

Key Decision Required:	NO	In the Forward Plan:	NO
-------------------------------	-----------	-----------------------------	-----------

CABINET

7 NOVEMBER 2014

REPORT OF THE PLANNING AND CORPORATE SERVICES PORTFOLIO HOLDER

A.6 AMENDMENTS TO THE COUNCIL'S CONSTITUTION – PHASE 3

(Report prepared by Lisa Hastings, Monitoring Officer)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report asks the Cabinet to recommend to Council, proposed changes which have been suggested by Members and Officers as Phase 3 of the Constitution Review.

The changes include proposed revised Articles, Rules of Procedure (Budget and Policy Framework and Officer Employment Procedure Rules), reinstate the Member/Officer Protocol and Members' Allowances Scheme. The key changes to each of these documents are highlighted within the body of this Report and where possible, in the text of the Appendices.

EXECUTIVE SUMMARY

The Constitution Working Party ("CWP") is chaired by the Portfolio Holder for Planning and Corporate Services, has cross party membership and is supported by the Monitoring Officer, Corporate Director (Corporate Services) and Democratic Services Manager. The CWP has spent the summer months reviewing the relevant parts of the Constitution contained within the Appendices to provide greater clarity for the benefit of both Members and Officers, taking into account legislative requirements, best practice and examples used in other local authorities.

A summary of the changes compared to the existing Parts are provided under each heading below and in each case, the content has been streamlined to remove duplication and checked to ensure in accordance with legislation, where necessary. In all instances, the CWP and supporting officers have suggested changes that work for the Council as a whole, will assist both Members and Officers and in the majority of the suggestions after debate, there was agreement within the CWP on the proposals.

(a) Part 2 - Articles:

The overall aims are to:

- i. Ensure that the plans and strategies referred to in the Policy framework are up to date;
- ii. The functions of full Council are in accordance with the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended);
- iii. To ensure that the content is consistent with the Rules and Procedure

contained elsewhere in the Constitution;

- iv. To move the Functions of Full Council from Part 3 of the Constitution (Scheme of Delegation) to Article 4.02;
- v. Updated the general role of Overview and Scrutiny Committees in Article 6 to reflect current practice;
- vi. Include within Article 8 general information of the Council's Committee and Sub-Committee structure include the membership numbers;
- vii. To include within Article 9 (which is currently not used), the terms and reference of the Standards Committee and Town and Parish Standards Sub-Committee approved by Council in November 2013;
- viii. Remove reference to Area Committees and Forums within Article 10 and replace with new content setting out the Council's arrangements for Community Consultation and Participation. This section and detail reflects the enhanced community leadership role, which the Council has moved to in recent years.
- ix. Present the Officer Management Structure clearer in Article 12 and include the principal areas of service for each of the Corporate Directors and Head of Planning, for ease of reference for members;
- x. Increase the key decision threshold in Article 13 from £50,000 to £100,000 (which was last set in 2000). If agreed by Council the definition of key decision in the Access to Information Procedure Rules will need to be amended as well, to ensure consistency;
- xi. Involve the Legal Services manager through consultation on decisions regarding legal proceedings and revise the wording in both authentication of documents and sealing thereof in Article 14 ensuring greater clarity; and
- xii. Confirming within Article 15, how the Constitution will be reviewed and that the Monitoring Officer can make minor amendments to the Constitution, as agreed by Council in June 2014.

Articles 6 and 7 have formally been reviewed through Phases 1 and 2 and did not form part of Phase 3 (subject to one small deletion which is required in Article 7.08 (2.1), which was overlooked during the last phase).

(b) Part 5 – Budget and Policy Framework and Financial Procedure Rules

The overall aims are to:

- i. Amend any reference in both documents to the 'Financial Strategy' to 'Financial Strategy/Forecast';
- ii. Revise the wording under Rule 9 of the Budget and Policy Framework 'call-in of decisions outside the budget or policy framework' seeking to ensure that the wording was clearer without altering the principles;
- iii. Amend reference to the Contract Procedure Rules to 'Procurement Procedure Rules';

- iv. Slight revision to the definitions and wording throughout to provide greater clarity and remove duplication, as suggested by the Chief Finance Officer;
- v. Amending reference from the Finance and Procurement Manager to the statutory role 'Chief Finance Officer';
- vi. Increasing the limits for changing budgets after approval by Council for the Finance and Transformation Portfolio Holder and Cabinet and virement (Rules 6.1.5 and 6.3.4(e)); and
- vii. Removing reference to 'investment programmes and ICT projects' and replacing with 'Capital Schemes' (Rule 6.3.5(d), (e) and (f));

(c) Part 5 – Access to Information Procedure Rules:

Additional paragraph (Rule 3 – rights to attend meetings) to make reference to the new legislative provision allowing members of the public to photograph, film and audio-record proceedings in accordance with The Openness of Local Government Bodies Regulations 2014.

(d) Part 6 – Codes and Protocols:

At the outset of the CWP, it was highlighted that the Member/Officer Protocol was no longer contained within the Constitution and suggested that this should be reinstated and placed together with the Members and Officers' Codes of Conduct. In accordance with the delegated power, the Standards Committee considered at its meeting on 29th September 2014, a revised document and approved the new Protocol and agreed with the suggestion that it should be contained within the Constitution and made a recommendation to Council

(e) Part 7 – Members' Allowance Scheme:

The overall aims are to:

- i. Split Part 7 between the standing arrangements and the specifically agreed scheme for any particular year;
- ii. Clarifying the costs that are covered by the basic allowance;
- iii. Clarifying that where two SRAs are eligible that only the higher will be paid and that this also applies to the Chairman and Vice-Chairman of the Council;
- iv. Restating the timescales for members to submit expense claims;
- v. Updating the section on pension ability of posts in line with the new Local Government Pension Scheme effective from 1 April 2014;
- vi. A slight amendment to the arrangements for the Schedule of Members' Commitments;
- vii. Making the effective date for any change of all allowances the day on which

the event occurs (currently changes to Group Leader allowance are treated differently and amended on the 1st day of the month following the change);
and

viii. Clarification on where an approved duty applies.

RECOMMENDATION

That Cabinet endorses the recommendations of the Constitution Working Party as follows:

- (a) The proposed changes to the Articles, Budget and Policy Framework Procedure Rules, Financial Procedure Rules, Access to Information Rules and Members' Allowance Scheme as detailed at Appendices A, B, C, D and E respectively be adopted;**
- (b) The Member/Officer Protocol be reinstated within the Constitution; and**
- (c) The Council's Constitution be amended accordingly to reflect the changes set out in this report.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council operates efficiently in pursuit of its priorities.

FINANCE, OTHER RESOURCES AND RISK

Risk

Providing clarity through clearer and consistent procedure rules contained within the Constitution prevents confusion and different interpretation and enhances the Councils governance arrangements.

LEGAL

In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority operating executive arrangements must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority consider appropriate.

Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to make amendments to the standing orders and the Constitution rests with full Council.

Article 15 of the Council's Constitution provides that changes to the Constitution are approved by full Council after receiving a recommendation from the Executive following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with responsibility for corporate governance.

The Openness of Local Government Bodies Regulations 2014 gives people statutory rights to report on council meetings. From 6 August anyone attending a public council meeting has the right to film, broadcast, record, photograph or otherwise report on the meeting – including tweeting. This includes meetings of Full Council, Cabinet, Scrutiny and all other public committees.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

There are no other implications arising from this report.

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

A review of the Council's current Constitution is currently being undertaken. The review was being undertaken in three phases, as follows:

Phase 1:

- Procurement Rules;
- Property Dealing Policy;
- Cabinet (Executive) Procedure Rules

All presented to and adopted by Council on 25 March 2014 together with an urgent delegation for emergency planning enforcement.

Phase 2:

- Council Procedure Rules
- Overview and Scrutiny Rules
- Access to Information Rules
- Property Management Delegated Powers

All presented to and adopted by Council on 3 June 2014 after some revisions.

Phase 3:

Part 2: Articles

Part 3: Scheme of Delegation

Part 5: Rules of Procedure (Budget and Policy Framework and Financial Procedure Rules)

Part 6: Codes and Protocols

Part 7: Members' Allowances Scheme

As part of Phase 3, the format of the Scheme of Delegation has been approved by the CWP and considerable progress made with the Council and Committee functions. However, due to the pressures of the recent election on staffing resources, it was not possible to complete the review including consultation with the Leader and Cabinet on the Executive functions. Therefore, the Scheme of Delegation will be presented to Council in February or March 2015.

During the review of the Scheme of Delegation it has been proposed that the functions of the Regulatory Committee are shared amongst other committees, due to infrequency the committee has met during the last 2 years and to provide greater efficiency and better use of resources. This will have an impact on the allocation of seats and Group Leaders have been informed of the proposal for early consideration, although changes will not take effect until the new municipal year.

BACKGROUND PAPERS FOR THE DECISION

There are no background papers (as defined by the Local Government Act 2000) arising from this report.

APPENDICES

Appendix A: Part 2 – Articles

Appendix B: Part 5 - Budget and Policy Framework Procedure Rules

Appendix C: Part 5 - Financial Procedure Rules

Appendix D: Part 5 - Access to Information Procedure Rules

Appendix E: Part 7 - Members' Allowance Scheme

Part 2 - ARTICLES

ARTICLE 1 – THE CONSTITUTION

ARTICLES

ARTICLE 1 – THE CONSTITUTION

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, including all its schedules and appendices, is the Constitution of the Tendring District Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

- 1 Provide key elements of the Council's overall governance arrangements;
- 2 Enable decisions to be taken efficiently and effectively;
- 3 Create an effective means of holding decision-makers to public account;
- 4 Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations for the long term well-being of the District;
- 5 Support the involvement of the local community in the process of local authority decision-making;
- 6 Ensure that no one will review or scrutinise a decision in which they were directly involved;
- 7 Help Councillors represent their residents more effectively;
- 8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and
- 9 Provide the framework and structure in which cost effective quality services to the community are delivered.

1.04 Interpretation and Review of the Constitution

Any interpretation of the Constitution must have regard to the purposes stated above.

ARTICLE 1 – THE CONSTITUTION

Where the context allows, words in the Constitution indicating one gender include both genders.

Unless otherwise indicated, where a “day” is referred to, this will mean a “working day” and will not include weekends or Bank Holidays.

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

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

(a) Composition.

The Council will comprise 60 members, otherwise called Councillors. One or more councillors will be elected by the voters of each of 35 wards in accordance with a scheme drawn up by the Local Government Boundary Commission for England, and approved by the Secretary of State.

(b) Eligibility.

Only registered voters of the District, or those living or working there, will be eligible to hold the office of councillor.

2.02 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and Functions of all Councillors

(a) Key roles. All Councillors will:

- (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate for their communities;
- (iii) Effectively represent the interests of their ward and of individual residents;
- (iv) Respond to residents' enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances;
- (v) Be involved in decision-making for the people of the District as a whole;
- (vi) Be available to represent the Council on other bodies; and
- (vii) Contribute to the governance and effective management of the Council's business at meetings of the Council, Cabinet and other Committees and Sub-Committees, maintaining the highest standards of conduct and ethics.

ARTICLE 1 – THE CONSTITUTION

(b) **Rights and Duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in Part 5 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct and Protocols set out in Part 6 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 7 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

The rights to information and to participate are explained in more detail in the Access to Information Rules in Part 5 of this Constitution. Other rights include:

(a) **Voting and petitions:**

People on the Electoral Register for the District have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

The Council's Petition Scheme enables people who live, work and study in the district to submit a petition on an issue of concern.

(b) **Information:**

The public 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 (Committees for this purpose do not include Working Groups and/or Task and Finish Review Groups);

(ii) Attend meetings of the Cabinet when key decisions are being considered;

(iii) Find out from the Forward Plan what key decisions will be taken by the Cabinet and when;

(iv) See reports and background papers, and any records of decisions made by the Council and the Cabinet; and

(v) In accordance with published timescales inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation:**

The public have the right to participate in the Council's written question time and contribute to investigations by the Overview and Scrutiny Committees.

(d) **Complaints:**

The public have the right to complain to:

(i) A Ward Councillor;

(ii) The Council itself under its Complaints Scheme, details of which are available on the Council's website;

(ii) The Local Government Ombudsman, after using the Council's own Complaints Scheme;

ARTICLE 3 – CITIZENS AND THE COUNCIL

- (iii) The Monitoring Officer about a breach of the Council's Members' Code of Conduct which sets out the standards of behaviour expected of a Councillor and is contained within Part 6 of this Constitution. The Complaints Procedure is available on the Council's website.

3.02 Citizens' Responsibilities

At meetings of the Council, its Committees or Cabinet, members of the public must treat Councillors and Officers with respect and courtesy and must not wilfully harm the property of the Council, Councillors or Officers.

ARTICLE 3 – CITIZENS AND THE COUNCIL

ARTICLE 4 - THE FULL COUNCIL

4.01 Meanings

(a) **Policy Framework:**

The policy framework means those statutory policies and plans which must be approved or adopted by the full Council and are, for the time being, the following:

- Council's Corporate Strategy;
- Community Strategy;
- Crime and Disorder Reduction Strategy (Sections 5 and 6 of the Crime and Disorder Act 1998);
- Plans and strategies which together comprise the Local Development Plan Documents (Section 15 of the Planning and Compulsory Purchase Act 2004);
- The plan and strategy which comprise the Housing Investment Programme (HRA Business Plan and Housing Strategy);
- Statement of Licensing Policy (Licensing Act 2003);
- Statement of Licensing Policy (Gambling Act 2005);

Other plans and strategies which the Council may decide from time to time are to be adopted by the Council as a matter of local choice as part of the policy framework, including but not limited to:

- IT Strategy and Information Governance
- Procurement Strategy

(b) **Budget:**

The budget is a statement identifying the allocation of financial resources (as provided for in the Local Government Finance Act 1992), including capital resources, to different services and projects, proposed taxation levels, to contingency provisions ('reserves' and 'balances') and any plan or strategy for the control of the local authority's borrowing or capital expenditure. This does not include the Housing Revenue Account Budgets or rent fixing.

The term budget also does not include the determination of the Council's Capital Strategy. The Annual Budget setting process involves the determination of such allocations, decisions and prudential indicators and setting of the Council Tax.

ARTICLE 3 – CITIZENS AND THE COUNCIL

(c) Housing Land Transfer:

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

4.02 Functions of the Full Council**Only the Council will exercise the following functions:**

1. Approving or adopting any plans and strategies that form the Council's Policy Framework;
2. Approving the overall budget as set out in 1 (b) above including approving and setting the Council Tax;
3. The making of any application to the Secretary of State in respect of any Housing Land Transfer as set out in 1 (c) above;
4. Adopting and changing the Constitution unless specifically delegated to the Monitoring Officer;
5. The adoption or approval of a plan or strategy, other than a plan or strategy for the control of the authority's borrowing or capital expenditure or forming part of the Policy Framework, where the Council determines that the decision whether the plan or strategy should be adopted or approved should be taken by them;
6. Approving for the purposes of its submission to the Secretary of State for independent examination under Section 20 of the Planning and Compulsory Purchase Act 2004, of a development plan document;
7. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making executive decisions about any matter where the decision-maker is minded to make a decision contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
8. The election of the Leader of the Council or the passing of a resolution to remove the Leader of the Council;
9. Agreeing and/or amending the terms of reference for Committees, Sub-Committees etc, deciding on their composition and making appointments to them including their Chairmen and Vice Chairmen;
10. The appointment of any representatives to outside bodies, including joint committees, unless the appointment is a Cabinet function or the function has been delegated by the Council;
11. Adopting a Members' Allowances scheme;
12. Adopting and amending the Authority's Members' Code of Conduct;

ARTICLE 3 – CITIZENS AND THE COUNCIL

13. The appointment of Independent Persons on the recommendation of the Monitoring Officer as to who should be appointed;
14. All functions of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, which the Council has retained for discharge by itself as set out in Part 3, Schedule 2 of the Council's Constitution;
15. All local choice functions of Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, which the Council has retained for discharge by itself as set out in Part 3, Schedule 1 of the Council's Constitution;
16. All other matters which by law must be reserved to Council.

4.03 Council Meetings

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

4.04 Responsibility of functions

The Council will maintain the tables and appendices in Part 3 of the Constitution setting out the responsibilities of the Council's functions which are not the responsibility of Cabinet as prescribed in the Local Authorities (Functions and Responsibilities)(England)(Regulations) 2000, as amended.

4.05 Conflict Resolution in Setting the Budget and Policy Framework

The process of resolving conflict in the setting of the budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in Part 5 of the Constitution.

ARTICLE 5 – CHAIRING THE COUNCIL

5.01 Role and Function of the Chairman:

The Chairman and Vice-Chairman will be elected by the Council annually.

The Chairman and the Vice-Chairman must not be Members of the Cabinet.

The Chairman or, in their absence, the Vice-Chairman will have the following roles and responsibilities:

- 1 To uphold and promote the purposes of the Constitution, and to rule on the interpretation and application as and when necessary at meetings;
- 2 To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- 3 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to generally hold the Cabinet to account;
- 4 To promote public involvement in the Council's activities;
- 5 To attend such civic and ceremonial functions as the Council and they determine appropriate;
- 6 To be the custodian of the democratic process of the Council;
- 7 To call extraordinary meetings of the Council under Schedule 12 Part I, Section 3 of the Local Government Act 1972.

ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

6.01 General Role:

The Council will appoint **four** Overview and Scrutiny Committees, whose terms of reference are as set out below. Within its terms of reference, each Overview and Scrutiny Committee will:

1. Review or scrutinise Cabinet decisions (including delegated to Portfolio Holders and Officers) made or published in the forward plan;
2. Assist with policy formulation and review of policies; and
3. Make reports or recommendations to the Cabinet or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.

This may include:

4. The co-ordination of all overview and scrutiny functions on behalf of the Council;
5. Receiving reports from the Leader on the Cabinet's priorities for the coming year and its performance in the previous year;
6. Submitting to Full Council for approval an annual overview and scrutiny work programme;
7. Call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers);
8. Consideration of the business schedule for Cabinet when making referral decisions and prioritising those referrals in a timely manner; and
9. Appoint Overview and Scrutiny Members to attend relevant conferences, seminars and courses.

6.02 Terms of Reference:

The terms of reference for each Overview and Scrutiny Committee are set out below:

(i) Community Leadership and Partnerships Committee

To perform the functions in relation to the Council's external-facing functions including:

- Community Strategy
- Community Services
- Regeneration
- Local Plan/Local Development Framework
- Consultation
- Emergency Planning (Civil Contingencies)

- Partnerships
- External Scrutiny (e.g. Crime and Disorder Reduction and Health)

(ii) Service Development and Delivery Committee

To perform the functions in relation to the policy development and implementation of the Council's services including:

- Direct and support services
- Services provided by contractors

(iii) Corporate Management Committee

To perform the functions in relation to the Council's internal-facing functions including:

- Financial Strategy
- Budget setting
- Efficiency/value for money/procurement
- Corporate Strategy
- Performance management reports
- Capital Strategy and asset management
- ICT, contract management and communications

(iv) Education and Skills Committee

To support the Council's community leadership role in respect of improving the aspiration and attainment of young people in the District and this will include:

- Reviewing the key drivers that impact the educational attainment and aspirations in Tendring, including:
 - School performance in its wider remit (including how to support the recruitment and retention of teachers in Tendring schools);
 - School readiness of young people (including reviewing support that can be given to families);
 - The impact of migration into the District and contributory Council policies;
 - The roles of partners, including the business sector, in supporting schools.
 - Supporting the recruitment and training of school governors; and
 - The way partners work together to provide improved access to careers information to young people.
- Reviewing the work undertaken by the Council, including within its partnership activities, to develop the skills of those that live and work in the District.

6.03 Proceedings of the Overview and Scrutiny Committees:

The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 5 of this Constitution.

ARTICLE 7 – THE CABINET (ALSO REFERRED TO AS THE EXECUTIVE)

7.01 Role and Responsibilities

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

7.02 Form and Composition

The Cabinet will consist of the Leader of the Council together with other councillors appointed to the Cabinet by the Leader. The Leader will determine the number of councillors who may be appointed to the Cabinet subject to the statutory minimum requirement of two councillors appointed to the Cabinet by the Leader and the statutory maximum number of 10 members of the Cabinet.

7.03 Leader of the Council

The Leader of the Council will be a councillor elected to the position by the full Council. The election of the Leader will normally be carried out at the Annual Meeting of the Council following the District Council Elections. The Leader will hold office until the annual meeting of the Council following the next District Council elections or until:-

- (a) They resign from the office; or
- (b) They cease to be a councillor; or
- (c) The Council passes a resolution removing the Leader from office at an earlier date. If the Council so passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office or at a subsequent meeting.

Upon expiry of the fixed term the Leader will be eligible for re-election for subsequent fixed terms.

Upon the occurrence of a vacancy in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council. The person appointed to fill the vacancy shall hold office for the remainder of the original term subject to earlier termination as provided for above.

In the interim period between the vacancy in the office of the Leader and the next ordinary meeting of the Council, the Deputy Leader will act as Leader on an interim basis.

7.04 Deputy Leader of the Council

The Leader of the Council will appoint one of the members of the Cabinet to be his deputy. The Deputy Leader of the Council, unless he resigns as Deputy Leader or ceases to be a member of the authority, will hold office until the end of the term of office of the Leader of the Council. However, the Leader may, if he thinks fit, remove the Deputy Leader from office.

Where a vacancy occurs in the office of Deputy Leader the Leader will appoint another person in his place.

If for any reason the Leader is permanently unable to act or the office of Leader is vacant, the Deputy Leader will act temporarily in his place until the next formal ordinary meeting of the Council when a new Leader will be elected.

If the Deputy Leader is also unable to act or the office is vacant the Cabinet will act in the Leader's place or will arrange for a member of the Cabinet to act in his place.

7.05 Other Cabinet Members (also known as Portfolio Holders)

Other Cabinet members shall hold office until:

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

7.06 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out below at 7.08.

7.07 Responsibility for Executive Functions

The arrangements for the discharge of Executive Functions are contained within Part 3 of the Constitution.

The Executive functions may be discharged by:

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet, where appointed by the Leader;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) an area committee;
- (vi) joint arrangements; or
- (vii) another local authority.

Part 3 of the Constitution will be maintained and kept up to date with the agreement of Leader of the Council, setting out which Members of Cabinet, Committees of the Cabinet, Officers or joint arrangements are responsible for the exercise of particular Executive Functions.

7.08 CABINET PROCEDURE RULES

1. MEETINGS

1.1 Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices (the Town Hall) or another location to be agreed by the Leader.

1.2 Meetings of the Cabinet

Meetings of the Cabinet when key decisions are to be made will be held in public except where confidential or exempt information is to be discussed.

1.3 Quorum

The quorum for a meeting of the Cabinet shall be three including the Leader or in his absence the Deputy Leader.

1.4 Chairmanship

The Leader (or in his absence the Deputy Leader) will preside at any meeting of the Cabinet at which he is present.

1.5 Who May Attend?

- (i) Subject to the Access to Information Rules and the provisions of the Members' Code of Conduct, any Councillor may attend meetings of the Cabinet. They may not speak without the consent of the Leader of Cabinet, or in any case vote.
- (ii) The Leader or Deputy Leader of the opposition groups may, as of right, attend meetings of the Cabinet and participate fully in discussion on all agenda items, but cannot vote. If requested by the Leader or Deputy Leader of an opposition group to do so, the minutes of the meeting of Cabinet on a particular matter will record their Group's opposition to all or part of a decision.
- (iii) Meetings of the Cabinet shall have in attendance the Chief Executive, the Chief Financial Officer, the Monitoring Officer (or Deputies) and other relevant Corporate Directors in the light of items to be discussed, or their nominated representatives, at the discretion of the Chief Executive.
- (iv) The Chief Financial Officer and Monitoring Officer has the right to attend and present a report to discharge their statutory duties whenever necessary.
- (v) The Constitution includes no provision for substitute members at meetings of the Executive.

2. Agenda

2.1 Members' Written Questions

Any Member has the right to submit a written question to the Cabinet on any item on their agenda and to attend to present it ~~a written~~ at the meeting of the Cabinet when the item is to be considered. Such question shall be submitted at least 24 hours before this Cabinet meeting. The Member may withdraw their question at any time.

2.2 Order of Business

At each meeting of the Executive the following business will be conducted:

- (a) Consideration of the minutes of the last meeting;
- (b) Declarations of interest, if any;
- (c) Matters referred to the Cabinet (by the Overview and Scrutiny Committees or the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 5 of this Constitution;
- (d) Any matter where the Overview and Scrutiny Commission or Council have resolved that an item be considered by the Cabinet. The Chief Executive will ensure that an item is placed on the agenda of the next available meeting;
- (e) Consideration of reports from the Overview and Scrutiny Committees;
- (f) Matters set out in the agenda for the meeting and which shall indicate which are key decisions, and which are not, in accordance with the Access to Information Procedure Rules set out in Part 5 of this Constitution.
- (g) Key decisions, as indicated on the agenda for the meeting, in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.
- (h) Any matter relating to an executive function that the Leader of the Council wishes to be included, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.
- (i) Any matter relating to an executive function requested by a member of the Cabinet. The Chief Executive will be required to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration, subject to the issue in question not having been considered in the last 6 months.
- (j) Any matter relating to an executive function requested by a Member of the Council, subject to the agreement of the Leader of the Council. A Member may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, subject to the issue in question not having been considered in the last 6 months. If the Leader agrees, the item will be considered at the next

available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered who will also be invited to attend the meeting. There may only be up to 2 such items per Cabinet meeting.

- (k) Any matter included on the agenda by the Monitoring Officer and/or the Chief Financial Officer for consideration. They may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a matter requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.
- (l) The Chief Executive or any member of Management Team may place an item on the agenda of any meeting of the Executive.

3. Consultation

All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the Budget and the Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation.

Reports about other matters will set out the details and outcome of consultation, as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Prior to all Cabinet Decisions, Ward Members must be consulted on specific ward related matters; the outcome of the consultation will be included within the body of the Report.

All reports to the Executive will include details of all appropriate officer advice in respect of the matter under consideration, in particular advice from the Chief Executive, Chief Financial Officer and the Monitoring Officer.

4. Conduct

(a) Disturbance by Public - Removal of Member of the Public

If a member of the public interrupts proceedings, the Leader will warn the person concerned. If he continues to interrupt, the Leader will order his removal from the meeting room.

(b) Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Leader may call for that part to be cleared

5. Procedures for Private Meetings of Cabinet

The rules concerning private meetings of Cabinet are set out in the Access to Information Rules in Part 5, this does not apply to Portfolio Holder Working Parties or Groups, who meet for specific subjects with across party representation.

The process for appointing members of the Portfolio Holder Working Parties or Groups will require a letter to be sent to the Leader of each political group inviting them to identify members of their group who are interested in serving on the group.

6. DECISIONS

6.1 Overlap or Interests

- (a) In cases where there is an overlap in responsibilities between Portfolio Holders, the Leader of the Council shall advise of the relevant Portfolio Holder to make the decision
- (b) Where any or all members of the Cabinet has an interest this should be dealt with in accordance with the Council's Code of Conduct for Members as set out in Part 5 of this Constitution.

6.2 How are Decisions to be taken by the Cabinet?

Cabinet decisions which have been retained to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules, as applicable in Part 5 of the Constitution.

After any meeting of the Cabinet, whether held in public or private, or with regards to decisions taken by individual members of the Cabinet, within their delegated powers, the Chief Executive or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting or by individual members of the Cabinet. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. The record of decisions made at meetings will take the form of the minutes of the meeting.

Records of all decisions will be published as soon as practicable after they have been taken and made publicly available. In accordance with the Overview and Scrutiny Procedure Rules, decisions of the Cabinet, subject to certain exceptions, may not be implemented until the expiry of the call-in period.

ARTICLE 8 – COMMITTEES**8.01 Committees**

The Council has the following Non-Executive Committees and Sub-Committees, the majority of which are appointed at Annual Council with a membership that reflects the political make-up of the Council. The roles and responsibilities and delegation of these Committees and Sub-Committees are set out in Part 3, Schedule 2, of this Constitution with current membership shown as set out below:

Committee	Membership
Audit Committee	5
Community Leadership and Partnership committee	8
Corporate Management Committee	8
Council Tax Committee	5
Education and Skills Committee	8
Human Resources Committee	14
Licensing Committee	15
Local Plan Committee	13
Planning Committee	11
Regulatory Committee	14
Service Development & Delivery Committee	8
Standards Committee	7
Appeals Sub-Committee	6
Licensing (General Purposes) Sub-Committee	8

In addition, the following Sub-Committees are also appointed which are not subject to the rules regarding political proportionality:

Premises/Personal Licences Sub-Committees (x3)	3
Town and Parish Councils' Standards Sub-Committee	6

8.02 Roles and functions:

The Roles and the functions of these Committee and Sub-Committees are set out in Part 3 of this Constitution.

8.03 Proceedings:

Subject to Article 13.4, Committees and Sub-Committees will conduct their proceedings in accordance with the relevant Procedure Rules set out in Part 4 of this Constitution.

ARTICLE 9 – STANDARDS COMMITTEE & TOWN AND PARISH COUNCILS' STANDARDS SUB-COMMITTEE

9.01 Composition:

- The Standards Committee (“the Committee) shall consist of seven Members of Tendring District Council;
- No more than one Member shall be a Member of its Cabinet;
- No Leaders of Political Groups will be members of the Committee;
- The only Members permitted to be substitutes on the Committee will be those named at the beginning of the Municipal Year by the Political Group Leaders;
- No Member will be permitted to participate in meetings of the Standards Committee or its Sub-Committee unless they have undertaken specific Standards Committee training;
- No substitute Members will be permitted, unless they have undertaken specific Standards Committee training;
- The Committee is politically balanced in accordance with Section 15 of the Housing and Local Government Act 1989;
- The Committee will have a standing Chairman and Vice Chairman appointed by the Full Council. However, when the Committee is convened to conduct a hearing the meeting will be chaired by one of the Members of the Committee who is not from the same political Group as the Member who is the subject of the Complaint (nor of the same Group as the complainant if a Member of the Council); and
- A member of the Standards Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.

9.02 Quorum:

- At least 3 voting Members of the Committee.

9.03 Meetings:

- At least quarterly.

9.04 Terms of Reference

- The Standards Committee will exercise the functions in accordance with the terms of reference set out in Part 3 of this Constitution.

9.05 TOWN AND PARISH COUNCILS' STANDARDS SUB-COMMITTEE

(1) Terms of Reference:

- To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct.

(2) Composition:

- Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;
- The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination; and
- A member (or non-voting co-opted member) of the Town and Parish Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.

(3) Meetings:

- The Sub-Committee will meet as and when required.

(4) Quorum:

- The Quorum for meetings of the Standards Sub-Committee is three voting Members. All three Tendring Council Members, or substitutes for them, have to be present at the Sub-Committee.

(5) Voting:

- Only the three District Council Members (or their substitutes, if applicable) on the Sub-Committee can vote.
- The views and recommendations of the three Town and Parish Council representatives will be recorded in the minutes of the meeting.

(6) Chairmanship:

- The Sub-Committee will appoint a Chairman from the District Councillor membership.
- However, when the Committee is convened to conduct a hearing the meeting will be chaired by one of the Members of the Sub-Committee who is not from the same political Group as the Member who is the subject of the Complaint (nor of the same Group as the complainant if a Member of the Council).

ARTICLE 10 – AREA COMMITTEES AND FORUMS

ARTICLE 10 – COMMUNITY CONSULTATION AND PARTICIPATION

10.1 Community Consultation and Participation

The Council will promote community consultation and participation through a range of opportunities as set out in the Table 1. below:

Consultation and Participation Opportunity	Form, Function and Scope
Local Councils	Autonomous local authorities within a set area able to raise funds through the Council Tax to provide local services (i.e. Town, Parish and Village Councils). This includes the Tendring District Association of Local Councils (TDALC).
Community Forums	Public meetings designed to enable the Council to engage with specific sections or areas of the local community so that services are designed to meet their needs.
Tenants and Sheltered Housing Panels	Organised through the Tenants' Compact as a consultation and participation opportunity for tenants and private owners of properties in estates. These Panels provide an opportunity for general consultation and participation by area.
Petitions	The Council has approved and published a Petitions Scheme detailing how it will respond to petitions received from the community.
Surveys and Consultations	Throughout the year a number of paper based and on-line surveys and consultations are undertaken to seek residents' views.
Participation in Overview and Scrutiny Reviews	Reviews undertaken by Overview and Scrutiny Task and Finish Groups may include consultation with the local community, where appropriate.
Boards and Panel with various Partner Organisations: details of the specific Boards are set out in Table 2. Below	

(Peach)

ARTICLE 10 – AREA COMMITTEES AND FORUMS

Table 2.:

Board:	Role and Objectives	Partnership Stakeholders
<p>The Locality Board is non-budget holding and non-decision making and :-</p> <ul style="list-style-type: none"> • provides a high level political steer to shape the future of the locality; • delivers a co-ordinated public service approach across a number of key County and District services and projects; • enables joined up delivery of key services with a wide range of partners. 	<ol style="list-style-type: none"> 1. Ensures value for money public service outcomes, through ensuring that the Locality Board oversees and advises on specific areas of public sector activity / spend according to a shared understanding of the priority outcomes for the Locality Board area; 2. Enables closer collaboration between the various tiers of local government with a focus joining up delivery and resources and doing things more efficiently, through providing the challenge to ensure that the Locality Board actively identifies and promotes opportunities for public service reforms; 3. Exerts local influence over commissioning decisions affecting the Locality Board area, through ensuring strong links between local governance, community engagement and commissioning arrangements; and 4. Promotes localism and ensures that decisions are taken at the most appropriate level, through discussion and negotiation across the two tiers, monitoring and reviewing, using local insight and holding others to account where necessary. 	<p>Essex County Council (host authority) with TDC</p>
<p>Health & Well Being Board:</p> <p>To improve the health and wellbeing of the population of the district and reduce health inequalities.</p>	<ol style="list-style-type: none"> 1. Provide strong and effective political and public leadership for health and wellbeing locally; 2. Engage with local population to better understand the health and wellbeing issues and needs in Tendring and ensure that this is captured in County and District needs assessments; 	<p>Essex County Council (host authority)</p> <p>Community Voluntary Sector</p>

