CONSTITUTION OF THE COUNCIL

MAY 2018

AMENDMENTS:

Council 16 October 2018 - Revision of Contract Procedure Rules
Council 16 October 2018 - Changes to Lead Councillor Portfolios for Children and Education, and to ACE Committee and Policy Committee Terms of Reference (as a result of establishment of the Children’s Company and transfer of Children’s Services to Brighter Futures for Children Ltd)
# Constitution of Reading Borough Council - 23 May 2018

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Part 1 - Summary and Explanation

The Council’s Constitution

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

The Constitution is divided into 16 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 is in the Constitution?

Article 1 of the Constitution confirms that the Council will act within the law and the provisions of the Constitution. Articles 2 - 16 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).
- The Leadership (Article 6).
- Committees (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- Consultative Committees and Forums (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

How the Council operates

The Council is composed of 46 Councillors representing 16 wards. Each Councillor will normally be elected to serve for four years. 15 wards are represented by three Councillors, with one third of the Councillors being elected three years in four (the fourth year is a fallow year, with no local elections). In the remaining ward, Mapledurham, there is one Councillor who is elected every four years. 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.

The Council has a statutory duty to promote and maintain high standards of conduct by its Councillors and Co-opted Members. Councillors are asked to follow a Member Code of Conduct to ensure high standards in the way they undertake their duties. This is in part 5 of the Constitution. The Standards Committee trains and advises them 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, at its
Annual Meeting appoints the Leader Lead Councillors and such Committees, Sub-Committees, Panels etc as it considers necessary to carry out the functions of the local authority.

How decisions are made

From May 2013, the Council has adopted a committee system form of governance, operated under Sections 101 and 102 of the Local Government Act 1972. This has replaced the Leader and Cabinet form of executive that the authority adopted in 2001 under Section 11 of the Local Government Act 2000. This change of governance system was made by the Annual Council Meeting, on 22 May 2013, under the provisions of Section 9KC(2) of the Local Government Act 2000 (as amended by Section 21 of and Schedule 2 to the Localism Act 2011).

The committee system is composed of four standing committees (and two sub-committees) and six regulatory or other committees, as described in Articles 7 and 8. Each of the Committees (except the Health & Wellbeing Board, as explained in Article 8) has a membership from all political groups on the Council, in proportion to their representation on the Council. Between them, the Committees have been delegated powers by the full Council which cover all of the authority’s functions. The Committees are responsible both for taking day-to-day decisions in relation to the functions delegated to them, and also for setting and reviewing the policy framework relevant to those functions.

The Policy Committee is the principal committee. It is comparable to Cabinet in some ways, but different in three important respects. Firstly, it is composed of Councillors from all political groups on the Council, and includes the Leaders of all of the political groups, and the Lead Councillors from the controlling group, all of whom are involved in its decision-making. Secondly, it will not normally take operational decisions on functions which have been delegated to other Committees, but it may do between planned meetings of those committees, and/or on grounds of urgency. Thirdly, it has a general oversight of strategy, policy and budget matters across the Council, including setting the policy framework for functions that cut across committees.

The political leadership of the authority is described in Article 6. The Leader of the Council is appointed each year at the Council’s Annual Meeting. The Leader is the leader of the controlling Group on the Council (Administration), and is also the Chair of the Policy Committee. The Annual Meeting also appoints a Deputy Leader, who is the Vice-Chair of the Policy Committee; and Lead Councillors, who are the other members of the majority group on the Policy Committee. The Deputy Leader will also be a Lead Councillor. Each Lead Councillor has a portfolio area, for which s/he is responsible and answerable to the Committee(s) responsible for the functions in the portfolio. All services of the Council fall within the portfolios of one or more of the Lead Councillors.

The Council has retained a local definition of a “key decision”, which is a modification of that used previously when the authority was operating the Leader and Cabinet form of executive arrangement. This is set out in Article 13. Key decisions must be taken by a Committee or full Council. All Committee meetings will be open for the public to attend except where personal or confidential matters are being discussed. Committees will take decisions in line with the Council’s overall policies and budget. If a Committee wishes to make a decision which is outside the budget, or a policy which has to be adopted by full Council, then the Committee will recommend the decision to the Council as a whole to decide.

Adopting a committee system form of governance has ended the separation of executive and non-executive functions made under Section 13 of the Local Government Act 2000.

Overview and Scrutiny

Adopting a Committee system form of governance has also ended the operation of a single party executive, and the separation between the executive and scrutiny functions of the authority. This is because all Member decisions are now taken either by full Council or by Committees (or Sub-Committees) appointed on a cross-party basis in proportion to each political group’s membership of the Council. There is no longer a legal separation between an executive and the authority as a whole.

The Council has resolved not to appoint any separate overview and scrutiny committees. The statutory overview and scrutiny functions of the authority will be exercised by individual Committees in respect of
the functions, services and partnerships that they cover, and by the Policy Committee in respect of functions, services and partnerships that cover more than one committee. The Council has delegated the statutory external scrutiny functions of the authority, in respect of health, crime and disorder, and flood prevention, to individual Committees as set out in Article 7.

Procedure Rules and Standing Orders relating to the exercise of the overview and scrutiny functions have been retained, and are set out in Part 4. Committees must resolve when they are undertaking an overview or scrutiny exercise; alternatively they may be requested to do so by full Council. Committees undertaking overview or scrutiny reviews can be involved in policy review and formulation, monitor performance, scrutinise the performance of other public bodies which are providing local services, and hold Lead Councillors and officers to account for the discharge of services. As a result, they may change their own policies and service delivery arrangements, or where appropriate make recommendations to full Council.

The Council’s Staff

The Council has staff 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. This is included in Part 5 of the Constitution.

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 parent of a maintained school pupil or 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 (this is published on the Council’s website);
- 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 mayoral form of executive or a change of governance arrangement;
- participate in the Council’s question time, and contribute to Committee discussions and investigations where invited to do so;
- attend meetings of Committees where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Committee;
- complain to the Council about service delivery, using the Council’s complaints 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 own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has breached the Council’s Member Code of Conduct; and
- inspect the Council’s accounts and make their views known to the external auditor.
As stated above, citizens also have the right to attend meetings of the Council, its Committees and Subcommittees, except when confidential or exempt information is to be considered as defined in the Local Government Act 1972 and a resolution excluding the public has been passed as required by that Act.

Citizens have the right to inspect a copy of the agenda and any report and supporting papers which are to be considered at a public meeting except those which contain confidential or exempt information. Reports etc. must be available for inspection at least five working days before the meeting takes place. They will be published on the Council’s website. They will also be available for inspection at the Civic Offices and citizens should contact the Committee Service if they wish to exercise this right.

Citizens also have the right to inspect minutes and background papers after a meeting has taken place except insofar as they relate to matters confidential or exempt information. Committee minutes are also published on the Council’s website.

June 2013
Part 2 - Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

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

1.3 Purpose of the Constitution

1.3.1 The purpose of the Constitution is to assist in the achievement of the Council’s key strategic aims by the following:

1. Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

2. Support the active involvement of citizens in the process of local authority decision-making;

3. Help Councillors represent their constituents more effectively;

4. Enable decisions to be taken efficiently and effectively;

5. Create a powerful and effective means of holding decision-makers to public account;

6. Ensure that no one will review or scrutinise a decision in which they were directly involved;

7. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

8. Provide a means of improving the delivery of services to the community.

1.3.2 Our strategic aims for Reading are

- To develop Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley
- To promote equality, social inclusion and a safe and healthy environment for all
- To establish Reading as a learning City and a stimulating and rewarding place to live and visit

1.3.3 Ways in which we will achieve this

- Working in partnership
- Promoting the participation of Reading people in local democracy through effective consultation and communication
- Securing the most effective use of our resources in the delivery of high quality, best value public services

1.3.4 Council’s Vision

The Council has set out a vision for the sort of organisation it needs to be in order to deliver the services that local people need:

“A highly regarded leading Council; ambitious and focused on what matters most for our communities, delivering value for money and quality services”

1.4 Interpretation and Review of the Constitution

1.4.1 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.

1.4.2 The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.
Article 2 - Members of The Council

2.1 Composition and Eligibility

(a) Composition

2.1.1 The Council will comprise 46 members, otherwise called Councillors. The Borough is divided into 16 wards, and each ward (except Mapledurham) is represented by three Councillors. Mapledurham Ward has only one Councillor. One Councillor is elected each year by the voters of each of the 15 wards of the authority. This is called election by thirds.

(b) Eligibility

2.1.2 Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

2.2 Election and Terms of Councillors

2.2.1 The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year. In 2004, as a result of ward boundary changes, there were all-out elections for all seats in all wards, with three Councillors being elected for each ward except Mapledurham.

2.2.2 The Councillor elected for Mapledurham ward was elected to serve for four years, retiring in May 2008. The terms of office of the Councillors for the other 15 wards were determined by the number of votes received by each Councillor in the ward. The Councillor who received the smallest number of votes in the 2004 elections served for two years, and stood down in May 2006. The process continued until 2008, with the Councillor receiving the largest number of votes in the ward serving for four years, and standing down in May 2008. The Councillors elected in the elections on May 2006 onwards have each been elected for four years. There were no local elections in 2009 or 2013, and there will be no local elections in 2017 and every four years thereafter.

2.3 Roles and Functions of all Councillors

(a) Key Roles

2.3.1 All Councillors will:

(i) collectively be the ultimate policy-makers, set the Council’s budget and Council Tax, and carry out a number of strategic and corporate management functions, through full Council;

(ii) act as community advocates and leaders by:
• promoting and representing the Borough and the local communities and bringing their views into the decision-making processes of the Council and partner agencies;
• being the advocate of and for their ward and local people and communities living within it, including responding to petitions;
• providing information to, and promoting local democracy, participation and engagement by, sections of the local community
• working with partners and other agencies to address issues that are beyond the Council’s direct control

(iii) deal with individual casework and act as an advocate for ward residents in resolving particular concerns or grievances;

(iv) balance different interests identified within the ward and represent the ward as a whole;

(v) be involved in decision-making as provided by the Constitution, including:
• agreeing or amending policies, plans and strategies, and taking operational decisions through the Council, Policy Committee and relevant Committees
• taking regulatory and quasi-judicial decisions on individual planning and licensing applications;
• decisions affecting personnel matters and staff appointments
• appeals
• scrutinising operational decisions and their implementation, holding Lead Councillors to account, and providing an overview of policy formulation and development, through the Policy Committee and relevant Committees
• scrutinising the delivery of public services in Reading by partner organisations, and holding their decision-makers to account, through the Policy Committee and relevant Committees

(vi) be available to serve as the Council’s representative on partnership bodies, appointee or nominee on outside bodies, and on school governing bodies;

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

(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, and as specified in the Council’s Protocol on Member:Officer Relations (see Part 5 of the Constitution)

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

(iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution, the Protocol on Member:Officer Relations (Part 5 of the constitution), the local Member Code of Conduct (Part 5 of the constitution) and by the Data Protection Act 1998 and Freedom of Information Act 2000.

(c) Skills and Competencies

A) Skill Framework for Councillors

The Improvement and Development Agency (I&DEA) and the Local Government Information Unit (LGIU) have developed a Councillor competency framework which sets out the key areas where Councillors need skills in order to undertake their diverse roles. These areas are:

(i) Local leadership
  o Councillors will engage enthusiastically and empathetically with the community in order to learn, understand and act upon issues of local concern
  o Councillors will mediate fairly and constructively, and encourage trust by representing all sections of the community

(ii) Political understanding
  o Councillors will act ethically, consistently and with integrity when communicating values or representing group views in decisions and actions
  o Councillors will work across group boundaries without compromising values or ethics

(iii) Partnership working
  o Councillors will build positive relationships by making others feel valued, trusted and included, and by working collaboratively to achieve goals
  o Councillors will maintain calm and focused, recognise when to delegate or provide support, and will be able to take a long-term view in developing partnerships
Constitution of Reading Borough Council – 23 May 2018

(iv) Scrutiny and challenge
  o Councillors will act as a critical friend by seeking opportunities for scrutiny and providing constructive feedback
  o Councillors will analyse information quickly and present arguments in a concise, meaningful and easily accessible way

(v) Communication
  o Councillors will listen sensitively, use appropriate language and check for understanding
  o Councillors will communicate regularly with individuals and groups in the community, speak clearly and confidently in public, and make sure that people are informed

(vi) Regulatory and monitoring work
  o Councillors will understand and execute their quasi-judicial roles by following protocols, evaluating arguments and making decisions that balance public needs and local policy
  o Councillors will ensure progress by monitoring and intervening where necessary.

B) Skill Framework for Lead Councillors (Administration members of Policy Committee)

(i) Provide vision
  o Lead Councillors will create a shared Council vision by establishing strategic policies and prioritising actions
  o Lead Councillors will actively encourage the involvement of others in policy formulation and work collaboratively to analyse information and promote understanding
  o Lead Councillors will be open to new ideas and ways of doing things

(ii) Manage performance
  o Lead Councillors will work closely with others to develop, promote and achieve objectives and represent the Council at a strategic level
  o Lead Councillors will encourage scrutiny, monitor performance and respond positively to feedback and ideas

(iii) Provide excellence in leadership
  o Lead Councillors will provide visionary and charismatic leadership, be well prepared, be able to troubleshoot and to juggle conflicting responsibilities
  o Lead Councillors will work to shape a culture of excellence by acting as the public face of the Council and a role model for others
  o Lead Councillors will encourage cooperation and communication across political and Council boundaries

C) Competencies

The Council supports the competency framework for Councillors developed by the Local Government Information Unit (LGIU), as follows:

- Communication
  o Demonstrate excellent communication skills
  o Able to present information clearly and persuasively across different audiences and media contexts - eg Council meetings, Committees, scrutiny Task-and-Finish Groups, consultative and advisory panels, and as community leaders

- Strategic Thinking
  o Able to develop a clear vision of the future incorporating wide-ranging environmental issues and long-term thinking

- Strategic Financial Management
  o Able to understand financial information and create well-estimated budgets
  o Able to understand the Council’s Financial Regulations and scheme of delegation
• Leadership
  o Demonstrate the capacity to lead and motivate others
  o Demonstrate understanding of and commitment to raising ethical and probity standards

• Negotiation and Conflict Resolution
  o Able to deal with conflicting demands and situations using negotiation processes to define common ground for agreement

• Risk Management
  o Able to analyse risks and assess the potential impact on the Council, community and environment

• IT Skills
  o Able to understand IT strategies and use IT systems to assist their role of Councillor

D) Development

The Council will provide training and development opportunities for Councillors to develop these skills and competencies in the following areas:

• Core skills
  o Induction training (mandatory for all new Councillors)
  o Time management
  o Stress management
  o Presentation skills
  o Chairing and meeting skills
  o Public speaking
  o Personal development action planning
  o Continuing professional development

• Conduct and Governance
  o Induction training (mandatory for all new Councillors)
  o Scrutiny training
  o Planning and Development Control (mandatory for members of Planning Applications Committee)
  o Licensing (mandatory for members of the Licensing Applications Committee)
  o Recruitment and Selection (mandatory for Councillors taking part in selection processes)
  o Equality Awareness
  o Ethics and Conduct
  o Decision-making

• Leadership
  o Performance management
  o Budget management
  o Risk management
  o Health & safety
  o Racist Incident reporting
  o Facilitation
  o Giving feedback
  o Coaching
  o Mentoring

2.4 Conduct

2.4.1 Councillors will at all times observe the Members’ Code of Conduct, the Planning Code of Conduct, the Protocol on Member/Officer Relations, and the Protocol on Council Publicity and Elections, as set out in Part 5 of this Constitution.
2.5 **Allowances**

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

2.6 **Membership**

2.6.1 The names and addresses of Councillors by ward, for the current Municipal Year, are attached.
<table>
<thead>
<tr>
<th>Ward</th>
<th>Party</th>
<th>Councillor</th>
<th>Address</th>
<th>Contact No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbey</td>
<td>LAB</td>
<td>AYUB, Mohammed</td>
<td>9 Carey Street, Reading, RG1 7JS</td>
<td>957 3458</td>
</tr>
<tr>
<td>Abbey</td>
<td>LAB **</td>
<td>PAGE, Tony</td>
<td>115 Castle Hill, Reading, RG1 7SY</td>
<td>959 5687</td>
</tr>
<tr>
<td>Abbey</td>
<td>LAB</td>
<td>ROWLAND, Karen</td>
<td>26 Zinzan Street, Reading, RG1 7UQ</td>
<td>956 8926</td>
</tr>
<tr>
<td>Battle</td>
<td>LAB</td>
<td>HACKER, Sarah</td>
<td>6 Dorset Street, Reading, RG30 1JU</td>
<td>957 6170</td>
</tr>
<tr>
<td>Battle</td>
<td>LAB</td>
<td>KHAN, Gul</td>
<td>33 Lorne Street, Reading, RG1 7YW</td>
<td>07977</td>
</tr>
<tr>
<td>Battle</td>
<td>LAB</td>
<td>MASKELL, Chris</td>
<td>95 Beecham Road, Reading, RG30 2RB</td>
<td>959 1438</td>
</tr>
<tr>
<td>Caversham</td>
<td>LAB</td>
<td>BARNETT-WARD, Adele</td>
<td>66 Oakley Road, Caversham, Reading, RG4 7RN</td>
<td>07971</td>
</tr>
<tr>
<td>Caversham</td>
<td>LAB &amp; CO-OP</td>
<td>DAVIES, Richard</td>
<td>33 Westfield Road, Caversham, Reading, RG4 8HL</td>
<td>07939</td>
</tr>
<tr>
<td>Caversham</td>
<td>CON</td>
<td>MCDONALD, Claire</td>
<td>3 Waley's Place, Montague Street, Caversham, Reading, RG4 5AU</td>
<td>142885</td>
</tr>
<tr>
<td>Church</td>
<td>LAB</td>
<td>MCEWAN, Ruth</td>
<td>23 Bulmershe Road, Reading, RG1 5RH</td>
<td>07777</td>
</tr>
<tr>
<td>Church</td>
<td>LAB</td>
<td>PEARCE, Ashley</td>
<td>99 Rodway Road, Reading, RG30 6EJ</td>
<td>07950</td>
</tr>
<tr>
<td>Church</td>
<td>LAB ##</td>
<td>WOODWARD, Paul</td>
<td>7 Sherwood Street, Reading, RG30 1LJ</td>
<td>07776</td>
</tr>
<tr>
<td>Katesgrove</td>
<td>LAB</td>
<td>JAMES, Sophia</td>
<td>c/o Civic Offices, Bridge Street, Reading, RG1 2LU</td>
<td>07702</td>
</tr>
<tr>
<td>Katesgrove</td>
<td>LAB</td>
<td>KAUR, Gurvinder</td>
<td>7 Tuxford Mews, Reading, RG30 2NW</td>
<td>07306</td>
</tr>
<tr>
<td>Katesgrove</td>
<td>LAB &amp; CO-OP</td>
<td>WILLIAMS, Rose</td>
<td>32 Alan Place, Bath Road, Southcote, Reading, RG30 3BW</td>
<td>962 3384</td>
</tr>
<tr>
<td>Kentwood</td>
<td>LAB</td>
<td>SINGH, Daya Pal</td>
<td>7 Tuxford Mews, Reading, RG30 2NW</td>
<td>07979</td>
</tr>
<tr>
<td>Kentwood</td>
<td>CON</td>
<td>SINGH, Raj</td>
<td>54 Battle Square, Reading, RG30 1AL</td>
<td>437 1592</td>
</tr>
<tr>
<td>Kentwood</td>
<td>CON</td>
<td>WARMAN, Emma</td>
<td>58 Bramshaw Road, Tilehurst, Reading, RG30 6AS</td>
<td>937 2287 (Cllr Services)</td>
</tr>
<tr>
<td>Mapledurham</td>
<td>CON</td>
<td>BALLSDON, Isobel</td>
<td>10 Fernbrook Road, Caversham, Reading, RG4 7HG</td>
<td>07717</td>
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<tr>
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### Constitution of Reading Borough Council - 23 May 2018

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Article 3 - Citizens and The Council

3.1 Citizens’ Rights

3.1.1 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 sign a petition to request a referendum for an elected Mayor form of Constitution or a change of governance arrangements.

(b) Information.

Citizens have the right to:

(i) attend meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) see reports and background papers, and any records of decisions made by the Council, and Committees and Sub-Committees of the Council; and

(iii) inspect the Council’s accounts and make their views known to the external auditor.

(c) Participation.

Citizens have the right to participate in Council, Committee and Sub-Committee meetings, and to contribute to evidence gathering by Committees when undertaking overview and scrutiny exercises, as follows:

(i) by presenting a petition to the Council or Committees in line with Standing Orders 8 and 36(1), and the Petition Scheme

(ii) by submitting questions to the Council or Committees in line with Standing Orders 9 and 36(2)

(iii) by speaking on individual planning applications which affect them at meetings of the Planning Applications Committee, in line with Standing Order 36A

(iv) by speaking on individual items on the agenda for Committee meetings, for up to five minutes per item at the invitation of the Chair, in line with Standing Order 36B

(d) Complaints.

Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Ombudsman after using the Council’s own complaints scheme;

(iii) the Monitoring Officer of the Council about a breach of the Members’ Code of Conduct.

3.2 Citizens’ Responsibilities

3.2.1 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.
3.2.2 If during a meeting of the Council or a Committee or Sub-Committee of the Council, there is a general disturbance which the Mayor or Chair feels makes it impossible to continue with the business of the meeting, then s/he may adjourn the meeting without debate for any length of time s/he considers necessary, under Standing Orders 22 and 35.
Article 4 - The Full Council

4.1 Meanings

(a) Policy Framework

4.1.1 The policy framework of the authority means the following plans and strategies:

i) Those required by Regulation 3 of and the Schedule to the Local Authorities (Committee System) (England) Regulations 2012 as plans or strategies which must be approved or adopted by the authority, and cannot be delegated to a committee or officer:

- Annual Library Plan;
- Crime and Disorder Reduction Strategy;
- Development Plan Documents;
- Licensing Authority Planning Statement;
- Local Transport Plan;
- Plans and Alterations which together comprise the Development Plan;
- Sustainable Community Strategy;
- Youth Justice Plan.

These plans or strategies must be adopted or approved by full Council.

Under Regulation 3(2)(c), the local authority (full Council) must approve any part of the above plans or strategies, whether or not in draft form, which is required to be submitted to the Secretary of State.

Under Regulations 3(9) and (10), full Council must amend, modify, vary or revoke any of the above plans or strategies, once approved or adopted, unless:

- The amendment etc is required to give effect to requirements made by the Secretary of State or a Minister in relation to a plan or strategy submitted for approval, in whole or in part; OR
- Full Council, when approving or adopting the plan or strategy, makes an arrangement for its future amendment etc under Section 101 of the Local Government Act 1972.

(ii) The following public health document which the authority is required to prepare and publish, with its partner Clinical Commissioning Groups and involving the local Healthwatch and local people living or working in the area, under Section 116 of the Local Government & Public Involvement in Health Act 2007 as amended by Sections 192 and 193 of the Health & Social Care act 2012:

- Joint Health & Wellbeing Strategy to meet the health needs of the area included in the Joint Strategic Needs Assessment, relating to the exercise of public health functions by the authority, the NHS Commissioning Board or the Clinical Commissioning Groups

This document will be recommended by the Health and Wellbeing Board to full Council for adoption.

(iii) The following plans and strategies which under the Leader and Cabinet form of executive arrangements were adopted by the Council as a matter of local choice:

- Adult Learning Plan;
- Children & Young People’s Plan;
- Corporate Plan;
- Food Law Enforcement Service Plan;
• The plan and strategy which comprise the Housing Investment Programme;
• Housing Strategy;
• Reading Learning Disability Partnership Strategy;
• Special Education Needs Strategy;
• Statement of Gambling Licensing Principles;
• Strategy for Learners with Learning Difficulties and/or Learning Disability

These plans and strategies, and successor documents, may now be adopted, approved, amended modified, varied or revoked by the Committee to which the subject function has been delegated, or the Policy Committee.

(iv) Other Local Plans etc

• 14-19 Strategy
• Adult Social Care Prevention Framework
• Allotments Management Plan
• Anti-Fraud and Corruption Policy
• Anti-Social Behaviour Strategy
• Biodiversity Action Plan
• Capital Strategy
• Children in Care Pledge
• City Centre Strategy
• Climate Change Strategy and Action Plan
• Community Development Strategy
• Corporate Asset Management Plan
• Corporate Procurement Strategy
• Crime and Disorder Reduction Partnership Plan 2008-11
• Cultural Strategy
• Customer Services Programme
• Cycling Strategy
• Domestic Violence and Abuse Strategy
• Domiciliary and Intermediate Care Strategy
• Edge of Care Strategy (Cabinet - December 2012)
• Emergency Plan
• Empty Homes Strategy
• Environment Strategy
• Equalities Strategy
• Fraud Response Plan
• Graffiti Removal Policy
• Homelessness Strategy
• Housing Allocations Policy
• Joint Municipal Waste Management Strategy (with Bracknell Forest and Wokingham Borough Councils)
• Housing Benefit Prosecution Policy
• Open Spaces Strategy
• Participation Strategy and Framework
• Play Strategy
• Policy and Procedure for Dealing with Unreasonably Persistent Complainants and Unreasonable Complaints Behaviour
• Procurement and Commissioning Strategy (Cabinet, January 2013)
• Public Art Strategy for Reading
• Reading “Ageing Well” Strategy
• Reading Health & Wellbeing Strategy (Council, March 2013)
• Reading Mental Health Strategy
• Reading Supporting People Commissioning Strategy
• Risk Management Strategy/Policy Statement
• Sports Facilities Strategy
• Sustainable Community Strategy
• Sustainable Economic Development Strategy
Tenancy Strategy 2013-18 (Council, January 2013)
Thames Parks Plan
Thriving Neighbourhoods Programme
Treasury Management Strategy
Tree Strategy

These plans and strategies, successor documents, and any new policies, plans or strategies, may now be adopted, approved, amended, modified, varied or revoked by the Committee to which the subject function has been delegated, or the Policy Committee.

4.1.2 The process for developing the policy framework, including adopting new plans and strategies, and the arrangements for taking decisions which are contrary to an existing policy, plan or strategy, is set out in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.

(b) Budget

4.1.3 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, 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

4.1.4 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 [SS 136-137 of the] 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.

(d) Development Plan

4.1.5 The plans and alterations which together comprise the Development Plan, listed in (a)(i) above, include Development Plan documents made under Section 15 of the Planning & Compulsory Planning Act 2004.

4.2 Functions of the full Council

4.2.1 Under the Local Authorities (Committee System)(England) Regulations 2012, only full Council may exercise the following functions:

(a) approving or adopting any of the plans and strategies listed in 4.1(a)(i) or (ii) above, including any subsequent amendment, modification, variation or revocation (but subject to the exceptions mentioned above)

(b) approving or adopting plans or strategies for the budget activities listed below, including any subsequent amendment, modification, variation or revocation (but subject to the exceptions mentioned above):

• The control of borrowing, investments or capital expenditure
• Determining the authority’s minimum revenue provision

The budget framework is as set out in Part 4.

(c) adopting a Members’ allowances scheme under Article 2.5;

(d) requesting a change to single-member electoral areas, and passing a resolution to change the Council’s scheme of elections;

(e) reorganisation of community governance - making an order giving effect to recommendations made in a community governance review under Section 86 of the Local Government and Public Involvement in Health Act 2007;
Constitution of Reading Borough Council – 23 May 2018

(f) determining the voting rights of co-opted members of Overview and Scrutiny Committees [where such exist];

4.2.2 Only the Council may exercise the following functions, and any decisions of Committees in relation to them shall be submitted to the Council as recommendations:

(a) changing the Constitution;

(b) approving the authority’s budget, and any application to the Secretary of State in respect of any Housing Land Transfer;

(c) Approving the authority’s budget strategy, including plans or strategies for:
   - The control of borrowing and investments
   - Capital expenditure
   - Determining the authority’s minimum revenue provision

and agreeing the Council’s capital strategy and asset management plan;

The budget framework is as set out in Part 4 of the Constitution (subject to review);

(d) agreeing and/or amending the terms of reference for committees appointed by the Council, deciding on their composition and making appointments to them;

(e) making a Members’ allowances scheme under Article 2.5 of the Constitution;

(f) changing the name of the area, conferring the title of freedom or freeman of the Borough;

(g) (i) confirming the appointment of the Head of Paid Service;
   (ii) confirming the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer;

(h) appointing the external auditors and agreeing the arrangements for their appointment;

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

(j) requesting a change to single-member electoral areas, and passing a resolution to change the Council’s scheme of elections;

(k) reorganisation of community governance - making an order giving effect to recommendations made in a community governance review under Section 86 of the Local Government and Public Involvement in Health Act 2007;

(l) promoting and maintaining high standards of conduct by Councillors and Co-opted Members, including adopting a local Member code of conduct and establishing a local Standards Committee;

(m) passing a resolution to make a change in governance arrangements for the authority under Section 9KC(1) of the Local Government Act 2000 as amended by Schedule 2 of the Localism Act 2011;

(n) those functions set out in Part 3 Schedules 2 and 3 of the Council’s constitution which are shown as being for the Council to exercise, and which the Council has not delegated to a Committee or an officer;

(o) setting the strategic vision and corporate objectives of the Council;
(p) making referrals to the Secretary of State, the regulator or the NHS Commissioning Board arising from the exercise of the health scrutiny function of the authority, under Section 22A of the National Health Service Act 2006 (as added under Section 190(3) of the Health & Social Care Act 2012);

(q) entering into joint arrangements with other local authorities under sections 101 and 102 of the Local Government Act 1972;

(r) all other matters which, by law, must be reserved to Council.

4.2.3 The Council may set the strategic vision and corporate objectives of the Council;

4.3 Council Meetings

4.3.1 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 and Committee Procedure Rules (Standing Orders) in Part 4 of this Constitution.

4.4 Responsibility for Functions

4.4.1 The adoption of a committee system form of governance has ended the separation between executive and non-executive functions contained in the Local Government Act 2000. Therefore Schedules 1 to 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations, issued under Section 13 of that Act, no longer apply. However, the Constitution continues to set out, in Part 3, the functions listed in these Regulations, and now shows which Committee and / or officer is responsible for the exercise of the functions listed in these Schedules.

4.4.2 Full Council may take a decision in respect of any function it has delegated to a Committee or officer, in place of that Committee or officer; and a Committee or officer may refer or recommend a decision in respect of a delegated function to be taken by full Council.

4.4.3 The Policy Committee may take urgent decisions on behalf of full Council, subject to the function not being reserved by statute to full Council.
Article 5 - Chairing The Council

5.1 Role and function of the Mayor

5.1.1 The Mayor and, in his or her absence, the Deputy Mayor, will have the following roles and functions:

a) Ceremonial role

To act as the first citizen of the Borough and to represent the Council at Civic and other functions where the Council is invited to be represented

To promote the image of the Council in all functions involving the Council or the Mayoralty

To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

b) Chairing the Council meeting

The Mayor will be elected by the Council annually and will have the responsibility to preside over meetings of full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
Article 6 - The Leadership

6.1 Legal Status

6.1.1 Having adopted a committee system form of governance, the statutory provisions in the Local Government Act 2000 (as amended by the Local Government & Public Involvement in Health Act 2007) relating to executive arrangements and the Leader of Cabinet no longer apply. The provisions for the leadership of the authority set out in this Article therefore are a local arrangement for Reading, and will operate within the statutory context of the Local Government Act 1972.

6.2 Leader

6.2.1 The Annual Meeting will appoint a Councillor to be the Leader of the Council for the Municipal Year. The Annual Meeting will also appoint the Leader both to membership and the Chair of the Policy Committee of the Council.

6.2.2 The Councillor appointed as Leader will hold this office until:

(a) the next Annual Meeting of the Council; or
(b) s/he resigns from the office; or
(c) s/he is no longer a Councillor; or
(d) s/he is removed from the office by resolution of the Council

6.2.3 Any motion submitted to any Council meeting to remove the Leader from this office, under 7.14.2(c) above:

a) must be moved, seconded and signed by a further eight Councillors as supporters;

b) will be considered at the start of the Council meeting, after the Minutes of the last meeting have been approved and signed, and

c) will be followed immediately by an item to appoint a new Leader of the Council

6.2.4 If the Council meeting resolves to remove the Leader from office but fails to appoint a successor, then an item to appoint a new Leader must be included on the next and successive Council agendas until a replacement Leader has been appointed.

6.3 Deputy Leader

6.3.1 The Annual Council Meeting will appoint a Councillor to be the Deputy Leader for the Municipal Year. The Annual Meeting will also appoint the Deputy Leader both to membership and the Vice-Chair of the Policy Committee of the Council.

6.3.2 The Deputy Leader will act in place of the Leader if the Leader is unable to act, or where the Leader asks the Deputy Leader to so act.

6.3.3 The Deputy Leader will also be a Lead Councillor, and have a separate Lead Councillor portfolio.

6.4 Lead Councillors

6.4.1 The Annual Council Meeting will appoint Lead Councillors, with portfolios covering all Council services, for the Municipal Year. The Annual Meeting will also:

a) agree the portfolio areas for each Lead Councillor (as set out in Part 3 of the Constitution)
b) appoint the Lead Councillors to be members both of the Policy Committee, and of the Committee(s) covering their portfolio areas.

6.4.2 The Deputy Leader and other Lead Councillors will hold office until:

(a) the next Annual Meeting of the Council; or

(b) they resign from office; or

(c) they are no longer Councillors; or

(d) they are removed from office by resolution of the Council.

6.4.3 Lead Councillors shall have the following general responsibilities:

- Political oversight and leadership of their portfolio area
- Collective oversight and leadership of the authority (together with the Leader and other Lead Councillors, as members of the Policy Committee)
- Public spokesperson for their portfolio area
- Presenting reports from portfolio services to their Committee(s), the Policy Committee and Council
- Answerable for service performance in their portfolio areas to Committee and Council

6.4.4 Full Council may, during the Municipal Year, resolve to change the portfolios of the Leadership and Lead Councillors; and to fill any casual vacancies that might arise as Deputy Leader or Lead Councillor, on the nomination of the Leader.

6.4.5 Where, during the Municipal Year, full Council resolves successfully to remove the Deputy Leader or a Lead Councillor from that office, then it must also remove that Councillor from membership of the Policy Committee and make a replacement appointment to the Committee on the nomination of the Councillor’s Group Leader.

6.5 Responsibility for Functions

6.5.1 The Head of Legal and Democratic Services will maintain a list in Part 3 of this Constitution setting out the general and shared responsibilities of the Leadership and Lead Councillors, and their individual portfolio areas.

6.5.2 Under the Local Government Act 1972, there is no statutory power to delegate the exercise of any function of the authority to an individual Councillor. Therefore the Leader, Deputy Leader and Lead Councillors will have no statutory authority as individuals to exercise functions on behalf of the authority.

6.5.3 All functions of the authority will be exercised by full Council, except where:

- The function has been delegated to a Committee or Sub-Committee of the Council, as set out in Articles 7 and 8, in which case the decision will be taken by resolution of that Committee
- There is an existing delegation of the function to an officer or officers
- The Council or relevant Committee or Sub-Committee, through resolution, makes a new delegation to an officer
- The Council or relevant Committee, through resolution, delegates the function to a new Committee or a new Sub-Committee.

6.5.4 In all of the above cases a Committee or Sub-Committee or officers may determine not to exercise a function delegated to them and to refer the decision back to full Council or the Committee which made the delegation. Alternatively, the Council or a Committee may itself determine to exercise a function which it has delegated.
6.5.5 All delegations which fall within the Council’s definition of a key decision, as set out in Article 13 of this Constitution, will be taken either by Committee or, if taken under officer delegation, be recorded through the Decision Book.

6.5.6 In taking decisions, Committees will proceed in line with the Standing Orders for Meetings of Committees, set out in Part 4 of this Constitution, which also include the Decision Book.
Article 7 - Committees

COMMITTEE SYSTEM OF GOVERNANCE

7.1 Legal Status

7.1.1 Further to Section 9KC(2) of the Local Government Act 2000 (as amended by Section 21 of and Schedule 2 to the Localism Act 2011), Reading Borough Council, at its meeting on 26 February 2013, reviewed its governance arrangements and resolved to cease to operate its previous form of executive arrangement (Leader and Cabinet executive) and to start to operate a committee system form of governance with effect from its Annual Council Meeting on 22 May 2013.

7.1.2 The committee system form of governance adopted by the authority has replaced the Leader and Cabinet form of executive, previously adopted under Section 11 of the Local Government Act 2000, and where executive decisions are made by a single party executive scrutinised by backbench Scrutiny Committees, by cross-party standing committees and sub-committees covering the range of the authority’s functions, appointed by full Council under Sections 101 and 102 of the Local Government Act 1972 with delegated powers and membership in proportion to the representation of the individual political groups on the Council.

7.1.3 The decision was set out in a public notice published both on the Council’s website and in a notice in a local newspaper (Get Reading), on 28 February 2013. There was a one-month period of public consultation, until 28 March 2013, during which no comments were received.

7.1.4 The decision was implemented at the Annual Council meeting on 22 May 2013.

7.1.5 No changes were made to full Council, or to the authority’s existing regulatory and non-executive committees, which have continued to be appointed and operate under Sections 101 and 102 of the Local Government Act 1972 (or Section 6 of the Licensing Act 2003). The former Traffic Management Advisory Panel has been reconstituted as a sub-committee of the relevant standing committee, as set out below. The regulatory committees - Licensing Applications and Planning Applications - together with the Audit and Governance, Personnel, and Standards Committees have continued to be set up as committees of full Council, as set out in Article 8.

7.1.6 In addition, a Health and Wellbeing Board has been set up as a committee of full Council under Sections 101 and 102 of the Local Government Act 1972, as required by Section 194(11) of the Health & Social Care Act 2012, as also set out in Article 8.

7.2 Standing Committees

7.2.1 There will be four Standing Committees, as follows:

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| Policy    | - Oversight of strategy, policy and budget  
- Covering all services in the Chief Executive’s Office and Resources Directorate  
- Voluntary sector grants  
- Economic development and regeneration  
- Corporate land, buildings and assets - including where the Council is Trustee  
- Overview of service performance and improvement across all Council services  
- Partnerships: LSP (Community Strategy), LEP, Reading UK CIC, City Deal, Cultural Strategy  
- Decisions cutting across service committee areas  
- Any decision between committee meetings, on an urgency basis |
Constitution of Reading Borough Council – 23 May 2018

### Adult Social Care, Children’s Services & Education

- Sole Member/Owner for Brighter Futures for Children
- Covering personal services of the authority - Adult Care, Children’s Social Care, Education & Commissioning, School Improvement
- Oversight of the RBC Client function for Brighter Futures for Children
- Schools - involvement of Church and School Governor representatives
- Adult Education - New Directions
- Health scrutiny
- Safeguarding responsibilities for children and adults
- Partnerships: Children’s Trust, Post-16 joint arrangement
- Corporate Parent

### Housing, Neighbourhoods & Leisure

- Covering “place” services of the authority - Environment & Consumer Services; Housing; Licensing; Neighbourhoods and Community Services, Community Safety
- Recreation; Arts and Cultural Services
- Green and clean environment - streetcare, parks and sport
- Crime and disorder scrutiny
- Partnerships: Community Safety and NAGs, waste disposal (Re3)

### Strategic Environment, Planning & Transport

- Covering Planning, Highways and Transport services of the authority
- Focus on strategic environment and climate change
- Traffic management
- Flood prevention scrutiny
- Partnerships: RUAP, Berkshire Local Transport Body
- Shareholder for Reading Buses

7.2.2 Committees will be empowered to set up and delegate functions to Sub-Committees, under section 101 and 102 of the Local Government Act 1972. There will be two Sub-Committees, as follows:

<table>
<thead>
<tr>
<th>Sub-Committee</th>
<th>Appointing Committee</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mapledurham Playing Fields Trustees</td>
<td>Policy</td>
<td>To consider and respond to any proposal that may be made by the Education Funding Agency (EFA) as its preferred site for The Heights free school</td>
</tr>
<tr>
<td>Traffic Management</td>
<td>Strategic Environment, Planning &amp; Transport</td>
<td>Traffic Management functions previously covered by the Traffic Management Advisory Panel Also Discretionary Highways Permits Panel</td>
</tr>
</tbody>
</table>

7.3 Frequency of Meetings
7.3.1 In the Municipal Year 2018/19 the Committees will meet as set out in the Council diary for 2018/19.

7.3.2 Committees may call additional meetings where required, subject to compliance with the Access to Information Procedure Rules set out in Part 4 of this Constitution, and the normal quorum for the Committee being present at the meeting, as set out in Standing Order 30.

7.4 Proceedings of Committees

7.4.1 Proceedings of Committees will take place in accordance with the Standing Orders for Council and Committees set out in Part 4 of this Constitution.

7.5 Responsibility for Functions

7.5.1 The Standing Committees may exercise all functions of the Council, except those statutorily reserved to full Council, as set out in Article 4, and these delegated by full Council to the Regulatory and other Committees as set out in Article 8.

7.5.2 Full Council will delegate functions to be exercised by individual Committees. These are set out in the Committees’ terms of reference, below.

7.5.3 All Committees may delegate any of their functions to be exercised by a Sub-Committee of Members, or by a senior officer, under Sections 101(1) and 102 of the Local Government Act 1972. However, this will not prevent the Committee from choosing to exercise the function itself.

7.5.4 In addition to the functions delegated to it by full Council, the Policy Committee may take operational decisions across all functions of the authority where these have been delegated by full Council to other committees, in the following circumstances:

a) in between planned meetings of the committee, to avoid calling an additional meeting of the committee;

b) on grounds of urgency.

7.5.5 The Policy Committee may make joint arrangements for the exercise of any Council function (other than those statutorily reserved to full Council) with other local authorities under Section 101(5) and Section 102 of the Local Government Act 1972.

7.6 Overview and Scrutiny

7.6.1 Under the provisions of Paragraph 9JA of Schedule 2 to the Localism Act 2011, the Council, having adopted a committee system form of governance, has resolved not to appoint any separate overview and scrutiny committee(s). Therefore the call-in function has ended.

7.6.2 The statutory overview and scrutiny functions of the authority will be exercised by each Committee with regard to the services, functions and partnerships covered by the Committee; and by the Policy Committee in respect of overview or scrutiny across Council services covered by more than one Committee.

7.6.3 The statutory external scrutiny functions of the authority to be exercised by the relevant service committees, are as follows:

a) Health: Adult Social Care, Children’s Services & Education
b) Crime and Disorder: Housing, Neighbourhoods and Leisure
c) Flood risk management : Strategic Environment, Planning and Transport

7.6.4 The Council’s overview and scrutiny procedure rules, and Standing Order 25, will continue to apply when committees specify that they are undertaking their overview and scrutiny function; and the facility for each committee to set up and appoint task-and-finish groups will be retained, as set out in Part 4 of the constitution.
7.7 Urgent Items

7.7.1 The Policy Committee may take urgent decisions on all functions of the authority, including on behalf of other Committees, and full Council, subject to the function not being reserved by statute to full Council or another Committee.

7.7.2 An item of business will be urgent if the need for the decision could not have been foreseen at the preceding scheduled meeting of the relevant Committee, Policy Committee or full Council, and to delay taking the decision to the next scheduled meeting of either the relevant Committee or full Council would seriously prejudice either the Council’s or the public’s interests.

7.7.3 In addition to 7.3.2 above, the Policy Committee may call additional meetings to deal with any such urgent items of business, subject to:

a) the meeting being called and the agenda published in line with the Access to Information Procedure Rules in part 4 of this Constitution;

b) the Committee having a quorum of **three** members present, which includes:
   i) the Leader or Deputy Leader
   ii) the Lead Councillor responsible for the function concerned or the Chair of the responsible Committee (if different, and a Policy Committee member)

7.7.4 In exceptional cases, where it is not possible to call an urgent meeting comprising the above, the Head of Paid Service or Monitoring Officer may agree to an additional meeting of Policy Committee being held to determine an urgent item of business to prevent the Council or public interest being seriously prejudiced, with up to three different members of the Policy Committee present.

7.7.5 The facility to call additional meetings of Policy Committee to determine urgent items of business is in addition to the general facility available to all Committees to call additional meetings as set out in para. 7.3.2 above.

7.8 Membership

7.8.1 The Councillor members of each Committee and Sub-Committee shall be appointed for each Municipal Year by the Annual Council Meeting.

7.8.2 Any changes to a political group’s membership of a Committee or Sub-Committee during the Municipal Year, to fill a casual vacancy which has arisen or to address a situation of long-term absence, will be made by the Monitoring Officer under delegated authority given by full Council, on 16 May 2007 (Minute 7 refers), on the recommendation of the relevant Group Leader; and subject to the political proportionality of both the Committee and the authority’s basket of appointments not being affected, and the Monitoring Officer reporting the change to the next meeting both of the (Sub-) Committee and full Council.

7.8.3 The Councillor membership of each Committee and Sub-Committee set up under Sections 101 and 102 of the Local Government Act 1972 will comprise Councillors from all political groups on the Council, in proportion to the group’s strength on the Council, with the exception of the Health & Wellbeing Board (see also Article 8).

7.8.4 Full Council may appoint people who are not Councillors to be co-opted Members of Committees under Section 102(3) of the Local Government Act 1972, subject to these Co-opted Members not having voting rights on the Committee.

7.8.5 The following exceptions will apply to para. 7.8.3 above:

a) The Adult Social Care, Children’s Services & Education Committee will include in its membership the following voting representatives:

   1 Church of England diocese representative (at least 1)
1 Roman Catholic diocese representative (at least 1)
2 parent governor representatives (between 2 and 5)

These representatives, who the Council is required by law to appoint to serve as voting members on bodies dealing with education matters, may only vote on matters determined by the Committee which relate directly to functions which the Council exercises as the local education authority; they may speak but not vote on other matters.

b) The Health & Wellbeing Board will have the voting membership set out in Article 8 to this Constitution.

7.9 Public and Councillor Participation

7.9.1 The Standing Orders for Council and all Committees, and Overview and Scrutiny Procedure Rules, in Part 4 of this Constitution, include the following facilities for the public, and Councillors who are not Committee members, to participate in Committee meetings:

- Public right to present petitions to Council and committees (SO8)
- Public and Councillor right to ask questions at Council and committee meetings (SO9)
- Councillor right to attend a committee meeting where not a member and make a statement on an agenda item (with notice) (SO32)
- Facility for committee members to request relevant items on committee agendas; and for Group Leaders to request items on any relevant committee agenda (SO36A)
- Public ability to speak on individual agenda items at committee meetings (with notice and at Chair’s discretion) (SO36B)
- Facility for local people and stakeholders to be invited to attend and speak on relevant items (SO36B)

7.10 Advisory and Consultative Bodies, and Partnerships

7.10.1 For the Municipal Year 2018/19, the Council has set up, or appointed Councillors to represent it on, a number of advisory bodies and Partnerships which are set out in Article 10.

7.10.2 These bodies have been ascribed by full Council to a relevant Committee, and will submit their Minutes to that Committee. Partnerships and Advisory / Consultative Panels may agree to make recommendations to any relevant committee and in such cases the Committee will offer them the facility to attend the Committee meeting and to speak to the agenda item when the recommendation is discussed by the Committee.

7.11 Leader, Deputy Leader and Lead Councillors

7.11.1 The Annual Council Meeting will make appointments to these offices, and determine their portfolios, for each Municipal Year, when it establishes the committee system for the authority.

7.11.2 The role and operation of these offices are set out in Article 6.

7.11.3 The Lead Councillor portfolios for the current Municipal Year are set out in Part 4 of this Constitution.
7.12 Terms of Reference of Standing Committees and Sub-Committees

1. POLICY COMMITTEE

(1) To make recommendations as appropriate on matters reserved to full Council for decision, including constitutional matters and the authority’s budget and overall strategic direction;

(2) To set the policy framework for those functions for which the Committee is responsible, and for functions which cut across more than one committee area;

(3) To be responsible for the authority’s corporate assets and resources, in particular the financial, human, land and property, and information assets and resources;

(4) To ensure the corporate management of the Council, and the efficient and cost-effective delivery of its services to the public;

(5) To be responsible for decision-making for the following functions and services:

- Appointments to outside bodies
- Business and financial planning
- Civic Buildings
  - Civic Centre
  - Town Hall
  - Bennet Road sites
  - The Avenue
- Compulsory Purchase Orders
- Communication
- Council Tax, NNDR, Revenues and Benefits - assessment, entitlement, income and recovery
- Councillor Services
- Customer Services
- Economic Development and Regeneration - including town centre management
- Electoral Services
- Emergency Planning and Business Continuity
- Equalities
- Finance
- Grants to Voluntary Bodies
- Health and Safety (internal)
- Information and Communication Technology (ICT)
- Land, Property and Asset Management - acquisition, utilisation, facility management and disposal
- Legal and Democratic Services
- Local Ombudsman Investigations
- Markets
- Open Services and Procurement
- Performance Management and Service Improvement
- Public Health
- Voluntary sector - support and promotion

(6) To act as Trustee for the Council in respect of the charities:

- Mapledurham Playing Fields
- Albert Road Recreation Ground
- Blagrave Recreation Ground
- Cintra Playing Fields
- Grove Road Allotments (Poor’s Allotments)
- King George V Gardens (Eldon Square)
- Robert Hewitt Recreation Ground
- Sol Joel Playing Fields
- Victoria Recreation Ground
(7) To promote health care, health improvement, and the reduction of health inequalities for local people

(8) To be responsible for the following joint arrangements and partnership areas:
   - Berkshire Coroner
   - Berkshire Record Office
   - Economic and Regional Development
     - Local Enterprise Partnership
     - Reading CIC UK
     - Reading and Berkshire City Deal
   - Local Strategic Partnership and Community Strategy
   - Reading Compact (Voluntary Sector)

(9) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible, and for functions which cut across more than one committee area;

(10) To exercise Powers for Community Call for Action, Petitions, and scrutiny of other Public Service Providers, as set out in the Local Government and Public Involvement in Health Act 2007. (see also Adult, Social Care, Children’s Services & Education Committee below re: Health Scrutiny functions).

(11) To be responsible for decision-making on matters which cut across the delegation of functions to Committees;

(12) To take decisions about any ongoing projects associated with the rationalisation of the Council’s office and depot accommodation, the provision of improved office space and accommodation at Council buildings, the demolition of the former Civic Offices and the Masterplan for developing the former Civic Centre site area.

(13) To act as the shareholder to the Council’s wholly-owned Housing Company: “Homes for Reading Limited”.

(14) To act as the sole member/owner for the Council’s wholly-owned Children’s Company: “Brighter Futures for Children Limited”.

(15) To take decisions on operational matters in functions which have been delegated to another Committee but where a decision is required out of that Committee’s normal cycle of meetings; or where a decision is required as a matter of urgency (as set out in para. 7.7 above).

1.1 Personnel Committee

A separate Personnel Committee has been set up under Sections 101 and 102 of the Local Government Act 1972, to be responsible for functions exercised under Section 112 of the Local Government Act 1972 concerning the appointment and dismissal of staff, and the terms and conditions on which they hold office. See Article 8.

1.2 The Mapledurham Playing Fields Trustees Sub-Committee

That a Mapledurham Playing Fields Trustees Sub-Committee be set up under Section 101 of the Local Government Act 1972, with the following delegated powers in respect of any proposal that may be made by the Education Funding Agency (EFA) as its preferred site for The Heights free school on land owned by the Council in west Caversham:

(a) If the EFA recommend Mapledurham Playing Fields:
   i) To exercise the function of the authority as Trustee of the Mapledurham Playing Fields, and to oversee and promote the objectives of the charitable trust, ie the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the
Borough of Reading without distinction of political, religious or other opinions;

ii) To consider and respond, as trustee, to any proposal made by the EFA, or any other body including the authority, which might touch upon the objectives of the charitable trust in relation to this matter;

(b) If the EFA recommend Albert Road Playing Fields:

i) To exercise the function of the authority as Trustee of Albert Road Playing Fields, and to oversee and promote the objectives of the charitable trust, ie to provide a public ground for the Borough of Reading for the purposes of the Recreation Grounds Act 1959;

ii) To consider and respond, as trustee, to any proposal made by the EFA, or any other body including the authority, which might touch upon the objectives of the charitable trust in relation to this matter;

(c) If the EFA recommend the Council’s land at Shipnell’s Farm, Bugs Bottom:

To represent the Council’s interest as landowner in the land which by the covenant is expressly held as public open space; and in this respect to consider and respond to any proposal made by the EFA, or any other body, including the authority, which might touch upon the covenant in relation to this matter.

2. **ADULT SOCIAL CARE, CHILDREN’S SERVICES & EDUCATION COMMITTEE**

(1) To be the authority’s Education and Social Services Committee.

(2) To be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:

a) Adult Social Care
   - Support or health services to vulnerable adults provided by the local authority
   - Assessment of need, and commissioning services (including joint commissioning) for:
     - vulnerable adults
     - older people
     - People with mental health problems
     - People with learning disabilities
     - People with physical disabilities
   - Carers’ support
   - Charging for social care and support services
   - Safeguarding adults

b) Children’s Services
   - Adoption
   - Children’s public health - health visiting and school nursing
   - Corporate Parenting

c) Education
   - Maintenance and development of maintained school buildings, and new school building
   - School Finance, including Dedicated Schools Grant
   - Adult education and lifelong learning - New Directions
   - Home-to-school transport

d) Health
   - The Health Scrutiny function (see below), except scrutiny of “Quality Accounts” from Acute sector which is delegated to the Health and Wellbeing Board
(3) To be responsible for oversight of the Reading Borough Council client function of the service delivery contract with Brighter Futures for Children for the delivery of the Council’s children’s social care, early years and education services covered by the contract, and the governance of the children’s company:

   a) Children’s Services
      - Support services to children provided by the local authority
      - Fostering
      - Behavioural support
      - Child protection
      - Children missing education
      - Day nurseries and nursery education
      - Early Years services - including Children’s Centres
      - Educational psychology
      - Family support services
      - Learning disabilities and mental health services for children
      - Looked-after children and care leavers
      - Play service
      - Safeguarding children
      - Special Educational Needs (SEN services)
      - Teenage pregnancy and support
      - Young carers
      - Young people not in education, employment or training (NEETs)
      - Youth offending
      - Youth services

   b) Education
      - Primary and secondary education
      - Careers development - and post-16 planning
      - Commissioning education services
      - Governor support
      - School admissions and planning for places
      - School attendance
      - School improvement
      - School services - including catering

(4) To be responsible for the following joint arrangements and partnerships in which the authority is involved:
    - Academies, free schools and other educational providers
    - Children’s Trust
    - Berkshire Post-16 Partnership

(5) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.

(6) To undertake the health scrutiny functions of the local authority under Section 244 of the National Health Services Act 2006 as amended by Sections 190 and 191 of the Health & Social Care Act 2012.

(7) To provide a corporate framework for the scrutiny of Children’s Services as set out in the Children Act 2004 and to ensure effective accountability for providing a focus on the needs of children across all services of the Council, and the integration of all public services provided to children by the Council, health and other partners.

3. **HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE**

(1) To be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:

   a) Housing
• Empty Homes
• Environmental health - domiciliary
• Housing advice
• Housing and estate management
• Housing provision and allocation - directly or with Housing Associations
• Housing Revenue Account - and rents assessment, income and recovery
• Homelessness
• Licensing and regulation of private sector housing
• Private sector services, standards and improvement
• Rent Officer
• Tenant services - including Right to Buy and sale of Council dwellings

b) Neighbourhoods
• Environmental and public protection
  • Animal health and welfare
  • Cemeteries and crematorium
  • Consumer Advice
  • Dog warden service
  • Environmental education and health promotion
  • Environmental Health - commercial
  • Food health and hygiene
  • Health & safety at work
  • Noise regulation
  • Registration (births, marriages, deaths)
  • Smoke-free premises and smoking cessation
  • Street trading
  • Trading Standards
  • Environmental maintenance and cleansing
    • Your Reading (cleaner)
    • Grounds maintenance of all Council land - including housing and parks
    • Public conveniences
    • Recycling and refuse collection (operational matters)
    • Street sweeping and cleansing
    • Woodlands
  • Community Safety
    • Your Reading (safer)
    • Anti-social behaviour and crime & disorder reduction
    • Drugs and Alcohol Action Team (DAAT)
    • Domestic violence and abuse
    • Traveller Services
    • Youth justice
  • Community Capacity Development
    • Community development
    • Community halls and facilities
    • Community relations
    • Social inclusion
    • Thriving Neighbourhoods


c) Recreation
• Your Reading (greener)
• Allotments
• Common land and woodland
• Parks and children’s play areas
• Promotion, events, festivals and tourism
• Sports development

d) Arts and Cultural Services, including:
• Archive and Modern Records
• Historic buildings and monuments
• Libraries
• Museum and Art Gallery
(2) To be responsible for the following joint arrangements and partnerships in which the authority is involved:
   - Thames Valley Police Authority and Police & Crime Panel
   - Berkshire Fire & Rescue
   - Community Safety Partnership and Neighbourhood Forums

(3) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.

(4) To undertake the crime and disorder scrutiny functions of the local authority under Section 19 of the Police & Justice Act 2006; and in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, to act as the crime and disorder committee of the Council, and to exercise the following functions:

   (i) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;

   (ii) to make reports or recommendations to the local authority with respect to the discharge of those functions.

   (iii) to make reports or recommendations to a responsible authority or to a co-operating person or body on a crime and disorder matter and consider responses to its reports and recommendations within 1 month of receipt or as soon as possible thereafter;

   (iv) to meet at least twice in each Municipal Year;

   (v) the Crime and Disorder Committee may also require any officer of a responsible authority or of a co-operating person or body to attend to answer questions.

3.1 Licensing Applications Committee

A separate Licensing Applications Committee has been set up under Section 6 of the Licensing Act 2003. See Article 8.

4. STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE

(1) To be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:

   a) Strategic Environment matters, including:
      - Agenda 21 and biodiversity
      - Air quality, noise and radiation
      - Contaminated land
      - Flood prevention
      - Recycling and waste disposal (not operational matters - see HNL)
      - Woodlands Plan

   b) Planning
      - Building Control
      - Planning Policy
      - Planning Enforcement

   c) Highways & Transport
      - Car Parking (including disabled parking)
      - Cycling
- Concessionary Fares
- Disabled transport - including Readibus
- Flood prevention
- Footpaths, bridleways and public rights of way
- Hackney Carriage ranks
- Highways and bridges
- Private street works
- Public transport
- Reservoirs
- Street lighting, street furniture, and bus shelters
- Taxi ranks
- Traffic management and road safety
- Transport planning

(2) To be responsible for the following joint arrangements and partnerships in which the authority is involved:
  - Climate Change Partnership
  - Local Sustainable Transport Fund Cross-Boundary Councillor Steering Group
  - Berkshire Local Transport Body
  - Waste Disposal (Re3)

(3) To act as shareholder in Reading Transport Limited

(4) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible

(5) To review and scrutinise the exercise of flood risk management functions by the lead local authority under Section 9FH of the Local Government Act 2000 (as amended by Schedule 2 to the Localism Act 2011)

4.1 Planning Applications Committee

A separate Planning Applications Committee has been set up under Sections 101 and 102 of the Local Government Act 1972, to be responsible for all functions relating to town and country planning and development control specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and other functions indicated in the table in Part 3 of the Constitution. See Article 8.

4.2 Traffic Management Sub-Committee

(1) To act as a greater Reading consultative body to promote public transport, cycling and walking within Reading;

(2) To consult with operators of public transport services, cyclists, pedestrians, and users of public transport in Reading, on matters affecting transportation in the Reading area;

(3) To receive and hear petitions about, and to determine, transport and traffic management schemes which affect the public highway and may require a regulatory process for which the Council as Transport Authority for the area is responsible, in the following areas:
  - Traffic and Transport Schemes such as Local Area Enhancements;
  - Road Safety Schemes;
  - Traffic Management Schemes such as signalised junctions;
  - Safer Routes to School Schemes;
  - Traffic Management elements of Section 106 Agreements;
  - Traffic Regulation Orders;
  - Residents’ Parking Schemes;
  - Enforcement of Traffic Regulation Orders
  - On-street and off-street Car Parking.
(4) To consider and make representations to Committee on transport schemes requiring changes to the public highway resulting from the development of the Reading Transport Strategy, emerging either through the Local Transport Plan process, Local Sustainable Transport Fund Cross-Boundary Councillor Steering Group, or from area or specific consultation exercises;

(5) To review proposals referred by the Planning Applications Committee to resolve a transport impact generated by a proposed development and, where appropriate, to make recommendations for actions affecting the public highway to be included in such development to either the Planning Applications Committee or another Committee, as appropriate;

(6) To receive the Minutes of the Cycle Forum.

(7) To act as the Discretionary Highway Permits Panel, in respect of appeals concerning discretionary parking permits, and the use of the highway under Section 115E of the Highways Act 1980. See Article 8.
Article 8 - Regulatory and Other Committees

8.1 Legal Status

8.1.1 In addition to the Standing Committees and Sub-Committees set out in Article 7, for the Municipal Year 2018/19, the Council will appoint the regulatory and other committees and sub-committees set out below, to exercise the powers and duties as set out in 8.2 below.

8.1.2 The Council will also appoint an Appeals Panel and other bodies to hear appeals in individual cases, some of which may not involve Councillors.

8.1.3 The Committees and Sub-Committees in this Article are set up under Sections 101 and 102 of the Local Government Act 1972, or Sections 6 and 9 of the Licensing Act 2003.

8.1.4 For the purposes of Sections 15-18 of the Local Government & Housing Act 1989 (political balance on committees), the duty to allocate seats to political groups in proportion to their membership of the Council will apply to all of the bodies listed below, with the following exceptions:

- Licensing Applications Sub-Committees 1 and 2 (set up under Section 9 of the Licensing Act 2003)
- Health & Wellbeing Board (application of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013)
- Appeals Panel (unless meeting not as part of a statutory appeals process)
- Secure Accommodation Panel

8.1.5 Paragraphs 7.3 to 7.9 of Article 7 will apply generally to all of the bodies listed below, unless alternative arrangements are specified in this Article or in the Standing Orders for Council and Committees set out in Part 4 of this Constitution. These paragraphs concern:

7.3 Frequency of Meetings
7.4 Proceedings of Committees
7.5 Responsibility for Functions
7.6 Overview and Scrutiny
7.7 Urgent Items of business
7.8 Membership
7.9 Public and Councillor Participation

8.2 Terms of Reference of Committees and Sub-Committees

1. LICENSING APPLICATIONS COMMITTEE

1.1 This is the Council’s licensing committee under Section 6 of the Licensing Act 2003, to discharge the licensing functions in that Act.

1.2 It is also set up under Sections 101 and 102 of the Local Government Act 1972 to exercise those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of this Committee.

1.3 Under Section 6(1) of the Licensing Act 2003, the Committee must have at least 10, but no more than 15, members.

1.4 Its powers and duties are as follows:

(1) To exercise any function of a licensing authority under the Licensing Act 2003 and any regulations or orders made under that Act.
(2) To determine matters in relation to, and to discharge licensing responsibilities under Sections 7 - 8 of the Licensing Act 2003 (see under Sub-Committees 1-2).

(3) To exercise those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of this Committee, in accordance with the policies of the Council from time to time (see under Sub-Committee 3).

(4) To determine matters in relation to the following:
   - Gambling Act 2005
   - Health Act 2006 (smoke-free premises)

(5) To approve and monitor the policies of the Council relating to all the above licensing functions and recommend to the Council changes to those policies where the Committee considers it appropriate to do so or where it is prescribed by law as a matter reserved to full Council to determine.

(6) To promote equal opportunities, sustainability and community safety in relation to the provision of the committee’s services.

(7) To determine appeals against a decision taken under delegated powers, to refuse an application for approval of premises, or to revoke any approval granted under the Marriage Act 1994.

1.5 Licensing Applications Sub-Committees 1 and 2

These Sub-Committees are set up by the Committee under Section 9 of the Licensing Act 2003. They must consist of three members of the Licensing Applications Committee.

(1) To discharge any function under the Licensing Act 2003 and any regulations or orders made under that Act, including:
   - Application for personal licence if a relevant representation is made;
   - Any application for a personal licence or its revocation where the applicant has unspent convictions;
   - Application for premises licence/club premises certificate if a relevant representation is made;
   - Applications to vary designated premises supervisor where a Police representation is received;
   - Application for provisional statement if a relevant representation is made;
   - Application to vary premises licence/club premises certificate if a relevant representation is made;
   - Applications for transfer of premises licence where a Police representation is received;
   - Applications for Interim Authorities where a Police representation is received;
   - Any application to review premises licence/club premises certificate;
   - Determination of a Police representation to a temporary event notice;
   - Decision to object when Local Authority is a consultee and not the lead authority.

(2) To determine an application made in respect of the Gambling Act 2005 where a relevant representation has been made and undertake a review of a licence where the licensing authority has granted an application for a review under s.199 of the Act or has given notice under s.200 of its intention to review the application.

(3) To determine applications made in respect of the Gambling Act 2005 for club gaming permits and club machine permits, which the Head of Environment and Consumer Services was minded to refuse.
1.6 Licensing Applications Sub-Committee 3

This Sub-Committee is set up by the Committee under Section 101(1) of the Local Government Act 1972.

(1) To be responsible for those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of the Licensing Applications Committee, in accordance with the policies of the Council from time to time, including:

- Caravan Sites/ Mobile Home
- Sex Establishments and Sexual Entertainment Venues
- Hackney Carriage Licences (including Vehicle and Drivers Licences)
- Private Hire (including Vehicle, Drivers and Operators Licences and School Transport Drivers’ Licences)
- Scrap Metal Dealers or Motor Salvage Operator
- Street Trading
- Approval of recreation and refreshment facilities under Part VIIA of the Highways Act 1980
- Safety at Sports Grounds
- Functions relating to smoke-free premises (see also Housing, Neighbourhoods and Leisure Committee)

(2) To approve and monitor the policies of the Council relating to all the above licensing functions and recommend to the Council or Licensing Applications Committee changes to those policies where the Sub-Committee considers it appropriate to do so or where it is prescribed by law as a matter reserved to full Council to determine.

(3) To promote equal opportunities, sustainability and community safety in relation to the provision of the committee’s services.

(4) To determine appeals against a decision taken under delegated powers, to refuse an application for approval of premises, or to revoke any approval which has been granted under the Marriage Act 1994.

2. PLANNING APPLICATIONS COMMITTEE

2.1 This is set up under Sections 101 and 102 of the Local Government Act 1972, to be responsible for all functions relating to town and country planning and development control specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and other functions indicated in the table in Part 3 of the Constitution, including:

- development control
- advertisement control
- building control
- conservation matters
- tree preservation orders
- listed buildings
- enforcement
- removal of permitted development rights
- “hybrid” applications or notifications
- street naming
- public rights of way
- control of scaffolding and hoarding
3. **AUDIT AND GOVERNANCE COMMITTEE**

3.1 This is set up under Sections 101 and 102 of the Local Government Act 1972. It is the Council’s audit committee as recommended by the Audit Commission and CIPFA.

**Audit Activity**

1. To approve (but not direct) Internal Audit’s strategy, plan and monitor performance.

2. To review summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary.

3. To seek assurances that action is being taken on risk related issues identified by auditors and inspectors.

4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale and agree actions as appropriate; and to require Directors and/or heads of service to attend for the consideration of specific reports.

5. To approve the Chief Auditor’s annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements.

6. To consider the findings of the review of effectiveness of the systems of internal audit.

7. To consider the external auditor’s annual letter, relevant reports, and the report to those charged with governance.

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

9. To comment on the scope and depth of external audit work, to ensure it gives value for money and to make recommendations as appropriate.

10. To commission work from internal and external audit, subject to budget provision being available.

11. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

**Regulatory Framework**

12. To maintain an overview of the Constitution in respect of contract procedure rules and financial regulations and to make recommendations to Council as appropriate.

13. To complement the work of the Standards Committee in relation to its role in promoting high ethical standards and ensuring adherence to the Code of Conduct for Members and Officers, making recommendations to and receiving recommendations from it as appropriate.

14. To review any issue referred to it by the Council, Director and Chief Executive or Service Managers.

15. To provide an independent assurance of the adequacy of the Risk Management Strategy and the associated control environment. In particular

i) To receive the annual review of internal controls and be satisfied that the Annual Governance Statement properly reflects the risk environment and any actions required to improve it;
(16) To have the knowledge and skills requisite to their role with regard to risk management and to undertake awareness training in respect of Risk Management as and when specific training needs are identified.

(17) To monitor Council policies on whistle blowing and the anti-fraud and anticorruption strategy and the Council’s complaints process.

(18) To oversee the production of the Authority’s Annual Governance Statement and to recommend its adoption.

(19) To consider the Council’s arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.

(20) To consider the Council’s compliance with its own and other published standards and controls and to make recommendations as appropriate.

**Accounts**

(21) To approve 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.

(22) To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.

(23) To review the financial statements, external auditor’s opinion and reports to members, and monitor management action in response to the issues raised by external audit.

(24) To agree the Treasury Management Strategy and Policies prior to recommendations being made to Council.

(25) To monitor treasury management decisions to ensure compliance with the approved Treasury Management Strategy.

**Training**

(26) To identify training opportunities for Audit and Governance Committee Members and all Members of the Council in corporate governance issues and to make recommendations as appropriate.

**Governance**

(27) To oversee corporate governance across the Council.

(28) To review and take decisions on functions listed in Schedules 1, 2 and 3 of the Local Authorities (Functions and Responsibilities) Regulations which are not the responsibility of the Council’s executive, and which can be delegated by full Council to be exercised by a Committee.

(29) To make recommendations to the Council on:

(i) the process for appointing the external auditors and in particular whether to opt-in to auditor appointment by the specified person; and

(ii) the appointment of the external auditors.
4. HEALTH AND WELLBEING BOARD

4.1 This is set up under Section 194 of the Health & Social Care Act 2012. Under Section 194(11), the Board must be treated as a committee appointed by the authority under Section 102 of the Local Government Act 1972.

(1) To discharge the functions of the Health & Wellbeing Boards as set out in Sections 195-196 of the 2012 Act, ie:

- Duty to encourage integrated working in health and social care under the National Health Service Act 2006
- Power to encourage closer working in relation to wider determinants of health
- Power to give its opinion to the authority on whether the authority is discharging its duty to have regard to the Joint Strategic Needs Assessment and Joint Health & Wellbeing Strategy for its area
- Duty to provide an opinion - to its partner clinical commissioning groups CCGs and/or the NHS Commissioning Board - about whether the local commissioning plans have taken proper regard of the Joint Health & Wellbeing Strategy

(2) To discharge any other health functions delegated to it by the authority.

(3) To ensure that the authority meets its duties as a relevant authority, under Section 116 of the Local Government & Public Involvement in Health Act 2007 (“the 2007 Act”), as amended by Sections 192 and 193 of the Health & Social Care Act 2012:

(a) to prepare, with its partner CCGs, and publish a Joint Strategic Needs Assessment for the area, involving the local Healthwatch and local people living or working in the area;

(b) to prepare, with its partner CCGs, and publish a Joint Health & Wellbeing Strategy to meet the health needs of the area included in the Joint Strategic Needs assessment, relating to the exercise of public health functions by the authority, the NHS Commissioning Board or the CCGs, involving the local Healthwatch and local people living or working in the area;

(c) to ensure that the local authority, and its partner CCGs, have regard to these documents.

