



Notice is hereby given that a **MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **TOWN HALL, GOSPORT** on **WEDNESDAY** the **ELEVENTH DAY** of **FEBRUARY 2015** at **6.00PM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. To confirm the Minutes of the Meeting of the Council held on 28 January 2015
3. To consider any Mayor's Communications.
4. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

**(NOTE: Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 9 FEBRUARY 2015 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 9 FEBRUARY 2015).**

5. Questions (if any) pursuant to Standing Order No 3.4.

**(NOTE: Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 10 FEBRUARY 2015).**

6. Consideration of recommendations by Boards of the Council: **(To Follow)**

**BOARD**

**DATE**

Community Board

10 February 2015

7. Council Budget 2015/16

To consider the report of the Borough Treasurer.

8. Treasury Management and Prudential Indicators 2015/16

This report outlines the Council's prudential indicators for 2015/16 to 2017/18, together with the expected treasury operations for this period. It fulfils a key legislative requirement.

9. Governance Issues

To advise the Council of recent legislation and guidance relating to a number of governance issues and to propose changes to the Constitution. (Appendix 1 to follow)

10. Election of Mayor and Deputy Mayor 2015/16

In accordance with Standing Order No 2.4 the Borough Solicitor has written to Group Leaders and Members of the Council inviting them to submit Member nominations for the selection of Mayor-Elect and Deputy Mayor-Elect for the next Municipal Year. One nomination has been received by the Borough Solicitor, Councillor K C Farr for Mayor-Elect and one nomination, Councillor L M Hook for Deputy-Mayor Elect for the 2015/2016 Municipal Year.

**IAN LYCETT  
CHIEF EXECUTIVE**

**TOWN HALL  
GOSPORT**

03 February 2015

**FIRE PRECAUTIONS**

(To be read by the Mayor if members of the public are present)

**In the event of the fire alarm being activated, please leave the Council Chamber and Public Gallery immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.**

**MEMBERS ARE REQUESTED TO NOTE THAT:**

**(1) IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM  
THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE  
WITH STANDING ORDER 4.11.18**

**(2) MOBILE PHONES SHOULD BE SWITCHED OFF OR SWITCHED TO SILENT  
FOR THE DURATION OF THE MEETING**

**MINUTES OF THE MEETING OF THE COUNCIL  
HELD ON 28 JANUARY 2015 AT 6.00pm**

**Attendance:**

The Mayor (Councillor Gill) (P) (in the Chair);

The Deputy Mayor (Councillor Farr) (P);

Councillors Allen (P), Ms. Ballard (P), Bateman (P), Mrs Batty (P), Beavis (P), Bergin (P), Burgess (P), Carter (P), Chegwyn (P), Mrs Cully (P), Dickson, Ms. Diffey (P), Edgar (P), Mrs Forder, Forder, Foster-Reed (P), Geddes, Hazel (P), Hicks (P), Mrs Hook (P), Hook (P), Hylands (P), Jessop (P), Langdon (P), Mrs. Morgan (P), Murphy (P), Philpott (P), Ronayne (P), Scard (P), Mrs Searle, Mrs Wright (P) and Wright (P).

Honorary Freeman O'Neill

---

**APOLOGIES**

Apologies for inability to attend the meeting were submitted on behalf of Councillors Dickson, Geddes, Forder, Mrs Forder, Mrs Searle and Honorary Alderman Searle, Train and Foster.

---

**MINUTES**

**COUNCIL RESOLVED: That the Minutes of the Meeting of the Council held on 15 October 2014 and the Extraordinary Meeting of the Council held on 15 October 2014 be confirmed as true and correct records and signed.**

---

**MAYOR'S COMMUNICATIONS**

The Mayor informed the Council that he, along with the Mayoress had attended on Tuesday 27 January 2015, two Holocaust Memorial Day Services in Havant and Winchester commemorating the 70<sup>th</sup> Anniversary of the liberation of Auschwitz.

**DEPUTATIONS**

There were no deputations received.

**QUESTIONS**

There were no public questions received.

---

**PART II MINUTES**

---

**COUNCIL RESOLVED: That the following Part II Minutes be received.**

- Economic Development Board: 26 November 2014 (Minute No 26-27)
- Policy & Organisation Board: Extraordinary meeting 14 January 2015 (Minute No 39-41)

---

## **PROPOSALS FOR THE REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

The Council was requested to consider the report of the Chief Executive advising of the responses to consultation on the Review of the Parliamentary Constituency Polling Districts and Polling Places and to agree changes as set out in the report.

The proposal to support the provision of disabled access to the Music Room was welcomed.

The Mayor advised that as Ward Councillor for Privett Ward, he was agreeable to the changes as was his fellow Ward Councillor, Councillor Mrs Forder.

**RESOLVED:** That

1. The Polling Districts and Polling Places set out in the Schedule to the report of the Chief Executive be approved; and
2. The funding of the cost (up to a maximum of £3000) of improvements to disabled access to the Music Room at Thorngate Hall as set out in Paragraph 2.11 of the report of the Chief Executive be agreed.

## **LOCAL COUNCIL TAX SUPPORT SCHEME FOR GOSPORT**

The Council was requested to consider the report of the Borough Treasurer informing the Council of the proposal not to change the Local Council Tax Support Scheme (LCTS) for Gosport for the forthcoming 2015/2016 financial year other than minor changes to reflect the changes to the regulations by the Department for Work and Pensions.

**RESOLVED:** That the Local Council Tax Support Scheme (LCTS) for Gosport Appendix 1 of the report of the Borough Treasurer be approved and that the statutory scheme for Pension Age customers be noted.

The Mayor

**The meeting ended at 18.17**

<b>Board/Committee:</b>	<b>FULL COUNCIL</b>
<b>Date of Meeting:</b>	<b>11 FEBRUARY 2015</b>
<b>Title</b>	<b>COUNCIL BUDGET 2015/16</b>
<b>Author:</b>	<b>BOROUGH TREASURER</b>
<b>Status:</b>	<b>FOR DECISION</b>

## **1.0 PURPOSE OF REPORT**

- 1.1 To recommend budget levels for General Fund services for 2015/16 and help determine, in due course, the level of Council Tax to be levied in the Borough. (The Council Tax level for 2015/16 will be set by Council on 20 February 2015 when precepting authorities' requirements are known).
- 1.2 The Local Government Act 2003 requires the Council to consider whether its budget is balanced with appropriate levels of reserves. The proposed budget is balanced and any proposed amendments must be considered in this context. In particular, any changes to the budget or reserves may have an impact on the forecasts for future years and affect the Council's ability to maintain adequate service levels and fund the proposed capital programme.
- 1.3 The report outlines the financial situation of the Council's General Fund in the current year and, after consideration of the main factors affecting the outlook for 2015/16 including Exchequer support and reserve levels, recommends a budget level for that year. The proposed budget will result in no increase in the level of Council Tax for the Borough Council's requirements after taking account of reserve and tax collection fund balances.

