budget or policy framework**

Subject to the provisions of paragraph 5 (virement) the Executive, committees of the Executive, individual members of the Executive and any officers, or joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.

If the Executive, committees of the Executive, individual members of the Executive and any officers, or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the monitoring officer and the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

### **4 Urgent decisions outside the budget or policy framework**

The Executive, a committee of the Executive, an individual member of the Executive or officers, or joint arrangements discharging Executive functions 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. However, the decision may only be taken:

- 4.1 if it is not practical to convene a quorate meeting of the full Council; and
- 4.2 if the Chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant overview and scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant overview and scrutiny committee the consent of the Mayor in conjunction with the Monitoring Officer will suffice, or in their absence, agreement of both their Deputy's.

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.

## **5 Virement**

Steps taken by the Executive, a committee of the Executive an individual member of the Executive or officers, or joint arrangements discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget head as determined by the Council. The cumulative value of virements between individual budget heads shall not exceed £100,000. Beyond that limit, approval for any virement between budget heads shall require the approval of the Executive. Income may be received above the budget level in a number of circumstances – budget adjustments for excess income are limited to £100,000 for each separate occasion. Beyond that limit, approval for any adjustment shall require the approval of the Executive.

## **6 In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a committee of the Executive an individual member of the Executive or officers, or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- 6.1 necessary to ensure compliance with the law, ministerial direction or government guidance;
- 6.2 in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

## **7 Call-in of decisions outside the budget or policy framework**

Where an overview and scrutiny committee or the Chief Executive is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to the Council's budget, then it shall seek advice from the Monitoring Officer and Section 151 Officer. However, the Chief Executive shall not determine whether or not the decision is, or if made would be, contrary to the policy framework, or contrary to the Council's budget.

In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and Section 151 Officer's report shall be presented to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's or Section 151 Officer report and to prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure, and to the overview and scrutiny committee if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.

If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and the Section 151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall make arrangements for a meeting within ten days of the request by the overview and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and the chief financial officer.

The Council may either:

- 7.1 endorse a decision or proposal of the Executive decision taken as falling within the existing budget and policy framework;
- or
- 7.2 amend the council's budget or policy framework to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect.;
- or
- 7.3 where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter.

## **SCHEDULE 4 - EXECUTIVE PROCEDURE RULES**

### **1 Persons making Executive decisions**

The arrangements for the discharge of Executive functions may be set out in the Executive arrangements decided by the Leader and approved by this Council as part of this Constitution. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- 1.1 the Executive as a whole;
- 1.2 a committee of the Executive;
- 1.3 an individual member of the Executive;
- 1.4 an officer;
- 1.5 an area committee;
- 1.6 joint arrangements; or
- 1.7 another local authority.

### **2 Delegation by the Leader**

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming municipal year:

- 2.1 the names, addresses (unless withheld at the request of the member) and wards of the members appointed to the Executive by the Leader;
- 2.2 the name of the Executive member who will serve as Deputy Leader;
- 2.3 the nature of the position to be held by each Executive Member;
- 2.4 the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
- 2.5 the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
- 2.6 the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year;
- 2.7 the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made; and
- 2.8 In an election year the document referral to paragraph 1.2 may be presented by the member to the Council meeting following the Annual Meeting, which may be a special meeting convened for that purpose.

### **3 Sub-delegation of Executive functions**

Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an Executive function, they may delegate further to joint arrangements or an officer.

Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.

Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.

Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **4 The Council's scheme of delegation and Executive functions**

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

(b) The Leader is able to decide whether to delegate Executive functions and s/he may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when s/he has served it on its Chair.

### **5 Conflicts of Interest**

Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

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

### **6 Executive meetings**

The Executive will meet every three weeks commencing at 6.00 p.m. at Marmion House or at such other times and place as it shall from time to time agree.



## **7 Quorum**

The quorum for a meeting of an Executive committee or sub-committee shall be one quarter of the total number of members of the Executive (including the Leader), or two as a minimum (as one member does not constitute a Committee) and must otherwise comply with Schedule 12 of the Local Government Act 1972.

## **8 Decisions to be taken by the Executive**

Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

Where Executive decisions are delegated to a committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

The Executive are to reply to recommendations accepted from Full Council or the Scrutiny Committees within a 2 month period from receiving the report or recommendations.

## **9 Person presiding**

If the Leader is present s/he will preside. In his/her absence, then a person appointed to do so by those present shall preside.

## **10 Business**

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

- 10.1 consideration of the minutes of the last meeting;
- 10.2 declarations of interest, if any;
- 10.3 questions from members of the public;
- 10.4 matters referred to the Executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- 10.5 consideration of reports from overview and scrutiny committees; and
- 10.6 matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

## **11 Consultation**

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

## **12 Placing items on the Executive agenda**

The Leader may put on the agenda of any Executive meeting any matter which s/he wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.

Any member of the Executive may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If s/he receives such a request the Chief Executive will comply.

The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Executive where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the Executive. However, there may only be up to two such items on any one agenda.

There will be a standing item on the agenda of each meeting of the Executive for matters referred by overview and scrutiny committees. However there may only be up to two such items per Executive meeting save for any statutory requirement to the contrary or unless the Executive are required to respond to a report or recommendation from the scrutiny committee

Any member of the Council may ask the Leader to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend and may be invited to speak at the meeting, whether or not it is a public meeting. However, there may only be up to two such items per Executive meeting.

The Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of an Executive meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Head of Paid Service, Monitoring Officer and Section 151 Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

## **13 Questions by the public**

### **13.1 General**

Members of the public may ask questions of members of the Executive at every ordinary meeting of the Executive.

### **13.2 Order of questions**

Questions will be asked in the order notice of them was received, except that the Leader may group together similar questions and may give preference to questions from members of the public who have asked the least number of questions previously.

### **13.3 Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 5.00 p.m. two clear working days before

the day of the meeting. The following chart sets out the last day for submission of the question. Each question must give the name and address of the questioner.

Day of Meeting	
Monday	5pm the previous Wednesday
Tuesday	5pm the previous Thursday
Wednesday	5pm the previous Friday
Thursday	5pm the previous Monday
Friday	5pm the previous Tuesday

This rule will be strictly applied to ensure fairness and equality for all questioners.

#### 13.4 Number of questions

At any one meeting no person may submit more than one question and only one question may be asked on behalf of one organisation.

#### 13.5 Scope of questions

The Chief Executive may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the borough;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Executive in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

#### 13.6 Process in relation to questions

The Chief Executive will immediately send a copy of the accepted question to the member to whom it is to be put.

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

#### 13.7 Asking the question at the meeting

The Leader will invite the questioner to put the question to the Executive.

#### 13.8 Supplementary Question

A question asked under Rule 13.4 allows the questioner to ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. Rule 4.10.5 and Rule 13.5 applies to the supplementary question.

#### 13.9 Written answers

Any question which cannot be dealt with during question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put or for any other reason, will be dealt with by a written answer.

These answers will:

- Be published on the Council website as soon as practicable after the meeting, but in any event before the next ordinary meeting, and
- be attached to the minutes of that meeting.

#### 13.10 **Record of Questions**

As soon as practicable after the meeting, such answers, whether given orally at the meeting or in writing after the meeting, shall be published on the Council website and any written answers provided after the meeting shall be attached to the minutes of that meeting.

## **SCHEDULE 5 - OVERVIEW AND SCRUTINY PROCEDURE RULES**

- 1 The Council will operate overview and scrutiny committees as set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees. Overview and Scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.
- 2 The terms of reference of the overview and scrutiny committees and sub-committees will be as set out in Article 6.
- 3 All councillors except members of the Executive may be members of an overview and scrutiny committee or sub-committee. However, no member may be involved in scrutinising a decision which s/he has been directly involved.
- 4 Each overview and scrutiny committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

### **5 Meetings of the overview and scrutiny committees**

There shall be at least four ordinary meetings of each overview and scrutiny committee in each municipal year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee or sub-committee meeting may be called by the Chair of the relevant overview and scrutiny committee or sub-committee, by any three members of the committee or by the Chief Executive if s/he considers it necessary or appropriate.

### **6 Quorum**

The quorum for an overview and scrutiny committee or sub-committee shall be as set out for committees in the Non Regulatory Committee Procedure Rules in Part 4 of this Constitution.

### **7 Chair of Scrutiny Committees**

Chair of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee and appointed at the first ordinary meeting of the Council.

### **8 Work programme**

- a) The overview and scrutiny committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.
- b) Proposals for inclusion on the work programmes will require to be submitted in the form of by a Work Programme Proposal Form through the Chair at a properly constituted meeting of the Committee and contain specific details of the subject proposed for scrutiny review along with the reasons for the proposal, the purpose of the proposal, the objectives of the proposal and officer support required. The Work Programme Proposal Form will be attached to the agenda for each overview and scrutiny committee.
- c) The Committee will consider the proposal at paragraph b) above at the next properly constituted meeting of the Scrutiny Committee and decide whether the proposal is suitable for inclusion on the work programme.
- d) The Committee will decide on the terms of reference of the scrutiny review that is to be undertaken arising from any proposal accepted for inclusion on the work programme.

## **9 Agenda items**

Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Chief Executive that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

The overview and scrutiny committees and sub-committees shall also respond, within two calendar months, to requests from the Council, and if it considers it appropriate the Executive, to review particular areas of Council activity. Where they do so, the overview and scrutiny committee or sub-committees shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the overview and scrutiny committee or sub-committee within one calendar month of receiving it.

## **10 Policy review and development**

The role of the overview and scrutiny committees and sub-committees in relation to the development of the Council's budget and policy framework is set out in detail in Schedule 3 the Budget and Policy Framework Procedure Rules.

In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny committees and sub-committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

Overview and scrutiny committees and sub-committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

## **11 Reports from overview and scrutiny committee**

Once it has formed recommendations on proposals for development, overview and scrutiny committees and sub-committees will prepare a formal report and submit it to the Executive for consideration (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

If an overview and scrutiny committee or sub-committee cannot agree on a single final report to the Council or Executive as appropriate, then a minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.

The Council or Executive shall consider the report of the overview and scrutiny committee or sub-committee at the next meeting of the Council or of the Executive or within one month of it being submitted, whichever is the soonest.

## **12 Meetings of Executive**

The agenda for Executive meetings shall include a standing item entitled 'Issues arising from overview and scrutiny'. The reports of overview and scrutiny committees and sub-committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda)

within one calendar month of the overview and scrutiny committee or sub-committee completing its report/recommendations.

Overview and scrutiny committees and sub-committees will in any event have access to the forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an overview and scrutiny committee or sub-committee following a consideration of possible policy/service developments, the committee or sub-committee will be able to respond in the course of the Executive's consultation process in relation to any key decision.

### **13 Rights of overview and scrutiny committee and sub-committee members to documents**

In addition to their rights as councillors, members of overview and scrutiny committees and sub-committees have the additional right to documents, and to notice of meetings as set out in Schedule 2 Access to Information Procedure Rules in Part 4 of this Constitution.

Nothing in this paragraph prevents more detailed liaison between the Executive and overview and scrutiny committee and sub-committees as appropriate depending on the particular matter under consideration.

### **14 Members and officers giving account**

Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Chief Executive/Head of Paid Service to attend before it following consultation with Chief Executive/Head of Paid Service and relevant Executive Director:

1. any particular decision or series of decisions;
2. the extent to which the actions taken implement Council policy; and/or
3. the delivery of the actions.

and it is the duty of those persons to attend if so required.

Where any member or officer is required to attend an overview and scrutiny committee or sub-committee under this provision, the Chair of that committee or sub-committee will provide 30 days written notice by email to the said member or officer. All such notices are to be copied to the Chief Executive/Head of Paid Service at the time it is sent to the member or officer. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers or reports are required to be produced for the committee or sub-committee.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee or sub-committee shall in consultation with the member or officer arrange an alternative date for attendance.

### **15 Power to co-opt members**

Overview and Scrutiny committees may co-opt members to its meetings to provide advice and information on specific points as required. No such co-opted members will be able to vote on any matter.

## 16 Attendance by others

An overview and scrutiny committee or sub-committee may invite people other than those people referred to in paragraphs 14 and 15 above to address it, discuss issues of local concern and/or 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.

## 17 Call-in

17.1 Call-in should only be used in exceptional circumstances. In particular Call-in should only be used where members of the appropriate Overview & Scrutiny committee or sub-committee have evidence which suggest that the Executive did not take the decision in accordance with the principles set out in Article 14 (Decision Making).

17.2 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, by electronic means, and shall be available on the website and at the main offices of the Council normally within five working days of being made. All Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of seven working days after the publication of the decision, unless an overview and scrutiny committee or sub-committee calls it in.

17.4 During that period, should the Chief Executive receive in writing or by email by the Chair or any two members of an Overview & Scrutiny committee or sub-committee, s/he shall Call in a decision for Scrutiny by the relevant Overview and Scrutiny committee and shall then notify the decision-taker of the Call-in. Each request must provide:

- (1) specific details for the reason for Call-in; and
- (2) the areas requested to be examined.

The Chief Executive in consultation with the Monitoring Officer shall have the right to reject such requests if they are frivolous, unsubstantial or repetitious.

17.5 The Chief Executive shall within ten (10) working days of the request for Call-in make arrangements for a meeting of the Overview & Scrutiny committee or sub-committee on such date as the Chief Executive may determine (where possible in consultation with the Chair of the relevant Overview & Scrutiny Committee or sub-committee). The relevant Portfolio Holder from the Executive shall be invited to attend the Overview & Scrutiny committee or sub-committee to assist the consideration of the Call-in item.

17.6 The Overview & Scrutiny Committee or sub-committee convened to consider the Call-in can take one of three steps:

1. Take no further action. The Call-in item shall then take effect on the date of the said Overview & Scrutiny committee or sub-committee meeting;
2. Refer the Call-in item back to the decision making body or person for full reconsideration. The Overview & Scrutiny committee or sub-committee; that takes this step must set out in writing the nature of the concerns that it wishes the decision making body or person to be considered;



3. Refer the Call-in item to Council.

- 17.7 Should the meeting specially convened for the purpose of consideration of a Call-in item not take place then in that event the decision subject to Call-in shall take effect on the date of the said Overview & Scrutiny committee or sub-committee meeting.
- 17.8 Call-in items at steps 2 and 3 above shall be subject to the Chief Executive making arrangements for a further meeting of the decision making body or Council within ten (10) working days of the Call-in meeting.
- 17.9 Where the Call-in item is referred back to the original decision making body it shall at the meeting consider the nature of the concerns referred to it from the specially convened Overview & Scrutiny committee. The decision making body shall decide whether to either:

- (a) Amend the earlier decision, or
- (ii) Uphold the earlier decision

It shall then adopt the final decision with immediate effect.

- 17.10 Should the Call-in matter arranged under paragraph 17.9 not take place then in that event the Call-in item shall take effect on the date of the meeting arranged for the decision making body.
- 17.11 Where the Call-in item was a decision made by an individual member of the Executive or by an officer with delegated authority from the Executive s/he shall consider the matter with (10) ten working days of the Overview & Scrutiny meeting. In such an event the decision maker shall consider the nature of the concerns referred to him/her from the specially convened Overview & Scrutiny committee.
- 17.12 The individual member or officer shall decide whether to
- (a) Amend the earlier decision or
  - (b) Uphold the earlier decision

S/he shall then adopt the final decision with immediate effect.

- 17.13 Where the Call-in item is referred to Council. It shall at the meeting consider the nature of the concerns referred to it from the specially convened Overview & Scrutiny committee.
- 17.14 Should the Council decide to uphold the earlier decision this shall result in the matter referred to for Call-in taking effect on the date of the Council meeting.
- 17.15 Should the Call-in matter not be considered by Council or the meeting arranged under paragraph 17.13 then in that event the Call-in item shall take effect on the date of the meeting arranged for Council.
- 17.16 Full Council cannot amend decisions made by the Executive unless it is contrary to the policy framework or contrary to or not wholly consistent with the budget. Where Council proposes to amend the original decision it must refer the matter back to the original decision making body or person, together with the Council's views in writing on the decision.

17.17 In such circumstances the Chief Executive will make arrangements within ten (10) working days of the Council meeting for a further meeting of the decision making body. That meeting shall follow the procedure outlined in paragraph 17.9 and should the meeting not take place 17.10.

## **18 Exceptions to Call-In and Urgency**

The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would for example – seriously prejudice the Council’s or the public’s interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Monitoring Officer in consultation with the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Monitoring Officer and/or Mayor the appropriate his/her Deputy’s consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **19 The party whip**

The party whip shall not apply to meetings of overview and scrutiny committee or sub-committees. When considering any matter in respect of which a member of an overview and scrutiny committee or sub-committee is subject to a party whip in respect of that particular item, the member must declare the existence of the whip, and the nature of it before the commencement of the committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **20 Procedure at overview and scrutiny committee and sub-committee meetings**

Overview and scrutiny committees and sub-committees shall consider the following business:

20.1 minutes of the last meeting;

20.2 declarations of interest (including whipping declarations);

20.3 forward plan;

20.4 consideration of any matter referred to the committee or sub-committee for a decision in relation to call in of a decision;

20.5 responses of the Executive to reports of the overview and scrutiny committee or sub-committee; and

20.6 the business otherwise set out on the agenda for the meeting.

## **21 Investigations by overview and scrutiny committees**

Where the overview and scrutiny committee or sub-committee conducts investigations (e.g. with a view to policy development), the committee or sub-committee may also ask people to attend to give

evidence at committee meetings which are to be conducted in accordance with the following principles:

- 21.1 that the investigation be conducted fairly and all members of the committee or sub-committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- 21.2 that those assisting the committee or sub-committee by giving evidence be treated with respect and courtesy; and
- 21.3 that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the committee or sub-committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

## **22 Matters within the remit of more than one overview and scrutiny committee**

Where a matter for consideration by an overview and scrutiny committee also falls within the remit of one or more other overview and scrutiny committee(s), the decision as to which overview and scrutiny committee will consider it will be resolved by agreement between the Chairs of the overview and scrutiny committee. If the Chairs cannot agree the Mayor will decide.

## SCHEDULE 6 - FINANCIAL PROCEDURE RULES

1. All employees and all Members must at all times when engaged on Council activities act in the interests of the Council as a whole.
2. All employees and all Members must comply at all times with these regulations wherever they apply.
3. All employees and all Members must act reasonably and within the spirit of the financial regulation framework.
4. All relevant financial interests must be declared to the Monitoring Officer.
5. All activities must be in accordance with:
  - 5.1 Legislation;
  - 5.2 Approved service plans or corporate plans;
  - 5.3 Approved service net revenue budgets or capital programmes;
  - 5.4 Relevant Council policies and adopted codes of practice.

Any material departures (actual or potential) must be reported formally to Members as soon as practicable.
6. Where practicable all activities should be in accordance with accepted best practice.
7. Best value and value for money must be sought in all activities, including the procurement of goods and services
8. Budgets at an appropriate level of detail must be prepared by the start of each financial year for all activities and units of the Council.
9. Material changes to financial policy or the distribution of resources must be referred to the Executive for approval.
10. Service managers have primary responsibility for the control and management of all resources of all kinds made available to them.
11. All managers must ensure and regularly check that there is a full set of controls in every system under their management, including an adequate segregation of duties and an assessment of risk in all activities and decisions.
12. All employees must consider the need to seek appropriate views, advice and guidance before embarking on a course of action and particularly on a new course of action. This includes seeking advice from managers in other services, for example consulting the Assistant Director - People on the procurement of information technology or the Executive Director - Finance on the arrangement of leases, rentals or agreements involving the use of assets to or from the authority
13. All managers must ensure that all assets and personnel must be adequately secured or protected and appropriate insurance arranged where necessary.
14. Adequate records must be maintained of all transactions in all systems (a complete audit trail) and unrestricted access must be allowed to all assets and records for:
  - a) the Chief Executive
  - b) the Section 151 Officer
  - c) the Audit Manager

- d) External Auditors and other Statutory Inspectors
- e) Officers Designated by any of the above.

Employees must supply information to those officers on request.

- 15. Managers must routinely monitor all activities under their control and report on any significant variations from expected standards.
- 16. Managers must report at regular intervals on performance on planned activities and on financial performance against approved budgets.
- 17. All employees and all Members must report any suspected:
  - a) failure in any system;
  - b) failure to comply with financial regulations;
  - c) suspected criminal act, including fraud or corruption.

The report should normally be made to the line manager. Full guidance is provided in the Council's Counter Fraud & Corruption Policy Statement, Strategy & Guidance Notes.

Any manager who suspects such an occurrence must take any immediate action necessary to rectify any failure in a control system and report the position to a relevant senior manager, who may include the Chief Executive, Section 151 Officer, Monitoring Officer or **Audit Manager**.

- 18. The Section 151 Officer shall, with the agreement of the Chief Executive and Monitoring Officer, issue detailed guidance on procedures to be followed in compliance with these regulations.
- 19. All employees must comply with any applicable instructions or responsibilities specified in the guidance. In other respects all employees must act reasonably, having regard to the guidance and within the spirit of the guidance.