(4) To promote health care, health improvement and the reduction of health inequalities for all local people, including children and vulnerable adults, and to exercise the following statutory duties on behalf of the authority:

(a) To improve the health of people in its area under Section 28 of the National Health Service Act 2006, including:

- any public health functions of the Secretary of State which s/he requires local authorities to discharge on his/her behalf
- dental health functions of the Council
- the duty to co-operate with the prison service to secure and maintain the health of prisoners
- the Council’s duties set out in Schedule 1 of the National Health Service Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services
- arrangements for assessing the risks posed by violent and sexual offenders

(b) To improve public health under Sections 2B and 111 of the National Health Act 2006 (as amended by Section 12 of the Health & Social Care Act 2012), including:

(i) under Section 2B(3):
  - Providing information and advice
- Providing services or facilities designed to promote healthy living (including helping individuals address behaviour that is detrimental to health or in any other way)
- Providing services for the prevention, diagnosis or treatment of illness
- Providing financial incentives to encourage individuals to adopt healthier lifestyles
- Providing assistance (including financial) to help individuals minimise any risks to health arising from their accommodation or environment
- Providing or participating in the provision of training for persons working or seeking to work in the field of health improvement
- Making available the services of any person or any facilities

(ii) Under Section 2B(4), providing grants or loans on such terms as the local authority considers appropriate.

(iii) Under Section 111 and Schedule 1:
- Dental public health (S111)
- Medical inspection of pupils (Paras 1-7B)
- Research for any purpose connected with the exercise of the authority’s health functions (Para 13)

(5) To discharge health and social care functions identified by the Government and/or the National Health Service for exercise by the Board, including the integration of health and social care functions within Reading;

(6) To approve and publish a Pharmaceutical Needs Assessment for Reading;

(7) To oversee and implement the following joint arrangement and partnerships in which the authority is involved:
  - Berkshire Public Health Joint Arrangement
  - Berkshire Public Health Joint Advisory Board

(8) To make representations to the Adult Social Care, Children’s Services and Education Committee as the authority’s health scrutiny committee;

(9) To scrutinise Quality Accounts on behalf of Adult Social Care, Children’s Services and Education Committee.

4.2 Membership

The Council may co-opt additional persons or representatives to be members of the Board as it thinks appropriate, either as voting or non-voting Members, subject to the Council consulting beforehand with the Board.

The membership of the Board, under Section194(2) of the Health & Social Care Act 2012, is as follows:

- 4 Councillors - ie the Leader of the Council, and the Lead Councillors for Health, Wellbeing & Sport, Adult Social Care and Children (the Act requires at least 1 Councillor to be on the Board)
- The Director of Adult Social Care & Health *
- The Director of Children, Education & Early Help Services *
- Director of Public Health for the Local Authority or his/her representative *
- Two representatives from the Berkshire West Clinical Commissioning Group (CCG) (the Act requires a representative of each relevant CCG)
- A representative from the Local Healthwatch organisation

(* the Members asterisked will not have voting rights, as explained below)

4.3 Voting rights
Under the provision of Regulations 6 and 7 of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013, the Council, following consultation with the shadow Health & Wellbeing Board, has decided as follows:

- To disapply the duty to allocate seats to political groups under Sections 15 and 16 of the Local Government & Housing Act 1989
- To treat the following as non-voting members of the Board:
  - The Director of Adult Care & Health Services (or her representative)
  - The Director of Children, Education & Early Help Services (or his representative)
  - The Director of Public Health (or her representative)

The voting membership of the Board must be named by the body they are representing. It will therefore be as follows:

- 4 Councillors by relevant office, ie the Leader of the Council, and the Lead Councillors for Health, Wellbeing & Sport, Adult Social Care, and Children
- 1 named Local Healthwatch representative
- 2 named local CCG representatives

The bodies appointing voting Members to the Board may, in addition, appoint named substitute Members who may attend as voting Members in the place of their named Member.

Voting Members will be subject to the Council’s local Member Code of Conduct, and will be required, under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to register with the Monitoring Officer, and to declare at meetings, any disclosable pecuniary interest that both they and/or their spouse/partner has in the business of the Board.

4.4 **Co-opted Members**

The following will be co-opted as non-voting additional members:

- The Chief Executive of Reading Borough Council (or his/her representative)
- A representative from Reading Voluntary Action
- A representative from Thames Valley Police’s Reading Local Police Area

4.5 **Observers**

The following observers may attend and participate but not vote at Board meetings:

Chair - Local Safeguarding Adults Board
Chair - Local Safeguarding Children Board

One relevant shadow Lead Councillor for each opposition group on the Council (up to three in total).

A named representative of NHS England will join the Board to help in the preparation of the Joint Strategic Needs Assessment or Joint Health and Well-being Strategy.

5. **PERSONNEL COMMITTEE**

5.1 This is set up under Sections 101 and 102 of the Local Government Act 1972 to be responsible for the following functions:

(1) Subject to Officer Employment Procedure Rules set out in the constitution:

   a) to arrange for the appointment of the Council’s Head of Paid Service, and make recommendations to Council in this respect
(2) To take any decisions affecting the remuneration, terms and conditions of service of the Head of Paid Service;

(3) To undertake performance appraisals of the Head of Paid Service and Corporate Directors; and to set annual targets against which performance can be measured.

(4) To discharge the Council’s functions under Section 112 of the Local Government Act 1972, including:

   (a) determining the terms and conditions on which staff hold office;

   (b) approving matters referred to it by the Local Joint Forum; and resolving matters where it has not been possible to secure agreement at the Local Joint Forum;

   (c) advising the Council and Committees on:

      (i) the requirements for, and the availability of, human resources necessary for the fulfilment of the Council’s policies;

      (ii) the promotion of good employee relations in the Council;

      (iii) matters of general employment and personnel concern to the Council,

      (iv) the promotion equal opportunities for all employees of the Council, and in the Council’s recruitment and selection procedures, and to monitor the effectiveness of such measures;

(5) To discharge the Council’s functions relating to pensions;

(6) To determine the level of compensation to be paid in individual cases of voluntary redundancy and early retirement and other personnel matters where appropriate.

(7) To decide on claims for injury allowance made under the Local Government Superannuation (Amendment) (No. 2) Regulations 1982, where the claim and recommendation for consideration are agreed between both management and trades unions.

(8) Where appropriate, to convene an Investigatory Committee to examine matters relating to the conduct or capability of Corporate Directors and Heads of Service.

(9) To review and set the level of fees for the Kennet Day Nursery.
MEETING AS AN APPEALS PANEL UNDER THE COUNCIL’S DISCIPLINARY OR GRIEVANCE PROCEDURES, in accordance with the Officer Employment Procedure Rules as set out in Part 4 of the Council’s Constitution “Rules of Procedure”

(10) To consider and determine appeals by employees concerning any matter of grievance or discipline, in respect of which employees have a right of appeal to the Panel, by virtue of any locally or nationally agreed procedure.

(11) To consider and determine appeals by employees employed under the terms and conditions of service of the JNC for chief officers, concerning any matter of discipline or capability considered by an Investigating Committee established under the terms of Section III of the JNC conditions of service, and for which there is a right of appeal under Section III.

(12) To consider and decide upon claims for injury allowance made under the Local Government Superannuation (Amendment) (No. 2) Regulations 1982, in cases where there is not agreement between management and trades unions.

NB - Meetings of the Panel at the appeals stage of the Council’s disciplinary or Grievance Procedures are held under the Council’s own agreed procedures and are not subject to the provisions of the Access to Information Act 1985.

MEETING AS AN APPOINTMENTS PANEL, in accordance with the Officer Employment Procedure Rules as set out Part 4 of the Council’s Constitution “Rules of Procedure”

(13) Where the Council appoints a Personnel (Appointments) Committee or a Sub-Committee to carry out the function of appointing any officer to the positions referred to in paragraph 2.2 of the Officer Employment Procedure Rules, the membership of the Committee or Sub-Committee shall consist of members nominated by the Group Leaders from the political groups represented on the Personnel Committee and should include the Leader and/or at least one Lead Councillor.

6. STANDARDS COMMITTEE

6.1 This is set up under Sections 101 and 102 of the Local Government Act 1972. Its terms of reference and Standing Orders are set out in Article 9.

7. APPEALS BODIES

7.1 Appeals Panel

To provide a pool of trained Councillors to hear individual appeals and complaints, either as part of a statutory complaints process or as part of the Council’s own policies and procedures in respect of the areas set out below, on the following bases:

a) Where the meeting is part of a statutory process, the Panel will have a quasi-judicial role.

b) Where the meeting is not part of a statutory process, the Panel will meet as a Committee of Council.

c) the Panel will provide Councillors:

(i) to hear individual complaints which reach the third stage of the Council’s curriculum complaints process;

(ii) to hear appeals against the removal of Early Years Providers from the Council’s Directory of Providers.

7.2 Discretionary Highway Permits Panel
This is exercised by the Traffic Management Sub-Committee of the Strategic Environment, Planning and Transport Committee: See also Article 7.

(1) To consider and determine appeals against decisions made by the Head of Highways & Transport to refuse discretionary parking permits, and with the right, in exceptional circumstances, to overturn decisions and grant permits.

(2) To review decisions to refuse applications for the grant of permission for use of the highway under Section 115E of the Highways Act 1980.

7.3 Secure Accommodation Panel

In accordance with the Children Act 1989, to review the position of each young person placed in secure accommodation, within 28 days of the initial placement being made, and quarterly thereafter.

7.4 Social Services Complaints Review Panel

In accordance with the National Health Service and Community Care Act 1990 and Children Act 1989, to hear individual complaints which reach the third stage of the Council’s Social Services Complaints process.

Councillors may not serve on the Social Services Complaints Review Panel.

7.6 Education Appeals and Review Panels

To hear and determine:

(1) School admission appeals

(2) Individual reviews of decisions of the School’s Governing Body to uphold the Head Teacher’s decision to exclude pupils permanently from Academies, LEA maintained, voluntary-controlled, and maintained special schools.

Councillors may not serve on Education Appeal and Review Panels.
Article 9 - The Standards Committee

LOCAL STANDARDS COMMITTEE - TERMS OF REFERENCE AND STANDING ORDERS

9.1 Standards Committee

9.1.1 The Localism Act requires local authorities to adopt arrangements to deal with allegations that Members have not complied with their local code of conduct. It also allows local authorities to make Standing Orders relating to aspects of the standards process (see Section 31(10)).

9.1.2 As an integral part of these arrangements, the Council has established a Standards Committee, under the provisions of Section 102(1) of the Local Government Act 1972.

9.1.2 The Standards Committee may establish sub-committees under the same provisions.

9.2 Composition

(a) Political Balance

9.2.1 The Councillor membership of the Standards Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

(b) Membership

9.2.2 The Standards Committee will be composed of:

- Councillors, subject to each registered political group on the Council having an entitlement to at least one seat;
- At least one, and no more than three, co-opted Independent Member(s) (persons who are not a Councillor or an officer of the Council or who are not disqualified from being a Member of a Committee of the Council under Section 104 of the Local Government Act 1972
- each political group may nominate named substitute members and those Councillors may attend in the place of appointed Councillors provided that they have received training similar to that received by members of the Committee
- the Leader may not be a member of the Standards Committee

(c) Independent Member(s)

9.2.3 The Independent Member(s) will be co-opted as Members of the Committee appointed under Section 102(4) of the Local Government Act 1972.

(d) Chairing the Committee

9.2.4 The Council will appoint a Member of the Committee to be its Chair.

(e) Quorum

9.2.5 The quorum of the Standards Committee shall be three Members, subject to Councillors from more than one political group being present.

9.2.6 The quorum of any sub-committee of the Committee shall be three members.

(e) Voting

9.2.7 Decisions by the Standards Committee shall be reached by a simple majority vote.
9.2.8 Any two Members of the Committee present at the meeting where a decision is taken shall be able to require any matter considered by the Committee to be referred for investigation to the Council’s Chief Auditor or the Council’s External Auditors.

(f) Calling of Meetings

9.2.9 Meetings of the Standards Committee may be called by:

- the Head of Paid Service, or
- the Monitoring Officer, or
- the Leader of the Council, or
- the Leader of any registered political Group on the Council, or
- the Chair of the Standards Committee, or
- a petition signed by at least one fifth of the Councillors serving on the Council (ie ten Councillors)

9.2.10 The meeting will be held in public, under the access to information provisions of Section 100(A) of the Local Government Act 1972. The press and public may be excluded from meetings only where confidential or exempt information is being considered, as defined in the Council’s Access to Information Procedure Rules (in part 4 of the Constitution), and subject to the passage of the necessary resolution.

9.3 Role and Function

9.3.1 The general terms of reference of the Standards Committee are to be:

1. To advise and support the authority in meeting its statutory duty of promoting and maintaining high standards of conduct by Councillors and co-opted Members of the authority, under Section 27 of the Localism Act 2011

2. To assist Councillors and co-opted members of the Council to observe the local Member Code of Conduct, and to promote standards of behaviour and conduct by Members which is consistent with the seven principles of public life identified in the First Report of the Committee on Standards in Public Life (the Nolan Committee) and repeated in Section 28 of the Localism Act 2011, as follows:

   - Selflessness
   - Integrity
   - Objectivity
   - Accountability
   - Openness
   - Honesty
   - Leadership

3. To receive and consider reports from the Monitoring Officer and Independent Person made under Stage 3 of the Council’s Member complaints process, concerning allegations made about Members involving a breach of the local Member Code of Conduct, and/or other Council protocols, in particular the Planning code of conduct and the Protocol on Member/Officer Relations.

4. To monitor the probity and propriety of all aspects of Council business.

5. To scrutinise the conduct of individual Members, political groups and informal groupings, and to issue reprimands to individual Councillors or groups of Councillors in circumstances where breaches of the law, codes of practice or other conduct considered inappropriate have been established.

6. To advise the Council on the adoption or amendment of local codes of conduct and to monitor their effectiveness.
7. To make recommendations to the Council on any matters or issues relating to probity, propriety and general conduct where the Panel considers it appropriate to do so in the interests of maintaining the highest standards in the carrying out of the Council’s functions.

8. To refer any matter considered by the Committee for investigation by the Council’s Chief Auditor (or other appropriate officer) or the Council’s external auditors as it sees appropriate; the Committee may also refer any such matter to the relevant Political Group(s) for their consideration.

9. To advise, train or arrange to train Councillors, co-opted members and church and parent governor representatives on matters relating to the local Member Code of Conduct and local protocols;

10. To promote, oversee and monitor the register of interests of Councillors and co-opted Members of the authority, and their disclosure and declaration of disclosable pecuniary interests;

11. To grant dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members’ Code of Conduct.

12. To consider any other matters as the Council refers to the Committee from time to time.

9.4 Sanctions

9.4.1 The Localism Act 2011 has abolished the statutory standards regime set up by the Local Government Act 2000. Therefore the range of sanctions prescribed by the 2000 Act are no longer available. The local Standards Committee will no longer be able to suspend, or partially suspend, a Councillor for up to six months, or require the Councillor to provide a written apology, or to undertake training or conciliation.

9.4.2 The lawful sanctions that are available to the local Standards Committee are those that are generally available to a committee set up under the Local Government Act 1972, and they must be exercised by the Committee in a lawful and proportionate manner with due regard to the particular facts and circumstances of the case. They amount to:

- A formal letter to the Councillor found to have breached the code
- A formal censure motion
- A formal request to the Councillor’s Group Leader to replace him/her as a member of a committee or meeting

9.4.3 The Committee meeting will be held in public (unless confidential or exempt information is being considered), and therefore will carry the informal sanction of bad publicity. The Committee may also issue a press release setting out its conclusions. The Committee minutes will be a public document, and published on the Council’s website.

9.4.4 The Committee could suggest to a Councillor and/or the relevant Group Leader that the Councillor should provide a written apology and/or undertake training or conciliation. However, it will no longer have the power to require compliance.

9.5 Independent Person

9.5.1 The Localism Act 2011 requires the local authority, as part of its arrangements, to appoint at least one Independent Person (IP), with the following responsibilities:

- The authority must seek the IP’s views, and take them into account, before making a decision on an allegation that it has decided to investigate
- The authority may also seek the IP’s views in other circumstances
- A Member who is the subject of an allegation may seek the IP’s views
9.5.2 Under the three-stage procedure for dealing with complaints about Members, set out below, the Monitoring Officer must seek the IP’s views before taking a complaint to the Standards Committee at stage 3; and may do so at an earlier stage in the process, such as when receiving the response of the Group Leader at stage 1, and/or instituting an investigation at stage 2.

9.5.3 Under Section 28(8) of the Localism Act 2011, the IP cannot be a person who has been a member or officer of the authority during the five year period before his/her appointment as the independent person. Therefore, the IP cannot be a non-Councillor member of the old (statutory) standards Committee.

9.6 Procedure for Dealing with Complaints

9.6.1 The process by which a complaint against a Member will be dealt with will vary slightly, depending on the sources and nature of the complaint. All complaints received against Members regardless of how they are dealt with, will be kept in a register held by the Monitoring Officer that will record details of the complaint and its resolution.

9.6.2 The Monitoring Officer will submit an annual report to a public meeting of the Standards Committee, including an anonymised schedule of complaints made about Councillors over the preceding Municipal Year.

9.6.3 The removal of the statutory powers of Standards Committees to invoke sanctions under the Local Government Act 2000 will place greater emphasis on political Group disciplinary processes - and in particular the Group Leader and Whip - to promote and maintain high standards of conduct, and to ensure that Group Members comply with the local Member Code of Conduct and other agreed Council protocols, and to register and declare disclosable pecuniary interests.

9.6.4 The Council will publish its local Procedure for dealing with Complaints about Councillors on its website. This will include the list of matters which will normally be rejected, as set out in (2) below.

**Initial Filter**

(1) All complaints about Members not complying with the local Code of Conduct be referred straight away to the Monitoring Officer, who will record them

(2) The Monitoring Officer be authorised to review the complaint, and take one of the following courses of action:

a. Reject the complaint on the following specified grounds:
   - Anonymous complaints
   - Complaints about actions that occurred more than 12 months before
   - Complaints about comments made in the cut and thrust of political debate
   - Minor complaints that s/he sees as trivial, vexatious, malicious, politically motivated or made on a tit-for-tat basis - unless these suggest a more deep-seated problem
   - Complaints that are similar to a previously investigated complaint where there is nothing further to be gained from an investigation
   - Complaints about a Councillors’ private life which are unlikely to affect their fitness for office
   - Complaints where there is insufficient information to justify an investigation, or where an investigation is unlikely to be able to come to a firm conclusion on the matter

b. Explore the complaint informally with the complainant and subject Member, to see whether grounds might exist for an informal local settlement

c. Refer the complaint to the subject Member’s Group Leader, for investigation under the Group’s disciplinary procedure
Stage 1

(3) All registered political Groups on the Council will adopt or update their own Group
disciplinary or complaints procedures which they will use to deal with complaints at the first
stage. The Group Leaders must share and agree these with the Head of Paid Service and
Monitoring Officer. However, it will be the responsibility of the Group Leader and Whip to
ensure that the complaint is investigated properly through the adopted Group procedure.

(4) The Group Leader will be responsible for ensuring the following actions are taken when the
Monitoring Officer refers a complaint under (2)(c) above:

a. write to the complainant to acknowledge receipt of the complaint, and explain the
   process and timescale to be followed to consider the complaint;

b. respond in writing to the complainant at the conclusion of the process, with a copy
   sent to the Monitoring Officer for the record.

c. In the response, set out the courses of action open to the complainant if s/he remains
dissatisfied with the first stage response.

(5) Stage 1 of the process will be confidential to the complainant and the Group process, and the
Monitoring Officer will not disclose details of any complaint or Group response without the
prior approval of the complainant or the Group Leader, other than in the context of his/her
annual and anonymised monitoring report to the Standards Committee.

Stage 2

(6) If the complainant is dissatisfied with the response, a second stage might be invoked. This
would involve the complaint being investigated through a formal Council process, to be
agreed between the Monitoring Officer and the Independent Person.

(7) The Monitoring Officer will share the complaint with the Independent Person, and seek the
Independent Person’s views on:

a. the merits of the complaint
b. whether it should be subject to a formal Council investigation process
   c. if so, the process and timescale to be followed.

(8) The Monitoring Officer will respond to the complainant, explaining the process and timescale
   to be followed, if any; and requesting any further information that s/he considers necessary
to assist the process.

(9) Whilst it is important that the Head of Paid Service has overall management of the
complaints process, the Monitoring Officer will play the leading role in commissioning the
investigatory process. Because of the necessary relationship between the Head of Paid
Service and Leading Members of the Authority, it will not always be appropriate, or possible,
for the Head of Paid Service personally to carry out investigations. In such circumstances, it
might be appropriate for the Monitoring Officer to carry out the investigation personally, or
to appoint another senior officer or an external individual to do so. It is important for
Members to appreciate that the Head of Paid Service and the Monitoring Officer act as a
“check and balance” on each other’s actions in this as in other matters.

(10) At the completion of the investigation, the Monitoring Officer will share the investigation
report with the Independent Person and discuss its findings and possible courses of action.

(11) The Monitoring Officer will then write to the complainant to set out the results of the formal
investigation and, where appropriate, the views of the Independent Person.

(12) If the Monitoring Officer and Independent Person concur with any finding in an investigation
report that there has been a serious breach of the local Member Code of Conduct, which
requires the application of a sanction available to the Standards Committee to address, the
Monitoring Officer may choose at this stage to put the findings directly to the local Standards Committee for its consideration.

**Stage 3**

(13) If the complainant is still dissatisfied, the Monitoring Officer may refer the complaint to the Standards Committee at the **third stage**. In such circumstances, the Committee will consider a report from the Monitoring Officer outlining the results of the previous stages and decide whether any further investigation or information was needed before it arrived at its own conclusions.

(14) The decision to refer a complaint to the Standards Committee will be for the Monitoring Officer, having regard to the views of the Independent Person. The complainant will not have a right to require a complaint to be considered by the Standards Committee, or to appeal against a decision of the Monitoring officer not to proceed to this stage.

(15) The Monitoring Officer will set out the views of the Independent Person in the report to the Standards Committee.

(16) At this stage, the meeting of the Standards Committee will be held in public, with an agenda published five working days before the meeting. The Committee will be subject to the access to information provisions of Section 100(A) of the Local Government Act 1972, and may only resolve to exclude the press and public if it considers that there will be a disclosure of exempt information as defined in that Section, or confidential information on a third party as defined in Section 40 of the Freedom of Information Act 2000.

(17) The limited sanctions available to the Committee are set out in para. 9.4 above.

**General**

(18) Subject to a complaint getting through the preliminary filter stage, the stage at which a complaint enters the process will depend upon the nature of and implications flowing from it. It might be appropriate to start the process at a different stage or proceed by a different order. The general principle should be that a complaint will be dealt with at the most appropriate point at the first stage and will then be escalated to a higher authority if the complainant was not satisfied, and eventually to the Standards Committee.

(19) It is important that the process is operated flexibly and with common sense. The previous statutory process was administratively complex and slow because of the requirements to follow a prescribed process and the possibility of legal challenge.

**9.7 Examples of Application of Procedure**

9.7.1 The following are examples of how a complaint might be dealt with depending on the source of the complaint.

(1) **The Public**

   a) The principles described above could be applied to complaints from members of the public.

   b) However, if a complaint could not be resolved through the various stages described, the complainant would be advised to consider taking the complaint to the Local Government Ombudsman. If the Local Government Ombudsman considered that a Member had been at fault to the extent of breaching the local Member Code of Conduct or the law, the Ombudsman will name the Member concerned in the Report.

   c) In the event of a member being named in a formal report by the Ombudsman, the Monitoring Officer would then refer the matter to the Standards Committee.

(2) **Ombudsman**
a) The Ombudsman’s principal focus is on actions of maladministration that cause injustice. This can include a failure to act. The Ombudsman can make findings of maladministration against a Councillor, and grounds for such a finding could include a failure by a Councillor to follow any agreed local protocol.

b) Irrespective of the origin of the complaint to the Ombudsman, if a Member were named in a formal report by the Local Government Ombudsman, it would be appropriate for the Monitoring Officer to refer that report to the Standards Committee. In all cases where the Ombudsman issues a formal report, a local authority is obliged to advertise the fact and, where there has been a finding of maladministration, to tell the Ombudsman what action it proposes to take.

(3) Councillors

a) Occasionally, there are complaints by one Member about the conduct of another Member. More often than not such complaints arise as a result of something said during a heated debate in the Council Chamber.

b) Members are protected by qualified privilege with regard to anything they say in the course of carrying out their functions as Councillors and this includes debate in the Council Chamber.

c) It would be inappropriate for such complaints to be referred directly to the Standards Committee, unless the Head of Paid Service or the Monitoring Officer considered there to be a significant breach of Standing Orders or the Council was in danger of being sued for defamation. Such cases should be referred to the Group Leader or Leaders concerned, in the first instance, to see if the matter can be resolved within the political groups’ own procedures.

d) If the complaint cannot not be resolved at this stage, it could then be referred to the Standards Committee.

e) The route for dealing with complaints about other matters, e.g., allegations of misuse of Council property, might depend upon the seriousness of the allegation and the potential consequences for the Council.

(4) Staff

a) Complaints by staff against Councillors usually arise when a member of staff feels that they have been unfairly criticised or are being harassed by an elected Member. Conduct of this nature by another member of staff would lead to a complaint in accordance with either the grievance procedure or the harassment procedure. However, those procedures do not make any provision for circumstances where the complaint concerns an elected member.

b) In such cases, complaints by members of staff about Councillors will normally be referred to the relevant Group Leader in the first instance. If not resolved to the satisfaction of the member of staff concerned, the complaint could then be investigated by the Monitoring Officer or another senior officer nominated by the Head of Paid Service. A course of action or solution would be recommended.

c) If this did not produce a satisfactory resolution or the complaint persisted, the complaint would be referred to the Standards Committee.
Article 10 - Consultative Committees and Forums

10.1 Consultative Committees and Forums

For the Municipal Year 2018/19 the Council will appoint Councillors to represent it on the bodies listed below:

1. ACCESS AND DISABILITIES WORKING GROUP

(1) To campaign for improved access for people with disabilities and to act as a pressure group in identifying and promoting public awareness of problems of access for disabled people to public buildings, commercial premises, the highway network and public transport within the Borough;

(2) To monitor and review the role of the Council as an employer and as a provider of services to disabled people.

2. ADULT SAFEGUARDING PANEL

To meet on an ad hoc basis to consider serious adult safeguarding case reviews or scrutinise internal/external providers where complex whole systems issues arise.

3. ALLIANCE FOR COHESION AND RACIAL EQUALITY

(1) To comment on and input to Council policies and services, with the aim of making them meet the needs of the black and ethnic minority communities in Reading.

(2) To monitor the implementation of policies and services.

(3) To promote and support new thinking.

(4) To promote understanding and harmony between different black and ethnic minority groups in Reading.

(5) To enable the exchange of information between the Council and the black and ethnic minority community.

(6) To promote cross-community and cultural events.

4. ARTS AND HERITAGE FORUM

(1) To act as an advisory, consultative and co-ordinating body on behalf of the Borough Council and other organisations in the town, including voluntary groups, in relation to the arts and heritage.

(2) To promote and develop arts and crafts and heritage in Reading, including community arts initiatives, through the involvement and cooperation of the Borough Council and local groups and organisations.

(3) To encourage participation in arts and heritage-related activities and to promote the provision and maximum use of facilities.

(4) To support educational opportunities in the development of arts, crafts and heritage in Reading.
5. **CHILDREN’S CENTRES STRATEGIC ADVISORY BOARD**

The Strategic Advisory Board will take an over-arching, strategic role, supporting Reading Borough Council to shape and develop the children’s centre programme across the whole borough.

The Board will not have legal or statutory responsibilities for the children’s centres (this will remain with the Local Authority), but it will be a “critical friend”/“sounding board” that:

- Advises on strategic issues and developments that affect all of Reading’s children’s centres
- Supports the Local Authority in improving performance of Reading's children’s centres
- Represents and communicates the views of the Children’s Centre Cluster Advisory Boards
- Allows for information sharing and peer support across Children’s Centre Cluster Advisory Boards

**Responsibilities**

- Reviewing Reading-wide children’s centre performance information
- Supporting the development of the children’s centre service specifications
- Monitoring progress to deliver the children’s centre Strategy and Action Plan
- Advising on programme developments across Reading using local knowledge on performance and parent views
- Sharing knowledge to support and advise Cluster Advisory Boards as required

**Membership**

- Lead Councillor for Children
- Reading Borough Council’s Head of Children’s Services
- Reading Borough Council’s Early Help Service Manager
- A representative from each of the Children’s Centre Cluster Advisory Boards (Chair, or another nominated Board member)
- Headteachers of schools that share a site with a children’s centre

The Lead Councillor for Children will chair the Strategic Advisory Board.

**Meetings**

There should be a minimum of 4 meetings a year, although more may be held as required. Dates will be agreed at the beginning of each year.

Decisions will be made by consensus among the group.

6. **CHILDREN’S SAFEGUARDING PANEL**

To meet on an ad hoc basis to consider serious case reviews or scrutinise internal/external providers where complex whole systems issues arise.

7. **CHILDREN’S TRUST BOARD**

(1) To achieve the five outcomes of Every Child Matters:

- be healthy
- stay safe
- enjoy and achieve
- make a positive contribution
- achieve economic well-being
(2) To oversee work with parents and young people (including Reading Borough Council as a corporate parent) to deliver the five outcomes.

(3) To report to Reading 2020 Partnership on issues relating to Children & Young People, and to work with other Reading 2020 theme groups, in particular the Community Safety Partnership, as appropriate, to secure co-ordinated action for children and young people.

(4) To lead the development, approval and implementation, and review of the Children & Young People’s Plan; of the Children & Young People chapter of the Reading Community Strategy; and of other related plans.

(5) To ensure development of strategies, priorities, joint protocols, funding arrangements, staffing and training arrangements etc. to assist in achieving the five outcomes, as part of the evolution of a Children’s Trust.

(6) To establish and direct the work of work streams and other working groups as necessary, to achieve the outcomes.

(7) To receive reports on progress and performance against the five outcomes and to agree action as appropriate.

(8) To receive annual reports from the Local Safeguarding Children Board, the Parenting Panel, the Children’s Fund Steering Group and others as appropriate; and to receive and respond to any other recommendations those bodies may wish to make.

(9) To promote equality across all public services, ensuring protection and support to children and young people according to their needs, regardless of their race, culture, religion, sexuality or disability.

(10) To make recommendations to the Executive bodies of partner organisations on issues of strategy and resources in relation to children and young people.

8. CIVIC BOARD

To be the project board for the ongoing projects associated with the rationalisation of the Council’s office and depot accommodation, the provision of improved office space and accommodation at Council buildings, the demolition of the former Civic Offices and the Masterplan for developing the former Civic Centre site area.

9. COMMUNITY SAFETY PARTNERSHIP

(1) To manage all aspects of the implementation in Reading of the Crime and Disorder Act 1998

(2) To identify the resource demands on each partner agency

(3) To identify the operational changes required of each partner agency

(4) To co-ordinate Crime and Disorder input to the planning and strategy of partner agencies, and multi-bidding processes (e.g. Europe)

(5) To manage public and inter-agency consultation about Crime and Disorder strategies and plans

(6) To oversee the activities of the Safer Reading Neighbourhood Forum, the Youth Justice Management Board, the Drugs and Alcohol Treatment Service and the Reading Anti-Social Behaviour Multi-Agency Panel
To monitor and manage performance and jointly-held budgets relating to the activities of the Partnership and its sub-groups

To exercise strategic oversight and scrutiny of the implementation of the Prevent duty in Reading

To act as the governing body for Reading Troubled Families Programme.

10. **CULTURAL PARTNERSHIP BOARD**

(1) To develop, support and promote an increase in the number of people that live, work, study and play in Reading participating in Culture as targeted in the Reading Sustainable Communities Strategy and the relevant feeder strategies.

(2) To encourage discussions, between interested partners at a strategic level, on issues relating to health and wellbeing, community safety, inclusion, community cohesion and economic development, and the maximisation of culture, leisure and sport participation in the support role in delivery of improved outcomes.

(3) To work in partnership to increase the profile, investment and support of culture, leisure and sport in Reading.

(4) To oversee the priorities, development and implementation of the Reading Cultural Strategy and the annual delivery plan for ‘Culture Reading’ networks, receiving reports on the progress against the annual delivery plan, and agree actions and priorities as appropriate.

11. **CYCLE FORUM**

To discuss progress and delivery of the Cycling Strategy in order to identify, prioritise and optimise actions to meet the objectives of the Cycling Strategy:

- To improve the cycling environment;
- To provide better facilities for cyclists;
- To influence travel behaviour; and
- To develop skills and capacity.

Such actions may be on any topic within the Cycling Strategy, including promotion, mapping, training, security, signing, route infrastructure, parking and monitoring.

12. **COMMUNITY LEARNING & SKILLS ADVISORY BOARD (formerly LIFELONG LEARNING BOARD)**

(1) Scrutiny of overall performance of the service against agreed KPIs

(2) Review and approve key documents:

- Community Learning and Service Plan
- Self-Assessment
- Quality Improvement Plan

(3) Advising the Head of New Directions on the strategic financial planning of the service, including ensuring the setting of fees and fee concessions are in accordance with SFA grant guidelines

(4) Consider Reading Community Learning Network activity

(5) Approve commissioned activity (Decision Book)
(6) Consider links and opportunities with other Council services

(7) Consider contribution to overall Council objectives

(8) Consider ‘Narrowing the Gap’ activity

(9) Review learner engagement, feedback and communication with stakeholders

(10) Visit classes to elicit first hand feedback

13. LOCAL JOINT FORUM

(1) To establish and maintain regular methods of negotiation and consultation between the Council and its employees, excluding matters of individual discipline, grievance, promotion or capability.

(2) To seek to prevent differences and resolve them should they arise, notwithstanding the fact that disputes are dealt with through the Council’s Disputes Procedure.

(3) To implement Agreements entered into by the relevant National Joint Bodies or Provincial Councils.

(4) To refer matters to the relevant National or Provincial Council on any matter within the scope of the functions of that Council.

(5) To consider and recommend in relation to any matters of interest, including matters referred to it by the Employers or Trade Union sides, or by the Divisional Joint Forums.

(6) To make recommendations to the Personnel Committee, other Committees of the Council, Directorate Joint Forums or other relevant bodies.

(7) Where recommendations and representations are not accepted by the Personnel Committee or by other Committees of the Council the matters shall be referred back to the Local Joint Forum for further consideration. The Local Joint Forum shall then have the right to make further recommendations to the appropriate body.

(8) To establish and maintain machinery for the promotion and encouragement of measures affecting the health, safety and welfare of the Council’s employees, to receive reports and to make recommendations for appropriate action.

(9) Any other matters of collective bargaining including staff development, equal opportunities etc.

(10) To consider and make recommendations concerning the way services are delivered.

14. LOCAL SUSTAINABLE TRANSPORT FUND CROSS-BOUNDARY COUNCILLOR STEERING GROUP

1. To oversee the bid development process through to Programme Entry Submission for Local Sustainable Transport Funding for the Reading Travel-to-Work Area Local Sustainable Transport Fund Project.

2. To review and agree potential package measures relevant to the Travel-to-Work Area proposed for inclusion in the Local Sustainable Transport Fund Programme Entry Submission by each authority.

3. To co-ordinate individual authority processes for formal endorsement of the agreed Programme Entry Submission, particularly the approved early delivery elements of the package, the timescale for their delivery and the conceptual design of a Department for Transport compliant potential road user pricing scheme.
4. To agree the distribution of any awarded partnership pump-priming or scheme development funding on an annual basis according to the schemes proposed and accepted and the implementation of any area-wide public and stakeholder engagement/communications plans on a partnership basis.

5. To review other related projects and proposals relevant to the Reading Travel-to-Work Area and agree joint actions or development for inclusion in a medium-term Transport Investment Package where appropriate.

6. To consider and recommend for adoption by individual authorities the constitution for an on-going joint Member Group to manage the future delivery of the Transport Investment Package following Programme Entry.

7. To transfer governance arrangements from this Group to the Joint Local Sustainable Transport Fund Investment Programme Board, once a funding agreement is reached with the DfT.

15. OLDER PEOPLE’S WORKING GROUP

(1) To identify and promote awareness of the issues facing older people in the Reading borough;

(2) To provide a channel for older people to influence the development of local services, particularly those provided or commissioned by the Council;

(3) To improve older people’s access to information about local services;

(4) To support older people to take an active role as citizens.

16. PARENTING PANEL

1. Purpose

- To act as a focus for the Council’s responsibilities as corporate parent by providing a channel of communication between looked after children and young people, council and other agency officers, carers and councillors, providing a forum for LAC policy development discussion and challenge.

2. Scope

The Corporate Parenting Panel

- Will be the champion of children looked after by them.

- Will champion the Children’s Pledge in order to ensure the best life chances possible for looked after children.

- Will provide a channel of communication between children and young people who are or have been looked after, carers, officers and Councillors to discuss corporate parenting issues, as appropriate to the need to respect the privacy of looked after children.

- Will proactively engage with looked after children to gain a real understanding of the experience of being looked after as appropriate to the need to respect the privacy of looked after children; and

- Will celebrate the success of looked after children.

17. PLANNING MANAGEMENT PANEL
To preview the planning applications and other items on the Agenda for the forthcoming meeting of the Committee.

18. SACRE

(1) To advise the Authority on such matters connected with religious worship in schools and the religious education to be given in accordance with an agreed syllabus as the Authority may refer to is or as it may see fit

(2) In particular, to advise on methods of teaching, the choice of materials, and the provision of training for teachers

(3) To consider, on an application made by a headteacher of any school after consultation with the governing body, whether it is appropriate for the requirement for Christian collective worship to apply in the case of the school, or in the case of any class or description of pupils at that school;

[SACRE shall arrive at its decision and communicate it to the headteacher in accordance with the provisions of Section 12 of the Education Reform Act 1988]

(4) The representative groups on the SACRE, other than that representing the Authority, may at any time require a review of any Agreed Syllabus for the time being adopted by the Authority

(5) To publish each year a report on its proceedings and those of its representative groups; to specify any matters on which the SACRE has given advice to the Authority and the reasons for offering the advice

(6) To take any action assigned to it by the Authority in relation to the consideration and disposal of any complaint concerning collective worship or religious education in compliance with Section 23 of the Education Reform Act 1988

19. SAFER READING NEIGHBOURHOOD FORUM

(1) To reduce crime and the fear of crime in Reading by establishing and supporting geographically based Safer Neighbourhood Forums;

(2) To develop and support geographically based Safer Neighbourhood Forums which will involve the police, Councillors, Council Staff, residents and other agencies to develop effective local problem solving responses to identified local priorities and where appropriate those which are contained in the Community Safety Plans;

(3) To encourage collaboration across Reading on how best to address local issues through the sharing of best practice and jointly run projects.

20. SCHOOL ADMISSION FORUM

(1) To consider how well existing and proposed admissions arrangements serve the interests of children and parents within the area of the authority;

(2) To promote agreement on admission issues;

(3) To consider the comprehensiveness and accessibility of the admissions literature and information produced for parents by each admission authority within the area of the authority;

(4) To consider the effectiveness of the authority’s proposed co-ordinated admission arrangements;
(5) To consider the means by which admission processes might be improved and how actual admissions relate to the admission numbers published;

(6) To monitor the admission of children who arrive in the authority’s area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 86(1) of the School Standards and Framework Act 1998 and in accordance with the School Admissions Code (Chapter 3);

(7) To promote the arrangements for children with special educational needs, children in care and children who have been excluded from school;

(8) To consider referring an objection to the Schools Adjudicator where either the Forum identifies policy, practice or oversubscription criteria of a school that may be unfair, unlawful or that contravene the mandatory provisions of the School Admission Code, or where their advice has been disregarded by admission authorities;

(9) To review the comprehensiveness, effectiveness and accessibility of advice and guidance for parents by the local authority, both through the published composite prospectus and delivery of Choice Advice;

(10) To endorse, promote and monitor local authority In-Year Fair Access Protocols for potentially vulnerable children including those previously excluded from school, children in care, children with special educational needs and/or disabilities, children who are hard to place, and those who arrive in the area outside the normal admission round;

(11) To consider the draft local authority report to the School’s Adjudicator;

(12) To consider any other admission issues that arise;

(13) To promulgate advice that represents the agreed views of all members of the Forum.

21. **TOWN TWINNING GROUP**

To provide a forum for liaison with the Reading Town Twinning Associations, for the exchange of information, to work together as joint projects, and to promote town twinning.
Article 11 - Joint Arrangements

11.1 General Power of Competence

Under Chapter 1 of the Localism Act 2011, the Council or a Committee with delegated responsibility for the function concerned 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.

This is subject to the Committee not entering into a joint arrangement for the discharge of the authority’s functions with another local authority under Sections 101 and 102 of the Local Government Act 1972.

11.2 Joint Arrangements

11.2.1 Under Sections 101 and 102 of the Local Government Act 1972:

(a) Full Council may establish joint arrangements with one or more local authorities and/or their executives to exercise 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) Where the function to be exercised is an executive function in the other participating authorities, then full Council will establish the joint arrangement with the executives of those authorities. Such arrangements may involve the appointment of joint committees with these other local authorities.

(c) Where an authority is operating an executive form of governance, its executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole. This does not apply to Members appointed by Reading Borough Council which has adopted a committee system of governance.

11.2.2 At October 2017, the authority had entered into the joint arrangements, including joint contracts, set out in the table below:

<table>
<thead>
<tr>
<th>Function</th>
<th>Joint arrangement with</th>
<th>Date</th>
<th>Lead authority</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt Thames Valley</td>
<td>Adoption Agency</td>
<td>Oxfordshire, Swindon &amp; All Berkshire except Slough; also PACT &amp; Barnardos</td>
<td>2017</td>
<td>Oxfordshire</td>
</tr>
<tr>
<td>Adoption Advisory Service</td>
<td>Berkshire-wide</td>
<td>1998 (post-BCC)</td>
<td>Windsor &amp; Maidenhead</td>
<td>Adult Social Care, Children’s Services &amp; Education</td>
</tr>
<tr>
<td>Adult Placements</td>
<td>Wokingham</td>
<td>2004</td>
<td></td>
<td>Adult Social Care, Children’s Services &amp; Education</td>
</tr>
<tr>
<td>Archaeological Services</td>
<td>All except West Berkshire</td>
<td>2004 Cabinet - March</td>
<td>Reading</td>
<td>Policy</td>
</tr>
</tbody>
</table>

68
<table>
<thead>
<tr>
<th>Function</th>
<th>Joint arrangement with</th>
<th>Date</th>
<th>Lead authority</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkshire Community Equipment Store</td>
<td>Berkshire-wide</td>
<td>2012</td>
<td>Slough</td>
<td>Adult Social Care, Children's Services &amp; Education</td>
</tr>
<tr>
<td>Berkshire Record Office / County Archive Service</td>
<td>Berkshire-wide</td>
<td>1998 (post-BCC)</td>
<td>West Berkshire - premises Reading - service / staffing</td>
<td>Policy</td>
</tr>
<tr>
<td>Child Care Legal Service</td>
<td>Berkshire-wide</td>
<td>1998 (ex-BCC)</td>
<td>Reading</td>
<td>Policy / ASSSE</td>
</tr>
<tr>
<td>Construction Services - Architecture &amp; Design</td>
<td>Hampshire / SECE</td>
<td>2007 Cabinet - Sept</td>
<td>S113 Agreement</td>
<td>Policy</td>
</tr>
<tr>
<td>Coroner for Berkshire</td>
<td>Berkshire-wide</td>
<td>1998 (post-BCC) Subsequent mergers</td>
<td>Reading</td>
<td>Policy</td>
</tr>
<tr>
<td>Emergency Duty Team - Social Services</td>
<td>Berkshire-wide</td>
<td>1998 (post-BCC)</td>
<td>Bracknell Forest</td>
<td>Adult Social Care, Children’s Services &amp; Education</td>
</tr>
<tr>
<td>Emergency Planning</td>
<td>Berkshire-wide</td>
<td>Post-BCC Officer arrangement Memorandum of Understanding</td>
<td>West Berkshire</td>
<td>Policy</td>
</tr>
<tr>
<td>Joint Waste Disposal Board (Re3 contract)</td>
<td>Reading, Bracknell Forest, Wokingham</td>
<td>2006 Cabinet - July</td>
<td>Shared Joint Committee</td>
<td>Housing, Neighbourhoods &amp; Leisure</td>
</tr>
<tr>
<td>Lord Lieutenancy</td>
<td>Berkshire-wide</td>
<td>1998 (post-BCC)</td>
<td>Reading</td>
<td>Policy</td>
</tr>
<tr>
<td>Modern Records</td>
<td>Berkshire-wide</td>
<td>1998 (post-BCC)</td>
<td>Reading</td>
<td>Policy</td>
</tr>
<tr>
<td>Public Health</td>
<td>Berkshire-wide</td>
<td>2013 Cabinet - March</td>
<td>Bracknell Forest S113 Agreement</td>
<td>Health &amp; Wellbeing Board</td>
</tr>
<tr>
<td>Raising Participation Partnership (Post-16)</td>
<td>Berkshire-wide</td>
<td>2010 Cabinet - March</td>
<td>Slough</td>
<td>Adult Social Care, Children's Services &amp; Education</td>
</tr>
<tr>
<td>Schools Library Service</td>
<td>All except Wokingham</td>
<td>1998 (post-BCC)</td>
<td>Bracknell Forest (based in Reading - 2-4 Darwin Close)</td>
<td>Adult Social Care, Children's Services &amp; Education</td>
</tr>
<tr>
<td>School Museum Service</td>
<td>All except Wokingham</td>
<td>1998 (Post-BCC)</td>
<td>Reading</td>
<td>Policy</td>
</tr>
<tr>
<td>Function</td>
<td>Joint arrangement with</td>
<td>Date</td>
<td>Lead authority</td>
<td>Committee</td>
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</tr>
<tr>
<td>SCOOT - Urban traffic system</td>
<td>Reading, Bracknell Forest, West Berkshire, Wokingham</td>
<td>1998 (post-BCC)</td>
<td>Reading</td>
<td>Strategic Environment, Planning &amp; Transport</td>
</tr>
<tr>
<td>Sensory Needs - Service - Adults</td>
<td>Reading, Bracknell Forest, RBWM, Wokingham</td>
<td>1998 (post-BCC)</td>
<td>Windsor &amp; Maidenhead</td>
<td>Adult Social Care, Children's Services &amp; Education</td>
</tr>
<tr>
<td>Shared Lives Service</td>
<td>Reading, Wokingham</td>
<td></td>
<td>Reading</td>
<td>Adult Social Care, Children's Services &amp; Education</td>
</tr>
<tr>
<td>Substance Misuse</td>
<td>Reading, Wokingham, West Berkshire</td>
<td>2010 Cabinet - Nov 09</td>
<td>Reading</td>
<td>Housing, Neighbourhoods &amp; Leisure</td>
</tr>
<tr>
<td>Local Transport Body for Thames Valley Berkshire</td>
<td>Berkshire-wide - plus LEP</td>
<td>2013 Cabinet - Feb</td>
<td>Slough</td>
<td>Strategic Environment, Planning &amp; Transport</td>
</tr>
</tbody>
</table>

11.3 Access to Information

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

(b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

(c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply. This is the case for Reading Borough Council.

11.4 Delegation to and from other Local Authorities

(a) The authority may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.

(b) The authority may also accept delegated functions from another local authority or, if they are executive functions, from the executive of another local authority.

(c) The decision whether or not to make or accept such a delegation with / from another local authority shall be reserved to the Council meeting.
Article 12 - Officers

12.1 Management Structure

12.1.1 The authority may appoint and employ staff under Section 112 of the Local Government Act 1972. Staff are employed by the authority. Where an authority is operating executive arrangements, the appointment of staff cannot be the responsibility of the executive. Appointment of staff below deputy chief officer level must be the responsibility of the Head of Paid Service or his/her nominee.

12.1.2 Councils must include a standing order on the appointment of chief officers, the people who can or must be involved in the appointment of officers and disciplinary action against the Head of Paid Service, Chief Financial Officer and Monitoring Officer by virtue of the Local Authorities (Standing Orders) Regulations 1993, Local Authorities (Standing Orders)(England) Regulations 2001, Local Authorities (Standing Orders)(England)(Amendment) Regulations 2014 and Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015. The requirements of these Regulations are met by this Article and the Officer Employment Rules in Part 4 of the Constitution.

(a) General.

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

(b) Chief Officers

The full Council will confirm the appointment of the Chief Executive (Head of Paid Service) and the Personnel (Appointments) Committee will make appointments to the following posts (or such other similar posts as it may decide from time to time), who will be designated chief officers:

- Director of Adult Care and Health Services
- Director of Children, Education and Early Help Services
- Director of Environment and Neighbourhoods

(c) Head of Paid Service, Monitoring Officer and Chief Financial Officer and Deputies

The Council has designated the following posts as shown:

- Chief Executive - Head of Paid Service
- Strategic Finance Director - Chief Finance Officer and Section 151 Officer
- Head of Legal and Democratic Services - Monitoring Officer

The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 prescribe that the dismissal of the Head of Paid Service, Monitoring Officer and the Chief Finance Officer must be confirmed by the full Council.

The Council has designated the following Deputy post as shown:

- Head of Finance - Deputy Chief Finance Officer and Deputy Section 151 Officer

Such posts will have the functions described in Article 12.2-12.4 below.

(d) Structure

The senior management of the Council is set out at Part 7 of this Constitution.

(e) Delegations

A considerable number of decisions are made by designated officers under approved delegated powers and a register of these is published on the Council’s website and is available for inspection by Councillors and citizens on request. An officer may not take a key decision under the exercise
of a delegated function, and all key decisions must be taken by full Council or a Committee. This process is described in Article 13.

In certain circumstances where there is no existing officer delegation, Directors and Statutory Officers may take decisions which are not key decisions in consultation with the relevant Lead Councillor, and subject to these decisions being recorded by using the Decision Book process. This process is described in Standing Order 42 (See the Rules of Procedure - Part 4 below)

### 12.2 Functions of the Head of Paid Service

(a) **Discharge of functions by the Council**
The Head of Paid Service will report to full Council or the Policy Committee 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 Chief Finance Officer if a qualified accountant.

### 12.3 Functions of the Monitoring Officer

(a) **Maintaining the Constitution.**
The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Members, staff and the public; and will advise on the application of the Constitution.

(b) **Ensuring lawfulness and fairness of decision-making**
After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to a Committee if s/he considers that any proposal, decision or omission by that body would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Promoting and maintaining high standards of conduct by Members**
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through promoting the local Member Code of Conduct; providing advice and support to Members of the authority and to the Standards Committee on the Code; and operating the authority’s procedure for dealing with complaints about Members. The Local Member Code of Conduct is in Part 5 of the Constitution. The terms of reference of the Standards Committee, and the procedure for dealing with complaints about Members, are in Article 9.

(d) **Proper officer for access to information**
The Monitoring Officer will ensure that the decisions of the Council and its Committees, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as required by the Access to Information Rules in part 4 of the Constitution.

(e) **Advising whether decisions are within the policy framework.**
The Monitoring Officer will advise whether decisions of full Council and Committees are not contrary to the policy framework of the authority, under the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.

(f) **Contributing to corporate management**
The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

(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 Chief Finance Officer or the Head of Paid Service.

12.4 Functions of the Chief Finance Officer

(a) Ensuring lawfulness and financial prudence of decision-making
After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or the Policy Committee, 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 Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) Advising whether decisions are within the budget framework.
The Chief Finance Officer will advise whether decisions of full Council and its Committees are not contrary to, or not in accordance with the budget framework of the authority, under the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.

(d) Contributing to corporate management
The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(e) Providing advice
The Chief Finance 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.

(f) Give financial information
The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.5 Duty to provide sufficient Resources to the Monitoring Officer and Chief Finance Officer

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

12.6 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.

12.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.
Article 13 - Decision Making

13.1 Responsibility for Decision Making

13.1.1 The Council has adopted a committee system of governance. Therefore the responsibility for decision making will be determined within the statutory context of Sections 101 and 102 of the Local Government Act 1972.

13.1.2 Full Council will be responsible for the exercise of all functions of the authority. It may delegate functions to be exercised by individual Committees or Sub-Committees, or by a senior officer(s). Committees in turn may delegate any of their functions to be exercised by a Sub-Committee of Members, or by a senior officer; and a Sub-Committee in turn may delegate any of its functions to be exercised by a senior officer.

13.1.3 The functions delegated by Council to Committees and Sub-Committees, and their arrangements for exercising them, are set out in Article 7 of the Constitution.

13.1.4 Under Sections 101 and 102 of the Local Government Act 1972, there is no statutory power to delegate the exercise of any function to an individual Councillor, including the Leader. This is set out in Article 6 of this Constitution.

13.1.5 The functions and responsibilities delegated by Council and its Committees and Sub-Committees to individual officers are set out in the Council’s Delegations Register. This is a bulky document, which is published separately and can be accessed from the Council’s website. It is updated when changes to delegations are made, and reviewed each year at the Annual Council Meeting.

13.1.6 The adoption of a committee system form of governance has ended the separation between executive and non-executive functions contained in the Local Government Act 2000. Therefore Schedules 1 to 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations, issued under section 13 of that Act, no longer apply. However, the Constitution continues to set out, in Part 3, the functions listed in these Regulations, and now shows which Committee and/or officer is responsible for the exercise of the functions listed in these Schedules.

13.2 Types of Decision.

13.2.1 Reserved Functions

A number of functions are reserved by statute to be exercised by full Council. These are set out in Article 4. Decisions relating to the functions listed in Article 4.2 must be made by the full Council and cannot be delegated.

13.2.2 Policy, Strategy and Budget Decisions

The authority’s policy and budget frameworks are set out in Part 4 of this Constitution. With the adoption of a committee system of governance, there is no longer a requirement for the authority’s strategies and policies to be adopted by full Council, and Article 7 delegates to individual Committees the setting of the policies, plans and strategies for the functions delegated to them, with the Policy Committee having the responsibility for setting the policies, plans and strategies for functions which cut across more than one committee area.

Full Council will continue to set the authority’s budget and overall strategic direction, which the Policy Committee may recommend to it.

13.2.3 Operational Decisions

Individual Standing Committees will also take decisions about the functions delegated to them which, in an executive arrangements model of governance, would be regarded as executive decisions.
13.2.4 Regulatory Functions

Separate Licensing Applications and Planning Applications Committees will have delegated to them those licensing and planning functions which, under an executive arrangements form of governance, could not be the responsibility of the executive under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

This does not preclude full Council in the future from making an alternative arrangement to delegate any of these functions to a Standing Committee, or to delegate other functions to either of these Committees.

13.3 Key Decisions

13.3.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 do not apply to authorities which have adopted a committee system form of governance. Therefore the provisions of the Local Government Act 2000 and associated Regulations in relation both to key decisions and publishing a forward plan of decisions no longer apply.

13.3.2 However, the authority will continue to set a local definition of a key decision, which will apply to all functions. Any such decision must be taken by a Committee.

13.3.3 In line with the statutory definition made in the Local Government Act 2000 and associated Regulations, a key decision is a decision which is likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards

13.3.4 For the purposes of this constitution, a decision shall be regarded as significant if:

- the value to the Council in terms of income or expenditure exceeds £500,000, except where such expenditure has already been approved as part of the Council’s revenue or capital expenditure budget or plan;
- the value to the Council in terms of savings exceeds £250,000 except where such saving has been approved as part of the Council’s revenue budget;
- it involves:
  - the closure of a service or an establishment within a service;
  - the externalisation of a service or a substantial part of it;
  - a variation to the Council’s budget including virement or additional expenditure of more than £500,000;
  - decisions affecting the terms of joint arrangements or partnership arrangements with other local authorities or bodies;
  - a compulsory purchase order;
  - a decision not in accordance with, or to vary substantially, an approved policy, plan or strategy;
  - submission of a bid for funding from all available UK and European funding sources, where:
    - the Council is lead partner and/or accountable body, the total costs of the scheme for which the Council will accept liability are more than £500k over the length of the scheme
    - the Council is not lead partner or accountable body, the costs to the Council are more than £500k over the length of the scheme, AND the financial commitment to the Council extends beyond the current financial year
    - the Council does not have budget provision for it to make its contribution the costs of the scheme

Such bids must be approved by the relevant Committee before submission.
- a traffic regulation order proposing a major change to an existing order, and/or affecting two or more wards;
- approving arrangements for admissions to maintained schools where the Council is the admissions authority;
- appointing the Council’s representatives to represent the Council on outside bodies, except casual vacancies.

13.3.5 All key decisions taken by Committee will be subject to the Access to Information provisions of Section 100A of the Local Government Act 1972, and the Access to Information Procedure Rules in part 4 of this Constitution.

13.4 Decision-making by the full Council

13.4.1 Subject to Article 13.8, the Council meeting will follow the Council and Committee Standing Orders set out in Part 4 of this Constitution when considering any matter.

13.5 Decision-making by Committees and Sub-Committees.

13.5.1 Subject to Article 13.8, Committees and Sub-Committees will follow the Council and Committee Standing Orders set out in Part 4 of this Constitution when considering any matter.

13.6 Decision-making by Committees when acting as Overview and Scrutiny Panels

13.6.1 The Council’s Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution, and Standing Order 25, will apply when Committees which have been delegated an overview and scrutiny function specify that they are exercising this function.

13.7 Decision-making by Officers

13.7.1 Subject to Article 13.8, decision-making by officers will be by Directors or Heads of Service, where a function has been delegated to that officer, and in line with the rules of operation set out in the Delegations Register.

13.7.2 In the absence of a specific officer delegation to exercise a function, the Head of Paid Service, Corporate Directors, Chief Financial Officer or Monitoring Officer may take decisions on behalf of the Council and its Committees, subject to

a) the decision not being a key decision as defined in Article 13.3 above;
b) the decision not being statutorily reserved to full Council or the Licensing Committee to exercise;
c) all such decisions being taken in consultation with the relevant Lead Councillor(s) and published in the Decision Book and subject to the operation of Council and Committee Standing Order 42 (in Part 4 of the Constitution).

13.8 Decision-making by Council Bodies acting as Tribunals

13.8.1 The Council, Councillors or officers 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 in so far as that is achievable within the statutory provisions affecting that tribunal.
Article 14 - Finance and Contract Matters

14.1 Financial Management

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

14.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution unless the Council or a Committee decide otherwise.

Article 15 - Review and Revision of the Constitution

15.1 Duty to monitor and review the constitution

The Constitution will be reviewed at the Annual Meeting of the Council although this does not mean that it cannot be changed at any time where the Council decides that amendment is necessary to assist in the achievement of the objectives set out in Article 1.

15.2 Changes to the Constitution

Changes to the constitution will only be approved by the full Council after consideration of a report on the proposal by the Head of Paid Service and Monitoring Officer.
Article 16 - Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution
(a) Limit to suspension.
The Articles of this Constitution may not be suspended. The Rules specified below or any one or more of them 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 half of the whole number of Councillors are present; and two thirds of those present vote to give permission to do so (see Standing Order 26). 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 Article 16.1:
- Council Procedure Rules (Standing Orders)
- Contract Procedure Rules
- Financial Procedure Rules
- Budget and Policy Framework Procedure Rules
- Overview and Scrutiny Procedure Rules
- Officer Employment Procedure Rules

16.2 Interpretation
The ruling of the Monitoring Officer 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.

16.3 Publication
The Head of Legal and Democratic Services:
(a) will give a printed copy of this Constitution to each member of the authority within one month of the signature of that individual’s declaration of acceptance of office on the Member first being elected to the Council.

(b) will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
Part 3 - Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

The adoption of a committee system form of governance has ended the separation between executive and non-executive functions contained in the Local Government Act 2000. Therefore Schedules 1 to 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations, issued under Section 13 of that Act, no longer apply, because the Council no longer has a single party executive. However, this part of the Constitution continues to set out the functions listed in the three Schedules attached to these Regulations, and shows which Committee and / or officer is responsible for the exercise of the functions listed in these Schedules.

1. Responsibility for Local Choice Functions - Schedule 2

Schedule 2 is issued under Regulation 3(1). It lists functions which, under executive arrangements, may be (but need not be) the responsibility of an authority's executive. It now shows which Council body has delegated responsibility for the function, and where the function has been delegated on to an officer.

<table>
<thead>
<tr>
<th>Function</th>
<th>Responsible Body and Officer Delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.</td>
<td>Appropriate Committee&lt;br&gt;As per existing delegations</td>
</tr>
<tr>
<td>2. The determination of an appeal against any decision made by or on behalf of the authority.</td>
<td>Appropriate Committee&lt;br&gt;Appeals Panel</td>
</tr>
<tr>
<td>3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.</td>
<td>Adult Social Care, Children’s Services &amp; Education Committee&lt;br&gt;Appeals Panel</td>
</tr>
<tr>
<td>4. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools (see Section 52 of Education Act 2002 and subordinate legislation)</td>
<td>Adult Social Care, Children’s Services &amp; Education Committee&lt;br&gt;Education Appeals Panel</td>
</tr>
<tr>
<td>5. The making of arrangements pursuant to section 94(1), (1A) and (4) of the 1998 (Schools Standards and Framework) Act (admission appeals).</td>
<td>Adult Social Care, Children’s Services &amp; Education Committee&lt;br&gt;Education Appeals Panel</td>
</tr>
<tr>
<td>6. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).</td>
<td>Adult Social Care, Children’s Services &amp; Education Committee&lt;br&gt;Education Appeals Panel</td>
</tr>
<tr>
<td>7. The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.</td>
<td>Council</td>
</tr>
<tr>
<td>8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant Councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.</td>
<td>Policy Committee</td>
</tr>
<tr>
<td>9. [deleted - related to Best Value reviews]</td>
<td></td>
</tr>
<tr>
<td>10. Any function relating to contaminated land.</td>
<td>Strategic Environment, Planning &amp; Transport Committee&lt;br&gt;Delegation to Head of Planning, Development &amp; Regulatory Services</td>
</tr>
<tr>
<td>No.</td>
<td>Description</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>11.</td>
<td>The discharge of any function relating to the control of pollution or the management of air quality.</td>
</tr>
<tr>
<td>12.</td>
<td>The service of an abatement notice in respect of a statutory nuisance.</td>
</tr>
<tr>
<td>13.</td>
<td>The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</td>
</tr>
<tr>
<td>14.</td>
<td>The inspection of the authority's area to detect any statutory nuisance.</td>
</tr>
<tr>
<td>15.</td>
<td>The investigation of any complaint as to the existence of a statutory nuisance.</td>
</tr>
<tr>
<td>17.</td>
<td>The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</td>
</tr>
<tr>
<td>18.</td>
<td>The making of agreements for the execution of highways works.</td>
</tr>
<tr>
<td>19.</td>
<td>The appointment of any individual - (a) to any office other than an office in which s/he is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</td>
</tr>
<tr>
<td>20.</td>
<td>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</td>
</tr>
<tr>
<td>21.</td>
<td>Any function of a local authority in its capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of this Schedule)</td>
</tr>
<tr>
<td>22.</td>
<td>Functions under Sections 106, 110, 111 and 113 of the Local Government &amp; Public Involvement in Health Act 2007 relating to local area agreements</td>
</tr>
</tbody>
</table>

[Council - 25 June 2013]
2. Functions not to be the Sole Responsibility of an Authority’s Executive - Schedule 3

Schedule 3 is issued under Regulation 4 (1). It lists functions which cannot be the sole responsibility of an authority’s executive. This separation is no longer relevant to Reading. However, it has been retained to list the policies and strategies that have to be approved or adopted by full Council under the Local Authorities (Committee System) (England) Regulations 2012.

<table>
<thead>
<tr>
<th>Function</th>
<th>Annual Library Plan</th>
<th>Crime and Disorder Reduction Strategy</th>
<th>Plans which together comprise the Development Plan *</th>
<th>Licensing Authority Policy Statement</th>
<th>Sustainable Community Strategy (Section 4 of Local Government Act 2000)</th>
<th>Local Transport Plan</th>
<th>Youth Justice Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formulating and preparing</td>
<td>Policy Committee</td>
<td>Housing, Neighb’rh’ds &amp; Leisure Committee</td>
<td>Strategic Environment, Planning &amp; Transport Committee</td>
<td>Licensing Applications Committee</td>
<td>Policy Committee</td>
<td>Strategic Environment, Planning &amp; Transport Committee</td>
<td>Housing, Neighb’rh’ds &amp; Leisure Committee</td>
</tr>
<tr>
<td>Amendment of plan or strategy following consultation</td>
<td>Policy Committee</td>
<td>Housing, Neighb’rh’ds &amp; Leisure Committee</td>
<td>Strategic Environment, Planning &amp; Transport Committee</td>
<td>Housing, Neighbour’h’ds &amp; Leisure Committee</td>
<td>Policy Committee</td>
<td>Strategic Environment, Planning &amp; Transport Committee</td>
<td>Housing, Neighb’rh’ds &amp; Leisure Committee</td>
</tr>
<tr>
<td>Approval for submission to Secretary of State or Minister</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
</tr>
<tr>
<td>Adoption (with or without modification)</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
<td>Council</td>
</tr>
<tr>
<td>Amendments etc required by Sec of State or Minister or authorised by the Council</td>
<td>Policy Committee</td>
<td>Housing, Neighb’rh’ds &amp; Leisure Committee</td>
<td>Strategic Environment, Planning &amp; Transport Committee</td>
<td>Housing, Neighbour’h’ds &amp; Leisure Committee</td>
<td>Policy Committee</td>
<td>Strategic Environment, Planning &amp; Transport Committee</td>
<td>Housing, Neighb’rh’ds &amp; Leisure Committee</td>
</tr>
</tbody>
</table>

* [Changes made by the Local Authorities (Functions and Responsibilities)(Amendment)(No. 2)(England) Regulations 2005]

- Including Development Plan documents under Section 15 of the Planning and Compulsory Purchase Act 2004
- Functions relating to local development documents and joint committees established under the 2004 Act are the shared responsibility of the authority and its executive (Cabinet), and to the extent that they are not the responsibility of the executive, they are to be discharged by the full Council.
- With regard to the discharge of functions under Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004 (joint local development documents and joint committees) the following actions shall not be the responsibility of the executive:
  (a) the making of an agreement to prepare one or more joint development plan documents;
  (b) the making of an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
  (c) where the authority is a constituent authority to a joint committee, the making of an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under Section 20 of the 2004 Act or an earlier agreement under Section 30 of the 2004 Act;
(d) the making of a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter

<table>
<thead>
<tr>
<th>Function</th>
<th>Plan or strategy for the control of borrowing, investments or capital expenditure or for determining the authority’s minimum revenue position</th>
<th>Any other plan or strategy whose adoption or approval is reserved to the Council under Reg 5(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formulating and preparing</td>
<td>Policy Committee</td>
<td>Committee</td>
</tr>
<tr>
<td>Amendment of plan or strategy</td>
<td>Policy Committee</td>
<td>Committee</td>
</tr>
<tr>
<td>Approving draft proposals for consultation</td>
<td>Policy Committee</td>
<td>Committee</td>
</tr>
<tr>
<td>Approval for submission to Secretary of State or Minister</td>
<td>Council</td>
<td>Council</td>
</tr>
<tr>
<td>Adoption (with or without modification)</td>
<td>Council</td>
<td>Council</td>
</tr>
<tr>
<td>Amendments etc required by Sec of State or Minister or authorised by the Council</td>
<td>Policy Committee</td>
<td>Committee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Function</th>
<th>Applications - s135 Leasehold Reform, Housing and Urban Development Act 1993 (programmes for disposals)</th>
<th>Disposal of land held for Part 2 Housing Act 1985 or consents for disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Making an application under</td>
<td>Policy Committee</td>
<td>Policy Committee</td>
</tr>
<tr>
<td>Authorisation to make application</td>
<td>Council</td>
<td>Council</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Function</th>
<th>Calculation and substitute calculation of budget requirement, basic amount of tax and tax for different bands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation of estimates of the amounts to be used for the calculation and an estimate of the calculation</td>
<td>Policy Committee</td>
</tr>
<tr>
<td>Reconsideration of the above</td>
<td>Policy Committee</td>
</tr>
<tr>
<td>Submission to the Council of revised estimates</td>
<td>Policy Committee</td>
</tr>
<tr>
<td>Calculation itself</td>
<td>Council</td>
</tr>
</tbody>
</table>
3. Responsibility for Council Functions - Schedule 1

Schedule 1 is issued under Regulation 2(1). It lists functions which cannot be the responsibility of an authority's executive. Again, this is no longer relevant to Reading. However, the Schedule below is retained as a comprehensive list of these functions, and showing which Council body has delegated responsibility for the function, and where the function has been delegated to an officer.