## **RECOMMENDATIONS**

**It is recommended that the Council approve:**

- 1) A revised 2014/15 budget totalling £9,970,670 and a budget for 2015/16 totalling £10,295,150.**
- 2) The Pay Policy Statement (Appendix 3) and Member's Allowances Scheme (Appendix 4) for 2015/16 and the proposals for the composition and recruitment of the Independent Remuneration Panel set out in Section 8 of this report.**
- 3) The proposed amendment and addition to the Discretionary Rate Relief Policy as detailed in Appendix 5.**

## **2.0 CHANGES TO THE FINANCING OF LOCAL GOVERNMENT**

- 2.1 The 2013/14 Local Government Finance Settlement brought the most radical changes to the financing of Local Government for over 30 years.
- 2.2 The primary change was in relation to Business Rate income. Under the previous system business rates were collected by Councils on behalf of the government and paid into a central Treasury pot. This was then redistributed back to local authorities using a complex needs based formula. The Government considered that this did not provide an incentive for Councils to increase the business base in their area as no extra reward would be received by the Council as a result of such growth.
- 2.3 As a result of the above concerns a new system of Business Rate Retention was introduced from 1 April 2013 which enables Councils to retain a proportion of any business rates collected above a target level. The new system is complex and in the first instance a baseline funding level (funding that is assumed to be provided through the business rates retention scheme) is calculated. This is determined by the Government as part of the Council's Settlement Funding Assessment , the other element of which is the funding provided through the Revenue Support Grant.
- 2.4 The business rates collected are initially apportioned between Central Government and the billing authorities with the Government currently retaining 50%.
- 2.5 The Billing Authority business rate baseline (the Government's estimate of the business rates collectable in the Borough after deducting the Central Government share of 50%) has been split in two tier areas between the billing authorities and the major precepting authorities on the basis of 80% to the billing authorities (i.e. GBC) with the remaining 20% to the precepting authorities. The resulting individual authority business rate baselines are then either reduced or increased by applying a tariff or top-up respectively so they equal the baseline funding level.
- 2.6 In order to prevent any authority either gaining or losing excessively under the new arrangements the Government have included a levy arrangement whereby some authorities will be required to pay a levy if they collect more than their Individual Authority Business Rate Baseline. Levy rates are individually set for each Council using a formula with this Council's levy rate being 0.50. Therefore for every pound collected above the Individual Authority Baseline Funding Level 50 pence will be payable to the Government.
- 2.7 The proceeds from the Levy are then used to fund a safety net to provide support to Councils whose business rate receipts fall by more than 7.5% below their baseline funding level.



- 2.8 The new funding arrangements do therefore represent a significant transfer of risk (both positive and negative) from Central Government to Local Government. There are potential benefits under the new system but the arrangements whereby Councils bear a substantial proportion (40% in the case of this Council) of the cost of any future successful rating appeals and rate reliefs results in a real possibility that the Council could be more than 7.5% below baseline funding and therefore would trigger a safety net payment.
- 2.9 While the new business rates system has been generally welcomed, it has also been subject to ongoing regulatory changes and clarifications that have 'fine tuned' it to meet the government's national objectives and to clarify administrative and operational procedures.
- 2.10 It is a feature of the system that the tariffs, top ups, safety nets, levies and grant reliefs for national budget initiatives have resulted in complex funding streams and timings which have only recently been fully appreciated
- 2.11 The business rate listings, which are central to the new system, are managed by the local Billing Authorities who have no direct control over some of the key elements – ie the various reliefs and appeals, This is further detailed in section 3 to this report.
- 2.12 As in 2014/15 in order to provide Councils with a positive incentive to keep Council tax levels down, a Council Tax Freeze grant equivalent to approximately 1% Council Tax is to be made available to Councils by the Government conditional on their tax levels not being increased in 2015/16.

### **3.0 THE LOCAL FINANCIAL SITUATION**

- 3.1 The headline figures for this Council in relation to the final grant settlements for 2013/14 and 2014/15 and the provisional 2015/16 grant settlement are as follows:-

	2013/14	2014/15	2015/16
	£,000	£,000	£,000
Revenue Support Grant	3,289	2,557	1,824
Baseline Funding Level*	<u>2,188</u>	<u>2,231</u>	<u>2,274</u>
Start Up Funding Assessment	5,477	4,788	4,098

\* Funded from Business Rate receipts

- 3.2 The above table highlights the very significant reduction (approximately £1.4M) in estimated Central Government funding between 2013/14 and 2015/16. Due to the close proximity to the General election no indicative figures have been published for 2016/17.
- 3.3 In addition to the funding through the Start Up Funding Assessment the Council has received New Homes Bonus which is payable as a result of net growth in the Council Tax Base. A total sum of £796,039 is payable to the Council including £227,053 in respect of 2012/13,

£271,309 for 2013/14, £165,757 for 2014/15 and £131,920 for 2015/16. Each phase of New Homes Bonus is payable for 6 years.