## SCHEDULE 7 - CONTRACTS PROCEDURE RULES

- 1 All employees must comply with these standing orders, the Public Contracts Regulations 2015 and with financial regulations when procuring goods and services.
  - 5.2.1 All Directors have primary responsibility for ensuring compliance within their service areas.
  - 5.2.2 Best value and value for money must be sought in all procurement activities. Competition must be sought in accordance with issued guidance.
  - 5.2.3 The financial limits as set out within financial guidance for the procurement of goods and services should be followed. The only exceptions to these requirements shall be where the Executive has given authority in order to achieve best value.
  - 5.2.4 Reasonable steps must be taken to manage risk throughout the procurement process and employees must have regard to the guidance that is issued for this purpose.
  - 5.2.5 All potential suppliers of goods and services must be treated equally and without discrimination. The Council shall act in a transparent and proportionate manner.
  - 5.2.6 In all procurement activities, arrangements must be clear regarding:
    - 5.2.6.1 the goods or services to be supplied and the supply mechanisms;
    - 5.2.6.2 the amount to be paid and the payment mechanisms;
    - 5.2.6.3 the rights and responsibilities of all parties.
  - 5.2.7 Employees must consider the need to seek appropriate views, advice and guidance before making a decision or embarking on a course of action related to procurement.
  - 5.2.8 The Section 151 Officer shall, with the agreement of the Chief Executive and Monitoring Officer, issue detailed guidance on procedures to be followed in compliance with these standing orders. Such guidance shall include procedures for securing competition, for regulating the manner in which tenders are invited and for managing risk.
  - 5.2.9 Employees must comply with any applicable instructions or responsibilities specified in the guidance. In other respects employees must act reasonably, having regard to the guidance and within the spirit of the guidance.

## **SCHEDULE 8 - OFFICER EMPLOYMENT PROCEDURE RULES**

### **1 Recruitment and appointment**

#### Declarations

- 1.1 The Council will require any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor, or officer of the Council; or of the partner of such persons.
- 1.2 No candidate so related to a councillor or an officer will be appointed without the authority of the Chief Executive/Head of Paid Service or an officer nominated by him/her.

#### Seeking support for appointment

- 1.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.4 No councillor will seek support for any person for any appointment with the Council.

### **2 Recruitment of Head of Paid Service and Chief Officers**

Where the Council proposes to appoint a Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- 2.1 draw up a statement specifying;
  - 2.1.1 the duties of the officer concerned; and
  - 2.1.2 any qualifications or qualities to be sought in the person to be appointed.
- 2.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 2.3 make arrangements for a copy of the statement mentioned in paragraph 2.1 to be sent to any person on request.

### **3 Appointment of Chief Executive and Head of Paid Service**

The full council will approve the appointment of the Chief Executive and Head of Paid Service following the recommendation of such an appointment by the Appointments and Staffing committee of the Council consisting of five members appointed at the annual meeting. That committee must include at least one member of the Executive.

The full Council may only approve the appointment of the Chief Executive and Head of Paid Service where no material and/or well-founded objection has been made by any member of the Executive.

### **4 Appointment of Other Statutory/Chief Officers**

The Appointments & Staffing Committee will recommend the appointment of the following Statutory Officers – Chief Executive/Head of Paid Service, Monitoring Officer and Section 151 Officer to Council for approval.

An offer of employment as a chief officer shall only be made where no material and/or well-founded objection from any member of the Executive has been received.

## **5 Other appointments**

**Officers below Chief Officer.** Appointment of officers below chief officer (other than assistants to political groups) is the responsibility of the Chief Executive/Head of Paid Service or his/her nominee, and may not be made by councillors.

**Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **6 Disciplinary action**

**6.1 Suspension.** The Chief Executive, Head of Paid Service, Monitoring Officer, Section 151 Officer (a Relevant Officer) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will last no longer than two months.

**6.2** No other disciplinary action may be taken in respect of any Relevant Officer except in accordance with a recommendation in a report made by the Chief Officers Conduct Committee

## **7. CHIEF OFFICERS CONDUCT COMMITTEE**

**7.1** Where it appears to the Council that an allegation of misconduct by a Relevant Officer requires to be investigated, the Chief Officers Conduct Committee will arrange for an investigation into the allegation to be carried out on its behalf

**7.2.** In the course of the investigation the Chief Officers Conduct Committee may recommend:

7.2.1 that the Council terminate any suspension of the relevant officer and that they are reinstated;

7.2.2 that any such suspension must continue beyond the two month period in 6.1;

7.2.3 that the terms on which any such suspension has taken place must be varied in accordance with the direction; or

7.2.4 that no steps (whether by the Council or any Committee, Sub-committee or officer acting on behalf of the Council) towards disciplinary action or further disciplinary action against the relevant officer are to be taken before a report is made under 7.5 below.

**7.3** The Chief Officers Conduct Committee or a person acting on their behalf may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council or which the Council has the power to authorise them to inspect.

**7.4** The Chief Officers Conduct Committee or a person acting on their behalf may require any member of the Council's staff to answer questions concerning the conduct of the Relevant Officer.

**7.5** The Chief Officers Conduct Committee must make a report to the Council:



- 7.5.1 stating the committee's opinion as to whether (and if so, the extent to which) the evidence the committee has obtained supports any allegation of misconduct against the relevant officer; and
- 7.5.2 recommending any disciplinary action which appears to the committee to be appropriate for the Council to take against the relevant officer.

unless they have previously directed that the suspension be terminated and the officer reinstated.

- 7.6 The Chief Officers Conduct Committee must, no later than the time at which they make a report under 7.5 above to the Council, send a copy of the report to the relevant officer.
- 7.7 Before the taking of a vote at a meeting to consider whether or not to approve a proposal to dismiss a relevant officer the Council must take into account, in particular;
  - a) any advice, views or recommendations of the Chief Officers Conduct Committee
  - b) the conclusions of any investigation into the proposed dismissal; and
  - c) any representations from the relevant officer;
  - d) the requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
- 7.8 Members of the Council will not be involved in disciplinary action against any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time which may allow a right of appeal to members in respect of disciplinary action. Which will be subject to the current Joint Negotiating Committee for Local Authority Chief Offices Conditions of Service Handbook.

## **8 Settlement Agreements and Termination Payments**

- 8.1 Where any officer leaves the employment of the Council any sums payable to the officer, whether under a settlement agreement, or otherwise by the Council shall be determined in accordance with the Council's Annual Pay Policy Statement.
- 8.2 Where any termination payment including pensions provision exceeds £100,000 in total then the payment must be approved by full Council.

## **PART 5 - CODES AND PROTOCOLS**

**Member Code of Conduct**

**The Council's Arrangements for Making Complaints Against a Councillor for an Alleged Breach of the Code of Conduct**

**Officer Code of Conduct**

**Protocol of Member/Officer relations**

**Pre-Election Protocol**

**Protocol on Member Involvement in Commercial Transactions**

**Protocol on the use of Council Facilities, Printing and Postage**

**Gifts and Hospitality**

**Local Protocol for Officers and Members dealing with Planning Matters**

**Monitoring Officer Protocol**

**Guidance notes to complete the Register of Interests**

## SCHEDULE 9 - MEMBERS' CODE OF CONDUCT

### Tamworth Borough Council Members' Code of Conduct

As a member or co-opted member of Tamworth Borough Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

As a member or co-opted member of Tamworth Borough Council, my conduct will in particular address the statutory principles of the code of conduct by:

- 1 Championing the needs of residents – the whole community and particularly my constituents, including those who did not vote for me - and putting their interests first.
- 2 Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- 3 Maintaining and fulfilling the rights and obligations imposed by the requirements of Data Protection legislation.
- 4 Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Borough of Tamworth or the good governance of the authority in a proper manner.

- 5 Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- 6 Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- 7 Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- 8 Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- 9 Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- 10 Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- 11 Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- 12 Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.
- 13 Keeping confidential any confidential information I receive in my role as a Councillor.
- 14 Co-operating and assisting with any investigation into a breach of the Code of Conduct or the decision making of a sub-committee.
- 15 Not attempting to interfere with any investigation by any means, including the attempted intimidation or pressuring of witnesses.

## **Registration of Interests**

The Localism Act further provides for registration and disclosure of interests and this will be done as follows:

The Monitoring Officer will maintain a register of members' interests in accordance with section 29 of the Localism Act 2011. The register of interests is a public document which must be published on the Council's web site.

### The requirement to register interests

Members and co-opted members shall on the adoption of this code of conduct register any disclosable pecuniary interests as specified by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A copy of the statutory provisions and the regulations is set out in the schedule to this code.

A member or co-opted member must before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the Council notify the Monitoring Officer of any disclosable pecuniary interest which a person has at the time when notification is given or in the case of re-election or re-appointment any interests which have not been the subject of notification. Any new interests should also be notified within 28 days. A form will be provided for the convenience of members and co-opted members.

All interests declared whether or not disclosable pecuniary interests shall be entered on the register.

## The interests to be registered

- 16** Disclosable pecuniary interests as set out in the regulations<sup>1</sup> being the interest of:-
- 16.1 the member or co-opted member.
  - 16.2 the spouse or partner of the member or co-opted member.
  - 16.3 a person with whom the member or co-opted member is living as husband and wife or as if they were civil partners.
  - 16.4 and the member or co-opted member is aware that the other person has an interest.
- 17** Disclosable pecuniary interests<sup>2</sup> are:-
- 17.1 Employment, office, trade profession or vocation.
  - 17.2 Sponsorship.
  - 17.3 Contracts with the Council.
  - 17.4 Any interest in land in the Borough.
  - 17.5 Any licence to occupy land in the Borough.
  - 17.6 Corporate tenancies where the Council is the landlord and the tenant is a body in which any of the persons in paragraphs 13.1 to 13.3 above have a beneficial interest.
  - 17.7 Securities such as shares in a body having a place of business in the Borough and the nominal value exceeds £25,000 or 1% of the issued share capital of that body or the class of shares held.

## Obligations in respect of matters considered at meetings or by a single member exercising Executive functions

If a member or co-opted member is present at a meeting of the Council, the Executive, or any committee, sub-committee, joint committee or joint sub-committee of the Council or of the Executive has a disclosable pecuniary interest of which they are aware and the interest is not entered in the register of interests, the member or co-opted member must disclose the interest to the meeting unless the interest is a sensitive interest (see below) in which case only the fact that there is an interest need be disclosed.

Notice of the interest must be given to the Monitoring Officer within 28 days of disclosing it, unless the interest has already been registered or notice has already been given.

**If you have a disclosable pecuniary interest in any business you cannot participate, or participate further, in any discussion of the matter at the meeting or participate in any vote, or further vote taken on the matter at the meeting unless you have obtained a dispensation from the Audit and Governance Committee.**

Standing order 21.6 provides that a member with a disclosable pecuniary interest must withdraw from the room in which the meeting is being held.

Where a single member exercising Executive decisions has a disclosable pecuniary interest in any matter being dealt with by that member in discharging that function, notice of the interest must be given to the Monitoring Officer within 28 days of disclosing it, unless the interest has already been registered or notice has already been given and the member must not take any further steps in relation to the matter except for enabling the matter to be dealt with by another member.

## Voluntary registration and declaration of interests – guidance

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<sup>1</sup> The Relevant Authorities (Disclosable Pecuniary Interest) Regulation 2012.

<sup>2</sup> See the regulations for the full definition.

If a member or co-opted member has other interests which do not constitute a disclosable pecuniary interest, it would be good practice and in accordance with principle of openness to consider whether in all the circumstances such interests should be notified to the Monitoring Officer for inclusion in the register of interests.

Members and co-opted members should also consider whether such interests might be viewed by other people as prejudicing the proper consideration of business in the public interest and whether such interests should be disclosed to the meeting. Members and co-opted members should also decide whether or not to take part in the discussion and any vote where an interest is disclosed. Particular consideration should be given to other interests in the case of planning and licensing decisions.

The Monitoring Officer will be available to provide general guidance to members and co-opted members.

#### Sensitive interests

If a member or co-opted member considers that disclosure of an interest could result in that person or a connected person being subject to violence or intimidation an application should be made to the Monitoring Officer for details of that interest to be excluded from the register.

#### Dispensations

If the number of members prohibited from participating in any business would be so great a proportion of the number of members transacting the business as to impede the transaction of the business, the Council, acting by the Audit and Governance Committee may grant a dispensation in appropriate terms for a period not exceeding four years. An application for dispensation should be made to the Monitoring Officer to put before the Audit & Governance Committee.

#### Criminal offences

Failure, without reasonable excuse to comply with the statutory provisions relating to disclosable pecuniary interests is a criminal offence which on summary conviction carries a maximum fine of £5,000 and may lead to disqualification for a maximum period of five years for being or becoming a member or co-opted member of a local authority.

Section 34 of the Localism Act (see the schedule) sets out the offences.

#### Gifts and Hospitality

This Code and Schedule 15 of the Constitution (Gifts and Hospitality) require to be followed in conjunction with each other.

I .....

being a member or co-opted member of Tamworth Borough Council agree to be bound by the provisions of this code of conduct.

Dated.....

# The Council's Arrangements for Making Complaints Against a Councillor for an Alleged Breach of the Code of Conduct

## 1. Introduction and Context

- 1.1 These procedures set out how you may make a complaint that an elected or co-opted member of this Council has failed to comply with the Members' Code of Conduct. The procedures set out how the Council will deal with any allegations of a failure to comply with the Members' Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Member or co-opted Member of the Council or of a Committee or Sub-Committee of the Council, has failed to comply with their Code of Conduct, can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member against whom an allegation has been made.

## 2. The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Members, which is available for inspection on the Council's website - [www.tamworth.gov.uk](http://www.tamworth.gov.uk) and on request from Democratic Services at Marmion House, Lichfield Street, Tamworth, B79 7BZ.

## 3. Making a Complaint

- 3.1 If you wish to make a complaint, please write to:

The Monitoring Officer, Marmion House, Lichfield Street, Tamworth, B79 7BZ and a Member Complaint form will be sent to you. Alternatively, you may download a Word version of the form from this page on Council's website:

You may either return the form by post to the Monitoring Officer or email it to [Members-complaints@tamworth.gov.uk](mailto:Members-complaints@tamworth.gov.uk).

- 3.2 The Monitoring Officer is the senior officer of the Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of Member misconduct. In the Monitoring Officer's absence the Deputy Monitoring Officer has the same powers and responsibilities for the

purposes of these procedures.

- 3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form. If you need help in completing the form please contact Legal and Democratic Services on tel: 01827 709264.
- 3.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. Only in exceptional circumstances will your address be kept confidential. Therefore it is important that you give clear reasons for your request for confidentiality. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.
- 3.5 The Council does not normally investigate anonymous complaints, unless there is clear evidence of a potential breach of the Code and it is in the public interest to investigate the matter.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it. We will keep you informed of the progress of your complaint at the appropriate stages.
- 3.7 The Complaints Procedure Flowchart is annexed at **Appendix 1** for your assistance.

#### **4. Will your Complaint be Investigated?**

- 4.1 If the complaint is from one Member against another Member or from an Officer of the Council against a Member, then the Monitoring Officer will seek to resolve the issue without resorting to this complaints procedure. The Monitoring Officer will seek a mutually agreed outcome in such circumstances and if this is not possible then the procedure set out below will be followed.
- 4.2 The Monitoring Officer will review every complaint received from a Member of the public and may consult with the Independent Person before taking a decision as to whether it:
  - a) Merits no further investigation
  - b) Merits further investigation
  - c) Should be referred to Audit & Governance Committee
- 4.3 This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria annexed at **Appendix 2**. Where the Monitoring Officer has taken a decision, she will inform you of her decision and the reasons for that decision. Where the Monitoring Officer requires additional



information in order to come to a decision, she may come back to you for such information, and may request information from the member against whom your complaint is directed.

- 4.4 If your complaint identifies criminal conduct or breach of other regulation by a member, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

## **5. How is the Investigation Conducted?**

- 5.1 The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as **Appendix 3** to these arrangements.
- 5.2 If the Monitoring Officer decides that a complaint merits further investigation, she may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen, and who needs to be interviewed.
- 5.3 The Investigating Officer or Monitoring Officer will normally write to the member against whom you have complained and provide him/her with a copy of your complaint, ask the member to provide his/her explanation of events and identify what documents he/ needs to see and who he/she needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the Member until the investigation has progressed sufficiently.
- 5.4 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report (“the Investigation Report”) and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matters in that draft report which you disagree with or which you consider require more consideration.
- 5.5 Having received and taken account of any comments which you may make, the draft Investigation Report will be finalised. Where an Investigating Officer has been appointed the Investigating Officer will send their final report to the Monitoring Officer.

## **6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

- 6.1 If an Investigating Officer has been appointed, the Monitoring Officer will review the Investigating Officer’s report and, if she is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to

you and to the Member concerned notifying you that she is satisfied that no further action is required and give you both a copy of the Final Investigation Report.

- 6.2 If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, she may ask the Investigating Officer to reconsider his/her report.

## **7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

- 7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Committee or, in consultation with the Independent Person, seek an informal resolution.

### **a) Informal Resolution**

- 7.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit & Governance Committee for information, and no further action will be taken.

### **b) Hearing**

- 7.3 If the Monitoring Officer considers that informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will present the Investigation Report to the Hearing Sub-Committee which will conduct a hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.
- 7.4 The Council has agreed a procedure for hearing complaints, which is attached as **Appendix 4** to these arrangements.
- 7.5 At the hearing, the Investigating Officer or the Monitoring Officer will present their report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of

Conduct.

- 7.6 The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and dismiss the complaint.
- 7.7 If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the member an opportunity to make representations and will consult the Independent Person, and will then decide what action, if any, to take in respect of the matter.

**8. What action can the Hearing Sub-Committee take where a member has failed to comply with the Code of Conduct?**

- 8.1 The Hearing Sub-Committee has been delegated by the Council such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may:
- a) Publish its findings in respect of the member's conduct.
  - b) Report its findings to Council for information.
  - c) Recommend to Council that the member be issued with a formal censure or be reprimanded.
  - d) Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
  - e) Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities. Recommend to Council that the Member be replaced as Executive Leader.
  - f) Instruct the Monitoring Officer to arrange training for the member.
  - g) Remove the member from all outside appointments to which he/she has been appointed or nominated by the Council.
  - h) Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and internet access.
  - i) Exclude the Member for up to a maximum of six months from

the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.2 The Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

## **9. What happens at the end of the Hearing?**

9.1 At the end of the hearing, the Chair will state the decision of the Audit & Governance Sub-Committee as to whether the member failed to comply with the Code of Conduct and any actions which the Sub-Committee resolves to take.

9.2 As soon as reasonably practicable thereafter, the Monitoring Officer will prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the Member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Assembly (Council).

## **10. Who are the Hearing Sub-Committee Members?**

10.1 It is a Sub-Committee comprising Councillors sitting on the Authority's Hearing Committee.

10.2 It will comprise of three elected members appointed from Members of the Hearing Committee who will have been drawn from all political groups.

10.3 The Independent Person is invited to attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **11. Who is the Independent Person?**

11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, whose appointment will be ratified by the Council.

11.2 A person cannot be "independent" if he/she:

a) is, or has been within the past 5 years, a Member, co-opted Member or Officer of the Authority;

b) is a relative or close friend, of the complainant or the Member(s) against whom the complaint has been made.

11.3 For the above purpose "relative" means:-

- 11.3.1 Spouse or civil partner
- 11.3.2 Living with the other person as husband or wife or as if they were civil partners
- 11.3.3 Grandparent of the other person
- 11.3.4 A lineal descendent of a grandparent of the other person
- 11.3.5 A parent, sibling or a child of a person within paragraphs 11.3.1 or 11.3.2
- 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 or
- 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners

## **12. Revision of these Arrangements**

The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter, the details of which can be found on the Council's website.

## **13. Appeals**

- 13.1 There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Sub-Committee.
- 13.2 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman whose details are as follows:

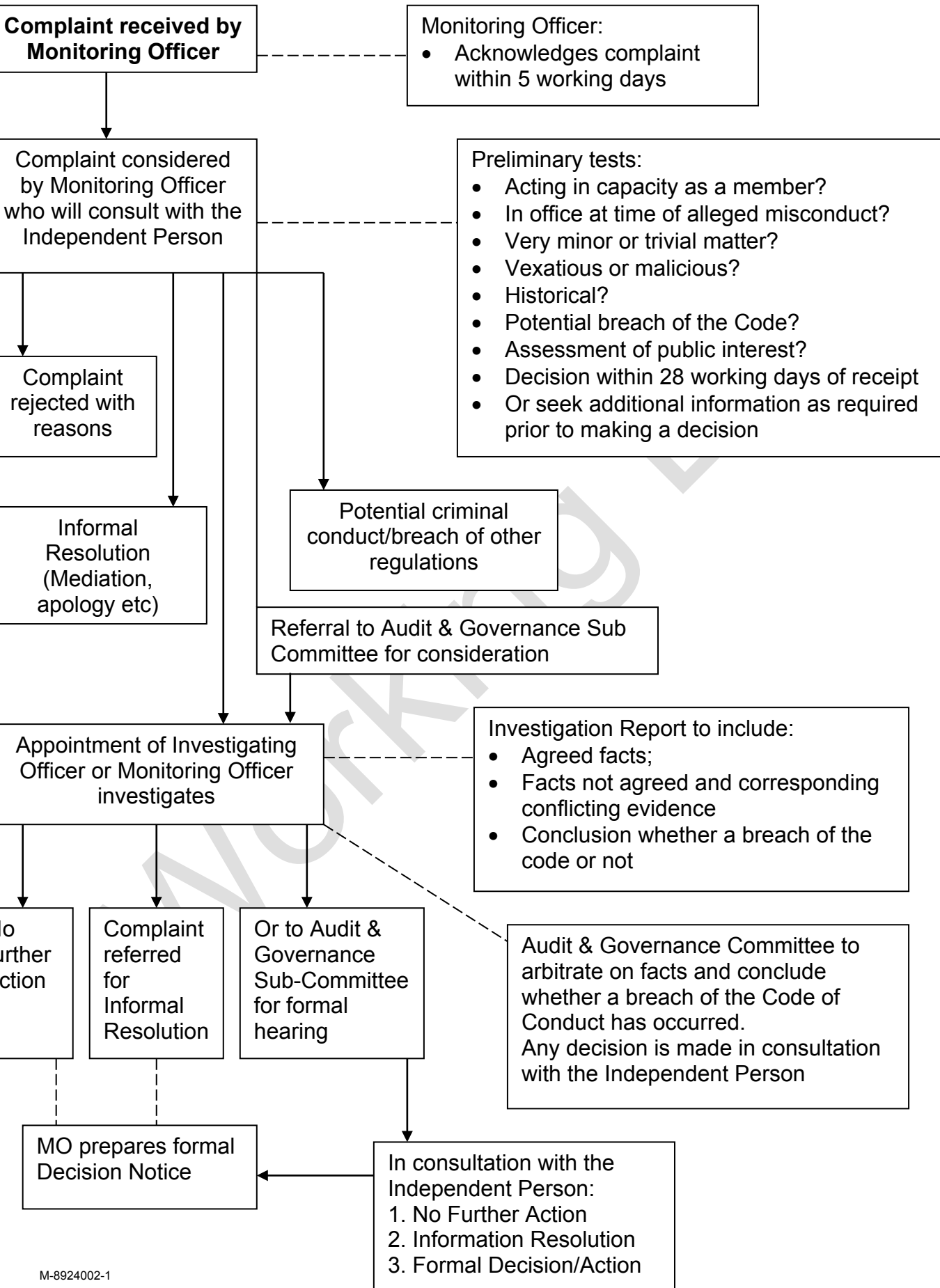
[www.lgo.gov.uk](http://www.lgo.gov.uk)

Local Government Ombudsman, PO Box 4771,  
Coventry, CV4 0EH

Tele: Advice Team – 0300 061 0614

Text to 'call back' 0762 480 3014

**COMPLAINTS PROCEDURE FLOWCHART**



**COMPLAINTS ASSESSMENT CRITERIA**

**Complaints which would not normally be referred for investigation**

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the member’s private life or is about dissatisfaction with a Council decision or service; or
5. It is about someone who is no longer a member of the Council; or
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct, unless there are exceptional circumstances, e.g. allegation of bullying, harassment etc; or
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Hearing Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

**Complaints which may be referred to the Standards Committee**

1. It is serious enough, if proven, to justify the range of actions available to the Standards Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or
3. When the complaint comes from a senior officer of the Council, such as

the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or

4. The complaint is about a high profile member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate; or
5. Such other complaints as the Monitoring Officer considers would not be appropriate for him/her to investigate.