<table>
<thead>
<tr>
<th>Decision</th>
<th>(1) Function</th>
<th>(2) Provision of Act or Statutory Instrument</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Functions relating to town and country planning and development control</td>
<td></td>
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<tr>
<td>Local Authorities (Functions &amp; Responsibilities)(Amendment)(no.2)(England) 2004 Council - 25 January 2005</td>
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<tr>
<td>Local Authorities (Functions &amp; Responsibilities)(Amendment)(no.4)(England) 2007</td>
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<tr>
<td>Planning Applications Committee, 23 July 2014 - agreed scheme of delegations</td>
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<td>1-4</td>
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<tr>
<td>5. Power to determine application for planning permission.</td>
<td>Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>6. Power to determine applications to develop land without compliance with conditions previously attached.</td>
<td>Section 73 of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>7. Power to grant planning permission for development already carried out.</td>
<td>Section 73A of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>8. Power to decline to determine application for planning permission.</td>
<td>Section 70A of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
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<tr>
<td>Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</td>
<td>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>Power to enter into agreement regulating development or use of land.</td>
<td>Section 106 of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>Power to issue or refuse to issue a certificate of existing or proposed lawful use or development.</td>
<td>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services (in consultation with the Head of Legal &amp; Democratic Services for existing, under Section 191(4)) - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>Power to serve a completion notice.</td>
<td>Section 94(2) of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>Power to determine applications for consent for the display of advertisements.</td>
<td>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>Power to authorise entry onto land.</td>
<td>Section 196A of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>Decision</td>
<td>17. Power to require the discontinuance of a use of land.</td>
<td>Section 102 of the Town and Country Planning Act 1990.</td>
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<tr>
<td>18. Power to serve a planning contravention notice, breach of condition notice or stop notice.</td>
<td>Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>18A. Power to issue a temporary stop notice</td>
<td>Section 171E to 171H of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>19. Power to issue an enforcement notice.</td>
<td>Section 172 of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>20. Power to apply for an injunction restraining a breach of planning control.</td>
<td>Section 187B of the Town and Country Planning Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>21. Power to determine applications for hazardous substances consent, and related powers.</td>
<td>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</td>
<td>Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.</td>
<td>Planning Applications Committee</td>
</tr>
<tr>
<td>Decision</td>
<td>23. Power to require proper maintenance of land.</td>
<td>Section 215-219 of the Town and Country Planning Act 1990.</td>
</tr>
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<tr>
<td>24. Power to determine application for listed building consent, and related powers.</td>
<td>Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9).</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>26. Duties relating to applications for listed building consent and conservation area consent.</td>
<td>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of DETR Circular 01/01.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>27. Power to serve a building preservation notice, and related powers.</td>
<td>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>28. Power to issue enforcement notice in relation to unauthorised works to a listed building (including demolition) in conservation area.</td>
<td>Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>Decision</td>
<td>29. Powers to acquire a listed building in need of repair and to serve a repairs notice.</td>
<td>Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
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<tr>
<td>30. Power to apply for an injunction in relation to a listed building.</td>
<td>Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
<tr>
<td>31. Power to execute urgent works.</td>
<td>Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
<td>Planning Applications Committee (delegation to Head of Planning, Development &amp; Regulatory Services in consultation with Head of Legal &amp; Democratic Services - subject to scheme of delegation agreed by PAC, 23.7.14)</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Decision</th>
<th>1. Power to issue licences authorising the use of land as a caravan site (“site licences”).</th>
<th>Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).</th>
<th>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Power to license the use of moveable dwellings and camping sites.</td>
<td>Section 269(1) of the Public Health Act 1936 (c.49).</td>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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<tr>
<td>Decision</td>
<td>3. Power to license hackney carriages and private hire vehicles.</td>
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<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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<tr>
<td>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 &amp; 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 &amp; 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57);</td>
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<tr>
<td>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</td>
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<tr>
<td>4. Power to license drivers of hackney carriages and private hire vehicles.</td>
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<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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<tr>
<td>5. Power to license operators of hackney carriages and private hire vehicles.</td>
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<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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<tr>
<td>6. Power to register pool promoters.</td>
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<tr>
<td>Repealed by Gambling Act 2005</td>
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<tr>
<td>Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2).</td>
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<tr>
<td>(as saved for certain purposes by article 3(3)(c) of the Gambling Act Order 2006)</td>
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<tr>
<td>7. Power to grant track betting licences.</td>
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<tr>
<td>Repealed by Gambling Act 2005</td>
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<tr>
<td>Schedule 3 to the Betting, Gaming and Lotteries Act 1963.</td>
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<tr>
<td>(as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order 2006)</td>
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<tr>
<td>8. Power to license inter-track betting schemes.</td>
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<tr>
<td>Repealed by Gambling Act 2005</td>
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<tr>
<td>Schedules SZA to the Betting, Gaming and Lotteries Act 1963.</td>
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<tr>
<td>(as saved for certain purposes by article 3(3)(e) of the Gambling Act Order 2006)</td>
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<tr>
<td>9. Power to grant permits in respect of premises with amusement machines.</td>
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<tr>
<td>Repealed by Gambling Act 2005</td>
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<tr>
<td>Schedule 9 to the Gaming Act 1968 (c. 65).</td>
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<tr>
<td>(as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order 2006)</td>
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<tr>
<td>10. Power to register societies wishing to promote lotteries.</td>
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<tr>
<td>Repealed by Gambling Act 2005</td>
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<tr>
<td>Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32).</td>
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<tr>
<td>(as saved for certain purposes by article 5(2)(a) of the Gambling Act Order 2006)</td>
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<tr>
<td><strong>Decision</strong></td>
<td><strong>Schedule/Section</strong></td>
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<tr>
<td>11. Power to grant permits in respect of premises where amusements with</td>
<td>Schedule 3 to the Lotteries and Amusements Acts 1976. (as saved for certain purposes by article 5(2)(d) of the Gambling Act Order 2006)</td>
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<tr>
<td>prizes are provided.</td>
<td>Repealed by Gambling Act 2005</td>
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<tr>
<td>12. Power to issue cinema and cinema club licences.</td>
<td>Section 1 of the Cinema Act 1985 (c. 13).</td>
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<td>Repealed by Licensing Act 2003</td>
<td>Repealed by Licensing Act 2003</td>
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<tr>
<td>13. Power to issue theatre licences.</td>
<td>Sections 12 to 14 of the Theatres Act 1968 (c. 54).</td>
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<td>Repealed by Licensing Act 2003</td>
<td>Repealed by Licensing Act 2003</td>
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<tr>
<td>14. Power to issue entertainment licences.</td>
<td>Schedule 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).</td>
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<td>Repealed by Licensing Act 2003</td>
<td>Repealed by Licensing Act 2003</td>
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<tr>
<td>14A. Any function of a licensing authority</td>
<td>Licensing Act 2003 and any regulations or orders made under that Act</td>
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<tr>
<td>Local Authorities (Functions and Responsibilities) (Amendment) (England)</td>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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<tr>
<td>Regulations 2013</td>
<td>Repealed by Licensing Act 2003</td>
<td></td>
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<tr>
<td>14A(i). Power to make representations against applications for new licences and variations in respect of premises licences</td>
<td>Section 13(4) of the Licensing Act 2003 as amended by Section 103 of the Police Reform and Social Responsibility Act 2011</td>
<td></td>
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<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td>Repealed by Licensing Act 2003</td>
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<tr>
<td>14A(ii). Power to make review applications in respect of premises licenses</td>
<td>Section 51 of the Licensing Act 2003 as amended by Section 106 of the Police Reform and Social Responsibility Act 2011</td>
<td></td>
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<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td>Repealed by Licensing Act 2003</td>
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<tr>
<td>14A(iii). Power to make representations against an application for a Temporary Events Notice</td>
<td>Section 99A of the Licensing Act 2003 as inserted by Section 112 of the Police Reform and Social Responsibility Act 2011</td>
<td></td>
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<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td>Repealed by Licensing Act 2003</td>
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<tr>
<td>Decision</td>
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<td>Committee</td>
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<tr>
<td>14A(iv). Power to suspend a premises licence for non-payment of the annual fee where payment had not been received within 21 days following the due date, subject to the licensing authority giving a two day written notice of the date the suspension would come into effect</td>
<td>Section 55A of the Licensing Act 2003 as inserted by Section 120 of the Police Reform and Social Responsibility Act 2011</td>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td></td>
</tr>
<tr>
<td>14AA. Duty to comply with requirement to provide information to Gaming Commission</td>
<td>Section 29 of Gambling Act 2005</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>14AB. Functions relating to exchange of information</td>
<td>Section 30 of Gambling Act 2005</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>14AC. Functions relating to occasional use notices</td>
<td>Section 39 of Gambling Act 2005</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>14AZ. Powers and functions relating to late night levy requirements</td>
<td>Chapter 2 of Part 2 of the Police Reform &amp; Social Responsibility Act 2011 and any regulations made under that Chapter</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>14B. Power to resolve not to issue a casino premises licence</td>
<td>Section 166 of the Gambling Act 2005</td>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td></td>
</tr>
<tr>
<td>14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises</td>
<td>Section 304 of Gambling Act 2005</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>14CA. Power to make order disapplying Section 279 or 282(1) of the Gaming Act 2005 in relation to specified premises</td>
<td>Section 284 of the Gambling Act 2005</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>14D. Power to institute criminal proceedings</td>
<td>Section 346 of Gambling Act 2005</td>
<td>Licensing Applications Committee Head of Legal &amp; Democratic Services</td>
<td></td>
</tr>
<tr>
<td>14E. Power to exchange information</td>
<td>Section 350 of Gambling Act 2005</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>14F. Functions relating to the determination of fees for premises licenses</td>
<td>The Gambling (Premises Licence Fees)(England &amp; Wales) Regulations 2007 (SI 2007/479)</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>14G. Functions relating to the registration and regulation of small society lotteries</td>
<td>Part 5 of Schedule 11 to the Gambling Act 2005.</td>
<td>Licensing Applications Committee Head of Planning, Development &amp; Regulatory Services</td>
<td></td>
</tr>
<tr>
<td>Decision</td>
<td>Power to license sex shops and sex cinemas and sexual entertainment venues.</td>
<td>Power to license performances of hypnotism.</td>
<td>Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.</td>
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</tr>
<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services) SUBJECT TO Licensing Applications Subcommittee 3 being responsible for the determination of applications for grant of new licences, and for applications for renewal or transfer of licences where objections or representations have been received.</td>
<td>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 (as amended by Police &amp; Crime Act 2009, Section 27)</td>
<td>The Hypnotism Act 1952 (c. 46).</td>
<td>Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.</td>
</tr>
<tr>
<td><strong>Decision</strong></td>
<td><strong>Power to license dealers in game and the killing and selling of game.</strong> Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70). Repealed by SI 2007/2007</td>
<td></td>
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</tr>
<tr>
<td><strong>Power to license premises for the preparation of food.</strong></td>
<td>Section 19 of the Food Safety Act 1990 (c. 16). Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Power to license scrap yards.</strong> Power to institute proceedings for offences under the Scrap Metal Dealers Act 2013</td>
<td>Section 1 of the Scrap Metal Dealers Act 1964 (c. 69). Repealed and replaced by the Scrap Metal Dealers Act 2013 Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services /Head of Legal &amp; Democratic Services)</td>
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</tr>
<tr>
<td><strong>Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</strong></td>
<td>The Safety of Sports Grounds Act 1975 (c. 52). Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</strong></td>
<td>Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27). Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Power to issue fire certificates.</strong></td>
<td>Section 5 of the Fire Precautions Act 1971 (c. 40). Not relevant - Power to issue fire certificates under Section 5 of the Fire Precautions Act 1971 is with Fire Authority</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Power to license premises for the breeding of dogs.</strong></td>
<td>Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11). Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</strong></td>
<td>Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963(c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999, Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision</td>
<td>Power to register animal trainers and exhibitors.</td>
<td>Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).</td>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
</tr>
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</tr>
<tr>
<td>32. Power to license zoos.</td>
<td>Section 1 of the Zoo Licensing Act 1981 (c. 37).</td>
<td>Not relevant</td>
<td></td>
</tr>
<tr>
<td>33. Power to license dangerous wild animals.</td>
<td>Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).</td>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
<td></td>
</tr>
<tr>
<td>34. Power to license knackers’ yards.</td>
<td>Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Enforcement (England) Regulations 2011.</td>
<td>Section 4 of the Slaughterhouses Act 1974 repealed</td>
<td></td>
</tr>
<tr>
<td>35. Power to license the employment of children.</td>
<td>Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).</td>
<td>Council (delegation to Head of Children’s Social Care)</td>
<td></td>
</tr>
<tr>
<td>36. Power to approve premises for the solemnisation of marriages.</td>
<td>Section 46A of the Marriage Act 1949 (c. 76) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.</td>
<td>Licensing Applications Committee (Delegation to Head of Customer Services)</td>
<td></td>
</tr>
<tr>
<td>37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -</td>
<td>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).</td>
<td>Council</td>
<td></td>
</tr>
</tbody>
</table>

(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or

(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118). |

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<tr>
<th>Decision</th>
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<tbody>
<tr>
<td>39. Power to license persons to collect for charitable and other causes. (1) Power to grant permits for street collections to collect for charities and other causes (2) Power to issue licenses for house-to-house collections</td>
</tr>
<tr>
<td>(1) Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and the Council’s Street Collection Regulations (2) Section 2 of the House to House Collections Act 1939 (c. 44).</td>
</tr>
<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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<tr>
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<tbody>
<tr>
<td>40. Power to grant consent for the operation of a loudspeaker.</td>
</tr>
<tr>
<td>Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).</td>
</tr>
<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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</tbody>
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</thead>
<tbody>
<tr>
<td>41. Power to grant a street works licence.</td>
</tr>
<tr>
<td>Section 50 of the New Roads and Street Works Act 1991 (c. 22).</td>
</tr>
<tr>
<td>Strategic Environment, Planning &amp; Transport Committee (Delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
</tbody>
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<tbody>
<tr>
<td>42. Power to license agencies for the supply of nurses.</td>
</tr>
<tr>
<td>Section 2 of the Nurses Agencies Act 1957 (c. 16).</td>
</tr>
<tr>
<td>Deleted by Health &amp; Social Care (Community Health &amp; standards) Act 2003</td>
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<tbody>
<tr>
<td>43. Power to issue licences for the movement of pigs.</td>
</tr>
<tr>
<td>Article 12 of the Pigs (Records, Identification and Movement) Order 2011 as amended</td>
</tr>
<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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</tbody>
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<tr>
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</thead>
<tbody>
<tr>
<td>44. Power to license the sale of pigs.</td>
</tr>
<tr>
<td>Article 13 of the Pigs (Records, Identification and Movement) Order 2011 as amended.</td>
</tr>
<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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<tbody>
<tr>
<td>45. Power to license collecting centres for the movement of pigs.</td>
</tr>
<tr>
<td>Article 14 of the Pigs (Records, Identification and Movement) Order 2011 as amended.</td>
</tr>
<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
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<tbody>
<tr>
<td>46. Power to issue a licence to move cattle from a market.</td>
</tr>
<tr>
<td>Cattle Identification Regulations 2007</td>
</tr>
<tr>
<td>Licensing Applications Committee (Delegation to Head of Planning, Development &amp; Regulatory Services)</td>
</tr>
<tr>
<td>Decision</td>
</tr>
<tr>
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</tr>
<tr>
<td>46A. Power, where there are no objections, to grant, renew and vary permissions for the placement of tables and chairs and the designation of smoking areas on the highway, for recreation and refreshment purposes (in accordance with Section 115(E)) and to exercise the powers and perform the duties pursuant to Section 115(F)(impose conditions), Section 115(G)(public notice of application for permission) and Section 115(K)(require the grantee to remedy the breach).</td>
</tr>
<tr>
<td>47. Power to permit deposit of builder's skip on highway.</td>
</tr>
<tr>
<td>47A. Duty to publish notice in respect of proposal to grant permission under Section 115E of Highways Act 1980</td>
</tr>
<tr>
<td>48. Power to license planting, retention and maintenance of trees etc. in part of highway.</td>
</tr>
<tr>
<td>49. Power to authorise erection of stiles etc. on footpaths or bridleways.</td>
</tr>
<tr>
<td>50. Power to license works in relation to buildings etc. which obstruct the highway.</td>
</tr>
<tr>
<td>51. Power to consent to temporary deposits or excavations in streets.</td>
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<tr>
<td>52. Power to dispense with obligation to erect hoarding or fence.</td>
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<tr>
<td>53. Power to restrict the placing of rails, beams etc. over highways.</td>
</tr>
<tr>
<td>54. Power to consent to construction of cellars etc. under street.</td>
</tr>
<tr>
<td>55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.</td>
</tr>
<tr>
<td>56. Power to sanction use of parts of buildings for storage of celluloid.</td>
</tr>
<tr>
<td>60. Power to approve egg product establishments.</td>
</tr>
<tr>
<td>61. Power to issue licences to retail butchers’ shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</td>
</tr>
<tr>
<td>62. Power to approve fish products premises.</td>
</tr>
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<td>Decision</td>
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<tr>
<td><strong>63. Power to approve dispatch or purification centres.</strong></td>
</tr>
<tr>
<td><strong>64. Power to register fishing vessels on board which shrimps or molluscs are cooked.</strong></td>
</tr>
<tr>
<td><strong>65. Power to approve factory vessels and fishery product establishments.</strong></td>
</tr>
<tr>
<td><strong>66. Power to register auction and wholesale markets.</strong></td>
</tr>
<tr>
<td><strong>68. Power to register food business premises.</strong></td>
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<td><strong>69. Power to issue near beer licences</strong></td>
</tr>
<tr>
<td><strong>70. Power to register premises or stalls for the sale of goods by way of competitive bidding</strong></td>
</tr>
<tr>
<td><strong>72. Functions relating to the registration of common land and town or village greens</strong></td>
</tr>
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</table>

C. **Functions relating to health and safety at work**
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<thead>
<tr>
<th>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, and any Regulations made thereunder, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</th>
<th>Part I of the Health and Safety at Work etc. Act 1974 (c. 37).</th>
<th>Decision Council (delegation to Head of Planning, Development &amp; Regulatory Services)</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Functions relating to elections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Duty to appoint an electoral registration officer.</td>
<td>Section 8(2) of the Representation of the People Act 1983 (c. 2).</td>
<td>Council</td>
</tr>
<tr>
<td>2. Power to assign officers in relation to requisitions of the registration officer.</td>
<td>Section 52(4) of the Representation of the People Act 1983.</td>
<td>Council (delegation to Head of Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>3. Functions in relation to parishes and parish Councils.</td>
<td>Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part.</td>
<td>Not relevant</td>
</tr>
<tr>
<td>5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</td>
<td>Section 11 of the Local Government Act 1972.</td>
<td>Not relevant</td>
</tr>
<tr>
<td>7. Duty to provide assistance at European Parliamentary elections.</td>
<td>Section 6(7) and (8) of the European Parliamentary Elections Act 2002</td>
<td>Council (delegation to Head of Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>Decision</td>
<td>Section</td>
<td>Council</td>
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<tr>
<td>11. Power to pay expenses properly incurred by electoral registration officers.</td>
<td>Section 54 of the Representation of the People Act 1983.</td>
<td>Council (delegation to Head of Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>14. Duty to give public notice of a casual vacancy.</td>
<td>Section 87 of the Local Government Act 1972.</td>
<td>Council (delegation to Head of Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>15. Power to make temporary appointments to parish Councils.</td>
<td>Section 91 of the Local Government Act 1972.</td>
<td>Not relevant</td>
</tr>
<tr>
<td>16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.</td>
<td>Deleted by F&amp;R Amendment 4, 2007</td>
<td>Deleted</td>
</tr>
<tr>
<td>17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.</td>
<td>Section 10 of the Representation of the People Act 2000 (c. 2).</td>
<td>Council</td>
</tr>
<tr>
<td>18. Duty to consult on change of scheme for elections</td>
<td>Sections 33(2), 38(2), and 40(2) of the Local Government &amp; Public Involvement in Health Act 2007 (LGPIHA)</td>
<td></td>
</tr>
<tr>
<td>19. Duties relating to publicity</td>
<td>Sections 35, 41 and 52 of the LGPIHA 2007</td>
<td></td>
</tr>
<tr>
<td>20. Duties relating to notice to Electoral Commission</td>
<td>Sections 36 and 42 of the LGPIHA 2007</td>
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<tr>
<td>Decision</td>
<td>Section</td>
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<tr>
<td>21. Power to alter years of ordinary elections of parish councillors</td>
<td>Section 53 of the LGPIHA 2007</td>
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</tr>
<tr>
<td>E. Functions relating to name and status of areas and individuals</td>
<td></td>
<td>Council</td>
</tr>
<tr>
<td>1. Power to change the name of a county, district or London borough.</td>
<td>Section 74 of the Local Government Act 1972</td>
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<tr>
<td>2. Power to change the name of a parish.</td>
<td>Section 75 of the Local Government Act 1972</td>
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<tr>
<td>3. Power to confer title of honorary alderman or to admit to be an honorary freeman.</td>
<td>Section 249 of the Local Government Act 1972</td>
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<tr>
<td>4. Power to petition for a charter to confer borough status.</td>
<td>Section 245b of the Local Government Act 1972</td>
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<tr>
<td>EA. Functions relating to changing governance arrangements</td>
<td></td>
<td>Council</td>
</tr>
<tr>
<td>1. Duty to draw up proposals</td>
<td>Section 33(E)(2) of the Local Government Act 2000</td>
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<tr>
<td>2. Duty to consult prior to drawing up proposals</td>
<td>Section 33E(6) of the Local Government Act 2000</td>
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<tr>
<td>3. Duty to implement new governance arrangements</td>
<td>Sections 33G and H of the Local Government Act 2000</td>
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<tr>
<td>4. Duty to comply with direction given by the Secretary of State</td>
<td>Section 33I of the Local Government Act 2000</td>
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<tr>
<td>5. Duty to hold referendum</td>
<td>Section 33K(2) of the Local Government Act 2000</td>
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</tr>
<tr>
<td>6. Duty to publish notice if proposals not approved in referendum</td>
<td>Section 33K(6) of the Local Government Act 2000</td>
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<tr>
<td>7. Duty to obtain written consent of elected Mayor</td>
<td>Section 33N of the Local Government Act 2000</td>
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<tr>
<td>EB. Functions relating to community governance</td>
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<tr>
<td>1. Duties relating to community governance reviews</td>
<td>Section 79 of the LGPIHA 2007</td>
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<tr>
<td>2. Functions relating to community governance petitions</td>
<td>Sections 80, 83, 84, 85 of the LGPIHA 2007</td>
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<tr>
<td>3. Functions relating to terms of reference of review</td>
<td>Sections 81(4)-(6) of the LGPIHA 2007</td>
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<tr>
<td>4. Power to undertake a community governance review</td>
<td>Section 82 of the LGPIHA 2007</td>
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<tr>
<td>5. Functions relating to making of recommendations</td>
<td>Sections 87-92 of the LGPIHA 2007</td>
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</tr>
<tr>
<td>Number</td>
<td>Description</td>
<td>Relevant Sections or Acts</td>
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<tr>
<td>6.</td>
<td>Duties when undertaking review</td>
<td>Sections 93-95 of the LGPIHA 2007</td>
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<tr>
<td>7.</td>
<td>Duty to publicise outcome of review</td>
<td>Section 96 of the LGPIHA 2007</td>
</tr>
<tr>
<td>8.</td>
<td>Duty to send two copies of order to the Secretary of State and Electoral Commission</td>
<td>Section 98(1) of the LGPIHA 2007</td>
</tr>
<tr>
<td>9.</td>
<td>Power to make agreements about incidental matters</td>
<td>Section 99 of the LGPIHA 2007</td>
</tr>
<tr>
<td>F.</td>
<td>Power to make, amend, revoke, re-enact or enforce byelaws</td>
<td>Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30).</td>
</tr>
<tr>
<td></td>
<td>Local Authorities (Functions &amp; Responsibilities) (Amendment) (England) Regulations 2006</td>
<td>Council</td>
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Local Authorities (Functions & Responsibilities)(Amendment)(no.2)(England) 2007
Local Authorities (Functions & Responsibilities)(Amendment)(no.4)(England) 2007

FA. Functions relating to smoke-free premises

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<td>1.</td>
<td>Duty to enforce Chapter 1 and regulations made under it</td>
<td>Section 10(3) of Health Act 2006</td>
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<td>Licensing Applications Committee</td>
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<td></td>
<td></td>
<td>Head of Planning, Development &amp; Regulatory Services</td>
</tr>
<tr>
<td>2.</td>
<td>Power to authorise officers</td>
<td>Section 10(5) and para. 1 of Schedule 2 to Health Act 2006</td>
</tr>
<tr>
<td></td>
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<td></td>
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<td>Head of Planning, Development &amp; Regulatory Services</td>
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<tr>
<td>3.</td>
<td>Functions relating to fixed penalty notices</td>
<td>Paras. 13, 15 and 16 of Schedule 1 to Health Act 2006</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)</td>
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<td>Licensing Applications Committee</td>
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<td></td>
<td></td>
<td>Head of Planning, Development &amp; Regulatory Services</td>
</tr>
<tr>
<td>4.</td>
<td>Power to transfer enforcement functions to another enforcement authority</td>
<td>Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Licensing Applications Committee</td>
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<tr>
<td></td>
<td></td>
<td>Head of Planning, Development &amp; Regulatory Services</td>
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G. Power to promote or oppose local or personal Bills.

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<th>Description</th>
<th>Relevant Sections or Acts</th>
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<td></td>
<td>Section 239 of the Local Government Act 1972.</td>
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H. Functions relating to pensions etc.

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<tr>
<th>Number</th>
<th>Description</th>
<th>Relevant Sections or Acts</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>Functions relating to local government pensions, etc.</td>
<td>Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).</td>
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<td>Council</td>
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<td>Personnel Committee</td>
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<td>Decision</td>
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<tr>
<td>Council Personnel Committee</td>
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### Part I - Functions relating to public rights of way

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<tbody>
<tr>
<td><strong>1.</strong> Power to create footpaths or bridleways by agreement</td>
<td>Section 25 of the Highways Act 1980 (c. 66).</td>
<td>Planning Applications Committee (Delegation to Head of Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td><strong>2.</strong> Power to create footpaths and bridleways.</td>
<td>Section 26 of the Highways Act 1980 (c. 66).</td>
<td>Planning Applications Committee (delegation to Head of Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td><strong>3.</strong> Duty to keep register of information with respect to maps, statements and declarations</td>
<td>Section 31A of the Highways Act 1980 (c. 66).</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td><strong>4.</strong> Power to stop up footpaths and bridleways.</td>
<td>Section 118 of the Highways Act 1980.</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
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<tr>
<td><strong>5.</strong> Duty to determine application for public path extinguishment order</td>
<td>Sections 118Z and 118(C) of the Highways Act 1980</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td><strong>6.</strong> Power to make a rail crossing extinguishment order</td>
<td>Section 118A of the Highways Act 1980</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td><strong>7.</strong> Power to make a special extinguishment order</td>
<td>Section 118B of the Highways Act 1980</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td><strong>8.</strong> Power to divert footpaths and bridleways.</td>
<td>Section 119 of the Highways Act 1980.</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td><strong>9.</strong> Power to make a public path diversion order</td>
<td>Section 119Z and 119C(4) of the Highways Act 1980.</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td><strong>10.</strong> Power to make a rail crossing diversion order</td>
<td>Section 119A of the Highways Act 1980.</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td><strong>11.</strong> Power to make a special diversion order</td>
<td>Section 119B of the Highways Act 1980.</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>Decision</td>
<td>Section</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
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</tr>
<tr>
<td>12. Power to require applicant for order to enter into agreement</td>
<td>Section 119C of the Highways Act 1980.</td>
<td></td>
</tr>
<tr>
<td>22. Powers relating to the removal of things so deposited on highways as to be a nuisance.</td>
<td>Section 149 of the Highways Act 1980.</td>
<td></td>
</tr>
<tr>
<td>23. Powers to extinguish certain public rights of way</td>
<td>Section 32 of the Acquisition of Land Act 1981 (c. 67)</td>
<td></td>
</tr>
<tr>
<td>Decision</td>
<td>Section of Act</td>
<td>Committee Delegation</td>
</tr>
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</tr>
<tr>
<td>25. Power to include modifications in other orders.</td>
<td>Section 53A of the Wildlife and Countryside Act 1981</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>26. Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife &amp; Countryside Act 1981.</td>
<td>Section 53B of the Wildlife and Countryside Act 1981</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>27. Duty to reclassify roads used as public paths.</td>
<td>Section 54 of the Wildlife and Countryside Act 1981</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>28. Power to prepare map and statement by way of consolidation of definitive map and statement.</td>
<td>Section 57A of the Wildlife and Countryside Act 1981</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>29. Power to designate footpath as cycle tract.</td>
<td>Section 3 of Cycle Tracks Act 1984 (c. 38)</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>30. Power to extinguish public right of way over land acquired for clearance.</td>
<td>Section 294 of the Housing Act 1981 (c. 68)</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>30A. Power to authorise stopping up or diversion of highway.</td>
<td>Section 247 of the Town &amp; Country Planning Act 1990 (c.8)</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>31. Power to authorise stopping-up or diversion of footpath or bridleway.</td>
<td>Section 257 of the Town &amp; Country Planning Act 1990</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>32. Power to extinguish public rights of way over land held for planning purposes.</td>
<td>Section 258 of the Town &amp; Country Planning Act 1990</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>33. Power to enter into agreements with respect to means of access.</td>
<td>Section 35 of the Countryside and Rights of Way Act 2000 (c. 37)</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>34. Power to provide access in absence of agreement.</td>
<td>Section 37 of the Countryside and Rights of Way Act 2000</td>
<td>Planning Applications Committee (delegation to Head of Transportation &amp; Streetcare)</td>
</tr>
<tr>
<td>35. Functions relating to sea fisheries.</td>
<td>Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).</td>
<td>Not relevant</td>
</tr>
<tr>
<td>36. Power to make standing orders.</td>
<td>Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.</td>
<td>Council</td>
</tr>
<tr>
<td>Decision</td>
<td>Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for dismissal)</td>
<td>Section 112 of the Local Government Act 1972.</td>
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</tr>
<tr>
<td>38.</td>
<td>Power to make standing orders as to contracts.</td>
<td>Section 135 of the Local Government Act 1972.</td>
</tr>
<tr>
<td>39.</td>
<td>Duty to make arrangements for proper administration of financial affairs etc.</td>
<td>Section 151 of the Local Government Act 1972</td>
</tr>
<tr>
<td>40.</td>
<td>Power to appoint officers for particular purposes (appointment of “proper officers”)</td>
<td>Section 270(3) of the Local Government Act 1972</td>
</tr>
<tr>
<td>41.</td>
<td>Power to make limestone pavement order.</td>
<td>Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).</td>
</tr>
<tr>
<td>42.</td>
<td>Power to make closing order with respect to take-away food shops</td>
<td>Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30)</td>
</tr>
<tr>
<td>43.</td>
<td>Duty to designate officer as head of the authority’s paid service, and to provide staff, etc</td>
<td>Section 4(1) of the Local Government &amp; Housing At 1989 (c. 42)</td>
</tr>
<tr>
<td>44.</td>
<td>Duty to designate officer as monitoring officer, and to provide staff etc</td>
<td>Section 5(1) of the Local Government &amp; Housing At 1989</td>
</tr>
<tr>
<td>44A</td>
<td>Duty to provide staff, etc to person nominated by Monitoring Officer</td>
<td>Sections 82A(4) and (5) of the Local Government Act 2000</td>
</tr>
<tr>
<td>44B</td>
<td>Powers relating to overview and scrutiny committees (voting rights of co-opted members)</td>
<td>Paras. 12 and 14 of Schedule 1 to the Local Government Act 2000</td>
</tr>
<tr>
<td>45.</td>
<td>Duty to approve authority’s statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).</td>
<td>The Accounts and Audit Regulations 1996 (S.I. 1996/590).</td>
</tr>
<tr>
<td>Decision Number</td>
<td>Description</td>
<td>Relevant Legislation</td>
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<tr>
<td>47</td>
<td>Powers relating to the preservation of trees.</td>
<td>Sections 197 to 214D and Sections 211-214 of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (S.I. 2012/605).</td>
</tr>
<tr>
<td>47A</td>
<td>Powers relating to complaints about high hedges</td>
<td>Part 8 of the Anti-Social Behaviour Act 2003</td>
</tr>
<tr>
<td>48</td>
<td>Power to make payments or provide other benefits in cases of maladministration etc.</td>
<td>Section 92 of the Local Government Act 2000.</td>
</tr>
<tr>
<td>49</td>
<td>Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption</td>
<td>Section 13(2) of the Criminal Justice &amp; Police Act 2001</td>
</tr>
<tr>
<td>49A</td>
<td>Power to issue temporary Closure Notices on premises associated with significant and persistent disorder or persistent serious nuisance</td>
<td>Section 118 of the Criminal Justice and Immigration Act 2008 and Part 1(A) of the Anti-Social Behaviour Act 2003</td>
</tr>
<tr>
<td>50</td>
<td>Power to make or revoke an order designating a locality as an alcohol disorder zone</td>
<td>Section 16 of Violent Crime Reduction Act 2006</td>
</tr>
<tr>
<td>51</td>
<td>Power to apply for an enforcement order against unlawful works on common land</td>
<td>Section 41 of Commons Act 2006</td>
</tr>
<tr>
<td>52</td>
<td>Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference</td>
<td>Section 45(2)(a) of Commons Act 2006</td>
</tr>
<tr>
<td>53</td>
<td>Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens</td>
<td>Section 45(2)(b) of Commons Act 2006</td>
</tr>
</tbody>
</table>
4. Responsibility For Functions - Lead Councillor Portfolios

GENERAL

The Leader, Deputy Leader and all Lead Councillors will have the general responsibility to set the strategic direction of the authority, and to ensure and monitor the effective management and delivery of services within their areas of responsibility, as Members of a collective Policy Committee, and within the following framework:

- Sustainable Community Strategy (Reading 2050)
- Local Development Framework
- The Council’s overall strategic objectives, the budget and policy framework of the Council, and the corporate values
- Leading the Way Corporate Plan
- Service Improvement and Performance Management Programmes
- The budgets set for the services, and the Council’s Financial Regulations
- The law, the Council’s Scheme of Delegations, and Standing Orders and the Constitution
- The operation of the Decision Book

General and shared responsibilities will include:

a) as part of the Council’s community leadership role, working with partners through the Local Strategic Partnership and its delivery groups to take forward the Sustainable Community Strategy and the delivery of the Strategy’s three themes of People, Places and Prosperity

b) developing, co-ordinating, promoting and implementing the Council’s corporate strategies, policies, objectives and initiatives; and working together with other Lead Councillors to promote the interests of the Borough and its residents

c) overseeing the implementation of the Council’s key priorities for improvement in line with the Performance Improvement Programme

d) overseeing, developing, monitoring and promoting services provided directly by the Council

e) acting as client for the procurement, development, monitoring and promotion of services provided under contract to the Council

f) exploring alternative models of service provision, including developing new partnerships to deliver services differently; and overseeing, developing and monitoring services provided by joint arrangement with partners including other Councils

g) promoting the interests of the Borough, and of residents, businesses and other organisations; and taking a community leadership role across the public, voluntary and business sectors, to develop working links with and to monitor the work of bodies providing public services in Reading

h) promoting consultation and new ways of engaging with the public, and devolving decisions to local communities, within the context of an evolving public engagement strategy

i) responding to consultations from the Government and other public sector agencies

j) putting forward nominees to represent the Council on appropriate outside bodies

k) promoting equal opportunities, sustainability, community safety and public health in relation to the provision of the Council’s services, and the delivery of services in Reading by other agencies
l) overseeing the appropriate levels of resource required to provide the services, within corporate guidelines and service plans

m) overseeing relations with voluntary and community organisations, and recommending grants for such organisations which fall within the Lead Councillor’s portfolio, within the overall grants process and budget set by the Cabinet

n) championing the needs of children in care as their corporate parent

o) promoting the Council’s vision and transforming services programme, and its key priority areas of value-for-money, residents and customers, and staff

p) promoting equality and ensuring that the Council’s functions and services are delivered within, and do not breach, the following statutory duties:

- Duty to secure Best Value, under Section 3 of the Local Government Act 1999
- Duty to consider social value, under the Public services (Social Value) Act 2012
- Duty, under Section 149 of the Equality Act 2010, to have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- Any of the equality enactments as defined in section 33 of the Equality Act 2006, and do not discriminate against people on grounds of race, gender, disability, religion or belief, sexual orientation, and age.
1. **LEADERSHIP**

The Leader and Deputy Leader will between them have the responsibilities set out below. The Deputy Leader will support the Leader in carrying out the responsibilities, share the responsibilities as appropriate, and deputise for the Leader in the Leader’s absence.

**A) Corporate Strategy and Resources**

(1) To lead the development and implementation of the Council’s strategic vision and corporate objectives and priorities, including:

- the Council forward programmes
- the Council’s vision and objectives
- the needs of the Borough and the community on matters of comprehensive, corporate and strategic importance;
- the Council’s corporate and strategic plans;
- the Reading Sustainable Community Strategy (Reading 2050) and the authority’s Corporate Plan.

(2) To provide the Council’s community leadership role, including taking or agreeing the chair of the Reading Local Strategic Partnership; and to promote work in partnership with key stakeholders to secure the implementation of the Sustainable Community Strategy and Reading 2050 vision and Local Development Framework, through local partnerships.

(3) To oversee the allocation and management of resources required to implement the Council’s corporate, budgetary and strategic objectives, with specific reference to:

- the annual budget, Capital Programme, and Capital Strategy;
- capital expenditure and tenders of over £1 million in total;

(4) To ensure the existence of effective financial management and audit arrangements.

(5) To oversee the development and implementation, unless otherwise specified, of the following corporate strategies and policies:

- Capital Strategy (development only)
- Future Development of Reading Strategy
- Corporate Plan
- Promotion of the Borough
- Sustainable Community Strategy (Reading 2050)

(6) To oversee and monitor the Council’s links and relations with other Berkshire authorities, partners and external bodies including:

- promoting the Council’s economic and other interests in the Borough and in Berkshire, the Thames Valley, the South-East Region and beyond;
- the Local Economic Partnership
- town twinning

(7) To ensure the corporate management of the Council, and the effective delivery of its services to the public; and to oversee the Council’s management processes to ensure their effective contribution to the provision of efficient, high quality services; including the need for new services or changes in services where appropriate.

(8) To oversee the following services on behalf of the Berkshire Unitary Authorities, under the terms of the joint management agreements concluded with the other Authorities:

- Berkshire Coroner
- Berkshire Record Office and County Archive
(9) To promote good community relations and consultation

B) Economic Development and Performance

(1) To oversee the development and implementation of the following corporate strategies and policies:

- Sustainable Economic Development Strategy

(2) To be responsible for the following corporate activities and services:

- Thriving Economy
  - Town Centre policy and Business Improvement District (BID)
  - Economic Development
  - Reading Community Interest Company and Reading Diamond
  - Local Enterprise Partnership (LEP)
  - Major bids for external funding

(3) To coordinate bids for funding for regeneration projects from external sources, including Europe; and to promote opportunities for working in partnership to seek European and other funding

(4) In partnership with neighbouring authorities, relevant Government Departments and key local partners, to promote and oversee local and regional development programmes, and to represent the Council on associated bodies, including:

- Reading and Mid-Berkshire City Deal (with the LEP)
- Reading CIC UK (community interest company)

C) Open Services and Voluntary Sector

(1) To oversee and monitor the Council’s procurement and commissioning arrangements, with reference to the Government’s Open services agenda, and the development and implementation of the following corporate strategies and policies, including:

- Community Right of Challenge
- Community right to Bid for assets of community value
- Procurement & Commissioning Strategy
- Voluntary Sector Strategy (with Neighbourhoods)

(2) To oversee the corporate framework for the allocation of all grant aid to voluntary organisations, community bodies and other groups
2. **ADULT SOCIAL CARE**

(1) To oversee the development and implementation of policies, strategies and procedural arrangements for the provision of the Council’s community care functions.

(2) To oversee the implementation of the following corporate strategies and policies:

- Ageing Well
- Domiciliary and Intermediate Care Strategy
- Reading Learning Disability Partnership Strategy
- Reading Mental Health Strategy
- Supporting People.

(3) To ensure the direct provision of the following services:

- Community Care, including:
  - Vulnerable adults, including
    - Asylum seekers
    - Substance abuse
    - HIV/AIDS
    - Other people with complex needs
  - Older People
  - People with mental health problems
  - People with learning disabilities
  - People with physical disabilities.

- Quality Assurance, Strategic Planning and other functions associated with the above.

(4) To oversee and liaise with partners on commissioned and shared services and budgets.

(5) To promote good community relations and consultation, including the following partnerships:

- Reading Older People’s Partnership
- Physical Disability and Sensory Needs Network
- Carers’ Steering Group
- Learning Disability carers’ Forum
- Mental Health Partnership.

(6) To be responsible for responses to consultation undertaken by external bodies eg Care Quality Commission on adult service provision in Reading, and on developments outside Reading affecting residents in Reading.
3. **CHILDREN**

(1) To be the Lead Councillor for all Children’s services under Section 19(1) of the Children Act 2004; to be accountable for their delivery including when this is delivered by the Children’s Company, Brighter Futures for Children; and to exercise political responsibility for the effectiveness, availability and value for money of all of the Council’s children’s services.

[NB - the Children Act 2004 specifies that these functions are also the responsibility of the Director of Children’s Services]

a) **Education services** - the authority’s functions in its capacity as a local education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to further education, higher education and adult education)

b) **Social Services** - the authority’s social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the local authority’s functions for children and young people leaving care

c) **Health Services** - any health-related functions exercised on behalf of an NHS body under Section 31 of the Health Act 1999, insofar as they relate to children

d) **Inter-agency Co-operation** - the new functions of the Children’s Services Authority set out in the Children Act, in particular building and leading the arrangements for inter-agency cooperation set out in (e) below.

e) The following functions conferred on Children’s Services Authorities under the Children Act 2004:

- Section 10 - promoting co-operation with partner organisations to improve the well-being of children within the authority’s area
- Section 11 - safeguarding children and promoting their welfare
- Section 12 - establishing maintaining and operating a database of basic information on children in the authority
- Sections 13-16 - establishing a Local Safeguarding Children’s Board
- Section 17 - preparing and publishing a Children and Young People’s Plan setting out the authority’s strategy for discharging its functions re. children and young people
- Section 20(9)(d) - consulting on and co-ordinating statements of proposed action in the light of a Joint Area Review report and monitoring and evaluating implementation

f) The following functions that have been modified by the 2004 Act:

- Schedule 2 - seconding at least one Children’s Social Worker and at least one education professional to the Youth Offending Team (Section 39(5) of the Crime & Disorder Act 1998)
- Section 50 - duty to promote the educational achievement of looked-after children (Section 22(3)(A) of the Children’s Act 1989)
- Section 52 - duty to provide the Secretary of State with information on individual children where so directed (Section 83(4A) of the Children’s Act 1989)

g) The role of the Lead Member for Children’s Services is set out in detail in Statutory Guidance issued in 2009 - The role and responsibilities of the Lead Member for Children’s Services and the Director of Children’s Services.

**Brighter Futures for Children**

(2) To work with the Director for Children, Education & Early Help and the Chief Executive and Chair of Brighter Futures for Children to establish the Children’s Company for Reading, and be accountable for its delivery of the Children’s Services functions of the authority covered by the service contract.
(3) To ensure the effective commissioning and clienting of the contract with ‘Brighter Futures for Children’ for the delivery of the following functions of the Council as Children’s Services Authority covered by the service contract:

- Children’s Safeguarding
  - Child protection
  - Children’s single point of access, including the Child Sexual Exploitation (CSE) Hub and Multi-Agency Safeguarding Hub (MASH)
  - Access and assessment
  - Children in Need and Court teams
  - Looked-after Children, including Leaving Care and Contact Team
  - Edge of care
  - Family placements, including fostering
  - Residential Care

- Early Help and Partnerships
  - Early Help Service
  - Early Years and Play Services, including Family Information Service, Children’s Centres and care for Under-Fives
  - Youth service
  - Youth Offending Service, including Troubled Families programme
  - Teenage conception reduction and support to teenage parents
  - Young People not in education, employment or training (NEET)
  - Support to children and young people in conflict with the law through the Youth Offending Service, Source and other Safer Communities initiatives (jointly with Neighbourhoods & Housing, Culture & Sport).

- Special Educational Needs
  - Children & Young People’s Disability Team
  - Special Educational Needs (SEND) - including exclusion and ill-health
  - Support to children with disabilities and mental health problems
  - Children’s Action Teams which deliver family support for Children in Need, education welfare, educational and child psychology and youth engagement services
  - Young carers
  - Children missing education
  - Young runaways
  - Elective Home Education
  - Post-16 learning
  - Behavioural Support
  - Nurseries

- Quality Assurance & Improvement
  - Ensuring the proper exercise of the role of Local Authority Designated Officer (LADO)
  - Audit and Quality Assurance
  - Employment, management and supervision of IROs
  - Business operation and support

(4) In conjunction with ‘Brighter Futures for Children’:

(a) To be proactive in developing the local vision and driving improvements for local people, including integrated children’s services, with children, young people and their families placed at the centre of their policies and activities and to communicate this vision for children to councillors, and to the boards and partnerships on which they are either present or represented.
(b) To provide a particular focus, with the Director of Children, Education & Early Help Services and the Chief Executive of the Children's Company, ‘Brighter Futures for Children’, on safeguarding and promoting the welfare of children across all agencies. The responsibilities of the Chief Executive of the Company, the Director and Lead Councillor extend to all children receiving services in their area, irrespective of the type of school they attend, or their home local authority area.

(c) To develop, promote and implement policies, strategies and procedural arrangements to champion children’s interests both across functional boundaries within the local authority and across local partnerships to ensure that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed, with a particular focus on promoting early identification and prevention through:

- effective coordination between Council services;
- effective consultation and co-operation between the Council and the police, PCT, other Health Trusts, Probation Service, Connexions, the Children and Family Court Advisory Service, the Learning & Skills Council and the voluntary and community sector;
- active leadership of the Reading Children’s Trust;
- effective integrated and strategic commissioning, leading to integrated service delivery;
- active membership of the Local Safeguarding Children Board.

(d) To oversee the development and implementation of the Children and Young People's Plan and related strategies and policies

(e) To oversee the implementation of the following corporate strategies and policies:

- 14-19 Strategy
- Children & Young People’s Plan
- Children in Care Pledge
- Early intervention strategy
- Play Strategy (with Culture, Heritage & Recreation)
- Learning Difficulties and Disabilities Strategy (with Education)

(f) To be satisfied that the discharge of the authority's statutory children’s services’ functions by Brighter Futures for Children is effective by:

- ensuring regular access to reports and management data and asking questions about performance and outcomes
- monitoring outputs for services against the inspection requirements developed by the Office for Standards in Education (Ofsted) and the Commission for Healthcare Audit and Inspection (CHAI)
- developing performance management arrangements that deliver shared and agreed outcomes across services that work with children and young people.

(5) To ensure the direct provision of the following children’s services:

- Commissioning Children’s Public Health 0-19 services, including health visiting and school nursing
- Adoption - through Adopt Thames Valley - and post-adoption support

(6) To be consulted on, and oversee and monitor the responses from Brighter Futures for Children to inspections and consultation undertaken by external bodies eg Ofsted and Care Quality Commission on children’s services provision in Reading, and on developments outside Reading affecting residents in Reading.

Corporate Parenting
(7) To contribute to, and be satisfied that the local authority demonstrates, high standards of corporate parenting, in particular by encouraging Members to promote the educational achievement and health and wellbeing of looked after children and children leaving care.
4. CORPORATE & CONSUMER SERVICES

A) Audit & Financial Management

(1) To ensure the existence of effective financial and management audit arrangements, reporting any concerns to Audit & Governance Committee as necessary.

(2) To oversee the development and implementation of the following corporate strategies and policies:
   - Annual Governance statement and Assurance Report
   - Anti-Fraud Strategy, Fraud Response Plan and Housing Benefit Prosecution Policy
   - Capital Strategy - implementation (Leadership development of Strategy)
   - Corporate Governance
   - Corporate Asset Management Plan (monitoring & implementation responsibilities)
   - Corporate Procurement Strategy
   - Business Continuity Plan
   - Financial Regulations
   - Risk Management Strategy
   - Treasury Management Strategy

(3) To be responsible for the following corporate activities and services:
   - Financial Management
   - Revenues and Benefits
   - Internal Audit and Investigations Team
   - Emergency Planning
   - Accountancy
   - Communications and Promotion
   - Submissions to national award schemes
   - Democratic Services
   - Electoral Registration and Elections
   - Facilities Management
   - Civic Centre and Corporate Buildings
   - Legal Services
   - Development and Land & Property, including management of Council buildings and sites (Use of assets with Leadership)
   - Markets

(4) To monitor the corporate management of the Council, and the effective delivery of its services to the public; and to oversee the Council's management processes to ensure their effective contribution to the provision of efficient, high quality services; including the need for new services or changes in services where appropriate. (see also Leadership)

B) Equalities and Human Resources

(5) To promote equal opportunities in employment and in the provision and delivery of services, both by the Council and by other agencies providing services locally; to monitor its effectiveness of this provision; and to disseminate good practice - with Neighbourhoods and Communities.

(6) To oversee the development and implementation of the following corporate strategies and policies:
   - Human Resources Strategy
   - Pay Policy

(7) To be responsible for the following corporate activities and services:
   - Corporate Human Resources
C) Performance Management and Service Improvement

(8) To monitor the delivery of the Council’s Corporate Programme to achieve the savings and transformational change needed to ensure the Council’s financial sustainability and service improvement.

(9) To work with the Chief Executive and the Corporate Management Team and support the Corporate Delivery Board, which will be responsible for implementing the Corporate Programme, to deliver the targets of the eight workstreams:

- Digital Futures
- Children’s Company
- Cultural & Leisure Trust
- Adults’ Transformation
- Children’s Transformation
- Commercialisation
- Transport & Parking
- Assets

(10) To promote a corporate governance framework for the Council, addressing community leadership, service delivery arrangements, structures and processes, risk management and internal controls, and standards of conduct, and to monitor its implementation.

(11) To oversee the development and implementation of the following corporate strategies and policies:

- Customer Services Programme
- Corporate Complaints Procedure and Policy and Procedure for Dealing with Unreasonably Persistent Complainants
- Information Strategy
- Information Security Policy

(12) To be responsible for the following corporate activities and services:

- Business Support
- Customer Services
- Strategic IT
- Policy, Performance and Community Services

(13) To promote a corporate framework for performance management and service planning, to identify areas of good and bad performance.

(14) To promote and oversee the development and implementation of the Performance Improvement Programme and associated corporate projects.

(15) Within the context both of corporate performance management and the overall budget situation, to review and evaluate alternative models of service provision, including developing new partnerships to deliver services differently, in consultation with the Leader and relevant Lead Councillors.

D) Environmental Health & Public Protection
To be responsible for the following environmental health and public protection legislation and services within the Borough (with other Lead Councillors where appropriate):

- Cemeteries and crematorium
- Sunday trading
- Consumer advice and trading standards
- Registrar’s service (births, marriages and deaths)
5. CULTURE, HERITAGE & RECREATION

A) Culture

(1) To oversee policy priorities and objectives and strategies for the provision of arts, cultural and leisure services in Reading; both directly by the Borough Council and in partnership with the private sector and other agencies; and to monitor and review provision against the Council's corporate and strategic objectives.

(2) To oversee the development and implementation of the following corporate strategies and policies:

- Allotments Management Plan
- Cultural Strategy
- Library Annual Position Statement
- Open Spaces Strategy
- Play Strategy (with Children)
- Public Art Strategy
- Thames Parks Plan
- Tree Strategy (with Strategic Environment)
- Your Reading (Passport) (with Health, Wellbeing & Sport)

(3) To ensure the provision of the following services:

- Catering services
- Museum Service
- Entertainment, arts, cultural and other facilities at the Hexagon, 21 South Street, the Town Hall and at other venues
- Library Service
- Public art programme
- Outdoor recreational facilities, including parks and children's play areas
- Allotments
- Woodlands Management (see also Strategic Environment)
- Archive and Modern Records service

(4) To promote:

- tourism in the Borough;
- the development and use of waterways within Reading;
- the general development of the arts and learning in Reading, including the support of community arts initiatives.

(5) To ensure the care of the Council's historic monuments and buildings, including the Abbey Ruins, Abbey Gateway, and the Caversham Court Gazebo.

(6) To co-ordinate all non-licensing aspects of Council policy towards arts and leisure festivals and other major events.

(7) To promote good community relations and consultation, including the following partnerships:

- Cultural Partnership
5. **EDUCATION**

(1) To develop, promote, and implement policies, strategies, and procedural arrangements for the provision of the Council’s educational institutions, including the Council’s scheme for the financing of schools.

(2) To work with the Director for Children, Education & Early Help and the Chief Executive and Chair of Brighter Futures for Children to establish the Children’s Company for Reading and be accountable for its delivery of the Education functions of the authority covered by the contract.

(3) To ensure the effective commissioning and clienting of the contract with ‘Brighter Futures for Children’ for the delivery of the following functions of the Council as Local Education Authority covered by the service contract:

- Planning of school places
- School admissions and appeals
- Elective Education
- Commissioning high needs places
- School Improvement, including Governor Support, Advisory Services and Educational Welfare
- School Improvement Support, including Careers Advice, Occupational Health

(4) To ensure the provision of the following education services:

- Maintenance and development of maintained school buildings, including capital schemes for new school buildings
- The Academisation programme, including conducting competitions for new Free schools
- Finance/IT support for schools, including the management of the Dedicated Schools Grant (DSG)
- New Directions Service
- Home to school transport

(5) To oversee the development and implementation of the following corporate strategies and policies, in conjunction with Brighter Futures for Children where appropriate:

- Learning Difficulties and Disabilities Strategy (with Children)
- Adult Learning Plan
- School Improvement Strategy
- Berkshire Post-16 Partnership plan

(6) To work in partnership with Brighter Futures for Children, neighbouring local education authorities, maintained schools, Academies, Free schools, the Regional Schools Commissioner and other educational providers to promote high educational standards and opportunities within Reading and for Reading children, and to ensure that the Council as local education authority is able to meet its statutory duties to ensure the effective education of all local children.

(7) To co-ordinate and monitor the nomination and/or the appointment of Borough representatives on School Governing and other Educational Bodies.

(8) To be consulted on, and oversee and monitor, the responses by Brighter Futures for Children to inspections and consultation undertaken by external bodies eg DfE, Ofsted and the LGA on education provision by schools in Reading, and provision outside Reading affecting residents in Reading.

(9) To promote good community relations and consultation, with particular reference to the following partnerships and key stakeholders in the Education Service, parents, governors, teachers and the voluntary sector:

- Children’s Trust
- Berkshire Post-16 Partnership
(10) To monitor and challenge Brighter Futures for Children and schools with regard to:

- Standards and attainment
- Inclusion
- Budgets
- Ofsted outcomes to be good or outstanding

(11) To be responsible for the following environmental health and public protection legislation and services within the Borough:

- Environmental education and health promotion (with Health, Wellbeing & Sport)
- School Transport Drivers’ Licences
6. HEALTH, WELLBEING & SPORT

(1) To oversee the development and implementation of policies, strategies and procedural arrangements for the provision of the Council’s public health functions under the terms of the Health & Social Care act 2012 and the National Health Service Act 2006.

(2) To seek to secure the best possible health care system for the people of Reading and to reduce health inequalities in the Borough, by working in partnership with the Clinical Commissioning Group, the local Healthwatch, the Thames Valley Area team of the NHS Commissioning Board, and other interested stakeholders, health bodies and interested community and voluntary groups.

(3) To work with health partners, the Director of Public Health for Berkshire, the Director of Children, Education & Early Help, and the Lead Councillors for Adult Social Care, and Children, to improve the health of all people in the Borough’s area, in association where appropriate with other services provided by the Borough Council across all portfolio areas.

(4) To lead for the Council on the Reading Health & Wellbeing Board, and to work in conjunction with Board members to:
   • Oversee the preparation of Joint Strategic Needs Assessments with the Clinical Commissioning Groups
   • Approve a strategy for meeting the local health needs identified by the Joint Strategic Needs Assessment, including through the exercise of the Council’s functions
   • Develop, agree and implement a shared agenda for commissioning health provision in Reading
   • Monitor the award and delivery of contracts for health provision in Reading, including contracts under the joint arrangement for public health in Berkshire

(5) To be responsible for the following services:
   • any public health functions of the Secretary of State which the local authority is required to discharge on his/her behalf
   • dental health functions of the Council
   • health of prisoners, in cooperation with the prison service
   • the Council’s duties set out in Schedule 1 of the National Health Act 2006, including medical inspection of pupils, the weighing and measuring of children and sexual health services
   • arrangements for assessing the risks posed by violent and sexual offenders

(6) To oversee the implementation of the health transition programme in Berkshire, including the operation of the joint arrangement for public health and the Public Health Joint Advisory Board for Berkshire

(7) To oversee the development and implementation of plans and strategies and health and public protection legislation and services within the Borough:
   • Food Law Enforcement Service Plan
   • Food, health and hygiene
   • Health and Safety at Work (not RBC)
   • Environmental education and health promotion (with Education)
   • Safety at Sports Grounds
   • Functions relating to smoke-free premises
   • Any other activities which contribute to the maintenance and improvement of the environmental health and protection of the people of Reading and to exercise the Council’s powers in respect of all other environmental health, public protection and environmental matters

Sport

(8) To oversee the development and implementation of the Sports Facilities Strategy.
(9) To oversee the provision of indoor recreation facilities at the Council’s leisure centres and those of its leisure partners.

(10) To promote sport development in the Borough.

(11) Your Reading (Passport) (with Culture, Heritage & Recreation).
7. **HOUSING**

(1) To oversee the development and implementation of policies and strategies for the provision and improvement of housing in the Borough, including in the private sector.

(2) To oversee the development and implementation of the following corporate strategies and policies:

- Empty Homes Strategy
- Homelessness Strategy
- Housing Allocations Policy and Strategy
- Housing Investment Plan and Housing Strategy Statement
- Housing Revenue Account Self-financing Business Plan
- Housing Strategy
- Tenancy Strategy

(3) To be responsible for the direct provision of the Council’s housing services and responsibilities, including:

- providing housing accommodation for those households in need, either directly through the Council’s own stock, or in other ways, in conjunction with Housing Associations and developers.
- managing the Council’s stock of housing, shops and garages, and assessing rents of dwellings.
- temporary accommodation for those in urgent need through homelessness or emergency.

(4) To oversee the provision of housing services to tenants through the Whitley PFI scheme.

(5) To be responsible for all housing services provided to Council and private sector tenants, including:

- Right to Buy legislation and the sale of Council dwellings;
- Housing Defects Act 1984;
- tenants’ consultation;
- rent arrears
- renovation grants;
- mortgage advances;
- advisory services to private sector tenants and landlords;
- Housing Advice service;
- determination of homelessness
- Rent Officer

(6) To oversee the promotion, licensing (where applicable) and enforcement of satisfactory standards in housing accommodation in the private sector, including houses in multiple occupation; action in respect of unfit individual private rented dwellings; and public safety in the case of empty properties.

(7) To promote the assessment and fulfilment of present and future housing needs, whether in the public or private sectors.

(8) To promote good community relations and consultation, including the following partnerships:

- RFTRA
8. **NEIGHBOURHOODS & COMMUNITIES**

**A) Environment**

(1) To oversee the development and implementation of plans and strategies in the following areas:

- Graffiti Removal Policy
- Love Clean Reading

(2) To be responsible for environmental maintenance and cleansing in the Borough, including:

- Dog Warden service
- Grounds maintenance and environmental maintenance of all Council land, including housing and parks;
- Noise regulation
- Public conveniences;
- Refuse collection
- Recycling and refuse treatment and disposal (with Strategic Environment)
- Street sweeping and cleansing;
- Woodlands (see also Culture, Heritage & Recreation);

(3) To promote good community relations and consultation, including the following partnerships (with Strategic Environment)

- GLOBE Groups
- Greater Reading Environment Network (GREN)

(4) To determine the position of the Borough Council in respect of the Authority's responsibilities and functions under legislation governing the Police and Fire & Rescue Services, including all matters concerned with the administration of these services.

**B) Community Safety**

(1) To promote good community relations and consultation, including the following partnerships:

- Community Safety Partnership, Delivery Groups of the CSP, and the Youth Offending Team
- Safer Neighbourhood Forums (x9)
- Safer Reading Neighbourhood Forums Group
- Reading Neighbourhood Network
- Berkshire Fire and Rescue Authority and Committee
- Thames Valley Police and Police & Crime Panel

(2) To oversee the development and implementation of the following corporate strategies and policies:

- Anti-Social Behaviour Strategy
- Community Safety Strategic Assessment
- Crime and Disorder Reduction Partnership/Community Safety Plan
- Domestic Abuse Strategy
- Youth Justice Plan

(3) To oversee the development and implementation of a community hubs programme, co-locating services to improve service take-up and facilitate sharing of resources and the creation of vibrant public buildings

(4) To ensure the direct provision of the following services:

- Community Safety partnership coordination
C) Community Capacity Development

(1) To develop, co-ordinate and monitor a community development strategy for the Council, by:
  - co-ordinating community development opportunities
  - developing partnerships and working arrangements with other agencies and service providers

(2) To develop a new public involvement strategy for the Council, exploring and promoting new ways for the Council to engage with local people, communities and stakeholders, including use of a wide range of consultation methods, and developing opportunities for devolving decisions to local communities (with Leadership)

(3) To oversee the development and implementation of the following corporate strategies and policies:
  - Community Development Strategy
  - Consultation and Participation Strategy (with Leadership)
  - Social Inclusion Strategy, the promotion of co-operatives and closed-loop economies in local areas (with Leadership)
  - Thriving Neighbourhoods
  - Voluntary Sector Strategy (with Leadership)

(4) To ensure the direct provision of the following services:
  - Community functions, including use of community halls and other community facilities
  - Community Enablement

(5) To co-ordinate and monitor representation on outside organisations and Community Centre Management Committees

(6) To promote community use of facilities provided by other public bodies, agencies or businesses.

D) Equalities

To act as the Council’s ‘equalities champion’ promoting equal opportunities, and to lead on the general responsibility of all Lead Councillors to:

To ensure that the Council’s functions and services are delivered in accordance with Section 149 of the Equality Act 2010, having due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- act to any of the equality enactments as defined in section 33 of the Equality Act 2006, and do not discriminate against people on grounds of race, gender, disability, religion or belief, sexual orientation, and age.

E) Public Protection & Regulation

To oversee the development and implementation of plans and strategies and public protection legislation and services within the Borough:

- Gambling Licensing Statement
• Licensing Authority Policy Statement
• Animal health and welfare
• Functions under the Licensing Act 2003 (Premises licensing etc)
• Caravan Sites/ Mobile Homes
• Sex Establishments and Sexual Entertainment Venues
9. STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT

A) Environment

(1) To oversee the development and implementation of policies and strategies across Council services to address climate change issues identified at the Rio Earth summit 1992 and subsequent summits, through the international Agenda 21 and biodiversity treaties:

- Climate Change Strategy and Action plan
- Bio-diversity Plan
- Contaminated Land Strategy
- Environment Strategy
- Joint Municipal Waste Management Strategy (with Bracknell Forest and Wokingham)
- Tree Strategy (with Culture, Heritage & Recreation)

(1) To be responsible for services which contribute to the quality of the environment in Reading, including:

- Refuse recycling, treatment and disposal (with Culture, Heritage & Recreation)
- Promoting “green” waste disposal in partnership with neighbouring authorities through RE3
- Air quality, noise and radiation
- Common land and access to countryside
- Development of Woodlands (with Culture, Heritage & Recreation)

(3) To work in partnership with the Environment Agency and Thames Water to promote flood prevention

(4) To promote good community relations and consultation, including the following partnerships:

- Climate Change Partnership
- Cultural Partnership - Green Strand
- Local GLOBE
- Greater Reading Environment Network (GREN) (with Neighbourhoods)
- Re3 Waste Disposal Partnership

B) Planning

(1) To oversee the implementation of the strategic planning framework for the Council, with particular reference to:

- Local Development Framework
- Sites & Detailed Policies Document
- Unitary, Structure, Borough and local plans
- Minerals
- Cross-boundary plans
- Area plans or planning briefs for strategic sites within the Borough
- Climate Change Strategy and Action Plan
- Community Infrastructure Levy

(2) To be responsible for advising on the Council’s position on strategic matters under consideration by the Joint Minerals and Waste Planning Committee

(3) To approve responses to consultation on:

- Major developments outside the Borough which affect the Borough.
- Regional or sub-regional planning guidance and regional transport strategy
• Other authorities’ local or structure plans
• Any strategic, non-statutory supplementary planning guidance such as area plans or planning briefs

(4) To be responsible for the following functions:

• Planning policy
• Development control
• Planning enforcement
• Building Control

(5) To ensure effective public and business participation in the planning processes

C) Transport

(1) To oversee the implementation of a transport strategy for both the Borough and the town centre, and to ensure that the transport elements of all major Council and private sector development initiatives contribute to the aims of the Council’s transport strategy.

(2) To oversee the implementation of the following corporate strategies and policies:

• Local Transport Plan
• Local Development Framework
• Access Plan for Reading
• Cycling Strategy

(3) To be responsible for the following services:

• road safety
• car parking
• Hackney carriage ranks
• transport services for the disabled
• cycling
• concessionary fares scheme
• road safety plans, training and school crossing patrols
• maintenance of street lighting, street furniture and bus shelters
• highways maintenance, construction and management
• highway development and improvement
• bridge maintenance and construction
• private street works
• public transport support and co-ordination
• matters arising from the Reading Urban Area Package and Berkshire Local Transport Plan, including the management of relevant budgets
• reservoirs
• Traffic signals
• Transport planning
• Traffic management regulatory functions
• Footpaths, bridleways, byways and other non-road public rights of way

(4) To ensure effective public, stakeholder and business participation in the planning and transport processes

(5) In partnership with neighbouring authorities:

• to oversee the implementation of the Reading Area Transport Plans
• to prepare a Transport Policy and Programme, and to recommend the Local Transport Plan bid and bids for supplementary grant, Local Strategic Transport Funding and other sources of Government, European and private funding to the Council.
• To operate the Berkshire Local Transport Body Assurance Framework, and to represent the Council on the Local Berkshire Transport Body.

(6) To co-ordinate liaison with:
• Local Sustainable Transport Fund Cross-Boundary Councillor Steering Group
• Berkshire Strategic Transport Forum

(7) To represent the interests of the Council as shareholder in Reading Transport Limited.

(8) To be responsible for the following environmental health and public protection legislation and services within the Borough:
• Hackney Carriage Licences (including Vehicle and Drivers Licences)
• Private Hire (including Vehicle, Drivers and Operators Licences)
• Scrap Metal Dealers or Motor Salvage Operator
• Street Trading
• Approval of recreation and refreshment facilities under Part VIIA of the Highways Act 1980
Part 4 - Rules of Procedure

Council and Committee Procedure Rules (Standing Orders)

AS TO TYPES OF MEETINGS

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

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

The annual meeting will:

(i) elect a person to preside if the Mayor is not present;
(ii) elect the Mayor;
(iii) elect the Deputy Mayor;
(iv) approve the minutes of the last meeting;
(v) receive any announcements from the Mayor and/or Head of Paid Service;
(vi) appoint the Leader, Deputy Leader and Lead Councillors;
(vii) approve the arrangements for the exercise of the authority’s statutory overview and scrutiny functions;
(viii) approve a programme of ordinary meetings of the Council for the year; and
(ix) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees

At the annual meeting, the Council meeting will:

(i) decide which committees and sub-committees to establish for the municipal year;
(ii) decide the size and terms of reference for those committees and sub-committees;
(iii) decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules;
(iv) receive nominations of Councillors to serve on each committee, sub-committee and outside body; and
(v) appoint to those committees, sub-committees and outside bodies.
(vi) appoint the Chairs and Vice-Chairs of those committees in accordance with Standing Order 31
2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council’s annual meeting.

3. **EXTRAORDINARY MEETINGS**

3.1 ** Calling Extraordinary Meetings.**

Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:

i) the Council by resolution;

ii) the Mayor;

iii) the Leader;

iv) the Head of Paid Service, Monitoring Officer, or Chief Finance Officer; and

v) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 **Business**

The business at such meetings shall be limited to the purposes for which the meeting was called as set out in the notice of the meeting.

**AS TO MEETINGS OF THE COUNCIL - MOTIONS, QUESTIONS AND PETITIONS**

4. **Arrangements for Meetings**

4.1 **Start of Meeting**

At each meeting of the Council, the Chair must be taken at exactly the time at which the meeting is due to start. The business of the meeting must begin immediately.

4.2 **Chair of the Meeting**

If the Mayor does not chair the meeting, any other person who takes the Chair will have all the powers and duties of the Mayor relating to the conduct of the meeting.

4.3 **Quorum for the Meeting**

(1) The quorum for a meeting is the number of Councillors required to be present before the meeting can take place, or continue.

(2) The quorum for a Council meeting is a quarter of all members of the Council. This currently is 12.

(3) If, during a Council meeting, the Mayor or another Councillor notices that there is not a quorum present, the Mayor must announce that this is the case and adjourn the meeting. At that time the Mayor should set a time for the meeting to restart. If the Mayor does not set a time for the meeting to restart, any business that has not been dealt with will be adjourned to the next ordinary meeting of the Council.

4.4 **Adjournment Motion**
At the end of any speech after 9.30 pm, any Councillor can move a motion to adjourn the meeting until 6.30 pm the next day. There must be no debate on this motion. If an adjournment motion is lost, no Councillor may move another adjournment motion within the next hour.

5. Order of Business

(1) The Summons for a Council meeting shall set out the items of business to be considered at that meeting.

(2) The first four items of business at each Council meeting must be:

(a) To choose someone to take the Chair if the Mayor or Deputy Mayor are absent;
(b) Mayor’s announcements;
(c) To deal with any business that is required by law to be dealt with before other business;
(d) To approve and sign the Minutes of the last meeting of the Council as a correct record.

The order for these four items cannot be changed.

For ordinary meetings of the Council, the following items should be considered next:

(e) To consider any motion to remove the Leader, in which case the item must be followed by
(f);
(f) To appoint the Leader of the Council (where required);
(g) To receive petitions under Standing Order 8;
(h) To answer questions under Standing Order 9;
(i) To answer questions under Standing Order 10;
(j) To consider reports or announcements from the Leader of the Council or Lead Councillors;
(k) To receive presentations on matters for which there are reports from officers;
(l) To consider reports from officers;
(m) To consider recommendations from Committees, and associated reports;
(n) To consider motions in the order in which they have been received;
(o) To deal with any business remaining from the last meeting;
(p) Any other business specified in the Summons.

(3) The order of items (e) to (p) above may be changed:

(a) At the discretion of the Mayor;
(b) By Motion. The motion must be moved, seconded and put to the vote without discussion. This motion need not be in writing.

6. Motions which do not Need to be Submitted in Writing before the Meeting

The following motions do not need to be submitted in writing before the meeting. They should however be proposed and seconded and put in writing before they are discussed:-

(a) To move a motion about the accuracy of the Minutes;
(b) To move a motion to do with the Mayor’s announcements;
(c) To refer an item back to a Committee for further consideration;
(d) To appoint a Committee of one or more of its Members arising from an item mentioned in the Summons to the meeting;
(e) To consider reports from and the Minutes of Committees or other bodies or Officers, and to move any other resolutions that are necessary because of this;
(f) To suspend Standing Orders, in accordance with Standing Order 26;
(g) To exclude the public under Section 100A of the Local Government Act 1972 (as amended);
(h) To request a Councillor to stop speaking, or to leave the meeting, in accordance with Standing Order 21;
(i) To give the consent of the Council where it is required under Standing Orders.

The following motions do not need to be in writing at all:-
To appoint a Chair of the meeting;

To ask permission to withdraw a motion;

To move to the next item of business;

To vote on the motion or amendment being discussed, in accordance with Standing Order 16;

To adjourn the meeting under Standing Order 4.

To change the order of business under Standing Order 5(3)(b)

7. **Motions which Need to be Submitted in Writing before the Meeting**

1. If a Councillor wishes to move a motion at a Council meeting (except those listed in Standing Order 6) the Councillor must submit in writing. The motion must be sent to and received by the Head of Legal and Democratic Services at least six clear working days before the Council meeting. (This means that if the Council meeting is on a Tuesday, the motion must be received in writing by 12.00 noon on the Friday two weeks before, assuming that no Bank Holidays fall within this period).

2. The Head of Legal and Democratic Services will number and date all motions in the order they are received, and keep a record which can be inspected by all Councillors.

3. The Summons to the meeting will set out all the motions which have been submitted in accordance with paragraph 7(1) above in the order in which they have been received, unless:

   a. The Councillor submitting the motion states in writing that he/she wants the motion to be considered at a later meeting of the Council instead;

   b. The Councillor submitting the motion has withdrawn it, in writing. A Councillor may withdraw any motion of which he/she has given notice that he/she will move up till midday two clear working days before the Council meeting. (This means that if a Council meeting is on a Tuesday, the Motion may be withdrawn up to 12 noon on the preceding Thursday.)

4. If a Councillor does not move a motion which he/she has submitted in writing, and it is not moved by someone else on his/her behalf, it will not be considered at the meeting. However, the Council can agree to consider the motion at a future meeting, instead. If the Council does not agree to do this, the Councillor may submit the motion in writing again for a future meeting.

5. Each motion must be relevant to the Council’s powers and duties or be about a matter which affects the Borough or its residents.