(Peach)

ARTICLE 10 – AREA COMMITTEES AND FORUMS

	<ol style="list-style-type: none"> 3. Through the JSNA and local stakeholder engagement, identify key priorities for health and local government commissioning and develop clear plans for using combined resources; 4. Realise opportunities to engage with Essex Health and Wellbeing Board work streams and other initiatives such as Community Budgets; 5. Foster good engagement with North East Essex Clinical Commissioning Group (CCG) 6. Take an overview of the delivery of the strategic plans of the North East Essex CCG plan and the County Health and Wellbeing Strategy and identify the role other sectors, public, voluntary and private, could contribute; 7. Monitor and review the implementation of the County Joint Health and Wellbeing Strategy locally. 	<p>Essex Carers</p> <p>Police</p> <p>Clinical Commissioning Group</p> <p>St Helena Hospice</p> <p>JCP</p> <p>Health Watch</p> <p>CAB</p>
<p>Tendring Education Improvement Group</p> <p>A strategic group with responsibility for supporting improvement in the quality of education for children and young people across the Tendring District. The County and District councils will work together to bring their collective effort and energy to address issues. The group will work with partners including the Tendring Education Trust (the local collaborative trust established by schools in the district) as well as schools and their governors.</p>	<p>The group will focus on supporting the improvement required across education, particularly in the primary sector, but also in secondary education, the outcomes for children aged 2-5 and the transition to post 16 education and employment opportunities.</p> <ol style="list-style-type: none"> 1. To champion educational improvement across the Tendring District. 2. To work with schools to tackle areas of difficulty faced by schools <ul style="list-style-type: none"> - educational attainment - teacher recruitment and retention - issues brought a transient population - the challenges faced by children with special educational needs. 3. To pool resources and coordinate support for maximum impact 4. To learn from best practice from across the county and country 5. To champion raising aspiration across the District 	<p>TDC is the host authority</p> <p>Essex County Council</p> <p>Tendring Education Trust</p> <p>Schools and their governors.</p>

(Peach)

ARTICLE 10 – AREA COMMITTEES AND FORUMS

Board:	Role and Objectives	Partnership Stakeholders
<p><u>Rural Infrastructure Panel</u></p> <p>The Rural Projects Panel tackles issues affecting residents living in rural communities such as lack of mains sewerage, highway maintenance, how to make more of rural amenities, improving broadband speeds, mains sewerage, inland flooding and energy switching. The panel meets approximately every two months and reports directly to the Corporate Management Committee.</p>	<p>The work will focus on the rural communities of Tendring, however there is potential for positive outcomes that will impact all residents irrespective of their location.</p> <p>Many of the issues are outside of the Council's control work and therefore are undertaken with partners to jointly address such issues impacting the rural community.</p> <p>The focus of the budget is for an enabling role rather than predominantly for capital projects and any recommendations involving the use of this fund will be agreed by Cabinet.</p>	<p>TDC is the host authority</p>
<p><u>Local Highways Panel:</u></p> <p>Each District or Borough Council has a local Highways Panel set up with Essex County Council as a new way of working to improve highway amenities in each individual district using County Council local highway budget.</p>	<ul style="list-style-type: none"> • Improve local highway amenities; • To consider proposed schemes and recommendations from the County Councillors elected to represent the District to the relevant County Council Portfolio Holder; but • Excluding scheduled maintenance and improvement programme. 	<p>Membership is County Councillors representing the district of Tendring, officers from both councils, and the Leader of TDC.</p>
Board:	Role and Objectives	Partnership Stakeholders

(Peach)

ARTICLE 10 – AREA COMMITTEES AND FORUMS

<p>Tendring Community Safety Partnership</p> <p>The Crime and Disorder Act came into force in July 1998 and required CDRPs (now known as CSP's) to be set up in each District in England and Wales. The Act placed an obligation on local authorities and the police, (amongst others,) to work together to develop and implement a strategy to tackle crime and disorder in their area.</p> <p>Under the Act and the subsequent Police Reform Act 2002, the named stakeholders have been designated 'Responsible Authorities' and are held accountable for this work.</p> <p>Together they have formed the Responsible Authorities Group to oversee the development of a crime and disorder reduction strategy for the Tendring district.</p>	<p>The Tendring CSP has identified 4 key strategic themes to reduce crime and the fear of crime in the District and to improve community safety.</p> <p>These are:</p> <ol style="list-style-type: none"> 1. Tackling Anti Social Behaviour; 2. Reducing Crime and the Fear of Crime; 3. Reducing alcohol and drug misuse within the community; 4. Reducing re-offending is a statutory duty for all community safety partnerships and thus supports the overarching theme for Safer Essex. 	<p>TDC, Essex Police, Essex County Council, Police and Crime Commissioner Essex Fire Authority, Essex Probation Service, North East Essex NHS and members of the voluntary sector</p>
---	---	---

ARTICLE 10 – AREA COMMITTEES AND FORUMS

Board:	Role and Objectives	Partnership Stakeholders
<p>Youth Strategy Group</p> <p>To act as local champions for young people’s services within the district.</p> <p>To act as a consultative body to support the development of local provision, to provide guidance on the type and quality of provision as required in the district and influence the use of existing youth work resources.</p> <p>To act as a catalyst to draw together partners and key stakeholders to identify priorities and delivery provision for young people.</p>	<p>To identify the needs of young people in their local area, in partnership with district/borough/city councils and other agencies to develop a joint strategy for addressing gaps in provision.</p> <p>For articulating the local needs for young people, to understand the current provision and to set priorities in order to avoid duplication and fill gaps.</p> <p>To identify and build relationships with the voluntary sector and/or private sector partners to attract new provision and funding opportunities to meet priorities and extend the offer to young people.</p> <p>To ensure that measures are in place to safeguard the financial probity of any projects, programmes or arrangements that the group would enter into.</p> <p>To provide a local forum through which informed debate in relation to services and support for young people can take place.</p> <p>To make recommendations to appropriate local agencies and commissioning boards about local service priorities.</p> <p>To inform how services for young people might be delivered and co-ordinated to avoid duplication.</p> <p>To consider and advise the cabinet member on the use of local allocations of capital expenditure.</p>	<p>The Group consists of agencies and organisations delivering services to young people within the age range 11-25 with a priority on those aged 13-19</p> <p>In addition representatives from:</p> <ul style="list-style-type: none"> <input type="checkbox"/> All local county councillors. <input type="checkbox"/> 1 district cllr. <input type="checkbox"/> 1 district officer. <input type="checkbox"/> 1 Youth Service officer. <input type="checkbox"/> 1 ECC youth worker involved in local area delivery. <input type="checkbox"/> 3 young people: one Young Essex Assembly (YEA) and two other young people (aged between 13-19 years) who are service users and/ or from the local community.

(Peach)

ARTICLE 10 – AREA COMMITTEES AND FORUMS

Board:	Role and Objectives	Partnership Stakeholders
<p>North Essex Local Children’s Partnership Board (LCPB)</p> <p>Brings together partners at a local level and is underpinned by the Children’s Act 2004 duty to co-operate (as amended). The purpose of the LCPB is for partners to work together to determine local needs, identify priorities and develop action plans to secure better outcomes for children and young people in the [district/borough].</p> <p>The LCPB is accountable to the Essex Children’s Partnership Board (“ECPB”). Undertaking its activity within the framework of the Essex Children and Young People’s Plan, reflecting the relevant Health and Well-Being Plan Priorities for children, young people and families.</p> <p>The LCPB engages with the local community, analysing and determining local need and informing the county wide Joint Strategic Needs Analysis and the strategy of the ECPB. The LCPB provides a local governance structure for integrated working practices and a local focus for collaboration.</p>	<p>The primary aim of the LCPB is to improve the outcomes for children and young people in the area by:</p> <ul style="list-style-type: none"> • strengthening the services and processes that keep children and young people safe from neglect and abuse; • developing an action plan within its overarching priorities which enables children and young people to aspire, learn, achieve highly and realise their potential; • improving the life chances of Looked After Children, young carers and all other children and families at risk of poor outcomes; • reducing the impact of poverty and the recession on the lives of children, young people and their families providing children, young people and families with opportunities to contribute meaningfully and be involved in the development and delivery of services in their local communities. <p>The LCPB will ensure that a robust and effective relationship with the Essex Safeguarding Children’s Board exists through the local Stay Safe Group which is a sub group of, and accountable to the LCPB, consulting with them on safeguarding issues and on the development of the local Stay Safe Plan.</p> <p>The LCPB will also ensure that there are appropriate links and reporting arrangements to other relevant local bodies and boards associated with District Boroughs/City Councils, Education, Health and Social Care.</p>	<p>The LCPB will be made up of the leaders of local agencies and the Board may co-opt members as they see appropriate.</p> <p>Current membership is:</p> <p>NHS</p> <p>District Council</p> <p>Police</p> <p>LSP</p> <p>Job Centre Plus</p> <p>Voluntary – community sector</p> <p>Essex School Governors Association</p> <p>Education Essex County Council</p>

(Peach)

ARTICLE 11 – JOINT ARRANGEMENTS

ARTICLE 11 – JOINT ARRANGEMENTS

11.01 Legislation Requirements:

Any joint arrangements must be made in accordance with the current and relevant legislation. Any consideration to establish new arrangements must comply with the detailed requirements and reflected within the decision.

11.02 Arrangements to Promote Well Being:

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (a) Enter into arrangements or agreements with any person or 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.

11.03 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives/Cabinets to advise the Council on, or exercise Cabinet or Council functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstance:
 - The joint committee has functions for only part of the area of the authority. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;

In this case the political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees are set out in the Council's Scheme of Delegations in Part 3 of this Constitution.

11.04 Access to Information

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

ARTICLE 11 – JOINT ARRANGEMENTS

- (b) If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Rules in Schedule 12A of the Local Government Act 1972 apply (as referred to in Part 5 of this Constitution).

11.05 Delegation to and from Other Local Authorities:

- (a) The Council may delegate non-executive functions to another local authority.
- (b) The Cabinet may delegate executive functions to another local authority.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council in relation to non-executive functions and the Cabinet in relation to executive functions.

11.06 Contracting Out:

The Council (for non-executive functions) and the Cabinet (for executive functions) may contract out to another body or organisation functions which may be exercised by an Officer. Such functions may be contracted out where they are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994. This also applies under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 - OFFICERS**12.01 Management Structure**

- (a) **General.** The full Council may engage such employees referred to as Officers as it considers necessary to carry out its functions.

Post	Main Functions and Areas of Responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Provision of professional advice to all parties in the decision making process and together with the Monitoring Officer responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies as required by statute or by the Council.</p>
Corporate Directors and Head of Planning	<p>To contribute substantially to the vision and strategic management of the Council and the development of appropriate policies reflecting corporate aspirations.</p> <p>Provide corporate leadership and co-ordination as required of Council wide projects, cross-service initiatives and strategies.</p> <p>To influence the development of high quality services.</p> <p>To be accountable for the performance management of services within the remit of the post, through operational heads of service.</p> <p>To Deputise for the Chief Executive.</p>

The above positions and such other positions as shall from time to time be deemed appropriate shall form the Council's Management Team. The Council's Chief Finance Officer (Section 151) and Monitoring Officer have a standing invitation to attend Management Team in exercising their statutory roles.

(Peach)

(c) Functions and Areas of Responsibility of the Council's Management Team:

The Management Team shall work with the Councillors to develop and manage the Council's strategic direction and to ensure the delivery of agreed targets within the following service areas:

Post	Principal Areas of Service
Corporate Director (Corporate Services)	Responsibility for budget management, accountancy, exchequer, procurement, insurance, benefit fraud, internal audit, risk, corporate asset management, corporate GIS, corporate IT, corporate legal advice, service legal support, human resources advice, workforce planning and development, career track and Community safety.
Corporate Director (Life Opportunities)	Responsibility for disabled facilities grants, housing enforcement, gypsy/travellers, houses in multiple occupation, fire safety, housing strategy and development, homelessness, allocations, rents, sheltered housing, Careline, CCTV, housing maintenance, estates management, tenant relations, building services, dangerous structures, leisure centres, swimming pools, joint use centres, theatres entertainments, events, tourism and tourist information centres, facilities management, telephony, emergency planning and business continuity. Also responsible for the administration and collection of council tax and business rates, administration of housing benefits and customer services.
Corporate Director (Public Experience)	Responsibility for pollution and environment control, port health licensing, waste collection and recycling, street sweeping, public conveniences, dog/pest control, coast maintenance, highways/transport liaison, engineering services, coastal capital projects, food safety inspections/advice/enforcement, health and safety inspections/advice/enforcement, grounds maintenance, public open space and play areas, crematorium, cemeteries, licensing, off-street car parking, abandoned vehicles, seafront management, beach huts and fleet management. Also responsible for inward investment and growth including funding and delivering major projects, town centre support, economic development, skills and employability, strategic tourism, marketing, business support and community development and support.
Head of Planning	responsibility for development management, the local plan and planning policy, heritage and conservation, enforcement, section 106 agreements, land charges, planning administration and building control

(Peach)

(d) Head of Paid Service, Monitoring Officer and Chief Financial Officer (Section 151):

The Council has designated the following posts to fulfil a specific statutory position as shown:

Designation	Post
Head of Paid Service	Chief Executive
Monitoring Officer	Legal Services Manager
Chief Finance Officer (s151 Officer)	Finance and Procurement Manager

These posts will have the functions described in paragraphs 12.02–12.05 below.

12.02 Functions of the Head of Paid Service**(a) Discharge of functions by the Council:**

The Head of Paid Service will report to the full Council, whenever they consider it appropriate, on how the Council's functions are discharged, the number and grade of Officers required to discharge the functions and how Officers are organised into an overall Officer structure.

(b) Restrictions on functions:

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer (Section 151 Officer) if an appropriately qualified accountant.

(c) Structure:

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers, which is included within Part 8 of this Constitution.

12.03 Functions of the Monitoring Officer:**(a) Ensuring lawfulness and fairness of decision making:**

After consulting with the Head of Paid Service and Chief Finance Officer (Section 151), the Monitoring Officer will report to the Council, or to the Cabinet in relation to an executive function, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(b) Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee and its Sub-Committees.

(c) Advising whether executive decisions are within the budget and Policy Framework

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and Policy Framework.

(d) Providing advice

The Monitoring Officer will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, Budget and Policy Framework issues. The Chief Financial Officer (Section 151) has similar responsibilities..

(e) Record Keeping

Responsibility for a system of record keeping for all the Council's decisions.

(f) Proper Officer for Access to Information

Ensuring that Cabinet decisions together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

(g) Maintaining the Constitution

Maintaining an up-to-date version of the Constitution on the Council's website and ensuring that it is widely available for consultation by Members, staff and the public.

(h) Restrictions on posts

The Monitoring Officer cannot be the Chief Finance Officer (Section 151) or the Head of Paid Service.

12.04 Functions of the Chief Finance Officer (Section 151)

(a) Ensuring lawfulness and financial prudence of decision making

After consulting with the Head of the Paid Service, appropriate Corporate Directors and the Monitoring Officer, the Chief Finance Officer (Section 151) will report to the Council, or to the Cabinet in relation to an executive function, and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) Administration of financial affairs

The Chief Finance Officer will have responsibility for the administration of the all the financial affairs of the Council.

(c) Contributing to corporate management:

The Chief Finance Officer (Section 151) will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing advice:

The Chief Finance Officer (Section 151) will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and Policy Framework issues to all councillors and will support and advise councillors and officers in their respective roles. The Monitoring Officer has similar responsibilities.

(e) Give financial information:

The Chief Finance Officer (Section 151) will provide financial information to the media, members of the public and the community.

(d) Internal Audit:

The Chief Finance Officer (Section 151) will have responsibility for the provision of an effective internal audit function and support the Audit Committee.

12.05 Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will provide the Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151) with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Conduct

Officers will comply with the Employees' Code of Conduct and Protocol on Member/Officer Relations as set out in Part 6 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 5 of this Constitution.

ARTICLE 13 – DECISION MAKING

13.01 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution. **The Council's Monitoring Officer will also retain a central record of delegations by the Chief Executive and Corporate Directors providing authority within their respective service areas of responsibility.**

13.02 Principles of Decision Making

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

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) Due consideration of all the relevant factors and option, taking into account the results of any consultation undertaken and the professional advice of Officers;
- (c) Respect for human rights, and equality and diversity;
- (d) A presumption in favour of openness;
- (e) Clarity of aims and desired outcomes; and
- (f) Transparency (i.e. explaining what options were considered and giving the reasons for the decision).

13.03 Key Decisions

A “key decision” means a Cabinet decision that is likely to-

- result in the local authority incurring expenditure which is, or the making of savings which are in excess of **£100,000** or is significant having regard to the local authority's budget for the service or function to which the decision relates; or
- be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

A decision-taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in **Article 7** of this Constitution.