- 3.4 The Baseline Funding Level under the new arrangements assumes that the Council will collect business rates receipts at target level. The revised estimate 2014/15 is that actual receipts (after Tariff and the levy payable) will be £2,354,370 (including direct grant for additional rate relief granted). This has increased from the original estimate of £2,213,140 and is £123,474 above the target level of £2,230,896 and £290,791 above the safety net threshold of £2,063,579.
- 3.5 The estimate of Business Rate Receipts 2015/16 (in accordance with the NNDR1 return to Central Government) is £3,172,930 (including direct grant for additional rate relief granted and the levy payable) which is £899,405 above the target level of £2,273,525 and £1,069,920 above the safety net threshold of £2,103,010. While this reflects the best estimate on the information currently available significant risk remains that final income received will vary significantly and could even fall to that guaranteed by the safety net.
- 3.6 It must be stressed that the estimation of business rate receipts required under the new grant system is extremely complex with many of the factors outside this Council's control. This is particularly true in the case of a business rate appeals and claims for rate relief (including Mandatory) whereby any granted will be funded 50% by Central Government, 40% by this Council and 10% by the other precepting authorities. The Valuation Office Agency will both determine whether a rating appeal is successful and the level of reduction granted with the Council having no right of challenge.
- 3.7 Within the autumn Statement the Government made a number of changes to the NNDR reliefs including changes to the Discretionary Reliefs funded by Central Government. The maximum amount of temporary retail relief that can be awarded has been increased from £1,000 to £1,500. A new discretionary transitional relief scheme has also been introduced enabling relief to be granted after the existing mandatory transitional relief scheme ceases on the 31<sup>st</sup> March 2015. It is proposed that the Council's discretionary relief scheme be amended to incorporate these changes.
- 3.8 In order to help mitigate against the risks outlined above it was agreed that a collection fund equalisation reserve was set up to specifically mitigate against this risk. It is proposed to broaden the scope of this reserve to cover the significant increase in risk and volatility of arising from the introduction of Business Rate Retention Scheme and Council Tax Support Scheme together with the uncertainties in future levels of Revenue Support Grant. In the light of this it is proposed to rename the reserve as the Stability and Resilience Reserve. The proposed budget provides for an increase in the reserve to £291,440 for 2014/15 and £1,167,730 in 2015/16 which will greatly assist the Council by giving it more time to adjust to the reductions in funding anticipated in the next five years.

- 3.9 For the fourth successive year the proposed budget will also qualify the Council to receive Council Tax Freeze Grant. For 2015/16 the grant is payable for one year and is equivalent to 1% of the Council Tax which equates to approximately £56,000. This sum is not included in the Start Up Funding Assessment and is paid as a separate grant.
- 3.10 The Settlement for 2015/16 has resulted in a further significant decrease (approximately £700,000) in the level of Central Government support (Revenue Support Grant and Business Rate Income) that this Council is estimated to receive. The efficiency measures undertaken early in 2013/14 together with a number of new measures (including the extension of the Environmental Heath Partnership) has enabled a draft budget to be put forward which safeguards service levels with no increase in the Council Tax being required.

#### **4.0 BUDGET RISK ASSESSMENT**

- 4.1 Conclusions about the adequacy of the Council's proposed budget are based on a risk assessment (Appendix 1).
- 4.2 The new financial arrangements that were introduced from 1 April 2013 result in a major shift in risk from Central to Local Government. The new system of Business Rate Retention whilst providing a possibility of reward when Business Rate Receipts exceed the Baseline Funding Level also results in significant risk of a reduction in funding received by this Council. Whilst some of this risk is associated with the Council's performance on rate collection and the development of the Business base within the Borough other major risk factors are out of this Council's control. Examples of such factors include rating appeals, claims for mandatory relief and indeed the financial health of the Country as a whole. The legislative and accounting arrangements relating to the scheme produce significant additional complexity and risk with any given year's income potentially being significantly affected by previous years. Since the introduction of the scheme further complexities have been introduced as a result of the changes in business rate reliefs and the Government has also announced an intention to review the Business Rate Scheme. The proposed Stability and Resilience Reserve will help mitigate against this risk.
- 4.3 A further area of additional risk being borne by this Council results from the introduction of the Council Tax Support Scheme which replaced Council Tax Rebates which were totally funded by Central Government. The Government has transferred the responsibility for providing a locally determined Council Tax Support Scheme to Local Government while reducing the funding from Central Government to approximately 90% of the cost of the previous Council Tax Rebate Scheme. From 2013/14 the grant funding for this scheme is included within the overall grant settlement and whilst some allowance may be made this Council will bear a substantial proportion of the risk associated with the cost of the scheme in particular arising from any significant increase in take up.

- 4.4 As detailed in paragraph 3.3 the Council is estimated to receive a total New Homes Bonus of £796,039 in 2015/16 which is fully utilised to support the Council's Revenue Budget. There is a significant risk that this support will not be continued following the general election.
- 4.5 It can be seen from the risks identified above in addition to the medium to longer term uncertainty relating to Central Government funding it is essential that a prudent approach is taken to budgeting and the level of reserves.

## **5.0 RESERVES**

- 5.1 General Fund provisions available for general use comprise a Working Balance and the Revenue Financing Reserve (RFR). The Working Balance enables the Council to meet unexpected demands on its resources such as increased inflation or demand for statutory services and provides a cushion against uneven cash flows. RFR is used to ensure that fluctuations in annual maintenance requirements can be met, to underwrite uninsured risks and for funding spend-to-save revenue and capital initiatives.
- 5.2 As a result of savings achieved in the actual expenditure compared to the budget in 2013/14 a higher RFR (£2,067,000) was carried forward into 2014/15 than anticipated. It was anticipated that this would be reduced in the current year by revenue budget carry forwards of approximately £324,000 although these have been fully funded by savings achieved in the year and it has been possible to add a further £25,610 to the fund. A contribution of £150,000 is estimated to be applied from the fund in 2015/16 to support regeneration projects within the Borough in accordance with the fund's objective to support spend to save revenue and capital initiatives.
- 5.3 As detailed above the grant settlement for 2015/16 is substantially lower than 2014/15 in accordance with the indicative grant settlement issued at this stage last year. As a result of the forthcoming general election in May 2015 no indicative grant settlement has been issued for 2016/17. The widely held view however is that further significant reductions in grant will be forthcoming in the next four years as detailed in the budget projection 2016/17-2019/20 (Appendix 2). This estimates that the Revenue Support Grant will have reduced from £1,824,000 in 2015/16 to £325,000 in 2019/20 (an estimated reduction of approximately £1.5 million).
- 5.4 In addition the Council is now bearing a number of additional risks following the radical changes to the financing of Local Government first introduced in the 2013/14 Local Government Finance Settlement. These include those relating to the Business Rate Retention Scheme and the Council Tax Support Scheme as detailed in paragraph 4 of this report.
- 5.5 In view of the challenges that the Council is likely to face in the next 5 years and the additional risks identified it is seen as essential that

reserve levels are maintained at as high a level as possible. These funds will not only cover against such risks but also help provide essential invest to save funding to enable the Council to fully utilise the opportunities for efficiencies in the future.

## **6.0 THE PROPOSED BUDGET**

### **6.1 REVENUE**

- 6.1.1 The revised 2014/15 budget totals £9,970,670 and represents an increase of £141,880 (1.4%). The draft budget book contains a list of variations that have arisen between the Council's original spending plans for the current year and the latest estimate of expenditure and income.
- 6.1.2 The total proposed net budget for 2015/16 is £10,295,150 and represents an increase of £466,360 (4.7%) on the original budget for the current year.
- 6.1.3 Summary reports on the budgets for each of the Boards including information relating to main budget variations are attached (Appendix 6).