8. **Petitions**

1. A member of the public may present a petition to Council or a Committee provided the petition has not been previously been considered by a committee, sub-committee or other body established by the Council.

2. Petitions presented must be received by the Head of Legal and Democratic Services by not later than 6.00 pm four clear working days before the day of the meeting. (For example, this means that if a Council meeting is on a Tuesday, the petition must be received in writing by 6.00 pm on the Tuesday before).

3. Petitions must be presented in the order in which they have been received.

4. A petitioner may only submit one petition to any Council or Committee meeting. The petitioner may present the petition to the Council or Committee but may not speak for longer than three minutes in total, and the Mayor or Chair shall be able to set a shorter time limit if the number of petitions being presented to the Council or Committee meeting in question warrants this.

5. The same petition may only be presented once, and may not be submitted to a subsequent meeting of another meeting.
(6) Where petitions are submitted to the Council or Committee:

(a) The Leader or Lead Councillor or Chair responsible will reply to the petition, and, if appropriate, may indicate the body of the authority to which the petition will be referred.
(b) There will be no right of reply by the petitioner, and no debate.
(c) The time limit for the consideration of petitions and questions from members of the public is thirty minutes in total.
(d) If petitions are not presented or heard within the time limit they will be referred to the relevant Committee, Sub-Committee or other Council body.
(e) Where a petition is submitted to the Council signed by 1,500 or more people who live, work or study in the local authority's area, the Head of Legal and Democratic Services, at the request of the Lead Petitioner, will include the topic of the petition on the next available agenda to allow a full Council debate on the matter.
(f) That, in relation to Council Procedure Rule 8(6)(e) above, the petition organiser will be entitled to address the Council or Committee on the topic of the petition but may not speak for longer than five minutes in total without special dispensation from the Mayor.
(g) If the petition is about a planning application or a licensing application or a matter before the Standards Committee refer to Council Procedure Rule 36(4).

9. Questions from Members of the Public

(1) Subject to the provisions of this Standing Order, a member of the public may ask a question:

(i) about any matter relating to the Council’s powers and duties;
(ii) about a matter which affects the Borough or its residents; or
(iii) about a matter which affects an organisation on which the Council is represented by a Councillor appointed or nominated by it, and which falls within (ii) above.

(2) Any such question may be answered by the following, as appropriate:

(a) the Leader or Lead Councillors
(b) a Committee or Sub-Committee Chair
(c) any Councillor appointed or nominated by the Council to an outside body

(3) Questions under this Standing Order must be submitted by the questioner in writing to the Head of Legal and Democratic Services by not later than 6.00pm four clear working days before the meeting (This means that, for example, if the meeting is on a Tuesday, the question must be received in writing by 6.00pm on the Tuesday before, assuming that no Bank Holidays fall within this period).

(4) Any person specified in (2)(a), (b) or (c) above, may reserve the right to reply in writing to a question submitted in accordance with (1) above, where s/he considers:

(a) that the question is a repetition of a question asked at a previous meeting of the Council within the last twelve months;
(b) that the reply contains purely factual information and could more readily be provided in written form;
(c) that to reply orally would represent an inappropriate use of the time provided for questions from members of the public under Standing Order 9(6) below.

(5) The member of the public shall ask the question himself/herself. To clarify a reply to the question s/he has asked, a member of the public may ask one supplementary question, provided the reply to the original question was not given under the provisions of Standing Order 9(4) above. If the questioner is not present, the question will be answered in writing as provided in Standing Order 11(3).

(6) The time limit at each Council meeting for questions from members of the public and petitions is thirty minutes in total. This time limit cannot be extended. There shall also be a time limit of five minutes for each answer given orally to a question from a member of the public.
10. Questions from Councillors

(1) Subject to the provisions of this Standing Order, a Councillor may ask a question about any matter relating to the Council’s powers and duties; or which affects the Borough or its residents or which affects an organisation on which the Council is represented by a Councillor appointed or nominated by it.

(2) Any such question may be answered by the following as appropriate:

(a) the Leader or Lead Councillors
(b) a Committee or Sub-Committee Chair
(c) any Councillor appointed or nominated by the Council to an outside body

(3) (a) Subject to (b) below, questions under this Standing Order must be delivered in writing to the Head of Legal and Democratic Services by no later than 6.00pm four clear working days before the meeting. (This means that, for example, if the meeting is on a Tuesday, the question must be received in writing by 6.00pm on the Tuesday before, assuming that no Bank Holidays fall within this period).

(b) The time limit set out in (a) above may be waived to allow a Councillor to ask a question on any matter as described therein, where the Mayor and the Monitoring Officer are satisfied that the circumstances giving rise to the question have arisen after the date specified and that the matter is of genuine urgency, and provided that the question is received in writing by 12 noon on the day before the Council meeting.

(c) Questions asked under Standing Order 10(3)(b) shall not be subject to the time limit at each Council meeting for questions from Councillors, specified in Standing Order 10(4).

(4) The time limit at each Council meeting for questions from Councillors is thirty minutes. This time limit cannot be extended. There shall also be a time limit of five minutes for each answer given orally to a question from a Councillor.

(5) The Councillor shall ask the question him/herself. In his/her absence the question shall be asked by the relevant Group Leader or his/her nominee. To clarify a reply to a question, any Councillor may ask a supplementary question. Only one supplementary may be asked unless the Mayor allows more.

(6) A Councillor may ask no more than three questions at any one Council meeting.

(7) Questions answered in writing shall be recorded in the Minutes of the meeting in the same manner as those answered orally.

11. Rules applying to all Questions asked under Standing Orders 9 and 10

(1) Questions will be asked in the order received by the Head of Legal and Democratic Services.

(2) The Councillor of whom the question is asked may decide how to reply and may ask any other Councillor to reply on his/her behalf.

(3) If questions are not answered within the time limit the Head of Legal and Democratic Services will ensure that the Councillor or member of the public receives a written answer within two days of the Council meeting.

12. Minutes of Council Meetings
(1) A printed copy of the Minutes of each meeting of the Council must be sent to each Councillor before the next ordinary scheduled meeting of the Council. Where an extraordinary meeting of the Council has been called (under paragraph 3 of Schedule 12 of the Local Government Act 1972), the Minutes of this meeting will be sent to each Councillor before the next ordinary scheduled meeting of the Council and will be signed at that meeting.

(2) If a report or document mentioned in the Minutes has been sent separately to each Councillor, or is required by law to be published, it need not be sent out with the Council Minutes.

(3) The Mayor must ask whether the Minutes of the meeting of the Council held on the .......... day of .......... constitute a correct record.

(4) No discussion must take place about the Minutes, except about their accuracy. Any questions on the accuracy of the Minutes must be asked by a Member moving a motion. If no question is raised, or when a question has been raised and dealt with, the Mayor shall sign the Minutes.

13. Consideration of Recommendation from Committees

(1) When a Committee makes a recommendation to the Council, an item shall be included on the Agenda for the next Council meeting and a report on the matter, including the Committee recommendation, shall be circulated with the agenda for the Council Meeting at which the recommendation is considered, or sent to each Councillor, on or before the day of the Council meeting.

(2) Where a recommendation is made to Council by a Committee, it will be moved by the Chair or Vice-Chair, or by the responsible Lead Councillor, or by another Councillor nominated by the Chair or Vice-Chair, as appropriate.

Where a recommendation is made to Council by an officer in a report, it will be moved by the Leader or the responsible Lead Councillor or by another relevant Councillor.

(3) Any amendment to a recommendation of a Committee must be put in writing and handed to the Mayor before it can be discussed.

(4) The rules for debating recommendations from Committees are the same as those applying to motions or amendments, as set out in Standing Order 14.

AS TO RULES OF DEBATE

14. Motions or Amendments

(1) All motions and amendments must be proposed and seconded.

(2) A motion or an amendment must be put in writing and handed to the Mayor before it can be discussed, unless it arises under Standing Orders 6(j) to (o), 14(10) & (11), 16, 21 and 26.

(3) Seconder’s Speech

A Councillor who seconds a motion or an amendment, does not have to speak immediately, but may reserve his/her right to speak until later in the debate.

(4) One Councillor to Speak at a Time

When a Councillor is speaking he/she should stand and address the Mayor (unless the Mayor allows otherwise).
If two or more Councillors stand up together, the Mayor will ask one to speak and the others should then sit down. When a Councillor is speaking, other Councillors must remain seated unless standing to put a point of order or to give a personal explanation.

(5) **Content and Length of Speeches**

A Councillor must only speak on the subject under discussion, in personal explanation or on a point of order. A Councillor may only speak for five minutes. A mover of a motion must limit his/her speech and reply to the debate to five minutes each, unless the Council allows otherwise.

(6) **When a Councillor may Speak Again**

A Councillor may only speak once on any motion whilst it is the subject of debate. The exceptions to this rule are:

(a) If he/she wishes to speak once on an amendment moved by another Councillor;
(b) If the motion has been amended since he/she last spoke, to move a further amendment;
(c) If his/her first speech was on an amendment moved by another Councillor, he/she may speak to the main motion, whether or not the amendment was carried;
(d) To exercise his/her right of reply;
(e) On a point of order;
(f) In personal explanation.

(7) **Amendments to Motions**

Amendments must be relevant to the Motion. They may only be moved:

(a) To refer a subject of debate to a Committee for consideration or reconsideration;
(b) To leave out words;
(c) To leave out words and insert or add others;
(d) To insert or add words;
(e) Not to approve a recommended item contained in a set of Minutes submitted to the Council.

An amendment must only be used to make changes to the substance of a motion. It must not be used simply to negate the Motion.

(8) Only one amendment may be moved and discussed at a time. A Councillor must not move a further amendment until the amendment under discussion has been dealt with.

(9) If an amendment is lost, other amendments can be moved on the original motion. If an amendment is carried, the amended motion takes the place of the original motion. The amended motion then becomes the motion upon which any other amendment can be moved.

(10) **Alteration of a Motion**

If Council gives its consent (which must be given without discussion) a Councillor may:

(a) Alter a motion which he/she has submitted in writing before it is moved;
(b) Alter a motion which he/she has moved, with the agreement of the seconder.

Any alteration made by the mover of a motion must be one that could be moved as an amendment to the motion (see Standing Order 14(7) above).

(11) **Withdrawal of a Motion**

A motion or an amendment, once moved and seconded, may be withdrawn by the Councillor who moved it, with the consent of the Council. This must be without discussion. No Councillor can speak about the motion once permission has been given to withdraw the motion.

(12) **Right to Reply**
(a) The mover of a motion has a right of reply at the end of debate on the motion, just before it is put to the vote;
(b) The mover of an amendment has the right of reply on his/her amendment. The Mayor will not call upon him/her to reply, however, until the mover of the motion has had the opportunity to speak about the amendment;
(c) The mover of an amendment or motion must not introduce any new issues in his/her right of reply.

15. Motions which may be Moved during Debate

When a motion is being debated, no other motion shall be moved, except the following:

(a) To amend the motion;
(b) To adjourn the meeting under Standing Order 4;
(c) To vote upon the motion;
(d) To request a Councillor not to speak again under Standing Order 21;
(e) To request a Councillor to leave the meeting, under Standing Order 21;
(f) To exclude the public under Section 100A of the Local Government Act 1972 (as amended);
(g) To ask permission to withdraw a motion;
(h) To give the consent of the Council where it is required under Standing Orders.

16. Closure Motions

(1) At the end of any speech the Councillor, whether or not he/she has spoken to the motion or amendment, may move 'that the motion or amendment be voted upon'.
(2) If the Mayor thinks that the matter has been discussed sufficiently, he/she must ask the Council to vote on the motion that a vote be taken. If the motion that a vote be taken is passed, before the vote is taken the Mayor must:
   (a) If it is a motion, allow the mover of the motion a right of reply;
   (b) If it is an amendment, allow the mover of the motion to speak if he/she has not already done so, and then allow the mover of the amendment to reply.

17. Points of Order

(1) A Councillor should stand up if he/she has a point of order or wishes to give a personal explanation. He/she must be heard immediately.
(2) A point of order must relate to either an alleged breach of Standing Orders or statutory provision. The Councillor must specify what Standing Order or statutory provision he/she considers to have been breached and how he/she considers it to have been breached.
(3) A personal explanation must relate to part of a former speech he/she has made earlier in the debate, which appears to have been misunderstood.
(4) The Mayor must decide whether a point of order or a personal explanation is relevant. The Mayor’s ruling is final.

18. Respect for the Chair

Councillors must always address the Mayor. Whenever the Mayor stands up during a debate, any Councillor standing must sit down, and the Council must be silent.

19. Use of Official Titles

When speaking, all Councillors must refer to other Councillors or Officers by their official titles.

20. Debate affecting People employed by the Council
The appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of an employee of the Council, must not be discussed until the Council has considered whether the public should be excluded under Section 100A or Section 100E of the Local Government Act 1972 (as amended).

21. Disorderly Conduct at Council Meetings

(1) The Mayor should advise the Council if he/she considers that, during a meeting of the Council, a Councillor is:

(a) Misconducting himself/herself by ignoring the ruling of the Chair; or
(b) Behaving irregularly, improperly or offensively; or
(c) Wilfully obstructing the business of the Council.

The Mayor, or any Councillor may move ‘that the Councillor named must not speak again’ on the matter being discussed. If the motion is seconded, it must be put to the vote without discussion.

(2) If the Councillor in question continues his/her misconduct after such a motion has been carried, the Mayor shall:

(a) Move ‘that the Councillor named must leave the meeting’. This motion should be put to the vote without seconding or discussion; or
(b) Adjourn the meeting for such time that he/she considers necessary.

(3) If there is a general disturbance which the Mayor feels makes it impossible to continue with the business of the meeting, he/she may, without debate, adjourn the meeting for any length of time that he/she considers necessary.

22. Interruption of a Meeting by Members of the Public

If members of the public interrupt the proceedings of a meeting, the Mayor should warn them that if they do not stop, they will be asked to leave the meeting. If they continue the interruption, the Mayor may order the members of the public to leave the Council Chamber. If there is a general disturbance in the part of the Chamber open to the public, the Mayor must order everyone in that part of the Chamber to leave.

23. Resolutions already made by the Council or Committees

(1) The Council may only pass a motion:

(a) To cancel any motion, resolution or amendment which has been passed by the Council or by a Committee or Sub-Committee exercising delegated powers, within the last six months; or
(b) Which would have the same effect as any motion, amendment or resolution that has been moved and lost at a Council meeting within the last six months;

if permission to move the motion is given at a meeting of the Council where at least 23 Councillors are present and vote in favour.

(2) If a Committee or Sub-Committee wishes to cancel a resolution it has made itself, it must take a recommendation directly to the Council. The decision cannot be cancelled unless at least 23 Councillors are present and vote to give permission to move a motion to cancel the decision.

(3) Once the Council has given this permission, the motion to cancel a decision still has to be moved. This does not have to be passed by 23 Councillors, but by a simple majority.

(4) The period of six months will begin from the end of the meeting at which the decision has been made.

24. Voting
(1) Subject to (3) below, all voting will be done by show of hands, unless three Councillors demand that the vote be recorded. If this happens, then the names of those voting for or against the motion or amendment must be taken down in writing and entered in the Minutes. Any Councillor present who does not vote must declare that he/she is abstaining.

(2) Where a non-recorded vote has been taken, any Councillor may request immediately after the vote that how s/he voted, or the fact that s/he abstained from voting, should be recorded in the Minutes of the meeting.

(3) Where any vote is taken at a Council meeting on setting the budget for the authority, then the Minutes of the meeting will record the names of all Councillors present at the vote and how each Councillor voted (for or against) or the fact that they abstained from voting. Therefore every such vote shall be treated as a recorded vote under (2) above.

Such votes will be on any decision to make the budget calculation required under Sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF and 52Z of the Local Government Finance Act 1992, or to issue a precept under Chapter 4 of Part 1 to that Act,

These decisions will have been included as items of business on the agenda for the meeting.

25. Recommendations from Scrutiny Reviews undertaken by Overview and Scrutiny Panels

(1) This Standing Order applies where a Committee is undertaking, at the request of the Council, a scrutiny review of a function of the authority under the provisions of para. 6.3(b) of Article 6 to the Constitution.

(i) A Committee may at any time during the course of a scrutiny review make interim recommendations to the Council seeking authority to proceed to the next stages of the review. These recommendations may be accompanied by a report and shall be considered in accordance with Standing Orders 5(2)(m) and 13 to 24.

(ii) At the conclusion of each individual scrutiny review the Committee shall submit its conclusions and any recommendations which may be accompanied by a report to the next available meeting of the Council.

(iii) When the recommendations first appear before the Council in accordance with paragraph (ii) above, the Chair of the Committee shall introduce the report following which the Leader or relevant Lead Councillor shall make a statement in relation to the report and its recommendations.

(iv) The Council, having debated the recommendations, may take one or more of the following decisions in respect of all or individual recommendations:

- a. to accept the recommendations - in which case they will then be implemented
- b. to accept the recommendations with amendments - in which case they will be implemented unless Council resolves to refer the amendments back to the Committee for further consideration
- c. to make alternative proposals for the Committee to consider
- d. to note the recommendations but take no further action
- e. to reject the recommendations
- f. a variation of any of the above

(v) The recommendations of the Scrutiny Panel shall be dealt with in accordance with the Standing Orders 13 to 24.

AS TO SEALING OF DOCUMENTS, MEMBERS’ INTERESTS AND SUSPENSION OF STANDING ORDERS

26. Suspension of Standing Orders
The Council may, by passing a resolution, suspend all or any of its Standing Orders if two thirds of the Councillors present at a meeting of the Council, at the time when the vote is taken, vote to give permission to do so.

27. Sealing of Documents

(1) The Common Seal of the Council must be kept in the custody of the Head of Legal and Democratic Services.

(2) Any documents which need to be sealed before a decision of the Council or a Committee or Subcommittee can be put into effect, must be sealed with the Common Seal of the Council.

(3) The Seal shall be attested by either the Head of Paid Service, Head of Legal and Democratic Services, or any other officer of the Council nominated by the Head of Paid Service.

(4) The Head of Legal and Democratic Services must enter the details of each document that has been sealed into a Seal Register. He/she must also record the date on which this was done.

28. Councillors’ Interests in Contracts and Other Matters

At any meeting subject to these Standing Orders, if any Councillor present declares that s/he has a disclosable pecuniary interest (as defined in the Member Code of Conduct) which relates to or is likely to affect an item of Council business being transacted at a meeting of the authority at which s/he is present, s/he may make representations, answer questions and give evidence on the item of business, subject to there being equivalent public speaking rights, but s/he may not participate in the discussion or vote on the item of business, and s/he should leave the meeting before any discussion on the item of business takes place at the meeting and before the vote on the item of business is taken.

AS TO CHIEF OFFICERS

The Officer Employment Rules are set out in Part 4 of the constitution.

AS TO MEETINGS OF COMMITTEES

NB References to a Committee shall include a Sub-Committee unless otherwise indicated.

29. Summoning Committees

(1) Any Committee can be summoned at any time at the request of the Chair, or any three members of the Committee, with the exception of the Standards Committee or the Personnel Committee when a particular post is under discussion.

(2) Additional meetings of the Policy Committee may be called to deal with urgent items of business as set out in Article 7.7 of this Constitution.

30. Quorum

(1) The quorum for a meeting is the number of people required to be present before the meeting can take place or continue. The quorum for bodies set up by the Council shall be three unless specified otherwise and for the following meetings is as follows:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Quorum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standing Committees (including Policy Committee)</td>
<td>five</td>
</tr>
<tr>
<td>Planning Applications Committee</td>
<td>five</td>
</tr>
<tr>
<td>Licensing Applications Committee</td>
<td>four</td>
</tr>
<tr>
<td>Licensing Applications Sub-Committees 1 and 2</td>
<td>two</td>
</tr>
</tbody>
</table>
(2) The quorum for the Policy Committee when an additional meeting is called to conduct urgent items of business shall be three, as set out in Article 7.7 of this Constitution.

31. Election of Chair and Vice-Chair

The Council may at its Annual Meeting or at any other meeting held for the purpose of appointing Committees, appoint the Chairs and Vice-Chairs of those Committees. More than one Vice-Chair may be appointed for any one Committee.

Subject to the above, the Councillors on each Committee must elect one of their number as Chair at the first meeting of the Committee. This election must be done by ballot.

32. Attendance by Councillors at Committees and Overview and Scrutiny Panels

(1) A Councillor, who is not a member of a particular Committee or Sub-Committee, may attend any meeting of that Committee or Sub-Committee as an observer. If the Councillor wishes to make a statement on any of the items on the Agenda, s/he may do so at the invitation of the Chair. He/she must give notice to the Chair before the meeting that s/he wishes to speak on an item. The Councillor may only make a statement on any matter considered by the Committee or Sub-Committee following a resolution to exclude the press and the public if the Chair is satisfied:

(a) that the item directly affects the Ward which the Councillor represents.
(b) that the Councillor is the Chair or Vice-Chair of a Committee with an interest in the item.
(c) that the Councillor is a Lead Councillor with an interest in the item.

(2) Standing Order 32(1) does not apply to:

(i) a meeting of the Personnel Committee, when a particular post or postholder is under discussion, or to meetings of the Standards Committee. In such cases Standing Order 32(3) below, will apply.

(ii) a meeting of a Licensing Applications Sub-Committee dealing with applications and reviews under the Licensing Act 2003. In such cases, a Councillor can only speak at the Sub-Committee meeting if s/he has submitted a relevant representation to the Licensing Authority or is representing another interested party who has submitted a relevant representation (see the Licensing Guidelines for further details).

(3) When the Standards Committee is meeting, or the Personnel Committee is considering an appointment or matter related to a particular post or post-holder, the Leaders of each group registered with the Head of Paid Service under the Local Government (Committees and Political Groups) Regulations 1990 will have the following rights:

(a) If they are not members of the Committee, the right to attend meetings of the Committee as observers (or the right to nominate other Councillors to attend on their behalf)

(b) If they are members of the Committee, the right to nominate an additional Councillor to attend the meeting as an observer.

33. Respect for the Chair

Councillors shall always address the Chair. If they are requested by the Chair not to speak further on a particular item, they must not do so.

34. Disorderly Conduct at Committee and Sub-Committee Meetings

(1) The Chair should advise the meeting if he/she considers that, during a meeting, a member of the Committee or Sub-Committee is:

(a) Misconducting himself/herself by ignoring the ruling of the Chair; or

(b) Behaving irregularly, improperly or offensively; or

(c) Wilfully obstructing the business of the meeting.
(2) The Chair or any other member of the Committee or Sub-Committee may move ‘that the Councillor named must not speak again’ on the matter under discussion. If the motion is seconded, it must be put to the vote without discussion.

(3) If the Councillor continues his/her misconduct after such a motion has been carried, the Chair may:

(a) Move ‘that the Councillor named must leave the meeting’. This motion must be put to the vote without seconding or discussion; or

(b) Adjourn the meeting for such time that he/she considers necessary.

(4) If there is a general disturbance which the Chair feels makes it impossible to carry on with the business of the meeting he/she may, without question, adjourn the meeting for any length of time that he/she considers necessary.

35. Interruption of Committee Meetings by a Member of the Public

If a person, other than a Councillor, interrupts the proceedings of any meeting, the Chair shall warn him/her that if he/she does not stop he/she will be asked to leave the meeting. If s/he continues the interruption the Chair will order that the member of the public must leave the meeting.

36. Participation by Members of the Public

(1) Subject to (3) and (4) below, members of the public may present a petition to a Standing Committee, subject to:

• The petition being about a matter relating to the Committee’s powers and duties; and
• The petition being received by the Head of Legal and Democratic Services by no later than 6.00 pm, four clear working days before the day of the meeting.

(This means that, for example, if the meeting is on a Tuesday, the petition must be received in writing by 6.00pm on the Tuesday before, assuming that no Bank Holidays fall within this period).

The petition will be dealt with under Standing Order 8 above.

(2) Subject to (3) below, a Councillor or a member of the public may ask the Chair of any Committee (but not the Standards Committee) a question about that body’s powers and duties, if:

(a) It has been submitted in writing to the Head of Legal and Democratic Services;
(b) It has been received by him/her by not later than 6.00pm four clear working days before the meeting.

(This means that, for example, if the meeting is on a Tuesday, the question must be received in writing by 6.00pm on the Tuesday before, assuming that no Bank Holidays fall within this period).

The question will be dealt with under Standing Order 9 or 10 above.

(3) Questions asked in accordance with (2) above shall not be permitted if they involve consideration of confidential information or exempt information as defined in Paragraphs 1-7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

(4) At meetings of the Planning Applications Committee, Licensing Applications Committee, Standards Committee or their sub-committees, a petition may not be submitted or a question may not be asked about any individual application to be determined or individual case to be heard at the meeting.

(5) There shall be a time limit of 30 minutes for petitions to and questions asked at Committees.
36A. **Public Speaking at Planning Applications Committee**

(1) Public speaking at meetings of the Planning Applications Committee will be allowed in line with the resolutions of Planning Applications Committee on 23 September 1998 and 7 November 2001 (Minutes 55 and 57 refer):

In every case where an individual planning application is to be considered by the Planning Applications Committee, the Head of Planning and Building Control will:

a) Inform by letter all people who have commented on a planning application that the application is to be considered by the Committee, and the date of the Committee meeting, and

b) Send them a copy of the Public Speaking at Planning Committee leaflet with the letter

(2) (a) Any persons receiving the letter referred to in 1(a) above may notify the Head of Planning and Building Control that they wish to speak on the application at the Planning Applications Committee meeting, subject to such notification being in writing and being received by the Head of Planning and Building Control by 2:00pm two days before the Planning Applications Committee meeting *(this means that if the Committee meeting is held on a Wednesday, this notification must be received by 2.00pm on the preceding Monday)*

(b) The local Reading MP may also give similar notice that he/she wishes to speak on the application at the Planning Applications Committee, subject to the site being within his/her constituency.

(3) Where the Head of Planning and Building Control receives a notification under (2) above:

a) S/he will then notify the applicant and agent that other person(s) have given notice that they wish to speak on their application at the meeting.

b) The applicant and agent may notify the Head of Planning and Building Control, up to 1:00pm of the day of the meeting, that they also wish to speak on the application.

c) Applicants/agents may only speak on their application if another person has given notice to speak under (2) above; and where they have themselves given notice to speak under 3(b) above.

(4) Public speaking will take place after the introduction of the item by the Chair/officers but before discussion of the item by the Committee.

(5) Public speakers who have given notice will speak first and together will be allowed a maximum of five minutes to address the Committee (unless the Chair of the Committee using his/her discretion, allows a longer period for public speaking), regardless of the number of public speakers, and whether they are objecting or supporting the application.

(6) The Committee may then ask questions of individual public speakers to clarify any points made by them.

(7) The applicant/agent of the application will then be allowed a maximum of five minutes to address the Committee.

(8) The Committee may then ask questions of the applicant/agent to clarify any points made by them.

(9) No members of the public will be allowed to address the Committee unless they have given notice to speak under (2) above or the Chair of the Committee uses his/her discretion to give such permission to speak.

(10) Members of Committee will then debate the proposal and make their decision.

(11) Public speaking may not take place on the same application more than once in any six month period, unless the Chair of the Committee, using his/her discretion, considers it is appropriate to do so, for example in cases where there has been a significant “material change in circumstances” within the preceding six months.
36B Public Participation in Standing Committees

(1) The Chair of a Standing Committee or Sub-Committee listed in Article 7 of this Constitution may, at his/her discretion, invite members of the public present at the meeting to indicate if they wish to speak on any particular item on the agenda, and to make up to five minutes available on any agenda item for public speaking, subject to:
   • any one member of the public being able to speak on one item only on any Committee agenda;
   • advance notice being encouraged, but not a requirement;
   • the Chair having the discretion to end these flexible arrangements in the event of abuse of the right to speak, for example by representatives of political parties

(2) The Chair of a Standing Committee or Sub-Committee may invite local residents, stakeholders and partners, and/or members and officers of other bodies providing public services in Reading to attend a Committee meeting, to address the meeting, to discuss issues of local concern and/or answer questions.

(3) Any Partnership or Advisory /Consultative Panels listed in Article 10 of this Constitution may make recommendations to a relevant Committee or Sub-Committee, in which case a representative of the body may attend the Committee to speak to the agenda item when the recommendation is discussed by the Committee.

36C Putting Items onto Committee Agendas

(1) The Head of Legal and Democratic Services will determine the agenda for each Committee and Sub-Committee meeting, subject to consultation with the Leader and the Head of Paid Service and Chief Financial Officer for the Policy Committee; and the Chair, responsible Lead Councillors and the lead officers for the other Committees.

(2) The Leader or a Lead Councillor may request the Head of Legal and Democratic Services to include an item on the agenda for the next available meeting of a Committee which covers part of his/her portfolio.

(3) An Opposition Group Leader or the Mayor may ask the Head of Legal and Democratic Services to put an item on the agenda of a Committee or Sub-Committee meeting for consideration, and if the Head of Legal and Democratic services agrees the item will be considered at the next available meeting, subject to there being no more than two such reports per Committee or Sub-Committee meeting. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.

(4) The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include items for consideration on the agenda of any Committee or Sub-Committee meeting and may require that an additional meeting of a Committee be called in pursuance of their statutory duties.

37. Debate affecting People employed by the Council

The appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of an employee of the Council must not be discussed until a Committee or Overview and Scrutiny Panel has considered whether the public should be excluded under Section 100A or Section 100E of the Local Government Act 1972 (as amended).

38. Recording of Vote

Immediately after a vote has been taken, any Councillor may request that how she/he voted, or the fact that she/he abstained from voting, should be recorded in the Minutes of the meeting.

39. Application of Standing Orders to Committee Meetings

NB This Standing Order sets out the Rules of Debate, described in Council Procedure Rule 14 (above), which shall apply to Committee and Sub-Committee meetings.
(1) Any Councillor who is a member of the Committee or Sub-Committee may move an amendment to a recommendation contained in a report to that committee or Sub-Committee, or a recommendation moved by the Chair.

(2) All amendments must be proposed and seconded.

(3) Amendments must be relevant to the motion. They may only be moved:
   (a) To leave out words
   (b) To leave out words and insert or add others
   (c) To insert or add words

(4) Only one amendment may be moved and discussed at a time. A Councillor must not move a further amendment until the amendment under discussion has been dealt with.

(5) If an amendment is lost, other amendments can be moved to the original recommendation. If an amendment is carried, the amended recommendation takes the place of the original. The amended recommendation then becomes the recommendation upon which any other amendments can be moved.

(6) An amendment, once moved, may be withdrawn by the Councillor who moved it, with the consent of the Committee or Sub-Committee.

(7) The mover of an amendment has the right of reply on his/her amendment at the end of the debate on the amendment.

40. Rights of Additional Members

(1) Committees and Sub-Committees shall not include additional members who are not members of the Council unless there is a statutory entitlement to do so.

(2) Representatives of Foundations Schools and Parent Governors will be co-opted to attend meetings of the Adult Care, Children’s Services and Education when it is considering education matters. These additional members may only vote on such education matters.

(3) Additional members may not serve as chair or vice-chair of a Committee or Sub-Committee.

41. Disclosure of Confidential or Exempt Information by Councillors

(1) No member or additional member shall disclose or quote in public the contents of any agenda, report or other document which is marked ‘confidential’ or ‘not for publication’ unless and until the document has been made available to the public or the press by or on behalf of the Council or a Committee or Sub-Committee.

(2) No member or additional member shall disclose to a non-member or quote in public any matter that is not otherwise published which has come to his/her knowledge by virtue of his/her office as a member of the Council where such disclosure would or may prejudice the interest of the Council.

41A Councillors’ Interests in Contracts and other Matters

Standing Order 28 will apply to all Committees and Sub-Committees.

42. Decision Book

(1) Subject to the provisions of the constitution relating to the powers of the Council, the powers and duties of the Committees and Sub-Committees, Article 13.7, and the Scheme of Delegations approved by the Council on the 7th April 1998, as amended from time to time, the Head of Paid Service, the Corporate Directors, the Chief Financial Officer and the Monitoring Officer shall have power to take decisions on functions which have not been delegated to an officer, on behalf of the Council or the responsible Committees or Sub-Committee, subject to the following provisions:
(a) Before exercising any such delegation, the officer proposing to exercise the delegation shall consult with the relevant Lead Councillor(s) and shall prepare a full report on the matter including the precise decision which is to be taken and a list of background papers as defined in the Local Government Act 1972 or any variation of that definition from time to time in force.

(b) The Head of Paid Service shall maintain a Decision Book in which all decisions made under this delegation shall be recorded together with copies of reports referred to in (a) above. The Decision Book shall be published on the Council’s website; circulated electronically to all Councillors on publication; and open to inspection by the public during the hours of 9.00 am to 5.00 pm.

(c) Copies of the reports shall be given to the press and the public on request in accordance with the Local Government Act 1972 or any amendment of it and any Regulation made under the provisions of the Local Government Act 2000.

(d) Members of the Council may reasonably request such copies of the reports as they require.

(e) Not less than three Members of the Council may request the Head of Paid Service in writing to refer a decision to the responsible Committee or Sub-Committee within a period of ten days of the decision being included in the Decision Book.

(f) Where a reference is requested in accordance with (e) above, no further action shall be taken on the decision in question by any officer unless the Head of Paid Service or Monitoring Officer is of the opinion that delay is likely seriously to damage the interests of the Council.

(2) This delegation may not be used to take any decision which is inconsistent with the Council’s Policy and Budget Framework as described in the constitution.

AS TO SCRUTINY

The Overview and Scrutiny Procedure Rules are set out in Part 4 of the constitution

AS TO THE STANDARDS COMMITTEE

The rules governing the Standards Committee are set out in Article 9 of the constitution.

AS TO REVENUE AND CAPITAL EXPENDITURE

REVENUE

Council’s Annual Budget

45. The Strategic Finance Director shall collate annual revenue estimates as prepared by Service Heads and submit them to the Policy Committee, which shall recommend to the Council a budget for the ensuing year. This will include estimates of Council Tax, the General Fund Budget and the Housing Revenue Account or any other accounts that the Council is required or considers appropriate to maintain.

Budget Variations (overspends and underspends)

General Fund

46. The sum of all budget variations which are estimated for the financial year will not be considered to be a significant decision provided it does not exceed additional net expenditure of £500,000.
and does not result in the estimated level of the General Fund balance at 31 March as calculated by the Strategic Finance Director, falling below the minimum balance requirement recommended by the Strategic Finance Director and approved by Council in setting the budget.

Housing Revenue Account

47. The sum of all budget variations which are estimated for the financial year will not be considered to be a significant decision provided it does not exceed additional net expenditure of £500,000 and does not result in the estimated level of the HRA balance at 31 March, as calculated by the Strategic Finance Director, falling below the minimum balance requirement recommended by the Strategic Finance Director and approved by Council in setting the budget.

Council would need to consider any request from the Policy Committee, taking into account the advice from the Strategic Finance Director on the level of balances.

Capital Project/Programme Budget

48. A budget variation will not be considered to be a significant decision provided it does not exceed 10% of the approved capital budget for the project/programme up to a maximum of £250,000.

Virement (revenue budgets)

49. A virement shall not be considered a significant decision provided that it does not exceed £500,000.

Virement (capital expenditure)

50. A virement shall not be considered a significant decision provided that it does not exceed £250,000, the virement being between projects/programme within the approved Capital Programme of the service area for which spending approval has been given.

Revenue Virements of less than £500,000 and Capital Virements of less than £250,000 are subject to the procedures set out in the Budget Holders Manual and Financial Regulations.

Annual Accounts

51. After each financial year the Strategic Finance Director shall present to the Council by the 30th September each year, the Annual Accounts and report a comparison of performance against estimates.

CAPITAL

Capital Programmes

52. Service Heads shall make arrangements for the preparation of the programme of estimated capital expenditure for consideration by the Policy Committee in consultation with the Strategic Finance Director.

Approval to Spend

53. The inclusion of schemes in programmes of estimated capital expenditure shall not commit the Council to proceed with them, nor authorise expenditure to be incurred on them, except as otherwise provided by the Policy Committee or the Council from time to time in accordance with Standing Order 54 below.

54. A scheme included in the approved capital programme shall remain subject to

(i) spending approval in detail by the responsible Committee or Policy Committee or Council, as appropriate, for all schemes

(ii) the Strategic Finance Director confirming the availability of funds.
Monies from Planning Agreements

55. The spending of monies obtained through the provisions of an agreement entered into under the provisions of section 106 of the Town and Country Planning Act 1990 shall be subject to approval by the Policy Committee, or through the Decision Book procedure.

Approval of Government Departments

56. In addition to Standing Orders 53-54 above, where works or other matters are subject to the sanction of a Government Department, no contract shall be entered into, no money shall be expended or work done without such sanction being first obtained or a written intimation being received from the Government Department concerned that the sanction will be forthcoming, unless the Council has given specific authority to do so. Spending on projects which are funded, part-funded or otherwise sanctioned by a Government Department shall not commence without the further authority of the Strategic Finance Director in order to ensure that the necessary funds are available.
SCHEDULE 12 OF THE LOCAL GOVERNMENT ACT 1972

Schedule 12 sets out various minimum requirements which procedural rules should reflect. Reference should be made to the schedule itself, but in summary it provides that:

• the annual meeting must be held between 8 and 21 days after the retirement of Councillors in an election year, and in March to May in other years;

• any five members can requisition an extraordinary meeting if the chair fails to do so;

• at least five clear days notice must be given of meetings and a summons must be sent by post or left at the usual place of residence of every member;

• unless otherwise specified, the quorum for a meeting is one quarter of the membership;

• decisions are to be made by simple majority voting, with a casting vote to the chair;

• the names of members at a meeting must be recorded; and

• minutes must be recorded in a book of loose leaf pages and signed at the next suitable meeting.
Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, its Committees and Sub-Committees, the Health & Wellbeing Board, the Standards Committee and Appeals Panels (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Civic Offices.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Offices at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

The proper officer is the Head of Legal and Democratic Services, who is the Council’s Monitoring Officer.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers
The author of the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information (as defined in Rule 10), and the advice of a political advisor where such officers are appointed.

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.

9. SUMMARY OF PUBLIC’S RIGHTS

A written summary of the public’s rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Offices. These rules constitute that summary.

9.1 General

The Local Government Access to Information Act 1985, provides for greater public access to meetings of the Council, its Committees and Sub-Committees, to reports and associated documents and to minutes. It places a duty on local authorities to publish certain information about its Members and the constitution of its Committees and Sub-Committees.

The main provisions of the Act require that (subject to certain very limited exceptions) all meetings of the Council, etc, shall be open to the public, that not less than five clear days public notice of the time and place of meetings shall be given and that copies of any reports shall be available for inspection during that period of notice.

9.2 Members’ Rights of Inspection

The Act also provides that ‘any document which is in the possession or under the control of the Council and contains materials relating to any business to be transacted at a meeting of the Council shall be open to inspection by any Member of the Council’. This right also applies to meetings of Committees and Sub-Committees. However, the Head of Legal and Democratic Services may decline to make documents available for inspection where they contain certain types of information described in the Act.

Requests to inspect documents should be addressed to the Head of Legal and Democratic Services.

9.3 Exclusion of Press and Public

The press and public may be excluded from meetings where either ‘Confidential’ or ‘Exempt’ information is being considered.

Confidential information is either information given to the Council by a Government Department upon terms which forbid the disclosure of the information to the public, or information whose disclosure to the public is prohibited by or under any enactment or by an order of a court. In this case the press and public must be excluded from the meeting.

Exempt information includes (see the Local Government (Access to Information)(Variation) Order 2006):

1) Information relating to any individual

2) Information that 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 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.

These categories of information are subject to certain qualifications.

The Act also provides that any resolution of the Council, Committee or Sub-Committee must state the precise description of the exempt information giving rise to the exclusion of the press and public.

9.4 Inspection of Documents after Meetings

The Act provides that Minutes of meetings (insofar as they do not disclose exempt information), agendas and any reports dealt with whilst a meeting was open to the public shall be available for inspection by members of the public for a period of six years.

Furthermore, in respect of such reports a list of ‘background papers’ has to be compiled and copies of the list and the papers included in the list must be open to inspection for a period of four years.

‘Background papers’ are documents which were relied upon to a material extent in compiling the report, excluding published works.

9.5 Information to be published by the Council

Every local authority has to maintain:

1. a register of the names and addresses of every member of the Council and the Ward they represent [this is attached to Article 2];

2. the name and address of every Member of each Committee or Sub-Committee of the Council [this is published on the Council’s website];

3. a list of delegations to each Committee and to each officer of the Council [this is published on the Council’s website];

4. a summary of the rights of people to attend meetings of the Council, etc, and to inspect and copy documents [this is this Rule].

5. the Members’ Allowances Scheme adopted by the Council and the details of payments made under the scheme [this is Part 6 of the Constitution].

These Registers, etc must be open to inspection by the public at all reasonable hours. They are kept by the Committee Services Team on the Lower Ground Floor of the Civic Offices, Reading. They are published on the Council’s website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information - requirement to exclude public
The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information - discretion to exclude public

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.

When the public are to be excluded from a meeting, a motion similar to the following will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following Item/s on the agenda, as it is likely that there will be disclosure of exempt information as defined in the relevant Paragraphs of Part 1 of Schedule 12A (as amended) to that Act.”

10.3 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.

10.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

<table>
<thead>
<tr>
<th>Category</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Information relating to any individual</td>
<td></td>
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<tr>
<td>2) Information that is likely to reveal the identity of an individual</td>
<td>Not exempt if required to be registered under:</td>
</tr>
<tr>
<td></td>
<td>• Companies Act 1985</td>
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<td></td>
<td>• Friendly Societies Acts 1974 and 1992</td>
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<td></td>
<td>• Industrial &amp; Provident Societies Acts 1965 to 1978</td>
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<td></td>
<td>• Building Societies Act 1986 *</td>
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<td></td>
<td>• Charities Act 1993</td>
</tr>
<tr>
<td>3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)</td>
<td>Relates to past, current or contemplated activities</td>
</tr>
<tr>
<td></td>
<td>* in relation to the Building Societies Act 1986, “registered” means recorded in the public file of any building society (within the meaning of that act)</td>
</tr>
<tr>
<td>Category</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td>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</td>
<td>Employee means a person employed under a contract of service \nLabour relations matter means: \n- Any matters specified in paras. (a)-(g) of s218(1) of the Trade Union and Labour Relations (Consolidations) Act 1992 (matters which may be the subject of a trade dispute) \n- Any dispute about a matter falling within (a) above \nOffice holder means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</td>
</tr>
<tr>
<td>5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</td>
<td></td>
</tr>
<tr>
<td>6) Information which reveals the authority proposes:</td>
<td>a. To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or \nb. To make an order or direction under any enactment</td>
</tr>
<tr>
<td>7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</td>
<td></td>
</tr>
</tbody>
</table>

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Information falling within any of paragraphs 1-7 above, and which is not prevented from being exempt by virtue of the conditions 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 it (the public interest test).

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper 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.

12. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

12.1 Material relating to previous business
All Members will be entitled to inspect any document which is in the possession or under the control of the Council or its Committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

(a) it contains exempt information falling within paragraphs 1, 2, 4, 6 or 7 of the categories of exempt information (subject to the identity of a protected informant not being disclosed); or

(b) it contains the advice of a political adviser.

12.2 Material relating to key decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Council or its Committees which relates to any key decision as defined in Article 13 unless paragraph (a) or (b) above applies.

12.3 Nature of rights

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

13. OVERVIEW AND SCRUTINY ACCESS TO DOCUMENTS

13.1 Rights to copies

Subject to Rule 23.2 below, where a Committee resolves to carry out an overview or scrutiny exercise and sets up a task-and-finish group to do so, the Committee and task-and-finish group will be entitled to copies of any document which is in the possession or control of the Council or its Committees and which contains material relating to:

(a) any business transacted at a public or private meeting of the Council or its Committees; or

(b) any decision taken by an individual officer under delegated authority.

13.2 Limit on rights

A Committee or task-and-finish group, when undertaking an overview or scrutiny exercise, will not be entitled to:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(c) the advice of a political adviser.
Budget and Policy Framework Procedure Rules

1. THE FRAMEWORK FOR DECISIONS

1.1 Full Council will be responsible for the adoption of the authority’s budget framework as set out in Article 4. It will also be responsible for setting the strategic objectives and vision of the authority, and of adopting the policies, plans and strategies set out in paragraph 4.1(a)(i) of Article 4, which by law must be adopted by the authority and cannot be delegated to a committee or officer.

1.2 Article 4 also sets out other policies, plans and strategies which have been adopted by the authority, either by the former executive or full Council. These, and any successor documents or new policies, plans and strategies, may now be adopted, approved, amended, modified, varied or revoked by the Committee to which the subject function has been delegated by full Council, or by the Policy Committee.

1.3 Once the budget or a policy, plan or strategy is in place, it will be the responsibility of individual Committees to implement it, and operate within it.

Definitions

1.4 In Reading the Strategic Finance Director is the Section 151 Officer under the Local Government Act 1972 and the Responsible Officer under Section 113 of the Local Government Finance Act 1992. This person is described elsewhere in the Constitution as the Chief Finance (or Financial) Officer. The Head of Finance is the Deputy Section 151 Officer and Deputy Responsible Officer.

1.5 The terms of reference of the Policy Committee include making recommendations to full Council on the authority’s budget; and ensuring the corporate management of the Council and the efficient and cost-effective delivery of its services to the public. Full Council has not delegated any functions relating to budgets to other Committees.

1.6 The Administration is the Leader and Lead Councillors, who together comprise the controlling group’s membership of the Policy Committee. The Administration will work with the Chief Executive and the Council Management Team to oversee and monitor the implementation of the budget during each financial year, and to formulate the budget estimates for each forthcoming financial year, and the forward financial plan.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and policy framework is developed is set out below:

2.1 BUDGET FRAMEWORK

2.1.1 The following is an indicative timetable only, for one financial year.

<table>
<thead>
<tr>
<th>Timescale</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>During February</td>
<td>Policy Committee recommends Medium Term Financial Plan to Council in Gold Book. (MTFP will include draft Budget Guidelines).</td>
</tr>
<tr>
<td>During the financial year</td>
<td>Policy Committee and Audit &amp; Governance Committee receive regular Budget Monitoring reports covering both revenue and Capital expenditure and income.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Timescale</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>June/July</td>
<td>Administration and Corporate Management Team (CMT) agree and publish draft Budget Guidelines for the forthcoming year (both Revenue and Capital), for consultation, to be agreed by Policy Committee by the end of July.</td>
</tr>
<tr>
<td>Late November/early December</td>
<td>Government Announcements on Local Government Finance Settlement.</td>
</tr>
</tbody>
</table>
January
(Statutory deadline of 31 January for Council Tax decisions)
Policy Committee recommends to Council:
- Council Tax Base and Collection Rate
- Council Tax support scheme
Policy Committee receives NNDR estimate
Policy Committee or Housing, Neighbourhoods & Leisure Committee recommends to Council:
- HRA Budget and rent levels
15 January Statutory date for Council Tax and NNDR surplus/deficit
Strategic Finance Director estimates Collection Fund surpluses and deficits.
Policy Committee receives NNDR estimate
Policy Committee or Housing, Neighbourhoods & Leisure Committee recommends to Council:
- HRA Budget and rent levels

January
Treasury Management and Investment Strategy, Prudential Indicators and MRP Policy Statement presented to Audit & Governance Committee

February
Policy Committee recommends to Council:
- General Fund Budget
- Council Tax Levels
- Capital Programme

February
Council agrees the above, and sets the Budget and Council Tax for the new financial year.

By the end of February
Completion of Local Tax billing runs for forthcoming year.

By 11th March
This date is the legal deadline for setting the General Fund Budget and Council Tax each year.

March/April
Policy Committee agrees Capital Projects for spending approval as appropriate in line with the overall approved Capital Programme.

End June
Strategic Finance Director approves final accounts for external audit

July - September
External audit of accounts

Late August
Public inspection of accounts (3 weeks)

September
Audit & Governance Committee approves the final accounts for the previous financial year

2.1.2 The following paragraphs were added to the Council’s budget framework by Council on 23 Jun 2004 to reflect the provisions of Sections 25 to 28 the Local Government Act 2003. They have been updated to reflect subsequent legislation and the move to a committee system form of governance:

Budget Strategy

2.1.3 The Council’s Budget Strategy for the forthcoming financial year will be set out in the budget setting report to Policy Committee and Council each year. The report will set out:

(A) General Fund

1) Estimates of gross expenditure and income for the current and forthcoming year.
2) Estimate of net expenditure forming the Council’s Council Tax Requirement for Council Tax setting.
3) The level of Council Tax for the forthcoming year.
4) Changes to Fees and Charges.
5) Budget Risk Assessment.
6) The level of the General Fund balance and the advice from the Section 151 Officer on the recommended minimum level of balance to be held and the purpose of holding balances.
7) A statement on the level of reserves and provisions including the purpose for which they are held and advice from the Section 151 Officer on the adequacy of any such reserves and provisions.

8) The Treasury Management and Investment Strategy, the Section 151 Officer recommendations to comply with the Prudential Code for Local Authority Borrowing and MRP policy statement.

9) Forecasts of the General Fund Budget for at least the following two years.

(B) **Capital Programme**

1) Estimates of Forecast Capital Resources and Expenditure for the forthcoming year and up to the following two years.
   (Requests for capital spending approval for schemes and programmes will be submitted to Policy Committee in March/April each year.)

2) The impact of the Capital Programme on the Revenue Budget for the forthcoming year and over the medium term.

(C) **Housing Revenue Account (HRA)**

The Budget Strategy for the HRA will normally be submitted to Council in January and include:

1) Estimated of gross expenditure and income for the current forthcoming year.
2) Proposals for rent levels, garage rents and heating and service charges for the forthcoming year.
3) Issues relating to the HRA Business Plan.
4) The level of HRA balance and advice from the Section 151 Officer on the minimum level of balance to be held, the purpose for holding balances; and advice on the robustness of the HRA over the medium term, and longer (30 year) term.

(D) **Consideration of Final Accounts**

In considering the final accounts each year the Section 151 Officer:

1) Will report on the adequacy of balances, reserves and provisions.
2) May review and propose amendments to the Budget Strategy as appropriate.
3) Will propose the Council’s Treasury Management and Investment Strategy and Prudential Indicators, and MRP Policy as appropriate.

**Requirement for Policy Committee to Monitor the Budget**

2.1.4 To comply with Clause 28 of the Local Government Act 2003, the Strategic Finance Director will submit Budget Monitoring reports to the Policy Committee and Audit & Governance Committee on a regular basis each year (at least quarterly to the Policy Committee, and to three meetings of the Audit & Governance Committee).

2.1.5 If, as a result of Budget Monitoring, it appears that there is a forecast deterioration in the financial position of the authority which could affect the budget framework adversely, then the Strategic Finance Director, as the Council’s Section 151 Officer, will make recommendations as appropriate to the Policy Committee on the action he/she considers necessary to deal with the situation. If the Policy Committee does not take the action recommended to it, the Section 151 Officer will report on the position to full Council.

2.1.6 **Budget Monitoring Reports will include:**

- Details of forecast variations in expenditure and income compared with the approved budget for both the General Fund and HRA.
- Details of forecast capital expenditure and funding thereof for the financial year.
- Forecast of the level of General Fund and HRA revenue balance.
• Details of any significant issues identified that may impact on Revenue and Capital budgets in the medium term (at least quarterly).

• A risk assessment of the overall budget undertaken by the Section 151 Officer (at least quarterly).

• An update of the Council’s Treasury Management and Investment position recommended by the Section 151 Officer (at least quarterly).

2.1.7 Any such recommendations may include reference to the use of balances, reserves and provisions.

2.1.8 The Policy Committee will be required to consider and report on to full Council on any recommendations made by the Section 151 Officer deciding the action it deems necessary to address the situation identified.

Adequacy of Balances, Provisions and Reserves

Minimum Balance Requirement

2.1.9 In accordance with Clauses 26 and 27 of the Local Government Act 2003, as part of the Annual Budget Setting Report to Policy Committee and Council, the Section 151 Officer is required to give advice on the minimum level of balance to be held by the Council throughout the forthcoming year.

2.1.10 In setting the Budget, Council must have regard to the advice given by the Section 151 Officer, and both the advice of the Section 151 Officer and the decision on the level of balance to be held, and reasons for any variance from the advice given be recorded in the minutes of the Council Meeting. (This paragraph is consistent with CIFPA Best Practice Advice.)

Provisions and Reserves

(To comply with CIPFA Best Practice Advice)

2.1.11 It shall be the responsibility of the Section 151 Officer to create, manage and make additions to, or make use of, Provisions and Reserves in accordance with the following objectives:

• Optimising the Council’s overall financial position by creating a degree of financial flexibility over the year or between years.

• Maintaining contingencies against unbudgeted expenditure or unexpected events.

• Enabling funding of known or predicted liabilities falling in the year or future years.

2.1.14 Any proposals for creating and using provisions or reserves will be subject to the approval of the Section 151 Officer.

2.1.15 The Section 151 Officer will be required to report on the adequacy and provisions and reserves at least twice a year when the Budget is set and the Final Accounts reported to Policy Committee, Audit & Governance Committee and/or Council.

Statutory Provisions relating to setting the General Fund Budget and Council Tax

2.1.16 The Statutory Provisions for setting the General Fund Budget and Council Tax each year are set out in the Local Government Finance Act 1992.

2.1.17 The relevant sections are contained in Chapter 111 (sections 30 to 38)

2.1.19 Powers available to the Section 151 Officer / Responsible Officer
The powers of the Section 151 Officer/Responsible Officer are set out in the Local Government Finance Act 1988 and the Local Government Act 2003. The relevant sections of these Acts are reproduced below:

**Local Government Finance Act 1988**

**Section 114 - Functions of Responsible Officer as regards reports**

1) On and after the commencement day the person having responsibility for the administration of the financial affairs of a relevant authority under section 151 of the 1972 Act, section 73 of the 1985 Act or section 112 above shall have the duties mentioned in this section, without prejudice to any other functions; and in this section he is referred to as the chief finance officer of the authority.

2) The chief finance officer of a relevant authority shall make a report under this section if it appears to him that the authority, a committee or officer of the authority, or a joint committee on which the authority is represented:

   (a) has made or is about to make a decision which involves or would involve the authority incurring expenditure which is unlawful.

   (b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority, or.

   (c) is about to enter an item of account the entry of which is unlawful.

3) The chief finance officer of a relevant authority shall make a report under this section if it appears to him that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

4) Where a chief finance officer of a relevant authority has made a report under this section he shall send a copy of it to:

   (a) the person who at the time the report is made has the duty to audit the authority’s accounts and

   (b) each person who at that time is a member of the authority (ie all Councillors).

5) Subject to subsection (6) below, the duties of a chief finance officer of a relevant authority under subsections (2) and (3) above shall be performed by him personally.

6) If the chief finance officer is unable to act owing to absence or illness his duties under subsections (2) and (3) above shall be performed:

   (a) by such member of his staff as is a member of one or more of the bodies mentioned in section 113(3) above and is for the time being nominated by the chief finance officer for the purposes of this section, or

   (b) if no member of his staff is a member of one or more of those bodies, by such member of his staff as is for the time being nominated by the chief finance officer for the purposes of this section.

7) A relevant authority shall provide its chief finance officer with such staff, accommodation and other resources as are in his opinion sufficient to allow his duties under this section to be performed.

8) In this section

   (a) references to a joint committee are to a committee on which two or more relevant authorities are represented, and

   (b) references to a committee (joint or otherwise) include references to a sub-committee.
Section 115 - Authority's duties as regards reports

(1) This section applies where copies of a report under section 114 above have been sent under section 114(4) above.

(2) The authority (full Council) shall consider the report at a meeting where it shall decide whether it agrees or disagrees with the views contained in the report and what action (if any) it proposes to take in consequence of it.

(3) The meeting of full Council must be held not later than the end of the period of 21 days beginning with the day on which copies of the report are sent.

(4) Section 101 of the 1972 Act (delegation) shall not apply to the duty under subsection (2) above where the authority is one to which that section would apply apart from this subsection.

(5) If the report was made under section 114(2) above, during the prohibition period the course of conduct which led to the report being made shall not be pursued.

(6) If the report was made under section 114(3) above, during the prohibition period the authority shall not enter into any new agreement which may involve the incurring of expenditure (at any time) by the authority.

(7) If subsection (5) above is not complied with, and the authority makes any payment in the prohibition period as a result of the course of conduct being pursued, it shall be given not to have had power to make the payment (notwithstanding any obligation to make it under contract or otherwise).

(8) If subsection (6) above is not complied with, the authority shall be taken not to have had power to enter into the agreement (notwithstanding any option to do so under contract or otherwise).

(9) In this section “the prohibition period” means the period:

(a) beginning with the day on which copies of the report are sent, and
(b) ending with the first business day to fall after the day (if any) on which the authority’s consideration of the report under subsection (2) above is concluded.

(10) If subsection (3) above is not complied with, it is immaterial for the purposes of subsection (9) (b) above.

(11) The nature of the decisions made at the meeting is immaterial for the purposes of subsection (9) (b) above.

(12) In subsection (9)(b) above “business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales.

Section 116 - Information about meetings

(1) Where it is proposed to hold a meeting under section 115 above the authority's proper officer shall soon as is reasonably practicable notify its auditor of the date, time and place of the proposed meeting.

(2) As soon as is reasonably practicable after a meeting is held under section 115 above the authority’s proper officer shall notify its auditor of any decision made at the meeting.

(3) For the purposes of this section an authority's proper officer is the person to whom the authority has for the time being assigned responsibility to notify its auditor under this section. [The proper Officer for the purpose of this section is the Section 151 Officer or the Deputy Section 151 Officer(Strategic Finance Director/Head of Finance)]
(4) For the purposes of this section an authority’s auditor is the person who for the time being has the duty to audit its accounts.

Local Government Act 2003

Authorisation of agreements during the prohibition period

(1) In section 115 of the Local Government Finance Act 1988 (c.41) (which sets out the consequences for a relevant authority of the receipt of a report made by its chief finance officer under section 114(3)), in subsection (6) (which prevents an authority that has received such a report from entering into certain agreements during prohibition period), at the end there is inserted “unless the chief finance officer of the authority authorises it to do so”,

(2) After the subsection there is inserted:

“(6A) The chief finance officer may only give authority for the purposes of subsection (6) above if he considers that the agreement concerned is likely to:

(a) prevent the situation that led him to make the report from getting worse,
(b) improve the situation, or
(c) prevent the situation from recurring

(6B) Authority for the purposes of subsection (6) above shall:

(a) be in writing
(b) identify the ground on which it is given, and
(c) explain the chief finance officer’s reasons for thinking that the ground applies.”

2.2 POLICY FRAMEWORK

2.2.1 The policy framework for the Council is based on the Council’s strategic aims adopted in 1999. These are:

- To develop Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley
- To promote equality, social inclusion and a safe and healthy environment for all
- To establish Reading as a learning City and a stimulating and rewarding place to live and visit

2.2.2 In order to respond to the challenges facing local authorities, the Council now adopts a three-year Corporate Plan in February each year, which puts the Council’s service delivery into context and explains what will be measured to show the difference the Council has made. The focus of the Corporate Plan is to outline the Administration’s vision and ambition and establish the priorities for the Council’s service delivery.

2.2.3 In order to achieve these aims, the Council will:

- Work in partnership
- Promote the participation of Reading people in local democracy through effective consultation and communication
- Secure the most effective use of our resources in the delivery of high quality, best value public services
2.2.4 The range of main policies and strategies which support these aims are listed in Article 4. It should be noted that at any one time it may not cover the complete range of policies and strategies because:

- It does not cover the complete range of detailed service specific policies and strategies;
- Very new or recently revised policies and strategies may not be included as yet in the latest version.

2.2.5 The Council’s vision for Reading was set out in the City 2020 document adopted in 1998, to give a framework within which many of the key strategies and activities of the Council sit. The Council has worked with the Reading Local Strategic Partnership (LSP), in consultation with local residents, businesses and key partner organisations, to update the Vision for Reading to 2030 and beyond, and to agree a Sustainable Community Strategy which sets out the key challenges that must be addressed to make progress towards the 2030 Vision. This was adopted by full Council on 29 March 2011.

2.2.6 The Vision 2030 has a strong emphasis and focus on Reading’s People as the primary basis for everything that affects our Place and Prosperity. The Sustainable Community Strategy provides the framework for the LSP Partnership to identify priorities and programmes for all local partners and stakeholders to turn the Vision for Reading into reality. The People, Place and Prosperity themes underpin the Reading Sustainable Community Strategy. Each is supported by detailed objectives and outcomes and a high-level action plan.

2.2.7 The Council, in its community leadership role, is a key partner in the LSP, and the lead body for the Sustainable Community Strategy. The Council has its own Corporate Plan, “Leading the Way”, which cross-refers to the Sustainable Corporate Strategy and sets the context for the application of the Strategy to the delivery of the Council’s services. The Plan was adopted by full Council in March 2010, to run for three years. The Council also agreed its own vision for the sort of organisation it needs to be in order to deliver the services that local people need. This is to be:

“A highly regarded, leading Council; ambitious and focused on what matters most for our communities, delivering value for money and quality services.”

2.2.8 The Council, as planning authority, has also adopted a suite of documents which together comprise the Development Plan, and provide the Local Development Framework for land use in the Borough.

2.2.9 The Council has, furthermore, adopted a set of values that define the organisation’s culture and set the framework for a way of working:

- Be open and honest in our dealings with colleagues and the public
- Learn from what we do, encouraging innovation and creativity
- Work together to achieve the best results
- Value and respect the diversity within our workforce, services and community
- Take responsibility for what we do and how we do it
- Set high standards and support people in meeting them

2.2.10 These values describe a commitment on the part of both Councillors and Officers to how we work together and deliver services to the community.

Consultation on Policies, Plans and Strategies

2.2.11 In 2012, the Cabinet adopted the Working Better with You programme of public engagement. This recognises the role for all Lead Councillors to ensure that the public are fully involved in decision-making and in supporting the involvement of local people in developing policy, establishing the Council’s priorities and shaping future service delivery. It includes a “We Need to Talk” public questionnaire (online or leaflet), and a “Let’s Talk” rolling programme of community consultation on themed issues. This programme is ongoing.
2.2.12 The Council’s arrangements for consultation are set out in the *Working Better for You Community Involvement Guidance*, 2012, which sets out core principles for community involvement activities. Consultation will also have due regard to the duty on local authorities, in Section 138 of the Local Government and Public Involvement in Health Act 2007, to involve local people by keeping them informed, consulting them, and involving them in other ways in the design and delivery of services. All Committee reports include a ‘Community Engagement and Information’ paragraph.

2.2.13 Except where the policy, plan or strategy is required by Regulation to be approved or adopted by full Council, as set out in Article 4.1(a)(i):

(1) The Committee to which full Council has delegated responsibility for the function(s) and service(s) covered by the policy, plan or strategy may adopt, approve, amend, vary or revoke any such policy.

(2) The Policy Committee will set the policy framework for, and may adopt, approve, amend, vary or revoke, any policy, plan or strategy which covers, functions or services that have been delegated to more than one Committee.

3. **DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

3.1 Committees, Sub-Committees, Officers, area committees or joint arrangements discharging delegated functions may only take decisions which are in line with the authority’s budget framework. If any of these bodies or persons wishes to make a decision which is contrary to or not in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.

3.2 Committees, Sub-Committees, Officers, area committees or joint arrangements discharging delegated functions should also take operational decisions about a function or service that are consistent with any policy, plan or strategy of the authority which applies to the function or service, and must not take operational decisions that are contrary to any such policy, plan or strategy. However, Committees may now resolve to amend, modify, vary or revoke a policy, plan or strategy.

3.3 If a Committee, Sub-Committee, Officer, area committee or joint arrangement discharging delegated functions wants to take such a decision, they shall take advice from the Head of Paid Service and/or the Monitoring Officer and/or 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.

(a) If the advice of any of those officers is that the decision would be contrary to, or not wholly in accordance with, the existing budget framework, then the decision must be referred by that body or person to full Council for consideration and decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget framework) shall apply.

(b) If the advice of any of the above officers is that the decision would be contrary to an existing policy, plan or strategy, framework, then the decision must be made by the responsible Committee.

(c) in the case of both (a) and (b) above, the decision must be taken by full Council or the responsible Committee in full understanding of the advice of the Monitoring Officer and/or Chief Financial Officer, which must be set out in the report considered by full Council or the Committee.

3.4 Three or more Councillors may, in writing, seek advice from the Monitoring Officer and/or the Chief Financial Officer as to whether a decision to be taken by a Committee, Sub-Committee, Officer, area committee or joint arrangement is contrary to any policy, plan or strategy of the authority, or contrary to or not in accordance with the budget approved by full Council. In all such cases:
(a) an officer may not take the decision under delegated powers, and must refer the decision to the next meeting of the Committee or Sub-Committee with delegated responsibility for the function or service concerned;

(b) the Monitoring Officer and/or Chief Financial Officer must report this written request for advice to the Committee or Sub-Committee taking the decision, and set out their advice in writing for consideration by the body before it takes its decision.

3.5 A decision taken by a Committee or Sub-Committee under delegated functions may be cancelled by full Council, under the provisions of Standing Order 23.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

4.1 The Policy Committee may take a decision which is 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:

a) if it is not practical to convene a quorate meeting of the full Council; and

b) if the chair of the Policy Committee agrees that the decision is a matter of urgency.

4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the Policy Committee's 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, the consent of the Vice-Chair, and in the absence of both the Mayor, will be sufficient.

4.3 The Head of Paid Service and Chief Financial Officer, on behalf of the Policy Committee, will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.4 The Policy Committee may take a decision which is contrary to an adopted policy, plan or strategy if the decision is a matter of urgency, under the urgency provisions set out in Article 7.7, and subject to the application of Rule 3(3)(c) above. In such cases, the Director responsible for the function or service will provide a full report to the next available meeting of the Committee with delegated responsibility for the function or service, explaining the decision, the reasons for it, and why the decision was treated as a matter of urgency.

5. IN-YEAR CHANGES TO POLICY FRAMEWORK

5.1 No changes may be made to any plan, policy or strategy which has to be adopted or approved by full Council under Article 4.1(a)(i) within the statutory or Regulatory timetable for consulting on and adopting or updating such documents, except where the change:

(a) will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) is necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) the existing policy document is silent on the matter under consideration.
Overview and Scrutiny Procedure Rules

1. Overview & Scrutiny Statutory Functions

(See also Article 7.6).

1.1 Under the provisions of Paragraph 9JA of Schedule 2 to the Localism Act 2011, the Council, having adopted a committee system form of governance, has resolved not to appoint any separate overview and scrutiny committee(s). Therefore the call-in function has ended.

1.2 The statutory overview and scrutiny functions of the authority will be exercised by each Committee with regard to the services, functions and partnerships covered by the Committee; and by the Policy Committee in respect of overview or scrutiny across Council services covered by more than one Committee.

1.3 The statutory external scrutiny functions of the authority to be exercised by the relevant service committees, are as follows:

   d) Health: Adult Social Care, Children’s Services & Education
   e) Crime and Disorder: Housing, Neighbourhoods & Leisure
   f) Flood risk management: Strategic Environment, Planning & Transport

1.4 The Council’s overview and scrutiny procedure rules, and Standing Order 25, will continue to apply when committees specify that they are undertaking their overview and scrutiny function; and the facility for each committee to set up and appoint task-and-finish groups will be retained, as set out in Part 4 of the constitution.

2. Overview & Scrutiny Roles of Committees

2.1 Within their terms of reference, Committees may carry out overview or scrutiny exercises including:

1) Policy Development and Review:

   • To assist the Council in the development of its budget framework and policies by in-depth analysis of policy issues;
   • To conduct research, community and other consultation in the analysis of policy issues and possible options;
   • To consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
   • To question Lead Councillors and/or Directors and Heads of service about their views on issues and proposals affecting the area;
   • To 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.

2) Performance Monitoring:

   • To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
   • To question Lead Councillors and/or 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.

3) External Scrutiny:

   • To review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
   • To question representatives of Health bodies about their views on issues and proposals affecting their areas, review and scrutinise matters relating to the health service in the
authority’s area and make reports and recommendations on these matters to local NHS bodies. Any member or employee of a relevant NHS body or a relevant health service provider may also be required to attend to answer questions, as provided for by the National Health service act 2006 (as amended by Section 190 of the Health & Social Care Act 2012).

- To question partners in the Community Safety Partnership on issues and proposals affecting crime and disorder, as provided for by the Crime and Disorder (Overview and Scrutiny) Regulations 2009.
- To review and scrutinise the exercise of flood risk management functions by the lead local authority under Section 9FH of the Local Government Act 2000 (as amended by Schedule 2 to the Localism Act 2011).

4) Holding to Account:

- To scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions covered by the Committee. As well as reviewing documentation, in fulfilling the scrutiny role, a Committee may require any Lead Councillor and/or any senior officer to attend before it to explain in relation to matters within their remit:
  i) any particular decision or series of decisions;
  ii) the extent to which the actions taken implement Council policy; and/or
  iii) their performance (subject to the provisions of Standing Orders);

2.2 As set out in Paragraph 5 of the Member:Officer protocol, in Part 5 of this Constitution:

(1) Lead Councillors and officers must attend such scrutiny exercises if requested, unless exceptional circumstances prevent this, in which case arrangements for an alternative date will be made in consultation with the Lead Councillor and Chair of the Panel. They are also required to answer all questions asked of them, unless they would otherwise have grounds for not answering the question if it were put to them in a court of law.

(2) Officers who are not Corporate Directors or Heads of Service and who are requested to attend to give evidence at a scrutiny exercise can, at the officers’ request, be accompanied by a senior manager or a Trades Union representative. This request cannot be reasonably denied by the Committee or task-and-finish group.

(3) Councillors and officers may not be accompanied by an external legal representative without the specific approval of the Monitoring Officer.

3. Overview & Scrutiny Exercises

3.1 Where Committees agree to carry out an overview & scrutiny exercise they will determine the appropriate form of scrutiny to be used, to include:

- Hands-on task-and-finish groups
- One-off evidence-taking sessions
- Commissioning officer reports reviewing service areas
- Discursive meetings on set topics, as training or learning sessions

3.2 When carrying out an Overview & Scrutiny exercise a Committee or task-and-finish group 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 and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

4. Task and Finish Groups
4.1 Where appropriate, the Committees may set up and appoint task-orientated, time-limited task-and-finish groups to undertake an overview & scrutiny exercise and report back to the appointing Committee. The Committee will:

- determine the specification or terms of reference for the group’s scrutiny exercise - in general terms the groups will be charged with carrying out an in-depth investigation into a specific service area or policy or any issue of genuine importance to the town
- appoint Councillors to the task-and-finish group on the following basis:
  - the group to be small, and focused on outcomes
  - at least two political groups on the Council to be represented on the group
  - to include at least one Member of the appointing Committee, to be appointed to chair the group
  - other Councillor members to be agreed in consultation with Group Leaders, and need not be members of the Committee

4.2 These task-and-finish groups are not established as Sub-Committees under the Local Government Act 1972, and Committees will not be expected to make the appointments in accordance with the proportionality rules set out in Sections 15-17 of the Local Government & Housing Act 1989.