13.04 Decision making by Council, Cabinet, Overview and Scrutiny Committees, Other Committees and Sub-Committees

All decisions will follow the general principles contained within this Article. In addition, decision-makers will follow the relevant procedure rules, set out in Part 5 or Article 7, relating to their Committee when considering any matter.

13.05 Decision Making by Council Bodies Acting as Tribunals

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

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 5 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Procurement Procedure Rules set out in Part 5 of this Constitution and any guidance issued by the Monitoring Officer.

14.03 Legal Proceedings

Corporate Directors and the Head of Planning, in consultation with the Legal Services Manager, are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council, or in any case where they and the Legal Services Manager, consider that such action is necessary to protect the Council's interests.

14.04 Authentication of Documents

Where any document is necessary in any legal procedure or proceedings on behalf of the Council, it will be signed by the Legal Services Manager or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value up to £10,000, entered into on behalf of the Council, shall be recorded through the Council's official order system and in accordance with the Section 6 of the Procurement Procedure Rules. Subject to any emergency requirement agreed with the Chief Finance Officer.

Any contract with a value of £10,000 to £50,000, entered into on behalf of the Council shall be in writing and in accordance with the Section 5 of the Procurement Procedure Rules. Such contracts must either be signed by at least two Officers of the Authority authorised by the Chief Executive.

Any contract with a value of in excess of £50,000 must be made in writing and under the Common Seal of the Council attested by at least one Proper Officer and in accordance with the Section 5

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.05 Common Seal of the Council

- (a) The Common Seal of the Council will be kept in a safe place under the control of the Legal Services Manager.
- (b) Authority for using the Common Seal of the Council is provided by:
- (i) A decision of the Council, Cabinet, a member of the Executive, a Committee or a Sub-Committee; or
- (ii) A (duly authorised) Officers Decision recording:
- Entering into a Contract with a value exceeding £50,000 and / or
 - Issuing certificates for corporate award schemes.
- (iii) Any other documents which should be sealed in the opinion of the Legal Services Manager or Corporate Director (Corporate Services), including (but not limited to):
- Leases and transfers;
 - Licences to Assign;
 - Deeds and Agreements (property related)
 - Bylaws;
 - Miscellaneous Orders (such as Tree Preservation or Traffic/Road Orders);
 - Legal Charges in the Council's favour on private properties (including secure repayment of local loans).

The affixing of the Common Seal will be attested by the Legal Services Manager or some other person authorised by them.

ARTICLE 15 – REVIEW AND REVISION
OF THE CONSTITUTION

ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

15.01 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Monitoring Officer will make an annual assessment of the Constitution to identify any weaknesses or improvements in its operation and make recommendations for ways in which it could be amended in order to better achieve its purpose.

15.02 Changes to the Constitution

- (a) Any proposals for changes to the Constitution arising from a review of the Constitution, whether it be initiated by the Monitoring Officer or a resolution by a member body, will be reported to the Cabinet, via the Portfolio Holder with responsibility for corporate governance, which in turn will make recommendations to the Council.
- (b) The Monitoring Officer shall have authority to make minor changes to the Constitution arising from:
- new legislation;
 - changes to the organisational structure of the Council;
 - arising from decisions of the Council or Cabinet; or
 - in exercise of the Leader's authority to make changes to Cabinet responsibilities.
- (c) Subject to (d) below, changes to the Constitution will be approved by the Council only after consideration of a proposal by the Monitoring Officer and the Cabinet.
- (d) Matters affecting the Cabinet which shall be approved by the Cabinet or Leader of the Council.
- (e) The Council must comply with regulations made under Section 30 of the Local Government Act 2000, and guidance issued from time to time by the Secretary of State under Section 38, and take reasonable steps to consult with local electors and other interested persons in the area when drawing up any proposals to change from a Leader and Cabinet Executive arrangements to one of the alternative forms permitted by the Local Government Act 2000 or vice versa.

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**16.01 Suspension of the Constitution****(a) Limit to suspension:**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by Council to the extent permitted within those Rules and the law.

(b) Procedure to suspend:

A motion to suspend any rules can only be made without notice, if at least 45 Members of the Council are present and will not be carried unless 31 Members vote in favour of suspension. 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.

- Council Procedure Rules
- Budget and Policy Framework Procedure Rules
- Financial Procedure Rules
- Procurement Procedure Rules

16.02 Interpretation

The ruling of the Chairman of the Council (or other person presiding) as to the interpretation 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 and the advice of the Monitoring Officer.

16.03 Publication

- (a) The Democratic Services Manager will give a printed copy of the Members' Handbook, including various parts of this Constitution to each Member of the authority upon delivery of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Democratic Services Manager will ensure that complete and updated copies are available for inspection at appropriate locations and on the Council's website, and can be purchased by members of the public or local press on payment of a reasonable fee.

Part 5 – RULES OF PROCEDURE

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1 The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its budget and Policy Framework as set out in Article 4. Once a budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

2 Process for Developing the Policy Framework

The process by which the Policy Framework shall be developed is:

(a) The Cabinet will publicise in the forward plan a timetable for making proposals to the Council for the adoption of any plan or strategy that forms part of the Policy Framework, and the Cabinet's arrangements for consultation after publication of those initial proposals. The Chairman of each Overview and Scrutiny Committee will also be notified. The consultation period shall in each instance be not less than 3 weeks.

(b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If an Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

Proposals from the Cabinet shall include recommendations regarding any aspects of the proposed plan or strategy that they consider full Council should delegate to the Cabinet the ability to vary.

(c) Once the Cabinet has approved firm proposals, the appropriate Corporate Director will report them at the earliest opportunity to the Council for decision.

(d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, substitute its own proposals in their place or, with the exception of proposals in relation to the Corporate Plan, refer them back to the Cabinet for further consideration.

(i) If the Council decides not to adopt the Cabinet's proposals, the Council must inform the Leader of the objections which it has to the draft plan or strategy and instruct the Leader to require the Cabinet to reconsider the draft plan or strategy in the light of those objections.

(ii) Where the Council gives instructions in accordance with Rule 2 (d)(i), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-

(Cream)

Part 5 – RULES OF PROCEDURE

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

- (1) Submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”), with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Democratic Services Manager for consideration; or
 - (2) Inform the Democratic Services Manager of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.
- (g) An in-principle decision will automatically become effective on the expiry of the period specified in Rule 2(d)(ii) unless the Leader has submitted in writing to the Democratic Services Manager a revision of the plan or strategy or informed him in writing of any disagreement that the Cabinet has with the Council in accordance with Rule 2(d)(ii).
- (h) In that case, the Chairman of the Council will call a Council meeting to be held on a date within 10 working days of receipt of the Leader’s written submission. The Council will be required to re-consider its decision taking into account the written submission provided by the Leader (which may either include a revised draft plan or strategy with reasons or the reasons for the Cabinet disagreeing with the Council’s objections to the draft plan or strategy). The Council may:-
- (i) approve the Cabinet’s recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision that does not accord with the recommendation of the Cabinet by a simple majority.
 - (iii) approve the Cabinet’s proposed plan or strategy (whether in the form of a draft or revised draft) by a simple majority of votes cast at the meeting; or
 - (iv) approve a different decision that does not accord with the proposed draft or revised draft plan or strategy of the Cabinet by a simple majority.
- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.
- (j) In approving the Policy Framework, the Council will also specify the degree of in-year changes to the Policy Framework that may be undertaken by the Cabinet, in accordance with paragraph 7 of these Rules. Any other changes to the Policy Framework are reserved to the Council.
-

(Cream)

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

3 Process for Developing the Budget

Subject to Rule 4 of these Procedure Rules, the process by which the Budget shall be developed is:

- (a) The Cabinet will publicise in the forward plan a timetable for making proposals to the Council for the adoption of the budget and the Cabinet's arrangements for consultation after publication of those proposals. The Chairman of each Overview and Scrutiny Committee will also be notified.
- (b) Prior to making any budget proposals in paragraph 3(a) above, the Cabinet will draw up a draft Financial Strategy / **Forecast** setting out the basis on which the budget proposals are intended to be formulated. The Cabinet shall consult the relevant Overview and Scrutiny Committee on the draft Financial Strategy / **Forecast**. The consultation period in this instance shall be not less than 3 weeks. At the end of that period the Cabinet shall agree the Financial Strategy / **Forecast** having regard to the response from that Overview and Scrutiny Committee.
- (c) The Cabinet shall draw up and consult on proposals for the budget having regard to the draft or agreed Financial Strategy / **Forecast**. If the relevant Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. The consultation period shall be not less than 2 weeks.
- (d) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- (e) Once the Cabinet has approved the firm proposals, the Corporate Director (Corporate Services) will report them at the earliest opportunity to the Council for decision.
- (f) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, or substitute its own proposals in their place.
- (g) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (h) Where the Council makes an in principle decision, the Corporate Director (Corporate Services) shall immediately inform the Leader of any objections which it has to the Cabinet's proposals and shall give him instructions requiring the Cabinet, within 5 working days beginning on the day after the date on which the Leader receives those instructions, to reconsider in the light of those objections, the proposals submitted to it.
- (i) An in principle decision will automatically become effective at the end of 5 working days beginning on the day after the date on which the Leader receives those instructions referred to in Sub-paragraph (h) above, unless within that time the Leader:

(Cream)

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

- (a) submits to the Democratic Services Manager in writing a revision of the proposals as amended by the Cabinet (“the revised proposals”) together with the Cabinet’s reasons for any amendments made to the proposals; or
 - (b) informs the Democratic Services Manager in writing of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.
- (j) In that case, the Chairman of the Council will call a Council meeting to be held on a date within 6 working days of receipt of the revised proposals or the Cabinet’s disagreement. The Council will be required to re-consider its decision and to take into account the revised proposals, the Cabinet’s reasons for any amendments made to the proposals, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.

The Council may by a simple majority of votes cast at the meeting:-

- (i) confirm its original decision; or
 - (ii) adopt (with or without modification) the original proposal or, if there is one, the revised proposal; or
 - (iii) amend the original proposal or, if there is one, the required proposal; or
 - (iv) substitute its own proposals.
- (k) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.
- (l) In approving the budget, the Council will also specify the extent of virement within the budget that may be undertaken by the Cabinet. Any other changes to the budget are reserved to the Council.

4 Submission of Budget Proposals before 8th February

In the event of the Cabinet Submitting their firm proposals for the budget to Council before 8 February in any financial year and the Council has any objections to those proposals, the actions set out in Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 shall be followed.

5 Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of Rule 3(l) the Cabinet, individual members of the Cabinet and any officers discharging Cabinet functions may only take decisions which are in line with the budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, Subject to Rule 6.

Part 5 – RULES OF PROCEDURE

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

- (b) If the Cabinet, individual members of the Cabinet and any Officers discharging Cabinet functions want to make such a decision, they shall take advice from 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. If the advice of either of those Officers is that the decision would not be in line with the existing budget and / or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 6 shall apply.

6 Urgent Decisions Outside the Budget or Policy Framework

- (a) The Cabinet, an individual member of the Cabinet or officers discharging Cabinet functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- (i) If it is not practical to convene a quorate meeting of the full Council; and
 - (ii) If the Chairman of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the relevant Overview and Scrutiny 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 Chairman of that Overview and Scrutiny Committee, the consent of the Vice-Chairman of that Overview and Scrutiny Committee will suffice. In their absence the Chairman of the Council's consent will suffice, and in their absence of the consent of the Vice-Chairman of the Council.

- (b) Following the decision, the Leader will provide a full report to the next practicable ordinary meeting of Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

7 Virement

The Council's budget can only be varied by the Council except as provided for in the Financial Procedure Rules. These rules make provision for:

- (a) Virements – the transfer of sums between budgetary heads
- (b) Supplementary Estimates – the provision from reserves or from a specific provision of sums to increase the overall budget or the approval or negative Supplementary Estimates for the specific purpose of reducing the Council's net expenditure.

(Cream)

Part 5 – RULES OF PROCEDURE

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

These rules specify the limits and procedures governing approval of these budget variations and may be varied from time to time by the Council to meet changing service and portfolio operational needs.

8 In-Year Changes to Policy Framework

The responsibility for agreeing the budget and Policy Framework lies with the Council, and decisions by the Cabinet, an individual member of the Cabinet or Officers discharging Cabinet functions must be in line with it. No changes to any plan or strategy that make up the Policy Framework may be made by those bodies or individuals except those:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- (d) relating to aspects of any plan or strategy where full Council has delegated to the Cabinet the ability to vary.

9 Call-in of Decisions Outside the Budget or Policy Framework

- (a) Where an Overview and Scrutiny Committee is of the opinion that **either a proposed decision or a decision which has been called-in under the Overview and Scrutiny Procedure Rules is an Cabinet decision is, or if made or would be, contrary to the Council's Budget and Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and / or Chief Financial Officer.**
- (b) **The Call-in procedures set out in Rules 13 and 17 of the Overview and Scrutiny Procedure Rules must be adhered to;**
- (c) **If, having had regard to the advice of the Monitoring Officer and/or Chief Finance Officer, which will be summarised within the Report, the Overview and Scrutiny Committee considers the decision is contrary to the Budget or Policy Framework; the Committee may refer the matter to the next practicable meeting of the Council, subject to the provisions of Council Procedure Rules.**
- ~~(b) In respect of functions that are the responsibility of the Cabinet, the Monitoring Officer and / Chief Financial Officer's written report shall be to~~

(Cream)

Part 5 – RULES OF PROCEDURE

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

~~the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated to a Portfolio Holder or officer or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's written report and to prepare a written report to Council in the event that the Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.~~

- (c) ~~If the decision has yet to be made, or has been made but not yet implemented, and the written advice from the Monitoring Officer and / or the Chief Financial Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, the relevant Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request from the relevant Overview and Scrutiny Committee.~~
- (d) ~~At the Council meeting it will receive a written report of the decision or proposals and the advice of the Monitoring Officer and / or the Chief Financial Officer. The Council may either:~~
- (i) ~~endorse a decision or proposal of the Cabinet decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or~~
 - (ii) ~~amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or~~
 - (iii) ~~where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer / Chief Financial Officer.~~

Part 5 – RULES OF PROCEDURE

FINANCIAL PROCEDURE RULES

FINANCIAL PROCEDURE RULES

1. INTRODUCTION

- 1.1 Subject to meeting any requirements contained in the Key Decision Rules and the Decision Making Rules, the Council will conduct its financial affairs based upon its Budget and Policy Framework Procedure Rules, together with these Financial Procedure Rules and the **Procurement Contract** Procedure Rules. These Financial Procedure rules set out the responsibilities and management arrangements that will be followed to ensure that the Council, Members and its officers exercise due probity and accountability for the public monies for which they have responsibility. These rules and the **Procurement Contract** Procedure Rules apply to all financial transactions of the Council either for itself or where it is acting as the Accountable Body or Agent.
- 1.2 The Chief Financial Officer shall keep under review these Financial Procedure Rules and the **Procurement Contract** Procedure Rules and ensure that they are appropriate to the running of the Council. Any proposed changes must be recommended by the Cabinet and subsequently agreed by the Council.

The Financial Procedure rules are set out as follows.

SECTION	TOPIC COVERED
2.	Definitions
3.	Responsibilities
4.	Financial Planning and Budget approval
5.	Authority to Incur Expenditure
6.	Changes to budgets after approval by Council
7.	Financial management of budgets during the year
8.	Final accounts, out-turn and Statement of Accounts
9.	Financial administration
10.	Write-Offs of Sums due to the Council
11.	Insurances
12.	Inventories stocks and stores
13.	Banking Arrangements
14.	Investments, Loans and Borrowing
15.	Land and Property transactions
16.	External Funding
17.	Proceeds of Crime Act 2002 (anti-money laundering)

2. DEFINITIONS

For the purpose of these regulations the following definitions will apply:

TERM	DEFINITION
Head of Department	The term Head of Department refers to the officer to whom responsibility for a department, function or action has been delegated in accordance with the Council's Scheme of Delegation.
Service	Service shall be those services as set out in the Council's published budget book or where subsequent amendments have been approved.
Estimate	Each line of budget included within each service, or each project line included in the Capital Programme, in the Council's published budget book or where subsequent approval has been given.
Forecast	An estimate of the likely budget for the years following the financial year for which an estimate has been approved.
Expenditure	All direct expenditure as detailed in the Council's published budget book or where subsequent approval has been given.
Income	All direct income as detailed in the Council's published budget book or where subsequent approval has been given.
Virement	A virement is the transfer of a sum from one estimate to another and may include an increase in expenditure provided it is financed by additional income not already provided in the approved budgets.
Supplementary Estimate	This is an increase in the budget approved by Council and can be in respect of either capital or revenue. A transfer from reserves would finance the additional expenditure.
Negative Supplementary estimate	A Negative Supplementary Estimate is the reverse of a Supplementary Estimate and has the effect of reducing an otherwise available budget with the specific purpose of reducing the Council's net expenditure. A transfer to reserves would arise as a result of reducing expenditure.
Section 106 agreement	Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)

3. RESPONSIBILITIES

- 3.1 The Leader, each Portfolio Holder and Head of Department shall consult with the Chief Financial Officer, in advance, in respect of any report/proposal which seeks provisional or final approval to any proposed revenue or capital expenditure or service investment or income which is not included in the Council's approved budgets (without reservation). The Chief Financial Officer will bring all such matters to the immediate attention of Management Team.
- 3.2 The Chief Financial Officer shall be responsible, under the general direction of the **Chief** Cabinet and Management Team for the financial administration of the Council's activities.