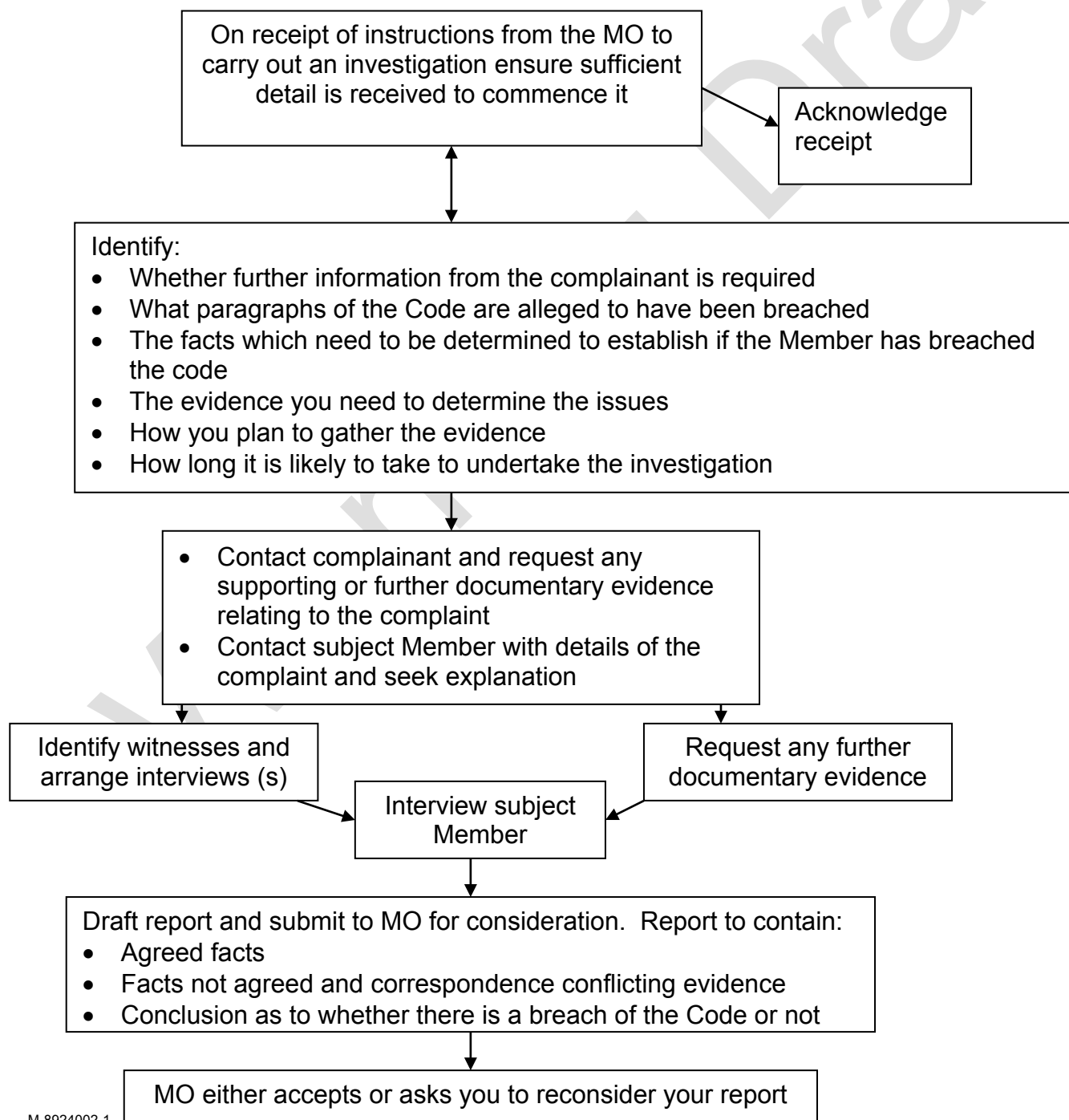
**Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.**



**COMPLAINTS INVESTIGATION PROCEDURE**

You should maintain a written record to demonstrate what was considered at the start of the investigation and plan how you intend to carry out the investigation, the paragraphs of the code that may have been breached, the facts you need to determine to establish, the evidence you will need, how you plan to gather the evidence and how long it will take to conclude your investigation. Remember there is no provision in the Localism Act 2011 compelling Members or witnesses to co-operate with your investigation.

A written Investigation Report will need to be prepared for consideration by the Council’s Monitoring Officer (MO).



**Complaints Sub-Committee Procedure**

<b><u>Item No</u></b>	<b><u>Procedure</u></b>
1	<p data-bbox="710 488 837 521" style="text-align: center;"><b><u>Quorum</u></b></p> <p data-bbox="215 562 1246 636">1.1 Three Members must be present throughout the hearing to form a quorum</p> <p data-bbox="215 674 1150 707">1.2 The Sub-Committee shall nominate a Chair for the meeting</p>
2	<p data-bbox="710 786 837 819" style="text-align: center;"><b><u>Opening</u></b></p> <p data-bbox="215 860 1230 934">2.1 The Chair explains the procedure for the hearing and reminds all parties to turn off mobile phones, audible alarms and pagers etc</p> <p data-bbox="215 972 1034 1005">2.2 The Chair asks all present to introduce themselves</p> <p data-bbox="215 1043 1286 1117">2.3 The Councillor will be asked whether they wish to briefly outline their position</p>
3	<p data-bbox="662 1191 885 1225" style="text-align: center;"><b><u>The Complaint</u></b></p> <p data-bbox="215 1265 1326 1447">3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed</p> <p data-bbox="215 1485 1334 1666">3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions rising from the Investigator's report and not to make a statement)</p> <p data-bbox="215 1704 1326 1816">3.3 Members of the Sub-Committee may question the Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer.</p>

<p>4</p>	<p style="text-align: center;"><b><u>The Councillor's Case</u></b></p> <p>4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative).</p> <p>4.2 The Investigating Officer may question the Councillor and/or any witnesses.</p> <p>4.3 Members of the Sub-Committee may question the Member and/or any witnesses.</p>
<p>5</p>	<p style="text-align: center;"><b><u>Summing Up</u></b></p> <p>5.1 The Investigating Officer may sum up the complaint.</p> <p>5.2 The Member (or their representative) may sum up their case</p>
<p>6</p>	<p style="text-align: center;"><b><u>Decision</u></b></p> <p>6.1 Members of the Sub-Committee will deliberate to consider the complaint in consultation with the Independent Person prior to reaching a decision.</p> <p>6.2 Upon the Sub-Committee's return the Chair will announce the Sub-Committee's decision in the following terms:-</p> <p>6.2.1 The Sub-Committee decides that the Member has failed to follow the Code of Conduct or</p> <p>6.2.2 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct</p> <p>6.2.3 The Sub-Committee will give reasons for their decision</p> <p>6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct the Sub-Committee will consider any representations from the Investigator and/or the Member as to:</p> <p>6.3.1 whether any action should be taken, and</p> <p>6.3.2 what form any action should take</p>

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|--|
| <p>6.4 The Sub-Committee will then deliberate to consider what action if any should be taken in consultation with the Independent Person</p> <p>6.5 On the Sub-Committee's return the Chair will announce the Sub-Committee's decision</p> <p>6.6 The Sub-Committee will consider whether it should make any recommendations to the Council with a view to promoting high standards of conduct among Members</p> <p>6.7 The Chair will confirm that a full written decision shall be issued within seven working days following the hearing and that the Sub-Committee's findings will be published.</p> |
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## Schedule 10 - OFFICERS' CODE OF CONDUCT

### CODE OF CONDUCT FOR EMPLOYEES

#### 1. INTRODUCTION

- 1.1 The public is entitled to expect the highest standards of conduct from all local government employees.
- 1.2 This Code is based on a model produced, after consultation, by the local authority associations and the Local Government Management Board. It has been developed to take into account Tamworth Borough Council corporate policies. Consultations have also taken place locally with the Trade Unions. A copy is issued to every employee.1.3 This Code takes into account "The Seven Principles of Public Life" which are included in the Nolan Committee's report on "Standards in Public Life". These are; selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.3 The Code also reflects updated guidance in relation to the acceptance of any fee or reward other than proper remuneration and the provisions of the Bribery Act 2012 which require all gifts, hospitality or benefits to be declared.
- 1.4 The Code also reflects updated guidance in relation to the acceptance of any fee or reward other than proper remuneration and the provisions of the Bribery Act 2012 which require all gifts, hospitality or benefits to be declared.

#### 2. STATUS OF THE CODE

- 2.1 The Council has chosen to adopt the Code of Conduct. The Code sets out minimum standards that employees should observe. It lays down guidelines for employees to help maintain and improve standards and protect employees from misunderstanding or criticism.

#### 3. SCOPE OF THE CODE

- 3.1 The Code applies to all employees, casuals, and volunteers of Tamworth Borough Council. Where appropriate our partners and contractors are also expected to be aware of our code and comply with the minimum standards.
- 3.2 Activities carried out by Council employees acting as members of companies or voluntary organisations are subject to the minimum standards within this Code.

#### 4. STANDARDS

- 4.1 As a Tamworth Borough Council employee you are expected to give the highest possible standard of service to the public. You have the following duties;
  - (i) A duty of service - to work in accordance with your contract of employment; e.g. - not to be absent or late without permission.
  - (ii) A duty to carry out reasonable instructions, procedures and regulations.
  - (iii) A duty to care - to be competent and capable and not to be negligent in work.

(iv) A duty of good faith - to be honest and not accept a fee or commission or gifts from those who do business with the Council or to divulge confidential information about the Council.

### **Personal Standards**

4.2 As a Tamworth Borough Council employee you are expected to:

(i) Be positive, helpful and co-operative in dealing with colleagues, Members and the public.

(ii) Provide impartial advice to councillors and colleagues.

(iii) Remember that as a Council employee your primary responsibility is to the community as expressed by the corporate policies of the Council. You should not allow departmental or sectional or other interests to take precedence over corporate policies. Within these policies you should respect the defined roles of departments, service centres and colleagues and avoid conflict and disharmony within the organisation.

(iv) Remember that you are accountable for your actions and decisions and be prepared to submit yourself to whatever scrutiny is appropriate to your office.

(v) Ensure that your personal appearance is consistent with public expectations, bearing in mind the work you do.

(vi) Bring to the attention of the appropriate level of management any deficiency in the provision of service.

(vii) Report to the appropriate manager any serious impropriety or breach of procedure. (see Whistleblowing Policy and the Counter Fraud & Corruption Strategy).

### **Competence Standards**

4.3 As an employee you are expected to perform your duties with:

(i) due care;

(ii) competence;

(iii) diligence, and continue to maintain such standards.

4.4 If you hold a specific technical and professional qualification you should:

(i) carry out your duties in accordance with the standards set by your professional body;

(ii) conform with any guidelines on ethics produced by your professional body.

### **Council Policies, etc.**

4.5 The Council has a Constitution, Financial Regulations and a number of corporate policies which you should familiarise yourself with. The Scheme of Delegation will set out the responsibility for certain decisions and care should be taken to ensure you have the correct authorisation to carry out tasks you are undertaking.

4.6 Your section or directorate will have specific rules, procedures and codes of practice which apply to the particular department workplace and type of work in which you are engaged. These rules are

communicated by management in various ways, including oral instructions, procedure manuals, notices, information sheets the Councils website and intranet and e-mail.

4.7 You are expected to comply with these rules and policies in carrying out your duties.

## **5. DISCLOSURE OF INFORMATION**

5.1 The law requires certain types of information to be available to councillors, auditors, government departments, and the public. This 'access' legislation has three main Acts, the first and second being the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR) that provide a rights to request access from the general public for information the council holds. The third is the Data Protection Act 2018 (DPA) that provides a right of access by a person of which we may hold your personal information.

With regard to FOI/EIR regularly requested information should be available on the Council's Publication Scheme. Copies are available from your Manager or on the Council's website.

5.2 Employees are expected to be open, informative and truthful in dealing with colleagues, members and the public and to provide the information under any entitlement to FOI/EIR, GDPR and in accordance with any Data Sharing Protocols. If you are not sure what should be made available, you should find out from your manager or the designated manager dealing with this access legislation.

5.3 There is a balance between the right of access and the right to withhold information, this is laid down in exemptions to the Acts, where by disclosure of such information would be unfair to any individual or cause harm to the council and its business partners both financially or reputation. Care must be taken by employees not to disclose information that could be seen to create these situations.

5.4 Any information obtained in the course of your employment should not be used for your personal gain or benefit, and you should not pass it on to anyone else who could use it for his or her benefit. Do not divulge any personal information about a fellow employee, member of the public or a Councillor without permission unless disclosure is required by law.

5.5 Under the Data Protection Act 2018 it may be an offence to obtain, hold or disclose personal data on others in a way which exceeds the normal completion of your duties.

The Council has rules concerning personal data and other confidential information set out overleaf and certain areas of the Council also have more specific rules or procedures concerning personal data. Breach of these may lead to action under the Council's Conduct and Capability Policy. If you are in doubt whether it is legal or appropriate to procure, keep or disclose information relating to any individual(s) you should refer to your manager for guidance.

Under the scheme of delegation only employees authorised to do so may talk to the press or otherwise make personal statements on behalf of your service, directorate or the Council.

5.6 Employees should not bring the council into disrepute by placing on record personal opinions about the council; recording footage not conducive with council business whilst on the premises or engaged in council business on social media sites. Employees are urged to be cautious when using social media sites and understand that anything posted on such sites are available to a wide audience and will reflect on the Council, even if they are your personal views. Care should be taken to ensure any comments should not undermine your position as a professional, trusted and responsible person. Employees should be aware that any disrespectful comments - including bullying and harassment will be dealt with under our Grievance Policy and may result in disciplinary action.

## **6. POLITICAL NEUTRALITY**

- 6.1 Employees serve the authority as a whole. You must ensure that the individual rights of all Councillors are respected.
- 6.2 You may be invited to advise political groups. Do so in a way that does not compromise your political neutrality. If you are in a politically restricted post you must ensure that you comply with the requirements of such posts.
- 6.3 All employees whether or not politically restricted must follow all lawful policies of the Council and must not let your own personal or political opinions interfere with your work.

## **7. RELATIONSHIPS WITH: -**

### ***Councillors***

- 7.1 You are responsible to the Council through your senior managers. Mutual respect between you and Councillors is essential for good local government. Avoid over familiarity with individual councillors, which could damage your relationship with and/or prove embarrassing to other employees and councillors. This can include socialising with councillors outside of work, accepting gifts or carrying out work on behalf of individual councillors (where this is not within their duties as a committee member or other office) within your working time. Where you have an existing relationship with a councillor, this should be declared to your line manager upon appointment.

### ***The Local Community and Service Users***

- 7.2 Always remember the Council's responsibility is to the community and give a courteous, efficient and impartial service to all groups and individuals within the Council's policies. Try to be positive, constructive and inclusive. When necessary make extra efforts to communicate with people with disabilities in accordance with Council policies.

### ***Contractors***

- 7.3. All relationships of a business or private nature with external contractors, or potential contractors, should be declared to your Director (see paragraph 10.1 below). If employees engage or supervise contractors or deal with suppliers on behalf of the Council then you must record any past or present business/private relationships with those organisations with the Monitoring Officer and keep your Director informed.
- 7.4 Orders and contracts must be awarded on merit, by fair competition against other tenders, in accordance with the Council's procedures and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

## **8. APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

- 8.1 If employees are involved in the appointment of staff you must follow the Council's Recruitment & Selection Policy. If you are related to an applicant, or have a close personal relationship with one outside work, you must declare it to the Human Resources.
- 8.2 You should not be involved in decisions about discipline, promotion or pay adjustments for someone with whom you have a close personal relationship.



## 9. OUTSIDE COMMITMENTS

- 9.1 Employees should not take outside employment which conflicts with your Council's interests. You are required to obtain consent from your Director (see paragraph 10.1 below) before taking any outside employment (paid or unpaid) or business. A secondary employment form (Appendix 1) should be completed and submitted to your Director and then to the Monitoring Officer via HR.
- 9.2 You should comply with any Council rules about the ownership of intellectual property and copyright in work done by you during your employment with the Council. If in doubt you must consult your Head of Service, or the Assistant Director - People.

## 10. PERSONAL INTERESTS

- 10.1 Employees must declare to your Director (\*see table below) any financial or non-financial interests that you consider could conflict with the Council's interests, or could cause your conduct to be questioned. Such interests must be registered with the Head of HR & Organisational Development and Monitoring Officer.

### Reporting hierarchy for financial and non-financial interests

#### Officer:

#### Reports to:

Chief Executive	Monitoring Officer
Executive Director	Chief Executive
Assistant Director/Head of Service	Executive Director
All other employees	Executive Director

- 10.2 Employees must declare to your Director membership of any organisation not open to the public without formal membership and commitment of allegiance, and which has secrecy about rules, membership or conduct. If you are a member of an organisation of this type you must register this with the Monitoring Officer.
- 10.3 When attending meetings of the Council or its Committees you should declare any financial interest in any item and withdraw from the meeting while the matter is under consideration unless authorised to remain in the meeting by the Members present.

## 11. EQUALITY ISSUES

- 11.1 Employees must comply with and promote the Council's equality policies and other corporate policies. The public and employees have a right to be treated with fairness and equity.

## 12. SEPARATION OF ROLES DURING TENDERING

- 12.1 If employees are involved in the tendering for Council contracts or dealing with contractors you should be clear about the separation of client and contractor roles within the authority. You must comply with the Council's Contract Procedure Rules and Financial Regulations. You must be aware of the need for accountability and openness but also respect the need for commercial confidentiality.
- 12.2 If employees are in a contractor or client unit you must deal with customers, suppliers, other contractors and sub-contractors fairly and impartially.
- 12.3 If employees see confidential information on tenders or costs for either internal or external contractors you must not disclose that information to any unauthorised person.

- 12.4 If employees intend to participate in a management or employee buyout you must inform the Chief Executive or your Executive Director and record this with the Monitoring Officer, you must withdraw from the contract awarding processes immediately.
- 12.5 Employees must not treat current or former employees or your partners, close relatives or associates more or less favourably than other people when considering the award of contracts to businesses run by them or employing them.

### **13. BRIBERY**

- 13.1 It is a serious criminal offence to receive or give any gift, loan, fee, reward or advantage. If an allegation is made you may have to demonstrate that any such rewards have not been obtained that would be seen as a bribe. The definition of Bribery (as per the Bribery Act 2010) is detailed in the Counter Fraud & Corruption Policy Statement, Strategy & Guidance Notes.

### **14. USE OF FINANCIAL RESOURCES**

- 14.1 Employees must ensure that you use public funds entrusted to them in a responsible and lawful way. You should try to obtain value for money to the local community and avoid legal challenge to the authority. You must comply with the Council's Financial Regulations.

### **15. HOSPITALITY AND GIFTS**

#### **15.1 Introduction**

As public service employees, Council staff must act, and be seen to act, with the highest standards of integrity. In the course of your work you may encounter situations, which, if not handled properly, could call your integrity into question. Examples of such situations include being offered tokens of appreciation or opportunities to meet socially with contractors or suppliers to the Council. This Guidance aims to help them to deal with such situations.

The over-riding principle is that all employees, your family, your friends or any organisation of which you are a member or with which you are closely associated should not accept any gift, consideration or hospitality that would call into question:

- your honesty;
- your ability to deal impartially and equitably with all service users, potential or actual contractors or suppliers;
- your commitment and ability to pursue the best interests of the Council.

If you would feel uncomfortable giving an account of your actions to management or reading an account of your actions on the front page of the local newspaper – don't take the action.

To protect you and the Council there is a Register of Disclosures and Interests and a Register of Gifts and Hospitality held by the Monitoring Officer

This Guidance should help all employees understand what to register. If you need any guidance or advice on matters raised in this document, you can speak to your manager or to the Monitoring Officer.

## 15.2 **Gifts**

Employees must not seek gifts, additional payments or any other personal advantage (such as discounts or free services) from any service user, potential or actual contractor or supplier.