5. Rights of Overview and Scrutiny Members to Documents

5.1 In addition to their rights as Councillors, Committee or task-and-finish group members carrying out Overview and Scrutiny have the additional right to documents, and to notice of meetings as set out in Paragraph 15 of the Access to Information Procedure Rules in Part 4 of this Constitution.

6. Evidence Gathering for Overview and Scrutiny

6.1 Where a Committee or task-and-finish group conducts an Overview & Scrutiny exercise, they may also ask community and voluntary sector organisations, users of services and others to attend to give evidence at meetings, which are to be conducted in accordance with the following principles:

i) that the investigation be conducted fairly and all members of the committee or group be given the opportunity to ask questions of attendees, and to contribute and speak;

ii) that those assisting the committee or group by giving evidence be treated with respect and courtesy; and

iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

7. Overview & Scrutiny Reports

7.1 Once it has completed any investigation or review and formed any recommendations, a Committee or its task-and-finish group will prepare a formal report and submit it to the Head of Paid Service for consideration by the relevant Committee (if the proposals are consistent with the existing budgetary framework), or by the Council or Policy Committee as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget or policy framework).

7.2 If a task and finish group cannot agree on one single final report to the Committee or Council as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

7.3 The Committee or Council shall normally consider a report at the next available meeting. Following any investigation or review, the committee shall make its report and findings public.
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Section 1 - Introduction

1.1 Context

These Financial Regulations set out the financial policies and procedures and the framework for managing the Council’s financial affairs. The Regulations are organised around seven themes, as follows:

(i) Financial planning (see Section 3)
(ii) Financial management (see Section 4)
(iii) Accounting records and financial systems (see Section 5)
(iv) Risk management and internal control (see Section 6)
(v) Control of resources (see Section 7)
(vi) Income and expenditure (see Section 8)
(vii) External arrangements (see Section 9)

They seek to ensure that the Council conducts its affairs in a way that complies with specific statutory provisions, generally accepted accounting principles and professional good practice.

1.2 Financial Responsibilities

An overview of the financial responsibilities of the Council, various Committees, the Head of Paid Service (Chief Executive), The Chief Finance Officer (Strategic Finance Director), the Monitoring Officer (Head of Legal & Democratic Services) and the Directors is provided in Section 2 of the Financial Regulations. Specific responsibilities are explained, in context, throughout the Financial Regulations.

The Strategic Finance Director is the Council’s Responsible Finance Officer under Section 151 of the Local Government Act 1972, and is responsible for maintaining a continuous review of the Financial Regulations and for updating them, as necessary, for Council to approve. The Strategic Finance Director is also responsible for reporting, where appropriate, breaches of the Financial Regulations.

Any consultation required under these Regulations must be managed to ensure that sufficient time is available for proper consideration of the issues raised.

1.3 Advice and guidance to underpin Financial Regulations

The Strategic Finance Director will, from time to time, issue advice, guidance and accounting instruction notes to underpin the Financial Regulations, ensure compliance with specific statutory provisions and reinforce best professional practice. Councillors, officers and others acting on behalf of the Council are required to comply with such advice and guidance.

1.4 Compliance

All financial and accounting procedures must be carried out in accordance with the Financial Regulations and with any accounting instruction notes and other corporate guidance issued by, or on behalf of, the Strategic Finance Director.

Directors will ensure that their staff are aware of the existence, and content, of the Council’s Financial Regulations, accounting instruction notes and other corporate guidance, and ensure compliance with them.

Non-compliance with these Financial Regulations, and with any accounting instruction notes and other corporate guidance issued by the Strategic Finance Director, may constitute a disciplinary matter that will be pursued, as appropriate, in accordance with the Council’s disciplinary procedure.

1.5 Scope of the Regulations

The Financial Regulations, including advice, guidance and accounting instruction notes issued to underpin the Financial Regulations, apply to all services of the Council.
Whilst Schools have their own specific Financial Regulations, they will not override or contradict these overarching Regulations. Some specific references are made to schools’ operations within these Regulations where particular responsibilities are placed upon Council officers that are not employed within schools, and upon Councillors and other Members of the Council.

1.6. **Scheme of Delegation for Financial Management**

The Scheme of Delegation, as set out within the Reading Borough Council Delegations Register, defines how the financial responsibilities set out within the Financial Regulations are reserved or delegated to officers.

This must be read in conjunction with the Council’s Budget and Policy Framework, in Part 4 of the Constitution, and Article 13 of the Constitution, on decision-making. Under these, officers do not have delegated authority to take decision which:

- is specifically reserved to full Council or any Committee body, including any key decision.
- involves the approval of statutory Plans and other Policies;
- conflicts with Council Policy;
- is not compliant with the Council’s Contract Procedure Rules;
- involves the approval of Capital and Revenue budgets; or
- incurs expenditure for which there is no approved budget.

A key decision is one which involves a variation to the Council’s budget, including virement or additional expenditure, of over £500k, or savings of over £250k. Officers cannot take decisions which are outside the Council’s budget and policy framework.
Section 2 - Financial Roles and Responsibilities

2.1 Introduction

The roles and responsibilities of Councillors and Officers are set out within the Council’s Constitution. The purpose of the Financial Regulations is to provide an overview of the respective financial roles and responsibilities of Councillors and Officers within the Council. Specific financial responsibilities are set out in more detail throughout the subsequent sections of the Regulations.

2.2 Council

Full Council is responsible for:

(i) Adopting and changing the Authority’s Constitution (including the Financial Regulations), which sets out how the Council works, how decisions are made and the procedures to be followed to ensure efficiency, transparency and accountability to local people.

(ii) Approving and adopting the policy framework which incorporates the Council’s Corporate Plan and various other plans and strategies, and is developed in line with the Council’s Budget and Code of Corporate Governance.

(iii) Approving the annual budget, which includes:

- The budget framework within which the Authority and its Committees and officers operate.
- The allocation of financial resources to different services and to capital projects, and the setting of trading activities’ financial targets.
- The level of contingency funds, reserves and balances to be held.
- The Council Tax base and setting the Council Tax.
- The Non-Domestic Rates tax base and setting the precept for Business Rates income.
- The annual Treasury Management Strategy.
- Decisions relating to the control of the Council’s borrowing requirement, including setting of Prudential Indicators which define the parameters for borrowing activity, and the approval of the Council’s Revenue Provision policy for the repayment of debt.
- The annual income (fee setting) and charging policy.

(iv) The annual pay policy statement.

(v) Making arrangements for the proper administration of the authority’s financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs.

(vi) Making arrangements for approving the statutory annual statement of accounts by dates specified by relevant regulations.

(vii) Approving and monitoring compliance with the Authority’s overall framework of accountability and control. The framework is set out in the constitution. The Council is also responsible for monitoring compliance with the agreed policy and budget framework.

(viii) Approving procedures for recording and reporting decisions taken. This includes those functions delegated to and decisions taken by the Council and its committees.

2.3 Policy Committee
The Policy Committee makes recommendations as appropriate on matters reserved to full Council for decision, including constitutional matters and the authority’s budget and overall strategic direction.

2.4 Audit and Governance Committee

The Council’s Audit & Governance Committee is a cross-party Committee established by and reporting to full Council, and with functions covering the authority's audit activity, regulatory framework, treasury management, financial accounts, risk management and governance. The Audit & Governance Committee is responsible for:

(i) Approving the Council’s Annual Statement of Accounts, having due regard to any matters raised by the external auditor.
(ii) Receiving and considering the Council’s Annual Governance Statement, ensuring that it reflects the Council’s governance arrangements.
(iii) Consideration of the External Auditor’s Annual Audit Letter and to provide advice and comments on the Letter to the Policy Committee and Council, as appropriate.
(iv) Ensuring that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit is actively promoted.
(v) Receiving any reports from the External Auditor about the effectiveness of the Council’s financial and operational arrangements and monitoring Management’s response to the issues raised by External Audit.
(vi) Approving the annual Internal Audit plan and receiving reports from the Council’s Internal Auditor on the outcome of audit reviews and investigations and the implementation of recommendations, including the annual report of the Chief Auditor.
(viii) Considering the Council’s arrangements for corporate governance and risk management policy and strategy and, subject to the role and responsibilities of the Standards Committee, to advise on any action necessary to ensure compliance with best practice.

2.5 Overview and Scrutiny

Under the provisions of Paragraph 9JA of Schedule 2 to the Localism Act 2011, the Council, having adopted a committee system form of governance, has resolved not to appoint any separate overview and scrutiny committee(s). Each Committee is now responsible for the overview, service performance and improvement, and scrutiny of all functions delegated to it. The statutory overview and scrutiny functions of the authority may be exercised by each Committee with regard to the services, functions and partnerships covered by the Committee; and by the Policy Committee in respect of overview or scrutiny across Council services covered by more than one Committee.

2.6 The Statutory Officers

2.6.1 Head of Paid Service (Chief Executive)

The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority as a whole. S/he must report to and provide information for the Council and its Committees. S/he is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the authority’s decisions (see below).

2.6.2 Chief Finance Officer

Section 151 of the Local Government Act 1972 specifies that every authority shall make arrangements for the proper administration of their financial affairs and shall secure that one
of their officers has responsibility for the administration of those affairs. The Council’s Strategic Finance Director is the designated officer for this purpose.

The Strategic Finance Director has statutory duties in relation to the financial administration and stewardship of the Council that cannot be overridden. These statutory duties arise from:

(i) Section 151 of the Local Government Act 1972 which makes the Strategic Finance Director responsible for the proper administration of the Council’s financial affairs.
(ii) Section 114 of the Local Government Finance Act 1988 which places a duty on the Strategic Finance Director to report to all Councillors of the Council if it is considered that the Council, Committees or an employee has made (or is about to make) a decision involving expenditure or loss which is unlawful.
(iii) Local Government and Housing Act 1989 which requires the Strategic Finance Director to consult with the Monitoring Officer and the Head of Paid Service (Chief Executive) before making a Section 114 report to Council.
(iv) Local Government Act 2003 which requires the Strategic Finance Director to make a report to the Council, when it is considering its budget and council tax, that addresses the robustness of the estimates and adequacy of reserves.
(v) Accounts and Audit Regulations, which require the Strategic Finance Director to ensure that the accounting control systems are observed, that the accounting records are maintained in accordance with proper practices and that they are kept up to date.

In order to fulfil these statutory duties and legislative requirements the Strategic Finance Director will:

(vi) Set appropriate financial management standards for the Council which comply with the Council’s policies and proper accounting practices, and monitor compliance with them.
(vii) Determine the accounting records to be kept by the Council.
(viii) Ensure there is an appropriate framework of budgetary management and control.
(ix) Monitor performance against the Council’s budget and advise upon the corporate financial position.
(x) Ensure proper professional practices are adhered to and to act as Head of Profession in relation to the standards, performances and development of finance staff throughout the Council; all finance staff will have a direct reporting line to the Strategic Finance Director.
(xi) Prepare and publish the Council’s Statement of Accounts for each financial year, in accordance with the statutory.
(xii) Make proper arrangements for the audit of the Council’s accounts.
(xiii) Ensure that claims for funds, including grants, are made by the due date and in compliance with the grant terms and conditions.
(xiv) Make proper arrangements for the overall management of the Council’s Internal Audit function.
(xv) Manage the treasury management activities in accordance with the Council’s Treasury Management Policy Statement, Treasury Management Strategy and Prudential Indicators.

2.6.3 **Monitoring Officer (Head of Legal & Democratic Services)**

The functions and responsibilities of the Monitoring Officer are carried out by the Head of Legal and Democratic Services and include:

(i) Maintaining an up-to-date version of the Constitution and making this widely available.
(ii) Promoting and maintaining high standards of conduct through the provision of support to the Standards Committee and maintenance of Officers’ and Councillors’ Codes of Conduct.

(iii) Reporting, after consultation with the Head of Paid Service and the Responsible Finance Officer, any actual or potential breaches of the law or maladministration to the Council and/or to the responsible service Committee.
(iv) Ensuring that Committee decisions, together with the reasons for those decisions, the relevant officer reports and background papers are made publicly available as soon as possible.

(v) Advising whether the decisions of Committees are in accordance with the budget and policy framework.

(vi) Provision of advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(vii) Provision of advice on the authority’s compliance with the public sector equality duty; the duty to consult; and, as the Senior Information Risk Officer (SIRO), on information security, data protection and freedom of information.

2.7 Directors and Heads of Service

Directors and Heads of Service are responsible for ensuring that the Council, Committees and Lead Councillors are advised of the financial implications of all proposals made in their name, and that the financial implications have been agreed by the Strategic Finance Director.

It is the responsibility of Directors and Heads of Service to consult with the Strategic Finance Director and seek approval on any matter liable to affect the Authority’s finances materially, before any commitments are incurred.

This responsibility must be exercised within the corporate financial management framework determined by the Strategic Finance Director, and includes:

(i) Putting in place appropriate budget management and delegation arrangements to ensure the effective use of resources, the safeguarding of assets and the operation of a system of appropriate internal controls.

(ii) Promoting appropriate financial management standards within their Services, and monitoring adherence to the standards and practices, liaising as necessary with the Strategic Finance Director, and ensuring that relevant training is provided to those staff with financial management responsibilities.

(iii) Promoting sound financial practices in relation to the standards, performance and development of staff in their services.

(iv) Advising Lead Councillors and the Strategic Finance Director of the financial implications of all proposals.

(v) Seeking approval, in conjunction with the Strategic Finance Director, on any matter liable to affect the Council’s finances materially, before any commitments are incurred.

(vi) Signing contracts on behalf of the Council (in accordance with the Council’s Procurement Policies and Procedures and Contract Standing Orders and after consultation with the relevant Lead Councillor).

(vii) Consulting with, and obtaining the approval of, the Strategic Finance Director before making any changes to accounting records or procedures.

(viii) Complying with the following principles when allocating accounting duties:

- Separating the duties of providing information about sums due to or from the Council and calculating, checking (including reconciling the accounts) and recording these sums from the duty of collecting or disbursing them.

- Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

(ix) Ensuring that claims for funds (including grants and ‘match funding’) are made in accordance with the delegation register, accounting instructions issued by the Strategic Finance Director and the conditions defined by the grant awarding body, by the due date and that appropriate records are maintained.

(x) Contributing to the development of performance plans in line with statutory requirements.

(xi) Contributing to the development of corporate and service targets and objectives and performance information.
2.8 **Internal Audit**

Internal Audit will review, appraise and report upon:

(a) The extent of compliance with, and effectiveness of, relevant policies, plans and procedures.
(b) The adequacy and application of financial and other related management controls.
(c) The processes for identifying and managing risk.
(d) The suitability of financial and other related management data.
(e) The extent to which the Council’s assets and interests are accounted for and safeguarded from loss of any kind from:
   - Fraud and other offences.
   - Waste, extravagance and inefficient administration.
   - Inefficient value for money or other causes.
(f) Directors’ self-assessments of the status of the governance framework, including systems of internal controls in place, for each of their service areas. Further details on the internal audit function are set out in paragraph 6.6.2.
Section 3 - Financial Planning

3.1 Policy Framework

The Council is responsible for agreeing the Authority’s budget framework and budget, which will be proposed to it by the Policy Committee. In terms of financial planning, the key elements are:

(i) The corporate plan
(ii) Revenue Budget and 3-year financial plan
(iii) Capital Programme
(iv) Treasury management, prudential and Minimum Revenue Provision Policy
(v) Income and charging policy
(vi) Pay policy

3.2 Corporate/Financial Plan

The Corporate Plan sets out the corporate approach to delivering services for the people of Reading and helps ensure greater strategic control on prioritisation, resource allocation and performance monitoring, improvement and efficiency. The Council’s Financial Plan sets out the framework for resource allocation in terms of the revenue and capital budgets.

3.3 Revenue Budget

3.3.1 Revenue Income and Expenditure

Revenue income and expenditure represents the current or day-to-day running costs, and associated receipts, of the Council; including salaries, heating and lighting, travelling and office expenses, income raised by charging service users and government grants.

3.3.2 Revenue Budget

Budgets (spending plans) ensure that the Council can plan, authorise, monitor and control the way money is allocated and spent.

The revenue budget must be constructed so as to ensure that resources are allocated in a way that reflects the service plans and priorities of the Council. The Strategic Finance Director is responsible for developing and maintaining a resource allocation process that ensures this is achieved.

3.3.3 Budget Preparation

The Strategic Finance Director is responsible for ensuring that a revenue budget is prepared on an annual basis and includes a three-yearly revenue plan for consideration by the Policy Committee, before submission to the Council. The Council may amend the budget or ask the Policy Committee to reconsider it before approving it.

The Strategic Finance Director, through the Policy Committee, is responsible for issuing budget guidelines on the general content of the budget each year in July.

It is the responsibility of Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Policy Committee and that these estimates are prepared in line with guidance issued by the Policy Committee.

3.3.4 Format of the Budget

The general format of the budget will be proposed by the Policy Committee to full Council for approval, on the advice of the Strategic Finance Director. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

3.3.5 Budget Monitoring and Control
The Strategic Finance Director is responsible for providing appropriate financial information to enable budgets to be monitored effectively. S/he must monitor and control expenditure against budget allocations and report to the Policy Committee on the overall position on a regular basis.

It is the responsibility of Directors and Heads of Service to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Strategic Finance Director. They must submit monthly monitoring reports to the Strategic Finance Director on variances within their own areas. They must also take any action necessary to avoid exceeding their overall budget allocation and alert the Strategic Finance Director to any problems.

3.3.6 Resource Allocation

The Strategic Finance Director is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council’s policy framework.

3.3.7 Maintenance of Reserves

In accordance with Clauses 26 and 27 of the Local Government Act 2003, as part of the Annual Budget Setting Report to Policy Committee and Council, the Strategic Finance Director is required to give advice on the minimum level of balance to be held by the Council throughout the forthcoming year.

In setting the Budget, Council must have regard to the advice given by the Strategic Finance Director on the decision on the level of balance to be held, and reasons for any variance from the advice given be recorded in the minutes of the Council Meeting. (This paragraph is consistent with CIFPA Best Practice Advice).

3.4 Capital financial planning

3.4.1 Capital expenditure

Expenditure is classified as capital expenditure when:

- It results in the acquisition, construction or the addition of subsequent costs to non-current (i.e. fixed) assets that will be held by the Council for use in the production or delivery of services, for rental to others or for administrative purposes and are expected to be used during more than one financial year.

- It is defined by Regulation as capital (i.e. this will include expenditure that would ordinarily be capitalised except for the fact that the Council has no future direct control or benefit from the resulting assets).

- It is classified by Government Direction as capital (i.e. a Government Direction is explicit permission to capitalise expenditure that would not otherwise constitute capital expenditure).

3.4.2 Capital programme

The Strategic Finance Director is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Policy Committee before submission to the Council. The Strategic Finance Director will manage the preparation of a capital programme on an annual basis in accordance with the Council’s capital projects’ governance arrangements and capitalisation criteria.

Proposals for new buildings, extensions, improvements and alterations to buildings or the policy on sale of buildings and land will be assessed by the Director of Environment & Neighbourhood Services to determine whether they fit with the Council’s property strategy.

Any proposal for investment in information technology will be assessed by Head of Customer Services to ensure that it accords with the Council’s IT strategy.
Each scheme that is added to the Capital Programme is allocated an overall ‘scheme approval’ which sets the overall budget for the scheme, and an ‘annual payments guideline’ which sets the parameters for expenditure in each of the financial year’s over which the scheme is expected to span. Directors may only proceed with capital projects when there is adequate and minuted scheme and spend approval in the capital programme to finance these projects.

3.4.3 Financing of capital expenditure

The Strategic Finance Director will review the financing of the capital programme, taking into consideration the availability of reserves and balances, funding from other bodies and the affordability of borrowing.

3.5 Leasing and rental arrangements

Leases of land or buildings and other property agreements will only be authorised for completion by the Head of Legal & Democratic Services, on the Council’s behalf, by the Chief Valuer. The relevant Finance support will be consulted as part of this process. Other leasing arrangements (including rental agreements and hire purchase arrangements) will only be entered into with prior approval from the Strategic Finance Director.

Prior approval to enter into leases is required to ensure that:

- Leases that constitute credit arrangements are taken into account when the Council determines its borrowing limits;
- Such arrangements represent value for money and are accounted for appropriately.

3.6 Internal Trading Activities

3.6.1 Definition and framework

The main types of trading activity permitted by the Council include those where:

- Services are provided in a competitive environment where users are given the freedom to buy from elsewhere if they wish;
- Budget holders are free to decide the quantity and type of work to be done on the basis of the prices quoted to them, but not to buy externally when an internal service is available.

The Policy Committee will approve the establishment of all trading activities, in consultation with the Strategic Finance Director.

Trading activities will maintain a separate Income and Expenditure account to which all relevant income is credited, and all related revenue expenditure (including asset charges and support service and overhead costs) is charged. Trading activities are required to balance their budget and cover their operating costs by generating income from the provision of their services.

Trading activities must adhere to Financial Regulations, although are controlled to an overall financial target rather than against individual expenditure and income headings.

Trading activities must operate within the Council’s overall arrangements and rules for personnel and resource management. The Policy Committee may approve special arrangements in exceptional circumstances, where it can be demonstrated that adherence to these rules and arrangements would lead to the unit becoming uncompetitive and losing work and that the proposed departure does not expose the Council to significant risk.

3.6.2 Financial targets
Each trading activity must prepare an annual financial plan for approval by the Council as part of the annual budget setting (see paragraph 3.1, on page 15), and which defines the expected levels of income and expenditure for the year. Trading activities must, as a minimum, aim to break-even (i.e. only incur expenditure that can be financed from the income the activity expects to generate during the year). It is only permissible to plan for a deficit in exceptional circumstances, and then only if the deficit can be met from the trading activity’s own accumulated revenue reserves or, in exceptional circumstances, from an approved contribution from the General Fund.

3.6.3 Trading balances

Trading activities do not retain any surpluses they generate. The Strategic Finance Director will advise the Policy Committee, after consultation with the relevant Director, if the level of balance held by a trading activity is in excess of that deemed necessary to meet the business needs of the operation.

3.7 Treasury management and Medium Term Financial Plan (MTFP)

The Strategic Finance Director will propose an annual Treasury Management Strategy, prudential indicators and a policy for the revenue provision for the repayment of debt to the Council in advance of the start of the relevant financial year that is consistent with the Council’s revenue budget and capital programme proposals. This Strategy will comply with the CIPFA’s Codes of Practice on Treasury Management and the Prudential Framework for Capital Finance, relevant Regulations and with the Council’s own Treasury Management Policy Statement and Treasury Management Practices; it will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year.

3.8 Medium-Term Financial Plan (MTFP)

The MTFP brings together the key assumptions about financing resources (including council tax, non-domestic rates and revenue support grant) and spending pressures over the medium to longer term. This enables the Council to plan for financial risks and thus inform the setting of service financial targets for the annual revenue budget and capital payments guidelines. The setting of financial targets within the available resource envelope is completed with reference to the priorities set within the Corporate Plan. The Strategic Finance Director will ensure that reports are presented to Council, as part of the annual budget setting, upon the medium-term budget prospects and the resource constraints set by the Government.

3.9 Income and charging policy

Directors will establish a charging policy for the supply of goods or services and, in consultation with the Strategic Finance Director, review it annually, as part of the corporate planning process. An annual statement on fees and charges will be taken to the Policy Committee, and then Council, in alignment with the budget setting timetable. Further detail on income is provided in Section 8, which commences on page 55.

3.10 Pay Policy Statement

The pay policy statement will be prepared as required by law, to set out the Council’s policy on the level and elements of remuneration for each chief officer, the remuneration of its lowest paid employees, and the relationship between the remuneration of its chief and other officers. It is also required to address other specific aspects of chief officer remuneration such as remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency. This policy is produced annually or as required by law and is approved by full Council.
Section 4 - Financial Management

4.1 Introduction

Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework, revenue budget, trading activities' financial plans, capital programme and treasury management.

4.2 Financial management standards

All staff and Councillors have a duty to abide by the highest standards of probity in dealing with public money. This is facilitated by ensuring everyone is clear about the standards to which they are working and by the controls that are in place to ensure that these standards are met.

4.3 Revenue budget monitoring and control

4.3.1 Budget management

The Council operates within an annual cash limit, approved when the annual budget is set. To ensure that the Council does not overspend in total, each service is required to manage its own expenditure and income recovery within the cash limited budget allocated to it. Budget management also ensures that once the Council has approved the budget, the resources are used for their intended purposes and are properly accounted for.

4.3.2 Framework for budgetary control

Once the budget is approved by the Council, Directors are authorised to incur expenditure in accordance with the estimates that make up the budget. Directors must however maintain effective budgetary control within their service(s) to ensure that spending is contained within the annual budget cash limit.

Directors will not commit expenditure that would result in an approved budget being exceeded. Prior approval must be sought to increase the budget by virement (see paragraph 4.3.3) before additional commitments are made.

Directors may exceptionally incur additional expenditure in an emergency (see paragraph 8.6 for the approval required to make an emergency payment). In such situations, retrospective approval must be sought, as soon after the event as possible, to offset the additional expenditure by virement.

Directors will:

(a) Ensure that all income and expenditure is properly recorded and accounted for.

Directors will ensure that all officers responsible for committing expenditure comply with all relevant guidance, and follow approved certification processes.

(b) Ensure that an appropriate budget holder structure is in place to ensure that responsibility is assigned for each item of income and expenditure under their control.

Budget holders will be accountable for the effective management of the budgets allocated to them either to oversee or directly manage, even where they put delegations in place that enable officers to commit expenditure on their behalf.

(c) Ensure that individual policy budgets are not over spent.

Budgets must be monitored and appropriate corrective action taken where significant variations from the approved budget are forecast (see paragraphs 4.3.3 and 4.3.4).
(d) **Exercise discretion in managing the Service’s budgets.**

Discretion will be exercised by, for example, avoiding supporting recurring expenditure from one-off sources, or creating commitments for which future resources have not been identified. Services must plan to fund such commitments from within their own budgets.

(e) **Ensure that a monitoring process is in place.**

A monitoring process is required to review performance and/or service levels in conjunction with the budget and to ensure they are operating effectively.

(f) **Regularly report to the relevant Lead Councillor(s).**

Such reports will be prepared, in consultation with the Strategic Finance Director, upon the service’s projected ‘controllable net expenditure’ compared with its budget. Lead Councillors must be fully briefed, as part of this process, on any budget pressures and any proposal to address these pressures by virement (see bullet point (viii) below).

(g) **Ensure prior approval by the Council or Policy Committee (as appropriate) for new proposals.**

Prior approval of the Council or Policy Committee may be required for proposals that create financial commitments in future years or which materially extend or reduce the Council’s services, or which initiate new ones.

(h) **Ensure compliance with the Scheme of Virement.**

The scheme of virement is explained within paragraph 4.3.3.

(i) **Agree with the relevant Corporate Director(s) where it appears that a budget proposal, including a virement proposal, may impact on their service area.**

The corporate control process will be the monthly budget monitoring reporting exercise to the Corporate Management Team, in which Directors will identify emerging budget pressures and their proposals for compensating savings (virements) in the Directorate budget reports accompanying the overall report.

(j) **Ensure that relevant training is delivered to all staff assigned responsibility for budget management.**

Officers will undertake approved finance training prior to commencement as an operational budget holder and/or as an authorised signatory, to ensure they have the necessary knowledge and skills to perform effectively their financial responsibilities; refresher training will be undertaken periodically thereafter.

The Strategic Finance Director will ensure that each budget holder receives or has access to timely information on income and expenditure for each budget, which is sufficiently detailed to enable them and their managers to fulfil their budgetary responsibilities.

The Strategic Finance Director will monitor performance against the Council’s budget on an on-going basis, and will advise upon the Council’s overall financial position. Specifically, the Strategic Finance Director will prepare financial overview reports for the Corporate Management Team. These financial overview reports will:

- Provide a comparison of the Council’s projected income and expenditure and the latest approved budget;
- Seek approval to changes to the approved budget (including virements between budgets, supplementary estimate requests and changes to the scheme, and payment approvals for capital projects).
4.3.3 Scheme of virement

As detailed in paragraph 4.3.2, Directors must ensure that spending remains within the service's overall cash limit, and that spending does not exceed individual policy budget headings. It is however permissible, in certain circumstances, to switch resources between approved budget headings, subject to obtaining the necessary approval. The switching of resources between approved budget headings is referred to as a virement. The virement rules are as follows:

(i) No expenditure shall be incurred without appropriate budget provision and, if necessary, a virement should be undertaken to put this in place.
(ii) No virement relating to a specific financial year should be made at the end of the financial year after the date specified within the Strategic Finance Directors’ timetable for closure of the accounts.
(iii) Virements are not permitted in relation to asset charges or other budget headings that are outside the control of the relevant budget holder, or where a proposal would adversely affect long-term revenue commitments.
(iv) Heads of Service may make transfers between budget headings within a cost centre for which they are the budget holder up to a maximum of £100,000, subject to the transfers not resulting in an ongoing payroll cost commitment in future years (e.g. a transfers cannot be made from, say, an equipment budget to a salary budget which results in an ongoing salary cost commitment into future years) without approval from the relevant Director and Strategic Finance Director or their nominees.
(v) A virement that is likely to impact on the level of service activity of another budget holder can be implemented only with the agreement of the relevant budget holder(s).
(vi) Directors may approve transfers between cost centres for which they are responsible up to a maximum of £250,000, with the consent of the Strategic Finance Director; and up to a maximum of £500,000 with the additional consent of the Corporate Management Team (CMT). The responsible Directors may approve transfers between cost centres in different Directorates on the same basis.
(vii) Transfers between cost centre budgets within or between Directorates of over £500,000 are key decisions, and will require the prior approval of the Policy Committee. The report to Policy Committee must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial years.
(viii) Virements involving unbudgeted savings of over £250,000 in any cost centre are also key decisions, and will require the prior approval of the Policy Committee.
(ix) Virements that are being actioned to effect a change in policy or priorities (either within the same portfolio or between portfolios) will be subject to the following approval:

- Agreement of the change of policy by the responsible Committee
- No virement is permitted between the General Fund or Housing Revenue Account without the approval of the Strategic Finance Director or his nominee.
- No virement is permitted between Revenue or Capital budgets without the approval of the Strategic Finance Director or his nominee, and by the Policy Committee.
- No virement is permitted between retained and delegated schools budgets without the approval of the Strategic Finance Director or his nominee.
<table>
<thead>
<tr>
<th>Amount of Virement</th>
<th>Budget Holder</th>
<th>Head of Service</th>
<th>Director</th>
<th>Strategic Finance Director</th>
<th>CMT</th>
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Budget headings within a cost centre (where the virement will result in an ongoing payroll cost commitment in future years)

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<tr>
<th>Amount of Virement</th>
<th>Budget Holder</th>
<th>Head of Service</th>
<th>Director</th>
<th>Strategic Finance Director</th>
<th>CMT</th>
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Virement between cost centre budgets within a directorate

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<th>Amount of Virement</th>
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Virement of budgets between directorates

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<th>Amount of Virement</th>
<th>Budget Holder</th>
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<th>Director</th>
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In excess of 250,000, but less than £500,000

Over £500,000

Exceptions to the virement rules are as follows:

(a) The virement rules do not apply to the movement of budget between the individual budget headings of an individual trading activity. The approval of the Policy Committee is however required to transfer resources between trading activities and the General Fund - see paragraph 3.6.3.

(b) Policy Committee approval is not required when the virement reflects the implementation of decisions already taken by Councillors, except where budget is required that was not made explicit when the decision was taken.

(c) Policy Committee approval is not required where a budget will continue to be used for the approved purpose but is being moved, for example, to reflect a change in budget holder responsibilities. Such transfers will however require the approval of the relevant Head(s) of Finance.

(d) Policy Committee approval is not required for budget movements arising in order to comply with the CIPFA Service Expenditure Reporting Code of Practice guidance on accounting for overheads, or budget movements arising in order to comply with proper accounting practice. Approval is required from the relevant Strategic Finance Director.

4.3.4 Treatment of year end balances

(i) Carry forward scheme

In certain circumstances, it is permissible to transfer resources between accounting years (i.e. carry unspent budget forward for use in the following year or fund an overspend in the current year from next year’s budget allocation). The Strategic Finance Director may issue advice on this to budget holders before the end of each financial year.

The Authority’s corporate budget monitoring process (Budget Holders Guidance) informs the Authority’s treatment of year-end balances. It is administered by the Strategic Finance Director in consultation with the Corporate Management Team.

Approval to carry forward any underspends will not be given prior to consideration by the Policy Committee of the final outturn position and overall financial position of the Council upon closure of the accounts, as the Council’s ability to support the carry forward requests will need to be assessed.

(ii) Trading activities

Balances arising from internal trading activities will be dealt with as outlined in paragraph 3.6.3. Any deficits will be financed by a withdrawal from the relevant Trading Activity’s accumulated reserves, or from an approved contribution from the General Fund Balance.

(iii) Partnership schemes

The funding of some partnership schemes is ring-fenced (including the contribution made by the Council) and is not therefore available for alternative use by the Council.

The unspent balances on approved partnership schemes will be carried into an earmarked reserve, which can be drawn upon to finance expenditure by the partnerships in a subsequent year.

(iv) Grant-funded schemes
Where revenue grants and contributions are recognised as income in advance of the related expenditure being incurred, the unspent grant will be carried into a reserve, which can be applied, and matched with the related expenditure, in a subsequent year.

(v) Dividends received

Dividends received from subsidiaries of the Council will be credited as corporate income and use of such income will be determined by the Policy Committee.

(vi) Individual Schools’ budgets

Individual Schools’ budgets are ring-fenced in accordance with statutory provisions.

Where an unplanned deficit occurs, the governing body must prepare a detailed financial recovery plan, which will be evaluated by the Strategic Finance Director and Director. Schools will be expected to agree a plan to recover the deficit within a defined period. Details of the amount of balances carried forward from one financial year to the next will be reflected in the relevant out-turn statement published under Section 251 of the Apprenticeship, Skills, Children & Learning Act 2009

4.3.5 Capital payments monitoring and control

The principles and framework for managing the revenue budget (as set out within paragraphs 4.3.1 and 4.3.2) will apply equally with regard to the monitoring and management of individual capital projects within their scheme and payment approvals.

The scheme of virement, as set out in paragraph 4.3.3, does not apply to capital expenditure, as approval to capital expenditure is given on a scheme by scheme basis, for the duration of the scheme, rather than by Service and year. However, in the event that an overspend arises against one scheme or ‘block’ approval, the relevant service will identify savings against another approved project (or ‘block’ approval) that will be applied to offset the overspend (i.e. provided that such an approach is supported by the Strategic Finance Director and the Leader of the Council, and is approved by Policy Committee).

Where it is anticipated that schemes will be progressed ahead of, or behind, schedule, such that capital expenditure is expected to vary from the approved payment guideline for the year, Policy Committee approval must be sought to re-profile the payment guidelines from one year to the next; this is necessary to enable impact upon capital financing resources to be assessed.

Schemes will usually only be added to, or removed from, the Capital Programme as part of the annual budget setting process referred to in paragraph 3.4.2 (see page 18). Schemes may be added to, or removed from, the capital programme outside of this process with the approval of the Policy Committee if:

- costs are less than £1m
- the scheme is subject to financing from Section 106 contributions
- the scheme is financed by external funding
- the scheme is urgent.

Capital expenditure will be subject to scrutiny in accordance with the Council’s capital projects’ governance framework.

The monies obtained through the provisions of an agreement entered into under the provisions of section 106 of the Town and Country Planning Act 1990, and the Community Infrastructure Levy (CIL) Regulations 2010, shall be subject to the Revised Section 106 Planning Obligations Supplementary Planning Document, and the CIL Charging Schedule, approved by the Strategic Environment, Planning & Transport Committee¹, and allocated to

¹ on 10 November 2013 and 19 March 2014 respectively.
schemes by the Corporate Property and Asset Steering Group. Where appropriate, the allocations will subject to approval by the Policy Committee or through the Decision Book procedure.

Compliance with the Council’s Contracts Procedure Rules and national and European procurement regulations is required where appropriate.

In addition to the relevant Contract Procedure Rules, where works or other matters are subject to the sanction of a government department, no contract shall be entered into, no money shall be expended or work done without such sanction being first obtained or a written intimation being received from the government department concerned that the sanction will be forthcoming, unless the responsible Committee has given specific authority to do so.

Spending on projects, which are funded, part-funded or otherwise sanctioned by a government department, shall not commence without the further authority of the Strategic Finance Director in order to ensure that the necessary funds are available.

Monitoring of progress is overseen by the Corporate Property and Asset Steering Group in conjunction with expenditure and comparison with approved budget and reported to the Strategic Finance Director through the steering group.

4.3 Trading activities

Trading activities must manage their income and expenditure to an overall financial target (see paragraph 3.6.2); in doing so, trading activities must operate within the Council’s framework for budgetary control (as outlined within paragraph 4.3.2).

Policy Committee approval is required to alter a trading activity’s overall financial target. Where the proposed target reflects a worsening position that will result in a loss for the year, the request to amend the financial target must explain how the loss is to be financed and the plans for recovery from this position. Where a surplus is forecast, above that previously reported, the request to amend the target must explain whether and for what purpose the additional surplus is to be retained by the trading account.
Section 5 - Accounting records and financial systems

5.1 Accounting records

Maintenance of proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Strategic Finance Director is responsible for determining the accounting procedures and records for the Council, and for the compilation of all accounts and accounting records.

The Council’s accounting records are maintained within its General Ledger. A standard coding convention is maintained within the General Ledger that enables actual and budgeted income and expenditure to be analysed by:

- Category (i.e. revenue, capital, balance sheet);
- Type (e.g. employee costs, premises related expenditure, supplies and services etc.); and
- Activity (e.g. passenger transport, parks etc.).

This coding convention facilitates the analysis of income and expenditure in a variety of ways (i.e. according to the political and management structures of the Council, as well as satisfying the Council’s statutory reporting requirements). The integrity of the Council’s financial reporting for management and statutory purposes is therefore dependent upon transactions being coded correctly at source.

Directors and Heads of Service are responsible for ensuring that their services (including those delivered through strategic partnerships) comply with the coding conventions adopted within the General Ledger. This includes adherence to the standard subjective classifications for categories of income and expenditure. The requirement to adhere to this standard classification applies even where expenditure on projects have ‘net nil’ budgets (i.e. expenditure is matched with income).

In the event that application of this standard classification results in under- or overspends, appropriate action must be taken to re-align the budgets (see paragraphs 4.3.3 and 4.3.4); the guiding principle being that budget provision should follow expenditure and/or income, and not vice versa.

5.2 Retention of Records

The Authority has a statutory and legal responsibility to retain accounting records for a predetermined period. These records may be subject to External Audit and other inspection bodies. The following conditions apply:

a) All the Authority’s transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.

b) Prime documents are retained in accordance with legislative and other requirements.

c) Financial records should normally be retained for three years or, if storage space is a problem, at least until accounts are signed off by External Audit.

d) Legal, contract and mortgage documents should be retained at the discretion of the Head of Legal Services.

e) Paid invoices and payroll records should be kept in accordance with VAT and other legal requirements.

f) Records may be retained in electronic form only with the agreement of the Strategic Finance Director.

Under Regulations to be issued under the Local Audit and Accountability Act 2014, officers taking decisions under delegated powers must keep an adequate and auditable record of the decision, authorisation etc.; and must record in writing for six years and publish (subject to the provisions of the Data Protection Act 1998) any decisions taken under officer delegation which:
• Grant permissions or licences
• Affect the rights of individuals
• Award contracts
• Incure expenditure which materially affects the Council’s financial position

5.3 Annual statement of accounts

The Council has a statutory responsibility to prepare its accounts to present a true and fair view of the financial performance and results of its activities during the year, and is responsible for approving and publishing those annual statements in accordance with the timetable specified in the Accounts and Audit Regulations.

The Strategic Finance Director is responsible for selecting suitable accounting policies, and for applying them consistently, to ensure that the Council’s annual statement of accounts is prepared in compliance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom and other relevant accounting standards and statutory provisions. In addition, the Strategic Finance Director will ensure that the Statement of Accounts is compiled, approved and published in accordance with the statutory timetable specified within the Accounts and Audit Regulations.

The Strategic Finance Director will issue accounting instruction notes on closure of the accounts, including a timetable, annually. All budget holders must comply with these accounting instructions and supply the information requested by the dates specified.

The Strategic Finance Director must sign and date the Statement of Accounts, thereby confirming that the accounts give a ‘true and fair’ view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March.

The Strategic Finance Director is responsible for making proper arrangements for the audit of the Council’s accounts.

5.4 Financial Systems

The Strategic Finance Director has responsibility for ensuring that the Council’s financial systems (including any financial elements of non-financial or integrated systems) are sound, properly maintained and that they are held securely. The Strategic Finance Director will therefore determine the accounting systems, form of accounts and supporting financial records.

Directors must ensure that prior approval is obtained from the Strategic Finance Director and the Corporate Management Team to operate any financial system (including any elements of a non-financial or integrated system relied upon for financial reporting purposes) within or on behalf of their area of responsibility. Prior approval must also be obtained from the Strategic Finance Director and Corporate Management Team to make changes to any such systems already being operated within a service area. The ‘go live’ sign-off criteria must be complied with in respect of implementation or amendment to any financial systems (or non-financial or integrated system relied upon for financial reporting purposes) operated within, or on behalf of, a Service area. A Change Request Form must be submitted to the Strategic Finance Director for approval prior to making any changes to such systems.

Systems must be documented and backed up, and disaster recovery and business continuity plans must be maintained to allow information system processing to resume quickly in the event of an interruption. Directors will ensure that an adequate audit trail exists through the computerised system and that audit reviews are being carried out, as necessary.

Where appropriate, computer systems will be registered in accordance with data protection legislation. Relevant policies and guidelines for computer systems and equipment that are issued by the Head of Customer Services and Head of Legal & Democratic Services (SIRO²) will be observed.

² Senior Information Risk Officer
Section 6 - Risk Management and Internal Control

6.1 Introduction

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

6.2 Risk management

Risk management is concerned with evaluating the measures in place, and the actions needed, to identify and control risks effectively. The objectives are to secure the Council’s assets and to ensure the Council’s continued financial and organisational wellbeing.

It is the overall responsibility of the Audit & Governance Committee to approve the Council’s Risk Management Policy and Strategy, to review the strategic risk register and to promote a culture of risk management awareness throughout the Council.

The Chief Auditor is responsible for preparing the Council’s Risk Management Policy and Strategy, and for promoting it throughout the Council where appropriate. The Chief Auditor will:

(i) Ensure that procedures are in place to identify, assess and prevent or contain material risks, and also allow for the identification and management of positive opportunities.
(ii) Regularly review the effectiveness of risk reduction strategies and controls.
(iii) Engender a positive attitude towards the control of risk.
(iv) Provide relevant information on risk management initiatives, and training on risk management.
(v) Ensure that acceptable levels of risk are determined.

Directors and Heads of Service must have regard to the advice of the Chief Auditor, and adhere to the Council’s Risk Management Policy and Strategy. Specifically, Directors and Heads of Service must:

(i) Take full ownership of all risks within their areas of responsibility, including those related to partnerships in which their services participate.
(ii) Ensure that risk management is implemented in line with the Council’s Risk Management Strategy and the minimum standard for business planning process.
(iii) Identify and manage risks and ensure that mitigating actions are regularly reported.
(iv) Have regard to other specialist officers (e.g. internal audit, ICT, insurance, health and safety).
(v) Ensure there are appropriate arrangements within their service area to identify risk issues and take appropriate action to mitigate the effects of them and maximise opportunities. This includes ensuring that the relevant officers are trained to manage risk and where required provide a defence for the Council.
(vi) Make sure that consideration is given and appropriate arrangements are made to ensure that all 3rd party providers and delivery vehicles used by the authority understand and operate within the Council’s Risk Management Policy and Strategy in their service delivery.
(vii) Ensure that service programme, project and partnership risk registers are compiled, and kept up to date.

6.3 Insurance

The Council is responsible for ensuring that proper insurance arrangements exist. The Strategic Finance Director is responsible for advising the Council on proper insurance cover, and will:

(i) Effect corporate insurance cover, through external insurance and internal funding, and negotiate all claims in consultation with other officers, where necessary.
(ii) Include all appropriate Members and employees of the Council in suitable fidelity guarantee insurance.
(iii) Offer insurance cover to schools in accordance with arrangements for financing schools.
(iv) Ensure that provision is made for losses that might result from identified risks.
(v) Ensure that procedures are in place to investigate claims within required timescales.
(vi) Be aware of and manage effectively operational risk to the Council.

Directors must comply with all relevant Insurance terms and conditions, to include:

(i) Notifying the Strategic Finance Director immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Strategic Finance Director or the Council’s insurers.
(ii) Notifying the Strategic Finance Director promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
(iii) Consulting the Strategic Finance Director and the Head of Legal & Democratic Services on the terms of any indemnity that the Council is requested to give.
(iv) Ensuring that employees, or anyone covered by the Council’s insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

6.4 Internal Control and the governance framework

The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its strategic objectives and statutory obligations. Internal controls are devised by management to help ensure the Council’s objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council’s assets and interests are safeguarded.

It is the responsibility of the Chief Auditor to assist the Council to put in place an appropriate control environment and effective internal controls that adhere with proper practices, and provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

The system of internal control is a significant part of the Council’s governance framework. The Chief Executive will compile an Annual Governance Statement each year. The Governance Statement will be compiled with reference to proper practices in relation to governance.

The governance framework, control environment and internal controls include:

(i) Identification and communication of the Council’s vision of its purpose and intended outcomes for citizens and service users.
(ii) Reviewing the Council’s vision and its implications for the Council’s governance arrangements.
(iii) Measuring the quality of services for users, and ensuring they are delivered in accordance with the Council’s objectives and that they represent the best use of resources.
(iv) Project management.
(v) Defining and documenting the roles and responsibilities of Councillors and officers of the authority, including scrutiny functions, with clear delegation arrangements and protocols for effective communication.
(vi) Developing, communicating and embedding codes of conduct, defining the standards of behaviour for Councillors and staff.
(vii) Reviewing and updating the Council’s constitution, standing orders, contract procedure rules, standing financial instructions, and the scheme of officer delegations.
(viii) Preparing supporting procedural notes/manuals, which clearly define how decisions are taken and the processes and controls required for managing risks.

1 (principally the CIPFA/SOLACE guidance ‘Delivering Good Governance in Local Government)
(ix) Undertaking the core functions of an Audit Committee, as identified in CIPFA’s Audit Committees – Practical Guidance for Local Authorities.

(x) Ensuring compliance with relevant laws and regulations, internal policies and procedures and that expenditure is lawful.

(xi) Whistle blowing and arrangements for receiving and investigating complaints from the public.

(xii) Establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation.

(xiii) Incorporating good governance arrangements in respect of partnerships and other group working.

(xiv) Policies, objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action.

(xv) Financial and operational control systems and procedures which comprise physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.

(xvi) An effective internal audit function that is appropriately resourced, and which operates in accordance with the principles contained in the Public Sector Internal Audit Standards and with any other statutory obligations and regulations.

It is the responsibility of Directors to:

(i) Establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness; Best Value and Social Value; and for achieving their financial performance targets.

(ii) Manage processes to check that controls are adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

(iii) Communicate responsibilities, codes of conduct and the importance of good governance arrangements to their staff and ensure that they understand the consequences of lack of control and inadequate governance arrangements.

(iv) Review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Chief Auditor. Directors and Heads of Service should also be responsible, after consultation with the Strategic Finance Director and Chief Auditor, for removing controls that are unnecessary.

(v) Support internal audit in any review being undertaken within their area, and respond to issues raised within audit reports within the agreed timescale.

(vi) Under Regulations to be issued under the Local Audit and Accountability Act 2014, keep an adequate and auditable record of delegated decisions; and record in writing for six years and publish (subject to the provisions of the Data Protection Act 1998) any decisions taken under officer delegation which:

- Grant permissions or licences
- Affect the rights of individuals
- Award contracts
- Incur expenditure which materially affects the Council’s financial position

6.5 Preventing fraud and corruption

6.5.1 Anti-fraud and anti-corruption policy

The Council has an effective anti-fraud and corruption policy and maintains a culture that will not tolerate fraud or corruption. It is the responsibility of the Chief Auditor to maintain the Council’s anti-fraud and anti-corruption policy. Directors must ensure that this policy is adhered to and that all appropriate action is taken. This will include reporting all suspected irregularities to the Chief Auditor (see paragraph 6.6.2).
6.5.2 Declaration of Interests

To avoid giving rise to suspicion about the honesty and integrity of the Council or its employees, or giving the impression of corruption or improper behaviour, all interests of a personal and/or financial nature with external bodies or persons who have dealings with the Council, or any other interests which could conflict with an officer’s duties, must be declared in accordance with the Council’s Employee Code of Conduct, which is attached to each employee’s conditions of employment.

6.5.3 Gifts and hospitality

Officers must be cautious regarding offers of gifts and hospitality as acceptance can easily give the impression of improper behaviour or favour. The Council’s Employee Code of Conduct explains how offers of gifts and hospitality are to be dealt with, including what can be accepted, what cannot be accepted and what must be declared. In accordance with the Gift and Hospitality Policy, Directors must ensure that a Gifts and Hospitality register is established and maintained for the services for which they are responsible.

Under the Council’s Member Code of Conduct, Councillors must notify the Monitoring Officer of any gift or hospitality over the value of £25 that they are offered or receive in their role as a Member of the authority. This is done through Councillor Services, who maintain the Councillor Gift book. The monitoring Officer will report details of all gifts and hospitality registered by Councillors each year in his/her annual report to the Council’s Standards Committee, which is a public document.

6.5.4 Whistle blowing

In accordance with the Council’s whistle blowing policy, all suspected irregularities must be reported to the Chief Auditor (see paragraph 6.6.2). The Chief Auditor will report significant matters to the Chief Executive, Strategic Finance Director (Section 151 Officer) and where appropriate the Audit & Governance Committee.

6.5.5 Standards of conduct

The full responsibilities with regard to standards of conduct for officers are set out in the Officers’ Code of Conduct and the standards for Councillors are set out in the Councillors’ Code of Conduct.

6.5.6 Money laundering

Money laundering is defined as:

(i) Concealing, disguising, converting, transferring or removing criminal property from the Country.
(ii) Being concerned in an arrangement which a person knows of suspects or facilitates the acquisition, retention, use or control of criminal property.

In accordance with the Council’s Anti-Money-Laundering policy, all suspected attempts to use the Council to launder money must be reported to the Head of Legal (MO), the Strategic Finance Director (S151) and the Chief Auditor (Money-laundering report officer) Chief Auditor who is also the Council’s Anti-Money-Laundering Reporting Officer.

Directors must ensure that their staff understand what money laundering is and of their obligations under the money-laundering legislation, so that they can recognise situations that might lead to suspicions of money laundering arising.

When a person knows or suspects that money-laundering activity is taking place (or has taken place), or becomes concerned that their involvement in a matter may amount to a prohibited act under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2011, they must disclose this as soon as practicable or risk prosecution.
To mitigate the risks of the Council being used to launder money cash payments\(^4\) in excess of £5000 will not be accepted on behalf of the Council except with the prior approval of the Strategic Finance Director.

### 6.5.7 Anti-Bribery Policy

In accordance with the Council’s Anti-Bribery Policy, the detection, prevention and reporting of bribery and other forms of corruption are the responsibility of all those working for Reading Borough Council or under its control. Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. The Bribery Act has been enacted to enable robust action against such activity.

### 6.5.8 Promoting good governance

The Council’s intranet (IRIS) provides further information and guidance on the policies used in promoting good governance across the Council. Directors and Heads of Service are responsible for ensuring that all staff in their services complete governance training provided via e-learning modules on the Council website. Directors and Heads of Service are also responsible for ensuring that new employees undertake the relevant modules of the e-learning training at commencement of their employment, and that all staff refresh their learning.

### 6.6 Audit requirements

#### 6.6.1 External audit

The external auditor duties include reviewing and reporting upon:

(i) The financial aspects of the Council’s corporate governance arrangements.
(ii) The Council’s financial statements; the external auditor must be satisfied that the Statement of Accounts give a ‘true and fair view’ of the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

The Council may, from time to time, also be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

The External Auditors and other statutory inspectors must be given reasonable access to premises, personnel, documents and assets that it is considered necessary for the purposes of their work. Regard must be given to sensitivity of data though, including compliance with the statutory duty not to disclose personal data to a third party under the Data Protection Act 1998. If there is any doubt about whether it is appropriate to provide such data to the external auditor or other statutory inspector, advice should be sought from the Head of Legal & Democratic Services, the Strategic Finance Director and/or Chief Auditor.

Services must respond to external audit and inspection reports in writing, within a timescale agreed by the External Auditor, detailing the action intended to address any recommendations.

#### 6.6.2 Internal Audit

The requirement for an Internal Audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities ‘make arrangements for the proper administration of their financial affairs’.

The Accounts and Audit Regulations more specifically require authorities to maintain an adequate and effective system of internal audit of its accounting records and of its internal controls, and to conduct an annual review of the effectiveness of its systems of internal

\(^4\) In practice and where possible officers should not accept cash payments
audit. The findings of these annual reviews are considered by the Audit & Governance Committee on behalf of the Council as part of the consideration of the system of internal control referred to in paragraph 6.4.

Internal audit is an independent and objective appraisal function, established by the Council for reviewing the systems of internal control and assists the Council’s stakeholders on business objectives and related risks and, thereby, contributes strategically to the organisation. The internal auditors adhere to proper practices in relation to internal control; specifically the Public Sector Internal Audit Standards. They examine, evaluate and report upon the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

The Head of Audit will report functionally to the Audit Committee and administratively to the Strategic Finance Director (Sec 151 Officer) and will have direct right of access to the Chief Executive.

Day to day management of the Internal Audit Team will be performed by the Head of Audit. The Head of Audit will report audit findings to the Council’s Corporate Management Team and Audit & Governance Committee.

Internal Audit has the authority to:

(i) Access any Council premises, assets, records, documents and correspondence, and control systems.
(ii) Receive any information and explanation related to any matter under consideration.
(iii) Require any employee of the Council or school maintained by the Council to account for cash, stores or any other asset under his or her control.
(iv) Access records belonging to third parties (e.g. Contractors) when required.
(v) Talk directly to the Chief Executive and Chair of the Audit & Governance Committee.

The Strategic Finance Director and the Audit & Governance Committee will approve the annual audit plan prepared by the Chief Auditor, which takes account of the characteristics and relative risks of the activities involved. The Strategic Finance Director and the Audit and Governance Committee will also ensure that effective procedures are in place to investigate promptly any suspected fraud or irregularity.

Services must respond to internal audit reports in writing, within a timescale agreed as part of the internal audit methodology detailing the action intended, responsible officer, timescale for implementation and whether the action will require additional resources, to address all agreed recommendations. The relevant Head of Service must ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion. This is validated by follow-up process undertaken by internal audit.

The Chief Auditor will maintain a record of all reports and allegations of suspected fraud, corruption or other financial irregularity in respect of funds and assets that are the responsibility of the Council, and will ensure that appropriate action is taken to investigate these.

The Chief Auditor should be given the opportunity to evaluate the adequacy of new systems, or changes to existing systems, for maintaining financial records or records of assets, in a timely manner before live operation.

Section 7 - Assets

7.1.1 Security of assets

The Council holds assets in the form of property, land, vehicles, ICT and other equipment, furniture and other items worth many millions of pounds. These assets must be safeguarded and used efficiently in service delivery.
All staff have a responsibility for safeguarding the Council’s assets and information, including safeguarding the security of the Council’s computer systems and paper records, and for ensuring compliance with the Council’s computer and Internet security policies.

The Director of Environment & Neighbourhood Services, on behalf of the Corporate Management Team, will undertake the role of ‘corporate landlord’ and will:

(i) Ensure the proper security and maintenance of all premises occupied and/or owned by the Council.
(ii) Hold the title deeds for all Council properties.

The Director’s corporate landlord functions will be exercised on a day-to-day basis by the Chief Valuer, except where they involve the facilities management of Council properties when they will be exercised on a day-to-day basis by the Civic Offices Manager.

Directors and Heads of Service will:

(i) Advise the Director and Chief Valuer in any case where security of Council premises is thought to be defective or where it is considered that special security arrangements may be needed.
(ii) Ensure that no Council asset is subject to personal use by an employee without proper authority.
(iii) Ensure the safe custody of vehicles, equipment, furniture, inventory, stores and other property belonging to the Council.
(iv) Ensure cash holdings on premises are kept to a minimum.
(v) Ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the relevant Head of Service and the Chief Auditor.

The Director and Chief Valuer have delegated authority to acquire or dispose of land and (real estate) property, subject to financial limits set out in the Delegations Register. No other Director or Head of Service may acquire, or enter into or amend a licence or lease to occupy, any land or property, nor to dispose of any land or property owned by the Council, except in the day-to-day allocation and management of single Council dwellings under the HRA.

7.1.2 Asset registers

The Director of Environment and Neighbourhood Services is responsible for the maintenance of a corporate register of the Council’s non-current (i.e. fixed) assets. This register forms the basis of Balance Sheet reporting on all non-current assets held by the Council.

This ‘Assets Register’ is maintained, in accordance with the requirements of the CIPFA Code of Practice on Local Authority Accounting in the UK and the underlying accounting standards, for all items capitalised in accordance with the guidelines set out within paragraph 3.4.1 that are expected to be used and controlled by the Council during more than one financial year; items that the Council has acquired for a prolonged period under the terms of a lease or similar arrangement are also recorded.

This means that the ‘Assets Register’ is maintained for:

(i) All land and property owned, occupied or held by the Council, including land held under a charitable Trust where the Council has an interest in the land
(ii) Buildings held and being used by the Council for operational purposes, including those held under the terms of a finance lease, and those held for investment purposes, for disposal or deemed to be surplus to current requirements.
(iii) All highways infrastructure (e.g. roads, structures, traffic management systems etc.) that, when acquired, was capitalised in accordance with the guidance set out within paragraph 3.4.1.
(iv) All vehicles, plant and equipment (including IT hardware, if owned by the Council) and intangible assets (mainly IT software) that, when acquired, were capitalised in accordance with the guidance set out within paragraph 3.4.1.
Directors will provide the Strategic Finance Director with any information necessary to maintain the Assets Register. This will include confirmation, and the location, of moveable assets, which should be appropriately marked and insured.

Non-current assets that are required to be measured at ‘fair value’ will be re-valued in accordance with:

(i) The requirements of the CIPFA Code of Practice on Local Authority Accounting in the UK; and

(ii) Methodologies and bases for estimation set out in relevant professional standards (including those of the Royal Institute of Chartered Surveyors).

7.1.3 Use of property other than for direct service delivery

The use of property other than for direct service delivery will be subject to prior agreement of, and in accordance with terms and conditions specified by, the Chief Valuer.

Prospective occupiers of Council land and buildings are not permitted to take possession or enter the land and buildings until a lease or agreement, in a form approved by the Head of Legal & Democratic Services on the instruction of the Chief Valuer, has been put in place.

7.1.4 Property Transactions

In the course of its day to day business, the Council enters into a variety of property agreements, including (but not limited to):

(i) Freehold sales;
(ii) Long leasehold disposals;
(iii) Short leases as tenant and as landlord;
(iv) Freehold acquisitions;
(v) Long leasehold acquisitions;
(vi) Section 106 agreements as landowner;
(vii) Release of covenants;
(viii) Compulsory acquisitions and land compensation claims;
(ix) Taking and granting easements;
(x) Option Agreements;
(xi) Lease surrenders and exit agreements (including dilapidations).

Once land and buildings have been declared surplus to requirements, the Chief Valuer will arrange for the disposal of these assets in accordance with the Council’s property strategy and where required the approval of the Policy Committee, and then only when it is in the best interests of the Council and when Best Value is obtained.

The proceeds from the sale of all land and buildings (subject to certain statutory limitations) will be pooled and applied to finance future capital investment or for any other purpose permitted by Regulation.

The Strategic Finance Director will advise on best practice for disposal of other assets that are deemed surplus to requirements, bearing in mind factors such as environmental issues, security and data protection.

The Head of Customer Services is responsible for ensuring that the standards, policies and guidelines of decommissioning of IT equipment are well defined and communicated to all staff within the Council. The Data Protection Act must be a key consideration in the decommissioning of IT equipment.

7.2 Consumable stocks and stores

Heads of Service will make adequate arrangements for the care and custody of consumable stocks and stores held by their services, and will maintain inventory records that document the purchase and usage of these items.
The stock of such items should be maintained at an appropriate level and be subject to a regular independent physical check. Discrepancies must be investigated and pursued to a satisfactory conclusion.

Where stocks and stores are not expensed as purchased, but are held in a ‘control account’ until consumed, the Head of Service (or operational budget holder) must produce a stock certificate at each financial year end, confirming the number and value (i.e. value represents the lower of cost and net realisable value) of items held as at 31st March.

Stocks and stores must be removed from (i.e. written off) the Council’s financial records when obsolete (i.e. when they cannot be sold or consumed) or when no longer held (i.e. due to theft or other loss).

The scheme of delegation allows Heads of Service/Directors in consultation with the Strategic Finance Director to write off losses of property and obsolescent stores and equipment, up to £20K.

7.3 Cash

7.3.1 Introduction

All money in the hands of the Council is controlled by the Strategic Finance Director. The Strategic Finance Director is thereby responsible for providing assurances that the Council’s money is properly managed in a way that balances risk with return, with the overriding consideration being given to security.

In accordance with the Council’s Anti-Money-Laundering Policy, all suspected attempts to use the Council to launder money must be reported to the Chief Auditor who is the Council’s Money Laundering Reporting Officer (see paragraph 6.5.6).

7.3.2 Treasury management

Treasury management is an important aspect of the overall financial management of the Council. Treasury management activities are those associated with the management of the Council’s cash flows and its borrowing and investments. A fundamental aim is to effectively control the risks associated with these activities and to pursue best value, in so far as that is consistent with the effective management of risk.

The Council complies with the CIPFA Treasury Management in the Public Services: Code of Practice and Cross-sectoral Guidance Notes, and has approved:

- A Treasury Management and Investment Strategy Statement, which sets out the policies and objectives of its treasury management activities; and
- A series of treasury management practices (TMPs) which set out the manner in which the Council will seek to achieve its policies and objectives for treasury management.

The Strategic Finance Director is responsible for maintaining the Treasury Management Strategy Statement and TMPs, and for recommending any changes to Council for approval through the Audit & Governance and Policy Committees5.

As noted in paragraph 3.7 (see page 21), the Strategic Finance Director will propose an annual Treasury Management Strategy to the Council in advance of the start of the relevant financial year. This Strategy will comply with CIPFA’s Code of Practice on Treasury Management, relevant Regulations and with the Council’s own Treasury Management Policy Statement and TMPs; it will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year. The Strategic Finance Director is responsible for ensuring that all borrowing and investment activity is undertaken in compliance with the approved Treasury Management Strategy.

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5 See Budget & Policy Framework Procedure Rules in part 4 of the Constitution - para. 2.1
The Strategic Finance Director will report to the Policy Committee and Audit & Governance Committee at regular intervals in each financial year, on treasury management activities undertaken within delegated powers.

All investments of money, and borrowings undertaken, on behalf of the Council will be made in the name of the Council. The Strategic Finance Director will maintain records of such transactions.

### 7.3.3 Loans to third parties

The following table sets out the circumstances in which loans may be provided to third parties, and the approval required to each type of loan:

<table>
<thead>
<tr>
<th>Type of loan</th>
<th>Approval required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Season ticket and similar loans made to employees</td>
<td>To be made in accordance with the Council’s Delegations Register and HR Guidance:</td>
</tr>
<tr>
<td></td>
<td>• Season ticket loans - Strategic Finance Director</td>
</tr>
<tr>
<td></td>
<td>• Car and cycle loans - Head of Service</td>
</tr>
<tr>
<td>Monies invested with banks and other financial institutions.</td>
<td>To be undertaken in accordance with the Council’s Annual Treasury Management Strategy (see paragraph 7.3.2 above).</td>
</tr>
<tr>
<td>Loans to third parties for the purpose of financing expenditure which, if incurred by the Council, would constitute capital expenditure.</td>
<td>Such a loan would constitute capital expenditure by the Council (and the repayment would constitute a capital receipt) and so would require Capital Programme approval (see paragraphs 3.4.2 and 4.4). The approval of the Strategic Finance Director will be required to make any such loan, within the scheme and spend approval already given by Committee for the capital expenditure.</td>
</tr>
<tr>
<td>Loans sought from the Council for other purposes (e.g. where a service is being outsourced and the potential provider seeks an up-front payment to support cash flows).</td>
<td>Only to be undertaken with the prior approval of the Strategic Finance Director. The Strategic Finance Director’s approval will also be required to offer such a loan at a discounted rate of interest. In all cases, this approval will be subject to any necessary Committee consent for the overall purpose being pursued</td>
</tr>
</tbody>
</table>

### 7.3.4 Bank accounts

The Strategic Finance Director is the only Council officer with delegated authority to open bank accounts on behalf of the Council, and to be the authorised signatory. No other officer may do so.

The Strategic Finance Director is also the only officer with delegated authority:

1. To make arrangements for the collection and payment into the Council’s bank accounts of all monies due to the Council.
2. To make or authorise transfers between the various bank accounts and withdrawals from those accounts.

### 7.3.5 Imprest accounts

Wherever possible, Procurement Cards will be used for low value transactions and where there are no mandated procurement contracts in place (the use of Procurement Cards is discussed further in section 8.2, which commences on page 55). However, in the limited circumstances when Procurement Cards cannot be used, the Strategic Finance Director may
provide bank imprest (petty cash) accounts to meet minor expenditure on behalf of the Council.

The Strategic Finance Director will:

(i) Prescribe rules for operating these accounts;
(ii) Determine the amount of each imprest account;
(iii) Will maintain a record of all transactions and cash advances made; and
(ix) Periodically review the arrangements for the safe custody and control of these advances.

Employees operating an imprest account will:

(i) Obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained.
(ii) Make adequate arrangements for the safe custody of the account.
(iii) Produce cash and all vouchers to the total value of the imprest amount.
(iv) Record transactions promptly.
(v) Reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder.
(vi) Ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made.
(vii) Provide the Strategic Finance Director with a certificate of the value of the account held at 31 March each year.

7.3.6 Trust funds and funds held for third parties

All trust funds will, wherever possible, be held in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities relating to the trust with the Strategic Finance Director, unless the deed provides otherwise.

Where the Council is the trustee, funds will be operated within any relevant legislation and the specific requirements for each trust.

Where funds are held on behalf of third parties, for their secure administration, written records will be maintained of all transactions.

The Strategic Finance Director is responsible for making returns of charity trust accounts to the Charity Commission, subject to such accounts being made publicly available.

7.3.7 Staffing

The Chief Executive, as Head of Paid Service, is responsible for providing overall management to staff and for advising Councillors on how the authority should discharge of the Council's functions and the number, organisation and grading of employees required to achieve this.

The Head of Legal & Democratic Services, advised by the Human Resources Manager, is responsible for presenting an annual Pay Policy Statement to full Council for approval, and for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job.

Directors have primary responsibility for their establishment and are accountable for compliance with establishment and financial controls, as outlined in the Council’s approved budget and Pay Policy Statement. They will ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

The Strategic Finance Director will advise Directors on areas such as National Insurance and pension contributions, as appropriate.
7.3.8 Intellectual property

Intellectual property is a generic term that includes inventions and writing. If an employee creates these during the course of employment then, as a general rule, they belong to the employer, not the employee.

Directors will ensure that their staff are complying with the Officer Code of Conduct, and not carrying out private work in Council time; and that their staff are aware of the Council’s rights with regard to intellectual property. Instances of where intellectual property may be, or has been, created should be referred to the relevant Corporate Director(s).

Section 8 - Income and Expenditure

8.1 Income

8.1.1 Introduction

Effective income collection systems are necessary to ensure that all income due to the Council is identified, collected, receipted and banked properly.

Wherever possible, income should be collected in advance of supplying goods or services. Such an approach will avoid the time and cost of administering debts, and negates the possibility of a bad debt.

It is the responsibility of Heads of Service to ensure that staff authorised to act on their behalf in respect of income collection are clearly identified.

8.1.2 Charging policies

Where appropriate, Directors will ensure that charges for the supply of goods or services will cover the costs of their provision, including on-costs. These will be reviewed annually with the Strategic Finance Director, as part of the corporate budget process. An annual statement on fees and charges will be taken to Policy Committee, and then to Council, in alignment with the budget setting timetable.

On an exceptional basis, alternative timeframes will be considered in agreement with the Strategic Finance Director.

8.1.3 Income collection

The Strategic Finance Director will agree the arrangements for the collection of all income due to the Council and approve the procedures, systems and documentation for its collection.

In relation to the collection of income, the Strategic Finance Director and Directors will ensure that:

(i) All money received by, or on behalf of, the Council is paid fully and promptly into the appropriate Council bank account in the form in which it is received.
(ii) Income is not used to cash personal cheques or other payments.
(iii) Appropriate details are recorded onto paying-in slips to provide an audit trail.
(iv) A record is kept of money received directly by employees of the Council.
(v) The receiving officer signs for the transfer of funds, and the transferor must retain a copy.
(vi) Wherever possible, at least two employees are present when post is opened so that money received by post is properly identified and recorded; this requirement must be met where post regularly contains money.
(vii) Money collected and deposited is reconciled to the appropriate bank account on a regular basis.
(viii) The responsibility for cash collection is separated from that for identifying the amount due and that responsibility for reconciling the amount due is separated from handling of the amount received.

(ix) Income is only held on premises up to levels approved by the Strategic Finance Director. All such income will be locked away to safeguard against loss or theft, and to ensure the security of cash handling.

(x) All appropriate income documents are retained and stored for the defined period in accordance with the Council’s document retention policy and schedule.

(xi) The Strategic Finance Director is advised of outstanding income relating to the previous financial year as soon as possible after 31 March, and in line with the timetable for closure of the accounts determined by the Strategic Finance Director.

8.1.4. Debt recovery

Directors will ensure that a clear framework is in place within their areas of responsibility which defines who is empowered to raise a debt on the Council’s behalf.

Once debts are raised Directors have a responsibility to assist the Head of Customer Services in collecting the debts that they have originated by providing any further information requested by the debtor, and in pursuing the matter on the Council’s behalf.

Debts should be recovered in accordance with the Council’s Corporate Debt Policy, which sets out the principles for maximising collection, and provides details of the approach the Council will take in seeking to recover all money due. In all cases will be reasonable, fair and appropriate given the nature of the debt:-

(i) Where appropriate and lawful, ensure payment is received before or at the point of service.

(ii) Invoices and other requests/demands should be checked for completeness and accuracy before being issued promptly.

(iii) Invoices should be paid using the Council’s preferred payment method of direct debit or standing order where a direct debit is not available.

(iv) All invoices to be paid in accordance with the deadlines set out in the Corporate Debt Policy.

8.1.5. Writing off debts

Services are required to confirm they have followed the normal debt recovery procedure before referring the debt for write-off, and where the procedures have not been followed an explanation will need to be provided.

Directors will critically review outstanding debts on a regular basis, in conjunction with the Strategic Finance Director, and take prompt action to write off debts no longer deemed to be recoverable.