### **6.2 CAPITAL**

- 6.2.1 A separate report dealing with the Council's Treasury Management Strategy for the coming year is on the Agenda for this meeting.
- 6.2.2 The Council's Capital Programme for the 4 years to 2017/18 (Budget Book Pages 47-52) amounts to over £23M primarily funded from the Major Repairs Reserve, HRA revenue contributions and borrowing as approved by Policy and Organisation Board on 29<sup>th</sup> September 2014.
- 6.2.3 There is a direct impact on revenue budgets arising from the capital programme and, where expenditure is not supported by Government grant, the resulting financing cost is included within the budget. The amount of discretionary capital expenditure in the capital programme continues to be strictly controlled as the Council should only borrow to fund new capital investment if it can be demonstrated that the revenue consequences are affordable in line with the prudential code

### **6.3 COUNCIL TAX**

- 6.3.1 The proposed budget of £10,295,150 for 2015/16 will result in no change in Gosport's share of the Council Tax. The Band D tax will therefore remain at £202.81 for 2015/16.
- 6.3.2 Based on provisional data, 1% Council Tax produces approximately £52,000 income in 2015/16 however any increase

in Council tax would result in the loss of the Council Tax Freeze grant of approximately £56,000 (payable for one year).

## 6.4 COUNCIL TAX BASE

6.4.1 The projected Council tax Base for 2015/16 is shown below:-

Calculation of adjusted tax base:

Adjusted Tax Base (before Losses to Collection)	26,018.80
Less Losses on collection	-378.40
Adjusted Tax Base	<u>25,640.40</u>

## 7.0 BEYOND 2014/15

7.1 A 4-year projection of revenue commitments (Appendix 2) indicates significant pressures on budgets between 2016/17 and 2019/20.

7.2 Savings required to maintain a zero increase in Council Tax are currently projected as follows:-

Year	Estimated Savings Required (Year on Year)
2016/17	£615,000
2017/18	£595,000
2018/19	£727,000
2019/20	£583,000

7.3 It is currently Council policy to restrict Council Tax increases for its own requirements to no more than 2.5% although it is presently the case that a referendum is required by any Council wishing to increase its Council Tax by 2% or more.

7.4 The forthcoming General Election, continuing worldwide economic uncertainty and the complexities of the new Local Government Financing arrangements result in a very high degree of uncertainty relating to future levels of Exchequer support, locally retained business rates, inflation and interest rates. It is generally believed that irrespective of the result of the election further significant reductions in Government grant will be forthcoming. It has been assumed in the projection that reductions of £500,000 in Revenue Support Grant will be made in 2016/17 and 2017/18, £300,000 in 2018/19 and £200,000 in 2019/20.

## **8.0 OTHER ISSUES**

- 8.1 The Council is required to consider and publish its Pay Policy and Member's Allowances Scheme that will apply next financial year before the end of March. They are attached as Appendices 3 & 4 for approval by Council. The financial consequences of these are included in the proposed budget and reflect a continuation of existing policy.
- 8.2 There is a need for the Member's Scheme of Allowances to be fundamentally reviewed this year and the Council therefore need to appoint at least 3 people to the Independent Remuneration Panel as the previous appointments made in 2010 expired in 2014.
- 8.3 It is proposed that the composition of the Independent Remuneration Panel should be the same as previously agreed by Council in July 2010 as set out below:-
- One member from the Education Sector ( there is a group representing Head teachers and the Principal of St Vincent's which meet with the Chief Executive and Leader of the Council and it is proposed to ask this group to make this nomination).
  - One member from the Voluntary/Community Sector (it is proposed to ask Gosport Voluntary Action as the Umbrella organisation for this sector to seek a nomination from its members)
  - Two members from the Business Community (it is proposed to place an advert in the Gosport Council 'invest in Gosport' newsletter) to seek these members and if there are more than 2 interested persons the Chief Executive.
  - One member representing the Residents. It is proposed to advertise this vacancy in a local newspaper and also on the Council's website and notice boards. The other 4 members of the panel will be asked to make this appointment from the applications received to the advertisement.
- 8.4 The Council should undertake a fundamental review of its scheme of allowances every 4 years so it is suggested that the members of this Independent Remuneration Panel are appointed for 4 years.

## **9.0 CONCLUSION**

- 9.1 The proposed 2015/16 budget of £10,295,150 is balanced and will result in no change in the level of Council Tax required for the Borough Council's purposes. The outlook for 2016/17 and beyond is that significant reductions in Exchequer Support will be forthcoming so it is essential that further reviews of services are undertaken and efficiencies and new sources of income are identified. The Council's Budget Strategy for 2016/17 will further address this when it is considered during autumn 2015.

- 9.2 A budget book containing the budget as finally approved will be circulated by April and a revised Medium Term Strategy will be prepared shortly thereafter.

Financial Implications:	Council's General Fund Budget, Capital Programme and Council Tax level for 2015/16
Legal Implications:	The Council has to set a balanced budget and is also under an obligation to carry out its functions effectively, efficiently and economically. It also has to determine and publish both its Pay Policy Statement and Member's Allowances Scheme in advance of the new financial year.
Service Improvement Plan implications:	The budget submissions reflect both service improvement plans and the corporate plan.
Corporate Plan:	Ditto.
Risk Assessment:	See Appendix 1
Background papers:	Draft Budget Book Budget working papers DCLG-Business Rates Retail Relief-Guidance DCLG-Business rates-New Build Empty Property Guidance DCLG- Business Rates Information Letter (9/2013).
Appendices/Enclosures:	1. Risk Assessment 2. 4 year projection of Revenue Commitments 3. Pay Policy Statement 2015/16 4. Member's Allowances Scheme. 5. Discretionary Rate Relief 6. Summary of Service Board Budgets 2015/16
Report Author/Lead Officer	Julian Bowcher