- 3.3 The Chief Financial Officer is responsible for ensuring that the Finance and Transformation Portfolio Holder is informed of and consulted on all significant financial issues.
- 3.4 The Chief Financial Officer shall inform and advise Management Team about the Council's finances and financial performance of its activities, who will in conjunction with the Finance and Transformation Portfolio Holder ensure that the Leader, each Portfolio Holder, Committees and Council are advised appropriately.
- 3.5 The Chief Financial Officer shall ensure that adequate and prudent financial planning, including annual budgets and longer-term forecasting, is undertaken by the Council to protect its finances.
- 3.6 Any requirement in these Financial Procedure Rules and the Council's other procedures to obtain approval for or to report to the Council, Committee, Cabinet or Portfolio Holder, on any action shall include the requirement to consult with the Chief Financial Officer where Council finances are concerned.
- 3.7 The Chief Financial Officer has a duty to ensure that the financial implications of decisions made by Heads of Department in respect of services are not to the detriment of the Council as a whole.

4. FINANCIAL PLANNING AND BUDGET APPROVAL

- 4.1 In accordance with the timetable and format determined by the **Chief Financial Officer** ~~Finance and Procurement Manager~~, Heads of Department will prepare:
 - 4.1.1 Detailed revised estimates of income and expenditure of revenue accounts for the current financial year
 - 4.1.2 Detailed revised estimates of expenditure on capital projects for the current financial year
 - 4.1.3 Detailed forecasts of expenditure on capital projects for the forthcoming financial years, the number of which is to be determined by Cabinet.
 - 4.1.4 Detailed forecasts of income and expenditure of revenue budgets for the forthcoming financial years, the number of which to be determined by Cabinet.
- 4.2 The information prepared by the Heads of Department will be collated and checked by the **Chief Financial Officer** ~~Finance and Procurement Manager~~.
- 4.3 Each financial year, and in accordance with the agreed Financial Strategy / **Forecast** determined in accordance with the Budget and Policy Framework Procedure Rule 3, the Chief Financial Officer will submit to Management Team for their consideration:
 - 4.3.1 A forecast of net revenue expenditure for the forthcoming year(s);
 - 4.3.2 A forecast of capital expenditure for the forthcoming year(s) ~~and the following four years~~ together with known and anticipated funding streams. All such schemes must be in accordance with the Council's approved Capital Strategy and will have been subjected to an investment appraisal in accordance with the

Part 5 – RULES OF PROCEDURE

FINANCIAL PROCEDURE RULES

Prudential Code and will only be included if it can be demonstrated that the investment is prudent and within affordable and sustainable levels;

4.3.3 The forecast position of the Council's Reserves over the period of the forecast;

4.3.4 The Council Tax rate for the forthcoming financial year(s) resulting from the proposals;

4.3.5 Initial draft revised prudential indicators for the current year and the following 3 years based on the draft capital programme.

4.3.6 Any other information required in accordance with the Financial Strategy / **Forecast** agreed for the year in question.

4.4 Management Team will then, in the light of the Chief Financial Officer submission in 4.3 above, and in accordance with the Budget and Policy Framework Procedure Rule 3, make recommendations to the Cabinet setting out proposed draft budgets.

4.5 The Cabinet will, in accordance with the Budget and Policy Framework Procedure Rule 3, draw up firm proposals for consideration by the Council.

4.6 In submitting the budget to the Council the Cabinet may attach a reservation to any item and, subject to the approval of the Council, no avoidable expenditure shall be incurred in respect of any such item until the Council has withdrawn the reservation.

5. AUTHORITY TO INCUR EXPENDITURE

In relation to all expenditure both revenue and capital, however funded, and in accordance with delegated powers part 3.19 no. 13 and part 3.75 no. 6 an approved scheme is one where there is:-

- (a) Provision of a service consistent with an historic nature and level that is, and has in prior years, been specifically allocated and defined within the ongoing base Budget;
- (b) Any change to a service set out in 1 above where the appropriate authority to the change has been obtained in accordance with delegated powers;
- (c) Otherwise, a scheme that has the necessary approval from Council, Cabinet, Portfolio Holder or Officer in accordance with delegated powers.

For any expenditure to be incurred the necessary budget must also be in place. Where the necessary budget is not in place then amendments to the budget agreed by Council can only be made in accordance with section 6 below.

6. CHANGES TO BUDGETS AFTER APPROVAL BY COUNCIL

6.1 Supplementary estimates

- 6.1.1** A supplementary estimate will increase the Council's net expenditure and will, if it relates to revenue expenditure, result in a reduction in the Council's reserves. If it relates to capital expenditure it will either increase the Council's use of capital receipts, increase the amount needed to be borrowed or, as in the case of revenue expenditure, reduce the Council's reserves. Therefore a supplementary estimate is needed in all cases of increased overall net expenditure, whether capital or revenue.
- 6.1.2** A supplementary estimate should not normally be considered unless the matter is essential and unavoidable and all other options for applying a virement have been considered.
- 6.1.3** Once the Council Tax for any financial year is set any subsequent increase in items (a) to (d) for that same year will require a supplementary estimate. This does not have to be approved before a commitment is made, if in the opinion of the Chief Financial Officer, the matter is urgent. The Chief Financial Officer shall report any increase in the Council's overall net expenditure to the Cabinet at the earliest opportunity and recommend to Cabinet whether the increased expenditure should be financed by virement or supplementary estimate. If the supplementary estimate is outside the scope of the Cabinet's authority as set out in 5.4.5 below appropriate recommendations will be made to Council.
- (a) Salaries, wages and pensions increases arising from nationally negotiated decisions, and variations in contributions under the National Insurance and Superannuation Acts;
 - (b) Price increases in connection with continuing contracts for revenue services where, in the opinion of the Chief Financial Officer, such increases are reasonable;
 - (c) Reductions in the amount of income from government, local or public authority sources;
 - (d) Interest rates or other similar financing factors;
- 6.1.4** No specific supplementary estimate approval is required at any time for the following:
- (a) Expenditure which is being funded entirely by income received under section 106 agreements and held in the section 106 receipts in advance holding account where that expenditure is in accordance with the terms of the section 106 agreement. In these circumstances the **Chief Financial Officer** ~~Finance and Procurement Manager~~ must agree the expenditure, and the financing.
 - (b) Debt written off for which specific provision was made in the Council's bad debt provision at the end of the previous financial year.

- (c) Expenditure on a specific activity that has previously been approved in accordance with the Council's constitution and for which the funding of that expenditure in future years has been placed in a dedicated earmarked reserve, and the expenditure is to be financed by the use of that reserve. In these circumstances the **Chief Financial Officer** ~~Finance and Procurement Manager~~ must agree the expenditure, and the financing.
- (d) For expenditure where the Council receives full funding from an external source for a specified project and there are no additional revenue costs to the Council in either the current financial year or future financial years.

6.1.5 A supplementary estimate can be approved as follows:

- (a) **Finance and Transformation Portfolio Holder** may approve a supplementary estimate of any single item (revenue or capital) up to £50,000 subject to a maximum aggregate value of £150,000 for such single items in any one financial year and providing any single supplementary estimate does not cause the total of supplementary estimates approved by the Finance and Transformation Portfolio Holder and Cabinet to exceed **£1,000,000** ~~£500,000~~ for General Fund Services (capital or revenue) (or **£1,000,000** ~~£750,000~~ in respect of the Housing Revenue Account (**capital or revenue**) ~~or the capital Housing Investment Programme~~) for the financial year concerned.
- (b) **Cabinet** may approve a supplementary estimate of any single item (revenue or capital) up to **£500,000** ~~£200,000~~ subject to that supplementary estimate not causing the total of supplementary estimates approved by the Cabinet and Finance and Transformation Portfolio Holder to exceed **£1,000,000** ~~£500,000~~ for General Fund Services (capital or revenue) (or **£1,000,000** ~~£750,000~~ in respect of the Housing Revenue Account (**capital or revenue**) ~~or the capital Housing Investment Programme~~) for the financial year concerned.
- (c) **Council** may approve a supplementary estimate up to any amount for General Fund **or** Housing Revenue Account ~~or the capital Housing Investment Programme~~. However Council must be advised if any decision is likely to result in the Council's agreed minimum working balance not being maintained for the current financial year and the length of the Council's approved financial strategy. In the case of the Housing Revenue Account, Council must be advised if any decision is likely to result in the Revenue Account balance being in deficit over the same period.

6.1.6 Where a Head of Department wishes to apply for a supplementary estimate a report shall be made, following consultation with the Chief Financial Officer, to Management Team. Management Team will then make a recommendation where appropriate to the Finance and Transformation Portfolio Holder or Cabinet. Cabinet must recommend any request for a supplementary estimate that requires the approval of Council to Council.

6.2 Negative Supplementary Estimates

A negative supplementary estimate (having the effect of reducing an otherwise available budget) with the specific purpose of reducing the Council's net expenditure may be approved based on the same limits set out in 6.1.5 above as follows

- ~~(a) Finance and Transformation Portfolio Holder may approve a negative supplementary estimate of any single item (revenue or capital) up to £50,000 subject to a maximum aggregate value of £150,000 for such single items in any one financial year and providing any single supplementary estimate does not cause the total of negative supplementary estimates approved by the Finance and Asset Management Portfolio Holder and Cabinet to exceed £500,000 for General Fund Services (capital or revenue) (or £750,000 in respect of the Housing Revenue Account or the capital Housing Investment Programme) for the financial year concerned.~~
- ~~(b) Cabinet may approve a negative supplementary estimate of any single item (revenue or capital) up to £200,000 subject to that supplementary estimate not causing the total of negative supplementary estimates approved by the Cabinet and Finance and Transformation Portfolio Holder to exceed £500,000 for General Fund Services (capital or revenue) (or £750,000 in respect of the Housing Revenue Account or the capital Housing Investment Programme) for the financial year concerned.~~
- ~~(c) Council may approve a negative supplementary estimate of any single item (revenue or capital) for any value for General Fund, Housing Revenue Account or the capital Housing Investment Programme.~~

6.3 Virements

6.3.1 A virement, unlike a supplementary estimate, will not increase the Council's overall net expenditure. However to ensure that the budget, functions and service levels approved by council are not compromised virements can only be undertaken under the following conditions.

6.3.2 Virement rules do not need to be followed in the following circumstances but a scheme will still need to be approved including agreement of what is to be delivered:-

- (a) Where expenditure is being funded entirely by income received under section 106 agreements and that income has been received and accounted for in the current financial year and where that expenditure is in accordance with the terms of the section 106 agreement. In these circumstances the **Chief Financial Officer Finance and Procurement Manager** must agree the expenditure, and the financing.
- (b) For expenditure where the Council receives full funding from an external source for a specified project and there are no additional revenue costs to the Council in either the current financial year or future financial years. In these circumstances the **Chief Financial Officer Finance and Procurement Manager** must agree the expenditure and the financing.

If there are additional costs to the Council then that expenditure must be financed in accordance with these Financial Procedure Rules

- (c) Subject to the agreement of the **Chief Financial Officer** ~~Finance and Procurement Manager:-~~
 - (i) Where a decision requires an amendment to the budgetary analysis within the Council's financial information system in order that the Council's accounts can properly reflect the financial transactions of that decision.
 - (ii) Where the budgetary analysis within the Council's financial information system needs to be amended in order to comply with required accounting standards or to properly reflect the costs of an activity or function.

6.3.3 Virement rules are required to be followed in the following circumstances:

- (a) The transfer of a sum from one estimate to another, which can be within or between services
- (b) Where an expenditure estimate is to be increased and offset by a known increase in an income estimate including fees and charges.
- (c) Where reduced income is to be offset by a sustainable reduction in expenditure.

6.3.4 The conditions for a virement are:

All virements must be made within the terms and limits prescribed in these Financial Procedure Rules (see 6.3.5):

- (a) Subject to (b) to (h) below a Head of Department can apply a virement provided that the department is able to ensure that:
 - (i) Overall, the minimum agreed level of service would still be provided
 - (ii) The net service cost will be contained within the overall approved budget and the Council's overall costs will not be increased
 - (iii) There are no additional budgetary implications in future years
 - (iv) The service being provided is within the Council's approved policy
- (b) All virements between **revenue and capital budgets** must be as set out in 6.3.5 (g) below.
- ~~(c) Cabinet must approve all virements from Employees budgets except as set out in 6.3.5 (a) below~~
- (d) A virement cannot be made where the proposed expenditure or reduction in income relates to an item which has **previously been considered** and been rejected by the Council, the Cabinet or responsible portfolio holder.

- (e) Where a virement is proposed and the expenditure is in respect of an item not provided for within an approved budgeted service level, but can be met by fortuitous savings (such as from a tendering process or against growth items identified in the Financial Strategy / **Forecast**), such expenditure if in excess of **£15,000** ~~£5,000~~, shall be referred to Cabinet for approval. This excludes savings from minor restructuring. In respect of savings against Financial Strategy \ Forecast Growth Items, the limit will apply to the aggregated value of all requested virements from such budgets.
- (f) Cabinet must approve all virements, which are likely to result in a further and/or additional burden on future years' Council tax and revenues.
- (g) Where significant virements are necessary, it is NOT acceptable to disaggregate the total sum into a number of smaller virements so that these smaller sums fall within the rules/limits of these Financial Procedure Rules. The limits will apply to the aggregated value of the transfer to or from any one estimate.

6.3.5 The terms and limits for applying virements are as follows and apply to the current financial year. Virements, which have an ongoing effect in respect of future years' budgets, will be incorporated into the budget process.

(a) **From employee costs to temporary agency staff estimates**

Virement Value	Approval Required
Not more than £15,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team has approved the filling of that post.	Chief Financial Officer Finance and Procurement Manager.
Over £15,000 but not more than £30,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team has approved the filling of that post.	The Chief Financial Officer Finance and Procurement Manager with the approval of the Management Team and Finance and Transformation Portfolio Holder.
Over £30,000 for the engagement of temporary agency staff in respect of a post on the approved establishment for which there is a budget for the year in question and Management Team has approved the filling of that post.	The Chief Financial Officer Finance and Procurement Manager with the approval of the Management Team, Finance and Transformation Portfolio Holder and Human Resources Committee. and Cabinet.

(b) **Transfers within an approved estimate**

Virement Value	Approval Required
----------------	-------------------

Part 5 – RULES OF PROCEDURE

FINANCIAL PROCEDURE RULES

No limit	The Head of Department providing the expenditure does not impose an ongoing commitment on the Council, which has not already been approved and budgeted for.
----------	--

(c) **General Fund Revenue and HRA (excluding Employees)**

Virement Value	Approval Required
Not more than £15,000	The Head of Department.
Over £15,000 but not more than £30,000	The Head of Department, with the approval of the Management Team together with the Portfolio Holder(s) and/or Committee(s)
Over £30,000 but not more than £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and the Finance and Transformation Portfolio Holder
Over £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and Cabinet

(d) **~~For approved~~ General Fund Capital schemes (excluding HIPs and between IGT projects)**

Virement Value	Approval Required
Not more than £15,000	The Head of Department.
Over £15,000 but not more than £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and the Finance and Transformation Portfolio Holder.
Over £50,000	The Head of Department, with the approval of the Management Team, the responsible Portfolio Holder(s) and/or Committee(s) and Cabinet.

(e) **Housing Revenue Account Capital Schemes Investment Programme (HIPs) (including General Fund Housing)**

Virement Value	Approval Required
Not more than £100,000	Corporate Director (Life Opportunities), provided that the total Capital Scheme HIP allocation as approved is not exceeded and provided the Chief Financial Officer Finance and Procurement Manager advises that no increase to Housing Revenue Account and General Fund Revenue costs results.

Part 5 – RULES OF PROCEDURE

FINANCIAL PROCEDURE RULES

Over £100,000	Housing and Benefits and Revenues Portfolio Holder provided the total HIP allocation as approved is not exceeded and provided the Finance and Procurement Manager advises that no increase to Housing Revenue Account and General Fund revenue costs results.
In all cases where there is a increase to the General Fund revenue costs	A supplementary estimate or virement must be obtained in accordance with these Financial Procedure Rules.

~~(f) — Between ICT projects~~

Virement Value	Approval
No limit as long as the total for General Fund ICT Items is not being increased in any one year and the ongoing revenue costs of ICT are not increased.	Planning and Corporate Services Portfolio Holder on the recommendation of Management Team following a report from the relevant Head of Service.
In all cases where there is a increase to the General Fund revenue costs	A supplementary estimate or virement must be obtained in accordance with these Financial Procedure Rules.