No bona fide debt may be cancelled, other than by formal write off. The scheme of delegation gives delegated authority to Directors/Heads of Service delegated authority to write off debts, for a particular debtor, for sums up to £1,000 at their discretion; and for sums of up to £20,000 with the consent of the Strategic Finance Director. In both cases they must keep a written record of the debt and the reasons for writing it off.

The Strategic Finance Director will report to the Policy Committee on the writing-off of individual debts of over £20,000.

A record must be maintained for all debts written off. Where debts have been referred to Legal Services, the Strategic Finance Director will have due regard to their advice when considering action relating to bad debts. The appropriate accounting adjustments must be made following approval to write-off a debt.

A write off is only appropriate where:-
• The demand or invoice has been raised correctly and is due and owing; and
• There is a justified reason why the debt should not be pursued further.

8.1.6. Credit notes

A credit note to replace a debt must be substantiated and can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt, and once it is confirmed that the debt is not payable. Credit notes will not be issued:

(i) For irrecoverable debts, as the formal write off procedure should be followed.
(ii) Where the debtor cannot afford to pay at that time. The debt should remain, and revised payment terms agreed, as appropriate.
(iii) Where a debt is to be recovered through deductions from payments. In such instances, the deductions made should be offset against the debtor.

Credit notes will be subject to the approval of the Head of Service / operational budget holder.

8.2. Ordering and paying for work, goods and services

8.2.1 Introduction

Public money must be spent with demonstrable probity and in accordance with the Council’s policies. The Council’s procedures help to ensure that officers are protected and services obtain value for money from their purchasing arrangements through the use of established contracts, service level agreements and the use of the Council’s systems.

Officers involved with engaging contractors, and/or with purchasing decisions, have a responsibility to declare:

(i) any links or personal interests that they may have with purchasers, suppliers and/or contractors; and
(ii) any gifts or hospitality offered by, or received from, purchasers, suppliers and/or contractors.

The necessity to make such declarations arises from the requirements outlined in paragraphs 6.5.2 and 6.5.3.

8.2.2. Ordering works, goods and services

Procurement cards can be used for:

(i) Low value transactions for works, goods and services (i.e. those under £500 and where there is not a mandated contract in place);
(ii) On-line purchases;
(iii) One-off purchases;
(iv) Subsistence purchases; and
(v) Retail purchases (point of sale).

All such transactions must be in accordance with RBC’s Procurement Card guidelines

All other works, goods and services must be ordered in accordance with the Council’s Procurement Policies and Procedures (see further guidance in paragraph 8.3.1), and in accordance with the standardisation of supplies and materials (including the use of mandated contracts)

Orders for work, goods and services must:

(i) Be in a form approved by the Strategic Finance Director.
(ii) Be raised via one of the Council’s Purchase-to-Pay systems (e.g. Oracle Fusion/Framework) and issued to the supplier prior to receipt of goods or services or commencement of works. The only exceptions are for periodic payments such as rent or rates and petty cash or Procurement Card purchases.

(iii) Not be raised for any personal or private purchases.

Orders for works, goods and services must be raised and authorised by officers designated by the relevant Directors and Heads of Service. Heads of Service will ensure that orders are only approved by those authorised to do so, and Corporate Finance will maintain a list of designated staff on the Authorised Signatory Database, identifying in each case the limits of their authority. The Authorised Signatory Database underpins and supports the signatory process, as any officer seeking to commit expenditure will be verified against the database to ensure they have the delegated power to do so.

The authoriser of an order must be satisfied that:

(i) The works, goods and services ordered are appropriate and needed;
(ii) There is adequate budgetary provision; and
(iii) Quotations or tenders have been obtained, if necessary, in accordance with the Procurement Policies and Procedures.

8.2.3. Receipt of works, goods and services

Works, goods and services must be checked upon receipt to ensure they are in accordance with the order. Wherever possible, goods should not be received by the person who approved the order.

If the works, goods or services have been obtained using a Procurement Card, it is the cardholder’s responsibility to ensure that:

(i) product or service information is provided for every transaction;
(ii) Budget codes are provided for each transaction;
(iii) clear, complete and accurate receipts are obtained, including VAT receipts for every transaction (where appropriate).

For further guidance and information, please refer to the RBC’s Procurement Card Guidelines.

If ordered via Oracle Fusion, the receipt of works, goods and services must be recorded against the original purchase order prior to receipt of an invoice, in order to provide approval to pay for works, goods and services.

8.2.4 Payment of suppliers

The Strategic Finance Director will make payments from the Council’s funds upon the receipt of proper original, certified copy or valid electronic VAT invoices that have been checked, coded and certified by the Service, confirming:

(i) The receipt of goods or services to the correct price, quantity and quality standards.
(ii) That the invoice has not previously been paid.
(iii) That expenditure has been properly incurred and is within budget provision.
(iv) That prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices.
(v) That discounts have been taken where available.
(vi) The correct accounting treatment of tax, including VAT
(vii) That the invoice is correctly coded.
(viii) That appropriate entries will be made in accounting records.

If items were ordered via Oracle Fusion the payments will only be made where a valid (Oracle Fusion) purchase order number is quoted on the suppliers’ invoice and where confirmation of receipt of the work, goods or services has been provided. Invoices received which do not
quote an approved purchase order number are not valid and may be returned to the supplier unpaid. Purchase orders should be raised in advance of the receipt of goods and/or service.

Payments to creditors will be made as soon as possible within agreed payment terms.

Any invoice in dispute with a supplier must be clearly identified and processed in accordance with guidance issued by the Strategic Finance Director and Head of Legal and Democratic Services.

For transactions other than those processed via Oracle Fusion, a different officer from the person checking an invoice must authorise the payment.

It is not permissible to make a payment in advance of the delivery of works, goods or services, or to vary the Council’s standard settlement terms, other than with the prior approval of the Strategic Finance Director.

Directors will notify the Strategic Finance Director immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision. In such cases, appropriate budget provision should be sought, by way of a virement (see paragraph 4.3.3).

The normal methods of payment by the Council shall be by:

(i) BACS payments direct into suppliers’ bank accounts;
(ii) Procurement Card (in accordance with the Council’s Procurement Card Guidelines.

In exceptional circumstances, where suppliers are unable to accept payment via BACS, cheques will be issued by the Strategic Finance Director. The use of direct debits to make payments will require the prior agreement of the Strategic Finance Director.

All appropriate evidence of the transaction and payment documents will be retained and stored in accordance with the Council’s document retention policy and schedule.

Directors must advise the Strategic Finance Director, at the end of each financial year, of outstanding expenditure relating to the financial year just ended, in line with the timetable for closure of the accounts determined by the Strategic Finance Director.

8.2.5. Contracts for construction and alterations to buildings / civil engineering works

The systems and procedures for dealing with the financial aspects of contracts for construction and alterations to buildings and for civil engineering works must be agreed with the Strategic Finance Director. This will include the systems and procedures for the certification of interim and final payments, checking, recording and authorising payments, for monitoring and controlling capital schemes and the procedures for validation of subcontractors’ tax status.

8.3. Contracts

8.3.1. Procurement

The way goods and services must be procured is laid down in the Council’s Commissioning and Procurement Strategy and the Contract Procedural Rules. These Procedures identify the approach that must be taken, dependent on the anticipated value of a contract over its whole life and the associated level of risk to the Council.

The Procurement Policies and Contract Procedural Rules provide a framework that must be followed every time anyone procures goods, work and services on behalf of the Council. Failure to comply with these procedures could expose the Council to unnecessary risk, legal challenge and/or reputational damage; adherence to the Procedures is therefore a mandatory requirement.
Where a third party is procuring goods, work or services on behalf of the Council then the relevant officer(s) must ensure that the third party is aware of and complies with the Council’s procurement procedures.

Tender specifications and contracts must require organisations providing goods, work or services on behalf of the Council to comply with the Council’s legal requirements and policies, including equality, sustainability, recruitment and employment practices, data handling and protection, freedom of information principles, standards and behaviour and arrangements for engaging with citizens and service users.

Master copies of contracts must be held within Legal Services for the retention of contracts. All new contracts must also be recorded in the corporate contracts register in accordance with the Procurement Policies and Procedures.

8.3.2. Monitoring of performance

All contracts should include applicable performance indicators. Contract managers are responsible for monitoring achievement against the performance indicators and invoking service credits where applicable. In addition, contract managers should regularly review contractors’ performance to identify error and/or mis-representation.

Best value principles should underpin the Council’s approach to procurement and Directors have a responsibility to ensure, and be able to demonstrate, value for money in all their procurement activities.

8.3.3. Financial appraisal of tenderers

All potential tenderers for contracts meeting the Council’s medium and high risk criteria (as defined within the Council’s procurement policies and procedures) will complete the Council’s standard pre-qualification questionnaire.

In some cases, contracts falling below the financial threshold for ‘medium’ risk contracts may nevertheless be considered as ‘medium’ risk. In such circumstances, a pre-qualification questionnaire will need to be completed. Further guidance is available in the Procurement Policies and Procedures.

The financial appraisal of the relevant organisations will be undertaken in accordance with the methodology determined by the Strategic Finance Director.

8.4. Payments to Employees and Councillors

8.4.1. Salaries

Staff appointments will be made in accordance with the Council’s Pay Policy Statement, Recruitment Guidance and approved establishments, grades and scales of pay.

All appropriate payroll documents must be retained and stored for the defined period in accordance with the Council’s document retention policy and schedule (7 years).

The Head of Legal and Democratic Services (Human Resources Manager) is responsible for all payments of salaries and overtime to staff (with the exception of those schools that have the delegated power to procure their payroll function from elsewhere). The Head of Legal and Democratic Services will therefore:

(i) Arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with prescribed procedures, on the due date.
(ii) Record and make arrangements for the accurate and timely payment of tax, pensions and other deductions.

Directors must ensure that effective systems and procedures are operated, so that:
(i) Payments are only made to bona fide employees.
(ii) Payments are only made where there is a valid entitlement.
(iii) Conditions and contracts of employment are correctly applied.
(ix) Employees’ names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

Directors will ensure that they maintain a list of staff designated to authorise appointments, terminations and other variations that may affect the pay or pension of an employee or former employee. This list will be maintained on the Authorised Signatory Database, identifying in each case the limits of their authority. The Head of Legal & Democratic Services (Human Resources Manager) will advise upon the employment status of individuals employed on a self-employed consultant or sub-contract basis.

8.4.2. Expenses and allowances

Directors and Heads of Service are responsible for authorising the payment of expense claims by staff in accordance with the Council’s travel and subsistence policy.

The Human Resources Manager will:

(i) Make arrangements for paying all authorised travel and subsistence claims.
(ii) Ensure that taxable allowances and benefits are accounted for, recorded and returned, where appropriate, to HM Revenue and Customs.

The Strategic Finance Director is responsible for the payment of Councillors’ travel or other allowances, and for ensuring that such taxable allowances are accounted for, recorded and returned, where appropriate to HM Revenue and Customs.

Councillors expenses must be claimed in accordance with the provisions set out in the Councillors Allowance Scheme approved each year by Full Council. The following processes will apply:

- All claims will be submitted through the Councillor Services team for review and checking against the Allowance Scheme, ensuring that claims are for approved duties and receipts are provided for all expenses, including fuel VAT receipts where mileage is claimed (unless the Councillor is registered for VAT).
- The Civic Services Manager will refer any resulting queries back to the Councillor for clarification.
- All claims properly submitted in accordance with the Allowance Scheme will be forwarded to the Human Resources Manager for payment. Certification of travel and subsistence claims is taken to mean that journeys were authorised and expenses properly and necessarily incurred for business purposes, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved.

Heads of Service must notify details of any employee benefits in kind to the Strategic Finance Director to enable full and complete reporting within the income tax self-assessment system. Due consideration should be given to tax implications, ensuring that advice is sought and the Strategic Finance Director is informed where appropriate.

8.5. Taxation

The Strategic Finance Director is responsible for ensuring compliance with all relevant taxation regulations and guidance that affect the Council either directly, as a consequence of its own activities, or indirectly, as a consequence of service delivery through external partners.

To enable the Strategic Finance Director to fulfil the requirements of this role, Directors and Heads of Service will:
(i) Ensure that the Strategic Finance Director is consulted on all proposals that may alter or affect the Council’s tax liability, including proposals to implement alternative service delivery models (as outlined in section 9.1, which commences on page 68).

(ii) Ensure that the VAT guidance issued by the Strategic Finance Director is complied with (i.e. to ensure that the correct liability is attached to all income due and that all amounts recoverable on purchases can be claimed).

(iii) Ensure that, where construction and maintenance works are undertaken, the subcontractor fulfils the necessary construction industry tax scheme requirements (as advised by the Strategic Finance Director).

(iv) Ensure that the Strategic Finance Director’s guidance fee payments to consultants, individuals or partners is complied with.

The Strategic Finance Director will maintain the Council’s tax records, make all tax payments, receive tax credits and submit tax returns by their due date, as appropriate.

8.6. Emergency Payments

Emergency payments are those arising from legal cases, civil emergencies or natural disasters such as flooding. They relate to unforeseen circumstances where budget provision has not been made and the payment cannot be covered within the relevant service’s existing budget. Emergency payments can only be made in extenuating circumstances with the following approval (as a minimum):

<table>
<thead>
<tr>
<th>Minimum approval required to make an emergency payment</th>
<th>Director</th>
<th>Finance Director</th>
<th>CMT</th>
<th>Policy Committee</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £500,000</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In excess of £500,000</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>In excess of a sum which will cause the Council’s minimum balance to fall below £5M</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

Details of emergency payments made within the financial year will be reported retrospectively to the Policy Committee.

Directors must notify the Strategic Finance Director as soon as practicable of any emergency payment made without the Strategic Finance Director’s approval.

8.7 Transparency

To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending, regardless of value. Monthly payment transactions and accounts payable are available to download via the Council’s RBC Spending Information Webpage.
Section 9 - External Arrangements

9.1. Alternative delivery models

9.1.1 Introduction

Services may be commissioned from retained services within the Council or via an alternative delivery models. There are various types of alternative delivery model, including:

(i) **Local Authority Trading Company (LATC)** - separate legal entities established and owned by the Council that trade for profit with both public and private bodies.

(ii) **Joint Ventures** - set up as separate corporate entities joining two or more parties for the purpose of executing a business undertaking. They are able to trade for profit if set up as separate corporate entity.

(iii) **Charitable Company** - a corporate entity which is regulated by the Charities Commission; surpluses are reinvested into the company.

(iv) **Co-operative** - trades for the mutual benefit of Councillors and is owned and operated by its Councillors.

(v) **Outsourcing** - contractual arrangement between the Council and a private provider for the delivery of an agreed service, which involves the transfer of Council staff to the private provider. The outsourced provider can charge its customers and make a profit.

(vi) **Licensing** - contractual arrangement between the Council and a private provider using the Council’s intellectual property or infrastructure. For these arrangements the licensee is able to generate a profit, which can be paid to the Council.

(vii) **Social Enterprises** - businesses trading for social and environmental purposes.

(viii) **Payment by results** - payments for the provision of services are dependent upon performance outcomes.

(ix) **Pooling of budgets** - pooling of resources with other public sector bodies as a means of facilitating joint working in the provision of services.

(x) **Agency Agreements and Sharing Staff** - between local authorities, under the provisions of Sections 101(1)(b) and 113 of the local Government Act 1972

(xi) **Joint Arrangement** - with one or more other local authority, under Section 101(5) of the Local Government Act 1972. This may include the appointment of a joint committee under Section 102 of that Act.

This list is not intended to be exhaustive, but is provided to illustrate the range and diversity of alternative service delivery models. Any intention to commission services through such a model must only be pursued in compliance with the decision making process outlined in paragraph 9.1.2 below.

9.1.2 Business Cases for alternative delivery vehicles

Any proposal to commission services via an alternative delivery vehicle must be supported by an approved business case, to ensure that there is a robust planning and decision-making process in place.

The Business Case must clearly articulate the options being considered and measure these against the desired outcomes. It should also set out whether there is a statutory basis for the provision of the service or activity under consideration.

A decision to enter into or to affect the terms of, an agreement or partnership agreement with other local authorities or bodies falls within the authority’s definition of a key decision, and therefore requires specific committee approval. A decision to enter into a joint arrangement or joint committee with other local authorities under Sections 101 and 02 of the Local Government Act 1972 must be taken by full Council.

Directors are responsible for ensuring that Council or Committee approval is obtained before any contract negotiations are entered into, and that all agreements and arrangements are properly documented.
The Policy Committee is responsible for approving the Council’s participation in all significant partnerships / joint working arrangements with other local public, private, voluntary and community sector organisations.

Directors, following advice from the Head of Legal & Democratic Services and Strategic Finance Director, will advise the Policy Committee on the key elements of arrangements for commissioning services via an alternative delivery model, including:

(i) The financial roles and responsibilities of the Council with respect to monitoring of the alternative delivery model provider.
(ii) Appraisal of financial and non-financial risks, together with mitigation plans. The reputational impact of failure to deliver services should be considered, with clear plans on how this would be addressed.
(iii) A comprehensive list of all the financial commitments the Council will enter into as a result of adopting the alternative service delivery model.
(iv) The governance arrangements for decision making and how these will be carried out to ensure that the services provided remain aligned to those of the Council.
(v) Performance measurement arrangements.
(vi) Exit arrangements, and what would be done to ensure services continue to be delivered in the event of non-delivery by the service provider.
(vii) The financial implication (including taxation issues) arising as a consequence of the proposed alternative delivery model.
(viii) Transfer of Council assets to the proposed delivery vehicle, and arrangements for safeguarding their title and use.
(ix) How equality, sustainability, recruitment and employment practices, data handling and protection, freedom of information principles, standards and behaviour and arrangements for engaging with citizens and service users are aligned to the Council’s legal requirements and policies.
(x) Audit requirements (both internal and external) and arrangements for the Council’s auditors, where relevant, to have access to information.
(xi) Arrangements for providing information required for the Council’s Statement of Accounts to the Strategic Finance Director.
(xii) In the event that the proposal is for a local authority trading company, a dividend policy should be agreed that sets out the process by which decisions will be taken regarding the retention or distribution of profits.
(xiii) Pensions advice.

9.2. Partnerships

9.2.1 Context

Partnerships include any arrangements where the Council agrees to undertake, part fund or participate in a project with other bodies; either as a beneficiary of the project, or because the nature or status of the project gives the Council a right or obligation to support it. It is important to understand and distinguish between a partnership in this context and a supplier who the Council may refer to as a ‘partner’ due to the status that the Council has contractually awarded to it. Irrespective of the title applied to it, this latter type of partnership is a supplier relationship, which will be entered into in accordance with, and governed by, the Council’s Procurement Policies and Contract Procedure Rules.

9.2.2 Forming of partnerships

The approval of both the Head of Legal & Democratic Services and Strategic Finance Director must be obtained prior to the Council entering into any partnership agreement where it is proposed that the Council adopts the role of ‘Accountable Body’ for a partnership. This is to ensure that the:

(i) Legal status and financial viability of the arrangement are clearly established and that they are acceptable.
(ii) Council’s financial commitment to the partnership is quantified and that this is can be accommodated within the existing budget provision.
(iii) Financial and corporate governance arrangements in place for the partnership are robust, and acceptable from the Council’s perspective.
(iv) The Council is not exposed to undue financial, legal or reputation risk as a consequence of its involvement in the partnership.
(v) Council’s own financial accounting and reporting requirements can be satisfied.

A partnership agreement must be produced that documents each of the above matters, and the arrangements for dispute resolution and for exiting the arrangement.

The relevant service Committee is responsible for approving the partnership agreement, and any delegations and frameworks required by it, in respect of functions and services delegated to that committee. The Policy Committee will approve partnership agreements, delegations and frameworks which affect services which cut across the delegation of functions to committees, or where the decision falls outside the service committee’s normal cycle of meetings or is urgent.

Directors will ensure that:

(i) The approval of the Strategic Finance Director and the Head of Legal & Democratic Services is obtained prior to entering into a partnership agreement.
(ii) An appraisal is undertaken which demonstrates that the risks associated with the arrangement are minimal, or that appropriate arrangements are in place to mitigate any such risks.
(iii) The partnership agreement and arrangements will not impact adversely upon the services provided by the Council or upon its finances.
(iv) The proposed financial contribution by the Council to the partnership can be met from existing budget provision.
(v) Committee approval is secured for the agreement, and for all delegations and frameworks for the proposed partnership.

9.2.3 Delegation of budget to a partnership

Directors and Heads of Service must make clear, in their report to Committee, the Council’s budget provision for the service covered by the proposed partnership arrangement. The report must specify where the authority will be the accountable body under the partnership, set out the financial implications and seek the necessary budget transfers and officer delegations to exercise this role.

9.2.4 Financial administration

Where the Council is the ‘accountable body’, these Financial Regulations apply to decisions relating to the expenditure of that money. All expenditure must be authorised by an appropriate RBC officer, or by someone else who has a statutory power to authorise expenditure. Directors are responsible for ensuring that the Council is promoting and applying the same high standards of financial administration to the partnership that apply throughout the Council.

Whenever any such arrangements are made there must be a written document which clearly establishes the responsibilities of the respective partners for managing the arrangement and the resources made available to the partnership. The document must also set out the arrangements in respect of unspent funding at each year end, unless this is to be returned to the Council as unspent money.

Directors must provide information on the partnership arrangements to the Strategic Finance Director, in order that the appropriate disclosures can be made within the Council’s annual Statement of Accounts.

9.2.5 Documenting and recording of partnership agreements
Directors must ensure that all partnership agreements and arrangements are properly documented, and that all money for which the Council is accountable is spent via a written contract with the recipient (even if the recipient is a party to the arrangements) and that a register of those contracts must be maintained in accordance with procedures specified by the Strategic Finance Director.

9.2.6 Representing the Council

Directors will ensure that the Council has full oversight of the operation of the arrangements. Directors will ensure that appropriate officer input is provided to support the partnership, and for each partnership, a responsible lead officer will be identified, who will be responsible for briefing and supporting Councillors on the operation of the partnership.

Where the partnership arrangements include a ‘partnership board’, to which Councillors and/or officers may be appointed, these appointments will be made each year (June) by the Policy Committee and recorded and published by the Committee Service in the Council’s list of appointments to outside bodies.

The Director and partnership lead officer will be responsible for ensuring that all actions proposed by the partnership are properly taken through the Council’s decision-making processes, as permitted within the Council’s constitution and Scheme of Officer Delegations.

9.3 External Funding

9.3.1 Funding conditions

External funding is an important source of income to the Council, but funding conditions need to be carefully considered prior to entering into agreements, to ensure that:

(i) They are compatible with the aims and objectives of the Council;
(ii) The necessary procedures are in place to meet funding conditions and reporting requirements; and
(iii) Appropriate budget provision is available if ‘match funding’ is required.

All bids for external funding bids must be made in consultation with the Strategic Finance Director and responsible Lead Councillor.

Bids for sums which, if successful, would involve the Council in a financial commitment of over £500k for the length of the scheme, are key decisions and must be agreed in advance by the responsible service Committee. So is any bid where the Council does not have budget provision to meet its contribution to the cost of the scheme. For other bids, the following delegations apply:

(1) The Head of Service for the service in question, in consultation with the Strategic Finance Director and relevant Lead Councillor, is authorised to submit bids for funding from all available UK and European sources which do not fall within the key decision definition, and where successful to accept, subject to:

(a) The scheme being consistent with the Council’s capital strategy, budget and policy framework and medium-term priorities
(b) The Council’s contribution being met from within existing approved budgets in the current and future years
(c) The Council’s costs or liability not exceeding £500,000 over the length of the scheme
(d) All successful bids being reported by the lead Head of Service:

- If over £100,000, to the next meeting of the responsible Committee
- If under £100,000, through the Decision Book
(2) Where the criteria in (a) to (c) above are not met, the lead Head of Service may not submit or accept a bid for any scheme without the prior approval of the Policy Committee.

(3) In exceptional cases, where the timescale and deadline for the bid mean that it would not be practical to submit a report to the relevant Committee, the bid may be submitted following consultation with the Strategic Finance Director, Lead Councillor and Leader or Deputy Leader, and reported to the next meeting of the Committee by the lead Head of Service.

9.3.2 Accounting for external funding

The Strategic Finance Director, in conjunction with the Head of Service in receipt of the grant, must, as appropriate, ensure that all funding notified by external bodies is received and properly recorded in the Council’s accounts. This will include ensuring that claims for funding are made by the due date, and in accordance with the funding conditions and the accounting instruction notes on Grants issued by the Strategic Finance Director.

9.3.3 External funding claims

The Strategic Finance Director and Heads of Service must, as appropriate, satisfy audit requirements in respect of external funding claims. This includes maintaining appropriate records that accord with the funding conditions, and making these available to the auditors as required.

9.3.4 Third party expenditure

Sometimes, grant funding awarded to the Council may be passed to an organisation falling outside of the direct responsibility of the Council. The Council will however remain accountable for the grant funding and, as such, will be responsible for ensuring that all of the terms of the grant are met.

The Head of Service in receipt of the grant must ensure that effective monitoring procedures are in place to provide assurances over the eligibility of expenditure incurred by the third party. Upon audit, if the eligibility of third party expenditure cannot be proven by the Council, the Council will itself be required to return the grant funding to the awarding body.

9.4 Work by the Council for Third Parties

9.4.1 Approval to contractual arrangements

Work can only be undertaken for third parties where the Council has the legal powers to undertake the work. Where such legal powers exist, Directors are responsible for:

(i) Approving the contractual arrangements for any work undertaken by their services for third parties or external bodies.
(ii) Ensuring that the appropriate expertise exists to fulfil the contract.
(iii) Ensuring that no contract adversely impacts upon the services provided by the Council.

9.4.2 Financial aspects of third party contracts

With regard to the financial aspects of third party contracts, Directors will:

(i) Comply with any guidance issued by the Strategic Finance Director and will ensure that the appropriate insurance arrangements are made.
(ii) Ensure that all costs arising from the provision of services to a third party are recovered and hence that there is no subsidy included within the contract.
(iii) Ensure that the Council is not exposed to the risk of bad debts.

9.4.3 Documenting and recording contracts
All contracts will be properly documented, and a register will be maintained of those contracts. Directors will provide information on the contractual arrangements to the Strategic Finance Director, in order that the appropriate disclosures can be made within the Council’s annual statement of accounts.
# Contracts Procedure Rules

Adopted by Council 16 October 2018.

## SUMMARY OF KEY CONTRACT PROCEDURE RULES

<table>
<thead>
<tr>
<th>Total Value</th>
<th>Competition</th>
<th>Advertising</th>
<th>Authority to award  (CPR 18)</th>
<th>Relevant CPR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Up to £10,000</strong></td>
<td>No competitive quotations required, but a written quotation should be sought</td>
<td>None required</td>
<td>Director or Head of Service</td>
<td>CPR 7</td>
</tr>
<tr>
<td><strong>QUOTATIONS</strong></td>
<td>Three competitive quotes</td>
<td>None required</td>
<td>Director or Head of Service</td>
<td>CPR 8</td>
</tr>
<tr>
<td>£10,000 to £99,999</td>
<td>or select from an Approved List, DPS or Framework Agreement</td>
<td>For contracts less than £500k:</td>
<td>Tenders sought through Open/ Light Touch Regime process</td>
<td>CPR 9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• a formal decision of a Director; OR</td>
<td>or select from an Approved List, DPS or Framework Agreement</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• a formal decision of Council or Committee; OR</td>
<td>For contracts above £500k:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• or by an officer with an appropriate delegated Authority as set out in the Delegations Register or delegated specifically by a formal decision of Council or Committee.</td>
<td>For contracts above £500k:</td>
<td></td>
</tr>
<tr>
<td><strong>TENDERS</strong></td>
<td>Tenders sought through Open/ Light Touch Regime process</td>
<td>Advert in Contracts Finder</td>
<td>For contracts above £500k:</td>
<td>CPR 10</td>
</tr>
<tr>
<td>£100,000 to EU Thresholds</td>
<td></td>
<td>or select from an Approved list, DPS or Framework Agreement</td>
<td>• a formal decision of Council or Committee; OR</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• or by an officer with an appropriate delegated Authority as set out in the Delegations Register or delegated specifically by a formal decision of Council or Committee.</td>
<td>For contracts above £500k:</td>
<td></td>
</tr>
<tr>
<td><strong>EU TENDERS</strong></td>
<td>Tenders sought through Open/ Restricted/ Light Touch Regime/ Competitive Process with Negotiation (unless advised otherwise by Legal)</td>
<td>OJEU advert and Contracts Finder</td>
<td>For contracts above £500k:</td>
<td></td>
</tr>
<tr>
<td>Over EU Thresholds</td>
<td></td>
<td>Select from an Approved List or DPS</td>
<td>• a formal decision of Council or Committee; OR</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• or by an officer with an appropriate delegated Authority as set out in the Delegations Register or delegated specifically by a formal decision of Council or Committee.</td>
<td>For contracts above £500k:</td>
<td></td>
</tr>
</tbody>
</table>
1. **Introduction**

(1) These contracts procedure rules set out the rules that must be followed when the Council purchases the supplies, services and works it needs to deliver services (known as procurement). This is an important document as it forms part of the Council’s Constitution.

(2) The contracts procedure rules therefore have three main purposes:

- to obtain Best Value in the way the Council spends money, so that the Council may in turn offer Best Value services to the public
- to comply with the laws that govern tendering by local authorities and the spending of public money
- to demonstrate fair trading, transparency and probity in the award of contracts.

(3) It is the responsibility of every Director and Head of Service to ensure that these procedure rules are complied with whenever supplies, services or works are purchased.

(4) Under the Council’s delegations register, Directors and Heads of Service have delegated authority to accept tenders for Council contracts under Contracts Procedure Rules 18 and 21, and to exercise any other functions ascribed to the Head of Service or Project Officer in the Council’s Contracts Procedure Rules. This includes, where applicable, authorising the execution of contracts as an officer with delegated authority.

2. **Governing Principles**

(1) Before commencing a procurement, it is essential that the Project Officer leading the procurement has identified the need and fully assessed any options for meeting those needs.

(2) As part of its Best Value duties, the Council is required to complete a formal, evidence-based analysis when considering options for the delivery of a service (though the principles should be applied equally to supplies or works). The options include:

   (a) not providing the service at all (or providing different services to better meet the need)
   (b) providing the service ourselves (“in-house”)
   (c) getting someone else to provide the service (“outsourcing”/ provision by the private, public or voluntary sector)
   (d) providing the service in partnership with someone else (with the public, private or voluntary sector)
   (e) by commissioning jointly with another Council or other body, including the setting up and/or use of relevant frameworks
   (f) consideration of sharing services with other public bodies

(3) The Project Officer must also take into account:

   (a) The priorities and objectives of the Council’s Corporate Plan
   (b) Any commissioning or procurement category strategies that may be relevant to the contract being procured.
   (c) Whether an existing contract or framework agreement would be an appropriate means of meeting the identified need
   (d) Whether tenders or quotations should be sought from an existing approved supplier list
   (e) Whether the use of a mandated corporate contract is required for the relevant contract.
(4) Once the need for supplies, services or works is determined, it is then necessary to decide on a process by which they will be acquired. These procedure rules govern any process that results in an official order or invitation to tender being issued, and a contract being entered into.

(5) These Contracts Procedure Rules explain the minimum standards and base procedure that the Council expects from all staff responsible for buying goods, works, services and concessions on behalf of the Council. The policies and procedures that must to be followed are set out more fully in the Council’s procurement guidance available on the Council Intranet (IRIS).

(6) If a sub-contractor, supplier or sub-consultant is to be nominated or named by the Council to a main contractor, quotations or tenders must be invited in accordance with these Contract Procedure Rules and the terms of the invitation shall be compatible with the main contract.

(7) The Council will maintain a database of all contracts to facilitate the publication of contract information as required by the Public Contracts Regulations 2015 and the Local Government Transparency Code 2014.

(8) Every order and contract must clearly and carefully specify the supplies, services, works or concession to be supplied, the agreed programme for delivery and the price and terms for payment together with all other terms and conditions that are agreed.

3. Compliance

(1) Every contract entered into by the Council shall be entered into for the purpose of the exercise of the Council’s functions and shall comply with:

(a) all relevant statutory provisions and the latest Best Value Guidance;

(b) the relevant European procurement rules (i.e. the EU Treaty, the general principles of EU law and the EU public procurement directives implemented by the UK Regulations, comprising the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 [“the Regulations”]);

(c) the Council’s Constitution including these Contract Procedure Rules, the Council’s Financial Regulations, and the Council’s scheme of delegation to officers; and

(d) the Council’s strategic objectives, procurement strategy and policies.

(2) The highest standards of probity are required of all officers and Councillors involved in the procurement, award and management of Council contracts. Failure to do so may lead to:

(a) breaches of Codes of Conduct

(b) compensation being paid by the Council to anybody adversely affected by the Council’s actions, and

(c) damage to the Council’s reputation.

(d) disciplinary action

(3) As a general rule Councillors and officers must not accept from contractors or potential contractors or from any firm or organisation with whom the Council has had, is having or may have any dealings of any kind, any gift or hospitality otherwise than strictly in accordance with the provisions of the Council’s approved Codes of Conduct relating to Members and Officers.

4. Exempt Contracts

(1) Subject to the overriding provisions of the Regulations, the following types of contracts are exempt from the requirement to seek quotations or tenders in accordance with these Contracts Procedure Rules.
(a) employment contracts;

(b) contracts relating solely to disposal or acquisition of an interest in land;

(c) The estimated value of the contract does not exceed £10,000;

(d) The contract is in respect of social care, housing or education provision for an individual client with specific personalised care, housing or education requirements and where the estimated contract value is below the current threshold in the regulations for the light touch regime;

(e) The procurement is covered by and conducted in accordance with Regulation 32 of the Public Contracts Regulations 2015 (Use of the negotiated procedure without prior publication).

5. Framework Agreements, Dynamic Purchasing Systems and Approved Lists

(1) The Council may wish to access and use consortia, buying groups, Dynamic Purchasing Systems, Approved Lists or Framework Agreements set up by another body. Advice should be sought from Procurement, and where appropriate Legal, to confirm the ability of the Council to legally access such arrangements.

(2) To select a supplier for a specific contract under a single or multi-supplier Framework Agreement or to conduct a Framework Agreement mini competition or award a contract under a Dynamic Purchasing System or an Approved List, the procedure as set out in that Framework Agreement, Dynamic Purchasing System or Approved List must be followed.

(3) All Framework Agreements, Dynamic Purchasing System agreements, Approved Lists, and specific contracts must be awarded and executed in accordance with Contract Procedure Rules 18 and 21.

(4) The Council may maintain approved lists of Suppliers that meet its pre-qualification requirements. Quotations and tenders for contracts that are not subject to the Regulations may be invited from Suppliers included in an approved list. Where the Council intends to use an approved list for services, supplies or works contracts, the process for applying to join the list and the selection criteria to be used to allocate contractors to the lists should itself be advertised.

(5) The objective criteria to be used to determine which suppliers from the approved list(s) will be invited to quote or tender for work must be published with the advertisement and made available to all suppliers on the list.

(6) The Council may also establish preferred supplier lists in the form of multiple supplier framework agreements. Such framework agreements will be established and operated in accordance with the procedures set out in the Regulations.

6. Estimating the Contract Lifetime Value

(1) For consistency, contract values should be calculated in accordance with the Regulations even when the Regulations are not applicable. The Council should make the best use of its purchasing power by aggregating purchases wherever appropriate. Supplies, services, works or concessions shall not be split in an attempt to avoid the applicability of these Contracts Procedure Rules or the Regulations.

(2) Where a recurring pattern of purchases can be seen for like supplies, services or works, consideration should be given as to whether one or more framework agreement(s) would represent better value in terms of price, service, invoicing or other administration costs. Where the aggregate spend on a given category of supply or service exceeds the relevant thresholds, such requirements must be advertised in accordance with the Regulations.
In accordance with the Regulations the value of all extensions permitted by the particular legal terms of a procurement must be included when calculating that contract value.

7. Low Value Procurement

(1) Competitive quotations/tenders are not required for contracts or orders with an estimated value of below £10,000. A written quotation shall be obtained from the supplier before a formal purchase order can be issued.

8. Intermediate Value Procurement

(1) Subject to Contracts Procedure Rule 9(1) (c), for procurement valued over £10,000 but below £100,000 at least 3 written tenders or quotations shall be invited before a formal purchase order is issued specifying the supplies, services or works to be provided.

(2) Subject to Contracts Procedure Rule 18, the lowest tender or quotation shall be accepted unless the Director or Head of Service is satisfied that better value for money will be achieved by accepting a different one and bidders have been made aware of the evaluation criteria to be applied.

9. High Value Procurements

(1) The following shall be regarded as High Value Procurements (“High Value”):

   (a) Procurements valued at or above £100,000, or
   (b) Where the risk in a specific procurement is perceived to be high, or
   (c) Any procurement of any value that may involve a transfer of staff.

(2) For all High Value procurements for services and supplies that do not exceed the relevant current thresholds in the Regulations and are not subject to the Light Touch Regime as defined in the Regulations the procedure will be conducted in accordance with the Open procedure as set out in the Regulations but a pre-qualification stage must not be used. The contract opportunity shall be advertised on Contracts Finder in accordance with the Regulations and tenders must be returned using the Council’s E-Tendering system. The publication of an advertisement in OJEU is not required, but may be used in appropriate circumstances.

(3) For all High Value procurements for social health education and other specific services listed in Schedule 3 of the Regulations that do not exceed the relevant threshold in the Regulations, the procedure will be conducted in accordance with Section 7 of the Regulations (The Light Touch Regime). The publication of an advertisement in OJEU is not required, but may be used in appropriate circumstances.

(4) For all High Value procurements for Works contracts that are valued below the relevant threshold for public works:

   (a) where the contract value does not exceed the relevant threshold for services and supplies, the procedure will be conducted in accordance with the open procedure as defined and set out in the Regulations;
   (b) where the contract value exceeds the relevant threshold for services and supplies, the procedure may be conducted in accordance with either the open, restricted procedure or, where appropriate, the competitive procedure with negotiation, as defined and set out in the Regulations.

   In either (a) or (b) above, the contract opportunity shall be advertised on Contracts Finder and tenders must be returned using the Council’s E-Tendering system. The publication of an advertisement in OJEU is not required but may be used in appropriate circumstances.

(5) For all High Value procurements for concessions that do not exceed the relevant current thresholds in the Regulations, the procedure will be conducted in accordance with the principles of the Concessions Regulations 2016. The contract opportunity shall be advertised on Contracts Finder and
quotations must be returned using the Council’s E-Tendering system. The publication of an advertisement in OJEU is not required but may be used in appropriate circumstances.

(6) For all procurements of the kind listed in 9(1):

The relevant Corporate Director/Service Head shall appoint a Project Officer for the procurement.

(a) The procurement should be managed as a project using appropriate project management methodology with advice sought from and provided by the legal and procurement teams throughout the procurement.

(b) The procurement must be conducted in accordance with the procedures set out in on the Council Intranet (IRIS).

(c) The Project Officer will complete the Contract Letting Checklist and Procurement Project Appraisal Form before any advertisement is placed or invitations to tender issued.

10. Contracts subject to the Regulations

(1) Where an estimated value of a contract exceeds the current EU thresholds then the contract shall be tendered in accordance with the Public Contracts Regulations 2015 or the Concessions Regulations 2016 as appropriate, using one of the following procedures and after taking procurement and or legal advice:-

- Open
- Restricted
- Competitive with Negotiation
- Light Touch Regime.

(2) Competitive dialogue or innovation partnership procedures must only be undertaken with the prior approval of the Head of Legal and Democratic Services and the Head of Procurement and Contracts.

11. Submissions and Opening of Electronic Tenders

(1) Where a competitive tender procedure is required, every such tender shall be returned using the Council’s e-tendering system.

(2) Tenders for any one contract shall be opened at one time, which shall be as soon as practicable after the closing date for the receipt of tenders stated in the invitation to tender and only in the presence of:

a) the Head of Procurement and Contracts or his/her representative, and
b) the Head of Service or Project Officer responsible for the invitation of the tenders or his/her representative

(3) The e-tendering system must be configured to ensure all tenders are locked and not accessible by anyone until the date and time set for opening. The identity of tenderers who have submitted returns must be anonymised until after the tenders have been opened.

12. Submissions and Opening of Paper Tenders

(1) In exceptional circumstances, and with the approval of the Head of Legal & Democratic Services, a tender may be returned in paper (hard copy) form.

(2) Where a paper(hard copy) invitation to tender is required, every such invitation shall state:-

a) The place where, and the time by which, the tender shall be delivered.
b) That no tender will be considered unless it is delivered in a plain, sealed envelope addressed to the Head of Procurement and Contracts, and bearing the word “Tender...” followed by the subject to which it relates.

(3) On receipt, tenders shall be kept in the custody of the Head of Procurement and Contracts until the time appointed for their opening.

(4) Tenders for any one contract shall be opened at one time, which shall be as soon as practicable after the closing date for the receipt of tenders stated in the invitation to tender and only in the presence of:

a) the Head of Procurement and Contracts or his/her representative, and
b) the Head of Services or Project Officer responsible for the invitation of the tenders or his/her representative.

13. Late Tenders

(1) Subject to (2) & (3) below, any tender received after the specified time shall be promptly rejected or returned as applicable.

(2) Any tender that does not comply with Contracts Procedure Rules 11 and 13(1) may nevertheless be considered if the Head of Procurement and Contracts or the Monitoring Officer is satisfied that:

(a) there is clear evidence of attempted submission of the tender by the tenderer using the Council’s e-tendering system in time for the due date and time and this has not been successful owing to circumstances beyond the control of the tenderer, and the other tenders have not been opened, and

(b) no unfair advantage is likely to have been achieved by the absence of compliance.

(3) Any tender that does not comply with Contracts Procedure Rules 12 and 13(1) may nevertheless be considered if the Head of Procurement and Contracts or the Monitoring Officer is satisfied that:

(a) there is clear evidence of despatch by the sender in time for delivery by the due date and time and the other tenders have not been opened, and

(b) no unfair advantage is likely to have been achieved by the absence of compliance.

14. Tender Evaluation

(1) Unless a contract is to be awarded on the basis of the lowest price, tenders shall be evaluated in accordance with the relevant Regulations and the evaluation criteria set out in the ITT.

(2) This evaluation involves scoring tenders objectively by a panel of officers nominated by the Project Officer and/or the Leader or Lead Councillor using criteria which should:

(a) be pre-determined and listed in the invitation to tender documentation in order of importance

(b) be strictly observed at all times throughout the tender process

(c) reflect the principles of Best Value

(d) include price

(e) consider whole-life costing, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account
(g) include, where applicable, the quality of the tenderers' proposals to transfer staff under the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006 as amended

(h) avoid discrimination or perceived discrimination on the basis of nationality, or other discrimination contrary to the Council's Equality Policy.

(i) Where this evaluation methodology is used, any resulting contract must be awarded to the tenderer who submits the most economically advantageous tender, ie the tender that achieves the highest score in the objective assessment.

(j) Where a contract is awarded on the basis of lowest price, the contract will be awarded to the lowest price tender that is compliant with the published requirements.

15. Clarification of Tenders

Where examination of tenders reveals errors or ambiguities which would affect the tender score in an otherwise successful tender and those errors or ambiguities can be resolved easily and quickly the tenderer should be asked to clarify their tender. This clarification must not be permitted to change the tender.

16. Post Tender Negotiation

(1) Where a procurement is conducted through either the open or restricted procedures no post tender negotiations are permitted.

(2) Where a Competitive Procedure with Negotiation has been used and post-tender negotiation has been entered into, all tenderers should be invited to submit their best and final offers at the conclusion of negotiations under the same procedure as for the receipt and opening of tenders above. In this case, the best and final offers should be evaluated by revisiting the objective scoring process and revising scores as appropriate.

17. Evaluation Report

(1) At the conclusion of the tender evaluation process, the Project Officer will compile and agree with the project team and evaluation panel an evaluation report to support the recommendation to award a contract to the successful tenderer and to comply with the Regulations. The report will provide a summary of the tender process and will include full reasons for the decision to recommend the contract award.

(2) The report must contain the following information:

(a) the subject-matter and value of the contract, framework agreement or dynamic purchasing system;

(b) where applicable, the results of the qualitative selection and reduction of numbers including:
   (i) the names of the selected candidates or tenderers and the reasons for their selection;
   (ii) the names of the rejected candidates or tenderers and the reasons for their rejection;

(c) where applicable, the reasons for the rejection of tenders found to be abnormally low;

(d) the name of the successful tenderer and the reasons why its tender was selected and, where known—
   (i) the share (if any) of the contract or framework agreement which the successful tenderer intends to subcontract to third parties, and
(ii) the names of the main contractor’s subcontractors (if any);

(e) for competitive procedures with negotiation and competitive dialogues, the circumstances which justify the use of those procedures;

(f) where applicable, the reasons why the contracting authority has decided not to award a contract or framework agreement or to establish a dynamic purchasing system;

(h) where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders;

(i) where applicable, conflicts of interests detected and subsequent measures taken.

(3) The report will be retained for a period of at least 3 years from the date of award of the contract.

18. Tender Acceptance

(1) Acceptance of tenders with a value of £500,000 or greater must be authorised by

(a) a formal decision of Council or Committee

(b) or by an officer with an appropriate delegated Authority as set out in the Delegations Register or delegated specifically by a formal decision of Council or Committee.

(2) Acceptance of tenders with a value between £100,000 or £500,000 must be authorised by

(a) a formal decision of Council or Committee

(b) or a formal decision of a Director

(c) or by an officer with an appropriate delegated Authority as set out in the Delegations Register or delegated specifically by a formal decision of Council or Committee.

(3) The decision to authorise acceptance of a tender must be made in accordance with the information contained in the tender evaluation report and the Regulations.

(4) Acceptance of quotes or tenders with a value less than £100,000 may be authorised by the relevant Head of Service or Director.

(5) Acceptance of a tender submitted by an officer or Councillor must always be authorised by the Head of Service, the Chief Executive and the Leader or responsible Lead Councillor or nominee.

(6) The contract shall not be entered into, and a letter of acceptance shall not be sent to the successful tenderer, until the Project Officer has provided evidence of the existence of a delegated power or Council/Committee decision and approved budget to enter into the contract; and the evidence has been accepted by the Head of Procurement and Contracts.

19. Standstill Period

At the conclusion of the relevant competitive process evaluation a standstill period shall be applied. The standstill period will be conducted in accordance with the procedures set out in the Regulations. A standstill period will be applied in all tender procedures including those where the Regulations do not specifically apply.

20. Contract Award Notice

(1) Where a contract has been tendered pursuant to the Regulations, the Council shall publish a contract award notice in OJEU no later than 48 days after the date of award of the contract.
21. **Execution of Contracts**

(1) A written contract is required for all supplies of goods, materials, equipment or vehicles or for the execution of works or services including consultancy services to a value exceeding £10,000, regardless of whether a formal tender or a quotation was or should have been obtained.

(2) Every contract for the supply of supplies, works or services which exceeds £100,000 in value shall be in writing and shall be sealed with the common seal of the Council, or, provided the Head of Legal & Democratic Services is satisfied that the Council’s interests are properly protected, signed on behalf of the Council by an officer authorised to use the Council’s Common Seal. Master copies of contracts that exceed £100,000 must be held within Legal Services.

(3) Contracts with a value between £100,000 and £500,000 must be authorised:

   (a) by a formal decision of Committee or Council,
   (b) in writing by an officer with an appropriate delegated Authority as set out in the Delegations Register or under a specific delegation from Council or Committee,
   (c) or by a formal decision of a Director.

(4) Contracts with a value greater than £500,000 must be authorised:

   (a) by a formal decision of Committee or Council, or
   (b) in writing by an officer with an appropriate delegated Authority as set out in the Delegations Register or under a specific delegation from Council or Committee.

(5) Any contract not covered by Contracts Procedure Rule 21. (2) may be signed by the Corporate Director or the relevant Head of Service.

(6) No Councillor of the Council, or officer of the Council who is not authorised to do so, shall enter, orally or in writing, into any contract on behalf of the Council.

(7) In situations of extreme urgency, an oral instruction may be given to a Supplier to provide supplies, works or services provided that written confirmation of the instructions shall be sent to the Supplier within seven working days.

22. **Retention of Tenders and Quotations**

(1) All tenders and quotations (accepted and unaccepted) not forming part of a contract signed or sealed in accordance with Contracts Procedure Rule 21 shall be retained by the Head of Service placing the Order for a period of 12 months after the relevant contract commencement date.

(2) All tenders and quotations that are part of a contract signed or sealed in accordance with Contracts Procedure Rule 21 shall be retained by the Head of Service placing the Order for a period of 6 years after all of the following have happened or been considered:

   (a) all payments under the Contract have been made.
   (b) the Head of Service is satisfied that all of the requirements under the terms of the Contract have been successfully carried out whether by the Council or the Contractor and that no claims are likely to arise by or against the Council.
   (c) they are not likely to be required for inspection as part of the Annual Audit by the Council’s external auditors.

(3) Where the copies retained are electronic versions of these tenders and quotations stored within the Council’s E-Tendering and Contract Management System, there is no requirement to retain additional paper copies.

23. **Performance**
Liquidated Damages

(1) Every contract for the execution of works which exceeds £100,000 in value or amount shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

Performance Bond

(2) In every contract for the execution of works which exceeds £250,000 in value or amount, each contractor shall, subject to paragraphs (3) and (4) below, be required to give security for the due performance of the contract by means of a bond of an approved assurance or guarantee company, or bank, or in such other manner as may be approved by the Strategic Finance Director, in an amount equal to 10% of the total sum of the tender which is the subject matter of such contract.

(3) Alternatively, the contractor shall deposit with the employer a security at least equal to the amount of the required bond until such time as a bond shall have been completed or a certificate of practical completion of the works has been issued.

(4) In the event of the contractor starting the work before the completion of the contract and the bond, or making the deposit referred to above, then payments in respect of any work done up to the amount of the bond required shall be withheld by the employer in addition to the normal retention monies until such time as the contract and a bond have been completed, or a deposit made, or a certificate of practical completion of the works has been issued.

(5) Subject to the appropriate committee or sub-committee being informed in each case, a bond shall not be required in relation to highways works in respect of which, in pursuance of advice given by the Department of Transport, the contract is based upon the Model Contract Document (for highways works contracts) issued by the Department.

Contract Monitoring and Management

(6) Service areas shall ensure that contracts are appropriately managed and monitored to ensure continued Best Value in accordance with Contract Management guidance on the Council’s Intranet, IRIS.

24. Corruption

(1) There shall be inserted in every contract a clause entitling the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor has offered or given to any person an inducement or reward for doing or forbearing to do anything in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by him/her acting on his/her behalf (whether with or without the knowledge of the contractor) or if in relation to any contract with the Council, the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Bribery Act 2010, or shall have given any fee or reward the receipt of which is an offence under sub-section (2) of Section 117 of the Local Government Act 1972.

25. Corporate Contracts

(1) Corporate contracts are established where appropriate to provide benefits of bulk buying, improved service and reduced administration costs. Where use of a corporate contract has been mandated by the Corporate Management Team (CMT) or one of the Directorate Management Teams (DMT), they must be used, regardless of the value of the individual purchases.

(2) Corporate contracts must be procured by means of an appropriate procedure in accordance with these Contract Procedure Rules.

(3) The scope of any mandated contract must be clearly defined and any off contract expenditure within that scope must be authorised by the relevant contract manager or Director.
26. Procurement by Consultants

(1) Any consultants used by the Council shall be appointed in accordance with these Contract Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Project Officer shall ensure that the consultants are provided with a copy of these Contract Procedure Rules and that they carry out any procurement in accordance with them. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Project Officer shall ensure that the consultant’s performance is adequately monitored.

(2) Any consultant who has been appointed to seek tenders on behalf of the Council as all or part of their duties shall comply with these Contracts Procedure Rules.

(3) A consultant shall not act as the Project Officer for a high value procurement.

(4) Any consultant employed to seek tenders on the Council’s behalf must have appropriate indemnities included in their contract.

27. Statistical Returns

(1) Each year the Council shall make a statistical return to the relevant government department for onward transmission to the European Commission concerning the contracts awarded during the year under the European rules.

(2) The Procurement Manager shall be responsible for this statistical return and will make the necessary arrangements for information to be collected annually. All Directorates shall provide the information necessary to compile this return.

28. Contract Variation or Extension

(1) Any contract may be varied or extended where permitted by the Regulations. Variations should either be in accordance with the existing contract’s terms or within permitted variation limits as stated by the Regulations. Extensions should only be where the existing contract’s terms allow for such an extension. Any such variation or extension shall be authorised in line with Contracts Procedure Rules 18 and 20.

(2) The Project Officer shall always be satisfied that the variation or extension will achieve Best Value for money and is reasonable in all the relevant circumstances. The Project Officer shall complete a Procurement Project Appraisal Form before the contract is formally signed with the contractor.

29. Termination of Contract

(1) Early termination of any contract by agreement or in accordance with the termination provisions set out in the contract is subject to the following authorisation:

- Contracts with a value in excess of £500,000 - by Committee or Council
- Contracts with a value between £100,000 and £500,000 - by the responsible Director
- Contracts with a value below £100,000 - by the responsible Head of Service.

30. Waivers of Contract Procedure rules

(1) A waiver to Contract Procedure Rules is a permission to let a contract without complying with one or more of the Contract Procedure Rules. A waiver to Contract Procedure Rules may be granted subject to conditions. Authority to award a contract will be required in accordance with CPR 18 in addition to the exception to Contract Procedure Rules.

(2) Only the Head of Procurement and Contracts, or her authorised deputy is able to grant a waiver to these Contract Procedure Rules. Applications for waivers must follow the process set out by
Procurement, be made in writing and signed by the relevant Director or Head of Service, and must include the exception that is requested and the justification for the exception.

(3) Waivers to Contract Procedure Rules will never be given retrospectively and waivers for extensions are unlikely to be granted if there is less than six months left on the contract and so must be submitted well in advance of the decision needing to be made. Similarly, an application for a waiver to Contract Procedure Rules, to allow a contract to be let without genuine competition will not be granted without a cogent reason. A lack of time caused by inadequate forward planning is not a cogent reason and will not permit an exception to Contract Procedure Rules.

(4) If an application to let a contract without genuine competition is requested, the Head or Service or Director responsible for the contract must demonstrate that the price obtained is not in excess of the market price and that the contract represents best value for money.

(5) Procurement will keep a register of all waivers to Contract Procedure Rules, which shall be available by appointment for inspection by members of the Council and the public.

(6) A waiver to Contract Procedure Rules is not required in the following circumstances:
   (a) placing an order under an existing corporate contract or single supplier Framework Agreement;
   (b) as part of a partnering contract that contemplates a series of contracts with a single supplier, provided the entire series has been duly authorised as appropriate for its value;
   (c) legislation requires the Council to let a contract differently from these Contract Procedure Rules;
   (d) placing an order under an arrangement, of which the Council is an affiliate, which has gone through an EU compliant competitive process;

31. Definitions

“Best Value for Money”
The optimum combination of whole life costs and benefits to meet the customer’s requirement. Such term equates to the EU procurement requirement “most economically advantageous offer”;

“Committee”
The Committee with delegated responsibility for the function or service covered by the contract, or the Policy Committee on behalf of the responsible Committee.

“Contract Letting Checklist”
The document at Appendix 1 to these Contracts Procedure Rules which must be completed by the Project Officer as required as a means of monitoring proper compliance with these Contracts Procedure Rules and, where appropriate, other Council requirements;

“Contracts Register”
The register held and maintained by the Council containing details of contracts entered into by the Council with a value of £5,000 or more;

“Framework Agreement”
An agreement, which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Council to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed;

“ITN”
Invitation to negotiate;

“ITT”
Invitation to tender;

“OJEU”
Official Journal of the European Union;
“PIN”  
Prior Information Notice for publication in OJEU;

“Procurement Project Appraisal Form”  
The planning document that is completed before a high value procurement is started that documents the business case, option appraisal, risk assessment, TUPE, Social Value and Equalities considerations that are relevant to the procurement.

“Project Officer”  
A person appointed in accordance with Contracts Procedure Rule 9 with responsibility for coordinating procurement procedure for a particular contract and completing the Contract Letting Checklist and Procurement Project Appraisal Form;

“Regulations”  
The Public Contract Regulations 2015 and the Local Government Transparency Code 2014 and any amendment to replacement of or re-enactment thereof

“RFQ”  
Request for quotations;

“Supplier”  
Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.
## PROCUREMENT PROJECT APPRAISAL FORM

### PROJECT:

**When:** To be completed at Project Initiation  

**Purpose:** Provides approval for allocating resources up to:

- Contract Notice (OJEU/Contracts Finder Advertisement)  
- Framework Agreement - Mini Competition - Invitation to Tender  
- Agreement to Participate in Collaborative Procurement led by external organisation  

Mandatory for contracts in excess of £100,000 lifetime value.

### Procurement Project Approval - Stage 1  
Project Initiation - Procurement Strategy

<table>
<thead>
<tr>
<th>Submitted by (Project Officer)</th>
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<tbody>
<tr>
<td>Job Title</td>
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<td>Contract/Project</td>
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<td>Project Number</td>
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<td>Date</td>
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<td>Contract Value</td>
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<td>Equality Impact Assessment (EIA) required?</td>
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<td>Privacy Impact Assessment (PIA) required?</td>
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<td>Above EU threshold?</td>
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<td>OJEU contract type</td>
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<td>Contracts Letting Checklist (CLC) completed?</td>
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<td>Lead Member briefed?</td>
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<td>Head of Service/Senior Sponsor</td>
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<td>Legal Services Adviser</td>
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<td>Procurement Adviser</td>
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1. Introduction/Background

2. Business Case

The rationale for letting the contract.
3. **Option Appraisal of Procurement Approach - Alternatives rejected**

<table>
<thead>
<tr>
<th>Option</th>
<th>Reason for not recommending:</th>
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4. **Contribution to Budget savings**


5. **Recommended Procurement Route and Rationale (see 3 above)**


6. **Outline Timetable of Procurement up to contract mobilisation/start**

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<th>Action</th>
<th>Completion Date</th>
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7. Resources Required

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<tr>
<th>Staff:</th>
<th>Named Officer</th>
<th>Estimated number of days</th>
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<td>Project Officer</td>
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<td>Corporate Procurement</td>
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<td>Other:</td>
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8. Proposed Contract Award decision process/timetable

9. Outline Risk Register

(n.b. Risks of the procurement process chosen rather than the project/contract as a whole)

<table>
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<tr>
<th>RISK</th>
<th>Likelihood/Impact</th>
<th>Mitigation</th>
<th>Owner</th>
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<td>Medium (M)</td>
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<td>Low (L)</td>
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10. Social Value Considerations

N.B. There is a statutory duty to consider these issues prior to commencement of the procurement. Failure to complete this section could render the procurement challengeable with no adequate defence.

Priority areas for RBC are:

- Training and skills development for staff working on Council contracts
- Promotion of the Council’s Living Wage Policy and, where appropriate, require the application of the Council’s low pay policy to staff working for the Council’s contractors
- Achieving the Council’s Zero carbon targets
- Meeting the objectives of the Council’s Sustainable Community Strategies

Proposed actions:

11. Equalities Considerations

This section is required to determine whether or not an Equalities Impact Assessment is required. If so, full details are available at:


How does this proposal relate to eliminating discrimination; promoting equality; promoting community relations?

<table>
<thead>
<tr>
<th>Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently from others? (Think about your monitoring information, research, national data/research etc.)</th>
<th>Yes/No</th>
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<tr>
<td>Is there already public concern about potentially discriminatory practices/impact or could there be? Think about complaints, consultation/feedback.</td>
<td>Yes/No</td>
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If you answer yes to either of the above questions you need to do an Equality Impact Assessment (EIA). Please attach the completed EIA to this document.

If you answer no to both of the above questions please complete the following statement:

An equality impact assessment is not relevant because:
12. TUPE considerations

13. Data Security considerations

14. Potential Conflict of Interest

Throughout the procurement the project officer is required to take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators.

The concept of conflicts of interest also covers any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Please outline below any potential conflicts of interest that have been identified or may arise and the action taken or planned to remedy the position.

<table>
<thead>
<tr>
<th>Approved by:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Date</td>
</tr>
<tr>
<td>Head of Service</td>
<td></td>
</tr>
</tbody>
</table>
## CONTRACT LETTING CHECKLIST

<table>
<thead>
<tr>
<th>Directorate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Service</td>
<td></td>
</tr>
<tr>
<td>Subject of Contract</td>
<td></td>
</tr>
<tr>
<td>Name of Project Officer</td>
<td></td>
</tr>
</tbody>
</table>

You should complete this form for all contracts with a lifetime value of £100k or over. You should circulate a copy to all officers identified in the document and also produce it at the Tender Opening and for Contract Audit.

- **Give a brief summary of the purpose of the contract:**
  - .................................................................
  - .................................................................
  - .................................................................

- **Member Involvement**

<table>
<thead>
<tr>
<th>Action</th>
<th>Insert Names/Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have briefed Councillor:</td>
<td></td>
</tr>
<tr>
<td>Who is Lead Councillor for:</td>
<td></td>
</tr>
<tr>
<td>The member involvement will be:</td>
<td></td>
</tr>
</tbody>
</table>

- **Tender Process**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is a Framework Contract available?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>Which type of value is involved? (See Contracts Procedure Rules 6, 7, 8 and 9)</td>
<td>EU/HIGH/INTERMEDIATE/LOW</td>
</tr>
<tr>
<td>Are you relying on a waiver to the Contracts Procedure Rules? If yes, which one? (See Contracts Procedure Rule 30)</td>
<td>YES/NO</td>
</tr>
<tr>
<td>CONTRACTS PROCEDURE RULE No.</td>
<td></td>
</tr>
<tr>
<td>Is European Tendering required?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>If yes, which procedure?</td>
<td>OPEN/RESTRICTED/NEGOTIATED/COMPETITIVE PROCEDURE WITH NEGOTIATION/COMPETITIVE DIALOGUE</td>
</tr>
<tr>
<td>Are there TUPE implications?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>Has planning permission been obtained?</td>
<td>YES/NO/NOT APPLICABLE</td>
</tr>
<tr>
<td>The Procurement Project Appraisal Form been completed</td>
<td>YES/NO</td>
</tr>
</tbody>
</table>

- **Budgets**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Annual Budget value is</td>
<td>£</td>
</tr>
<tr>
<td>The Lifetime budget value is</td>
<td>£</td>
</tr>
<tr>
<td>The Oracle Financials Code is/are:</td>
<td>R-</td>
</tr>
<tr>
<td></td>
<td>R-</td>
</tr>
<tr>
<td></td>
<td>R-</td>
</tr>
</tbody>
</table>
Advisors

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Accountant</td>
<td></td>
</tr>
<tr>
<td>Lead Solicitor</td>
<td></td>
</tr>
<tr>
<td>Procurement Adviser</td>
<td></td>
</tr>
<tr>
<td>Technical Advisor (2)</td>
<td></td>
</tr>
<tr>
<td>Technical Advisor (3)</td>
<td></td>
</tr>
<tr>
<td>Technical Advisor (4)</td>
<td></td>
</tr>
<tr>
<td>Technical Advisor (5)</td>
<td></td>
</tr>
</tbody>
</table>

- I will critically review all the contract documents, and not assume that the way it has always been done is good enough for the future. I am aware of the relevant Standing Orders and Financial Regulations.
- I have prepared the outline timetable for the key stages of letting this contract, and I have attached a copy to this checklist.
- I have considered the need to consult with service users, residents, neighbours, Councillors and colleagues; and I have considered a range of corporate implications such as sustainability, equalities, planning, property and trade union issues.
- I have considered whether any conflict of interest may arise in the process of letting the contract and will take appropriate action to remedy any that have been identified or may arise.
- My line manager (whose signature is below) has read this checklist and confirmed my appointment as the Project Officer for this contract. I accept the responsibilities of Project Officer for this contract as described in the Standing Orders on Contracts.

Signed by the Director/Head of Service in accordance with Contracts Procedure Rule 8.(4)c

Signature: ........................................ Date ..............................
Name: ........................................

Signed by the Project Officer

Signature: ........................................ Date ..............................
Name: ........................................

Project Team Members:

Forward Copy to:

Lead Member
Contract File
Line Manager
Project Officer
Lead Accountant
<table>
<thead>
<tr>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Solicitor</td>
</tr>
<tr>
<td>Technical Advisor 1</td>
</tr>
<tr>
<td>Technical Advisor 2</td>
</tr>
<tr>
<td>Technical Advisor 3</td>
</tr>
<tr>
<td>Technical Advisor 4</td>
</tr>
<tr>
<td>Technical Advisor 5</td>
</tr>
<tr>
<td>Corporate Procurement</td>
</tr>
<tr>
<td>Internal Audit</td>
</tr>
<tr>
<td>ICT Advisor</td>
</tr>
<tr>
<td>HR Advisor (if TUPE applies)</td>
</tr>
</tbody>
</table>
**WAIVER TEMPLATE**

**Business Case for a Waiver to Contract Procedure Rules**

A waiver to Contract Procedure Rules is a permission not to comply with certain Council's Contract Procedure Rules (CPRs) when awarding or extending a contract. It is not an authority to enter into a contract without further relevant approval.

**Instructions:**
1. Complete this request form including signature by the Head of Service or Director as appropriate.
2. Send the form to the Head of Procurement and Contracts for review and approval as appropriate.
3. Procurement will retain a central record of approved waivers and send confirmation of the approved waiver to the service.
4. Retain the signed waiver record with all relevant contract documentation.

**Requested information to be completed by Contract Manager:**

<table>
<thead>
<tr>
<th>Contract name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplier:</td>
<td></td>
</tr>
<tr>
<td>Contract Value:</td>
<td>£</td>
</tr>
<tr>
<td>Annual Saving:</td>
<td>£</td>
</tr>
<tr>
<td>Proposed Start Date:</td>
<td></td>
</tr>
<tr>
<td>Proposed End Date:</td>
<td></td>
</tr>
</tbody>
</table>

| Service: |   |
| Director: |   |
| Author of this request: | Name, Title and extension number |

1. **Which Contract Procedure Rule(s) are you seeking a waiver from?**
   **CPR xxx……. which states:**
   …………………………………………………………………………………………………………………………………………
   …………………………………………………………………………………………………………………………………………
   …………………………………………………………………………………………………………………………………………
   …………………………………………………………………………………………………………………………………………
   …………………………………………………………………………………………………………………………………………
   …………………………………………………………………………………………………………………………………………
   …………………………………………………………………………………………………………………………………………
   [Set out the number and text of the Contract Procedure Rule(s) that apply]

2. **Why do you think a waiver is justified?**
   *(Please state the reasons why you should not follow the Contract Procedure Rules in full and an exemption situation applies)*

3. **How does your proposal demonstrate value for money?**
   *(Please state benchmarking work / cost comparison to other suppliers for the same service to show value for money.)*
Constitution of Reading Borough Council – 23 May 2018

Please also confirm that you have the budget available to fund the proposed contract and confirm the budget source.

4. What are the legal risks associated with the waiver?
(Please address the risk of challenge within the supply market in question for this value of contract when justifying your proposal)

[Advice should be sought from the Procurement and/or Legal team as appropriate]

5. Appendices (if appropriate)
☐ Options Appraisal
☐ Benchmarking Information
☐ Committee or other relevant decision
☐ Legal Briefing
☐ Other, please detail

Authority of the Head of Service/ Director
I authorise a waiver to CPRs as outlined above / subject to the following conditions:

Signed: .................................
Date: .................................
Position/ Job Title: .................................

Authority of the Head of Procurement and Contracts
I authorise a waiver to CPRs as outlined above / subject to the following conditions:

Signed: .................................
Date: .................................
Position/ Job Title: HEAD OF PROCUREMENT & CONTRACTS
Officer Employment Procedure Rules

Adopted by Council, 7 July 2015

The Officer Employment Procedure Rules incorporate prescribed Standing Orders relating to staff as required by the Local Authorities (Standing Orders) Regulations 1993, as amended by the Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014; and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. Part IV of Schedule 1 to the 2014 Regulations sets out provisions that must be incorporated into the Standing Orders of an authority operating a committee system. They have been incorporated into the Rules below, in plainer English, and are shown in italics:

1. Recruitment and Appointment

(a) Declarations

The Council requires any candidate for appointment as an officer to state on the application form whether they are a partner, spouse or relative of an existing Councillor or officer of the Council.

(b) Seeking Support for Appointment.

The Council advises all applicants for appointment as an officer that canvassing support from any Councillor or employee of the authority, or giving false information, or omitting to give information, will render the person liable for dismissal if appointed.

No Councillor may seek support for any person for any appointment with the Council.

2. Appointment, Dismissal and Disciplinary Action

2.1 The appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council shall be carried out by the Chief Executive as the Head of the Council’s Paid Service or by an officer nominated by him/her. A record of officers nominated by the Chief Executive shall be maintained by the Human Resources Manager.

2.2 Paragraph 2.1 shall not apply to the appointment or dismissal of, or disciplinary action against an officer holding a post described in Sections 2 and 9 of the Local Government & Housing Act 1989. This includes the following:-

(a) the Head of the Authority’s Paid Service (Chief Executive)
(b) the Director of Adult Care and Health Services, Director of Children, Education and Early Help Services and the Director of Environment and Neighbourhood Services
(c) the Strategic Finance Director (Chief Finance Officer)
(d) the Monitoring Officer (Head of Legal & Democratic Services)
(e) persons who, as respects all or most of their duties, report directly to or are directly accountable to the Head of the Council’s Paid Service
(f) persons who, as respects all or most of their duties, report directly to or are accountable to any of the posts listed above (other than staff whose duties are of a clerical or support nature)
(g) persons who, as respects all or most of their duties report directly or are directly accountable to the Council or a Committee or Sub-Committee of the Council
(h) assistants for political groups.

2.3 Any appointment or dismissal of an officer designated as the Head of the Council’s Paid Service, shall be approved by the full Council before any offer of appointment or notice of dismissal is given to the person concerned.

2.4 Any dismissal of an officer designated as the Chief Finance Officer or Monitoring Officer, shall be approved by the full Council before any notice of dismissal is given to the person concerned.
2.5 Where the Council appoints a Committee or a Sub-Committee to carry out the function of appointing or dismissing any officer to or from the positions referred to in paragraph 2.2 above, the Committee or Sub-Committee shall include at least one Lead Councillor.

3. **Appointment of Chief Officers - Process**

3.1 Where the Council wishes to appoint a Chief Officer as defined by statute, and wishes to seek applicants from outside existing officers of the Council, the following procedure will apply:

(a) the appointment will be co-ordinated and made by the Personnel Committee, or by any other Committee or Sub-Committee authorised by full Council or the Personnel Committee to make the appointment;

(b) the post will be advertised publicly, to bring it to the attention of people who are qualified to apply for it;

(c) a job description and person specification will be produced, and sent to all applicants for the job, specifying:
   (i) the duties of the post
   (ii) the qualifications and qualities being sought by the Council

(d) the Personnel Committee will either:
   (a) interview all qualified applicants for the post, or
   (b) select a short-list of qualified applicants in accordance with the Council’s recruitment and selection policy and procedures.

(e) If no suitably qualified person applies for the post, any re-advertisement will comply with paragraph (3) above.

3.2 The Personnel Committee has delegated powers to appoint Corporate Directors, the Monitoring Officer, the Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.