**BUDGET RISK ASSESSMENT (GENERAL FUND)**

Budget Area	Risk	Budget £'000	Likelihood	Revenue Impact	Comment
Business Rate Retention Scheme/ Government Grants	Uncertainty regarding Collection Rates/Appeals/Mandatory Relief Grant Data//Policy change	-5,945	H	H	Considerable uncertainty regarding the impact of outstanding appeals will have on future NNDR income. Both positive and negative risk. Negative risk partly mitigated by 'Safety Net'/Prudent Budgeting.
Council Tax Support Scheme	Increased costs due to take up etc.	4,337	H	M	Any increased costs relating to take up of the scheme are likely to be at least partly borne by this Council. The Government support for the scheme is no longer separately identified and is now included within the overall grant settlement.
Capital Programme	Failure to raise necessary financing (capital receipts 2014-18)	-1,975	H	M	Economic climate may not facilitate the raising of the new capital receipts required in future years
Housing Benefits	Overpayment rates &/or demand increase, grant formula change.	32,650	H	H	Major uncertainty still exists regarding the timing relating to the introduction of Universal Credit and the impact of future changes to the benefit system.
Homelessness	Additional demand.	3,435	H	M	Conversion of Agnew House has mitigated this risk although demand continues to increase. The ongoing refurbishment of Barclay House will help reduce this risk.
General Income	Shortfall due to unpredicted demand changes.	2,453	H	H	
Maintenance	Unforeseen urgent works.	360	M	M	Essential expenditure has been provided for.
Insurance	Claims experience deteriorates.	160	M	M	
Interest Rates	Interest rates are higher than forecast	325	M	H	The economic climate remains volatile making the prediction of future interest rate levels subject to uncertainty.
Government Grants (including New Homes Bonus)	Future levels of Revenue support grant and New Homes Bonus Payments.	2,620	H	H	Uncertainty regarding the level of Revenue Support Grant and New homes Bonus very high due to forthcoming General Election.
Regional Growth Fund	Central Government Grant Clawback	>£3M	L	H	Risk likelihood considered low due to controls and procedures in place

## NOTES

- 1 Assessment takes account of past trends and budget monitoring.
- 2 Likelihood: High = most years, Medium = Occasional, Low = rare.
3. Impact: High = over £100,000; Medium = £50 – 100,000; Low = less than £50,000

## APPENDIX 2

PROJECTED GENERAL FUND FOR THE YEARS TO 2019/20 (at current prices)				
	(£'000)			
	2016/17	2017/18	2018/19	2019/20
<b>A 2014/15 Base Budget</b>	<b>10,295</b>	<b>10,295</b>	<b>10,295</b>	<b>10,295</b>
<b>B Budget Increases</b>				
Crematorium (income down)	25	25	25	25
Tax Freeze Grant 2015/16	57	57	57	57
Elections	50	0	50	0
Pensions ERS	39	82	128	179
NI ERS - Cessation of contracting out (April 2016)	102	102	102	102
Inflation (inc pay award)	120	240	360	480
Transfer from Reserves	150	150	150	150
New Homes Bonus income (reaching 6 years)	0	0	227	498
	<b>543</b>	<b>656</b>	<b>1,099</b>	<b>1,491</b>
<b>C Less Budget Decreases</b>				
MRP	(9)	(17)	(23)	(22)
Transfer to Reserves	(876)	(876)	(876)	(876)
	<b>(885)</b>	<b>(893)</b>	<b>(899)</b>	<b>(898)</b>
<b>D PROJECTED BUDGET TOTALS (A+B+C)</b>	<b>9,953</b>	<b>10,058</b>	<b>10,495</b>	<b>10,888</b>
<b>E FUNDING</b>				
Revenue Support Grant	(1,325)	(825)	(525)	(325)
Collection Fund (Surplus) / Deficit - Council Tax	97	97	97	97
Business Rates Collectable	(2,900)	(2,900)	(2,900)	(2,900)
	<b>(4,128)</b>	<b>(3,628)</b>	<b>(3,328)</b>	<b>(3,128)</b>
<b>F GBC COUNCIL TAX LEVY (D-F)</b>	<b>(5,825)</b>	<b>(6,430)</b>	<b>(7,167)</b>	<b>(7,760)</b>
<b>G COUNCIL TAX BASE</b>	<b>25,690.4</b>	<b>25,740.4</b>	<b>25,790.4</b>	<b>25,840.4</b>
<b>H ESTIMATED COUNCIL TAX INCOME (FOR NO INCREASE)</b>	<b>(5,210)</b>	<b>(5,220)</b>	<b>(5,230)</b>	<b>(5,240)</b>
<b>I SAVINGS REQUIRED</b>	<b>615</b>	<b>1,210</b>	<b>1,937</b>	<b>2,520</b>

### GOSPORT BOROUGH COUNCIL

#### **PAY POLICY STATEMENT**

**2015/16**

#### **1. Purpose**

This statement is produced in accordance with Section 38(1) of the Localism Act 2011, and sets out the Council's policies relating to the pay of its workforce for the financial year 2014/15, and in particular:

- the remuneration of its Chief Officers
- the remuneration of its "lowest paid employees"
- the relationship between the remuneration of its Chief Officers and those who are not Chief Officers.

#### **2. Definitions**

For the purpose of this pay policy statement, the following definitions apply.

**2.1 Pay**, in addition to salary, includes any charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements, and termination payments.

**2.2 Chief Officer** refers to the following roles within the Council:

Chief Executive, as Head of Paid Service, Borough Solicitor and Deputy Chief Executive (who is also the Council's Monitoring Officer), Borough Treasurer, Housing Services Manager. In addition, in accordance with the definition set out in the Localism Act and the Government's statutory guidance, this term for this purpose also refers to those officers who report directly to the statutory or non-statutory officers, i.e. the following Section Heads:  
Head of Economic Prosperity, Tourism and Culture, Head of Policy and Community Safety, Head of Personnel, Head of IT, Head of Accountancy, Head of Pay and Central Services, Head of Local Taxation, Head of Benefits Services, Head of Internal Audit, Head of Housing Operational Services, Head of Property Services, Head of Housing Finance, Head of Housing Options, Head of Legal and Democratic Services, Head of Conservation and Design, Head of Development Control, Head of Planning Policy, Head of Building Control, Head of Streetscene, Transport and Traffic Liaison Officer.

**2.3 Lowest paid employees** refers to those staff employed at the lowest grade level (scp 5) of the Council's pay framework. This definition has been adopted because these staff are paid at the lowest point of the Council's grading structure.

**2.4 Employees who are not Chief Officers** refers to all staff who are not covered by the Chief Officer group indicated at 2.2.

#### **3. Pay framework and remuneration levels**

##### **3.1 General Approach**

The Council recognises the need to exercise the greatest care in managing scarce public resources. The level of remuneration is a very important factor in both recruitment and retention of high quality employees dedicated to fulfilling the Council's business objectives and delivering services to the public, but this has to be

balanced by ensuring remuneration is not, nor is seen to be, unnecessarily excessive. Each council faces its own unique challenges and retains flexibility to cope with various circumstances.