You must not accept payments or any other form of personal advantage from any service user, potential or actual contractor or supplier. The only exception to this is that some service users like to "tip" employees, particularly at Christmas. Small tokens of appreciation may be accepted in such circumstances but a record must be kept of tips received. The record should be given to the most senior employee at the work place who will then pass it to your 'off-site' manager.

You may accept gifts of token value such as pens, diaries, etc. from potential or actual contractors or suppliers. Such gifts may be kept for your personal or business use. You should, however, be aware of the adverse impression that may be created for competitors seeking to do business with the Council.

You may accept gifts with nominal value from visitors to the Council when the gifts are proffered as tokens of friendship between Tamworth Borough and the visitors' hometown or country.

If employees receive a gift of more than token or nominal value and it would cause offence or be impracticable to return it, you should register the gift (see below) and inform your manager. Such gifts will normally either be donated to a charity or may, if suitable, be kept for use on Council premises.

If you are offered a gift and you believe or suspect that the offer is made with the intention of influencing you to give favourable treatment to a service user, potential or actual contractor or supplier, you must inform your Director, Assistant Director, or the Monitoring Officer.

## 15.3 **Hospitality**

You must not solicit hospitality (for example meals, tickets to sporting or cultural events) from any service user, potential or actual contractor or supplier.

You must not accept offers of hospitality unless you have the permission of your Director or the Monitoring Officer. Hospitality, which you have permission to accept, must be registered in the Register of Gifts and Hospitality. Permission will not normally be granted for hospitality that requires overnight accommodation at the host's expense.

You should not allow a potential or actual contractor or supplier to pay for them to visit your sites or premises to inspect your goods or services. If such visits are necessary, the Council will meet the costs involved. When visiting potential or actual contractors or suppliers you may accept refreshments appropriate to a work situation.

You do not need prior permission to accept a meal which is offered in work-related circumstances and which would enable your work to be expedited, provided that the costs are reasonable in the circumstances.

You do not need prior permission to accept modest hospitality offered at conferences and courses provided that the hospitality is offered to a number of people in similar roles (i.e. is corporate) rather than personal.

If you are offered hospitality and you believe or suspect that the offer is made with the intention of influencing them to give favourable treatment to a service user, potential or actual contractor or supplier, you must inform your Director, or the Monitoring Officer.

#### 15.4 **Prizes**

If you enter competitions or prize draws associated with your work (i.e. a prize draw during a training course or for completing feedback/survey). These prizes should be declared but you will be eligible to claim them for personal use.

#### 15.5 **Registers of Disclosures and Interests and Gifts and Hospitality**

The Council's Register of Disclosures and Interests and Register of Gifts and Hospitality are held by the Monitoring Officer

Electronic copies of forms for registering interests, gifts, hospitality etc. can be obtained from on-line forms on the Intranet. Completed forms should be e-mailed to the Solicitor/Monitoring Officer or, if in hard copy format, sent to Marmion House in an envelope clearly marked as Confidential

#### 15.6 **Confidential Reporting or Whistleblowing**

If employees believe or suspect that a colleague in the Council or any service user, potential or actual contractor or supplier is involved in corrupt or questionable practices, you should refer to the Counter Fraud and Corruption Strategy and/or the Whistleblowing Policy. These policies detail the relevant reporting procedures.

### 16. **SPONSORSHIP - GIVING AND RECEIVING**

16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

16.2 When the Council sponsors an event or service neither you nor your partner, any relative or personal friends must benefit from the sponsorship in a direct way without there being full disclosure to your Director.

You must register any such interest with the Monitoring Officer.

16.3 Where the Council through sponsorship, grant aid, financial or other means is giving support in the community, and you are giving advice ensure that it is impartial and that there is no conflict of interest involved.

### 17. **DISCIPLINARY RULES**

17.1 This Code forms part of the Council's Conduct Rules. The rules applied are those of normal good conduct. The rules are expressed in the Council's Conduct & Capability Policy, which has the aims of establishing and maintaining a fair and equitable standard of discipline throughout the Council and encouraging improvements in conduct.

17.2 All employees should have a copy of the Council's Conduct & Capability. If you do not have one please contact your Manager or Human Resources.

## Secondary Employment Request Form

*Please complete in full and forward to the Human Resources Department where the information will be kept on your personal file.*

The Council will permit you to undertake additional work providing the Council is satisfied that this does not conflict with the following:

- The interests of the Council
- The performance of your normal duties
- The requirements of the Working Time Regulations

### Your Personal Information

<b>Name:</b>	<b>Service:</b>
<b>Position:</b>	<b>Grade:</b>
<b>Line Manager:</b>	

### Secondary Employment Information

Please note that ALL employment voluntary/paid or unpaid MUST be declared.

<b>Name of Employer/Business:</b>		<b>Position:</b>
<b>Line Manager:</b>		<b>Contact No:</b>
<b>Total working hours:</b>	<b>Days and hours of work</b>	
Nature of work (description of duties and responsibilities)		

\_\_\_\_\_

**Additional Information**

There will/will not be instances where my Secondary Employment will conflict with my work at Tamworth Borough Council (this could mean conflict in time or where the performance of your duties at Tamworth Borough Council is affected)

Please circle as appropriate: YES NO

If yes, please give details:

I confirm that the above information is correct and that my secondary employment in this instance will not have a conflict of interest with, or have a detrimental effect on, my work at Tamworth Borough Council. I will inform my Director in writing if there are any changes to the above. I understand and accept that false information given with regard to this secondary employment could be investigated under the Council's capability and conduct policy.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employee's signature)

Printed Name: \_\_\_\_\_

I agree to the employee taking on Secondary Employment in accordance with the above information:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Director)

Printed Name \_\_\_\_\_

## SCHEDULE 11 - PROTOCOL FOR MEMBER/OFFICER RELATIONS

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## **1 Underlying Principles**

Members and officers are bound by their respective Codes of Conduct which seek to promote the highest ethical standards. This protocol supports those codes and is intended to promote mutual respect between members and officers with regard to their respective roles as set out below and in the Council's Constitution.

## **2 The role of Members**

- 2.1 To promote the social, economic and environmental well-being of the community.
- 2.2 Collectively be the ultimate policy makers and decision makers and carry out a number of strategic and corporate functions.
- 2.3 Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities.
- 2.4 Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.
- 2.5 Balance different interests identified within the ward and represent the ward as a whole.
- 2.6 Be involved in decision making.
- 2.7 Be available to represent the Council on other bodies.
- 2.8 To promote the highest standards of conduct and ethics.
- 2.9 To act collectively as the employer of the staff.
- 2.10 To act in a specific capacity listed below where appointed so to do by the Council in accordance with the Constitution.

Chair of the Council  
Leader of the Executive  
Executive member  
Portfolio holder (with or without delegated authority)  
Chair of a Scrutiny Committee  
Member of a Scrutiny Committee  
Chair of a committee other than Scrutiny  
Representing the Council on outside bodies

## **3 The role of officers**

- 3.1 To initiate and to implement the policies set and the decisions made by members.
- 3.2 To provide professional and technical advice to members.
- 3.3 To carry out those functions delegated to officers.
- 3.4 To provide reasonable help, support and advice to all members.
- 3.5 To represent the Council on outside bodies.
- 3.6 To act in a specific capacity listed below where appointed so to do by the Council.



The Head of Paid Service (as defined by the Local Government and Housing Act 1989 section 4) has the following functions and duties:

to prepare proposals for the consideration of the Council as to the co-ordination of the discharge of the Council's functions; the number and grades of staff that are required to discharge those functions; the organisation of the Council's staff; and the appointment and proper management of the Council's staff.

The Monitoring Officer (as defined by the Local Government and Housing Act 1989 section 5) has the following functions and duties:

to prepare reports for the consideration of the Council where it appears to her/him that any proposal, decision or omission by the Council, a committee, sub-committee, or officer has given rise or is likely to give rise to a contravention of any statute or maladministration or injustice as mentioned in Part III of the Local Government Act 1974.

The Chief Financial Officer (as defined by the Local Government Act 1972 section 151) has the following functions and duties:

to prepare reports for the consideration of the Council where it appears to him that any committee, sub-committee, or officer has or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful; or has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and is likely to cause a loss deficiency to the Council; or is about to enter an item of account, the entry of which would be unlawful.

#### **4 The Relationship between officers and members**

- 4.1 The relationship between officers and members should be characterised by mutual respect which is essential to good local government.
- 4.2 Close personal familiarity between individual members and officers can damage professional relationships and prove embarrassing to other members and officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between members and officers.
- 4.3 Any dealing between members and officers should be conducted with courtesy and respect and neither party should seek to take unfair advantage of their position. In particular, members should recognise and pay due regard to their role as an employer in their dealings with officers.
- 4.4 The Council has statutory duties with regard to equalities issues to positively promote equality. Members and officers shall not by their behaviour or speech be discriminatory with regard to a person's age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation.. Such principles shall apply to the implementation of all personnel policies, recruitment and promotion as they apply to day to day operations.
- 4.5 Members should not raise matters relating to the conduct or capability of a Council employee or of the employees collectively at meetings held in public or the Press. Employees have no means of responding to criticism like this in public. (If members feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee they should raise the matter with the Chief Officer of the department concerned if they fail to resolve it through direct discussion with the employee.)

- 4.6 Members should not require any officers to change their professional advice nor to take any action which the officer considers unlawful or illegal or which would amount to maladministration or breach of a statutory code of conduct.
- 4.7 Members should consult with the Monitoring Officer and the Section 151 Officer about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions were or are likely to be contrary to the policy framework or budget.
- 4.8 In seeking advice and support members should have due regard to the seniority of the officer with whom they are dealing and the fact that, while those officers owe duties to the Council as their employer such duties are first expressed to their respective manager and the Chief Executive and not to any individual member. For this reason members should not give direct instructions to staff unless authorised so to do by the Constitution. If so authorised instructions shall be given to the relevant Chief Officer rather than a more junior member of staff.

## **5 The relationship between the Overview and Scrutiny Committees and officers (when Executive decisions are being scrutinised)**

- 5.1 The Council's Overview and Scrutiny Committees shall seek the advice of the Monitoring Officer where they consider there is doubt about the legality of Executive decisions or the Monitoring Officer and other appropriate officers where they consider a decision of the Executive might be contrary to the policy framework.
- 5.2 When considering calling officers to give evidence the Committee shall not normally, without the consent of the relevant Chief Officer, request the attendance of a junior officer to ensure that more junior officers are not put under undue pressure.
- 5.3 When asking officers to give evidence before the Committee questions should be confined, so far as possible, to questions of fact and explanation and professional opinion relating to policies and decisions.
- 5.4 Where they consider it appropriate the Committee may ask officers to explain advice given to members (of the Executive) prior to decisions being taken and explain decisions they themselves have taken under the Scheme of Delegation.
- 5.5 The Committee shall not question officers in such a manner whereby the nature and frequency of the questions or tone or language used could be considered by a reasonable person to be harassment, discriminatory or otherwise unacceptable nor deal with matters which are of a possible disciplinary/capability nature.
- 5.6 The Committee shall, at all times, respect the political impartiality of the officers and must not expect officers to give a political view.

## **6 Officer relationships with party groups**

- 6.1 It must be recognised by all officers and members that in discharging their duties officers serve the Council as a whole and not exclusively any political group, combination of groups, or any individual members.
- 6.2 Officers may properly be called upon to support and contribute to the deliberations of political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner.

- 6.3 The support provided by officers can take many forms, ranging from a briefing with the Leader of the Executive, the leaders of other political groups, or chairmen of committees, to a presentation to a full party group meeting.
- 6.4 Any request for advice given to a political group or member will be treated with strict confidence by the officers concerned and will not be accessible to any other political groups. Factual information upon which any advice is based will, if requested, be available to all political groups.
- 6.5 When attendance is requested for political group meetings
  - 6.5.1 the request to attend a group meeting must be made through a member of the Corporate Management Team;
  - 6.5.2 unless otherwise agreed by the Chief Executive, officers will not attend party group meetings which include persons who are not members of the Council or be present at purely party political discussions;
  - 6.5.3 such a request can only be made in relation to Council business;
  - 6.5.4 officers must respect the confidentiality of any party group discussions at which they are present.

## **7 Members in their ward role**

- 7.1 When acting in their ward role members:
  - 7.1.1 need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on officer time;
  - 7.1.2 recognise the officer's right to suggest that senior officers, the Executive (Council) or a committee should authorise additional work requested by individual members.

## **8 Member access to documents and information**

- 8.1 Save as provided below every member of a committee, sub-committee or the Executive (Council) has a right to inspect documents about the business of that committee, sub-committee or the Executive (Council).
- 8.2 A member who is not a member of a specific committee, sub-committee (or the Executive) may have access to any documents of that part of the Council if they satisfy the Council's Monitoring Officer that they reasonably need to see the documents to perform their duties.
- 8.3 A member is not entitled to inspect any document or have access to any information about a matter in which they have a disclosable interest or where to do so would be in breach of any statutory provision.

## **9 Media, social media comments/postings and correspondence (including e-mails)**

- 9.1 Press releases and other media must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party.
- 9.2 Council press releases are drafted by officers and may contain quotations from the Leader of the Executive, a relevant portfolio holder or Chair, or local member. Press releases about ceremonial events may contain a quotation from the Mayor or Deputy Mayor of the Council. Quotations will generally be made by members rather than officers ( except when this would be inappropriate for example because of the subject matter or if it were in a pre election period).
- 9.3 All correspondence written on behalf of the Council must be written on the relevant headed paper.
- 9.4 When members are writing they must make it clear whether they are writing on behalf of the Council or as the ward member.
- 9.5 All correspondence should be open to the inspection of the public and in accordance with the Council's adopted policies. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain "exempt" within the meaning of Schedule 12A to the Local Government Act 1972, as amended or if it is in conflict with the data protection legislation.

## **10 Enforcement**

- 10.1 Any complaint that an officer has breached the terms of this protocol shall be referred to the Head of Paid Service for appropriate action under the Council's employment procedures.
- 10.2 Any complaint that a member has breached the terms of this protocol shall be treated as a breach of the Code of Conduct and referred to the Monitoring Officer for referral to the Audit & Governance Committee..
- 10.3 Where a complaint against a member involves conduct that would not otherwise breach the Council's Code of Conduct it will be referred to the Chief Executive for discussion with the Leader of the relevant political group. Where it is not possible to resolve a complaint by this means the Head of Paid Service may refer it to the Audit & Governance Committee for consideration.

## SCHEDULE 12 - PRE-ELECTION PROTOCOL

The Local Government Act 1986 – S2 states that:-

“Local Authorities shall not publish material which, in whole or in part, appears to be designed to affect public support for a political party.”

This is interpreted to include that the Council must not give financial or other assistance to a person for publication of such material, and applies at all times.

The Local Government Act 1986 – S4:-

Allows for a code of practice on publicity.

The revised wording on elections is:-

“The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority’s control. Proactive events arranged in this period should not involve members likely to be standing for election.”

This means that the Council’s resources must not be or even appear to an observer to be used for party political ends, including publicity, in this period of heightened political sensitivity.

Members should take especial care with electronic media such as blogs and twitter accounts and remember that the rules in the Code of Practice on Publicity very clearly apply to these types of communication.

In order to comply with this:-

- 1 Press releases about any policy matter, service delivery, service developments or scrutiny should not include quotes from or mentions of individual councillors or party groups.
- 2 No press releases should be issued on local or other issues promoted by or involving individual members.
- 3 Enquiries from the media will be directed towards appropriate officers only.
- 4 No links be added from the Council’s web site to any site which may be construed as political

EXCEPT that

Where absolutely necessary for the purpose of responding to outside events or to a crisis, the appropriate Councillor, committee Chair or Leader of the Council can be quoted, speaking on behalf of the Council.

At all times the following points must be considered:

Is there a valid reason for the Councillor concerned to represent the Council on this issue/at this event?

Is there a good reason why the event/announcement should be happening now, rather than after the elections?

This does not mean that party groups or individual members themselves may not issue press releases, as long as they are clearly identified as coming from them and not from the Council. It should be noted, though, that this is subject to the rules governing election expenses.

### **Use of Council property for public meetings**

There is provision within the Representation of the People Act 1983 for candidates in an election to have free use of certain rooms for holding public meetings, in the electoral division in which they are standing. This entitlement is from the last day for the publication of the notice of elections until the day preceding the day of elections.

- 5 A candidate is entitled – for purpose of holding public meetings in furtherance of her/his candidature – to the free use at reasonable times of a room in a school or other Council building. The person using the room must pay the costs of preparing the room, heating, lighting and cleaning.
- 6 Permitting the use of these facilities does not breach this protocol provided the local authority does not publicise the meeting.
- 7 This provision does not allow a candidate to hold surgery-type meetings or to use such rooms as his/her committee rooms, which is illegal.
- 8 If any clarification is required or difficulties encountered, advice should be sought from Democratic Services.

## **SCHEDULE 13 - PROTOCOL ON MEMBER INVOLVEMENT IN COMMERCIAL TRANSACTIONS**

### **1 Background**

This protocol is designed to support members in their work within the community which is an invaluable part of explaining the intentions of the Council at a local level and which assists in maintaining the Council's responsiveness to legitimate interest groups.

### **2 Principles**

The protocol will be based upon the following principles.

- 2.1 Protecting the personal integrity of Council members and officers.
- 2.2 Ensuring the financial and probity interests of the Council are protected.
- 2.3 Ensuring decisions are based on complete and sound information and advice from appropriate professional staff.
- 2.4 Ensuring decisions are in accordance with the Council's agreed processes and standards.
- 2.5 Protecting the Council, its members and officers from undue pressure or inappropriate contact from contractors and parties with a commercial interest in a transaction.

### **3 Protocol**

The Council is engaged at any one time in a large number of commercial transactions, which range from such matters as the procurement of goods, services and works, the purchase or sale of land or the disposal of surplus property to such matters as the provision of advice and/or grant aid to companies, partnerships or individuals, the negotiation of partnership and joint venture arrangements and the management of such commercial relationships.

Councillors frequently have a substantial and very constructive involvement in such commercial transactions. That involvement is not limited to taking the decision in Council and Committee as to whether to enter into such contracts and arrangements and in exercising their scrutiny functions to ensure that such arrangements complied with the Council's requirements in terms of propriety and are designed and managed so as to provide the Council with the best possible value for money. Such involvement also extends to their role within the community in making the public aware of the services which the Council can make available, and in effecting introductions between such interested parties and the officers who are responsible for administering and delivering those services. Because of their very close involvement with the community which the Council serves, Councillors may also become aware of opportunities for the Council to act to benefit that community, opportunities to buy land, or commercial or voluntary organisations who could expand their activities if the Council were able to secure the opportunity for them to extend their premises, or local businesses who provide high quality goods or services of a sort which the Council requires, and who might benefit from an opportunity to compete to supply the Council. In addition, the political leadership of the Council provides an overall direction for the officers of the Council in their administration and delivery of such commercial services, and provides an opportunity for officers to seek informal, and confidential, guidance at an exploratory stage of a transaction, before the matter is sufficiently advanced for the relevant officers to report the matter to the Council or the appropriate Committee as a formal proposal for authorisation to proceed.

However, such commercial transactions also carry significant responsibilities. These include:

- 3.1 the obligation to secure the best possible value for money for the Council;
- 3.2 the legal obligation on the Council to secure "best consideration" on the disposal of its land, unless it obtains the consent of the Secretary of State or falls within the General Disposal consent;

- 3.3 the Best Value obligations to secure the continuous improvement in all Council services, whether delivered directly or externally procured;
- 3.4 the need to comply with relevant law, and in particular with:
  - 3.4.1 Public Contract Regulations 2015
  - 3.4.2 the Human Rights Act 1998
  - 3.4.3 the Local Government (Contracts) Act 1997
  - 3.4.4 the Contracts (Rights of Third Parties) Act 1999
  - 3.4.5 the law relating to state aid
  - 3.4.6 the Council's financial procedure rules
  - 3.4.7 the Council's contract procedure rules
- 3.5 the need to ensure that a commercial transaction is drafted and documented in such a manner that it can be enforced, for example if the other party defaults or under-performs, or if the goods supplied or the work carried out subsequently prove to be defective;
- 3.6 the requirement that the transaction and all matters leading up to the final transaction, should be fully and clearly recorded, so that it can be audited both by the Council's internal auditors and by the external auditors, and other inspectorates, to ensure propriety in the procurement process; and
- 3.7 compliance with the requirements of the Council's Code of Conduct for Councillors and the code of conduct for officers.

In addition, there is the danger that an individual Councillor or officer will be misrepresented by the advocates or opponents of a particular proposal who may, innocently or otherwise, claim that the Councillor or officer has given incorrect information or advice or misrepresented the proposal.

Failure to comply with these requirements can result in serious penalties for the Council, for individual Councillors involved in the transaction and for officers. Such penalties include:

- 3.8 For the Council:
  - 3.8.1 direct financial loss from entering into contracts which are not good value for money for the Council, for example as a result of commitment to buy goods which are not of an appropriate standard, or to buy land where we have failed to establish that there are large liabilities for repairs or for clearing contamination;
  - 3.8.2 inability to enforce the contract or to recover damages for breach;
  - 3.8.3 liability to third parties, for example if the Council were to enter contracts for road-works or construction without appropriate nuisance and contamination conditions, or without securing appropriate indemnities from the contractor against damage to third parties;
  - 3.8.4 liabilities where a decision made by or on behalf of the Council is overturned on judicial review because it is held to have been unlawful or unreasonable, or in breach of the Human Rights Act;
  - 3.8.5 Adverse Court judgements, findings of maladministration, or Public Interest reports from the Council's Auditor;



- 3.8.6 the continuing cost of carrying out maintenance and repairs which could have been made the responsibility of the contractor, or of higher insurance premiums; and
- 3.8.7 the loss of the Council's reputation as an organisation dedicated to the interests of the community which it serves.