(g) Between Capital and Revenue

Virement Value	Approval
(i). Increase in an approved Capital budget, which is to be financed by a virement from an existing revenue budget.	<p>a) The increase in the cost of the project is a supplementary estimate and must be agreed in accordance with these Financial Procedure Rules.</p> <p>b) The financing from an existing revenue budget is a virement between the revenue financing of capital expenditure budget and the revenue budget which is being reduced and normal virement rules as set out in these Financial Procedure Rules are to apply. In these circumstances the Finance and Procurement Manager must agree the expenditure and the financing.</p>
Virement Value	Approval
(ii). Increase in an approved capital budget which is to be financed by an increase in borrowing or use of capital receipts	This is a supplementary estimate, which must be agreed in accordance with these Financial Procedure Rules
(iii). Increase in an approved revenue budget, which is to be financed by a reduction in an approved capital budget which results	This is a virement between the revenue financing of capital expenditure budget and the revenue budget, which is being increased, and normal virement rules as set out in these Financial Procedure Rules are to apply. In these

Part 5 – RULES OF PROCEDURE

FINANCIAL PROCEDURE RULES

in a reduction in the revenue financing of capital expenditure sufficient to meet the entire increase in the revenue budget.	circumstances the Finance and Procurement Manager must agree the expenditure and the financing.
If none of the above circumstances set out in (i) , (ii) and (iii) above apply.	A supplementary estimate or virement must be obtained in accordance with these Financial Procedure Rules.
Irrespective of the above in all cases where there is a increase to the General Fund revenue costs	A supplementary estimate or virement must be obtained in accordance with these Financial Procedure Rules.

- 6.4** **The Chief Financial Officer** ~~Finance and Procurement Manager~~ shall ensure that all virements comply with these Financial Procedure Rules and will amend the Council's financial information systems as appropriate.
- 6.5** **The Chief Financial Officer** ~~Finance and Procurement Manager~~ will maintain an up-to-date record of all virements and supplementary estimates that have been actioned to date and make this available to the Finance and Transformation Portfolio Holder on request.

7. FINANCIAL MANAGEMENT OF BUDGETS DURING THE YEAR

- 7.1** Once the Council has approved the budget, officers to whom authority has been delegated, may incur expenditure within the amount provided under each head of estimate as varied by any supplementary estimate or virement approved under these Financial Procedure Rules provided that:
- (a) The matter is not one to which the Cabinet has attached a reservation
 - (b) Where appropriate any necessary external consent has been obtained.
 - (c) **Procurement** ~~Contract~~ Procedure Rules have been complied with
- 7.2** Responsibility for the control of capital and revenue expenditure (including the award of grants) and income for a service or function shall rest with the appropriate Head of Department. Each Head of Department shall notify the **Chief Financial Officer** ~~Finance and Procurement Manager~~ of any actual or prospective overspending of expenditure or shortfall in income in excess of the budget which cannot be met by virement as set out in these Financial Procedure Rules.
- 7.3** The Chief Financial Officer has a duty under Section 28 of the Local Government Act 2003 to monitor budgets and the underlying assumptions formulating the budget throughout the year. Where an approved expenditure budget is likely to be overspent or there is likely to be a shortfall in an income budget the Chief Financial Officer shall ensure that corrective action is taken. In exercising this duty the Chief Financial Officer **services** may, irrespective of section 6.2, above examine all budgets and seek explanations from Heads of Department as necessary. The Head of Department shall provide the Chief Financial Officer with any information and explanation requested.

- 7.4** The **Chief Financial Officer** ~~Finance and Procurement Manager~~ shall provide Heads of Department with adequate and timely accounting information and reports, in appropriate detail, to enable those Heads of Department to carry out budgetary control of their budgets.
- 7.5** The **Chief Financial Officer** ~~Finance and Procurement Manager~~ shall determine the level and detail at which budgets and financial management reports are maintained for use by officers and for reporting to Members.
- 7.6** The Chief Financial Officer shall in conjunction with the Management Team ensure that Portfolio Holders, Cabinet and the Council are fully informed of the Council's financial position.

8. FINAL ACCOUNTS, OUT-TURN REPORT AND STATEMENT OF ACCOUNTS

- 8.1** An Outturn Report for the previous financial year will be prepared by the Chief Financial Officer, in respect of revenue and capital items (including Housing), in accordance with the timetable necessary to produce the Statement of Accounts by the statutory deadline. The outturn report will seek Cabinet approval for
- 8.1.1** Any transfers to and from reserves.
- 8.1.2** The funding treatment of capital expenditure and the treatment of capital receipts.
- 8.1.3** The carrying forward of capital slippage and revenue commitment sums (and the consequential amendments to budgets) in respect of any unspent monies in one year to a later year or to reserves.
- 8.1.4** The carrying forward of overspent sums in respect of Capital projects and revenue budgets that will be financed by a reduction in the following years budget (and the consequential amendments to budgets) in respect of any overspent monies in one year to a later year or to be financed from reserves.
- 8.2** The Chief Financial Officer will prepare the Council's Statement of Accounts in accordance with statutory requirements and will incorporate all decisions approved by the Cabinet in 7.1 above.
- 8.3** All Heads of Department shall supply the **Chief Financial Officer** ~~Finance and Procurement Manager~~ with accurate and timely information as may be required for the compilation of the final and other accounts and matters incidental thereto to enable the above requirements to be achieved. That information shall be supplied in a format specified by the **Chief Financial Officer** ~~Finance and Procurement Manager~~.

9. FINANCIAL ADMINISTRATION

9.1 Internal Audit

- 9.1.1** The designated Head of Internal Audit is the Council's officer for the purposes of compliance with statutory Section 151 responsibilities in respect of Internal Audit **along with any other relevant regulations or standards.**

- 9.1.2** The designated Head of Internal Audit shall ensure that independent internal audit staff examine and audit the expenditure, income and property and other assets of the Council and its officers. To enable the designated Head of Internal Audit to achieve this, Internal Audit shall have the right of entry to all establishments and the right to examine all records, cash, stores and other properties belonging to or appertaining to the finances of the Council and to carry out such checks and require and receive such explanations as considered necessary.
- 9.1.3** Following completion of each audit a written report shall be submitted to the Head of Department, who must determine and notify the designated Head of Internal Audit of the action they propose to take.
- 9.1.4** In planning the conduct of these audits the designated Head of Internal Audit shall arrange, as far as possible, for the views of the Head of Department to be taken into account.
- 9.1.5** Heads of Department **must** shall report **any financial irregularity or suspected irregularity**, including those affecting cash, stores or property to the designated Head of Internal Audit **immediately the irregularity or suspected irregularity becomes known**.

9.2 Accounting Arrangements

- 9.2.1** The Chief Financial Officer shall determine, provide, and manage the Council's Financial Information System.
- 9.2.2** All financial returns to Government, the Council's Statement of Accounts and all budget monitoring reports will be prepared from the information in the Council's Financial Information System or such other system that the Chief Financial Officer has agreed can be used to provide the information.

- 9.2.3** Each Head of Department is required to obtain the approval of the Chief Financial Officer for all accounting procedures and records that are proposed. This shall include any computer-based systems that store, utilise or process **any** financial information and must be capable of interfacing and/or integrating with the Council's Financial Information System.
- 9.2.4** All Heads of Department shall ensure that their approved accounting procedures and records are reconciled to the Council's Financial Information System and that adequate records are maintained to demonstrate this.
- 9.2.5** In this respect each Head of Department shall provide the Chief Financial Officer with details of all authorised officers within their department, setting out matters that those officers are authorised to deal with and, where appropriate, the financial limits and shall notify the Chief Financial Officer of those officers' appointment or departure.
- 9.2.6** Any officer having in their charge money, equipment, stores or other property for which they are accountable to the Council shall take all reasonable precautions for its safe custody and proper use.

9.3 Responsibilities for Computer System Legislation

- 9.3.1** All Heads of Department whose services utilise computer installations and software shall be responsible for the security and privacy of all data held in those installations, and for ensuring compliance with all relevant legislation in respect of the licensing and use of that software. This includes taking all necessary action to safeguard against computer viruses or other form of data corruption.
- 9.3.2** Heads of Department shall also ensure that all necessary registrations are made under the Data Protection Act and that those registrations are regularly monitored and updated where necessary. Staff shall also be reminded of their individual responsibilities under this Act and the Freedom of Information Act.
- 9.3.3** Similarly, each Head of Department shall ensure that all other relevant computer system legislation is complied with, in particular copyright and patents acts concerning the use of software, scanners and other electronic storage means, for which the appropriate (licence) fee has not been paid, and the Computer Misuse Act.

9.4 Orders for Work, Goods and Services

- 9.4.1** All official orders and associated documents shall bear the name and logo of Tendring District Council and shall be in an agreed standard format and produced by the approved ordering system. They shall be issued only by Heads of Department and their authorised staff and be in accordance with these Financial Procedure Rules and the **Procurement Contract** Procedure Rules.

9.5 Certification and Payment of Invoices

- 9.5.1** Invoices for payment by the Council shall not be made out by any officer of the Council, other than in circumstances agreed in advance with the Chief Financial Officer, nor shall an officer add any item to an invoice rendered by a supplier.
- 9.5.2** The reasons for any amendment to an invoice shall be recorded and retained in a safe and secure manner in accordance with the directions issued by the Chief Financial Officer.
- 9.5.3** Any Head of Department who issues an order shall be responsible for ensuring the examination, verification and certification of the relative invoice(s), except in circumstances as determined by the Chief Financial Officer, and for correctly and promptly recording on the Council's approved ordering system the receipt of goods, works, or services.
- 9.5.4** Before certifying an invoice the certifying officer must be satisfied, within the tolerances specified by the Chief Financial Officer, that:
- (a) The invoice conforms with the official order
 - (b) That the goods have been received, examined and approved for quality and quantity and that any services have been rendered or any work done satisfactorily and receipted on the approved order system.
 - (c) That the prices charged are correct
 - (d) That the expenditure is, to the best of the certifying officer's belief, lawful and has been duly authorised
 - (e) That no invoice for the same goods, service or work has previously been passed for payment
 - (f) The invoice is arithmetically correct
 - (g) That the expenditure has been properly analysed to the appropriate accounting code(s)
 - (h) That the allocation of VAT has been correctly made
 - (i) That the expenditure can be financed from within the appropriate approved estimate

Where a grant has been approved, the above should be followed by the certifying officer where appropriate.

- 9.5.5** It is the responsibility of a Head of Department receiving goods or materials to ensure that appropriate entries are made in inventories, stores or other records.
- 9.5.6** Wherever practicable the respective duties of ordering, receiving and certifying the relevant invoices for payment of goods, services or work shall not be performed by one and the same officer, and in no case shall an invoice be finally certified for payment by an officer assuming personal control over the goods, works or services to which the invoice relates.

- 9.5.7** The **Chief Financial Officer** ~~Finance and Procurement Manager~~ shall examine, so far as he/she considers necessary, invoices passed for payment and shall make all such enquiries and receive all such information and explanations, as shall be required.
- 9.5.8** All Heads of Department shall ensure that the Council's **prompt payment of invoice** obligations ~~to meet Best Value Performance Indicator 8 (prompt payment of invoices)~~ are met.

9.6 Income

- 9.6.1** All arrangements for the collection of monies due to the Council and the issuing of debtor invoices shall be as directed by the Chief Financial Officer.
- 9.6.2** All monies received shall, without delay, either be paid in **as instructed by the Chief Financial Officer** ~~to the Council's cashiers at the Council's cash offices or as may be required by the Chief Financial Officer~~, be banked in the Council's name to the bank accounts designated by the Chief Financial Officer.
- 9.6.3** Heads of Department must ensure that where an invoice is to be issued for sums due to the Council, that the invoice is issued immediately the sum due is known. Where a large sum is likely to be due, interim invoices are to be issued.
- 9.6.4** Where an invoice is to be issued the Head of Department issuing the invoice must ensure that the invoice is correct and the sum demanded is properly due to the Council **and meets all legal obligations especially those required to enforce non-payment if such circumstances arise.**
- 9.6.5** Each officer who banks money to the credit of the Council's bank account shall enter on the paying-in slip, and on the duplicate thereof, particulars of the payment. In the case of each cheque paid in he/she shall record:-
- (a) The amount of the cheque
 - (b) A reference which shall connect the cheque with the debt or debts in respect of which it was received
- 9.6.6** Where monies are due to the Council under contracts, leases, tenancy agreements, agreements for the sale of property and any other agreements entered into which involve the receipt of money by the Council, the Head of Department shall provide the **Chief Financial Officer** ~~Finance and Procurement Manager~~ with all relevant particulars, as soon as possible.
- 9.6.7** Each Head of Department who, under arrangements approved by the Chief Financial Officer, is responsible for the collection or recovery of sums due to the Council shall take prompt action to expedite collection. This action shall comply with the Council's debt recovery procedures as determined and directed by the Chief Financial Officer.
- 9.6.8** Official receipt forms, receipt books, tickets and other documents of a similar nature used to collect revenue due to the Council shall be in a format approved by the Chief Financial Officer.

- 9.6.9** Heads of Department stocking such stationery shall ensure that appropriate security is maintained at all times.
- 9.6.10** Each officer authorised to receive monies on behalf of the Council shall do so only on official receipt forms, tickets or other documents of a similar nature as approved by the Chief Financial Officer, except in respect of payments by cheque or drafts where no receipt is requested, or for payments received by the Legal Services Manager for which he/she is satisfied it is appropriate to give a receipt otherwise than in the official form.
- 9.6.11** Money received shall not be used to cash personal or any other cheques whatsoever except where, due to exceptional circumstances, the Chief Financial Officer has given prior approval.
- 9.6.12** Where payment is made to the Council by debit or credit card the Head of Department accepting payment must ensure that all sums due to the Council by the Credit Card or Debit Card Company is received in full by the Council and reconciled.

9.7 Remuneration, Gratuities and Allowances

- 9.7.1** Heads of Department shall provide the **Chief Financial Officer** ~~Finance and Procurement Manager~~ with all appropriate details to enable the payment of all salaries, wages, compensation, gratuities and other emoluments in respect of employees or former employees.
- (a) The Human Resources Manager must notify the **Chief Financial Officer** ~~Finance and Procurement Manager~~ immediately of all appointments, dismissals, resignations, suspensions, transfers and changes in the rate of remuneration of employees (other than normal increments).
 - (b) Heads of Department shall notify the **Chief Financial Officer** ~~Finance and Procurement Manager~~ of all overtime or additional hours worked for which payment is to be made and all absences through sickness or other absences affecting the payment due to employees.
 - (c) Claims for travelling and Subsistence allowances shall be assessed monthly by Heads of Department who, within four working days of the end of each month shall notify the **Chief Financial Officer** ~~Finance and Procurement Manager~~ of amounts due to be paid.
 - (d) Each Head of Department shall notify the Chief Financial Officer of the names and specimen signatures of those officers who are authorised to certify salaries, wages and allowances documents.
- 9.7.2** The **Chief Financial Officer** ~~Finance and Procurement Manager~~ shall examine, so far as he/she considers necessary, all claims for payment of salaries, wages or allowances and subject to that examination, shall make all such payments which are certified by the appropriate Head of Department or other officer authorised by them in writing or in an electronic format approved by the Chief Financial Officer.

9.8 Petty Cash and Other Imprest Accounts

- 9.8.1 The **Chief Financial Officer** ~~Finance and Procurement Manager~~ shall make imprest advances to Heads of Department, where appropriate, for the purpose of defraying petty expenses. The use of any alternative means of meeting expenses shall be agreed, in advance, with the Chief Financial Officer.
- 9.8.2 The amount of each advance and the system of operation shall be determined in consultation between the Head of Department and the Chief Financial Officer.
- 9.8.3 Whenever an officer leaves the employment of the Council or ceases to be entitled to hold an imprest advance he/she shall account to the **Chief Financial Officer** ~~Finance and Procurement Manager~~ for the unexpended balance of their advance.
- 9.8.4 All procurements made using a petty cash imprest shall be in accordance with the Procurement Procedure Rules. All procurements must be evidenced by the production, and retention with the petty cash imprest records, of a valid receipt. Where VAT is to be accounted for a valid VAT receipt shall be obtained.