4. **Disciplinary Proceedings against the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

4.1 No disciplinary action as defined by Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 may be taken against the Head of the Authority’s Paid Service, the Monitoring Officer or the Chief Finance Officer in cases of alleged misconduct, other than in accordance with a recommendation contained in a report made by a designated independent person appointed in accordance with the provisions of Regulation 7 of these Regulations.

4.2 Such disciplinary action means any action occasioned by alleged misconduct which, if proved, would be recorded under normal Council procedures on the officer’s personal file, and includes any proposal for dismissal for reasons other than redundancy, permanent ill-health or infirmity of mind or body. It does not include failure to renew a fixed-term contract of employment unless the authority has undertaken to review such a contract.

4.3 The process will be initiated by the Personnel Committee, unless any other Committee has been authorised to take this action.

4.4 The relevant officer may be suspended whilst the investigation is taking place, and if so, the suspension will be on full pay and will last for no longer than two months.

4.5 Further disciplinary action may only be taken as recommended in the report made by the designated independent person.
4.6 Dismissal of the Head of the Authority’s Paid Service, the Monitoring Officer or the Chief Finance Officer may only be exercised by the full Council, having taken into consideration a recommendation of a Personnel Panel.

4.7 The Personnel Committee shall be responsible for establishing a Panel (Sub-Committee) under section 102(4) of the Local Government Act 1972 for the purposes of making recommendations to the Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer of the authority, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which include the requirement for the Panel to include at least two independent persons appointed under section 28(7) of the Localism Act 2011;

4.8 The Personnel Committee has delegated powers to dismiss Corporate Directors and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.

5. Appeal

5.1 Nothing in this Standing Order shall prevent a Member from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by:

(i) a person against any decision relating to the appointment of that person as a member of staff of the authority, or

(ii) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
Petitions Scheme

Adopted by Council, 29 June 2010
Updated 22 May 2013, 27 May 2015

Introduction

1. The Council welcomes petitions as a way in which people living, working or studying in Reading can raise their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 14 days of receipt. This acknowledgement will set out the procedure to deal with the petition.

2. Petitions must be sent to the Head of Legal and Democratic Services.

3. Petitions will be presented to a meeting of the Council or Committee. These meetings take place regularly; dates and times can be found here: http://www.reading.gov.uk/committeemeetings. The petition may specify whether it is intended for presentation to Committee or full Council.

4. If you would like to present your petition to the Council, contact the Head of Legal and Democratic Services at least 4 working days before the meeting for an explanation of the process, which is set out in Council Procedure Rule 8 as follows:

“8. Petitions

(1) A member of the public may present a petition to Council or a Committee provided the petition has not been previously been considered by a committee, sub-committee or other body established by the Council.

(2) Petitions presented must be received by the Head of Legal and Democratic Services by not later than 6.00 pm four clear working days before the day of the meeting. (For example, this means that if a Council meeting is on a Tuesday, the petition must be received in writing by 6.00 pm on the Tuesday before).

(3) Petitions must be presented in the order in which they have been received.

(4) A petitioner may only submit one petition to any Council or Committee meeting. The petitioner may present the petition to the Council or Committee but may not speak for longer than three minutes in total, and the Mayor or Chair shall be able to set a shorter time limit if the number of petitions being presented to the Council or Committee meeting in question warrants this.

(5) The same petition may only be presented once, and may not be submitted to a subsequent meeting of another meeting.

(6) Where petitions are submitted to the Council or Committee:

(a) The Leader or Lead Councillor or Chair responsible will reply to the petition, and, if appropriate, may indicate the body of the authority to which the petition will be referred.

(b) There will be no right of reply by the petitioner, and no debate.

(c) The time limit for the consideration of petitions is ten minutes.

(d) If petitions are not presented or heard within the time limit they will be referred to the relevant Committee, Sub-Committee or other Council body.

(e) Where a petition is submitted to the Council signed by 1,500 or more people who live, work or study in the local authority’s area, the Head of Legal and Democratic Services, at the request of the Lead Petitioner, will include the topic of the petition on the next available agenda to allow a full Council debate on the matter.

(f) That, in relation to Council Procedure Rule 8(6)(e) above, the petition organiser will be entitled to address the Council or Committee on the topic of the petition but may
not speak for longer than three minutes in total without special dispensation from the Mayor.
(g) If the petition is about a planning application or a licensing application or a matter before the Standards Committee refer to Council Procedure Rule 36(4)."

Who may submit and sign a petition?

5. A petition can be set up, signed and submitted by anybody who lives, works or studies in the Reading Borough Council area. If you are not eligible to sign the petition, you cannot set it up or submit it.

What are the guidelines for submitting a petition?

6. The petition must be about something that is relevant to the powers and duties of the Council, and/or which affects the Borough or any group of people who live, work or study in it.

7. Petitions submitted to the Council must include:
   - a clear and concise statement covering the subject of the petition;
   - what action the petitioners wish the council to take;
   - the name and address and signature of any person supporting the petition;
   - Petitions must be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how the Council will respond to the petition.

8. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In these cases, the Head of Legal and Democratic Services will send the petition organiser a written explanation of the reasons.

9. The following Petitions will not be accepted:
   - Petitions which are considered to be vexatious, abusive or otherwise inappropriate
   - Petitions which are in breach of any equality enactment
   - Petitions about a person or persons which involve a disclosure of personal data without that person’s consent (ie they would breach the Data Protection Act 1998)
   - Petitions which involve the disclosure of exempt information under the Access to Information and Freedom of Information legislation
   - Petitions about the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of an employee of the Council

10. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, other procedures apply. The Head of Legal and Democratic Services will explain to you what these procedures are, and how your petition will be dealt with through them.

11. Fair Processing Notice

11.1 The Council will expect petition organisers to make clear to subscribers that their names and addresses will be submitted to the Council as signatories to the petition. The Council will check names and addresses to confirm that signatories live, work or study in Reading. The Council will not publish the signatures, names or addresses of any signatories on its website.

11.2 The Council may check names and addresses of signatories against its Council Tax database, Electoral Register, and Land and Property Gazetteer, and may contact people who do not appear to be registered on any of these databases to ensure their accuracy. The Council may also check signatures, names and addresses given on petitions against other Council data bases, to ensure their accuracy.
11.3 The Council is required by law to protect the public funds it administers. It may share the signatures, names and addresses of subscribers to a petition with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud.

What will the Council do when it receives my petition?

12. The Head of Legal and Democratic Services will send an acknowledgement to the petition organiser within 14 days of receiving the petition. The wordings of all petitions accepted by the Council will be set out in the public agenda for the Council or relevant Committee meeting to which they will be submitted, which will be published on the Council’s website, except in cases where this would be inappropriate. All personal details, except the name of the petition organiser, will be removed.

13. A petition with over 1,500 signatures may trigger a debate at the next available full Council meeting, at the request of the Lead Petitioner. The Lead Petitioner will be entitled to address the Council on the topic of the petition but may not speak for longer than three minutes in total without special dispensation from the Mayor.

14. If the petition needs more investigation, the Head of Legal and Democratic Services will send the petition organiser details of the further steps that will need to take place.

How will the Council respond to petitions?

15. The Council’s response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council or Committee meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by a relevant Committee*
- calling a referendum
- writing to the petition organiser setting out the Council’s views about the request in the petition

16. In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.
Part 5 - Codes and Protocols

Member Code of Conduct

(Adopted by Council, 23 October 2012)

1. This Code is adopted, pursuant to Section 27(2) of the Localism Act 2011, to give force to the Council’s statutory duty, under Section 27(1) of the Act, to promote and maintain high standards of Conduct by Councillors and co-opted members of the authority.

2. This Code is not intended to be an exhaustive list of all the obligations placed on Councillors and co-opted members of this authority. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.

3. It shall be a defence to an allegation that you have failed to comply with the Code if you can demonstrate that your conduct was reasonable in all the circumstances.

4. GENERAL PRINCIPLES

4.1 This Code is based on and consistent with the following seven Principles which are set out in Section 28 of the Localism Act 2011, and which were originally set out by the Nolan Committee on Standards in Public Life:

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.

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.
4.2 In following these principles, you must be aware of the laws that confer special obligations on Councillors and co-opted Members, as set out in Appendix 1.

4.3 You should also follow the guidance for compliance with the General Principles and the Code of Conduct, as set out in Appendix 2.

5. DEFINITIONS

5.1 This Code applies to all:
   a) Councillor members of this authority, and
   b) co-opted members of this authority
when you are acting in your role as a Councillor/ co-opted member. This includes when you are acting on authority business and/or ward business, representing the Council, or carrying out the business of an office to which you have been appointed by the Council, such as Leader, Lead Councillor or Committee Chair.

5.2 A “co-opted member” for the purpose of this Code, as defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who
   a) is a member of any committee or sub-committee of the authority, or
   b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;
and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

5.3 A reference to a “Meeting” shall include reference to a meeting of -
   a) the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority;
   b) the Executive or a Committee of the Executive of the authority,
and shall include reference to any meeting convened for a briefing from an officer or for a site visit, but shall not include any party group meeting when not being briefed by an officer of the authority.

6. GENERAL OBLIGATIONS FOR MEMBERS AND CO-OPTED MEMBERS

6.1 When acting in your role as a Councillor or co-opted member of the authority:

(1) **Do** comply with the Member Code of Conduct, the Council’s constitution and other protocols adopted by the authority in addition to this Code in respect of Member conduct, including:
   (a) Planning Code of Conduct
   (b) Protocol on Member / Officer relations
   (c) Council Publicity and Elections
   (d) Social Media Protocol

(2) **Do** treat others with respect.

(3) **Do** ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole.

(4) **Do not** do anything which may cause the authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006(a)). This means that you must not discriminate against people on grounds of race, gender, disability, religion or belief, sexual orientation and age.

(5) **Do not** bully any person.
(6) Do not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

(7) Do not use your position as a Member improperly for personal gain or to advantage other people.

(8) Do not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
   a) you have the consent of a person authorised to give it;
   b) you are required by law to do so;
   c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
   d) the disclosure is—
      (i) reasonable and in the public interest; and
      (ii) made in good faith and in compliance with the reasonable requirements of the authority

(9) Do not prevent another person from gaining access to information to which that person is entitled by law.

(10) Do not make vexatious or malicious complaints against other persons.

6.2 When making decisions on behalf of or as part of the authority:

(1) Do have regard to any relevant advice provided to you by the Council’s Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.

(2) Do give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

(3) Do consult with the Monitoring Officer where there is doubt about the authority’s powers to act; or whether the action proposed lies within the policy framework of the authority; or where the legal consequences of action or failure to act by the authority might have important repercussions.

(4) Do consult with the Chief Finance Officer where there is doubt about the authority’s ability to fund an action; or whether the action proposed lies within the budget framework of the authority; or where the financial consequences of action or failure to act by the authority might have important repercussions.

6.3 When using or authorising the use by others of the resources of the authority:

(1) Do act in accordance with the authority’s reasonable requirements including the requirements of the authority’s ITC policy and the policies and procedures listed in the Council’s constitution which you are deemed to have read;

(2) Do make sure that such resources are not used improperly for political purposes (including party political purposes); and

(3) Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(4) Do not improperly use knowledge gained solely as a result of your role as a member for the advancement of your disclosable pecuniary interests.

7. REGISTRATION AND DISCLOSURE OF INTERESTS BY COUNCILLORS AND CO-OPTED MEMBERS

7.1. Disclosable Pecuniary Interests
7.1.1 Under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, you will have a disclosable pecuniary (financial) interest in any business of the authority which falls within any of the following categories:

(a) Any employment, office, trade, profession or vocation carried out by you for gain

(b) Any payment or provision or any other financial benefit (except from the authority) made or provided to you in the preceding 12 months in respect of expenses incurred by you in carrying out your duties as a Member or towards your election expenses

(c) Any person or body which, to your knowledge, has a place of business or land in the authority’s area, and in which you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth (1%) of the total issued share capital of that body

(d) Any contract for goods, services or works made between the authority and you, or a firm in which you are a partner, or a corporate body in which you are a Director, or where you have a beneficial interest in the securities of that firm or corporate body.

(e) Any land, licence or corporate tenancy in the authority’s area in which you have a beneficial interest

(f) Any land where the landlord is the authority and the tenant is a firm in which you are a partner, or a company of which you are as remunerated Director, or a person or body specified in (c) above

(g) Any land in the authority’s area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer

7.1.2 You will also have a disclosable pecuniary interest which you must register if the above interests are held by a “relevant person” as described by the 2012 Regulations and Section 30(3) of the Localism Act 2011. A “relevant person” is:

- Your spouse or civil partner
- A person with whom you are living as husband and wife, or
- A person with whom you are living as if you are civil partners

7.2 Registration of Interests

7.2.1 You must register in writing any disclosable pecuniary interest that you, and/or your spouse or partner, have in a public Register of Members’ Interests maintained by the authority’s Monitoring Officer under Section 29 of the Localism Act 2011, within 28 days of:

(a) this Code being approved by the authority;
(b) your election or appointment to office as a Member;
(c) your becoming aware of the existence of the interest;
(d) Your disclosing the existence of an interest that you have not previously registered at a meeting of the authority.
7.2.2 You must register any new or changed pecuniary interest held by you, or your spouse or partner, with the Monitoring Officer, in writing, within 28 days of your becoming aware of the new or changed interest.

7.3 Non-Pecuniary Interests

7.3.1 The Localism Act 2011 does not place a duty on Members to register non-pecuniary interests. However, you are actively encouraged to register and declare any non-financial interests held by you or your spouse or partner, in the interests of transparency and to avoid allegations of personal bias.

7.3.2 In particular you are actively encouraged to register the following interests:

(a) membership, or holding a position of general control or management, of a body or bodies to which you have been appointed or nominated by the authority

(b) membership or holding a position of general control or management of any body that:
   - exercises functions of a public nature
   - is directed to charitable purposes
   - one of whose principle purposes includes the influence of public opinion or policy (including any political party or trades union)

(c) any body or person from whom you have received a gift or hospitality with an estimated value of at least £25.

7.4 Declaration of Interests at Meetings

7.4.1 You should declare any interest that you and/or your spouse or partner hold, under 7.1 and 7.3 above, which relates to or is likely to affect an item of Council business being transacted at any meeting of the authority at which you are present.

7.4.2 In the interests of transparency, openness and the avoidance of bias, you should also declare any pecuniary interest, under 7.1 above, which relates to or is likely to affect an item of Council business being transacted at any meeting of the authority at which you are present, that is held by a member of your family or the family of your spouse or partner, or by a person with whom you or your spouse or partner have a close association.

7.4.3 Under Section 31(4) of the Localism Act 2011, any Members who are aware that they have a disclosable pecuniary interest in an item of business being considered at a meeting at which they are present may not participate in the discussion, or vote, on the item of business at the meeting.

7.4.4 If you declare that you have a pecuniary interest which relates to or is likely to affect an item of Council business being transacted at a meeting of the authority at which you are present, you may make representations, answer questions and give evidence on the item of business, subject to there being equivalent public speaking rights, but you may not participate in the discussion or vote on the item of business, and you should leave the meeting before any discussion on the item of business takes place at the meeting and before the vote on the item of business is taken.

7.4.5 You should declare the interest as soon as you become aware of it at the meeting. Each public meeting will have a “Declaration of Interests” item at the start of its agenda.

7.4.6 You should declare both the existence of an interest, and details of the interest. All declared interests will be recorded in the minutes of the meeting.

7.4.7 If you realise that you, and/or your spouse/partner, have a disclosable pecuniary interest in an item of business at a meeting which you have not previously registered, then you must both declare the interest at the meeting and then give written notice to the Monitoring Officer, within
28 days of the meeting, of the existence and nature of the interest, for inclusion in the authority’s published register.

7.5 Declaration of Interests by Single Members

7.5.1 Members who, by virtue of any office that they hold on behalf of the authority, are in a position to take decisions on behalf of the authority, are bound by the same requirements as in 7.4 above, and in this respect you should:

(a) Make a public declaration of any interest that you, and/or your spouse or partner, have in any item of business of the authority that they are considering; and

(b) Not consider or take a decision on any item of business in which you, and/or your spouse/partner, have a disclosable pecuniary interest.

7.6 Sensitive Interests

7.6.1 This applies to a situation where a Member considers that the disclosure of the details of your interest - including that of your spouse or partner - could lead to you, or a person connected with you, being subject to violence or intimidation.

7.6.2 In such circumstances you should share your concerns with the authority’s Monitoring Officer. If the Monitoring Officer agrees with you, s/he will not include details of the interest in the authority’s Register of Interests, but may state that you had registered an interest the details of which had been withheld under Section 32(2) of the Localism Act 2011.

7.6.3 Similarly, if the Monitoring Officer has accepted that you have a sensitive interest under Section 32 of the Localism Act 2011, you should declare the existence of the interest at any meeting at which you are present but you need not declare the details of the interest.

7.7 Dispensations

7.7.1 The authority may grant a dispensation to Members who have a disclosable pecuniary interest in an item of business being conducted at a meeting of the authority at which they are present, to allow them to participate in the discussion and vote on the item of business.

7.7.2 In such cases, you must make a written request for a dispensation to the Monitoring Officer, who will put the request before the Standards Committee. Under Section 33(2) of the Localism Act 2011, a dispensation may only be granted where the Monitoring Officer and the Committee consider, having had regard to all relevant circumstances, that:

(a) without the dispensation the number of persons prohibited from taking part in the item of business would be so great a proportion of the meeting as to impede the transaction of the business

(b) without the dispensation the representation of different political groups at the meeting would be so upset as to alter the likely outcome of any vote relating to the item of business

(c) granting the dispensation is in the interests of persons living in the authority’s area

(d) each member of the authority’s executive would be prohibited from participating in any particular business to be transacted by the authority’s executive

7.7.3 The Standards Committee will grant a dispensation for a specified period of time, which may not exceed four years.
7.7.4 The Monitoring Officer has a delegated authority, under Section 33 of the Localism Act 2011, to grant a dispensation from the restrictions in Section 31(4) of the Act, which would allow Members of the authority with a disclosable pecuniary interest to take part and vote on decisions in the following prescribed circumstances:

(i) housing, where the Member is a tenant of the authority provided that those functions do not relate particularly to their tenancy or lease;
(ii) school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of, such pay;
(iv) an allowance, payment or indemnity given to Members;
(v) any ceremonial honour given to Members; and
(vi) setting Council Tax or a precept under the Local Government Finance Act 1992;
(vii) any other business which might reasonably be regarded as affecting the financial position of the Member and/or his/her spouse or partner to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

and the general dispensation would apply for four years, subject to it being renewed each year at the Annual Council Meeting.

7.8 Sanctions

7.8.1 Under Section 34 of the Localism Act 2011 Members will be committing an offence if you:

(a) fail, without reasonable excuse, to register or declare a disclosable pecuniary interest (7.1)
(b) participate in any discussion or vote on an item of business in which you have such an interest (7.4)
(c) register or declare false or misleading information, or are reckless as to whether the information is true or misleading

7.8.2 Such offences will be heard in court, on a prosecution initiated by the Director of Public Prosecutions. The penalties available to the court are:

(a) a fine of up to £5,000
(b) disqualification from being a Member of the authority, or any other authority, for up to 5 years

7.9 Registration of Gifts and Hospitality

7.9.1 If you receive any gift or hospitality over the value of £25 in your role as a Member of the authority, you must provide written notification to the Monitoring Officer within 28 days of the existence and nature of that gift or hospitality. The Monitoring Officer will record this in a gift book, and will publish details of all gifts and hospitality registered by Members each year to the Council’s Standards Committee.
Laws conferring special obligations on Councillors and co-opted Members

Bribery Act 2010
Localism Act 2011
Data Protection Act 1998
Freedom of Information Act 2000
Employment Rights Act 1996
Local Government Act 1972

Equality enactments including
• the Equal Pay Act 1970 (c. 41),
• the Sex Discrimination Act 1975,
• the Race Relations Act 1976,
• the Disability Discrimination Act 1995,
• the Employment Equality (Sexual Orientation) Regulations 2003
• the Employment Equality (Religion or Belief) Regulations 2003
• the Employment Equality (Age) Regulations 2006
• the Equality Act 2006 and regulations made under this Act
Guidance on Compliance with the General Principles

1. As Councillors or co-opted members of Reading Borough Council, we have a responsibility to represent local people and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

2. When acting in this capacity we are 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
- We will champion the needs of our residents and put their interests first.
- We will take representations from our residents seriously and not allow other pressures, including our own financial interests, to deter us from pursuing casework or otherwise advocating for our electors in order to achieve a result.

INTEGRITY
- We will not compromise our position by placing ourselves under obligations to outside individuals or organisations who might seek to influence the way we perform our duties as Councillors/co-opted members of this authority.

OBJECTIVITY
- We will listen to the interests of all parties, remain objective and make decisions on merit, for example when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

ACCOUNTABILITY
- We will be bold in taking decisions and be accountable for them when scrutinised internally and externally, including by our residents.

OPENNESS
- We will make our decisions as open and transparent as possible to enable our residents to understand the reasoning behind them and be informed when holding us to account for them.
- We will only restrict information when the wider public interest or the law clearly demands it.

HONESTY
- We will act in accordance with all our legal obligations as outlined in Appendix 1, as well as any requirements contained within the Council’s constitution, policies and procedures.

LEADERSHIP
- We have a duty to provide leadership and accountability for public services which may require us to champion our residents’ interests with other organisations as well as the council’s own departments.
- We will value our colleagues and staff and lead by example by seeking always to treat people we work alongside with respect.
Officers’ Code of Conduct

**EMPLOYEES’ CODE OF CONDUCT**

APPROVED BY PERSONNEL AND EQUAL OPPORTUNITIES COMMITTEE - MARCH 1999

CONTENTS

This document has two sections:

**SECTION 1:** The purpose, scope and principles of the code

This sets out the reasons for the code, describes who is covered by it and the principles contained in it

**SECTION 2:** This sets out the areas of conduct that must be observed:

- Procedure for the declaration of interests
- Equality issues
- Political neutrality
- Disclosure and use of information
- Hospitality and Gifts
- Corruption
- Using the services of people who deal with the Council
- Employment outside the Council
- Personal Interests / Belonging to outside organisations
- Working and personal relationships
- Breach of the code

**APPENDIX 1:** Supplementary Codes:
SECTION 1: PURPOSE, SCOPE AND PRINCIPLES

PURPOSE

- To meet requirements specified by the National Conditions of Service for all employee groups
- To help employees maintain fully acceptable standards of conduct by specifying and explaining the standards the Council has set, therefore protecting them from misunderstanding or criticism.
- To ensure that the Council maintains a deserved reputation for the high standards of its activities and the integrity of its employees at all levels.

SCOPE

Employees covered by the code:

This code of conduct applies to all those working for Reading Borough Council, including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment. Relevant parts of the code should be included in the specifications for consultants and contractors, and drawn to the attention of voluntary workers on Council projects.

Some employees may already have specific requirements relating to conduct included in their contracts or standard conditions of employment. Individual contract conditions will override those provisions of this code, where individual contracts are more specific due to the nature of the work.

References to “the Council” throughout this document mean Reading Borough Council.

PRINCIPLES

The following important principles are encompassed within this code:

(a) this code has been agreed between the Council and the recognised trades unions

(b) local government employees are expected to maintain conduct of the highest possible standard, so that public confidence in them is maintained

(c) that employees should not exploit their work or position with the Council for private or personal benefit

(d) that in cases where doubt exists as to whether the code applies, the test to apply is whether the activity or relationship might, if known publicly, give rise to a suspicion that Council property or information was being misused, or that improper influence was being exerted;

(e) the code is not intended to restrict employees’ personal freedoms

(f) The code is supplemented within services/directorates by provisions specific to those functions and by information about how and to whom declarations of interest should be made.

The various sections detailed in section 2 of this document set out how the general principles are applied to different aspects of conduct, although the code cannot describe every possible circumstance that may occur.

Employees and managers need to exercise good sense and judgement in deciding whether specific situations fall within the code or not. For employees, a key guideline is:

WHEN IN DOUBT AS TO WHETHER THE CODE APPLIES - ASK YOUR MANAGER
SECTION 2: CODE OF CONDUCT FOR EMPLOYEES

1. **Procedure for the declaration of interests**

   1.1. A number of the provisions in the code require employees to make declarations of interests. When declarations are necessary, employees should ensure that their managers are informed of this interest. A copy of the declaration should be held on the employee’s personal file and registered in a log maintained by the service/directorate.

   1.2. The precise details, including how to obtain a declaration form and to whom the declaration must be made, are set out in the supplementary information to the code issued by each directorate. Each directorate is responsible for ensuring that a method of recording this information is available.

2. **Equality issues**

   2.1. All employees have a responsibility to act in accordance with the Council’s equal opportunities policies and codes of practice. Service decisions and activities must not favour one person or section of the community above others on any grounds which would be in contravention of equal opportunity principles.

3. **Political Neutrality**

   3.1. Employees serve the Council as a whole. It follows that they must serve all Councillors equally, irrespective of their political group or affiliation and must ensure that the individual rights of all Councillors are respected.

   3.2. Employees may also be required to advise political groups. If your job involves you in giving such advice, you must do so in ways which do not compromise your political neutrality.

   3.3. As an employee, you must not allow your own personal or political opinions to interfere with your work or influence the advice you give to Councillors, the public or other staff.

   3.4. If your post is designated a “politically restricted post” under the provisions of the Local Government & Housing Act 1989, certain additional rules will apply to you and you should have been informed about these rules at the time of your appointment.

   3.5. If your post becomes politically restricted during the course of your employment, then you will be notified.

   3.6. Posts affected by these rules (politically restricted posts) fall into the following categories:

   a) Certain specified posts, such as the Head of the Paid Service, the Monitoring Officer and all Chief Officers and their Deputies

   b) All posts which reach or exceed a prescribed level of salary or earnings (which is currently $1,499 £27,999 per annum)

   c) Posts that, by the nature of the work involved, are deemed to be “sensitive”. For example,

   (i) posts where the employee regularly advises members, committees or sub-committees or any joint committee on which the authority are represented, and

   (ii) posts where the employee regularly speaks on behalf of the authority to journalists and broadcasters.

   3.7. Exemptions to this Act (i.e. not politically restricted) are:

   i. Posts reporting directly to the Head of Paid Service where the duties of the postholder are solely secretarial or clerical.
ii. Head Teachers, Principals of schools or colleges, or other educational establishments maintained/assisted by the local LEA. Further, any person holding the post of Teacher or Lecturer in any such school etc. will not be politically restricted.

3.8. If you are unsure as to whether your post falls within the politically restricted categories, or whether your post is exempt from the political restrictions, you should speak to your manager or the Head of Legal & Democratic Services.

4. Disclosure and Use of Information

4.1. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Employees must be aware of which information the law and/or the Council requires to be open in this way. Managers should identify this information to employees at induction, also as and when any additional information is relevant.

4.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it onto others who might use it in such a way. Furthermore, subject to what is said above, information received by you in the course of your work should not be disclosed without the express approval of your manager.

Restrictive covenants

4.3 Certain employees may be subject to “restrictive covenants” which are intended to protect the Council’s confidential information (especially commercially sensitive information) by restraining employees from disclosing or using such information during and after leaving employment. A restrictive covenant would be written into the terms of the individual employee’s contract of employment.

4.4 You must not destroy, alter or falsify any document or record, whether for personal gain or to cover up, mislead or deceive other people.

5. Hospitality and Gifts

5.1. As the Council deals with more and more private organisations and partnerships, the chance of an employee being provided with hospitality or offered some form of gift increases.

5.2. Either of these situations can place staff in awkward or embarrassing situations and, ultimately, can lead to accusations of corruption. It is therefore important that you follow these guidelines, particularly those concerning the approval of managers and the keeping of records.

5.3. It is also important to remember that these guidelines should be followed whether the gift or hospitality is offered to you or to your partner or a member of your family. It is easy for people to conclude that you were or might have been influenced by it.

5.4. If you are offered a gift or hospitality you should bring this to the attention of your manager. Some offers of gifts and hospitality may be acceptable (see 5.6 and 5.8 below). In any event, you must ensure that the offer and acceptance of any gift or hospitality is recorded in a register which will be maintained by each section/directorate. The information to record should include the name of the gift, the type of hospitality offered and the person or organisation it was received from.

5.5. In certain circumstances receiving hospitality or gifts may well be acceptable. Often, however, it is difficult to decide but the following examples are generally acceptable provided you record the details in the register maintained by your directorate.

5.6. Hospitality

i. Invitations to attend functions where you represent the Council, either because of your position or where you have been asked to attend as a delegate or representative.
ii. Hospitality offered by other public sector organisations or recognised civic or government bodies that have links with the Council

iii. A working lunch or other meal which allows the work or discussion to continue during the course of the day

iv. Hospitality to mark the completion of a transaction or piece of work provided it has been successfully concluded and the nature of the hospitality is reasonable

v. In certain circumstances it may be appropriate to accept hospitality where the Council is a regular client of an organisation or firm and the hospitality is being offered to a number of clients in the ordinary course of the business. It is particularly important that such offers are discussed with your manager and recorded.

5.7. Offers of hotel accommodation, the use of a company flat or villa or other form of holiday, free use of other forms of leisure, sports or entertainment facilities or equipment or other facilities should always be politely declined, unless this is of low value and is covered within paragraph 5.6 (i) to (v).

5.8. Gifts

If you are offered a gift you should consider whether it is one of “low” value. This is a question of common sense and the sensible thing to do is to bring the gift to the attention of your manager who should then take a view as to whether the gift may be acceptable or should be declined.

The following are examples of gifts that may generally be acceptable:

i. Small gifts of little value that have been sent or given as an advertisement for a particular firm, for example, appropriate calendars, diaries or other items for use in the office generally

ii. Small gifts of low value such as a bottle of wine or a box of chocolates that have been given at the end of work on a specific project. However, such gifts should be made generally available to those who have worked on the project

iii. Small gifts of low value such as a pen or a coffee mug that have been given at the end of a courtesy visit, for example, to or from a factory or agency

iv. Christmas boxes - in a number of jobs, for example, refuse collection, it has been traditional for members of the public to give the team concerned gifts with varying financial values. As this is a normal and well-established practice, acceptance of the Christmas gift, on behalf of the team concerned, is acceptable, provided:
   ♦ The gift is not solicited or requested either directly or indirectly
   ♦ There is no suggestion that decisions concerning the service, or the quality of the service provided will change in any way
   ♦ Any gift that is of such a value that it falls outside a normal range is notified to your manager.

6. Corruption

6.1 It is important for employees to understand that there is legislation which prohibits Council employees accepting gifts by way of “inducement or reward” (i.e. as a temptation or payment for doing or not doing something in the course of their job). Specifically:

i. It is an offence for an employee corruptly to accept any gift or consideration (i.e. payment, advantage or something else of value to the employee) as an inducement or reward for:
   • doing, or refraining from doing, anything in their official capacity or
   • showing favour or disfavour to any person in their official capacity.
ii. Any money, gift or consideration received by a Council employee, from a person or organisation holding or seeking to obtain a contract, will be deemed by the Courts to have been received corruptly unless the employee proves to the contrary.

6.2 If an employee knows that a contract in which they have a financial interest is being considered by the local authority, then they must give notice of their interest to the Council, by informing their line manager. They should not accept “any fee or reward” whatsoever other than proper remuneration (pay) for their job.\(^1\)

(\(^1\) The Prevention of Corruption Acts 1906 and 1916)
(\(^2\) The Local Government Act 1972)

7. **Using the services of people who deal with the Council**

7.1 Concern may arise when Council employees obtain goods and services for their personal use from companies who have dealings with the Council, particularly where these employees are involved in awarding Council contracts to those same or similar companies.

7.2 As a Council employee, you are not prohibited from personally obtaining goods and services from such companies. However, when approaching companies that deal with the Council for goods or services, it is important to make sure that you are not being offered preferential rates in an attempt to get the Council to use that company. Make sure as far as possible that the price you are quoted is a competitive one.

7.3 If you are authorised to award or recommend the award of contracts to an individual or an organisation, you should try to avoid using that individual or organisation for the purchase of goods or services for yourself, unless it can be demonstrated that there was little or no alternative. This should be declared to your manager if this happens.

7.4 You must never use your position with the Council to obtain a discount, preferential terms or other inducements for your personal benefit or the benefit of any other individual. This, of course, does not affect the purchase of goods or services at discount rates negotiated through a scheme endorsed by the Council or a Trades Union.

8. **Employment outside the Council**

8.1. Council employees may take on or consider taking on paid or unpaid work for individuals or organisations in addition to their work with the Council. This can be a matter of concern to the Council if such additional work may have an adverse effect on employees’ work for the Council, or may conflict with the interests of the Council.

8.2. You should bring any outside work to the attention of your manager to check that it is acceptable for you to do it. In particular, you must ensure that you comply with the following conditions:

i) You must not undertake private work or business (including private work for your line manager) during your Council working hours, either on Council premises or using Council equipment such as the word processor, other software, photocopier or facsimile equipment, telephones or internet etc. Council equipment similarly must not be used for personal or inappropriate purposes (e.g. personal and external e-mails; accessing inappropriate internet sites etc.).

ii) You must not take on extra work that will adversely affect the way in which you perform your duties for the Council. New working time regulations \(^1\) mean that individuals can generally only work a maximum average of 48 hours per week. This should be considered when thinking of taking on additional employment, either for the Council or another employer. Obviously extra work should not interfere with any contractual overtime requirements.
The Working Time Regulations (1998), which implement the health and safety measures contained within the European Working Time and Young Workers Directives.)

iii) Particular care must be taken when you are considering private work, for a person or organisation, which may involve dealing with Reading Borough Council in an official capacity, e.g. seeking approval or permission or involving similar official Council functions (examples being Building Control Regulations approval; Planning Permission; Childminder Registration etc.). Concern may arise that you may use your position in the Council to influence the official process. If your Council job is connected with issuing such approvals or permission, you must not take on the extra work. This does not prevent you from making applications on your own behalf but the fact that you are a Council employee should be made very clear.

iv) To ensure that there are no misunderstandings you should take care when undertaking unpaid or voluntary private work that involves similar official contact with the Council (e.g. work for relatives that needs planning permission). You should speak to your manager to make sure that it is all right for you to take on this work.

v) You must not undertake private work for any person or company if you allocate business to them during the course of your duties with the Council, or if you are in a position to award contracts or commission work, or influence the awarding of contracts or commissioning of work, in an area in which the person or company has an interest or is seeking to obtain work with the Council.

vi) If you are invited to speak at a conference, in your position as an officer of the Council, your fees for this should be paid to the Council.

8.3. There may be situations where it may be appropriate to carry out some form of unpaid “outside work”, academic research or other task in the workplace. Generally this would only be appropriate out of work time (e.g. during lunch breaks or outside normal work hours); and in no way for personal gain.

9. Personal Interests / Belonging to Outside Organisations

9.1. It is accepted that, as private citizens, Council employees will have a range of outside interests and will support or belong to different groups or organisations, whether this is paid or on a voluntary basis. You should declare to your manager your involvement or interest (financial and non-financial interests) if and when your outside activities or the activities of the group you belong to could conflict with the Council’s interests or Council policy, or with your duties and responsibilities as an employee.

9.2. You should declare to the Council’s Monitoring Officer (Head of Legal & Democratic Services) membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct (e.g. Freemasons). The Monitoring Officer will keep a confidential record of such declarations.

10. Working and Personal Relationships

10.1. Personal relationships may develop with colleagues, Councillors, contractors, customers and clients. You should not allow a personal relationship to place you in a position where you are unable to carry out the duties of your employment in a proper and impartial manner. Certain Directorates have particular rules regarding personal relationships, and you should ensure that you abide by these (e.g. Education, Social Services & Housing).

10.2. Elected Councillors are subject to their own local code of conduct which addresses relationships between Councillors and employees. ①

① The Local Government and Housing Act 1989 has given statutory status to the National Code of Local Government Conduct (for the guidance of Councillors of local authorities).
11. **Breach of the code**

11.1. If you have any concerns about the application of any part of this code to your own circumstances you should discuss it, as soon as possible, with your manager. Remember, failure to comply could lead to criticism of the Council or yourself and possibly disciplinary action. In such cases, the Council’s Disciplinary Procedure would apply.
EMPLOYEES CODE OF CONDUCT

This Code is agreed between the Council and the recognised trades unions.

Signed:

Joyce Markham  Chief Executive
Anne Burton  Head of Personnel
Angela Williams  Staff Side
Stan Cooke  Joint Stewards Committee
Rob Ketley  Education & Community Unions Panel
APPENDIX 1: SUPPLEMENTARY CODES

There are many different functions and working relationships among Reading Borough Council’s various services and a single code cannot cover all these variations. High standards of employee conduct are a matter of corporate importance and shortcomings in one service would affect the public reputation of the Council as a whole. It is important, therefore, to secure consistency of standards across the Council while allowing for variation in how these standards are maintained, depending on the differing characteristics of the various services.

To ensure the balance between corporate consistency and local variations, the code of conduct should be applied across all services, but each service should add any supplementary provisions which may be needed to address its particular working circumstances. This should include more specific reporting procedures than those set out in the corporate code.

In establishing supplementary codes and rules of conduct, Directorates should follow proper process by consulting on the proposed codes and rules through the Directorate Joint Forum, and ensuring that implementation is supported through induction, training and briefing all relevant staff and managers.

Individual services and professions may additionally have their own codes of conduct and/or ethics.
Planning Code of Conduct

Planning Code of Conduct for Councillors

Adopted by Council, 20 October 2015

1. Introduction

1.1 This guidance note is purely advisory. However, its recommendations are based upon the best practice promoted by the Local Government Association, the Planning Advisory Service and the Royal Town Planning Institute’s Code of Professional Conduct. It also takes into advice issued by the Local Government Ombudsmen and the Council’s Code of Conduct for Councillors. Failure to follow the recommendations without good reason could be taken into account in investigations into possible maladministration or have implications for the standing of Councillors and professional officers.

1.2 This Code once adopted is intended to guide Councillors who deal with planning matters at Reading Borough Council. Though devised primarily to address the processing of planning applications, it applies equally to all planning matters including planning policy, enforcement of planning control, listed buildings, conservation areas and trees.

2. Outline of Planning

2.1 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of the public and the private interests of individuals, developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions) and the legal nature of development plans and decision notices.

2.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that the Council should make planning decisions affecting these interests openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting with any justification, that a decision has been the subject of bias or predetermination or was otherwise not well founded.

2.3 Thus the successful operation of the planning system in Reading depends upon the Council always acting in a way which is clearly seen to be fair and impartial. This requires a shared understanding of the respective roles of Councillors and Officers and trust between these parties. The following quotation from the Local Government Association serves to illustrate the point:-

“The role of an elected member on a planning committee involves a balance between representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals. It is this dual role which, as the Nolan Committee in its recent report acknowledges, can give rise to great tensions”.

(Source: Probity in Planning 1997)

3. The General Role and Conduct of Councillors and Officers

3.1 Councillors and officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. Officers advise Councillors and the Council, and carry out the Council’s work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to officers through a formal Council decision including delegated powers. Any other system which develops is open to question. A successful relationship between Councillors and
officers can only be based upon mutual trust and understanding of each other’s positions. This relationship, and the trust which underpins it, must never be abused or compromised.

3.2 Both Councillors and officers are guided by Codes of Conduct. The Local Code of Conduct provides general guidance and standards for Councillors. Breaches of that Code may be regarded as maladministration by the Local Government Ombudsman, and failure to declare a pecuniary interest may be a criminal offence. Officers are also bound by the Council’s Code of Conduct for Officers and those who are Chartered Town Planners are guided by the Royal Town Planning Institute’s (RTP) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. In addition to these Codes the Council’s standing orders set down rules which govern the conduct of Council business.

3.3 Officers must always act impartially. In order to ensure that senior officers do so, the Local Government and Housing Act 1989 Act places restrictions on their outside activities, such as membership of political parties and serving on another Council. During the course of carrying out their duties, officers may be offered hospitality from people with an interest in a planning proposal. If possible, such offers should be declined politely. If receipt of hospitality is unavoidable, officers should ensure it is of the minimum level and declare its receipt as soon as possible. Officers will be guided in such matters by the Council’s Code of Conduct for Officers.

3.4 In respect of planning, Councillors set policies and must determine applications, enforcement issues and other planning matters within the context of those policies. When the Planning Applications Committee considers any report and recommendation within that report Councillors must:-

- Act fairly and openly.
- Approach each application with an open mind.
- Carefully weigh up all relevant issues.
- Determine each application on its own merits.
- Avoid contacts with interested parties which might be taken to indicate that they were unduly influenced by one party or another.
- Ensure that there are clear and substantial reasons for their decisions and that those reasons are clearly stated.

3.5 The Officers’ function is to advise and assist Committee Members in policy matters and in their determination of planning applications, enforcement issues and any other planning related matters by:-

- Providing impartial and professional advice.
- Making sure that all the information necessary for the decision to be made is given.
- Providing a clear and accurate analysis of the issues.
- Setting planning applications, enforcement issues and other planning matters against the broader Development Plan policies and all other material considerations.
- Giving a clear recommendation.
- Carrying out the decisions of the Committee.

4. Declaration and Registration of Interests

4.1 The Localism Act 2011 places requirements on Councillors regarding the registration and disclosure of pecuniary (financial) interests and the consequences for a Councillor taking part in consideration of an issue in the light of those interests. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the definition of such interests. The Local Code set out requirements and guidance for Councillors, respectively, on declaring pecuniary interests and non-pecuniary interests and the consequences of having such interests. These must be followed scrupulously and Councillors should review their situation regularly. When doing so it must be borne in mind that the Local Code advises that not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct. The responsibility for this rests individually with each Councillor. The Commission for Local Administration in England’s publication ‘Guidance for Good Practice on Members’ interests’ also provides helpful advice.
4.2 A Register of Members’ Interests is maintained by Members’ Services. Councillors who have substantial property interests or other interests which would or are likely to prevent them from voting on a regular basis, should avoid taking up a position on the Planning Applications Committee and/or avoid other Council positions where regular decisions on planning matters are required.

4.3 Whilst advice on what constitutes a pecuniary interest is reasonably clear, that regarding non-pecuniary interests or personal interests is less so. Advice is given in the Local Code for Councillors. It is for Councillors to interpret this using the guiding rule that one should not use one’s position to further a private or personal interest, rather than the general public interest, or give grounds for such suspicion. Such non pecuniary interests include those of a spouse or civil partner and being a member of an outside body. There is no statutory duty to register or declare such interests but Councillors are encouraged to do so.

4.4 Gifts and hospitality give rise to particular problems in respect of the credibility of the planning process and the acceptance of gifts or hospitality by Councillors can be a very serious criminal offence. Committee members should have particular regard to the provisions of the Local Code of Conduct. Also, they should avoid any behaviour which might be taken as indicating that they are open to such offers.

5. Bias and Predetermination

5.1 The common law principles of bias and predetermination may apply even if no pecuniary or other interest exists. Bias is “an attitude of mind which prevents the decision maker from making an objective determination of the issue he has to resolve.” It could include membership of a body that has lobbied for or against the issue being determined.

5.2 Predetermination is having a closed mind ie where a person has “nailed their colours to the mast” in advance of considering all material planning considerations including the debate at the Planning Applications Committee.

5.3 Councillors cannot take part in decisions on individual applications if they are biased or have already made up their mind and if they do so then the decision of the Committee is susceptible to judicial review proceedings.

5.4 However where a Councillor has expressed a preliminary view (predisposition), however strong that may be but s/he is willing to listen to all the considerations presented at the Committee then they are at liberty to fully participate in the decision making process.

5.5 Section 25 of the Localism Act 2011 makes it clear that a Councillor should not be taken to have had a closed mind just because s/he had previously done anything to indicate the view s/he might take.

5.6 All these matters are best judged by applying the objective by-stander test namely whether in all the relevant circumstances the reasonable onlooker would conclude that there was a real possibility, or a real danger of bias. If the answer to that question is yes the Councillor should declare and leave the room.

6. Lobbying of and by Councillors

6.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who are making proposals may wish to explain them to elected members or those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Councillor or to a member of the relevant committee. It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the Councillors themselves.

6.2 However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called into question (See Paragraph 5 on Bias and Predetermination above). When being lobbied, Councillors should take
care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the relevant officer’s report. If they do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the Committee.

6.3 In reality, of course, Councillors will often form a preliminary view about an application early on in its passage through the system, whether or not they have been lobbied. Members of the Committee must accept that they will only make a final decision about how to vote on a particular application when they have heard the evidence and arguments on both sides.

6.4 A committee member who represents a Ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a Councillor represents either their own or constituents opposition to a planning application on planning or other relevant grounds that member should not be constrained from speaking at the Committee meeting or voting on the application. However if the member responds to lobbying by applicants by deciding to go public in support of a particular outcome, or by campaigning actively for it before the matter is formally considered by the Council and before all the facts and information are known, the proper course of action for such a member would be to make an open declaration that they have already formed a judgement and in those circumstances it would be inappropriate for them to vote.

7. Political Discussions and the Party Whip

7.1 There are occasions when planning matters will be discussed prior to being determined at Committee by political groups and/or by the Chair and Vice Chairs of Committee either with or without officer attendance. These meetings are informal opportunities for Councillors to consider various aspects of planning matters before taking a decision at Committee. For more complex planning proposals these informal meetings may be essential to the understanding of proposals and could lead to the request for more information or consultation on a proposal.

7.2 Notwithstanding Paragraph 7.1 Members of the Committee cannot accept an instruction from anyone to determine an application in a particular manner, but must determine the issue on its merits. Accordingly, whilst they may accord appropriate weight to the relevant views of other Committee Members, whether expressed in the Committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor which they are not prepared to state in open Committee. Therefore, it is inappropriate for any Party Group to instruct its Committee Members to vote in a particular manner on an application or to apply or threaten to apply any sanction to any Member who votes contrary to the Group’s collective views.

7.3 Where such a “Whip” has been applied, Committee Members should declare it in exactly the same manner as they would declare any other attempt at lobbying.

7.4 A Councillor must not put pressure on officers for a particular recommendation.

8. Pre-Application Discussions

8.1 Discussions between a potential applicant and officers/members prior to the submission of an application can be of considerable benefit to both parties and is to be encouraged. However, it would be easy for such discussions to become, or be seen (especially by objectors) to become, part of a lobbying process.

8.2 In order to avoid such problems, pre-application discussions should take place within the clear guidelines below. Although the term ‘pre-application’ has been used, the same considerations should apply to any discussions which take place before a decision is taken:

- Councillors should always have an officer present at a meeting with a potential applicant or agent and a record of the meeting should be taken.
• It should always be made clear at the outset that the discussions will not bind a 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.

• 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. In addition, all officers taking part in such discussions should make clear whether or not they are the decision-maker.

• A written note should be made of all potentially contentious meetings. At least one officer should attend such meetings and a follow-up letter is advisable at least when documentary material has been left with the Council. A note should, if possible, also be taken of similarly potentially contentious telephone discussions.

• Care must be taken to ensure that advice is impartial.

• For the avoidance of doubt Councillors are prohibited from negotiating with an applicant or potential applicant.

9. Officer Reports

9.1 It is particularly important to write full and consistent reports to committee on planning applications with clear officer recommendations, not only as a matter of good practice, but because failure may constitute maladministration, and/or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council’s statutory duties under the Town and Country Planning Act 1990 and other town planning legislation/delegated legislation.

• Relevant points will include a clear explanation of the development plan, site or related history, and any other material considerations.

• Reports should be accurate and cover, among other things, the substance of objections and the views of people who have been consulted.

• Reports should have written recommendations of action; oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur.

• Reports should include a balanced assessment of the planning issues and contain a technical appraisal which clearly justifies the recommendation.

• If the report’s recommendation is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

10. Site Visits

10.1 Where possible site visits should take place in advance of a committee decision and should only be used where the expected benefit is substantial.

10.2 The purpose, format and conduct of site visits should be clearly established by officers. They consist simply of an inspection by members of the Planning Applications Committee, with officer assistance, as the most fair and equitable process between applicant and objectors. Site visits are normally unaccompanied (i.e without applicant and objectors). If accompanied, applicants and objectors will have no right to speak but will merely observe the process and answer questions when asked. Applicants will be informed of such visits as a matter of practice.

10.3 A site visit is only likely to be necessary if: the impact of the proposed development is difficult to visualise from the plans and any supporting material including photographs taken by officers (although, if this is the case, additional illustrative material should have been requested); or,
there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing; or, the proposal is particularly contentious.

11. The Decision Making Process

11.1 In determining applications submitted pursuant to the Town and Country Planning Act 1990 and other planning or planning related legislation the Council will follow the Guidelines adopted as part of this Code. These adopted Guidelines will be subject to changes from time to time to reflect the latest government guidance and case law (Appendix A).

11.2 Committee Members should not take part or vote on any application or matter if they have not read the committee report and have not been present throughout the consideration of such application or matter unless the item has been deferred from a previous meeting after being partially considered.

11.3 In discussing and determining a planning application, enforcement issue or other planning matter, Committee Members should confine themselves to the planning merits of the case. The reasons for making a final decision should be clear, convincing and supported by material considerations and the planning merits. The Planning Committee’s decisions should be properly minuted.

11.4 From time to time Members of the Planning Applications Committee will disagree with the professional advice given by the Head of Planning Development and Regulatory Services or his representative. As indicated above planning is not an exact science and there can be genuine disagreement about the implications of a particular proposal. A legal officer will be present at Committee and will be able to advise if the facts simply cannot support the conclusion which the Committee Members have drawn and the Committee is in danger of acting unreasonably and exposing the Council to a claim for costs.

11.5 Where an appeal arises against such a decision, Officers will give support to the relevant Committee Members in preparing evidence for the appeal, but it will be for Members of the Planning Committee to appear at any appeal inquiry/hearing and give evidence to justify the reasons for the Committee’s decision. On occasion the Head of Planning, Development and Regulatory Services may consider it appropriate to appoint external Planning Consultants to defend the decision.

11.6 Where Committee members wish to add or amend conditions or reasons for refusal, the general content will be agreed at the meeting before the vote is taken and the final wording will generally be delegated to the Head of Planning Development and Regulatory Services.

11.7 If the officer report recommends approval of a departure from the Development Plan, the justification for this recommended departure should be included in the report.

12. Section 106 Planning Agreements/Unilateral Undertakings

12.1 When applications which propose or require planning obligations by agreement or Unilateral Undertaking are referred to the Planning Applications Committee the heads of agreement will be included in the officers’ written report, and a copy of the agreement, when made, will be publicly available, provided (following the advice of a Council Solicitor) it is not considered to prejudice clearly established interests of commercial confidentiality.

13. Development proposals submitted by Councillors and Officers, and Council development

13.1 Proposals to their own authority by serving Councillors and officers can easily give rise to suspicions of impropriety. So indeed can proposals for a Council’s own development. Proposals can take the form of either planning applications, development plan proposals or relate to other planning matters including enforcement.

13.2 It is perfectly legitimate for planning applications and development plan proposals such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations or favouritism.
• Serving Councillors who act as agents for people pursuing a planning matter within their authority should play no part in the decision-making process for that proposal. Similarly, should they submit their own proposal to the authority they serve, they should take no part in its processing, nor should they seek to influence the case officer’s assessment or recommendation on the proposal.

• All planning matters that relate to serving Councillors should be reported to the relevant Council body as main items and not dealt with by officers under delegated powers. In addition planning matters that relate to any member of the Corporate Management Team, and any person employed or engaged by the Planning and Legal Services must be dealt with in the same way and be determined by the Committee. The Committee report should make it clear that the applicant is a member or a relevant officer of the Council.

• Proposals for a Council’s own development should be treated in the same way as those by private developers.

13.3 Enforcement matters relating to serving Councillors and officers will also dealt with in the same way as any other enforcement case.

13.4 The Council’s Monitoring Officer should be informed of such proposals or other planning matters relating to serving Councillors and officers.

14. Complaints and Record Keeping

14.1 Every planning file will contain an accurate account of events throughout its life. It should be possible for someone not involved with the matter to understand what the decision was and how and why it was reached. Planning matters determined under officers’ delegated powers, where there is no committee report, will be as well documented and recorded as those taken by the Committee.

14.2 Whatever procedures a Council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance note should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place. When such complaints came forward, they will be treated as any other made to the Council and considered under the Council’s complaints procedures.
APPENDIX A

COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS

1. The emphasis in determining applications is upon a plan led system. Section 54A of the Town and Country Planning Act 1990 requires all planning applications to be determined by reference to the Development Plan if material to the application, and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2. The term “other material considerations” has a wide connotation as expressed by the following judicial comment:-

“I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity........it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration”.

3. Material considerations include national planning guidance in the form of the NPPF, the NPPG, government Circulars, a Ministerial Statement, Non-Statutory Development Control Guidelines Inspectors Decisions and case law.

4. Examples of material considerations are:-
   • appearance and character of development;
   • traffic generation, highway safety and parking;
   • Overshadowing, overlooking and loss of privacy;
   • noise, disturbance or other loss of amenities;
   • layout and density of buildings;
   • relevant planning policies.

5. Matters which are not material considerations include:-
   • boundary disputes, covenants or other property rights;
   • personal remarks (e.g. the applicant’s motives);
   • reduction in property values;
   • loss of private view over the land.

6. The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.

7. What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence.

8. It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by Historic England or the Environment Agency.

9. The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence.

10. Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.

11. It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.

12. Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.
Protocol on Member/Officer Relations
(ratified by Council on 11 June 2014)

COUNCILLOR/OFFICER PROTOCOL

1. INTRODUCTION

1.1 This document provides a guide to both Councillors and Officers on the matters listed below, to facilitate the smooth management of the Council in a way that will enable Councillors and Officers to carry out their roles with certainty and confidence in the provision of excellent services to the public:

- Roles of Councillors and officers
- Councillors’ access to information, to Council documents, and meetings
- Agenda preparation
- Scrutiny
- Corporate values

1.2 The protocol seeks to reinforce principles which are highlighted in the statutory General Principles governing the conduct of Councillors, the Council’s Code of Conduct for Members, the Planning Code of Conduct, the Officers’ Code of Conduct and the Council’s Values statement. These documents aim to maintain and embrace the high standards of local government and ensure the integrity of Councillors and employees at all levels.

1.3 It also incorporates guidance from the Information Commissioner in relation to correspondence relating to constituents and the disclosure of personal information to and by Councillors.

1.4 If Councillors or officers are in any doubt as to the application or interpretation of the guidance, the matter should be raised in the first instance with the Corporate Director or Head of Service of the relevant Directorate; and if the matter remains unresolved, with the Monitoring Officer or Head of Paid Service (Chief Executive).

1.5 The protocol also applies to non-Councillor members of the Council’s Standards Committee, the Adult Social Care, Children’s Services & Education Committee, and the Health & Wellbeing Board, and any other co-opted member.

2. ROLE OF COUNCILLORS AND OFFICERS

2.1 Both Councillors and officers are servants of the public and they are indispensable to one another. The roles of Councillors are set out in Article 2 of the Council’s constitution; they are principally those of determining the strategy and policies of the Council and of acting as representatives of the communities from which they are elected. Officers are responsible to the Council and their functions concentrate on management, advising Councillors in their formulation of strategy and policies and the implementation of the strategy and policies. The roles of the Council’s statutory officers are set out in Article 12 of the constitution.

2.2 The Council has adopted a set of values that define the organisation’s culture and set the framework for a way of working. These are to:

- Be open and honest with our dealings with colleagues and the public;
- Learn from what we do, encouraging innovation and creativity;
- Work together to achieve best results;
- Value and respect the diversity within our workforce, services and community;
- Take responsibility for what we do and how we do it;
- Set high standards and support people in meeting them.

2.3 The Values confer a commitment on both Councillors and officers on how to work together and deliver services to the community. The Protocol and Values should complement each other in
order to achieve this. Councillors and officers should always bear in mind the Values in their dealings with each other and the public.

2.4 Any complaints about Member/Officer relationships should in the first instance be referred to the relevant Director or the Council’s Head of the Paid Service, who will decide how the complaint should be dealt with having regard to any relevant Council procedures.

3. COUNCILLORS’ ACCESS TO INFORMATION, TO COUNCIL DOCUMENTS AND MEETINGS

Documents and Information

3.1 Information and access to it is now the subject of a variety of legislation including the Local Government Acts 1972 and 2000 and Regulations made in accordance with those Acts, and the Data Protection Act 1998 and Freedom of Information Act 2000. The 1998 and 2000 Acts apply significant controls on the way in which information relating to living individuals is both handled and disclosed.

3.2 Councillors have a statutory right to see any document containing material relating to any business to be considered at Council or Committee meetings except where those documents contain certain types of confidential or “exempt” information as defined in the access to information legislation or the Freedom of Information Act 2000. In addition, Councillors are entitled to any information that they require to enable them to do their job as a Councillor (the “need to know” principle) although it is necessary to be careful not to breach the data protection legislation.

3.3 Unless the “need to know” principle is satisfied, Councillors may not request information which is confidential or exempt under the provision of the Access to Information, Data Protection or Freedom of Information legislation. The Council’s data protection registration covers the sharing of information between officers and Councillors, for the conduct of the Council’s business. Under the registration, Councillors may have access to, and process, information, including personal information, in the same way as officers, subject to the Council determining what the information is used for.

Correspondence

3.4 Correspondence on Council business between Councillors and officers is not private, and takes place under the Council’s data protection registration. The issue of confidentiality only arises in three specified circumstances:

1) where the correspondence is on a subject matter where the information is confidential or exempt under the provisions of the Access to Information, Data Protection or Freedom of Information legislation: this would normally include ward-based correspondence about individuals or clients (see paras. 3.7-3.9 below)

2) where the correspondence is covered by a data sharing protocol which places restrictions on its circulation

3) where the correspondence takes the form of a request for a confidential briefing under para. 3.21 below.

3.5 In general terms, correspondence with the Council should be through the Councillor Services team, who will record and monitor it through the Front Office database. This includes complaints, general enquiries, and requests for information.

Personal Information

3.6 Councillors do not have a general right of access to information about individuals or clients, or the services they receive from the Council, unless they can clearly establish a “need to know” with regard to that particular information or the individual in question. The Data Protection Act 1998 specifically prevents information about living individuals being disclosed to anybody unless the subjects have been told that the information will be used for that purpose or they have consented to the disclosure.
3.7 Councillors who are asked by a ward resident to represent them on a particular matter have a right to expect reasonable access to information in order to represent that resident effectively. With regard to personal information this will normally be limited to information about that individual and may not extend to information about other associated individuals, for example other members of the family or household, or neighbours.

3.8 The more general principles concerning when officers may share personal information with Councillors, and the use that Councillors can make of that information, are set out in paras. 3.15-3.16 below.

**Attendance at Meetings**

3.9 Standing Order 32 (see Part 4 of the Constitution) sets out the rights of Councillors who are not members of a Committee to attend meetings and to speak, at the invitation of the Chair, including items on the confidential part of an Agenda.

**Briefings, Reports etc**

3.10 The Local Government Act 2000 brought into existence single party executive forms of decision-making overseen by a scrutiny process. From 2013, the authority has resolved to adopt a committee system form of governance, where decisions are made by Committees on which all political groups on the Council are represented in proportion to the Groups’ political strength on the Council. However the authority has continued to recognise the controlling political Group on the Council as the Administration and, as set out in Article 6 of the Constitution, to appoint the Leader of that Group as the Leader of the Council, and to recognise that Group’s membership of the Policy Committee as Lead Councillors with responsibility for a service portfolio.

3.11 The Lead Councillor Members of the Policy Committee have a specific role to play in managing their portfolio of responsibilities, and a greater degree of accountability for those responsibilities to the Policy Committee and to the Committee(s) responsible for the services and functions in their portfolio. Lead Councillors will, therefore, be consulted, individually or collectively, by officers on matters within their portfolio in advance of reports or advice being published or given by officers. Similar processes will apply to the Chairs and Vice-Chairs of the Council’s Committees.

3.12 All Councillors will have an important role to play in the provision of services and functions by the Council, and need to have access to information and advice to a degree which will enable them to participate fully as councillors and to take decisions as members of Committees of the Council.

3.13 As a result, all individual councillors are entitled to information or briefings from relevant officers to enable them to fulfil their roles and obligations to their constituents on the understanding that information/advice will not be given on matters which have not yet come forward as proposals or are not in the public domain other than through the Council’s formal procedures such as questions to Council or Committee or through an overview or scrutiny process undertaken by a Committee. However, Councillors should not ask officers for their personal opinion on the matter in question, and in responding to requests from Councillors for information or briefings, officers should proffer their professional advice and not their personal opinion.

3.14 Lead Councillors or Committee Chairs are entitled to receive all non-personal information necessary for them to carry out their official duties. Officers should seek to ensure that their Lead Councillor or Committee Chair are fully briefed on all matters for which they are responsible, and are not put in a position of being less informed on a matter concerning a service for which they are responsible than a fellow Councillor or member of the public. Therefore as general rule, officers will copy responses in writing to requests from Councillors for information or briefings to the responsible Lead Councillor / Chair, and where Councillors request oral briefings the officer will normally give the same information to the Lead Councillor / Chair, subject to the information:

- a) being necessary for the Lead Councillor or Chair to conduct their official duties
- b) not being provided through a confidential briefing (see para 3.20 below)
3.15 Where the information is personal to a constituent or other third party, officers will normally only share this with a Councillor in the following circumstances:

a) to the Lead Councillor or Chair
   o where the information is covered by any local information sharing protocol, and its disclosure to the Lead Councillor or Chair is consistent with that protocol;
   o in other cases, where the disclosure of the personal details is necessary to help the constituent, and to enable the Lead Councillor or Chair to carry out their official duties.

In these cases, the officer must specify to the Lead Councillor or Chair the purpose for which the personal information is being provided (e.g. for the conduct of their official duties), and the Lead Councillor or Chair must use the personal information solely for this purpose.

b) to the ward Councillor
   o where the disclosure is to help a constituent and to address his/her concerns
   o where the councillor represents the ward in which the individual lives, and
   o where the councillor makes it clear that he/she is representing the individual in any request for their personal information;
   o where the information is necessary to respond to the individual’s enquiry or complaint
   o where the disclosure is consistent with any information sharing protocol

3.16 Any Councillor, including Lead Councillors or Chairs, who receive personal information on a constituent or other third party from another Councillor or an officer under the Council’s DPA registration must take care:

a) To use that information solely for the purpose for which it has been provided;

b) Only to disclose the personal information to another ward councillor in the following circumstances:
   o To address the constituent’s concerns
   o Where the particular issue raises a matter which concerns other councillors in the same ward
   o Where the constituent has been told that this is going to happen, and why it is necessary (and has not objected to the disclosure)

c) Not to disclose that information outside the Council without the third party’s consent; and should be aware that to do so could put the authority in breach of the Data Protection Act, and the Councillor in breach of para. 6 (obligation 8) of the Member Code of Conduct. Personal information provided under the Council’s DPA registration must not be used for party political purposes.

d) To comply with the Council’s ICT security policy statement when using, storing or processing the personal information away from the Council’s premises.

3.17 Where a Councillor has made a written request for information or briefing to an officer, and has copied that request to other persons, as a general rule the officer will respond in writing to all persons so named. However, where an officer considers that in his/her professional judgment it is inappropriate to provide the information or briefing to any of the other persons, or alternatively that the information or briefing should be provided to other persons not named in the original request, s/he will explain this in the written response to the Councillor.

3.18 Subject to para. 3.17 above, and to any standing instructions given by ward Councillors to the contrary, an officer responding to a Councillor on ward business will not, as a matter of course, copy the response to other ward Councillors. All standing instructions from ward Councillors in individual wards which vary this arrangement should be reviewed each year after the local election.
However, officers will notify all ward Councillors of physical works to be undertaken in their ward, once the decision to do the works has been taken.

3.19 Officers should not respond to outstanding enquiries from former Councillors once they have ceased to serve of the Council. Where the enquiry involved correspondence from a constituent, officers will send the response directly to the constituent and explain why they are doing so.

**Visits to Premises etc**

1) A Councillor who is entitled to ask for a briefing under this Protocol may request the briefing in the form of a visit to Council premises outside the Civic Offices, to inspect Council equipment, or to observe the provision of Council Services on site or within the community. In such cases, the Councillor must put the request in writing to the Director or Head of Service responsible for the service in question, and must specify his/her locus for requesting the briefing, and the purpose of the briefing. The Director or Head of Service may refuse to arrange the visit or inspection if its purpose is not consistent with this Protocol, or is operationally inconvenient for the service, or may give rise to health and safety considerations, in which case the Director or Head of Service will explain their reasons in writing to the Councillor.

2) Where a Head of Service arranges a briefing visit or inspection for one or more Councillors, s/he will confirm the arrangements, including date, time and location, with the Councillor(s) beforehand in writing, and will be present, or arrange for a service manager to be present, to meet with the Councillor(s) and to accompany the visit or inspection.

3) Councillors may not visit Council premises, inspect Council equipment, or deal directly with Council staff undertaking their duties on site or within the community, outside the provisions of this Protocol.

4) In line with para. 3.14 above, the Head of Service will let the responsible Lead Councillor and Committee Chair know of the request to visit Council premises, inspect Council equipment and/or to observe the provision of Council services on site or within the community, and the arrangements made to meet the request.

5) The rules set out in this Protocol relating to briefings and reports will apply to any such visits or inspections. This includes the provisions of para. 3.13, concerning Councillors not asking officers for their personal opinions on a matter in question; and in para. 3.14, concerning officers giving the same information to the Lead Councillor and Committee Chair as was given to a Councillor during a visit or inspection.

**Confidential Briefings**

3.20 A briefing in confidence may only be requested from Directors or Heads of Service, and will only be given to Councillors who are not Lead Councillors or Committee Chairs in the following circumstances:

a) Where the advice is requested by the Councillor on a personal matter (eg concerning declarations of interest or where advice is required on the wording of a resolution or the interpretation of law, Standing Orders or a code of conduct);

b) Where the advice is requested in confidence by the Leader or Deputy Leader of a political group, or any other nominated officer of the group, for the purposes of that Group.

c) Councillors may ask for advice / guidance as to whether their action / proposals are within the law and on questions of probity eg in connection with Council or other resolutions, financial or other types of interest.

3.21 A confidential briefing does not have to relate solely to exempt (Part II) business.

**Briefings for Political Groups**
3.22 The existence of political groups within local authorities is now specifically recognised by law. Lead Officers may properly be called upon to give information and advice to party group meetings. It may be appropriate for senior officers to give advice on the formulation of strategy and policy options to all political groups but it would be inappropriate for political groups to expect officers to give advice on or to undertake research to inform the formulation of proposals which are or would be contrary to the approved policies of the Council or its Committees, except in the formulation of alternative budget proposals for presentation to the annual budget meeting.

3.23 When officers do provide information and advice to a Lead Councillor, a political group representative or a political group meeting, it is not a substitute for providing all necessary information and advice to the Council or its Committees when the matter in question is considered.

3.24 Officers may not attend Group meetings except by invitation. Groups may ask Lead Officers to attend a meeting to provide information and advice in relation to relevant matters of Council business on the agenda for the meeting. Any request for an officer to attend a Group meeting should be directed to the Head of Paid Service or relevant Director and indicate the subject matter upon which information and/or advice is to be sought. If the Head of Paid Service or Director is of the opinion that it would be inappropriate for an officer requested to attend, the reasons for that view should be discussed with the party leader or other relevant group officer immediately.

3.25 If officer attendance is appropriate, the Head of Paid Service or the relevant Director shall determine which officers should attend. However, officers should not be present when party business is being discussed and must not be involved in advising on matters of party business.

3.26 When attending Group meetings to provide information, the officer must make clear the status of the information being presented (eg whether it is confidential or exempt), and may specify that the information can only be presented to Councillors and not to other people attending the Group; and the Group must adhere to these conditions. The unauthorised disclosure by any Group Councillor of exempt or confidential information given to the Group by an officer can amount to a breach of the Code of Conduct for Members.

3.27 Both Councillors and officers should refrain from any conduct which could lead to the political impartiality of officers being called into question. It is a requirement of the Code of Conduct that Members should not do anything which compromises or is likely to compromise the impartiality of staff. Officers may at their discretion decline to disclose exempt information (i.e. information which if contained in a Committee report would lead to it being placed in the blue part of the Agenda).

3.28 Advice / information or reports given by an Officer to a political Group must remain confidential to the Group to whom it is given. (This does not prevent the same advice/information being given to another Group if requested by them).

3.29 Councillors and officers shall respect the confidentiality of political Group meetings and meetings with Lead Councillors and the existence and content of any such discussions shall not be relayed directly or indirectly to Councillors of another group without the consent of the Group Chair or Secretary, or Lead Councillor.

Accounts

3.30 Councillors also have all the rights acquired by members of the public to see the authority's accounts and the general right to see all books, deeds etc, which are included in the annual audit. The period of inspection takes place over a three week period after the publication of the Council’s final accounts for the previous financial year, and usually occurs during August.

Working with Councillors on Non-Council Business

1) It is recognised and accepted in law that Councillors will need to deal with the Council in a number of personal capacities: as private citizens; as local residents and receivers of services; as members of local voluntary, community and interest groups; as householders; and also as
employees, Directors, owners or shareholders in local businesses or property. Councillors are required to complete and keep updated a public register of all of their financial interests; and to declare any personal and pecuniary interests which arise when they are taking decisions.

2) Councillors who contact the Council in a personal or business capacity must do so within the terms of the local Member Code of Conduct, and any failure to do so may involve a breach of the Code. Councillors are also required to comply with the authority’s Planning Code of Conduct, and advice on Licensing applications.

4) Councillors, when communicating with the Council on personal (not Council) business, should:

- Contact the Council from their home or business address or contact
- Make clear both that they are a Councillor, but that their contact on this occasion is personal (ie not as a Councillor)
- Not contact the Council using their Council e-mail account, nor through Members’ Services
- Make the contact or request in writing, and make clear in writing that they are acting in a personal capacity

5) Officers, when responding to a Councillor on personal business, will:

- Respond in writing to the Councillor in his/her personal capacity, and not address him/her as Councillor
- Send the communication to the Councillor’s home or business address or contact by Royal Mail (not the Council’s courier service); and not send responses by e-mail through the Councillor’s RBC e-mail account
- In all cases, treat the Councillor no differently from any other member of the public making a similar request
- If officers consider that a Councillor is making an inappropriate request, they should notify their Head of Service and the Monitoring Officer.

6) All communications with Councillors on their personal business should be recorded through Front Office. Services should do this directly, and not through Councillor Services, who will only log onto Front Office enquiries by Councillors acting in their capacity as a Councillor.

7) Councillors who are communicating on personal business will be treated as members of the public. Councillors can not demonstrate a “need to know” that goes beyond their public rights under the Freedom of Information Act when they are not acting as a Councillor, and are not covered for personal business by the Council’s DPA registration.

8) Councillors who are submitting development proposals and planning applications in respect of any land or property in which they have a beneficial interest must do so in line with para. 4 of the Planning Code of Conduct, and in particular:

- must make clear that they are a Councillor
- must not take any part in the decision-making process (this would be a breach of the Member Code of Conduct, through failure to declare a disclosable pecuniary interest)
- should not seek to influence the case officer’s assessment or recommendation on their proposal

The same rules apply in relation to applications made by the Councillors’ spouse or partner. In the interests of transparency and openness, the local member code of Conduct extends them to include applications made by other members of a Councillors’ family or any other person with whom the Councillor has a close association; in such cases the interest will not be a disclosable pecuniary interest, and the Councillor should declare a personal interest.