3.9 For individual Councillors:

- 3.9.1 Investigation under the Members Code of Conduct;
- 3.9.2 personal liability, in the event of a Councillor's negligence or reckless or deliberate misconduct causing loss to the Council. There is a duty, upon the Council to seek to recover loss from individual Councillors in the event that the loss is caused by their negligence or reckless or deliberate misconduct); and
- 3.9.3 prosecution under the Bribery Act or for Misconduct in Public Office. (Note that it is for the recipient of any gift or hospitality from a tenderer or contractor with the Council to prove that it was not an inducement or reward for anything which the recipient has done in their public position).

3.10 For an officer:

- 3.10.1 disciplinary proceedings by the Council, possibly leading to dismissal;
- 3.10.2 personal liability to the Council for any loss caused by their negligence or reckless or deliberate misconduct. (Note that the Council chooses to insure itself against such losses, but such insurance will not cover fraud or deliberate misconduct, and the Council, or its insurers, can still seek to recover the loss from the individual in appropriate cases);
- 3.10.3 prosecution for bribery or for Misconduct in Public Office.

It is therefore particularly relevant to set out the following ground-rules, for the protection of the Council, of Councillors and of officers.

## 4 Declaration and Registration of Interests

### 4.1 Councillors

The legal position or the declaration of Councillors' interests is set out in the Council's Code of Conduct for Members. Every member will have given a written undertaking that in performing their functions they will observe the code. It is the responsibility of each Councillor to identify when they have a declarable interest and to declare it. Where officers are aware of matters which suggest that a Councillor is likely to have a declarable interest, they will prompt the Councillor to consider the point, but Councillors should not rely upon being prompted. A failure by one or more Councillors to declare an interest can lead to a finding of Maladministration, to a standards complaint against the Councillor, and to the decision of the Council being invalidated.

A declarable interest can arise not only because the Councillor, or a member of their family, stands to gain or lose from the Council's decision on the matter (as where a member of the Councillor's family is employed by the applicant for a grant from the Council) but also where the circumstances are such that the Councillor cannot consider the matter impartially (for example where they have already publicly committed themselves to supporting or opposing

the application) or where a reasonable member of the public in possession of the facts might reasonably believe that the Councillor's involvement could affect the way in which the Councillor might speak or vote on the matter. If a Councillor is in any doubt about whether they have a declarable interest, they should seek the advice of the Monitoring Officer or, in their absence, the Chief Executive before taking any part in the consideration of the matter.

Where a Councillor has declared an interest, they must withdraw entirely from any part of a meeting at which that matter is under consideration and take no part in that consideration unless the matter falls within a dispensation which they have obtained or the declarable interest is non-pecuniary, is not significant in its scope, and the Committee has been advised of the interest and invited the Councillor to remain.

These requirements for declaration and withdrawal apply to informal meetings and contacts just as much as they apply to formal meetings of the Council and its Committees. A Councillor who has a declarable interest in a proposed development matter should therefore not attend any meeting between the developer or his agents and officers or Councillors.

#### **4.2 Officers**

Section 117 of the Local Government Act 1972 requires an officer to declare any pecuniary interest in any contract or proposed contract, and failure to do so is a criminal offence. In addition, his/her conditions of employment require declaration of any other conflict of interest.

### **5 Lobbying**

It is a natural part of a political process that those who may be affected by a proposed decision of a local authority should seek to influence that decision. In many cases they will approach their local Councillor, as the interface between the Council and the local community, the Chair of the relevant Committee, or more likely the Leader or relevant Executive Member as the person who is seen as being responsible for the processing of the decision, or a relevant officer. The Council wishes to be an authority which is responsive to the community which it serves, and therefore wishes there to be clear and accessible channels for such approaches, but also to ensure that this process of lobbying does not imperil the decision-making process or the decision-takers.

Councillors must be seen to determine matters on their merits and not make their mind up before they have all the facts. A Councillor or officer who has given a personal commitment to support or oppose a particular proposal will have committed themselves before the full issues have been explored, which exploration occurs from discussion of the officer's report and recommendation in the Council or Committee meeting. Accordingly, when approached by an advocate or opponent of a particular proposal, a Councillor has to decide whether:

- 5.1 They will remain impartial, in which case they must limit themselves to listening politely to the arguments put forward, declining to state a personal position and advising the person making the approach of the proper channel for making such representations. When they attend any Council, Committee or other meeting at which the proposal is considered, they should report to the meeting that they have received such representations.
- 5.2 They will take sides on the issue by declaring their support or opposition to the proposal. In that case, they are either an advocate or an opponent of the proposal and are no longer impartial. As a result, they should declare an interest and withdraw from any such meeting at which the matter is under consideration. The only exception to this rule is that, where a local Councillor has received and supports strong representations from local residents in his/her ward, that Councillor may be allowed to report those representations to the Committee or

Executive in declaring an interest at the commencement of discussion of the matter and immediately before withdrawing from the meeting.

No officer should meet and hear advocates or opponents of a proposal on his/her own, but should wherever possible arrange that another officer is present and make a contemporaneous record of the meeting, which should be kept on the matter file and included as a background document, and should report the meeting to the Council or Committee meeting where any matter which is material to the determination of the proposal has arisen.

Where a Councillor is of the opinion that a person or organisation have legitimate representations to make, he/she should advise them that they may make those representations in writing to the relevant officer, and the officer should ensure that any relevant representations which he/she receives are fairly reported to the meeting of the Council or Committee at which the matter is considered.

In some cases, it will be appropriate for the advocate or opponent to have a face-to-face meeting with the Council. Where a Councillor is of the view that such a meeting is appropriate, he/she should request the relevant officer to arrange such a meeting. The officer will consider, in consultation with the relevant Committee Chair as appropriate, whether such a meeting will be constructive and whether it should be at officer or at member level. Where it is at member level, the officer will agree the appropriate Councillor representation and ensure that the relevant Councillors are invited to attend by the Executive Director Finance. All such meetings will be attended by the officer of the Council who is responsible for the matter, or his/her representative, and the officers attending shall make a contemporaneous note of the course of the meeting and ensure that the fact of the meeting and any material issues which came out of it are reported to the meeting of the Council or Committee at which the matter is considered.

## **6 Gifts and Hospitality**

Gifts and hospitality provide a particularly difficult area where local government rules are sharply at odds with private sector business practice. Recent events in national politics illustrate how careful local government Councillors and officers have to be to avoid the suspicion of impropriety, for their own protection as much as for the protection of their authority.

The Bribery Act provides that it is a serious criminal offence for anyone who has or seeks a contract with a local authority to offer, and for any Councillor or officer to receive, any gift or consideration as an inducement to, or reward for, doing anything or declining to do anything in respect of any matter before the Council. What is more, where any Councillor or officer has received any gift or consideration, the legal presumption is that it was given and received corruptly unless the contrary is proved. So, while modest gifts and hospitality may form a normal part of private sector commercial practice, in local government it is up to the Councillor or officer to prove that the gift or consideration was entirely innocent. It is also an offence for an officer to receive anything beyond the proper recompense for doing his/her job.

The best way to demonstrate such innocence is to be totally open about the matter, and it is for this reason that every local authority maintains a register of gifts and hospitality for Councillors and officers.

That is not to say that Councillors and officers should never receive modest gifts or hospitality. A working lunch may be the most efficient way of transacting in a busy schedule. Equally, a contractor may reasonably wish to celebrate the completion of a project with a formal launch, and may wish to include some hospitality in such a launch. Whilst it is important not to offend by ungraciously refusing such an invitation, if innocently offered, it is more important to ensure that the Council's reputation is protected and not to give the impression that a Councillor's or officer might be swayed in the performance of his/her public duties by such an offer.

The simple ground rules are as follows:

- 6.1 always declare to the Monitoring Officer at the earliest opportunity any offer or receipt of a gift or hospitality from any person or organisation which has, or seeks to have, any commercial relationship with the Council, even if the offer is refused;
- 6.2 if you have any suspicion that the offer of a gift or hospitality might have been made from improper motive, to influence you in, or to reward you for the performance of, your public duties you should politely but firmly decline the offer and advise the Monitoring Officer of your suspicions;
- 6.3 any gift or hospitality offered should be appropriate in scale and nature to the occasion. In particular, any offer which is made at a time when an issue relating to the person offering the gift or hospitality is before the Council for determination should be viewed with particular care;
- 6.4 where you accept a gift or hospitality which has a commercial value, such as an invitation to a commercial sports event, you should always ensure that you pay the full commercial price (and not just the face value of the ticket) to the person providing the gift or hospitality, and that you declare this to the Monitoring Officer;
- 6.5 whenever possible, you should put any invitation on an official footing by advising the Monitoring Officer of the offer and requesting her/him to accept or decline the offer on your behalf;

## **7 Professional Advice**

Councillors are elected to act as community representatives, to give political and strategic direction to the Council and its services, to take critical decisions in the best interests of the community which they serve and to ensure that proper standards of conduct are maintained by officers and Councillors alike in the performance of their duties. Individual Councillors may have very considerable experience and expertise in particular fields, and the knowledge and experience which they have gained from their lives outside the Council can add a valuable extra dimension to the discharge of Council functions and help to keep the Council in touch with the reality of the community which it serves, as well as being able to articulate the political will of the Council.

The Council is a very big and complex business which operates within a legal and regulatory framework which is significantly more complex than that which applies in most of the private sector. It employs specialist officers whose job it is to ensure that the Council secures the best possible value for money in the discharge of its functions. These officers are trained professionals in their specialist fields.

It is therefore important that the Council should ensure that it obtains the advice of the relevant officers, including the advice of the three statutory officers (Head of Paid Service in terms of the co-ordination and direction of the Council's staff and resources, the Monitoring Officer in respect of legality and ethical probity and the Section 151 Officer with regard to financial probity and administration) before taking decisions which affect the community. This is so whether the decision is being taken at Councillor or at officer level.

One area of special sensitivity relates to commercial negotiations, where the Council's public service objectives may conflict with the profit motivation of the other party to the negotiation, and where it is accordingly essential to ensure that the end result of the negotiation secures value for money for the Council and does not leave it exposed to excessive liability or risk. There will be occasions when Councillors can play an invaluable part in such negotiations, not least in expressing to the other party the commitment of the Council to a particular project, or the political constraints within which

the transaction occurs. However, given the risks to Councillors from involvement in such negotiations, it must be the general rule that Councillors should never undertake any commercial negotiation without appropriate officers present, and should only undertake such negotiations, even with officers present, where there are clear reasons to conclude that their involvement in the negotiation, rather than in setting the political framework and approving or disapproving the final deal, will add real value to the process.

The Local Government Act 2000 provides for the delegation of decision making and by way of this Constitution, enables individual members of a Council's Executive to make decisions which will bind the authority. When this provision is used it will be especially important to ensure, before concluding any such negotiation, that the appropriate officers are satisfied that the transaction is lawful and represents value for money for the authority, by means of consideration of a written report and recommendation from the relevant officers.

## **8 Proper Authority**

The Council operates within a strict legal regulatory framework and can only do those things which it has statutory authority to do. Equally the law prescribes the decision-making process within the Council, and a decision which is outside the Council's powers or which is taken without following the due process can be invalid and can give rise to substantial liabilities. It is therefore important, before entering into any commercial negotiation, to ensure that the Council has the legal power to enter into the transaction and that the process will lead to a formal decision by a decision-taker who has authority to take that decision and is within the relevant policies and budget of the Council.

## **9 Confidentiality**

Commercial transactions, by their nature, involve the commercial activities of one or more party other than the Council. They will involve the disclosure to the Council of matters of commercial confidentiality, such as the business plans, performance standards or pricing structures of commercial organisations, disclosure of which to a competitor or to the market could be very detrimental. This is all the more so as Best Value encourages the development of Partnership and Open Book transactions. The maintenance of confidentiality is essential both to maintain the integrity of a competitive procurement process and to ensure that those who have commercial dealings with the Council know that they can rely upon the Council to protect their commercial secrets, and are therefore able to be open with the Council.

It is important that Councillors should have access to the information necessary to enable them to understand the business of the Council and to ensure that it is being conducted in accordance with the policies and budgets of the Council and to the highest standards of propriety. The Council will ensure that all Councillors have the information necessary to enable them to perform their duties, but the corollary to that is that Councillors should only request access to confidential information where there are clear reasons why they need access to that information for the performance of their obligations, and should ensure that they do not disclose confidential information to unauthorised persons or organisations. Officers are instructed that if they are concerned that a Councillor's request for access to confidential information may be inappropriate, they are to seek the advice of the Monitoring Officer or the Chief Executive before releasing the information. Councillors must comply with the confidentiality provisions of the Code of Conduct.

## **1 INTRODUCTION**

The Council only has power to provide facilities that assist Members in discharging their role as Members of the Council. Such services can therefore only be used on Council business and never in connection with party political or electoral campaigning activity or for private purposes.

This Protocol covers the use of such facilities provided under the Members' Services budget and has been approved.

### **1.1 COAT OF ARMS**

The Coat of Arms and the Council's logo are only available for use in connection with Council business, which includes when Members are communicating on legitimate Council business and Members' correspondence with constituents concerning Council business.

The Coat of Arms and the Council's logo must not be used for party political or election campaigning, or for private purposes, and must not be used in conjunction with any political party logo or branding. For clarity this is when an elected member writes directly to a constituent on a matter they are corresponding on.

Use by members of the Council is only acceptable on material produced under the arrangements for Members printing, or on Members personalised stationery.

### **1.2 PERSONALISED LETTERHEAD AND BUSINESS CARDS**

A template is available for Members to print direct from their laptops. A colour printer is available in the Members' Room.

Personalised business cards can include details of advice bureau or reference to other representative roles undertaken where that role arises from being a Member of Tamworth Borough Council.

## SCHEDULE 15 - GIFTS AND HOSPITALITY

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The law on the acceptance of gifts and hospitality for members is set out in this Schedule and in the Bribery Act. These requirements are supplemented by the procedures which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code of Conduct for Members, or failure to declare receipt of such a gift or hospitality, could lead to disqualification from holding any public office. Corrupt acceptance, under the Bribery Act, of a gift or hospitality can lead to a heavy fine or up to 10 years' imprisonment.

This Protocol of Conduct sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
- (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

### 1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do would be in breach of one or more of these principles:

#### 1.1 **Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor**

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years.

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

#### 1.2 **You should only accept a gift or hospitality if there is a commensurate benefit to the authority**

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interest of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage.

But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

### **1.3 Never accept a gift or hospitality if acceptance might be open to misinterpretation.**

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer;

determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination;

funding decisions, when the authority is determining a grant application by any person or organisation.

### **1.4 Never accept a gift or hospitality which puts you under an improper obligation**

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

### **1.5 Never solicit a gift or hospitality**

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this



protocol. You should also take care to avoid giving any indication that you might be open to such any improper offer.

## 2 Consent Regimes

### 2.1 General consent provisions

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

#### 2.1.1 civic hospitality provided by another public authority

- (a) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits;
- (b) tickets for sporting, cultural and entertainment events which are sponsored by the authority;
- (c) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise;
- (d) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, café or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable;
- (e) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 a head;
- (f) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to the authority;
- (g) hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit;
- (h) other unsolicited gifts, where it is impractical to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure.

The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Civic Officer together with a written statement identifying the information set out in Paragraphs 2(b) below. The Civic Officer will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Mayor's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Mayor.

## 2.2 Special consent provisions

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2 (a), you may also do so if you have previously obtained specific consent in accordance with the following procedure:

2.2.1 You must make an application in writing to the Monitoring Officer, setting out:

- (a) the nature and the estimate of the market value of the gift or hospitality;
- (b) who the invitation or offer has been made by or on behalf of;
- (c) the connection which you have with the person or organisation making the offer or invitation, such as work which you have undertaken for the authority in which they have been involved;
- (d) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority;
- (e) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper.

You must not accept the gift or hospitality until you have received the appropriate consent.

2.2.2 The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

## 2.3 Reporting

Where you accept any gift or hospitality which you estimate to have a market value or cost or provision of £25 or greater, you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information set out Paragraph 2 (b) above. A form for this purpose is attached to this Protocol, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than £25, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

## 2.4 Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

## 2.5 Definitions

2.5.1 "Gift or hospitality" includes any:

- (a) the free gift of any goods or services;
- (b) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public;
- (c) the opportunity to obtain any goods or services which are not available to the general public;
- (d) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

2.5.2 References to the "value" or "cost" of any gift or hospitality are references to the higher or:

- (a) your estimate of the cost to the person or organisation of providing the gift or consideration;
- (b) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

Working Draft

To: Monitoring Officer

**Members Declaration of Receipt of Gifts or Hospitality**

Name	
Address:	
What was the gift or hospitality?	
What is your best estimate of its Market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the protocol of Conduct? If so, which? Gift or Hospitality	
Did you get the consent of any officer Before accepting it? If so, who?	
Were there any special circumstances Justifying acceptance of this gift or Hospitality?	
Do you have any contact in your job with the person or organisation providing the gift or hospitality	
Signed	Date

## **SCHEDULE 16 - LOCAL PROTOCOL FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS**

### **1 INTRODUCTION**

1.1 This protocol has been prepared to guide members and officers in the discharge of the Borough Council's statutory planning functions. This protocol will also inform potential developers and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its planning powers.

1.2 For the avoidance of doubt, when an Executive Member attends and participates in the decision-making of the Planning Committee, s/he does so as a Member of the Committee and not as a Member of the Executive. Accordingly, s/he must, along with other Members of the Committee, exercise an independent mind on issues before the Committee.

1.3 The provisions of this protocol are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members and officers making such decisions are held accountable for those decisions. The protocol is also designed to assist Members and officers in dealing with approaches from property owners.

1.4 If you have any doubts about the application of this protocol, you should seek early advice, preferably well before any meeting takes place, from the **Assistant Director Growth and Regeneration /** Head of Managed Growth, Regeneration & Development and/or the Monitoring Officer.

1.5 Members should always appreciate that when the Council is dealing with planning matters (especially when determining a planning application at Planning Committee) it must act fairly because it is exercising the Council's discretion as local planning authority. As such, the Committee and each individual member of it should avoid the appearance (as well as the substance) of having pre determined an issue or having a fixed opinion about it, or being biased about the outcome.

1.6 Members should always appreciate that the appearance of what they do is just as important as the substance of it.

1.7 This advice applies, with necessary modification, to Officers as well as Members. In the case of delegated decisions there is a risk of accusations of impropriety because of the lack of any public meeting to discuss applications. If a Member would have to declare an interest and take no part in the processing of or decision on an application, then an Officer in the same position must take no part in it, either directly or in a management/ supervisory capacity.

1.8 This advice does not prevent contact between applicant and case officer, nor does it rule out the case officer tendering advice to an applicant or officer, but it does mean that it must be clear on the appropriate file that the ultimate decision on an application was made or verified by another, unconnected officer. In rare circumstances it may be appropriate for the delegation to be declined and an otherwise delegated item put before Committee.

1.9 Make sure that you always comply with the statutory requirements in respect of Disclosable Pecuniary Interests, and apply the rules in the Members' Code of Conduct. Then apply the rules in this protocol.

### **2. CONTEXT**

2.1 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is often highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions). This is reinforced by the legal status of development plans

and decision notices. It is essential, therefore, that the planning process is characterised by open and transparent decision-making.

2.2 One of the key purposes of the planning system is to ensure development takes place through a framework whereby the public interest is well represented at every point from the preparation of Development Plans and policies, the determination of planning applications and in undertaking enforcement action. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable planning reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well-founded in any way.

2.3 This protocol applies to both Councillors and planning officers who become involved in operating the planning system – it is not therefore restricted to professional town planners and Planning Committee members. The successful operation of the planning system relies on mutual trust and understanding of each other's role. It also relies on both Members and Officers ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

2.4 The Human Rights Act provides additional safeguards for citizens, and encourages the application of best practice. Article 6 is concerned with guaranteeing a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations.

### **3. GENERAL PLANNING CONSIDERATIONS**

3.1 The Council's Executive is responsible for preparing and recommending to Council the adoption of the Statutory Development Plan, Development Briefs and other forms of Supplementary Planning Guidance. Members of the Planning Committee, when determining planning applications, must have regard to the Council's policies contained in the Development Plan and Supplementary Planning Guidance adopted by the Borough Council together with Government Guidance contained in the National Planning Policy Framework and other material considerations. Where this is relevant, applications must be determined in accordance with the Plan unless material considerations indicate otherwise.

3.2 Tamworth Borough Council's Code of Conduct for Members must be complied with throughout the decision making process, which includes mandatory requirements with regard to member interests.

3.3 The responsibility for declaring an interest rests with individual Members and Officers of the Council. This protocol outlines further rules applicable to the planning process in Tamworth.

3.4 Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole. This applies equally to traditional forms of political management based on committees and to models based on forms of Executives or elected mayors. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to Officers through a decision of the Council, the Executive or a committee. A successful relationship between Councillors and officers can only be based upon mutual trust, respect, courtesy and understanding of each others positions. This relationship, and the trust which underpins it, should never be abused or compromised.

3.5 Both Councillors and Officers are guided by codes of conduct. Tamworth's Code of Conduct for Members, provides standards and guidance for Councillors. Employees are subject to the Employees' Code of Conduct. In addition to these codes, a Council's standing orders set down rules which govern the conduct of Council business.

3.6 Tamworth's Code of Conduct for Members sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including

the need to register and declare interests, also appropriate relationships with other Members, staff and the public, which will impact on the way in which Councillors participate in the planning process. Of particular relevance to Councillors serving on the Planning Committee or Executive, or who become involved in making a planning decision is the requirement that a Member should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

3.7 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved.

3.8 From time to time applicants may submit confidential information for example a financial appraisal in support of an application. Such appraisals will be taken into account in relation to determination of the application but such information due to its confidential nature should not be disclosed to third parties and members of the public.