Gosport Borough Council is aware that its pay levels for the Chief Executive and statutory and non-statutory Chief Officers are low in comparison with the other authorities in the region, and nationally. The situation is kept under regular review. The Government considers that large salary packages for new appointments, which should be considered by full Council, are those above the threshold of £100,000. In accordance with the revised guidance issued in February 2013, a lower threshold of £90,000 is used for this Council.

### 3.2 Responsibility for decisions on remuneration

Statutory and non-statutory Chief Officers of this Council are covered by the Joint National Council for Local Authorities' Conditions of Service for Chief Executives and Chief Officers; the JNC terms and conditions are incorporated in contracts of employment.

Any corporate changes to pay or grading for these officers are considered by the Council's Policy and Organisation Board.

Section Heads as listed at 2.2 and employees who are not Chief Officers are covered by the NJC for Local Authorities' Services Conditions of Service. The level of pay is determined in accordance with national pay scales. Any changes to the formally agreed terms or conditions for all staff are considered by the Council's Policy and Organisation Board.

### 3.3 Salary Grades and Grading Structure

The Council's grading structure for Section Heads and all employees who are not Chief Officers consists of one spot point salary and 12 grades - grades within the pay scales are allocated to posts through the national job evaluation scheme, thus ensuring fairness and equality in the application of pay. The allocation of a spot salary or grade depends on the nature and complexity of the job and the consequent need for a learning curve, and progression within grades is normally by annual increments, subject to satisfactory performance.

Section Heads listed at 2.2, who report directly to statutory and non-statutory Chief Officers also listed in that paragraph, are responsible for a particular function, with some staff at a lower level (e.g. secretarial) also reporting direct to statutory or non-statutory Chief Officers. Grades for Section Heads vary from grade 10 to grade 12 within the structure (attached), depending on the level of duties and responsibilities of each post and as evaluated in accordance with the national scheme. The average differential between the pay of Chief Officers and the most senior staff reporting to them is 15%.

The lowest paid staff within the authority, i.e. those whose posts have been evaluated at the lowest grade, are Cleaners on a fixed point – currently £13,500 per annum. Apprenticeships have been introduced, with the Council providing work experience rather than employing these staff directly.

The highest paid staff are statutory and non-statutory Chief Officers (£56,140 to £65,501), the Chief Executive (£91,071 to £98,971), Deputy Chief Executive and Borough Solicitor/Monitoring Officer (£67,368 to £78,057) and Borough Treasurer

(£61,754 to £71,554). The comparison between the lowest paid salary and the highest paid is 6.7:1.

The highest paid salary, at the top of the grade, is 4.92 times the median average salary (and 3.89 times the mean average salary) of the whole workforce. This is considered to be a fair and reasonable pay multiple, striking an appropriate balance which recognises the need to adequately recompense the different levels of duties and responsibilities.

Increases in pay are made consequent on national negotiations. A 2.2% pay increase was awarded to staff other than statutory and non-statutory Chief Officers effective from 1<sup>st</sup> January 2015, following national negotiations (a larger sum applied to the lowest paid), following a 1% increase from 1<sup>st</sup> April 2013, which was the first increase applied for a number of years.

### 3.4 Remuneration – level and elements

In considering pay, the Council takes into account market rates, individual performance and the need for equality and consistency in the way grades are applied.

#### **Chief Officers**

Reviews of statutory and non-statutory Chief Officer salaries (i.e. Chief Executive, Deputy Chief Executive and Borough Solicitor, Borough Treasurer and Housing Services Manager) are carried out from time to time by the Council's Policy and Organisation Board; a review was undertaken in 2014 (the first since 2003) by the Policy and Organisation Board, for which purpose information was collected on the pay and benefits package across the South East region, and in other councils across the country of a similar size. That review identified Gosport Borough Council's package for the Chief Executive as being the lowest, in consequence of which an increase was applied but this still leaves the package amongst the lowest. It is important that the Council remains able to recruit and retain the best calibre officers, and the salary levels for the most senior officers are therefore kept under review.

General increases in pay are made following national negotiations – 1% was applied in 2013 following 4 years of pay freezes, and negotiations continue for these officers in relation to an increase from 1<sup>st</sup> January 2015, which is expected to be 2%.

Statutory and non-statutory Chief Officers are not covered by the Council's job evaluation scheme and do not therefore receive any increase in grade where duties and responsibilities increase. Given the significant reduction in the size of the Council's Management Team over recent years, there have been considerable increases in duties and responsibilities for all these officers.

#### **Other Officers**

The salaries of Section Heads and other employees who are not Chief Officers are in accordance with the national tables, with increases applied following national negotiations. A 2.2% increase was applied from 1<sup>st</sup> January 2015 as indicated above, with a £100 lump sum payment (pro rata for part-time staff) to recognise the delaying of the payment from April 2014.

The only other pay increases occur where staff are progressing contractually through a grade, or where a job is re-evaluated to recognise substantial additional

duties/responsibilities. The majority of the Council's staff are on the top of their grade and have not therefore received incremental progression.

### **Grading Structure and Progression**

The Council's grades consist of 4 incremental points, other than a few spot point salaries. The use of a grade recognises and allows for staff to gain knowledge and expertise in the job. Appointments are made on merit and on the appropriate point of the grade, taking into account the level of skills and knowledge of the successful applicant. The decision is made by the Appointment Panel; the salary applied on appointment is subject to regular monitoring, and formally reviewed through the Equal Pay Audit.

All the Council's staff including Chief Officers are subject to the same performance management process. Whilst there is no formal performance related pay for any of the Council's officers, increments can be withheld where performance is unsatisfactory, and enhanced incremental progression or one-off honorarium payments can also apply to recognise and reward exceptional performance. The scheme covering merit increments/honoraria provides clear guidance relating to the circumstances in which such payments can be made, and the size of the payment, which must be commensurate with the work being rewarded. Such awards can only be approved by the Chief Executive, following corporate consideration, and they are centrally monitored for fairness and consistency. Any such award for the Chief Executive is subject to approval of the appropriate Council Board.

### **Additions to Salary**

The Chief Executive and statutory and non-statutory Chief Officers (Deputy Chief Executive and Borough Solicitor, Borough Treasurer, Housing Services Manager) receive very few additions to their salary. Where additional duties and responsibilities, in excess of those normally required of a statutory or non-statutory Chief Officer, are applied, a percentage supplement can be agreed by the Council's Policy and Organisation Board.

Currently, a supplement is applied for the Deputy Chief Executive and Monitoring Officer roles, and for the Section 151 Officer responsibility. The size of any such supplement is determined taking into account the level of duties and responsibilities, ensuring consistency and fairness.