4. AGENDA PREPARATION

Agenda Co-ordination
4.1 The Agenda for Council meetings will be constituted in accordance with the provisions of Standing Order 5 set out in the Council and Committee Procedure Rules in Part 4 of the Constitution.

4.2 Agendas for Committee meetings will be compiled in accordance with the provisions of Standing Order 36C of the Council and Committee Procedure Rules. They state that the Head of Legal and Democratic Services will determine the agenda for Committee meetings, subject to consultation with the Leader, the Chair and the responsible Lead Councillor(s), as well as the Head of Paid Service, Chief Financial Officer, and lead officer(s) for the Committee. The following may request the Clerk to the Committee to include an item on the Agenda for the next meeting of a Committee (subject to the Access to Information Regulations being met):

   Leader
   Responsible Lead Councillor;

4.3 An Opposition Group Leader or the Mayor may ask the Leader to put an item on the Agenda of a Committee meeting for consideration, and if the Head of Legal and Democratic Services agrees the item will be considered at the next available meeting, subject to there being no more than two such reports per Committee meeting. The notice of the meeting will give the name of the Councillor who asked for the item to be included.

4.4 The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include items for consideration on the Agenda of any Committee meeting and may require that a meeting of the Committee be called in pursuance of the statutory duties.

4.5 Under Standing Order 29, any three members of a Committee may call a meeting of that Committee at any time.

Reports

4.6 It must be remembered that officers are required to draft reports for Council and Committees which contain proper professional advice, and all relevant information, and no irrelevant information, necessary to allow the meeting to make a reasonable decision, in line with the Wednesbury Principles.

4.7 All reports should be submitted to the Council or Committees under the name of the Director or Statutory Officer, and Directors and Statutory Officers shall be fully responsible and accountable for the contents of any reports submitted in their names.

4.8 All reports submitted to the Council or Committees must also state the name of the responsible Lead Councillor(s), and the officer submitting the report will consult with the Lead Councillor(s) on the recommendations made in the report before submitting the report to the meeting.

Consultative and Advisory Bodies

4.9 Councillors and officers will also attend meetings of consultative and advisory bodies on which are represented representatives of partnership bodies, local businesses, voluntary groups and other agencies. At such meetings Councillors and officers may provide appropriate information and advice on Council business but shall not disclose any exempt or confidential material, including personal information except where its disclosure is provided for by an information sharing protocol, in which case this must be explained.

5. OVERVIEW AND SCRUTINY

5.1 A Committee may resolve to undertake an overview or scrutiny exercise of any function or service delegated to it, or of a partner organisation providing public services locally in Reading. In addition, under the provisions of Standing Order 25, full Council may request a Committee to undertake a scrutiny review. In such cases, the Overview and Scrutiny Procedure Rules will apply, as set out in Part 4 of the Constitution.

5.2 A scrutiny exercise undertaken under the Overview and Scrutiny Procedure Rules may include the scrutiny and review of decisions made or actions taken in accordance with the discharge of any
Council functions covered by the Committee. In addition to reviewing documentation, in fulfilling the scrutiny role, a Committee, or a task-and-finish group of Members set up by a Committee to undertake the scrutiny exercise, may require any Lead Councillor and/or senior officer to attend before them to provide evidence in relation to matters within their remit. The Committee or task-and-finish group may request information on any particular decision or series of decisions, the extent to which the actions taken implement Council policy and their performance.

5.3 Lead Councillors and officers are required to attend such scrutiny exercises if requested, unless exceptional circumstances prevent this, in which case arrangements for an alternative date will be made in consultation with the Lead Councillor and Chair of the Panel. They are also required to answer all questions asked of them, unless they would otherwise have grounds for not answering the question if it were put to them in a court of law.

5.4 Officers who are not Corporate Directors or Heads of Service and who are requested to attend to give evidence at a scrutiny exercise can, at the officers' request, be accompanied by a senior manager or a Trades Union representative. This request cannot be reasonably denied by the Committee or task-and-finish group.

5.4 Councillors and officers may not be accompanied by an external legal representative without the specific approval of the Monitoring Officer.

6. CORPORATE VALUES

6.1 Councillors and officers should always bear in mind the corporate values in their dealings with each other. Mutual respect between officers and Councillors is essential to good local government. It is important that any dealing between Councillors and officers should observe reasonable standards of courtesy and that neither Councillors or officers should seek to take advantage of their position, intimidate the other party or seek to exert duress.

6.2 Close personal familiarity between Councillors and officers can damage their relationship and prove embarrassing to other Councillors and officers. However, it is clearly important that there should be a close professional working relationship between the Lead Councillor and the Director and other senior officers with service responsibilities within the Lead Councillor’s portfolio; and also between the Director and senior officers and their Committee Chair(s).

Disputes

6.3 Taking into account the corporate values and with Councillors and officers respecting integrity, the majority of disagreements should be resolved quickly and amicably. However, if there is a serious dispute, the matter should be discussed in the first instance between the Councillor and the officer concerned. If such discussions do not produce an acceptable resolution the matter should be referred to relevant senior managers and senior party leaders, ultimately resulting in referral to the Head of Paid Service. In addition, any officer can make a complaint that a Councillor has acted in breach of the Member Code of Conduct to the Monitoring Officer.

Other relevant Codes etc

6.4 These include:

- Code of Conduct for Members
- Code of Conduct for Officers
- Planning Code of Conduct for Members
- Working with Reading’s MPs - Guidelines
- Publicity in Elections
- Whistleblowing Policy

June 2013
10th draft
Working with Reading’s MPs - Guidelines

The Council has always been keen to encourage joint working with the Borough MPs, where this is appropriate. In order to facilitate this, whilst at the same time ensuring the legitimate use of Council officer time and facilities, these guidelines have been developed with the Leader, Deputy Leader and Chief Executive.

General

1. Council Officers should only do work on behalf of MPs that is related to legitimate Council business, ie it must be a legitimate Council activity.

Invitations and Publicity

2. The Council must take great care in issuing publicity which includes the Borough’s MPs as they are persons identified with a political party and therefore subject to the provisions of Section 2 of the Local Government Act 1986 and Section 27 of the Local Government Act 1988. Times when it will be appropriate to invite MPs to Council events and to include the MPs in Council publicity will include:

- Civic and other events organised by the Council to which MPs are formally invited, such as Royal visits, ministerial visits, Mayor Making, Remembrance Day events, the Civic Ball and Carol Service, and other Mayoral and partnership events where the MPs are included on the Civic VIP list.

- Events organised by schools, youth and community centres or other Council services or activities funded by the Council to which they invite the MPs.

- Events organised by partners and community organisations to which both the Council and MPs are invited.

- Local campaigns and issues where the Council had formally asked one or both MPs to be involved in lobbying on the Council’s behalf: in all such cases, the reason for MP involvement should be clearly established; sometimes it will be specific to an individual constituency.

Formal requests to MPs can take a number of forms, which should be documented:

- Council or Committee motions or resolutions
- MPs briefings
- Requests in writing, only from the Chief Executive

- Local campaigns and issues where MPs have approached or put a proposal to the Council, to which Council is responding.

3. MPs may be invited to launches of Council initiatives or functions where they have a clear personal, geographical or interest-based link with the initiative, and it would be normal to invite the MP.

In this respect, and with regard to geographical links:

- Both MPs may be invited to Borough-wide events, irrespective of where they are held.

- The fact that an event is held at the Civic Offices, the Hexagon, the Town Hall, or Rivermead Leisure Centre, or in other Town Centre locations does not, in itself, establish a geographical link to the MP for Reading East.
• Both MPs should be invited to events at South Reading Leisure Centre.

4. Requests from MPs to Council Officers or services to participate in campaigns initiated by an MP should be handled with great care, and must be relevant to Reading. In all cases they should be referred to:

• The Head of Communications (9372333) or Senior Press Officer (9372300) - in relation to publicity
• The Head of Civic Services (9372304) - in relation to use of civic facilities
• The appropriate Lead Councillor or Committee Chair (if unavailable the Leader or Deputy Leader)

The Communications Unit will liaise directly with the officer and Lead Councillor, Chair and Monitoring Officer on the request, and the arrangements for the activity.

5. Separate guidance will be offered during election purdah periods, which will supersede this guidance.

Correspondence and Briefings

6. Except where otherwise agreed by the Chief Executive, all correspondence between MPs and the Council will be through the Chief Executive. Exceptions will include constituency casework, where the MPs may correspond directly with the responsible Director or Head of Service, and electoral issues where the MPs may correspond directly with the Returning Officer.

7. The Chief Executive offers briefing meetings to both MPs (separately and together) on a regular basis, and Directors and Heads of Service may request that specific items are added to the agenda: this should be done through the Head of Civic Services on x72304. As a general rule, only Directors and/or Heads of Service will attend briefing meetings.

8. Conversely, either MP can request briefings on specific items at these meetings, in which case the Head of Civic Services will approach the appropriate Head of Service to arrange for the briefing to be provided to the meeting, either orally or in writing.

9. MPs may also request through the Head of Civic Services information or briefings, from Corporate Directors, and vice versa. To avoid any conflict with the Freedom of Information Act 2000, MPs may only request information or briefings in confidence in the following circumstances:

• on a matter where the information itself is confidential or exempt under the provision of the Access to Information, Data Protection or Freedom of Information legislation. This will usually include correspondence between constituents and their MPs which as a general rule will be covered by the Data Protection Act.
• Where the advice requested is on a matter personal to the MP

10. MPs do not have a right of access to information about individuals or clients, and the Data Protection Act 1998 specifically prevents information about living individuals from being disclosed to anybody unless the subject has been told that the information will be used for that purpose or has consented to the disclosure. MPs who can show written evidence that they have been asked by a constituency resident to represent them on a particular matter have a right to expect reasonable access to information in order to represent that constituent effectively. With regard to personal information, this will normally be limited to information about that individual and may not extend to information about other associated individuals, for example for members of the family, household or neighbours.

11. Requests for information or briefings from the Borough’s MPs which do not involve confidential information or personal advice will be handled in line with the long-standing protocol concerning briefings given to Councillors, which is that information given in writing will always be copied to the Lead Councillor and (if relevant) Chair of the appropriate Committee; and where MPs request oral briefings the Chief Executive or Director will inform the Lead Councillor of the content of the briefing.
Facilities

12. MPs may not make use of Council officer time or Council facilities in their publicity or constituency work.

13. MPs may book and use rooms in Council buildings for their surgeries without charge.

14. On other occasions, MPs may book rooms in Council buildings, but when they do so they will be charged for this use. This will be the rate for voluntary organisations, where such a rate applies; if not, it will be the normal commercial rate.

15. As above, separate guidance will be issued during election purdah periods which will supersede this guidance.

If you have any queries about these guidelines or whether a piece of work with an MP is appropriate Council business, please contact the Monitoring Officer (972602) or Head of Communications (9372333) or Head of Civic Services (9372304).

June 2013
Council Publicity and Elections

1. STATUTORY POSITION for COUNCIL PUBLICITY

1.1 The Council must comply at all times with both the statutory restrictions on publicity Acts 1986 and 1988, and the national Code of Recommended Practice on Publicity (issued under the 1986 Act).

1.2 Under Section 2 of the 1986 Act, and Section 27 of the 1988 Act, a local authority shall not publish any material which, in whole or in part, appears to be designed to affect support for a political party. In determining whether material falls within this prohibition, regard shall be had to the content and style of the material, the time and other circumstances of its publication, and the likely effect on those to whom it is directed. The legislation makes specific reference to:

- Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of controversy which is identifiable as the view of one political party and not of another
- Where the material is part of a campaign, the effect which the campaigning appears to be designed to achieve.

1.3 The above restrictions apply to all parts of the local authority’s operation, and not just to its Communications operation.

1.4 The restrictions do not stand alone, and have to be read in conjunction with other legislation which justifies local authority funding or activity as part of the provision of a function or service of the local authority. Under Section 111 of the Local Government Act 1972 a local authority has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. Under Section 2 of the Local Government Act 2000, a local authority has a general power to promote or improve the economic, social or environmental well-being of its area, but in doing so it must have regard to the community strategy for its area.

1.5 The above restrictions apply to local authority publicity at all times. However, the Code states that, “the period between the notice of an election and the election itself [the purdah period] 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 ... Proactive events arranged in this period should not involve members likely to be standing for election”.

2. COUNCIL PUBLICITY AND ELECTIONS - GENERAL

2.1 This Protocol is based on the Code of Recommended Practice on Local Government Publicity, and the Local Government Information Unit (LGIU) guide to the Code, “The Right Side of the Law”.

2.2 The LGIU policy briefing was issued in March 2003, following the adoption of new executive arrangements from 2001, and the changes made to the Code of Conduct in 2001 to reflect this. The latter tightened the restrictions around elections, and in particular stated that authorities should stop all forms of proactive publicity relating to candidates and other politicians directly involved in elections.

2.3 There are three reasons to be cautious about publicity and other media events in the run-up to an election:

- The statutory restrictions on publicity contained in the Local Government Acts 1986 and 1988, and the national Code of Recommended Practice on Publicity (see above)
- Councillors must also comply with the Council’s Code of Conduct. This says that Members must not use their position as a councillor to confer or secure an advantage for themselves or any other person; and must ensure that the Council’s resources are not used for political purposes... Acting in breach of the Code could result in a complaint to the Standards Board
There are strict controls on the amount that a candidate can spend on election campaigns, and all expenses must be declared. Councillors who are candidates should not put themselves in a position that attracts a claim that they are using Council resources for campaign purposes, in which case they would have to pay and declare the cost of those resources.

2.4 The Code of Recommended Practice states, amongst other things, that proactive events organised at election time should not include members standing for election, and that the safest policy between the notice of the election being published and polling day is to avoid mention of any Councillor who is seeking election. On press releases, it says that the safest route is not to mention Councillors standing for election; and if it is necessary to have a member comment, also to consider including a quote from an opposition Councillor.

2.5 The national Code is a statutory code of recommended practice, and authorities must have regard to its provisions in coming to any decisions about publicity; it applies to publicity issued by local authorities but not normally to other bodies.

2.6 There is local custom and practice in Reading that Lead Councillors (and before them, Committee Chairs), may speak on and be associated with matters falling within their area of responsibility, so long as the law and the essential principles of the code of practice are not infringed. This is consistent with the principle behind Modernisation which was to sharpen the focus of executive authority.

2.7 The LGIU briefing states that there is no need to cease all proactive publicity during election periods, so long as the authority is mindful of the broad restrictions set out in the code.

3. COUNCIL PUBLICITY AND LOCAL ELECTIONS

3.1 During the purdah period before a local election (ie from the date the notice of the election is published), Councillors and Officers should apply the following principles arising from the Code, subject to the merits of each individual case, and to none of the cases involving an event or issue which is politically controversial or clearly associated with a political campaign:

1) Lead Councillors may take part in events organised by the Council which relate directly to their portfolio area, where the event is in respect of a Council initiative that is already in the public arena and which has been approved by the Council or Committee, and where the timing of the event is incidental to the election process.

2) Such events should not include ward Councillors who are standing for re-election, or any other candidates; and the responsibility for ensuring that this does not occur extends beyond Council officers to the individual councillors or candidates themselves.

3) For such events, the Council may issue press releases which refer to the Lead Councillor, but should not refer to or include quotes by ward Councillors or candidates.

4) Lead Councillors may also take part by invitation in events relating to their portfolio area which are arranged by another organisation, and as a result may receive publicity independently of the Council.

5) Lead Councillors may comment on situations of emergency or where there is a genuine need for a Member response to an important event outside the authority’s control.

6) Councillors other than Lead Councillors (and the Mayor) should normally not take part in publicity events or be referred to or quoted in press releases.

7) The Code does not prevent individual Councillors who are candidates from responding to media enquiries made directly to them about Council business or issues which affect the Borough or its residents.

8) The Code does not prevent Councillors who are candidates from dealing with their everyday ward work, including correspondence from constituents, so long as this is not used as a means of canvassing.

9) Ward surgeries held in Council property can continue where they are held as part of a regular and scheduled programme, so long as they are used for normal constituency business and not for election canvassing or campaigning.
10) The following may be considered to be acceptable events and activities involving Councillors who are candidates, subject to the event or activity not promoting the election or the Councillor as a candidate, as follows:

- Sending welcome letters to new ward residents - so long as it is the Councillor’s regular practice to send them, and they are limited to information about the ward Councillor(s) and how to get in touch, surgeries etc
- Sending letters to large numbers of residents - so long as they are about a continuing problem or other Council matter with which the Councillor had been dealing and are informative about the current situation; care must be taken here to ensure that the letters are not viewed as campaigning
- Public consultation meetings - so long as they are provided as part of the normal business of the Council and are part of an agreed programme of work; care should be taken to ensure that they do not look as though they have been arranged as a potential opportunity for campaigning.

4. COUNCIL PUBLICITY AND THE BOROUGH MPs

4.1 The general position with regard to invitations and publicity outside the election purdah period is set out in the Guidelines on Working with Reading’s MPs. This also deals with briefings, and facilities.

4.2 The position is different with regard to prospective parliamentary candidates (PPCs). They have no role as PCCs in any Council event or publicity.

4.3 The position will be complicated if a situation arises where any of the PPCs are serving Councillors on the Borough Council. They will continue to have a reason to be involved in events and publicity where this flows from their roles as a Councillor, and which may include Council and Committee motions which they move or second and which are carried.

5. COUNCIL PUBLICITY AND PARLIAMENTARY ELECTIONS

5.1 This part of the Protocol applies to the purdah period for a parliamentary election, following the dissolution of parliament. From that date, the Borough’s MPs cease to be MPs. If they have been re-selected to stand, their status will be as a parliamentary candidate; if they have not been selected to stand, or are retiring, then they will have no formal political status.

5.2 In addition, during the purdah period any Councillors who are candidates must be treated as parliamentary candidates and not as Councillors.

5.3 The general election is for parliament, and not for the Council, and therefore the focus of attention regarding publicity and PR will be on parliamentary candidates.

5.4 The Council must comply with both the statutory restrictions on publicity contained in the Local Government Acts 1986 and 1988, and the national Code of Recommended Practice on Publicity (issued under the 1986 Act)

5.5 The Code is written primarily with local elections in mind (hence the reference to Members). However, the same principles will apply with regard to parliamentary candidates, and other politicians who are actively involved in the election.

5.6 The Council may continue to issue publicity and promote events relating to its ongoing activities as a local authority, and that part of this protocol will continue to apply, subject to the events or publicity not involving any of the parliamentary candidates (unless all are involved).
Social Media Protocol

USE OF SOCIAL MEDIA AT COUNCIL AND COMMITTEE MEETINGS

1. At its meeting on 2 November 2010, the Assessment Sub-Committee of the Council’s Standards Committee considered two complaints involving Councillors using their mobile phones during a Council meeting to access Facebook and to post live content onto a twitter site. As part of the action arising, the Sub-Committee asked the Chief Executive and Monitoring Officer to produce a protocol on the use of social media to provide guidance on what was deemed appropriate use during formal meetings.

2. Both the Council Chamber itself, and its public gallery, have wall signs clearly stating “Please turn off all mobile phones during meetings”.

3. Council, on 30 March 2010, approved a motion on Opensource Software. This included “integrating Council activities and services with social media to provide a better and more responsive service for residents”.

4. The Assessment Sub-Committee made a specific finding relating to the use by a Councillor of a live feed to post comments on the twitter site from the Council meeting about the proceedings of the meeting and members of the public in attendance at the meeting. In doing so, the Sub-Committee found:
   - The Councillor was acting in his role as a Member at the time of the action complained about
   - The action of the Councillor in accessing the live feed during the Council meeting brought the authority and the role of Councillor into disrepute
   - The comment itself was disrespectful of a member of the public

5. The Sub-Committee expressed to the Group Leaders the importance of all Councillors behaving appropriately, particularly at meetings open to the public, to ensure the public’s perception of the integrity of the local authority’s decision-making processes was maintained to the highest standard possible.

Use of Mobile Devices

6. Mobile devices are pervasive, and offer a wide range of uses, including:
   - Phone calls
   - Texting
   - Reading and sending e-mails
   - Accessing Twitter, Facebook and other Social Media sites
   - Reading meeting papers and background information
   - Taking and sending electronic images (photos)
   - iPhone applications - Apps

7. In the context of the Opensource Software motion, they can offer electronic access to meeting papers, and assist debate by facilitating contemporaneous research into relevant matters to inform contribution to the debate. There may also be occasions when texting between Councillors on matters relevant to the debate at hand may be of assistance (on the same basis as circulating paper notes to other Councillors).

8. Alongside the proceedings of a long evening meeting, they also enable Councillors to manage their busy lives when time is at a premium, by sending messages to and receiving them from home and friends to check on domestic situations, including the care of children or dependent relatives.

9. However, they need to be used with care and common sense. In particular their use should not give the impression to observers that the Councillor is not paying due attention to the meeting. This could be cited as grounds for challenging a contentious decision by aggrieved applicants or interested parties, in particular in the context of the Planning or Licensing Applications Committee, where Councillors are required to come to a decision on the merits of the case as presented to them at the meeting.
10. This point also applies to other perceived distractions, such as reading books or magazines, allocating sweets, or sleeping during the meeting. For Council meetings in particular the public gallery is above Councillors, who may not appreciate that they are being observed, or the impression they may be giving to members of the public who may not be familiar with the ways of the Council, but feel strongly about the subject under debate.

11. It is in such circumstances that Councillors may find themselves the subject of complaints of breaching the Member Code of Conduct, or of bias and predetermination, or both.

Use of Social Media

12. The following rules of good practice are therefore suggested to avoid such complaints:

1) Use mobile devices sparingly, discreetly and with common sense. Do not appear to spend the meeting glued to your mobile phone or media device. Consider the impression you are giving to others, in particular members of the public attending the meeting to hear the debate on a matter about which they may feel strongly.

2) The following uses are acceptable during meetings:
   - Reading meeting papers and accessing relevant background information
   - Checking iPhone applications relevant to the decision (e.g., maps of sites)
   - Sending and receiving restricted texts to/from home to keep on top of domestic circumstances - within reason and with common sense

   These uses should be subject to a reasonableness test, which in practice is what the Monitoring officer would apply if it received a complaint. The test is how an average person, knowing the facts, would perceive the action being taken in the context of the Member Code of Conduct.

   Particular care should be taken in using social media during Planning and Licensing committee meetings

3) The following should normally be avoided:
   - Checking e-mails not related to the meeting
   - Subject to (2) above, sending texts (unless restricted to the debate and to other Councillors)
   - Accessing social media sites through a live feed to make contemporaneous personal comment on other individuals
   - Taking and sending electronic images
   - Extended and unreasonable periods of use that suggest that insufficient attention is being paid to the meeting

JP 4th version, June 2013
Protocol for Webcasting and Recording of Council and Committee Meetings

agreed at Council, 25 May 2016

Introduction

With the move to a new Civic Offices the Council was able to fulfil a longstanding commitment to broadcasting meetings, and live webcasting of full Council and Committee meetings began in September 2015. This protocol has been produced to assist the conduct of webcast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

The protocol also provides guidance to members of the press or public who may wish to take photographs or make their own audio/visual recording of a Council or Committee meetings.

Webcasting of meetings

The following will apply to all meetings to be webcast by the Council:-

1. The Chair of the meeting has the discretion to request the termination or suspension of the webcast if in the opinion of the Chair continuing to webcast would prejudice the proceedings of the meeting.

This would include:

(i) Public disturbance or other suspension of the meeting;
(ii) Exclusion of public and press being moved and agreed;
(iii) Any other reason moved and agreed by the Council/Committee.

2. No exempt or confidential agenda items shall be webcast.

3. There is a presumption that members and officers give their consent to be filmed and for images to be webcast, unless a specific request is made to the Monitoring Officer in advance of the meeting for an exception to be made. The Monitoring Officer will take a view on a case-by-case basis on whether an exception can be made.

Giving notice to the public

4. Members of the public who submit questions or petitions or who request to speak at a Council / Committee meeting will be informed if the meeting is to be webcast, and will be asked if they consent to being filmed. An ‘off-camera’ microphone will be provided for any speakers who do not wish to be filmed.

The public seating will not ordinarily be filmed. However, members of the public should attend Council and Committee meetings in the knowledge that they may be captured on camera.

5. On the agenda and on signs to be displayed inside the meeting room there will be the following notice:-
WEBCASTING NOTICE

Please note that this meeting may be filmed for live and/or subsequent broadcast via the Council’s website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during a webcast will be retained in accordance with the Council’s published policy.

Members of the public seated in the public gallery will not ordinarily be filmed by the automated camera system. However, please be aware that by moving forward of the pillar, or in the unlikely event of a technical malfunction or other unforeseen circumstances, your image may be captured. Therefore, by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

Members of the public who participate in the meeting will be able to speak at an on-camera or off-camera microphone, according to their preference.

Please speak to a member of staff if you have any queries or concerns.

6. With regard to meetings of Planning Applications Committee, in any correspondence notifying applicants, supporters or objectors of the meeting date on which an application will be heard, the following advice will be included:-

"Please note that Committee meetings may be filmed for live broadcast and repeat viewing via the Council’s website. If you do not wish your statement to the Committee to be filmed, please inform the Planning Administration team when you register to speak at the meeting. The Council will provide an off-camera microphone for speakers who do not wish to appear in the webcast."

7. Notwithstanding provisions 4-6 above, the Council cannot be held liable or responsible if any attendees are captured by the recording. Further, the Council cannot intervene if an attendee does not wish to be filmed or audio-recorded but has not given notice of this prior to the meeting, or has given such notice but the Council cannot be reasonably expected to intervene.

Conduct of Meetings

8. At the start of each meeting to be webcast, the Chair will make the following or similar statement:-

"I would like to inform everyone present that this meeting will be broadcast live on the internet and will be capable of repeated viewing on the Council’s webcast site.

Please could public speakers choose an on-camera or off-camera microphone according to their preference. The seating in the public gallery will not be filmed.

As Chair I have the discretion to terminate or suspend the webcasting of the meeting in accordance with the webcasting protocol."

Retention of recorded webcasts

9. Subject to paragraph 10 below all webcasts will be archived and available to view on the Council’s website.

10. Archived webcasts or parts of webcasts shall only be removed from the Council’s website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

If the Monitoring Officer has decided to take such action he/she must notify all elected Members in writing as soon as possible of his/her decision and the reasons for it. It is anticipated that the need to exercise the power set out above will occur only on an exceptional basis.
Any councillor who is concerned about any webcast should raise their concerns with the Monitoring Officer.

Terms and conditions of use

11. All footage from webcasts is the copyright of Reading Borough Council. The people featured in our webcasts have agreed to appear only on our official site, and third parties are therefore not permitted to download any footage nor upload it (whether in part or in full) to another website without the written permission of the Council and those featured in the webcast.

12. Members of the press and public are, subject to the agreement of the Chair and certain other conditions, permitted to make their own recordings of Council and Committee meetings. Please refer to the following section.

Recording of Meetings

13. In addition to providing webcasts of Council or Committee meetings the Council will also permit members of the press or public to take photographs and make their own audio/visual recordings of any Council or Committee meetings. In allowing this, the Council asks that recordings/photographs are not edited in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council.

14. The Chair of the meeting has the discretion to terminate or suspend photography and/or recording at any time if in their opinion continuing to do so would disrupt or prejudice the proceedings of the meeting.

15. Any member of the press or public wishing to photograph or record a meeting should request to do so prior to the meeting, and must agree to comply with all reasonable requests made by the Council and the Chair of the meeting.

16. Similarly to the practice during webcast meetings, people seated in the public gallery, and public speakers using an ‘off-camera’ microphone, should not be photographed or recorded. Any other person participating in a meeting by asking a question, presenting a petition or making a representation will be deemed to have given their consent to being recorded.

17. If a request to take photographs or record a particular meeting has been received and granted the Chair will make an announcement to this effect at the start of the meeting.

Review

18. This protocol will be reviewed every twelve months.

Version 1
May 2016
Protocol for Council Representation on Outside Bodies

1  Introduction

1.1  Councillors are appointed or nominated by Reading Borough Council to serve on a range of Outside Bodies. In the context of this Protocol, an “Outside Body” covers organisations such as Trusts, Voluntary Bodies, Charities, Community Associations and Companies etc.

1.2  Service on Outside Bodies has always been an established part of a Councillor’s role. Councillors appointed or nominated by the Council to an external body will be able to use their knowledge and skills both as a Council Member, and as a representative of their communities, to assist the organisation to which they are appointed, as well as the Council which they represent.

1.3  This Protocol is designed to provide guidance on the roles, experience and responsibilities as well as the liabilities that Councillors may attract in connection with your involvement with these organisations. Councils are increasingly working in partnership with external organisations. This means that it is important that everyone is clear exactly what is the role of Councillors appointed to these bodies. Questions of accountability and governance are likely to arise particularly as more funding may be channelled through the Council to these Outside Bodies.

1.4  Membership of an Outside Body brings into play different considerations from those which relate to Council membership. As members of Outside Bodies, Councillors will have different duties, obligations and liabilities depending upon the type of organisation involved. Councillors’ roles on these Outside Bodies may appear to conflict, sometimes with each other, and sometimes with their position as a Reading Borough Councillor. This protocol gives clear guidance. Paragraphs 9 and 10 to this Protocol provides information on registering interest, and paragraph 11 deals with conflicts of interest (paragraph 11).

1.5  Depending on the legal nature of the body and the role fulfilled by the Councillor, you may attract personal responsibility for decisions and actions of the body. It is the Councillor’s responsibility to ensure that you are aware of the liabilities and any insurance arrangements that are in place where you participate in Outside Bodies. Paragraphs 4 and 5 of the Protocol set out the general roles and responsibilities for Councillors on Outside Bodies.

1.6  To aid Councillors further, this Protocol sets out the different types of bodies and responsibilities. Councillors with any doubts or questions should consult the Monitoring Officer at an early opportunity for help and advice. More detailed information, relating to Limited Companies, Charitable Trusts, Partnerships and Unincorporated Organisations, is set out in paragraphs 12 - 15 of the Protocol.

1.7  The Council will indemnify Councillors appointed by the authority to Outside Bodies in some circumstances. There are however specific statutory limitations as to the extent of indemnification the Council is able to provide. These are set out in paragraph 16 of the Protocol.

1.8  Councillors can also serve on Outside Bodies in your personal capacity, provided that there is no conflict of interest with your duties as a Member of Reading Borough Council. Again, legal advice is available to help Councillors assess your position.

2  How are Appointments made?

2.1  In accordance with Part 3 of the Council’s Constitution, authority to appoint or nominate Councillors as representatives on Outside Bodies has been delegated to the Policy Committee. This includes appointments to School Governing Bodies. Casual vacancies arising during the Municipal Year are filled through the Decision Book, in consultation with the relevant Lead Councillor.

2.2  The majority of appointments are made annually, at the start of the Municipal Year. A small number of appointments are made for a longer period where this is specified by the body itself.
2.3 The choice of the most appropriate representative will depend on the nature of the Outside Body, the interests and experience of the prospective representative, and why the Council wishes to be involved with that body.

2.4 The Committee Service maintains a database setting out details of the appointment and information relating to the Outside Bodies. The schedule of appointments to Outside Bodies is also published on the Council’s website, under “Council and Democracy”.

3 Before Accepting the Appointment

3.1 Before accepting the appointment Councillors should establish:

- the time commitment required by the role and whether or not you have the time and capacity to take on the responsibility;

- what the nature of the organisation is, as this will affect your role and help with identifying the potential risks involved. One of the most important things is to find out if the organisation is a separate legal organisation (i.e. a body which has an identity of its own such as a company) or whether it is simply a group of people coming together with a common purpose (an unincorporated organisation). An unincorporated organisation generally poses a more significant risk to those involved in it because if something goes wrong, personal legal action can be taken against everyone managing it.

- whether your membership of the Outside Body may give rise to any conflicts of personal and prejudicial interest which may prevent you from fulfilling both your role on the Outside Body and your role of Councillor

- in what capacity you are being asked to serve on the Outside Body; -

  o as a member of an Outside Body where you represent the Council’s position as a ‘member’ of the Outside Body but take no part in its management or governance other than to attend and vote at annual or general meetings: here you will be mainly concerned with representing the Council and will not have responsibilities for governance of the body;
  
  or
  
  o as a member of the management committee, board of directors or committee of trustees of the Outside Body: whilst you may have been appointed to the body by the Council, your primary responsibility will be to the body itself, to advance the interests of the body or of the beneficiaries of the trust, as opposed to acting as a representative of the Council; you will have detailed responsibilities which are outlined further in this guidance,

- what the body has been set up to do;

- the governance arrangements of the organisation; and

- the financial and resource position of the organisation, including:

  o Whether the body is in receipt of grant-aid from the Council
  
  o Whether the body is in a contractual relationship with the Council
  
  o Whether the body owns any property or assets which might give rise to a commercial or insurance liability
  
  o Whether the body employs any staff, who might give rise to an employment or insurance liability

3.2 Councillors are also advised to:
consider if there is likely to be any significant conflict of interest between your role in the outside organisation and your Council role before accepting the office. You will always have a personal interest in any decision of the Council affecting the Outside Body, but your personal interest will become significant if you hold a position of general control or management in the Outside Body and the matter under decision will impact directly on the body in terms of:

- A planning application
  - A licence request
  - An application for grant-aid / money
  - A matter concerning the staffing, property or resources of the body where the impact is financial

clarify the Outside Body’s insurance arrangements -

- does this cover the key risks of the organisation as well as the Member?
- is the liability limited or unlimited?

and assess the possibility of any implications on yourself as an individual -

- specifically consider the nature and function of the body and the amount of money it deals with - always be aware of the added risk where the organisation employs staff
- if no insurance exists this must be weighed up in the decision to accept the appointment;

- ask about any specific legal responsibilities attached to the membership of the organisation;
- read the constitution of the organisation and be aware of its powers, duties and objectives;
- attend meetings regularly and present apologies in good time when you are unable to attend;
- satisfy yourself that you receive regular reports on the activities of the organisation and its financial position;
- satisfy yourself that the organisation has adequate Health and Safety and Equalities Policies;
- obtain a copy of the annual report and accounts to ensure that funds are spent on agreed objectives where the organisation is funded by or through the Council; and
- seek advice from the Monitoring Officer / Grants Officer / Procurement & Partnerships Manager in the event of any doubt or concerns about the running of the organisation.

3.3 Disclosure and Barring Service

3.3.1 The Outside Body may make it a condition of service that people appointed or nominated to it are subject to a CRB check and other provisions of the Disclosure and Barring Service (DSB). This is a new organisation which took over the work of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) when they merged in December 2012.

3.3.2 Voluntary organisations are covered by the above where they are undertaking a regulated activity as defined by the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012. Under the legislation there are responsibilities both for the Outside Body and for people appointed to it: this extends to volunteers. It remains an offence to employ a person in a regulated activity who has been barred by the ISA, or for a barred person to seek work in a regulated activity.

3.3.3 The clear legal position is that organisations themselves must take responsibility for undertaking CRB checks if they work with children or vulnerable adults. Where the Council is grant-aiding the
Constitution of Reading Borough Council – 23 May 2018

organisation, and specifically where that grant-aid is in respect of the employment of staff or the use of volunteers dealing directly with children or vulnerable adults, there is a responsibility on the Council to satisfy itself that the organisation has undertaken CRB checks and that these are comprehensive and current, and that it does not have barred people working in a regulated activity.

3.4 **Data Protection**
The Data Protection Act 1998 requires all organisations to comply with eight principles, which include keeping data secure and up-to-date. An organisation holding personal data on a person must not share that data with another person or organisation (a third party) without the consent of the individual concerned, unless where a specific exemption applies. Therefore it would not be lawful for the Council to require voluntary organisations to provide it with personal details; or for you, as a member of an Outside Body, to disclose personal data on another person that you obtain as a member of the Outside Body with the Council, or anybody else, without that person’s prior consent.

4 **The Responsibilities of the Councillor**

4.1 In carrying out the role of a representative on the Outside Body, Councillors act both as individuals and as representatives of the Council:

4.2 Councillors should:

- act according to the rules, constitution and framework set by the Outside Body;
- take an active and informed role in the Outside Body’s affairs;
- make independent and personal judgments in line with your duty of care to the Outside Body;
- report back to the Council as appropriate;
- promote equality as an integral part of the role and to treat everyone with fairness and dignity;
- from time to time it is possible that a conflict of interest may arise between the role of the Councillor and the role you are undertaking on an Outside Body. See paragraph 11 below. All Councillors are advised to seek legal advice before setting off on a course of action which might give rise to a conflict of interest.
- behave ethically and follow as far as applicable the Code of Conduct for Members;
- wherever possible approach the lead officer for the Outside Body for a briefing on agenda items before attending meetings of the Outside Body.
- Comply with any requirement of the Outside Body to complete a CRB check or to be registered under the Disclosure and Barring Scheme

4.3 Councillors should not:

- represent the political party to which you are aligned;
- consider matters purely from the Council’s perspective;
- commit the Council to any expenditure (in accordance with the Council’s Financial Regulations any additional expenditure requests must be authorised by the appropriate budget holder);
- disclose any confidential or exempt information to or from the Outside Body, or act in breach the Data Protection Act 1998 by disclosing personal data on a third party without that person’s prior consent.
4.4 Councillors who are appointed to organisations as Directors or Trustees will be held responsible and liable in law for the affairs of the organisation and decisions taken by the organisation during the Councillor’s period of office. This will apply even if the Councillor did not attend any meetings or take part in the decision-making process.

4.5 More specific information pertaining to Limited Companies, Charitable Trusts, Partnerships, and Unincorporated Organisations is set out in paragraphs 12 - 15 of this Protocol. For more information on indemnity, see paragraph 16.

5 The Role of the Councillor

5.1 The role of Council representatives on Outside Bodies will vary but essentially the role will be:

- to help to secure any objectives of the Council in participating in the organisation;
- to help the organisation to achieve its aims and objectives legally, properly and effectively;
- to meet any specific legal responsibilities attached to membership of the organisation; and
- to safeguard the Council’s interest on those organisations which are funded by or through the Council.

5.2 If you are a Director or Trustee of the Outside Body, or a member of its Management Committee, then different roles apply. In law, you have a duty to act in the best interests of the Body.

5.3 More Specific information pertaining to Limited Companies, Charitable Trusts, Partnerships, and Unincorporated Organisations is set out in paragraphs 12 - 15 of this Protocol.

6. Expenses, Remuneration, Benefits and Gifts

6.1 As a general rule Councillors should not benefit personally from your appointment to outside organisations.

6.2 Travel and subsistence expenses should be claimed through the organisation if available. Otherwise they may be claimed through the Council where this is appropriate under the Council’s Scheme of Members’ Allowances (see Part 6 of the Constitution) which includes meetings of some other bodies to which the authority makes appointments or nominations as an approved duty in this respect.

6.3 All Councillors should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council, or may be applying to the Council for planning permission or some other kind of decision.’

6.4 Under the local Member code of conduct, Councillors are required, within 28 days of receiving any gift or hospitality over the value of £25, to provide written notification to the Monitoring Officer of the existence and nature of that “gift” or “hospitality”. All gifts, irrespective of value, should be recorded in the register of gifts and hospitality held by the Councillors’ Services team, which will be open to public inspection and reported each year to the Standards Committee.

6.5 Free access to a Company’s facilities should only be accepted where it is necessary to discharge duties and responsibilities as a Director and should be declared to the Council.

6.6 The Council’s Member Code of Conduct must be followed at all times.

7 Representatives Reporting Back

7.1 Councillors are under a specific obligation as a result of the 1995 Local Authorities (Companies) Order to report back to the Council on their involvement in outside companies to which they have been nominated by the Council. Where the Council provides financial assistance to a charity or
voluntary organisation of over £2,000 per annum then the body is under an obligation to state in writing to the Council how the funding has been used (s137A Local Government Act 1972).

7.2 While the law now makes this a requirement for involvement in outside companies, there are benefits in having a more general requirement to report back for involvement in all Outside Bodies. It is important that anyone who is appointed to an Outside Body provides appropriate information on what the organisation is doing. Councillors are not required to disclose information which is commercially confidential to the body.

7.3 Accordingly Councillors are encouraged to submit an annual report to the Monitoring Officer using the attached form by 1 May each year. The reports will then be put on deposit in the Members’ Room. Where there is more than one Councillor appointed to an outside body a joint submission may be made.

7.4 There are a number of organisations to which the Council appoints or nominates Councillors where more regular feedback from Councillors may be appropriate. In these circumstances Councillors or Officers attending the meeting may provide a brief summary to be put on deposit in the Members’ Room.

8 Further Advice

8.1 Relationships between the Council, Outside Bodies and the Council’s representative can be complex. In any case of dispute or difficulty, Councillors should seek advice from the Secretary or Clerk to the Outside Body, who can then take advice from professional advisors where necessary.

8.2 If you are concerned about the position you find yourself in as a Councillor on an Outside Body, you should contact the Monitoring Officer for further advice.

9 Interests

9.1 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 have changed the statutory definition of interests. They have ended the legal requirement to register and declare interests arising from being a member of an outside body or campaigning group as disclosable pecuniary interests.

9.2 However, Para. 7.3 of the Council’s local Member Code of Conduct actively encourages Councillors to register and declare any non-financial interests held by you and your spouse or partner, in the interests of transparency and to avoid allegations of personal bias. In particular, you are actively encouraged to register the following interests:

(i) membership, or holding a position of general control or management, of a body or bodies to which you are appointed or nominated by the authority

All appointments or successful nominations made by the Council are automatically registered by the Committee Services team on your register of interests form

(ii) membership, or holding a position of general control or management, of a body that:
- exercises functions of a public nature
- is directed towards charitable purposes
- one of whose principal purposes includes the influence of public opinion or policy (including any political party or trades union)

9.3 You must register with the Monitoring Officer all such interests which arise separately from the Council’s own procedures for making appointments to Outside Bodies.

10 Council’s Code of Conduct - General Provisions

10.1 The Council Code of Conduct requires that a Councillor should observe the Code of Conduct whenever you are representing the Council. In this respect:
(1) Where you are acting as a representative of the Council on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

(2) Where you are acting as a representative of the Council on any other body, you must, when acting for that other body, comply with the authority’s Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

11 Conflicts of Interest

11.1 Appointment to an Outside Body can take various forms, and before taking up active membership it is advisable to establish exactly in what capacity you are being appointed.

11.2 All Councillors who are members of an Outside Body will have a personal interest and you will need to consider your position when you sit on Council, a Council committee or other decision-making body which is considering a matter which relates to that body. This includes School Governing Bodies.

11.3 If you attend a meeting where there is an item of business which relates to or affects the Outside Body, in the interests of openness and transparency and to avoid allegations of personal bias in the authority’s decision-making, you should declare your personal interest at the meeting, regardless of whether or not you were appointed onto the Outside Body by the Council, or by the Outside Body itself.

11.4 The next issue is to consider whether your personal interest might amount to a pecuniary interest or an interest which is so significant as to require you not only to disclose it but also to withdraw from consideration of that item of business.

11.5 You should apply a three part test, as follows -

1. Firstly, do you or your spouse / partner have a personal interest in the item of business? You will have it the item of business directly affects the Outside Body of which you or your spouse / partner are a member or hold a position of general control or management.

2. Secondly, is the interest so immediate that a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest. That means that it must be probable that you feel such allegiance or loyalty to the Outside Body on which you serve that you could allow that loyalty to affect the way that you would speak or vote on the matter - ie that you will act because a particular decision benefits the Outside Body rather than because it is in the genuine public interest. The significance of this interest will grow if you hold a position of general control or management in the Outside body.

3. Finally, the item of business must either affect the financial position of the Outside Body (such as a grant, staffing, property or other resources) or relate to the determination of a planning, licensing or other application of the Outside Body.

11.6 If you do decide that you have an interest that meets test (3) above, whilst this is not a disclosable pecuniary interest as defined in the 2012 Regulations, the decision will directly and significantly affect the Outside Body in which you or your spouse / partner have a personal interest, and could therefore be seen by a member of the public, applying the test in (2) above, to be likely to prejudice your judgment of the public interest. You are therefore strongly advised to declare this interest and not influence the debate or decision in any way.

11.7 If the Council body making the decision has an established facility of allowing members of the public to speak, Councillors can use this avenue legitimately to speak to the meeting but you should follow the rules of the public speaking session, but then take no further part in the discussion or vote on the decision. For the avoidance of doubt any allegations of personal bias in the decision-making process, you may consider it appropriate to leave the room as soon as the public speaking session has ended.
11.8 Councillors should take advice from the Monitoring Officer if any situation arises where you think you might have a problem with an interest arising from your involvement with the Outside Body.

11.9 A failure by a Councillor to register or declare a known disclosable pecuniary interest can amount to a criminal offence, and may lead to the prosecution of the individual Councillor. It will not of itself invalidate the decision of the authority in which the Councillor participated. However, where there is a real possibility that the decision of the Council might have been affected by bias or predetermination on the part of one or more Councillor, that decision can be held by a Court of Law to be invalid and the court may set aside the decision made by the authority. The Local Ombudsman may also find maladministration causing injustice by the authority and require the authority to take remedial action, including paying compensation.

11.10 Bias is “an attitude of mind which prevents the decision-maker from making an objective determination of the issue”. This could include membership of a body that has lobbied or campaigned for or against the issue you are being asked to decide. Predetermination is making up your mind in advance of taking the decision, ie having a closed mind on the matter and its outcome.

11.11 The legal definition of bias or predetermination has been modified by Section 4 of the Localism Act 2011. The Localism Act does not change the common law principle that a decision maker (ie Member) must have an open mind when taking a decision. What it does is to introduce a clarification in relation to any allegation or complaint that a decision-maker appeared to have a closed mind when making a decision which in turn raises a issue about the validity of the decision taken by the authority. The clarification is that a decision-maker should not be taken to have had a closed mind when taking the decision just because s/he had previously done anything that directly or indirectly indicated what view the decision-maker took, or might take, in relation to a matter relevant to the decision.

11.12 Councillors therefore need also to be careful about the possibility of bias and predetermination when you are dealing with matters involving an Outside Body on which you serve, in particular in relation to any planning or licensing application from that body.

11.13 Any Councillor who is about to take part in a decision, either collectively with other Councillors or through the Decision Book or any other authorised route of delegation, must not allow yourself to be unduly influenced by your allegiance to any Outside Body or individual, nor should you give the impression that you might be influenced by it. That is bias and apparent bias. It arises because of a connection to an Outside Body or person.

11.14 It also follows that, whilst a Councillor may have preferences and predispositions, you must not finish the decision-making process until you have received and considered all the relevant information relating to the matter. To do so would be predetermination. Whilst it is accepted that Councillors live in the real world and will discuss matters with colleagues and constituents, and bring the benefit of those discussions to the Committee Room, you must still listen to the arguments and be prepared to change your mind if the evidence presented requires it.

11.15 From this it will be apparent that particular difficulties arise where a Councillor is a member of an Outside Body such as a pressure group, which is seeking to influence the authority’s decision on a particular matter, as such membership can readily be taken by others as evidence of bias and/or predetermination. On occasion, and particularly in respect of local, single-issue pressure groups, you may have to choose whether to be a campaigning Councillor, participating in a pressure group, or to remain outside the campaign but be able to vote on the issue when it comes before a meeting of the Council.

11.16 In some instances a Councillor may also find that you are unable properly to carry out your functions both as a Member of the Council and a Member of the Outside Body. In these instances you may consider resigning from one body or another. Councillors should seek advice from the Monitoring Officer before taking such action.
12.1 A company has a separate legal personality to its shareholders (also described as company members or subscribers). One of the main advantages of acting through a limited company is that shareholders can claim the benefit of limited liability. In the case of a company limited by shares this means that shareholders will not be liable for the debts of the company if the company makes losses over and above the amount which the shareholders have pledged to pay the company for their shares. In a company limited by guarantee this means that the shareholders ‘guarantee’ to contribute a specified sum if called upon to do so (usually a nominal amount of £1) in the event that the company goes into insolvent liquidation.

12.2 An appointment as a director of a company needs to be confirmed by the completion of a form (known as ‘AP01’) which needs to be signed and submitted to Companies House. The secretary of the Outside Body should assist you with this.

12.3 The Directorship should also be recorded in the Council’s Register of Members’ Interests (within 28 days of the appointment). Directors take responsibility for all the main decisions in relation to the operation of the company, including entering into contracts.

12.4 The position of Councillors acting as Company Directors is that although you have been appointed by the Council, you have a duty to act in the best interest of the Company.

12.5 Councillors are advised to consider the specific rules pertaining to the Company to which you have been appointed. The general legal responsibilities of Company Directors are:

- to ensure that the Company acts within its legal powers;
- to act honestly and in good faith in the best interests of the Company;
- not to make a personal profit and to take proper care of the assets;
- to avoid conflicts of interest and not to allow personal interest to influence action as a Director;
- to record personal interests in the Company’s Register of Director’s Interests;
- to act with reasonable competence and care;
- to exercise reasonable skill and care (this is a subjective test based upon the individual’s own knowledge and experience); and
- not knowingly allow the Company to trade fraudulently, recklessly or in an insolvent position.

12.6 Council-appointed Directors are advised to:

- clarify the insurance arrangements and assess the possibilities of any implications on yourselves as individuals;
- be familiar with the Articles and Memorandum of Association of the Company;
- ensure that your interests are registered with the Company;
- attend Board meetings regularly, read the agenda in advance and seek a briefing from officers where necessary;
- ensure that the Company has proper procedures for reporting performance and financial information to board members at each meeting;
- take an interest in the appointment of the management of the Company to ensure that suitable qualified and experienced managers are in place;
- ensure that the Company has adequate Health and Safety and Equalities Policies; and
12.7 Councillors need to be particularly careful when acting as a Company Director if there is any prospect of the company becoming insolvent i.e. not having sufficient assets to pay its debts. When a company becomes insolvent, or it is foreseeable that it will be insolvent, Directors of the company have a higher duty of competence and attention to company business than when the company is still solvent. If you fail to take every possible step to minimise the company’s debts, you may be personally liable for any additional losses suffered by creditors of the company (“wrongful trading”). A Director may be found guilty of fraudulent trading (a criminal offence) if you allow the company to trade with an intent to defraud creditors.

12.8 If you become a Company Director there are some useful guidance documents to assist you on the websites of the Institute of Directors and Companies House as follows: www.iod.com
www.companieshouse.gov.uk

12.9 There may be occasions where conflicts of interest arise between the Council and the Company. Some examples are:

- contracts between the two;
- negotiations on agreements, such as terms of leases;
- applications for Council permission, e.g. planning or licensing consent
- applications for grant-aid.

12.10 This may mean that the primary responsibility to the Company could conflict with the Council’s interest.

12.11 In these circumstances, Councillor Directors are advised to declare a personal interest at any Council meetings or discussions and to withdraw from the decision-making process (see paragraph 11 above).

13 Charitable Trustees

13.1 To be a Charity an organisation must operate for one of the four charitable purposes, namely:

- the relief of poverty and human suffering;
- the advancement of education;
- the advancement of religion; and
- another purpose for the benefit of the community.

13.2 It must operate for the public benefit and have exclusively charitable purposes. An organisation which operates for political purposes will not qualify for charitable status.

13.3 Trustees duties include:

- the need to act in accordance with the constitution of the Charity;
- not making a private profit from their position;
- acting honestly and in good faith in the best interests of the Charity;
- ensuring that information relating to the charity and trustees is registered with the Charity Commissioners and annual accounts, and that reports and returns are completed and sent;
o Ensuring that the body acts in accordance with the overriding duty to the beneficiaries of the Trust;

o ensuring compliance with all relevant legislation (e.g. in relation to tax and land matters); and

o Council representatives are advised to clarify the insurance arrangements and assess the possibilities of any implications on themselves as individuals.

13.4 There is now a statutory duty of care under the Trustee Act 2000 which applies when a Trustee is:

- exercising a general power of investment or any specific power of investment arising from the Trust;
- making investments in line with the Standard Investment Criteria under section 4 of the Act or taking independent advice on investments under section 5;
- exercising the power to acquire land or deal in land;
- appointing agents, custodians or nominees or in reviewing their obligations;
- compounding liabilities under section 15 of the Trustee Act 1925;
- Insuring Trust property; and
- Dealing with reversionary interests, valuations or audits.

13.5 The standards of care expected of Trustees is that which is reasonable in the circumstances, taking into account any particular skills or competencies possessed by the individual. Additional information relating to the responsibilities for charitable directors and trustees is available on the Charity commission’s website http://www.charity-commission.gov.uk

13.6 There may be occasions where conflicts of interest arise between the Council and the Charitable Trust. Some examples are:

- contracts between the two;
- negotiations on agreements, such as terms of leases;
- applications for Council permission, e.g. planning or licensing consent
- applications for grant-aid.

13.7 This may mean that the primary responsibility to the Trust could conflict with the Council’s interest.

13.8 In these circumstances, Councillor Trustees are advised to declare a personal interest at any Council meetings or discussions and should withdraw from the decision making process (see paragraph 11 above).

14 Partnerships

14.1 Partnerships may have a quasi-statutory role, or a role defined by the Local Strategic Partnership. The Council’s representatives on partnerships will be appointed by Council or its Committees and will normally be Lead Councillors with responsibilities in the Partnership’s area.

14.2 The Council may also appoint Councillors as observers to Partnership bodies. Such Councillors will not take any part in decision-making.

14.3 The Council’s representatives on partnerships have three main roles:
14.4 The Council’s representatives on partnerships are advised to:

- be clear on the Council’s own objectives in participating in the partnership;
- read the Constitution of the Partnership and be aware of its objectives and powers;
- attend Partnership meetings regularly, read the agendas in advance and seek briefing from Officers where necessary;
- ensure that the Partnership has proper procedures for reporting progress and financial information; and
- take an interest in the appointment of key staff.

15 Unincorporated Organisations

15.1 Groups which are not charitable trusts or limited companies are ‘unincorporated associations’ and have no separate legal identity from their members. The rules governing the members’ duties and liability will be set out in a constitution, which is simply an agreement between the members as to how the organisation will operate. Usually the constitution will provide for Management Committees to be responsible for the everyday running of the organisation. An unincorporated organisation may be charitable and therefore register as a charity.

15.2 Management Committee members must act within the Constitution of that Outside Body and must take reasonable care when exercising their powers.

15.3 If Councillors become involved in the administration of an unincorporated body, you need to be aware that, as the body has no separate corporate status, and any liabilities will fall upon you personally. This means that if something goes wrong and the organisation is sued, your personal assets are at risk - you cannot stand behind a company or other body which gives them some protection.

15.4 If Councillors take on personal responsibilities for the organisation, such as buying equipment or renting premises, you are personally liable for the entire cost, and can only recover those costs from the organisation to the extent that it actually has the money to reimburse you, or from the other members of the organisation to the extent that the membership agreement gives you the right to be reimbursed by each of them.

15.5 Councillors need to be very careful about the risk of personal liability and the extent to which this has been covered by insurance arrangements (either arranged by the organisation itself or by the Council or by indemnities).

15.6 There may be occasions where conflicts of interest arise between the Council and the Management Committee of the Unincorporated Organisation. Some examples are:

- contracts between the two;
- negotiations on agreements, such as terms of leases;
- applications for Council permission, e.g. planning or licensing consent
- applications for grant-aid.
15.7 This may mean that the primary responsibility to the Organisation could conflict with the Council’s interest.

15.8 In these circumstances, Councillors who are members of Management Committees are advised to declare a personal interest at any Council meetings or discussions and should withdraw from the decision making process (see paragraph 11 above).

16 Indemnity for Members

16.1 The Council may only indemnify Councillors in certain circumstances as prescribed by the Local Authorities (Indemnity for Members and Officers) Order 2004.

16.2 The Council will provide an indemnity in relation to any action or failure to act by any Councillor which:

- is authorised by the Council;
- forms part of, or arises from, any powers conferred, or duties placed, upon that Councillor at the request, or with the approval of the authority including acting as the Council’s representative on an Outside Body;
- arises in respect of the cost of defending any claim for an allegation of defamation by a Councillor acting in an official capacity (but not in respect of any punitive or exemplary damages or arising from malicious or injurious falsehood);
- is in respect of any investigation, hearing or other proceedings for an alleged failure to comply with the Code of Conduct for Members but, if the Councillor is found to have breached the Code of Conduct, and where an appeal is unsuccessful(*), then that Councillor shall reimburse the authority or the insurer for your costs incurred in relation to those proceedings;
- is in respect of any investigation, hearing or other proceedings for an alleged failure to comply with the Code of Conduct for Members but, if the Councillor is found to have breached the Code of Conduct, and where an appeal is unsuccessful(*), then that Councillor shall reimburse the authority or the insurer for your costs incurred in relation to those proceedings;

16.3 The indemnity includes an act or omission subsequently found to be beyond the powers of the Councillor in question, but only to the extent that the Councillor reasonably and genuinely believed that the act or omission was within your powers at the time you acted.

16.4 The indemnity does not apply to the defence of any criminal proceedings brought against a Councillor unless specifically approved by the Council and then only on a similar basis to that relating to proceedings for breaches of the Code of Conduct (*)

16.5 It is possible in some circumstances for the Council to indemnify (i.e. stand behind the Councillor and pick up any personal legal liabilities/costs/damages which the Councillor incurs as a result of his/her appointment to an Outside Body). The Council currently has Officials Indemnity insurance cover in place which covers Members on Outside Bodies but it will be necessary to consider issues and claims on a case-by-case basis. Please speak to the Monitoring Officer if you have any cause for concern that an Outside Body with whom you are involved is getting into difficulty or you have any indication that you might be getting involved in potential personal liability

16.6 The Council’s indemnity cover will end when you cease to be a Councillor.

(*) the text in italics above refers to the former, statutory Code of Conduct, which carried with it a right of appeal to the First-tier Tribunal. This no longer applies.

JGP  July 2013
5th draft (form title in Para 12.2 updated from ‘288’ to ‘AP01’ in December 2015)
READING BOROUGH COUNCIL

APPOINTMENT TO OUTSIDE BODIES ANNUAL FEED BACK FORM

<table>
<thead>
<tr>
<th>Name of Organisation</th>
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<table>
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<tr>
<th>Name of Councillor</th>
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<td></td>
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<tr>
<td>Period of review</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Number of Meetings called to attend</td>
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<tr>
<td>Number of Meetings attended</td>
</tr>
<tr>
<td>Reasons for not attending, if appropriate</td>
</tr>
</tbody>
</table>

Please give a brief synopsis of the key areas covered by the outside body during the past Municipal Year.

What background/briefing information did you receive from the organisation on its constitution, aims, objectives etc and was it sufficient to enable you to carry out your appointed role? [please tick if received]

- [ ] Insurance Cover
- [ ] Constitution / Articles of Association / Terms of Reference
- [ ] Annual Report
- [ ] Audited Accounts
- [ ] Health & safety Policy
- [ ] Equalities Policy
- [ ] Meeting Agendas

What additional information do you require?
Part 6 - Members’ Allowances Scheme

Members’ Allowances And Subsistence

This section explains the Councillors’ Allowances Scheme adopted by the Borough Council effective from 1 April 2018 to 31 March 2019.

1. ALLOWANCES PAYABLE TO COUNCILLORS

1.1 Basic Allowance

The Basic Allowance paid to all Councillors is £8,220 per year. It is paid automatically through the payroll system, monthly in arrears.

Basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes and telephone.

1.2 Special Responsibility Allowance

Special responsibility allowance is paid to those councillors who have significant responsibilities which fall within the following categories:

- acting as leader or deputy leader of a political group
- membership of the executive, where an authority is operating executive arrangements
- presiding at meetings of a committee, sub-committee, or joint committee
- representing the authority at meetings of another body
- membership of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods
- acting as a spokesperson for a political group on a committee or sub-committee
- membership of an adoption appeals panel or panel dealing with licensing or controlling any activity
- any other activities in relation to the discharge of the authority’s functions as to require equal or greater effort of the member than any of the activities listed above.

Paid through the payroll system monthly in arrears as follows:

<table>
<thead>
<tr>
<th>Role</th>
<th>Allowance</th>
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<tbody>
<tr>
<td>Leader</td>
<td>£7,004pa</td>
</tr>
<tr>
<td>Deputy Leader</td>
<td>£5,722pa</td>
</tr>
<tr>
<td>Tier One SRA</td>
<td>£3,816pa</td>
</tr>
<tr>
<td>Tier Two SRA</td>
<td>£2,147pa</td>
</tr>
<tr>
<td>Tier Three SRA</td>
<td>£1,074pa</td>
</tr>
</tbody>
</table>

No councillor is to receive more than one Special Responsibility Allowance.

With regard to Special Responsibility Allowance:

♦ Tier One to be paid to the Lead Councillors and to the Leader of the main opposition group.
Constitution of Reading Borough Council – 23 May 2018

♦ Tier Two to be paid to Chairs of Committees and Leaders of the other political groups.
♦ Tier Three is to be paid to Vice-Chairs of Committees and other Councillors carrying out other activities in relation to the discharge of the authority’s functions that require the commitment of equivalent time and effort as for other categories of activity which would qualify for Special Responsibility Allowance under Paragraph 5(1)(i) of the Local Authorities (Members’ Allowances) (England) Regulations 2003 and to the independent person appointed in accordance with Section 28 of the Localism Act 2011 to carry out the functions specified in that Act in relation to the Members’ Code of Conduct and Local Standards Committee.

1.2.1 Council on 23 May 2018 agreed:

That, further to Minute 41 of the meeting of Council on 27 March 2018, the following persons shall be regarded as, or equivalent to, “other Councillors carrying out other activities in relation to the discharge of the authority’s functions as require the commitment of equivalent time and effort as for other categories of activity which would qualify for Special Responsibility Allowance” at Tier 3 for the remainder of the financial year 2018/19 (and subject to no Councillor receiving more than one Special Responsibility Allowance):

• Vice-Chairs of Committees
• Independent Person appointed in accordance with Section 28 of the Localism Act 2011

2.0 TRAVELLING AND SUBSISTENCE EXPENSES

Travelling and subsistence expenses may be claimed when a councillor is on Council business which is an approved duty as set out below. Claims must be supported by receipts/spent tickets in order to be non-taxable.

- a meeting of the executive
- a meeting of a committee of the executive
- a meeting of the authority
- a meeting of a committee or sub-committee of the authority
- a meeting of some other body to which the authority makes appointments or nominations
- a meeting of a committee or sub-committee of a body to which the authority makes appointments or nominations
- a meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups)
- a meeting of a local authority association of which the authority is a member
- duties undertaken on behalf of the authority in pursuance of any standing order requiring a member or members to be present while tender documents are opened
- duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises
- duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996
- any other duty approved by the authority in connection with discharging the duties of the authority or its committees or sub-committees.

Expenses may **NOT** be claimed for:
♦ meetings of political groups.
♦ attendance at Public Local Enquiries by councillors appointed by Planning Committee.
♦ attendance at Public Meetings not convened by the Council.
♦ attendance at School Governors’ Meetings.

2.1 **By Councillor’s Own Car**

The rate for travel by a councillor’s own motor vehicle is 45p per mile.

A claim may also be made for carrying passengers (not exceeding four) who would qualify for travelling allowance. The rate payable is 3p per mile for the first passenger and 2p per mile for second and subsequent passengers.

2.2 **By Councillor’s Own Bicycle**

The rate paid for travel by a councillor’s own bicycle is 37p per mile. The cycle to work scheme for officers has been extended to councillors.

2.3 **By Councillor’s Own Motorcycle**

The rate paid for travel by a councillor’s own solo motorcycle is 40.9p per mile.

2.4 **Car Park Fees etc.**

The costs incurred in car parking fees, tolls and ferries may be claimed.

2.5 **Public Transport**

The cost of the ordinary fare, cheap fare or portion of any weekly ticket may be claimed.

2.6 **Taxis**

When travelling by taxi, the equivalent of the fare for appropriate public transport is claimable UNLESS it is a case of urgency or no public transport is reasonably available. In this case a claim may be submitted for the actual fare and any reasonable gratuity paid.

This means, for example, a councillor using a taxi on non-urgent business during the day when there is a bus service available can only claim the cost of the bus fare. However, using a taxi late at night, when the bus service had ended, a claim for the total cost of the journey may be made.

Councillors with access disabilities which prevent their use either of private cars or public transport, may travel by taxi and reclaim both their actual fare and any reasonable gratuity paid.

2.7 **Day Subsistence**

Day subsistence rates for members are based on a meal basis, but with clarification of eligibility based on the time of day the meal is taken and time away from home. The scheme is the same as officers receive as follows:

a. Breakfast allowance (more than four hours away from normal place of residence or where the authority permits, a lesser period, before 11.00am) £8.26;

b. Lunch allowance (more than four hours away from normal place of residence or where the authority permits, a lesser period, including the lunchtime between 12 noon and 2.00pm) £11.41;
c. Tea allowance (more than four hours away from normal place of residence or where authority permits, a lesser period, including the period 3.00pm to 6.00pm) £4.52;
d. Evening meal allowance (more than four hours away from the normal place of residence or where the authority permits, a lesser period, ending after 7.00pm) £14.13.

2.8 **Overnight Subsistence**

The rate for an absence overnight from the usual place of residence is £82.21. For such an absence in London, or for attending the LGA Annual Conferences, the rate is £93.77.

Any overnight subsistence rate should be deemed to cover a continuous period of absence of 24 hours.

The subsistence rates referred to above may be exceeded in exceptional circumstances at the discretion of the Monitoring Officer, eg to enable a Councillor and an officer attending a conference to stay at the same accommodation, subject to there being sufficient budget provision.

2.9 **Meals Provided Free of Charge**

The rates specified in 2.7 above should be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

2.10 **Dependant Carer’s Allowance**

A claim may be made for the cost of a paid care attendant to look after children or elderly or disabled relatives when undertaking particular duties as set out below:

- a meeting of the executive
- a meeting of a committee of the executive
- a meeting of the authority
- a meeting of a committee or sub-committee of the authority
- a meeting of some other body to which the authority makes appointments or nominations

or

- a meeting of a committee or sub-committee of a body to which the authority makes appointments or nominations
- a meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups)
- a meeting of a local authority association of which the authority is a member
- duties undertaken on behalf of the authority in pursuance of any standing order requiring a member or members to be present while tender documents are opened
- duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises
- duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996
- any other duty approved by the authority in connection with discharging the duties of the authority or its committees or sub-committees.
Claims may be made for up to £8.75 per hour for childcare for up to 15 hours per week.

Claims may be made for up to £8.75 per hour for the paid care attendant for an elderly or disabled relative (including a disabled child) for up to 15 hours per week.

The person providing the care may not be a close relative, defined as spouse, partner (opposite or same sex cohabitees), parents, children, brothers, sisters, grandparents and grandchildren. The paid care attendant must sign a receipt to show that they have cared for the dependent during the hours claimed for.

Note: This allowance is taxable.

2.11 Co-optees’ Allowances

Co-optees’ Allowances are payable solely to non-councillor members of the Standards Committee attending meetings of the Committee or any sub-Committee set up by the Committee as part of its process of assessing, investigating and hearing complaints about councillors, eg hearings to consider possible non-compliance with the Members’ Code of Conduct. The allowances are paid at the daily rate equivalent of the Councillors’ Basic Allowance. The Monitoring Officer is authorised to settle the rate to be paid on each occasion.

2.12 Provision for withholding of Allowances under certain Circumstances

Certain allowances may be withheld as a result of full or partial suspension of a member of an authority. Where authorities would like to provide for this option, they should include provision for withdrawal of allowances in their schemes. An authority may provide in its scheme for the repayment of any allowances which have been paid in respect of a period during which a member has been suspended.

Where a councillor is fully or partially suspended from their duties, their basic allowance may be fully or partly withheld.

Travel and subsistence allowances may be withheld where a councillor has been suspended from duties or responsibilities which attracted these allowances.

Where a councillor is fully or partially suspended from any duties or responsibilities which attract special responsibility allowance, those allowances may be withheld by the authority.

Co-optees’ allowance may also be withheld where a co-optee is partially or fully suspended from their duties.

Dependant carer’s allowance may not be withheld from councillors.

Note: A person may forego all or part of any allowances to which they are entitled. To do so, notice must be given in writing to the proper officer of the authority.

3.0 PAYMENT OF ALLOWANCES/EXPENSES

3.1 Claim Forms

All expenses can be claimed on the one form (except Basic and Special Responsibility Allowances, which are paid automatically).

Time and place of departure may be from work, it does not have to be a home to home journey but claims must show clearly where you are travelling from and to. Completed forms should be sent to the Councillor Services Team who will forward them to the Payments Section.

3.2 Payment Dates
Allowances will be paid at the end of each month. The usual payment date is 26th of the month. To ensure payment is received by the end of the month, claims should be submitted by the 7th of the month. It is essential that claims are submitted regularly and do not build up, to allow effective budgetary monitoring.

3.3 **Taxation Allowances**

Basic, Special Responsibility and Dependant Carers’ Allowances are taxable income. HM Inspector of Taxes, Reading South 1 District is provided with the names of new councillors and asks them for appropriate information from which a PAYE tax code can be issued. Alternatively, a councillor may apply to HM Inspector to pay tax at the standard rate, although the only advantage in this method seems to be a greater element of privacy than with a normal tax code.

It is necessary to apply a temporary tax code on allowances until instructions are received from HM Inspector.

In returning the tax assessment forms, members are able to claim certain expenses which would reduce tax liability. These are expenses incurred wholly, exclusively and necessarily in the performance of the duties of the councillor not reimbursed by the Council; they can extend beyond direct Council work for example to the costs of dealing with Ward work, such as travelling, telephone calls, stationery and postage, provided they are not of a political nature. The decision on what is acceptable is made by the Inspector of Taxes who may ask for the actual figures to be returned by a member after the year end.

Travelling and subsistence allowances are not taxable, provided receipts or spent tickets are submitted with claims.

3.4 **National Insurance Contributions**

Basic and Special Responsibility Allowances are subject to a National Insurance contribution on the whole amount of allowances where the weekly average since the previous payment (or from the first week of the tax year, if later) exceed the 'lower earnings limit'. Some married women are still eligible to pay at 3.85% and retired persons are exempt, but in either case, an appropriate certificate from the Department of Social Security must be produced.

A Councillor who has more than one employment and expects to pay National Insurance contributions on earnings at the upper earnings limit throughout the year in one of them, or a combination of some of them, may apply for deferment of contribution liability in the other employment(s). If the application for deferment is accepted, payment of contributions in the other employment(s) will be excused and the employer(s) authorised not to make any deduction of National Insurance.

Any councillor interested in deferment of National Insurance contributions should refer to DSS Leaflet NP28 for further information.

3.5 **Councillors Receiving Benefit**

Entitlement to Income Support/Job Seekers Allowance/Universal Credit may be affected by the Councillor allowance.

4. **FINANCIAL ADVICE**

Councillors who would like financial advice should contact:

*Teresa Regan*

**Tel:** 01959 561 000  
**Email:** teresa.regan@fluentifa.co.uk  
**Address:** Victory Way, Admirals Park, Crossways, Dartford, Kent, DA2 6AG
Or alternatively contact the Councillor Services Team who can make an appointment for you.

5. **SALARY SACRIFICE SCHEME**

- Bus to Work Scheme
- Childcare Vouchers
- Cycle to Work Scheme
Part 7 - Management Structure