#### **4 LOBBYING AND ATTENDANCE AT PUBLIC MEETINGS**

4.1 As a Member of the local planning authority (LPA), and particularly if you are a Member of TBC, you are likely to be approached by members of the public in connection with planning policies or individual planning applications which have been or are about to be made to the Council. The approach may come from an applicant (or his/her agents), or from an objector, or indeed from an amenity society or similar grouping. Ideally, such approaches should be discouraged, or redirected to planning officers, but realistically they cannot be avoided. You should deal with those approaches having careful regard to the advice in this guidance note.

4.2 Especially with the smaller applications, applicants will frequently wish to seek advice on making or promoting their proposals. If an applicant, or potential applicant, approaches you asking for such advice that person should immediately be directed to the appropriate planning officer in the Directorate of Growth Assets and Environment. Officers will happily assist applicants who are unsure of what to do.

4.3 Approaches may be by way of letter, e-mail or personally either over the telephone or perhaps at a surgery. If the approach is by letter, or e-mail, the advice is that the letter should be copied to or handed to a planning officer. The views expressed can then be taken into account by the case officer. As a courtesy to the writer, the letter, or e-mail, can be simply acknowledged, together with confirmation that it has been passed to the Planning Officer and will be taken into account.

4.4 Personal approaches to Members are more difficult. You may feel that you are "put on the spot" by the person concerned and in such cases the response must be carefully considered.

4.5 In such cases, you may listen to the views being expressed, you may also ask questions by way of clarification. In some cases it might even be appropriate to identify aspects of the proposal which might cause you concern or to suggest possible contrary views to the person making the approach to assess their reaction or simply to make sure that the views they are expressing are in the full knowledge of all the arguments.

4.6 However, you should NEVER:-

4.6.1 state unequivocally that you are opposed to or in favour of a particular outcome to an application;

4.6.2 promise to or actually campaign for or lobby other Members for a particular result of an application;

4.6.3 promise to take a particular stand or vote in a particular way when an application is presented for decision.



4.7 You may express an understanding of, and sympathy with or opposition to particular aspects of the proposal, but you must (rarely) sympathy for a particular view. You may even express a preliminary view on an application, but you must make it clear that:

4.7.1 you are expressing a view before the meeting and you will only make a final decision at the meeting itself;

4.7.2 that you are reaching your current view on the basis of the facts you know at that time and that it does not preclude you from reaching a different decision in the future if further or new circumstances come to light; and

4.7.3 when at the meeting making the decision you state that you are not bound by previous decisions or comments that you have made but that you are considering the application on the information before the meeting and with an open mind.

4.8 It would be most unwise to advise any applicant of the likely outcome of an application, even where you are fully aware that the planning policies for the particular area would be very likely to support or conflict with the proposal. You should also always tell a constituent that you can give no promises on how you will speak or vote at a meeting and that you will listen to all the arguments before coming to your own personal decision.

4.9 It should go without saying that it is highly inappropriate to negotiate in respect of a planning application directly with an applicant or with the planning officer on behalf of an applicant or objector. Although it may be tempting to suggest to an applicant that their scheme might be improved by their addressing certain factors, such views should only be expressed via the case officer. That way, any promises made by the applicant can be properly noted and incorporated into planning conditions or any Section 106 agreement.

4.10 If you are unwittingly drawn into doing this, as unfortunate as it may be, you should consider whether you are compromised. If you are now effectively committed to vote for or against the application, can no longer consider the application purely on its merits, or are likely to be perceived as committed to acting as an advocate for either the applicant or the objectors, you should take no further part in its processing and absent yourself from the discussion at the meeting when it comes up for decision.

4.11 You must not put pressure on officers to put forward a particular recommendation. You may ask questions and submit written views, and provide the officers with any local knowledge which you consider to be material. However, outside a meeting, you should only discuss a matter with that officer who is authorised by the **Assistant Director Growth and Regeneration** to discuss such issues with Members. Officers must act in accordance with the Council's Code of Conduct for Officers and their own professional codes of conduct and their recommendations will be presented on the basis of professional expertise and independence. You must accept that, on occasions, this may be at odds with the views and opinions of individual Members and at times, the decision of the Planning Committee.

4.12 You may certainly help members of the public with procedural advice. Many members of the public come into contact with planning perhaps only once or twice in their lifetimes and so may not be familiar with such things as:

4.12.1 how to submit a planning application;

4.12.2 how to inspect a planning application and to make representations in support of to object to an application;

4.12.3 how to find out the relevant planning policies;

4.12.4 which planning applications are determined by officers under delegated powers and which come before the Planning Committee;

4.12.5 whether they can attend the meeting of the Planning Committee and make verbal representations.

You can happily help constituents with this sort of information, but it is a matter of judgement where simple help stops and 'professional advice' begins.

4.13 If you feel that despite having taken all the necessary precautions, you could reasonably be perceived as having pre-determined an application or to have been unduly influenced by your involvement, then you should explain at the meeting that you do not intend to speak and vote because of this and leave the meeting room. This can then be recorded in the minutes.

4.14 Whilst Members involved in making decisions on planning applications may begin to form a view as more information and opinions become available, a decision can only be taken by the Planning Committee after all available information is to hand and has been duly considered. In this regard, any political group meetings prior to the Committee meeting should not be used to determine how Councillors should vote. Decisions can only be taken after full consideration of the Director's report and any public speaking at the Planning Committee.

4.15 The Chair and vice Chair of the Planning Committee should attend a briefing with Officers prior to a Committee, to help give an effective lead in the Committee.

## **5 SITE VISITS**

5.1 Except in accordance with the following provisions of this part of the protocol, you should avoid entering any premises which are the subject of a planning application.

5.2 Whilst the Council has right to enter property on notice to inspect, individual Councillors have no such rights of entry. You should not enter any neighbouring premises unless there is general public access to those premises or if, for instance, they are crossed by a public footpath. Even where the public normally have access to the premises, as in the case of a shop, that invitation is for the purpose of shopping and not for inspection. It may be appropriate for you to view the site from public vantage points, but you should be extremely wary of any situation where you need to gain permission to view a site.

5.3 Where you feel that you need to inspect the site before you can make up your mind on the application, the same is probably true for all members of the Planning Committee. If you genuinely feel that you cannot make up your mind about an application until you have seen the site then the correct course is to attend the appropriate deciding meeting and request or move a site visit stating the reasons. On an official site visit you will attend the site with other Members, with senior Planning Officers in attendance and therefore with professional advice to hand to assist you in interpreting the proposal and what you see, and ensure that any information gained in the site visit is reported back to all members of the Planning Committee.

5.4 Members and Officers are obligated not to waste Council resources and, as such, a site visit is only likely to be necessary if:

5.4.1 the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or

5.4.2 there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.

5.5 The site visit shall take place in accordance with strict guidelines as follows:

5.5.1 Under the Chair's guidance the role of the Planning Officer attending the site visit will be to brief Members on the planning application(s) the subject of the visit and explain the reasons why the application was deferred for a visit;

5.5.2 The Chair (or Member chairing the visit) shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit;

5.5.3 Members of the Planning Committee should inspect the site as a group. They must ensure that they see or inspect all relevant matters so they can fully assess the planning merits of the proposal;

5.5.4 Members may ask questions, through the Chair, of the applicant or any third parties on the site;

5.5.5 Members should not enter into discussions of the merits of the proposal with the applicant, third parties or other Councillors during the site visit;

5.5.6 Members shall be seen to be perfectly scrupulous and fair to both the applicant and third parties at all site visits;

5.5.7 Members should not leave the site visit until the Chair has indicated the meeting has ended;

5.5.8 Officers shall ensure, where practical, that applicants, Members and interested parties are invited to attend the visit and that they are able to view all key parts within or adjoining the site.

5.6 The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the planning application and which would not be apparent from the planning application to be considered by the Planning Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area. Discussions on site visits shall be confined to the application as currently submitted. A Member of Planning Committee who has a personal and prejudicial interest in a planning application, or who has acted in a way that amounts to predetermination, cannot attend the site visit in his or her capacity as a Member of Planning Committee. However, the Member concerned would be entitled to attend the site visit in his or her personal capacity as a member of the public.

5.7 Results of the site visit will be reported to the next available meeting of the Planning Committee and should any new material considerations have been identified the application will be deferred for a further report.

5.8 Once the results of a site visit have been reported back to Planning Committee, Members of the Planning Committee who were not present at the site visit can ask questions, offer opinions, take part in discussions and vote in relation to that planning application.

5.9 If you do attend an official site visit, or otherwise visit a site, this should not be considered to be an opportunity to discuss the matter with either the applicant or any objectors. You may suggest questions to be put to the applicant or objectors, but any discussion of the merits of the application should be reserved to the Planning Committee meeting.

5.10 If you are invited onto land, either by a constituent or applicant, you should have careful regard to the advice in part 2 and (if appropriate) part 9. Remember that such activities are very much open to misinterpretation by the public at large. If you have been invited onto a site it would be as well to announce that when speaking on the application at the Planning Committee meeting.

5.11 Ward Councillors, Councillors whose Ward could be impacted by proposals on a site near to a Ward boundary and MPs may attend and participate in site visits putting forward their point of view. However, the determination of planning applications rests solely with the Planning Committee and no indication should be given by Members of the Committee of the likely decision during the course of the site visit.

5.12 Prospective election candidates who are not already Members of the Council are welcome to attend a site visit on the same basis as members of the public.

## **6 MEETINGS OF THE PLANNING COMMITTEE**

6.1 A clear distinction has to be drawn between a Member and an Officer attending a Public Meeting and their roles when they attend meetings of the Planning Committee.

6.2 No material revision to any planning application which might lead to a change in the recommendation of the Director shall be considered at Planning Committee unless it has been submitted at least 14 clear days before the relevant Planning Committee meeting, and has been the subject of a written report prepared by the **Assistant Director Growth and Regeneration**.

6.3 Chairship – The chair should ensure:

6.3.1 Members' comments at Committee only relate to the planning merits of the application before them;

6.3.2 Reference at Committee to non-planning issues by the public/Members are discouraged;

6.3.3 The cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined; and

6.3.4 Late evidence from public speakers – Members and the public should be made aware that the late submission of evidence will not be permitted at Committee as late submission can lead to allegations of unfairness.

6.4 Voting –

6.4.1 A decision is made by simple majority of those members voting and present in the meeting at the time the motion is put;

6.4.2 if there are equal numbers of votes for and against the Chair has a second or casting vote. There is no restriction on how the Chair of the meeting chooses to exercise this vote

6.5 Training

6.5.1 Members dealing with planning issues will be required to attend training sessions each year to receive guidance in relation to planning regulations and procedures and on declarations of personal or prejudicial interests. This training should include a balance of the following:-

- Organised visits to review permissions granted, with evaluation and lessons learned presented as a paper;
- Short (half day) sessions on special topics of interest or where overturns have indicated problems with planning policy;
- Special topic groups to consider difficult and challenging issues in depth;
- Formal training by internal and external speakers;
- Visits to other authorities who have received good inspection / audit feedback;
- Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impact, followed by a brief question and answer session;

- Attendance at inquiries where officers have identified that there is something specific to learn which will benefit members.

6.5.2 The report of the Audit Commission 'Building in Quality' recommend that Councillors should revisit a sample of implemented planning permissions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision making, thereby strengthening public, confidence in the planning system, and can help with reviews of planning policies. Such reviews are best undertaken at least annually. They should include examples from a broad range of categories such as major and minor development; permitted departures; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices. The **Assistant Director – Growth & Regeneration** will take responsibility for organising the training and the reviews.

6.5.3 The guidance emphasises the potential minefield that could result as a breach of the rules. For that reason, you may not participate in the decision making process on planning matters until you have attended the mandatory prescribed by the Council. These are run at regular intervals and cover planning law, regulations, procedures, codes of practice and the Development Framework that will assist you to carry out your role properly and effectively.

## **7 OUTSIDE BODIES**

7.1 Many Members are also members of outside bodies. In some cases you may have been nominated for membership by the Council. In other cases you may simply have joined because of an empathy with that body's view or because of a feeling of civic duty to assist. In some cases you may have been invited to join by the body itself. The advice in this paragraph applies equally to Parish and County Council Members.

7.2 It may well be that the body on which you sit is called on to respond to a consultation on a planning application. There is no absolute bar on your attending that meeting, but if you do you may find it difficult to avoid the problems set out above. You might find it appropriate to avoid taking part in the discussion if you know you are likely to be part of the meeting which makes the ultimate decision on an application. If you do take part in the meeting of the consultative body, it would be advisable for you to declare at the start that you are going to listen to the views expressed by the body but that you cannot be bound by any decision of that body, neither are you bound to take the same line at the Borough Council meeting deciding the application.

7.3 If you are an employee of, hold paid office in, or have a significant shareholding in a body which has submitted a planning application, you will have a Disclosable Pecuniary Interest in the application and must not participate in the discussion or vote on the application unless you have obtained a dispensation from the Monitoring Officer. Unpaid directorships or membership of the Management Committee of an organisation is likely to amount to bias and so preclude your participation on this matter at Planning Committee. Ordinary membership of that organisation may not amount to bias, but you should still consider carefully whether an applicant or objectors might perceive you as being biased as a result of your membership, in which case you should not participate in this matter.

7.4 As a County Councillor, it may be appropriate for you to take part in a meeting even though that meeting is deciding an application made by the County or is considering a response to an application which is made to the County Council. However, if you took the decision within the County Council to submit the planning application, or if you are likely to be part of the County Council meeting that decides the application (as appropriate) you might consider it appropriate not to take part in the Borough Council meeting that considers the matter.

7.5 Similarly, if you took part in the decision within the Borough Council to submit the planning application, it would not be appropriate for you to take part in the planning meeting which considers planning consent for that scheme. A Member who feels obliged to support a Council scheme at the Borough Council because he or she supported the scheme when it was initiated at the meeting prompting it might have difficulty

demonstrating that all the proper planning considerations were taken into account when considering the grant of consent.

## **8 POLITICAL PARTIES**

8.1 As a general rule, party politics should have no place in the consideration of individual planning applications. The views of your party may be a material consideration, but should never dictate the outcome or replace your personal judgement on an application.

## **9 DISCLOSABLE PECUNIARY INTERESTS**

9.1 The Disclosable Pecuniary Interests which members are required to register are now defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, the list of definitions is appended to this Guidance Note.

9.2 Where you have a Disclosable Pecuniary interest in an item of business, you should disclose that interest to the meeting before or at the start of the consideration on that matter, or as soon as it is apparent and you should not participate in the discussion of, or vote on, the item of business. Failure to comply with these requirements may constitute a criminal offence. The Council's Standing Orders also require you to withdraw from the room in which the meeting is being held for the duration of consideration of the item of business.

9.3 Where you have not previously registered a Disclosable Pecuniary interest in a matter, you are now required to do so within 28 days of becoming aware of the interest, or of the date when the agenda for the meeting was sent out to members, whichever is the earlier.

## **10 OTHER MEMBERS' INTERESTS**

10.1 The Council has adopted a Members' Code of Conduct which requires members to register and disclose 'Non-Disclosable Pecuniary Interests and Non-Pecuniary Interests' as defined in that Code (the full requirements of the Members' Code of Conduct are set out in Part 5 of the Council's Constitution). For ease of reference, these interests are referred to as "Other Interests" in this Guidance Note.

10.2 A member will have an "other interest" in an item of business where:

10.2.1 A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of the member, or of a member of that member's family or a person with whom they have a close association to a greater extent than it would have on the majority if the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which the member has been elected or otherwise of the authority's administrative area; or

10.2.2 it relates to or is likely to affect any of the interests listed in the Appendix to the Code (appended to this Guidance Note), but in respect of a member of family or a person with whom the member has a close association, and that interest is not a Disclosable Pecuniary Interest.

10.3 Where you attend a meeting at which you have an "other interest" in an item of business, you must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

10.4 The Ombudsman has previously advised that the Council is at risk of a finding of maladministration if a Member who has an interest in an application exercises any of the powers or privileges accorded to Members in respect of that application. There may be a general perception that calling-in a delegated item to Planning Committee ensures that the public will conclude that everything is 'above board'. The

Ombudsman does not share that view, so a member who has a Disclosable Pecuniary Interest or an "other interest" in a planning application should not exercise powers of call-in in respect of that application.

10.5 In some cases you may not become aware of your potential interest until after you have submitted comments as local Member or taken some other action. If this happens, you should contact the case officer urgently as soon as you realise the situation so that Officers can take the appropriate action. You should also register this interest with the Monitoring Officer.

10.6 If you do find yourself having to disassociate yourself from an application, you may well feel that your constituents have been disenfranchised. This does not entitle you to set aside this advice. In these cases it is the Ombudsman's view that:

10.6.1 You should invite a Member from the same ward or from a neighbouring ward to take an interest in the matter;

10.6.2 Constituents who approach you should be invited to contact that other Member or any other Member of the deciding body;

10.6.3 You should avoid expressing any view about the application to other Members (save as set out below) and you must never communicate to other Members of the deciding meeting what you would have said had you been able to do so.

10.7 Having said this, in some circumstances it may be appropriate to comment on a planning application in your private capacity. If this is the case your comments can be reported simply, as third party comments rather than as local/ward Member comments, but to ensure that your comments are treated properly only write in on plain, notepaper, never headed Councillor note paper, and try to avoid contact with the case officer. If you do need to contact the case officer, please remember to advise him/her that you do have an interest and are calling/visiting purely as an ordinary resident.

## **11 APPLICATIONS BY MEMBERS AND OFFICERS**

11.1 Nothing in this Guidance Note should be taken to prevent a member or an officer of the Council from making an application for planning permission in their personal capacity. Where a member or an officer does make such a planning application, it will be dealt with in accordance with these provisions, which follow the recommendations of the Local Government Association.

11.2 If you are making an application, or if a close relative or business partner is making one, you or the agent should make this clear in a covering letter with the application. A copy of the letter will be lodged with the Monitoring Officer. Equally, if you act professionally as agent for an applicant or objector this should be declared in the same way.

11.3 If the application is one which would normally be dealt with under delegated powers the Head of Growth & Regeneration may decline the delegation and the matter submitted to Planning Committee for determination.

11.4 Prior to the matter being included on a Planning Committee agenda the file and draft report will be submitted to the Monitoring Officer. The Monitoring Officer will certify that the application has been properly dealt with and the report will show this. If it cannot be so certified, the matter will be the subject of a Monitoring Officer's report to full Council prior to any decision being made. You will be asked to consent to the eight week determination period being extended to allow for this extra procedure to take place.

11.5 This guidance applies equally to applications submitted through or which affect companies which are owned by a Councillor or Officer. This includes companies in which a Member or Officer has a controlling or significant interest. You are reminded of the rules regarding pecuniary interests as well. Nothing in this guidance overrides or alters that position.

11.6 Applications which affect an Officer (as opposed to a Member) will be dealt with in the usual manner. Any letter of representation should identify you as an Officer of the Council or, if submitted by a close family member or on behalf of a company in which you or your family are interested, identify that relationship. The file may be referred to the Monitoring Officer before a decision is made if there is a real potential for an allegation of improper influence. In such cases the Monitoring Officer will be asked to certify that the correct procedures have been followed and that all other matters have been dealt with properly. If the Monitoring Officer considers it appropriate, an otherwise delegated item may be submitted to Planning Committee for decision. This will be the norm when applications affect any Officer whose duties include direct involvement in the planning process. As set out above, this review procedure might result in a Monitoring Officer's report being submitted to Council depending on the application submitted.

11.7 It should go without saying that any attempt by an Officer to improperly influence the outcome of a planning application in which there is a personal interest, other than strictly in accordance with normal procedures and the above guidance, would be looked on as a matter of the gravest misconduct and is likely to result in immediate suspension and dismissal.

11.8 Applications by or which affect Directors or the Monitoring Officer may be the subject of external review if the Chief Executive (after consultation with the Mayor, Chair of Planning Committee and all Group Leaders) considers it appropriate.

## **12 PUBLIC SPEAKING**

12.1 Public speaking as currently constituted allows an objector to an application which is recommended for approval the opportunity to address the Planning Committee. The Ombudsman has made it clear that if you have declared an interest as a Member it is highly inappropriate for you then to attempt to exercise your right as an objector to address the Committee. The Ombudsman has made it clear that his view is that this completely defeats the object of the declaration of interest.

12.2 Even more so, under no circumstances should you exercise a right of reply if you are an applicant or act (professionally or as a friend) on behalf of an applicant.

12.3 At no time during a meeting should you allow a member of the public to communicate with you (either orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

## **13 APPLICANT/OBJECTOR MEETINGS**

13.1 For the larger applications it is not unusual for Members to be invited to "presentations" by both promoters and opposers of the scheme. You are advised to be extremely cautious about accepting such invitations. If, for instance, the invitation is to attend a presentation at a smart hotel where a lavish buffet is laid on for those attending it would be highly inappropriate for you to attend.

13.2 In some limited circumstances it may be appropriate for you to attend such presentations, but you should always seek advice from the Assistant Director Growth & Regeneration before attending. It would also be wise to check whether the invitation to attend has been extended to Planning Officers, and if it has not, or more importantly if the organiser has intimated that Planning Officers are definitely not welcome, then it would be less appropriate for you to attend.

13.3 If having weighed the above advice you decide that you do wish to attend, you should be careful not to express any views at the presentation, should decline to express a view if called on to do so, and should be careful in the way you phrase any questions that you ask. You should make it clear to the organisers that their presentation material should be copied to the case officer so that he/she may take it into account and advise on it.



13.4 Any hospitality offered to a Member over the value of £25 (this excludes reasonable and normal meeting refreshments such as tea, coffee and light snacks), whether or not accepted, should be notified to the Monitoring Officer who will record it in accordance with paragraph 5 of the Members' Code of Conduct.

#### **14 DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN**

14.1 Legislation requires that where the Development Plan is relevant, decisions should be taken in accordance with it unless material considerations indicate otherwise (Section 38 (6), Planning & Compulsory Purchase Act 2004). Local members may be well placed to identify circumstances in which it might be justified to determine a particular application as a departure from the policies set out in the Development Plan.