The responsibility of Local Returning Officer attracts an additional payment once every two years on completion of the work, this being the frequency of local elections. The payment is made in accordance with the Hampshire scale of fees, and is made to whichever officer undertakes that responsibility, which currently lies with the Deputy Chief Executive and Borough Solicitor.

The only other supplements to Chief Executive, statutory Chief Officers and Housing Services Manager's pay are one professional subscription (average £366 per annum) or practising certificate where this is required for the execution of the necessary duties (average £366 per annum), and the annual payment of telephone rental (£103 per annum) to recognise the requirement for such officers to be available out of hours. There is no payment made to these officers for hours in excess of the contractual 37 per week, although they regularly work considerably in excess of that time.

The only supplements applied to the salaries of Section Heads are where a Section Head requires a practising certificate or professional membership by law in order to fulfil their contractual duties, and where a Section Head is managing the functions across more than one Council; in the latter case, a 15% supplement is applied for managing the function (and staff within it) in one additional council, and 25% where this applies to two other councils. The latter supplement currently applies to two Section Heads – Building Control, and Internal Audit. The only other additional payments applying to Section Heads or other employees who are not Chief Officers are those recognising work out of normal hours, overtime or stand-by, in accordance with National and Local Conditions of Service.

All officers are entitled to claim an allowance for attendance at evening committee meetings, in accordance with the Council's formal Local Agreement, which depends on the amount of time involved. All officers who are nominated as "Essential" or "Casual" car users can apply for a loan from the Council to purchase a vehicle, the interest rate currently being 3.25%, in accordance with the formal Local Agreement. Car user designations are reviewed annually to consider whether there is sufficient justification to continue the allowance. All officers of the Council have the option to join the Hampshire County Council pension scheme, which is a contributory scheme with varying rates dependent on salary level.

The Council has not introduced market supplements, having so far been able to recruit and retain essential staff as needed.

The Council does not make bonus payments to Chief Officers or employees who are not Chief Officers.

The Council operates a Salary Sacrifice Scheme in respect of childcare vouchers, and car park charges.

### **Payments on Termination of Employment**

There are no additional payments made on termination of employment, other than in situations of redundancy or early retirement. The provisions relating to such payments are set out in the Council's Statement on Early Retirement and Discretionary Payments, and the Redundancy Policy, which are approved by Policy and Organisation Board. Were there to be any severance packages beyond the threshold of £90,000, they would be subject to approval by the Council.

The provisions relating to flexible retirement, whereby an officer with sufficient service and of the appropriate age can request to take immediate payment of pension but remain in employment on less hours or in a lower graded role, are also included in the Statement referred to. Where any additional payments are required in accordance with pension provisions, these applications are subject to approval by Policy and Organisation Board. The provisions are exercised where appropriate savings can be made whilst still retaining the necessary knowledge and experience.

Early payments of pension on compassionate grounds are considered by Policy and Organisation Board and approved in very exceptional circumstances only.

Early payments of pension on medical grounds are considered in accordance with the requirements of the Pension Regulations, with advice from an independent Occupational Health Physician.



#### **4. Re-employment of Officers**

Where an officer has been made redundant or taken early retirement, they do still have the right to make application for any posts which may arise after they have left. Before agreeing to any such termination, a full search is always made for any possible suitable alternatives to avoid the situation arising, but there are times when redundancies/early retirements cannot be avoided.

Should suitable vacancies arise after such staff have left the Council, any applications for employment from these staff would be given full consideration together with all other applicants. The Council will in such cases, as in any recruitment exercise, take the necessary action to ensure that the appointment is made on merit, selecting the best person for the relevant post. Any necessary adjustments to pension (or payments made) would be made in accordance with the relevant Regulations.

#### **5. Publication of Information**

The Council publishes information relating to senior employees (those earning £58,200 and above as defined by the Government's transparency agenda), number of staff whose remuneration was at least £50,000, the organisation structure and grading structure, vacant posts, the pay multiple, and a range of equality data, on its website.

#### **6. Review**

This statement is reviewed on an annual basis, as required by legislation, and approved by full Council.

#### **Associated Documents**

The following documents also relate to pay, grading and retirement provisions:

Grading Structure  
Statement on Early Retirement and Discretionary Payments  
Redundancy Policy  
Guidance on the Award of Merit Increments and Honoraria  
People Management Strategy  
Hampshire Election Fees 2015/16

## APPENDIX 4

### MEMBERS' ALLOWANCE SCHEME 2015/16 (Scheme last revised May 2011)

Allowance	2015 – 16
	£/p.a.
Basic Allowance	5862.00
Leader of the Council	13620.00
Chairmen of Service Boards and Regulatory and Licensing Boards	4362.00
Chairman of Overview and Scrutiny Committee	3270.00
Opposition Group Leader (Liberal Democrat)	1974.00
Opposition Group Leader (Labour)	1974.00

Discretionary Rate Relief Policy Guidelines proposed amendments:

1. An additional paragraph covering all discretionary relief's be added to the existing policy :

“The amount of discretionary relief awarded may be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or the hereditament. This change of circumstances could arise during the year in question or during a later year”

2. Conditions for granting Retail Relief be amended to increase the maximum amount for 2015/16 to £1,500 from £1,000
3. An addition to the existing policy be made to allow the granting of the Temporary Discretionary Extension of Transitional Relief as follows:

**“F) Conditions for Granting Temporary Discretionary Extension of Transitional Relief for 2015/16 and 2016/17 (Separate applications will be required for each year)”**

1. Properties must have a rateable value of £50,000 or less. This threshold is based on the rateable value shown for 01/04/10 or the substituted day in the cases of splits and mergers Changes in rateable value which take effect from a later date will be calculated using the normal rules in the transitional relief scheme<sup>1</sup>. Properties whose rateable value is £50,000 or less on 1 April 2010 (or the day of merger) but increase above £50,000 from a later date will still be eligible for the relief<sup>1</sup>. Where necessary the Valuation Office Agency will continue to issue certificates for the value at 31 March 2010<sup>2</sup> or 1 April 2010<sup>3</sup>. The relief will be calculated on a daily basis.
2. The property would have received transitional relief in 2015/16 or 2016/17 had the existing transitional relief scheme<sup>4</sup> continued in its current format. Except that:
  - a. the cap on increases for small properties (with a rateable value of less than £18,000/£25,500 in London) in both 2015/16 & 2016/17 should be assumed to be 15% (before the increase for the change in the multiplier)<sup>5</sup>, and
  - b. the cap on increases for other properties (up to and including £50,000 rateable value) in both 2015/16 and 2016/17 should be assumed to be 25% (before the increase for the change in the multiplier)<sup>6</sup>.
3. It only applies to transitional relief (ie those moving to higher bills)
4. The extension of transitional relief into 2015/16 and 2016/17 will be delivered via section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) which is measured after other reliefs (including other Localism Act delivered reliefs such as retail relief).