10. WRITE-OFFS OF SUMS DUE TO THE COUNCIL

- 10.1 The Council has a duty to collect all sums due to it. However there are occasions when it is not possible or cost effective to proceed with recovery of the debt. In these cases the debt needs to be written off and the following conditions, delegations, and limits apply. **The Head of Department must be reasonably satisfied that recovery action / options have been 'exhausted' before proceeding to seek a write off of any debt.**
- 10.2 Where a debt has been raised in error or is incorrectly calculated then the debt should be either reduced or cancelled by the issue of a credit note or similar reversal of the original charge. Such reversal must be authorised by a responsible officer other than the one who raised the original debt.
- 10.3 All write-offs of debt must be set against the budget to which the original income was credited or an appropriate provision if one has been made.
- 10.4 If the write-off will result in that income budget not being achieved the Head of Department must advise the **Chief Financial Officer** ~~Finance and Procurement Manager~~ immediately.
- 10.5 That part of any debt written off, for which provision has been made in the Council's bad debt provision at the end of the previous financial year can be written off without further action as set out in 5.4.4 (b) of these financial procedure rules
- 10.6 If the **Chief Financial Officer** ~~Finance and Procurement Manager~~ advises that the whole or part of the debt was not included in the Council's bad debt provision at the end of the previous financial year then the Head of Department must apply a virement or seek a supplementary estimate in accordance with section 5 of these Financial Procedure Rules to finance that part of the debt not provided for within that provision.
- 10.7 The authority to write off debts is delegated by the Council as follows:

Item For Potential Write Off	Authority To Write Off Delegated To
------------------------------	-------------------------------------

Part 5 – RULES OF PROCEDURE

FINANCIAL PROCEDURE RULES

<p>Debt due to the Council where the amount owing is a Council Tax or NNDR debt which is either:-</p> <ol style="list-style-type: none"> 1. A ceased account and the debt is equal to the amount charged as summons costs making the debt uneconomical to collect, or 2. Not a ceased account but the amount owing is less than the cost of second class postage 3. The debt due to the Council is Housing Benefit and the amount owing is less £10 than the cost of second class postage <p><i>In respect of 1. and 3. above, there should be no other 'live' Council Tax or NNDR account in the name of the specific debtor.</i></p>	<p>Corporate Director (Life Opportunities)</p>
---	--

Item For Potential Write Off	Authority To Write Off Delegated To
<p>Specific Debts where :-</p> <ol style="list-style-type: none"> (a) There is a personal bankruptcy, company insolvency, Individual/ Company Voluntary Arrangement or a Debt Relief Order. (b) The Bailiff has been unable to obtain payment and has returned the debt as "nulla bona". (c) The company has been struck off by Companies House. (d) The death of a debtor who dies insolvent and the claim against the estate has been made. (e) Death of a debtor who has died with no executor with whom to register a claim. (f) Council Tax Debts – Removal outside the jurisdiction of the Magistrates Courts of the debtor. (g) All other debts – Removal outside the UK of the debtor. 	<p>The Chief Financial Officer Finance and Procurement Manager on receipt of a written report from the appropriate Head(s) of Department.</p> <p><i>Where joint / several liability applies to any of the criteria listed, the criteria applied must be applicable to all parties.</i></p>

<p>(h) The remission of debts by the Magistrates or other court.</p> <p>(i) The committal to prison of the debtor in respect of the non-payment of the debt or associated debt.</p> <p>(j) The abscondment of a debtor where a tracing or other appropriate agency has failed to make a trace.</p>	
<p>ANY OTHER DEBTS</p>	
<p>Individual debts not exceeding £2,000</p>	<p>The Chief Financial Officer Finance and Procurement Manager on receipt of a written report from the appropriate Head(s) of Department which should where reasonably practical identify if the specific debtor is still receiving goods or services from the Council.</p>
<p>Individual debts exceeding £2,000 but below £25,000</p>	<p>The Finance and Transformation Portfolio Holder on receipt of a written joint report from the appropriate Head(s) of Department, the Chief Financial Officer and the Legal Services Manager which should include a recommendation as to how the write-off will be financed and should where reasonably practical identify if the specific debtor is still receiving goods or services from the Council.</p>
<p>Individual Debts of £25,000 and above</p>	<p>The Cabinet on receipt of a written joint report from the appropriate Head(s) of Department, the Chief Financial Officer and the Legal Services Manager which should include a recommendation as to how the write-off will be financed and should where reasonably practical identify if the specific debtor is still receiving goods or services from the Council.</p>

11. INSURANCE

11.1 ~~The Chief Financial Officer Finance and Procurement Manager~~ shall be responsible for the provision of the Council's insurances. This shall include authority to accept annual renewal terms from the appointed insurer subject to such terms being within the terms of the original contract and the approved budget available. Heads of Department shall be responsible for providing the ~~Chief Financial Officer Finance and Procurement Manager~~ with all necessary information to do this in the most effective manner.

- 11.2** Each Head of Department shall give prompt notification to the **Chief Financial Officer** ~~Finance and Procurement Manager~~ of all new risks, properties or vehicles which require to be insured, and of any alterations affecting existing insurances, indicating the amount or variation in cover required.
- 11.3** Each Head of Department shall also notify the **Chief Financial Officer** ~~Finance and Procurement Manager~~ of any other risk which in their opinion should be included within the Council's insurance cover arrangements.
- 11.4** Heads of Department shall, as soon as they become aware of such circumstances, notify the **Chief Financial Officer** ~~Finance and Procurement Manager~~ in writing of any claim or likely claim. Heads of Department shall **not** admit any liability or take any action that may commit the Council or its insurers in respect of any potential or actual claim.
- 11.5** Each Head of Department shall consult the Legal Services Manager regarding the terms of any indemnity which the Council has been requested to give before authority is sought for the giving of the indemnity.
- 11.6** Each Head of Department shall consult the **Chief Financial Officer** ~~Finance and Procurement Manager~~ in any case where, in their opinion, the nature or situation of any equipment, stores or other property for which they are accountable to the Council requires the provision of special security arrangements.
- 11.7** The **Chief Financial Officer** ~~Finance and Procurement Manager~~ shall, periodically, provide Heads of Department with full details of the risks insured by the Council so that they may check and review the items for which they are responsible.

12. INVENTORIES STOCKS AND STORES

- 12.1** Inventories shall be properly maintained by Heads of Department to record appropriate items in the possession of the Council regardless of whether an item has been leased, rented, borrowed or purchased.
- 12.1.1** All assets of the Council shall be recorded in inventories or registers maintained by Heads of Department in a form approved by the Chief Financial Officer and in accordance with procedures agreed with him/her.
- 12.1.2** Separate registers will be maintained by the **Head of Corporate Services** ~~Finance and Procurement Manager~~ for:
- (a) Land and Buildings
 - (b) IT equipment
- 12.1.3** The level or value of items to be listed shall be determined by each Head of Department in consultation with the Chief Financial Officer.
- 12.1.4** Heads of Department are responsible for the checking and certifying of inventories within their control at least once a year to ensure the security of all property under the Council's control.

- 12.1.5** The Council's property, equipment and other facilities shall not be removed other than in the ordinary course of the Council's business nor shall they be used for any other purpose. Heads of Department should ensure that where equipment is removed from Council premises to be used for work purposes elsewhere, including officers' homes, that an appropriate record is maintained of such movements and that adequate insurance cover exists (including whilst in transit).
- 12.1.6** Heads of Department shall ensure that a record is maintained, in a format approved by the Chief Financial Officer, of all items written off. This record shall detail date, description, reason and include appropriate authorisation.
- 12.2** Where appropriate a Head of Department shall notify the **Chief Financial Officer Finance and Procurement Manager** of any acquisition, disposal or change of an item, which is included in the Authority's balance sheet or where changes in the Council's insurance cover may be necessary.
- 12.3 Stocks And Stores**
- 12.3.1** All records of stocks and stores shall be in a form approved by the Chief Financial Officer.
- 12.3.2** Procedures for the receipt and issue of stocks and stores shall be approved by the Chief Financial Officer.
- 12.3.3** Each Head of Department shall be responsible for the custody and physical control of all stocks and stores under their control.
- 12.3.4** Each Head of Department shall arrange for continuous stock checking of stocks in hand and shall ensure that all items of stocks are checked at least once in every financial year.
- 12.3.5** Each Head of Department shall furnish the **Chief Financial Officer Finance and Procurement Manager** with a certificate showing the value of stock and stores in hand under their control as at 31 March in each year in accordance with the timetable necessary to produce the Statement of Accounts by the statutory deadline.
- 12.4 Disposal of Stocks and Stores and Items owned or managed by the Council**
- 12.4.1** Where a Head of Department identifies items of equipment on an inventory or stocks or stores no longer required **and they are satisfied that** the items/stores are of no use to **other** the Heads of Department then they shall **be offered for sale to the staff/Council Members generally arrange for disposal which can include being offered for sale to staff / Council Members where the sale is based on the highest price offered.**~~they shall arrange disposal as follows:~~
- (a) ~~Details of the items/stores, including their estimated value, shall be circulated to all Heads of Department~~
- (b) ~~If the items/stores are of no use to the Heads of Department then they shall be offered for sale to the staff/Council Members generally.~~

- ~~(c) The item will be sold to the member of staff or Council Member offering the highest price.~~

Only then:

- (a) If the total estimated value of the items is in excess of £1,000 then disposal shall be by means of public auction or open tender

- ~~(e) If the estimated value of an individual item is less than £100 or the total estimated value of a group of items does not exceed £1,000 the Head of Department shall determine the most appropriate method of disposal~~

12.4.2 Whatever method of disposal is applied, where the value of the items to be disposed of needs to be written from the accounts, the cost shall be allocated to a separately identifiable write-off code provided by the Chief Financial Officer.

12.4.3 Income from any disposal shall similarly be identifiable using a code provided by the **Chief Financial Officer** ~~Finance and Procurement Manager~~.

12.5 Where there is a net cost of disposal the Head of Department must finance the cost by virement or supplementary estimate in accordance with these Financial Procedure Rules.

13. BANKING ARRANGEMENTS

13.1 Only the Chief Financial Officer shall be authorised to open bank accounts for monies under the control of the Council and these shall be in the name of the Council. Day to day operation of bank accounts shall be determined by the **Chief Financial Officer** ~~Finance and Procurement Manager~~.

13.2 The conduct of the Council's business with their bankers shall be made by, or under arrangements approved by, the Chief Financial Officer.

13.2.1 A bank account or accounts shall be maintained by the Council into which all monies received by the Council shall be paid. Withdrawals from these accounts and transfers from one account to another shall be made only on the authority of the Chief Financial Officer or other officer authorised by him/her in writing.

13.2.2 Payments made on the Council's behalf shall be made using BACS transfers wherever possible or otherwise by crossed cheques. The Chief Financial Officer, or other officer authorised by him/her in writing, may make alternative arrangements where they consider it necessary or appropriate, in the interest of the Council.

13.2.3 Cheques drawn on banking accounts of the Council shall bear the pre-printed signature of the Chief Financial Officer.

13.2.4 Manual signatures of the Chief Financial Officer, or other officers authorised by him/her in writing, shall be required in accordance with arrangements determined by the Chief Financial Officer.

14. INVESTMENTS, LOANS AND BORROWING

14.1 The Council has adopted the CIPFA Treasury Management in Public Services Code of Practice (The Code) 2009.

14.1.1 All securities in the name of the Council and the title deeds of all property in the ownership of the Council shall be held in the custody of the Assets Manager or the Chief Financial Officer as appropriate.

14.1.2 This Council will create and maintain, as the cornerstones for effective treasury management:-

- (a) A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities.
- (b) ~~Suitable~~ Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

14.1.3 The contents of the policy statement and TMPs will follow the recommendations contained ~~in Sections 6 and 7 of~~ the Code, subject only to amendment where necessary to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key principles.

14.2 The Council will receive reports on its treasury management policies, practices and activities as follows:-

14.2.1 Each year in accordance with statutory requirements and before the start of the forthcoming year Full Council will, following a recommendation by Cabinet and consideration by Corporate Management Scrutiny Committee, approve an Annual Treasury Strategy for the forthcoming year. The Annual Treasury Strategy will include an investment strategy and a borrowing strategy. The investment strategy will include a schedule of those instruments the Council will consider using for investments in the forthcoming financial year. The borrowing strategy will include a statement of the anticipated borrowing requirement for the following financial year. The Annual Treasury Strategy will also include the prudential and treasury indicators for the forthcoming year and at least the subsequent 2 years.

14.2.2 The Annual Treasury Strategy will be reviewed as necessary throughout the year. As a minimum the Chief Financial Officer will review the strategy as at the end of September and report the findings of that review to Cabinet, which may at its discretion, forward the report to Council.

14.2.3 The Chief Financial Officer will report to Cabinet at the earliest opportunity after 31 March in any year on the Council's Treasury Management performance and activities in the preceding financial year.

14.2.4 The Chief Financial Officer will report during the course of the financial year on the Council's Treasury Management performance and activities. Such reports to be considered by Cabinet and the Corporate Management Scrutiny Committee.

- 14.3** The Chief Financial Officer shall, in accordance with the Council's TMPs and the Council's approved Annual Treasury Strategy, be authorised to
- (a) Borrow sums of money.
 - (b) Reschedule or restructure the existing debt portfolio.

- (c) Invest surplus funds.
- (d) Determine those counterparties and countries that meet the Council's credit rating criteria.
- (e) Determine the money brokers the Council will use for temporary borrowing and investment and long term borrowing.
- (f) Amend as necessary and in accordance with the Council's Treasury Management Practices those schedules set out therein.
- (g) Take urgent action to safeguard the Council's investments, including where necessary temporarily breaching the conditions set out in the TMP's. The Finance and Transformation Portfolio Holder is to be advised of the action taken as soon as practicable.

14.4 The execution and administration of treasury management decisions is the responsibility of the Chief Financial Officer, who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

15. LAND AND PROPERTY TRANSACTIONS

15.1 All land and property transactions must be undertaken in accordance with the Council's **Property Dealing Policy**.

15.2 Any amendments to the **Property Dealing Policy** will be made in accordance with the Budget and Policy Framework Procedure Rules.

16. EXTERNAL FUNDING

16.1 External funding refers to applications to external organisations, including Government departments and agencies for the funding of expenditure. The expenditure may be for the Council's own services or for those services provided in partnership with other public bodies, voluntary sector bodies or private sector organisations.

16.2 In any partnership arrangement the Chief Financial Officer must ensure that there are adequate controls in place in respect of the Council's own financial liabilities to the partnership and that there are adequate controls in place for the partnership itself.

16.3 Any application for external funding to finance or contribute to the financing of a function, investment or activity for which the Council is either the sole provider or is the accountable body must be approved by the Chief Financial Officer.

16.4 When making application for payment of funds from the body awarding the grant it is a statutory obligation that all figures in the claim be supported by adequate, and comprehensive working papers. All such working papers will be in a format and detail as determined by the Chief Financial Officer.

17. PROCEEDS OF CRIME ACT 2002 (ANTI-MONEY LAUNDERING)

17.1 The Proceeds of Crime Act 2002 sets out some of the obligations placed on individuals and organisations to report known or suspected money-laundering activities. This means that both the Council itself and individual officers within the Council are bound by this act. All employees of the Council must report any suspicions. Failure to do so is a criminal offence.

- 17.2** It is the Council's policy is to do all it can to prevent, wherever possible, the Council and its staff being exposed to money laundering, to identify the potential areas where it may occur and to comply with all legal and regulatory requirements especially with regard to reporting of actual or suspected cases.
- 17.3** All Heads of Department will ensure that all staff for whom they are responsible and who are involved in financial transactions are aware of the Council's and their own obligations in respect of money laundering.
- 17.4** The Chief Financial Officer, or officer(s) nominated by him/her will be responsible for anti-money laundering measures within the Council to ensure compliance with the Proceeds of Crime Act 2002 and fulfil the Council's policy in respect of money laundering.
- 17.5** The following instances could be an attempt at money laundering and should raise suspicions and must be reported to the Chief Financial Officer or nominated officer(s). The Chief Financial Officer will determine the limits and procedures to be followed in the event of these activities arising.
- 17.5.1** Payment in cash of an unusually large sum of money.
- 17.5.2** Payment in cash of a sum in excess of the amount owing; particularly if a double payment is made, followed by a request for a non-cash refund.
- 17.5.3** The use of Trusts or offshore funds for handling proceeds or settlement of a transaction should be questioned.
- 17.5.4** Care should be exercised and further enquiries may be needed in the following instances.
- (a) A third party intermediary becomes involved in a transaction
 - (b) The identity of a third party is hard to establish or is undisclosed
 - (c) A party is evasive as to the source or destiny of funds
 - (d) A third party uses a vehicle company and the ultimate ownership is concealed or difficult to establish.

18. STATE AID

- 18.1** State aid rules are in place to protect the European Community free market by ensuring state resources are not used to distort competition or give an unfair advantage. State aid rules can apply to voluntary and non-profit making organisations. State aid has four characteristics:
- (a) It is granted by the State or through state resources (this includes local authorities);

- (b) It favours certain undertakings, or the production of certain goods (this can include voluntary and non-profit making organisations if they are engaged in economic activity);
- (c) It distorts or threatens to distort competition;
- (d) It affects trade between member states;

If all four characteristics are present the state aid is prohibited, subject to certain exemptions. State aid takes many forms, it relates to a financial advantage of any kind.

- 18.2** Any support given to organisations must not breach state aid rules.
- 18.3** Issues regarding state aid must be checked prior to the award of support and advice sought as appropriate (guidance is available from the Department for Business Enterprise and Regulatory Reform).
- 18.4** Where state aid rules are considered to apply appropriate approvals must be obtained from the European Commission prior to the award of the support unless specific regulations do not require advance approval, for example they are covered by a block exemption (limits apply) or the de minimis regulations.
- 18.5** If state aid is being given under a block exemption the aid must comply with every condition stated in the block exemption regulation and appropriate procedures for notifying the Commission of the award must be followed.
- 18.6** If state aid is being given under the de minimis regulation all relevant procedures must be followed, in particular;
- (a) the recipient must be informed of the de minimis nature of the grant.
 - (b) full information must be obtained from the recipient about other de minimis aid received during the previous three years.
 - (c) new de minimis aid must only be granted if it will not raise the total aid received in the relevant period of three years over the de minimis limit applicable at the time.
 - (d) all records of de minimis aid paid must be kept in accordance with the regulations and for the relevant minimum time period.
- 18.7** All aid given must be notified to the **Chief Financial officer** ~~Finance and Procurement Manager~~. Financial records must separately identify any aid given.