14.2 If the Council wants to approve an application which is not in accordance with the Development Plan, the material considerations which lead to this conclusion must be clearly identified by Members and they must also clearly justify why they are overriding the Development Plan. The personal circumstances of an applicant will rarely provide such grounds. The officer should be given opportunity to explain the implications of the contrary decision.

14.3 If the officer's report recommends approval of an application which conflicts with the Development Plan, the report will include full justification for this.

14.4 Where the Committee has concerns about the validity of reasons for approving or refusing an application, consideration should be given to deferring the application to the subsequent meeting to another meeting to have the putative reasons tested and an updated report produced for consideration at the next meeting at which a decision will be made.

14.5 When a planning application has been deferred following a resolution of "minded to approve" or "minded to refuse", contrary to the officer's recommendation, the Chair shall put to the meeting a proposed statement of why the Assistant Director Growth & Regeneration recommendation for refusal or approval is not considered acceptable to the Committee, which, when agreed by the Committee, will be formally recorded in the Minutes.

14.6 When a planning application has been deferred following a resolution of "minded to approve" "or minded to refuse", contrary to the officer's recommendation, then at the subsequent meeting the Assistant Director Growth & Regeneration shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting or refusing permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting or refusing permission, and a minute of the Committee's reasons should be made. Such reasons should be clear and justified. Councillors should be prepared to explain in full their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'. The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made.

14.7 If a councillor is concerned about an officer recommendation they should discuss their areas of difference and the reasons for that with officers in advance of the committee meeting.

If the Planning Committee makes a decision contrary to the **Assistant Director – Growth & Regeneration** recommendation, the officer should be given an opportunity to explain the implications of the contrary decision. The Courts have expressed the view that reasons for the contrary decision should be clear and convincing. The personal circumstances of an applicant will rarely provide such grounds.

14.8 A senior legal officer should always attend meetings of the Planning Committee to ensure the probity and propriety of the planning and decision-making processes. Whilst authorities make extensive use of standard wordings for conditions, in the case of any conditions which Members may wish to add or amend,

an officer should be asked to draft any such conditions and bring them back for approval at the subsequent meeting of the Planning Committee.

14.9 Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chair prior to dealing with the next agenda item, by requesting from each member as to how they have voted, noting this and the member's name.

## **15 CONCLUSION**

15.1 At all times you must appreciate that as a Member of the Council in general and as a Member of Planning Committee that you take on an onerous duty. As the Code of Conduct points out, your duty is to the whole community and not to any one section of it. By the same token, the whole community has a right to look to you and to the Council as a whole to consider matters dispassionately, having regard only to the relevant factors and disregarding irrelevant ones.

## **16 GUIDELINES ON PRE-DECISION DISCUSSIONS**

16.1 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.

16.2 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies between planning officers.

16.3 A written note should be made of the meeting. If it is known beforehand that a meeting is likely to be contentious arrangements should be made for at least two officers to be present. What was discussed or concluded should be confirmed in a follow up letter, and the receipt of any written material also confirmed. If the other parties produce a meeting note it should always be carefully scrutinised, compared against the notes taken by Council Officers and any discrepancies challenged in writing. Care must be taken to ensure that advice is not partial (nor seen to be) otherwise a subsequent report could appear to be advocacy.

16.4 To maintain impartiality, as well as the appearance of impartiality, it is preferable that Councillors do not take part in such discussions. However, should there be occasions when Councillors are involved they should always be advised by appropriate professional officers from the Council (which must always include a senior Planning Officer) and be authorised on a case by case basis.

16.5 The involvement of Councillors in such discussions should be recorded in the relevant Panel or Committee minutes.

16.6 A senior legal officer always attends the meeting to ensure that procedures have been properly followed. Whilst the Council makes extensive use of standard wording for conditions, in the case of any conditions which councillors may wish to add to or amend, officers have delegated powers to draft such conditions which need to be reasonable and relevant to the permission.

## SCHEDULE 17 - TAMWORTH BOROUGH COUNCIL MONITORING OFFICER PROTOCOL

### 1 GENERAL INTRODUCTION TO 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 some general information on how those statutory requirements will be discharged in Tamworth Borough Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the **Information Governance Manager**, who undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so, s/he will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
  - 1.3.1 complying with the law of the land (including any relevant Codes of Conduct);
  - 1.3.2 complying with any General Guidance issued, from time to time, by the Audit & Governance Committee and the Monitoring Officer;
  - 1.3.3 making lawful and proportionate decisions; and
  - 1.3.4 generally not taking action that would bring the Council, their offices or professions into disrepute.
- 1.4 In the absence of the Monitoring Officer this Protocol shall apply to the Deputy Monitoring Officer.

### 2 WORKING ARRANGEMENTS

- 2.1 Having good working relations with Members and Officers will assist in the discharge of the statutory responsibilities on the Monitoring Officer and keep the Council out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, work with the Monitoring Officer (and his staff) to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:-
  - 2.2.1 be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
  - 2.2.2 have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Executive Member, Committee meetings and/or Corporate Management Team (or equivalent arrangements);

- 2.2.3 have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Executive Member, Committee meetings and/or Corporate Management Team (or equivalent arrangements);
- 2.2.4 in carrying out any investigation(s) have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions;
- 2.2.5 ensure the other statutory officers (Head of Paid Service, and 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 (or do) arise;
- 2.2.6 meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- 2.2.7 report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Head of Paid Service, Section 151 Officer and the Audit & Governance Committee;
- 2.2.8 as per the statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources he requires to discharge his statutory functions;
- 2.2.9 have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairmen of the Executive, Audit & Governance, Licensing, Planning and Overview and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- 2.2.10 develop effective working liaison and relationship with the Councils external Auditors and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council;
- 2.2.11 maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- 2.2.12 give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Audit & Governance Committee (unless the Chair of Audit & Governance Committee agrees a report is not necessary);
- 2.2.13 have sufficient resources to enable him to address any matters concerning his Monitoring Officer functions;
- 2.2.14 subject to the approval of the Audit & Governance Committee, be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues; and

- 2.2.15 appoint a deputy and keep him or her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer.
- 2.3 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 2.4 The Monitoring Officer is also available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Standing Orders, policy framework, terms of reference, scheme of delegations etc.).
- 2.5 To ensure the effective and efficient discharge of this Protocol, the Chief Financial Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

### **3 SANCTIONS FOR BREACH OF TAMWORTH'S CODE OF CONDUCT FOR MEMBERS AND THIS PROTOCOL**

- 3.1 Complaints against any breach of Tamworth's Code of Conduct for Members must be referred to the Monitoring Officer. Complaints against any breach of this Protocol by a Member will be referred to the Audit & Governance Committee and to the relevant Leader and/or Chief Whip of the Political Party Group. Complaints against any breach of this Protocol by an Officer may be referred to the relevant Chief Officer and/or the Chief Executive.

## **SCHEDULE 18 - GUIDANCE NOTES IN COMPLETING THE REGISTER OF MEMBERS' INTERESTS FORM**

Guidance is given below on the specific paragraphs and information required in the statutory Register of Members' Interests form.

### **1 Section A – Financial Interests**

#### **1.1 Employment and/or business details carried on by me:**

(You should include under this heading every employment, trade, profession, occupation or vocation which you have to declared for income tax purposes, i.e. that is carried on for profit or gain.

Give a short description of the activity concerned, e.g. "Computer Operator", "Farmer" or "Accountant". For these purposes being a Councillor need not be declared as an occupation. Equally Executive members do not need to declare their Executive responsibilities or the amount of responsibility allowance that they are in receipt of from the Borough Council for carrying out those duties. That information is available to the public through other means.)

#### **1.2 The name of the person who employs or has appointed me:**

(You should include under this heading the name of any individual, company, partnership, public body etc who employs you or who has appointed you. If employed by a company, give the name of the company paying your wages or salary, not that of any ultimate holding company).

#### **1.3 The name of the firm of which I am a partner:**

(You should include the name of the firm(s) in which you have a business interest (or interests) as a partner.)

#### **1.4 The name of the company to which I am a remunerated director:**

(You should list under this heading the names of all companies in which you are remunerated as a director.)

#### **1.5 The name of any person (other than the relevant authority) who has made a payment to me in respect of my election or any expenses incurred by me in carrying out my duties:**

(You should include under this heading any names of any person or political parties who have made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties, e.g. a member is expected to register the name of any person, or political party, who helped to fund his/her election campaign. There is however no need to register the payment of legitimate expenses by the Borough Council.)

#### **1.6 The name of any corporate body which has a place of business or land in the authority's area, and in which I have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issues share capital of that body:**

(Give the names of any companies, industrial and provident societies, co-operative societies or other corporate bodies which have any business or land in Tamworth Borough and in

which your beneficial interest exceeds £25,000 or 1/100th of the total issued share capital. The key point is that the nominal value of the shares is taken account, not the market value of such shares. Classes of securities include shares, bonds and future/options dealing. The nominal value of shares is the face value of those shares (i.e. the value recorded on the share certificate).

The registration of any PEPs, ISAs or pensions which a member has is not necessary unless, given the above criteria, the member knows the companies in which his/her PEP, ISA or pension fund was invested and that:

- 13 those companies have a place of business or land in the authority's area; and
- 14 the member's beneficial interest in the investment was greater than the levels indicated above.

You are only required to register interests which are known to you. The Code does not require you to investigate the investment portfolio of any PEP, ISA or pension scheme to which you may belong.)

**1.7 A description of any contract for goods, services or works made between the authority and myself or a firm of which I am a partner, a company of which I am a remunerated director, or a body of the description specified in sub-paragraph 1.4) above:**

(You should include under this heading all relevant contracts entered into with the Borough Council. If you have been awarded a contract but no financial agreement has, as yet, been signed, it is good practice to declare the same and to advise the Monitoring Officer of any amendment to the Register as and when the contract has been formally signed. Equally, if the contract is terminated (for whatever reason) or comes to an end, the member should notify the Monitoring Officer in writing of the change to the Register within 28 days of such event.)

**1.8 The address or other description (sufficient to identify the location) of any land in which I have a beneficial interest and which is in the area of the authority:**

(If you live within the Borough of Tamworth, your home property address should be included under this heading. Beneficial interest includes a mortgage interest in a property, including a tenanted interest, whether as a landlord or tenant. All relevant interests in the Borough must also be declared in addition to your home address.)

**1.9 The address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in sub-paragraph 1.4) above:**

(You will need to include details of any tenanted land that you hold from the Borough Council. You may hold such land in your personal capacity or as a partner of a firm, a company of which you are a remunerated director or of any other legal body. Sufficient details of any such land need to be given to identify the same.)

**1.10 The address or other description (sufficient to identify the location) of any land in the authority's area in which I have a licence (alone or jointly with others) to occupy for 28 days or longer:**

(You will need to include details of any licence to occupy land or premises in the Borough Council's area for 28 days or longer. Temporary occupations of less than 28 days do not

therefore, need to be declared on the form. It is also important to recognise that the occupation by you may be in joint or several names.)

## **2 Section B – Other Interests**

In accordance with the Local Government Act 2000, I hereby give written notification to Tamworth Borough Council's Monitoring Officer of my membership of or position of general control or management of any of the following:

### **2.1 A body to which I have been appointed or nominated by the authority as its representative:**

(You should declare membership of, a position of general control or management in, any bodies to which you have been appointed by the Borough Council. This will not include Committees which are part of the Borough Council. You must however include any company directorship or other representation if you have been appointed or nominated by the Borough Council as its representative on such company.)

### **2.2 Public Authority or body exercising functions of a public nature:**

(It will be necessary for you to include your membership or position of general control of such organisations as (inter alia) health authorities, police authorities, housing associations, statutory undertakers, magistrates, County Council, Parish Council(s); and the Local Government Association (including WMLGA).

### **2.3 Company, industrial and provident society, charity or body directed to charitable purposes:**

(Membership of or position of general control or management of any company, industrial and provident society, charity or body directed to charitable purposes need to be inserted here. These bodies are those on which you serve in your own capacity as opposed to being appointed or nominated by the Borough Council as its representative. The latter needs to be included within section B a) as indicated earlier. Equally, charitable purposes include educational establishments and, as such, school governorships need to be declared.)

### **2.4 Body whose principal purposes include the influence of public opinion or policy:**

(You should mention here membership of any relevant political parties and other relevant public opinion or policy/pressure groups.)

### **2.5 Trade union or professional association:**

(You need to include on the form your membership of any trade union or professional association, e.g. National Union of Teachers; the Law Society or the British Medical Association.)

### **2.6 Private club or society such as freemasons, recreational club, working men's club or private investment club:**

(You should include on the form your membership of any private club or society such as freemasons, recreational club, working men's club or private investment club.)

## **NOTES**

Societies registered under the Industrial and Provident Societies Act 1965 are bodies corporate with limited liability and are known as "industrial and provident societies". To qualify as such a society, its membership



should not be less than three. A society with any withdrawable share capital shall not carry on the business of banking. Otherwise a society for carrying on any industry, business or trade, whether wholesale or retail, is regarded as an industrial or provident society if that society is a bona fide co-operative society, or if the society is or is intended to be conducted for the benefit of the community. A society's rules must contain provision in respect of matters mentioned in schedule 1 of the above Act, and the society's registered office must be in Great Britain or the Channel Islands. Examples, some leisure trusts, some working men's clubs and some housing associations.

A trade union means an organisation, whether temporary or permanent, which consists wholly or mainly of workers of one or more descriptions and whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations. A trade union can also mean an organisation, whether temporary or permanent, which consists wholly or mainly of constituent or affiliated organisations which fulfil the conditions mentioned in the previous sentence, or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions or representatives of such constituent or affiliated organisations, and whose principal purposes include the regulation of relations between workers and employers, or between workers and employers' associations, or the regulation of relations between its constituent or affiliated organisations.

If a legal body to which you have been appointed or nominated by the Borough Council subsequently appoints or nominates you to another company, industrial and provident society, charity or body directed to charitable purposes, then that other body must also be declared in Section B c).

Members must inform the Monitoring Office in writing, and within 28 days, of any changes or additions which should be made to their entries in the Register of Members' Interests.

Declaring an interest in the Statutory Register of Members' Interests form does not remove the duty on the member to declare the interest at any relevant meeting of the Borough Council, the Executive, Committees etc.

## 6 PART 6 - MEMBERS' ALLOWANCES SCHEME

The Tamworth Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:-

This scheme may be cited as the Tamworth Borough Council Members' Allowances Scheme, and shall have effect for the year commencing on 1st April 1999 and subsequent years.

In this scheme:

"Councillor" means a Member of the Tamworth Borough Council who is a Councillor;

"Year" means the 12 months ending with 31st March.

### 6.1 Basic Allowance

Subject to Paragraph 6, for each year a basic allowance of £5,864 shall be paid to each Councillor.

### 6.2 Special Responsibility Allowances

6.2.1 For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme subject to a discount of 10% for any Member who attends less than 75% of the scheduled meeting of the Committees that they are appointed to.

6.2.2 Subject to paragraph 8, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule subject to a discount of 10% for any Member who attends less than 75% of the scheduled meeting of the Committees that they are appointed to.

6.2.3 A Councillor shall be entitled to claim only one special responsibility allowance.

### 6.3 Renunciation

A Councillor may by notice in writing given to the –Chief Executive elect to forego any part of his/her entitlement to an allowance under this scheme.

### 6.4 Part-year Entitlements

6.4.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

6.4.2 If an amendment to this scheme changes that amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or

- (b) beginning with the day on which amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year;
- (c) the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

6.4.3 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

6.4.4 Where this scheme is amended as mentioned in sub-paragraph (2) and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2) (a), the entitlement of any such part of the basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with the sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.

6.4.5 Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

6.4.6 Where this scheme is amended as mentioned in sub-paragraph (2) and a Councillor has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (2) (a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillors entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

## 6.5 **Payments**

6.5.1 Payment shall be made in respect of basic and special responsibility allowances, subject to sub-paragraph (2), in instalments of one-twelfth of 90% of the amount specified in this scheme on the 20th day of each month. The remaining 10% paid as a lump sum at the end of the municipal year where Members have attended 75% of the scheduled meetings of the Committees that they are appointed to;

6.5.2 Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of Paragraph 8 he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

## 6.6 **Approved Duties**

An “approved duty” means a meeting of the authority or of any Committee or sub-Committee or of any other body to which the authority makes nomination or any other duty approved by the Chief Executive, Head of Paid Service or Monitoring Officer after consultation if necessary with the Executive, for the purpose of or in connection with the discharge of the functions of the Committee, or any of its Committees or sub-Committees or any duty of a class so approved.

## 6.7 **Travelling**

Payment to Councillors and Co-optees for travelling and subsistence will be made in accordance with HMRC rates where expenditure is incurred for the purpose of performing any approved duty.

## 6.8 **Subsistence**

**Payment to Councillors and Co-optees for travelling and subsistence will be made in accordance with rates paid to staff in terms of the Corporate Travel and Subsistence Policy.**

## 6.9 **Attendance at Conferences and Training Events**

The Chief Executive / **Executive Director Organisation**, after consultation with the Executive if necessary, may approve the payment of the cost of attendance at Conferences and Training Events and the payment of travelling, subsistence and attendance allowance(s) in accordance with the rates prescribed by the Secretary of State.

## 6.10 **Childcare and Dependent Relatives Allowance**

Payment for childcare and dependent relatives' allowance will be in accordance with Schedule 2.

## 6.11 **Claims Payment**

Claims for travelling, subsistence and attendance allowance(s) should be submitted to Democratic Services in writing on a form approved by the Executive Director Finance.

## 6.12 **Variation**

This Scheme shall be varied from 1st April 2000 and on the 1st April in each subsequent year by the amounts payable by way of basic or special responsibility allowance being increased by an amount equivalent to the increase in the preceding period of twelve months of the earnings of all Local Authority employees.

## SCHEDULE 1

The Council determined a Basic Allowance per annum of £5,864

The Council determined an allowance of £45 per meeting under four hours duration and £90 for each meeting over four hours duration for Chairs of Licensing Sub-Committees and Co-optees.

For Members with special responsibilities the following Special Responsibility Allowances (SRA) per annum were determined as follows:-

Basic Allowance	£5,864.00
Leader of the Council	£14,676.00
Deputy Leader of the Council	£11,005.00
Member of Executive (other than Leader & Deputy)	£9,539.00
Chairs of Scrutiny Committees	£6,604.00
Chair of Planning Committee	£6,604.00
Chair of Audit & Governance Committee	£3,667.00
Chair of Licensing Committee	£1,467.00
Leader of Larger Opposition Group	£6,604.00
Deputy Leader of Larger Opposition Group	£3,667.00
Deputy Leader of Larger Opposition Group (7 or less members)	£2,201.00
Leader of Minor Opposition Group (4 or more members)	£1,467.00

## SCHEDULE 2

### CHILDCARE AND DEPENDENT RELATIVES ALLOWANCE

A Childcare and Dependent Relatives Allowance shall be paid to those Councillors incurring costs for the care of a dependent relative or child in the course of, or to permit, the undertaking of his or her duties as a councillor when attending official Council meetings.

Dependants are defined as:

- children under the age of 14 for whom the councillor is normally responsible;
- elderly, ill or disabled dependants who require full time care and for whose care the councillor is normally responsible.

The claim for payment must be for actual expenses incurred, Rates of pay are detailed below.

23 and over	21 to 22	18 to 20	Under 18	Apprentice
£10.42	£10.18	£7.49	£5.28	£5.28 - T

Rates are revised annually in October. Claims shall also be indexed to the minimum wage. All claims shall be made on the attached form, Annex 1.]

The Council has discretion to consider payment of an amount exceeding the amount specified in 3. above if special circumstances apply.

**ANNEX 1**

(a) TAMWORTH BOROUGH COUNCIL

APPLICATION FOR PAYMENT OF CHILDCARE AND DEPENDENT RELATIVES ALLOWANCE

COUNCILLOR.....

DESCRIPTION OF APPROVED DUTY (INCLUDING HOURS) EG: COMMITTEE TIMES, DATES ETC

.....

.....

DATE OF APPROVED DUTY.....

AMOUNT CLAIMED.....

AGE OF CARER.....

I declare that to enable me to perform an approved duty I have necessarily incurred expenditure to provide care for a child aged 14 or under/\*a dependant with a disability/\*an elderly relative requiring care/\*a dependant who is ill.

Signature of Councillor.....

Date.....

Signature of Authorised Officer .....

Name of Authorised Officer .....

Date.....

\*Delete as appropriate

Please attach copy receipt of the payment to carer

Please return this form to Democratic Services

## TAMWORTH BOROUGH COUNCIL; JOB DESCRIPTIONS FOR MEMBER ROLES

### COUNCILLORS

#### Purpose

1. To participate constructively in the good governance of the Borough of Tamworth.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the Ward for which the councillor was elected, and deal with constituents' enquiries and representations.
5. To represent the council effectively, when appointed to an outside body.
6. To act at all times with probity and propriety and in the best interests of the Council.

#### Duties and Responsibilities

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council
2. To participate effectively as a member of any Committee when so appointed
3. To participate in the activities of any outside body when so appointed
4. To participate in the scrutiny or performance review of the services of the authority including, where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council
5. To participate, as appointed, in consultative processes with the community and other organisations and to provide a link between the authority to the community
6. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers
8. To develop and maintain a working knowledge of other organisations and services which serve the Borough of Tamworth
9. To participate in the activities of any political group of which the councillor is a member
10. To maintain confidentiality in all relevant Council business



## **LEADER**

### **Purpose**

1. To provide effective political leadership and strategic direction for the Council.
2. To ensure effective Corporate Governance.
3. To provide effective stewardship of the Council.
4. To chair the Executive and ensure that it achieves its terms of reference.
5. To provide the policy framework and direction necessary to ensure that the Council delivers high quality, value for money services

### **Duties and Responsibilities**

1. To provide political leadership to the Council, take appropriate Executive action and propose the policy framework within which the Council will operate
2. To ensure effective Corporate Governance including working with opposition groups to seek to achieve where possible cross party cooperation
3. To appoint and lead the Executive and be responsible for the Council's corporate and resource strategy
4. To ensure that the Executive achieves its terms of reference both collectively and as individual portfolio holders
5. To ensure the effective integration of roles, responsibilities and functions within the Executive membership
6. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.
7. To appoint Member Champions where considered appropriate in accordance with the Constitution
8. To provide reports to Council in accordance with the Constitution
9. As Leader, to be the key contact for outside organisations and the Council's Chief Executive and other Senior Officers
10. To be the voice of the Council and to positively promote the Council in the media.
11. To act as the political spokesperson for the Council
12. To promote the long term financial, business and economic stability and growth of the Borough
13. To encourage the highest standards of probity and corporate governance

### **Skills desired**

1. Good communication and interpersonal skills
2. The ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates,
4. An understanding of the operation of the Council and the economic and social situation within Tamworth
5. Business and financial acumen, with the ability to understand and manage the Council's budget
6. Effective leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

## **DEPUTY LEADER**

### **Purpose**

1. To assist and work with the Leader to provide effective political leadership and strategic direction for the Council.
2. To assist the Leader with his other responsibilities such as ensuring effective Corporate Governance and Stewardship of the Council and to provide the policy framework and direction necessary to ensure the Council delivers high quality, value for money services.
3. To act in the absence of the Leader as appropriate.

### **Duties and Responsibilities**

1. To assist and work with the Leader in delivering his responsibilities to the Council
2. To deputise for the Leader in his absence from Council meetings and to deputise in the Leader's absence at Executive meetings
3. In the Leader's absence to carry out the requirements of his job profile so far as legally possible and permissible.
4. To carry out such other duties and undertake portfolio responsibility as delegated by the Leader
5. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.

### **Skills desired**

1. Good communication and interpersonal skills
2. To have the ability to analyse and grasp complex issues
3. A good understanding of how local, national and European government operates,
4. A clear understanding of the operation of the Council, and the economic and social situation within Tamworth
5. Business and financial acumen, including the ability to understand and manage the Council's budget
6. Effective leadership skills
7. Excellent political knowledge and awareness
8. The ability to chair meetings and facilitate open discussion
9. The ability to work effectively with Council officers, the public, the media and outside organisations

## **EXECUTIVE MEMBERS**

### **Purpose**

1. To provide collective and individual leadership as part of the Executive.
2. To undertake lead responsibility for allocated portfolios.
3. To contribute effectively towards the strategic direction of the Council.

### **Duties and Responsibilities**

1. To participate effectively as a Member of the Executive; taking joint responsibility with other Executive Members for all actions.
2. To exercise appropriately any delegated powers from the Leader
3. To participate in shaping and developing the policy and vision of the Council,
4. To act as the Lead Member for a particular portfolio as may be determined by the Leader, and in doing so, have regard to the overall collective responsibilities of the Executive and the Council's corporate policy objectives and championing the portfolio concerned within that strategic context, being aware of key budgetary issues relating to the portfolio
5. To build good working relationships with appropriate officers and work with them in developing policy or strategic issues prior to formal reporting.
6. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.
7. To keep abreast of related developments and policies at national, regional and local level
8. To represent the Executive where appropriate at an Overview & Scrutiny Committee in connection with any matter that may be called in; and to attend O&S at their request in connection with any issues associated with the Executive Member portfolio that are being scrutinised.
9. To be aware of issues of importance to the community and other stakeholders concerning the portfolio are
10. To represent the Council on external bodies, as appointed, and feedback to the Executive any issues of relevance/importance.
11. To be available as appropriate for other Members to discuss any queries or matters of concern.
12. To positively promote the portfolio and where appropriate to act as the spokesperson with the media for the portfolio area.

### **Skills desired**

1. Good communication and interpersonal skills
2. Ability to analyse and grasp complex issues
3. An understanding of national and local government statutory and financial frameworks
4. An understanding of the Council, including the economic and social situation within Tamworth
5. The ability to understand the Council's budget especially in respect of the relevant portfolio
6. Leadership skills
7. Political knowledge and awareness
8. Ability to work effectively with Council officers, the public, the media and outside organisations
9. Ability to work as part of a team

## **CHAIR OF A COMMITTEE**

**General- to include Audit and Governance Committee and Governance Committee**

### **Purpose**

1. To provide leadership of and direction to the Committee.
2. To chair Committee meetings and ensure the Committee achieves its terms of reference.

### **Duties and responsibilities**

1. To encourage Committee members to obtain the necessary skills to contribute effectively to the work of the Committee and to work with officers to ensure the provision of necessary training
2. To endeavour to engage all members of the Committee in its work
3. To lead the Committee, in consultation with officers, to most effectively prioritise its Work load
4. To develop a constructive relationship with the relevant senior officers and their staff and with relevant portfolio holders
5. To be willing to learn about the professional disciplines and services relevant to the work of the Committee
6. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.
- 7 To be available to Chair meetings and carry out other duties as Chair, allowing sufficient time to support the work of the Committee outside meetings
8. To Chair the committee in a fair, open and balanced manner in accordance with the procedures of the committee
9. To guide, with the assistance of officers, the committee to reach legally sound decisions based on the information presented to it
10. To provide and present a report concerning the Committees activities to Council at the council meeting in April each year or at any other time as may be requested

### **Skills desired**

1. Good communication and interpersonal skills
2. Leadership and Chairship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
5. Ability to work as part of a team

## **CHAIR OF A REGULATORY COMMITTEE**

### **Purpose**

1. To provide leadership and direction to the Committee.
2. To demonstrate to the public and to any applicants and objectors that there is fair and open decision making by or on behalf of the Committee.
4. To chair and manage Committee meetings and ensure the Committee achieves its terms of reference.

### **Duties and responsibilities**

1. To lead the Committee, in consultation with officers, in prioritising its work
2. To be available to chair meetings and carry out other Chair duties, allowing sufficient time to support the work of the Committee outside meetings
3. To encourage Committee members to obtain the skills to contribute the work of the Committee and to work with officers to ensure the provision of necessary training to members
4. To endeavour to engage all members of the Committee in Committee activities
5. To develop a constructive and effective relationship with relevant Chief Officers and their staff
6. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.
7. To be willing to learn about the professional disciplines and services relevant to the work of the Committee
8. To Chair the committee in a fair, open and balanced manner in accordance with the procedures of the committee; and ensuring an appropriate and fair hearing to applicants and objectors
9. To guide, with the assistance of officers, the committee to reach legally sound decisions based on the information presented to it
10. To work with the Officers of the Council to ensure that the Council policies and procedures in relation to the Committees activities are up to date and applied correctly
11. To provide and present a report concerning the Committees activities to Council at the Council meeting in April each year or at any other time as may be requested

### **Skills desired**

1. Good communication and interpersonal skills
2. Leadership and excellent Chairship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations
5. Ability to work as part of a team

## **OVERVIEW AND SCRUTINY COMMITTEE CHAIR**

### **Purpose**

1. To provide leadership of and direction to the Committee.
2. To chair Committee meetings and ensure the Committee achieves its terms of reference.

### **Duties and responsibilities**

1. To encourage Committee members to obtain the necessary skills to contribute effectively to the work of the Committee in carrying out the Scrutiny Role and to work with officers to ensure the provision of necessary training
2. To endeavour to engage all members of the Committee with the scrutiny process
3. To lead the Committee, in consultation with officers, to most effectively prioritise its Work load so as to ensure effective scrutiny, paying particular regard to the Forward Plan
4. To co-ordinate work with the other Overview and Scrutiny Committees, so as to ensure that the scrutiny and review work of the Committees is not duplicated by them; and to share learning
5. To develop a constructive relationship with the Executive, especially with relevant portfolio holders
6. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.
7. To develop a constructive relationship with the Chief Officers and other senior officers in the areas that the Committee scrutinises
8. To develop a constructive relationship with the relevant senior officers and their staff and with relevant portfolio holders
9. To be available to Chair meetings and carry out other duties as Chair allowing sufficient time to support the work of the Committee outside meetings
10. To Chair the committee in a fair, open and balanced manner in accordance with the procedures of the committee
11. To provide and present a report concerning the Committees activities to Council at the Council meeting in April each year or at any other time as may be requested

### **Skills desired**

1. Good communication and interpersonal skills
2. Leadership and Chairship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public and outside organisations
5. Ability to work as part of a team

## **LEADER OF THE OPPOSITION**

### **Purpose**

1. To provide strong, clear political leadership for the main Opposition Group on the Council and act as main opposition spokesperson.
2. To promote good governance, member development, and discipline within the main Opposition Group and manage the work of members in the group.
3. To co-ordinate the participation of the Opposition Group in the business of the Council.

### **Duties and Responsibilities**

1. To provide constructive challenge of and comment upon the Council's vision, policies, strategies and the delivery of services
2. To provide strong, clear leadership in the development and co-ordination of credible alternative policies, strategies and service delivery; providing new ideas and alternative viewpoints to the council
3. To promote and support good governance of the Council and its affairs and the adherence by Opposition Group members to the Code of Conduct
4. To establish and represent the views of the Opposition Group on matters of council policy and priorities
5. To represent the Opposition Group on working parties and informal working groups
6. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.
7. To play an effective part in the work of the Councils Scrutiny and Overview Committees, liaising with Committee Chair as appropriate
8. To liaise with officers and other political groups as appropriate.

### **Skills desired**

1. Good communication and interpersonal skills
2. Ability to analyse and grasp complex issues
3. An understanding of national and local government statutory and financial frameworks
4. An understanding of the Council, including the economic and social situation within Tamworth
5. The ability to understand the Council's budget
6. Leadership skills
7. Political knowledge and awareness
8. Ability to work effectively with Council officers, the public, the media and outside organisations
9. Ability to work as part of a team

## **DEPUTY LEADER OF THE OPPOSITION**

### **Purpose**

To deputise for the Leader of the Opposition Group in his absence.

### **Duties and Responsibilities**

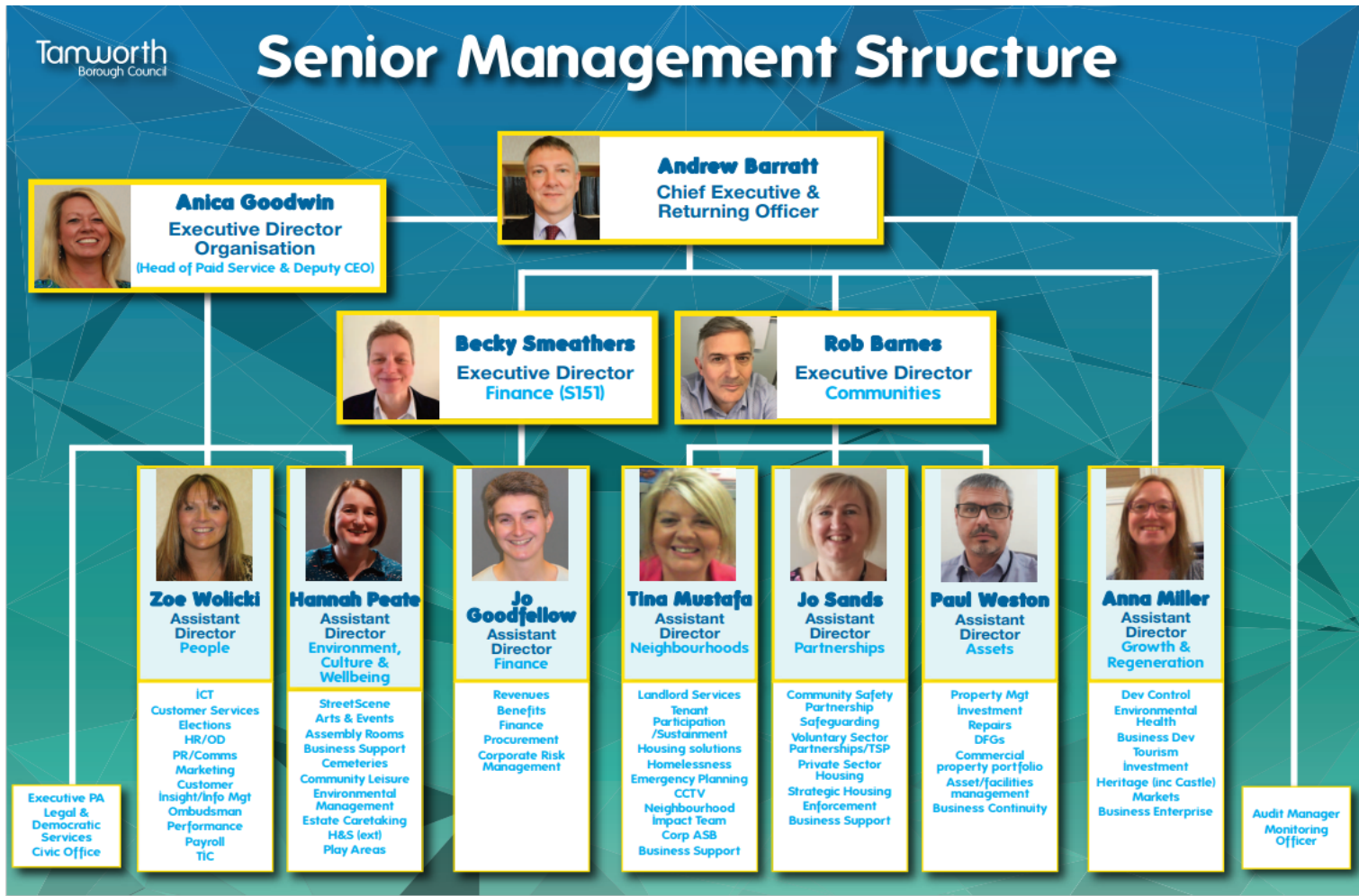
1. To assist and work with the Leader of the main Opposition Group
2. To act in the absence of the Leader of the main Opposition Group as appropriate
3. To fulfil the duties of the Leader of the Opposition in his or her absence
4. To assist the Leader of the Opposition in specific duties as required.
5. To maintain and fulfil the duties required under Data Protection legislation and ensure compliance with their personal obligations in this matter.

### **Skills desired**

1. Good communication and interpersonal skills
2. Ability to analyse and grasp complex issues
3. An understanding of national and local government statutory and financial frameworks
4. An understanding of the Council, including the economic and social situation within Tamworth
5. The ability to understand the Council's budget
6. Leadership skills
7. Political knowledge and awareness
8. Ability to work effectively with Council officers, the public, the media and outside organisations
9. Ability to work as part of a team



PART 7 - MANAGEMENT STRUCTURE



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<b>Page number</b>	<b>Update</b>
Front cover	Edition and date to be amended
Page 2	Slight reword The Executive detailed twice
Page 3	Remove the main switchboard and add email address
Page 5	2.2.1 (b) slight reword in line with legislation.
Page 7	Complaints information amended slightly
Page 13	Joint Code – SCC Overview & Scrutiny addition.
Page 20	2.8.3 – Updated to cover updated polices
Page 21	Officer details updated
Page 24	Housing Advisory Board details added
Page 26	Officer details updated
Page 31	Officer details updated
Page 35 - 38	3.2 Licensing details updated following policy updates
Page 39	3.2 A&G - Authorised officer details updated
Page 52	10. Authorised officer details updated
Page 54-55	28.Data Protection details added – previously blank.
Page 55	30. Authorised officer details updated
Page 62	44. Authorised officer details updated
Page 71	Scheme of delegation update: First Homes matters – To consider and deal with all approvals, consents, compliance, and any matters arising therefrom pursuant to the Governments First Homes Programme. AD Partnerships
Page 76	Officer details updated
Page 77	11. Slight amendment / officer details updated
Page 84/85	(ii) Officer details updated
Page 86	1. Extent of delegation updated
Page 87	1. Delegation updated following relevant policy updates
Page 88 - 98	A number of additions & deletions, due to either relevant policy updates or legislation/regulation changes.
Pag 100	Officer details updated
Page 101	Localism Act section 30/31/ 33 Slight addition in line with legislation.
Page 105	81- 84 Officer details updated
Page 110	Officer details - updated
Page 126	4.15.1 – removal of in March (SOTD is called annually and detailed in the municipal year calendar.
Page 167	14.c Officer details updated
Page 168	Officer details updated
Page 225	Officer details updated
Page 228	Officer details updated
Page 231	Officer details updated
Page 232	Officer details updated
Page 236	Officer details updated

Page 238	Officer details updated
Page 246	<b>Fees</b> -Each year Tamworth Borough Council will pay for each Member the Information Commissioners Office annual subscription (currently £35) in relation to the individual cost of registration for Data Protection purposes. Removal in line with legislation
Page 247	6.9 Officer details updated
Page 249	Childcare elements updated Removed - for carers aged between 21 - 24 at a rate of £7.70 per hour and carers aged 18-20 at a rate of £6.15 per hour and carers aged 16-17 at a rate of £4.35 per hour. Apprentices under 19 or in the first year of their apprenticeship £3.90.
Page 261	New structure chart
All pages	Formatting to be checked prior to finalisation

## ROLLING AUDIT & GOVERNANCE TIMETABLE OF PLANNED REPORTS TO AUDIT AND GOVERNANCE COMMITTEE

### 2023/24 Year

	Report	Committee Date	Report of	Comments
1	Internal Audit Quarterly Update and EQA Action Plan	8 February 2024	Audit Manager	
2	Risk Management Quarterly Update	8 February 2024	Assistant Director – Finance	
3	Audit Committee Effectiveness	8 February 2024	Audit Manager	
4	Future High Street Fund Risk Report	8 February 2024	Assistant Director, Growth & Regeneration	
5	Review of the Constitution and Scheme of Delegation for Officers	8 February 2024	Monitoring Officer	<i>Annual refresh to normally be in March / April each year Deferred from November 2023 pending a working group</i>
	Report	Committee Date	Report of	Comments
1	Audit and Governance Committee update	20 March 2024	Grant Thornton	<i>Verbal Update</i>
2	Internal Audit Charter and Audit Plan	20 March 2024	Audit Manager	
3	Final Accounts – Accounting Policies and	20 March 2024	Assistant Director of	<i>March or April (ideally March)</i>

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Agenda Item 8

	Action Plan		Finance	
	Private meeting of Internal and External Auditors and Committee members	<b>20 March 2024</b>		
	<b>Report</b>	<b>Committee Date</b>	<b>Report Of</b>	<b>Comments</b>
1.	Public Sector Internal Audit Standards/Quality Assurance and Improvement Programme	<b>24 April 2024</b>	Audit Manager	
2.	Annual Report of the Chair of Audit & Governance Committee	<b>24 April 2024</b>	Audit Manager / Chair	
3.	Review of Financial Guidance	<b>24 April 2024</b>	Assistant Director Finance	
4.	Review of the Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Statement and the Treasury Management Strategy Statement and Annual Investment Strategy Mid-Year Review Report	24 April 2024	Executive Director Finance	<b>March or April</b>

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**Note: Audit Committee member training planned for 13 June 2023**

**The Portfolio Holder for Operations and Finance**

## Items Considered by the Committee 2023/2024

1.	Auditor's Annual Report	27 June 2023	Grant Thornton	
2.	External Audit Plan	27 June 2023	Grant Thornton	
3.	Internal Audit Annual Report and Quarterly Update for 2022/23	27 June 2023	Audit Manager	
4.	Annual Governance Statement and Code of Corporate Governance	27 June 2023	Chief Executive	
5.	Risk Management Quarterly Update	27 June 2023	Assistant Director, Finance	
6.	Future High Street Fund Risk Report	27 June 2023	Assistant Director, Growth & Regeneration	
	Report	Committee Date	Report of	Comments
1	Audit & Governance Committee update	23 August 2023	Grant Thornton	
2	Internal Audit Quarterly Update and EQA Action Plan	23 August 2023	Audit Manager	
3	Independent Member update	23 August 2023	Audit Manager	

	Report	Committee Date	Report of	Comments
1	Audit Findings Report and Management Representation Letter	27 September 2023	Grant Thornton	
2	Annual Statement of Accounts	27 September 2023	Executive Director Finance	
3	Risk Management Quarterly Update	27 <sup>th</sup> September 2023	Assistant Director – Finance	<i>Moved from 23<sup>rd</sup> August 2023</i>
4	Regulation of Investigatory Powers Act (RIPA) Annual Report & Review of the RIPA Policy	27 September 2023	Assistant Director, Partnerships	<i>Agreed that this be moved to September 2023.</i>
5	Modern Slavery and Human Trafficking Statement	27 September 2023	Assistant Director – Partnerships	<i>Check whether September or October meeting is preferred for 2023</i>
6	Local Government Ombudsman's Annual Review and Report 2022/23	27 September 2023	Assistant Director – People	
	Report	Committee Date	Report of	Comments
1	Audit & Governance Committee update	25 October 2023	Grant Thornton	
2	Internal Audit Quarterly Update and EQA Action Plan	25 October 2023	Audit Manager	



3	Annual Treasury Outturn	25 October 2023	Executive Director Finance	<i>Moved from September 2023</i>
4	Future High Street Fund Risk Report	25 October 2023	Assistant Director, Growth & Regeneration	
	<b>Report</b>	<b>Committee Date</b>	<b>Report of</b>	<b>Comments</b>
1	Introduction of Azets as Council's External Auditors for 2023/24 and audit plan	15 Nov 2023	Azets	
2	Counter Fraud update	15 Nov 2023	Audit Manager	<i>Moved from October 2023</i>
3	Risk Management Quarterly Update	15 Nov 2023	Assistant Director – Finance	<i>Moved from October 2023</i>
4	Councillor Code of Conduct	15 Nov 2023	Monitoring Officer	<i>Annual refresh to normally be in April each year</i>

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