Part 5 – RULES OF PROCEDURE

OFFICER EMPLOYMENT PROCEDURE RULES

ACCESS TO INFORMATION PROCEDURE RULES

1 SCOPE

These rules apply to all meetings of the Council, its Committees, Overview and Scrutiny Committees, Sub-Committees, and public meetings of the Cabinet (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.

Any person is permitted to film or record any meeting of Council, a Committee, Sub-Committee or the Cabinet, save where the public have been excluded for the consideration of exempt or confidential business. The rules, as prescribed by legislation, will allow for the reporting of meetings via social media of any kind. The Council will provide reasonable facilities to facilitate reporting.

Any person exercising such rights must not disrupt the proceedings. Examples of what will be regarded as disruptive include but are not limited to moving outside the area designated for the public, making excessive noise, intrusive lighting/flash or asking a councillor to repeat a statement. In addition, members of the public or the public gallery should not be filmed. Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman and may be asked to leave the meeting.

4 NOTICES OF MEETING

The Council will give at least five clear working days-notice of any meeting by making the agenda and reports publically available at the Town Hall, Station Road, Clacton-on-Sea, (the 'designated office') and on the Council's website.

5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda, reports and background papers open to the public available for inspection at the designated office on request, at least five clear working days before the meeting. Where a report is added to the agenda after the summons has been sent out, the Democratic Services Manager shall make each such report together with any background papers available to the public as soon as the report is completed and sent to Councillors.

(Cream)

TENDRING DISTRICT COUNCIL CONSTITUTION**Part 7****Members' Allowances Scheme**

1.0**2.0 INTRODUCTION****1.1 The Scheme and Title**

In exercise of the powers conferred on Tendring District Council under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) the following Scheme of Allowances ("the Scheme") has been approved by the Council, having taken due account of the recommendations of its Independent Remuneration Panel.

The Scheme may be cited as the "Tendring District Council Members' Allowances Scheme", and will be effective from 1st May each year until subsequently amended by Council.

1.2 Annual Review

In accordance with the above regulations the Scheme payments will be reviewed annually. The review process will involve: -

- Scrutiny by the Independent Remuneration Panel [IRP] of the ongoing and future role and workload of Members and review of the allowances and amounts paid to Members;

OR

- Application of an appropriate agreed indexation allowance for up to a maximum of 4 years;
- The IRP will then make recommendations to the Council in respect of payments considered to be appropriate for subsequent years.

See Appendix 2 for the current scheme and most recent decision by Annual Council.

1.3 Definitions

In the Scheme: -

"Councillor" or "Member" means an elected Member of Tendring District Council

"Year" means the year (or part year) ending at the annual Full Council meeting

3.0 THE STRUCTURE OF THE SCHEME**2.1 Member Involvement**

This Scheme has been established in a way that reflects the responsibility and time commitment required from Members in the discharge of their duties. It acknowledges their duties to ward constituents, fellow councillors, the population as a whole and to organisations outside the Council. The extent of these responsibilities, and the commitment they require, is reflected in the extent to which a Councillor is remunerated.

(Lilac)

2.2 Basic Members' Allowance

Basic Allowance is a flat rate payment made to all Councillors in recognition of their time commitments, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It also covers incidental costs such as the use of their homes, telephone costs and peripheral costs such as paper, printer cartridges etc. except that headed paper and business cards will be provided by Tendring District Council on request. The same level of Basic Allowance will be paid to all councillors.

2.3 Special Responsibility Allowance

Special Responsibility Allowances will be payable to those councillors who hold positions with additional special responsibility.

Payment to the Leader(s) of Opposition Group(s) will also be considered.

The amount of Special Responsibility Allowance (SRA) payable will vary according to the position held, duties undertaken and the level of responsibility involved. No Member is eligible for more than one SRA. They are entitled ONLY to the higher SRA. If the Chairman or Vice-Chairman of the Council also hold a position which entitles them to a SRA they shall be entitled ONLY to the higher of the SRA and Chairman or Vice-Chairman allowance.

2.4 Childcare and Dependant Carers' Allowance

The Regulations make provision for the Scheme to include payment of a Childcare and Dependant Carers' Allowance to those councillors who incur expenditure for the care of children or dependant relatives whilst undertaking official duties.

Allowances are made available to Members who have an express need. The express need shall be in the form of a written declaration by a Member that needs to be lodged with the Management and Members' Support Manager.

2.5 Travel and Subsistence Allowance

Travel and Subsistence Allowances are also approved by the Council following consideration of recommendations made by the Independent Remuneration Panel in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

Travel and Subsistence payments will be made in accordance with the laid down rates in respect of councillors' duties and in respect of approved attendance on approved outside bodies. Rates approved by the Council, following consideration of the recommendations of the Independent Remuneration Panel are set out in Appendix 2 to this Scheme.

Claims for travel and subsistence submitted to Management and Members' Support by the 2nd working day of each month will be paid in that month otherwise they will be paid the following month. Members should aim to submit claims the month after the mileage etc. has been incurred in order to assist effective budgetary control and ensure proper treatment within the correct tax year (in compliance with HMRC requirements). Members will be reminded before the end of the tax year to submit claims relating to that year.

2.6 Attendance at Meetings and Conferences

This allowance is paid in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. As with travel and subsistence, claims submitted to Management and Members' Support by the 2nd working day of each month will be paid in that month otherwise they will be paid the following month.

2.7 Pensionability Of Posts

The Local Government Pension Scheme does not allow councillor posts to be pensionable.

4.0 CLAIMS AND PAYMENTS

The Scheme will be administered in a way that meets the need for both simplicity and transparency. The following procedures are intended to achieve such objectives.

3.1 Documenting Entitlement to Allowances

Following the four yearly local elections and the subsequent Annual Council Meeting at which positions on the Council are filled the annual remuneration entitlement in respect of each Councillor will be calculated and documented.

Details will be included on a Schedule of Members' Commitments form (Appendix 1), that will form part of each Member's declaration of office and which will provide a public record of an individual's responsibilities and commitments. These documents will be retained within the Council and will be used to determine the basis of each Councillor's monthly payment through the Council's payroll system.

Any changes to members' allowances subsequent to this will be documented separately and individual Schedules of Members' Commitments will not be updated.

3.2 Payment

Payment of allowances will be paid to each Councillor in arrears in twelve instalments on the 20th of each month (or nearest working day thereto).

Payment of expenses where the claim is submitted by the 2nd working day of the month will be paid to each Councillor in arrears on the 20th of that month (or nearest working day thereto).

3.3 Changes / Part-Year Entitlement

Councillors may, during the course of a year, take up or relinquish a position or role identified within this scheme which alters their entitlement to allowances. In such circumstances their entitlement will be adjusted on a pro-rata basis. Councillors should notify the Management and Members' Support Manager of such changes as soon as they are known.

If a Councillor's term of office starts or ends other than at the commencement or end of the normal municipal year, entitlement to such remuneration as their responsibilities and commitments attracts will also be calculated on a pro-rata basis.

The revised allowance will apply from the day on which the change occurs.

3.4 Option to Forgo Allowances

A Councillor may decide to forgo all or part of the allowances due to him / her. In such circumstances the Management and Members' Support Manager should be notified in writing of such decision.

Once in place, limited or non-payment will continue until revoked in writing by the Councillor concerned. (NB such revocation shall not be backdated).

3.5 Verification of Travel and Subsistence

In order to maintain the transparency of the scheme, a list of "approved" duties that attract entitlement to travel and subsistence will be maintained and all claims will be verified against this list before payment is made with non-compliant claims being removed.

3.6 Members Responsibility for Reporting Receipt of Allowances

Members are advised to declare the receipt of a members allowance if **any form** of benefit such as income support or housing benefit is being claimed. The rules on how members' allowances are treated may vary depending on the benefit claimed and advice should be sought from the relevant administrating body. For example the rules for those in receipt of Housing Benefit and Council Tax Benefit state that "basic members allowance, special responsibility allowance and conference attendance allowance are treated as earnings except for any expenses which have been wholly, exclusively and necessarily incurred in the performance of their duties". Members are therefore advised that in order to claim expenses in these circumstances receipts and records to justify the expenses incurred must be kept.

5.0 APPROVED DUTIES

The power "to appoint member representatives to attend meetings of appropriate outside bodies" is delegated in Part 3 of the Constitution to Portfolio Holders and to Committees with regard to the functions within their jurisdiction.

5.1 Approved Duties for Travel and Subsistence Allowance

- **Attendance at Meetings of the Full Council, the Cabinet, Committees and Sub-Committees or formally constituted panels or working parties.**
 - Attendance at the above meetings;
 - Attendance at informal meetings of any of the above meetings;
 - Formal pre-briefings for any of the above meetings;
 - Formal Portfolio Holder or Committee working parties ;
 - Any other reasonable or appropriate informal briefing or meetings with officers to prepare for any of the above meetings or discuss any matter relating to the business of the Council **as determined by the Chief Executive.**

Expenses are payable to all Members for attendance at Council otherwise it is payable where the Member is appointed to or invited to attend the relevant Cabinet, Committee, Sub Committee or Working Party. It is not payable where Members choose to attend a meeting and sit in the audience.

TENDRING DISTRICT COUNCIL CONSTITUTION

Part 7

Members' Allowances Scheme

Similarly expenses are payable where Members request or are invited to pre organised meetings with officers to discuss Council business.

- **Attendance by Councillors at site or similar meetings, approved in advance**

- Refers to any site meeting or other similar meeting proposed and approved by any of the groups included in 1) above i.e. Full Council, the Cabinet, Committees and Sub-Committees or formally constituted panels or working parties

Expenses are payable where Members attend site meetings in relation to meetings of Cabinet, Committees, Sub Committees or Working Parties to which they are appointed or invited to attend.

- **Attendance at meetings of approved external bodies**

- Attendance at meetings with approved external bodies at any venue
- Appointment to an LGA members structure where expenses are not met by the LGA and the appointed member provides feedback.

The relevant external bodies are those which the Leader has made a formal decision to appoint to. The list is on the Members' page of the intranet.

- **Attendance at Authorised Conferences and / or Seminars**

- Attendance at conferences authorised in accordance with delegated powers.
- Attendance at any seminar if reasonable and relevant / appropriate to the responsibilities of individual Members.
- Attendance at any learning and development opportunity if reasonable and relevant / appropriate to the responsibilities of individual Members.

Expenses are payable where the training is relevant to the Member's position on the council. This will include Council arranged sessions such as the regular Members' Briefings. Where Members attend external training out of personal interest, that will not be payable.

- **Attendance at Civic Events**

- Attendance by the Chairman or Vice Chairman and their consorts at civic events.

Expenses are payable for the Chairman or Vice Chairman and their consorts undertaking civic duties. They will not be payable for other members attending civic events.

6.0 APPLICATION OF THE SCHEME

The following principles will apply in the adopted scheme.

6.1 Substitute Members

The scheme does not permit the remuneration for substitute Members, other than in respect of payment for travel and subsistence for substitution at meetings and attendance at any mandatory training. This is on the basis that a Member has been named as a substitute by their Group Leader.

(Lilac)

(Amended – September 2011) Part 7. 7

Part 7

Members' Allowances Scheme

TENDRING DISTRICT COUNCIL**Councillors' Schedule of Commitment**

Councillor [Enter Full Name]

I wish to claim the allowances set out below which I believe is in accordance with my entitlement under the Member's Allowances Scheme.

	Annual Remuneration	
BASIC ALLOWANCE		
SPECIAL RESPONSIBILITY ALLOWANCE Special Responsibility Allowance is paid to those councillors who have significant responsibilities:- Leader of the Council Other Members of the Cabinet Opposition Leader(s) Audit Committee Chairman Community, Leadership and Partnerships Committee Chairman Corporate Management Committee Chairman Education and Skills Committee Chairman Human Resources Committee Chairman Licensing Committee Chairman Local Plan Committee Chairman Planning Committee Chairman Service Development and Delivery Committee Chairman Standards Committee Chairman Vice-Chairman Planning Committee Licensing Sub-Committee Chairman		
Total Annual Allowance £		
CHILDCARE ALLOWANCE I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. ** please delete as appropriate	Yes**	No**
DEPENDANT CARERS ALLOWANCE I wish to register my eligibility for this allowance and attach an appropriate written declaration to this effect. ** please delete as appropriate	Yes**	No**

I understand that travel and subsistence and carers claims need to be submitted by the 2nd working day of each month in order to be paid in that month. I undertake to inform the Management and Members' Support Manager of any circumstances that will affect my entitlement to any of the above allowances.

Signed _____ Date _____

(Lilac)

Part 7

Members' Allowances Scheme

DECISION OF ANNUAL COUNCIL – 17TH MAY 2011

Annual Council on 17th May 2011 determined that, for the municipal years commencing May 2012, May 2013 and May 2014, allowances will be increased annually:-

- In line with the officers' pay award effective from 1st April of the same year;
- In the event that the officers' pay award is not agreed and implemented on 1st April members' allowances will be calculated once the officers' increase has been agreed and the revised members' allowances will be backdated to 1st of May in the year in question;
- The increases in May 2012, May 2013 and May 2014, in accordance with the Council decision taken on 17th May 2011, will not require annual review by the Independent Remuneration Panel.

Allowances to be paid with effect from 1st May 2015 will be agreed after consideration of recommendations from the Independent Remuneration Panel whose members will conduct a full review before making their recommendations to the Council.

SCHEDULE OF ALLOWANCES**Period 1st May 2011 (index linked with effect from 1st May 2012, 2013 and 2014)**

Allowances	Annual Amount
Chairman of the Council	£6,070
Vice-Chairman of the Council	£2,140
Basic Allowance	£4,962
Special Responsibility Allowances	
Leader of the Council	£17,862
Portfolio Holder (Cabinet Member)	£10,494
Chairman - Planning Committee	£6,072
Vice Chairman Planning Committee	£1,965
Chairman - Licensing Committee	£6,072
Chairman – Audit Committee	£4,467
Chairman – Corporate Management Committee	£3,573
Chairman – Community Leadership & Partnerships Committee	£3,573
Chairman – Service development & Delivery Committee	£3,573
Chairman - Human Resources Committee	£3,573
Chairmen - Licensing Sub-Committees	£1,965

(Lilac)

Part 7

Members' Allowances Scheme

Opposition Group Leader Payments

Payment will be made under the Scheme to an Opposition Group Leader who is the leader of any group that does not form part of the administration nor has a seat on the cabinet. The 'Group' must comprise 2 or more members.

The amount to be paid to each such Group Leader will be based on a fixed sum plus an amount calculated according to the number of members in the respective group, with both fixed and variable amounts being determined annually by the Council as follows:-

Opposition Group Leaders (who meet the 'Opposition Group Leader' criteria)	
Fixed Annual Group Leader Sum plus	£1,473
annual amount payable per opposition group member	£174

Childcare Allowance

- To be paid up to a maximum rate of £5.89 per hour up to a maximum of 15 hours per week;
- Dependant children must be under the age of 16 and living at home with the Member(s);
- Allowance is claimed on production of a signed statement, which declares that the childcare has been provided by a babysitter, and can be paid to a member of the immediate family except Partner/person with parental responsibility.

Dependant Carer Allowance

- For dependants other than children to be paid up to a maximum rate of £8.38 per hour for a maximum of 15 hours per week;
- Elderly or dependant relatives must be living at the same address as the Member(s);
- Allowance to be paid on production of a receipt from a professional carer.

Conferences

Accommodation Costs outside London - (based on absence exceeding 24 hours) - Maximum Daily Rate	£120.00
Accommodation Costs London - (based on absence exceeding 24 hours) - Maximum Daily Rate	£140.00

Part 7

Members' Allowances Scheme

MEMBERS' TRAVELLING AND SUBSISTENCE RATES WITH EFFECT FROM 1ST MAY 2011**Travelling**

For the use of a motor car regardless of cylinder capacity:

Use of a motor Car – first 10,000 miles a year	45 pence per mile
Use of a motor Car – miles in excess of 10,000 a year	25 pence per mile

Other Methods of Transport

Use of motor cycle	24 pence per mile
Use of a cycle	20 pence per mile

Subsistence

The rate of subsistence shall not exceed:

- (a) Breakfast allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, before 11 am) **£6.00**;
- (b) Lunch allowance (more than 4 hours away from normal place of residence or where the authority permits, a lesser period, including the lunchtime between 12 noon and 2 p.m.) **£7.50**;
- (c) Evening meal allowance (more than 4 hours away from the normal place of residence or where the authority permits, a lesser period, ending after 7 p.m.) **£12.00**.

Reimbursement of **ALL** subsistence expenses (including hostel costs) will be based on **actual cost incurred on production of receipts** – maximum amounts will only be paid based on proof of expenditure of that level.

All claims for subsistence must therefore be accompanied by receipts demonstrating expenditure actually incurred. This is to ensure that no National Insurance liability is incurred on payments of such allowances.