5. The amount of relief awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or the hereditament. This change of circumstances could arise during the year in question or during a later year.
6. Properties in an Enterprise Zone that do not qualify for Enterprise Zone relief or have ceased to qualify are eligible to apply for the extension of transitional relief if satisfying the above criteria.
  1. i.e. "N over J" for reductions or "N minus J" for increases.
  2. Regulations 15 or 16, SI 2009 No. 3342.
  3. Regulation 14 SI 2009 No.3343.
  4. As prescribed in the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2009 No. 3343.
  5. Specifically, X in regulation 8(3) for the years commencing 1 April 2015 and 1 April 2016 should be assumed to be 115. Q should be assumed to be 1.019.
  6. Specifically X in regulation 8(2) for years commencing 1 April 2015 and 2016 should be assumed to be 125. Q should be assumed to be 1.019. "

**SUMMARY OF SERVICE BOARD BUDGETS 2015/16**

The purpose of this summary is to consider each of the service board's revised 2014/15 and estimated 2015/16 budgets.

**1.0 BACKGROUND**

- 1.1 This summary reports each of the service board's requirements for the 2014/15 and 2015/16 financial years.
- 1.2 The Council's Capital Programme for 2014/15 to 2017/18 was approved by P&O Board on 29 September 2014 and the Fees and Charges for 2015/16 were approved by Council on 15 October 2014.
- 1.3 The Council's budget strategy was approved by P&O Board on 29 September 2014.
- 1.4 Board budgets have been constructed against the backdrop of the second year (2014/15) of Business Rate Retention (introduced by the Local Government Finance Act 2012) and the continuing public sector fiscal constraints. The achieving of cost reductions with minimal impact on service delivery remains a priority.
- 1.5 Variance Analysis

Members have been circulated with a draft of the budget book.

The variance analysis shows the major budgetary variations from (i) the original budget to the revised budget and, (ii) the revised budget to the estimated budget.

In practice, at the lowest level, there will always be many budgetary variations – both positive and negative - as officers manage budgets and provide for service delivery under delegated authority and including virements in line with financial regulations. The variance analysis in the budget book includes the major variations only and focuses on the bottom line rather than the detail.

Capital Finance charges (ie depreciation) have been ignored within the analysis as these are offset by an opposite and equal figure within the P&O Board budget so that they do not impact on the level of council tax. This accounting treatment is obligatory and is carried out by all local authorities.

Administration recharges represent the cost of the Council's service units – both frontline and support – that are incurred in providing the Council's services. They can vary between both services and boards and reflect the complexity and changing nature of the Council's

structure and services. Service units and staffing continue to be rigorously examined to reduce costs and find efficiencies.

## 2.0 COMMUNITY BOARD

### 2.1 SUMMARY

A subjective analysis (an analysis by type of expenditure as opposed to by service heading) is in the table below.

Community Board		Original	Revised	Original
		Budget	Budget	Budget
		2014/15	2014/15	2015/16
1	EMPLOYEES	£148,510	£100,560	£102,480
2	PREMISES	£659,370	£878,260	£735,100
3	TRANSPORT	£13,770	£16,420	£10,280
4	SUPPLIES & SERVICES	£3,631,340	£3,334,530	£3,303,240
5	THIRD PARTY PAYMENTS	£3,400,700	£3,905,450	£3,871,480
6	MISCELLANEOUS	£130,000	£52,100	£52,100
7	SUPPORT SERVICES	£2,382,400	£2,103,350	£2,170,300
8	CAPITAL/FINANCING	£764,340	£800,250	£760,400
		<b>£11,130,430</b>	<b>£11,190,920</b>	<b>£11,005,380</b>
9	INCOME	(£5,468,760)	(£5,344,840)	(£5,343,550)
		<b>£5,661,670</b>	<b>£5,846,080</b>	<b>£5,661,830</b>

### 2.2 REVISED BUDGET 2014/15

The revised budget for 2014/15 is **£5,846,080** an increase of **£184,410** on the original budget for 2014/15 of **£5,661,670**

### 2.3 BUDGET 2015/16

The budget for 2015/16 for this Board is **£5,661,830**, an increase of **£160** on the original budget for 2014/15 of **£5,661,670**; and a decrease of **£184,250** on the revised budget for 2014/15 of **£5,846,080**.

### 2.4 MAIN VARIATIONS

Main variations include (minus figures are reduced costs or increased income)

- Open Spaces - including budget carry forward from 2013/14 for the D-day memorial and various smaller budgetary variations (+£37,240 in 2014/15; -£45,410 in 2015/16)
- Investment Properties – including Privett Park pavilion storm damage to roof, essential electrical works, improvements to Privett Park in 2015/16 and rental income variations (+£74,160 in 2014/15; -£38,700 in 2015/16)
- Play Areas – mainly slippage from 2013/14 (+£22,000 in 2014/15; -£13,050 in 2015/16),
- Environmental Health Shared Service – material variances on main Community Board services (Dog Control, Environmental Services

and Private Sector Housing) (-£55,930 in 2014/15; -£42,740 in 2015/16)

- Public Conveniences and Street Cleansing – slippage from 2013/14 (+£45,740 in 2014/15; -£40,710 in 2015/16)
- Parking – mainly increased income (-£27,450 in 2013/14; -£106,760 in 2015/16)
- Homelessness – overall service variation excluding administration (-£167,350 in 2014/15; +£43,590 in 2015/16)

Gosport retains the recognition it deserves from the DCLG for its high levels of homeless prevention. Despite this, it is clear that homelessness pressures remain severe and there is a medium risk of a further deterioration in the next few financial years. It is therefore important to retain, and where possible, bolster grant provision to the small number of external service providers this Council has previously grant funded. These service providers relieve pressures on the Council service.

Budgetary provision for these external services will be at least maintained in 2015/16 at the following rates:

- Family Intervention Project (£39,957)
- Gosport CAB debt service (£31,640)
- Accommodation Resource Centre (£8,626)

Further negotiations are taking place which may consider further grants to bolster key areas of service

- Stokes Bay Mobile Home Park – net of income from new home development and commission on sales less stabilisation of bases (-£42,000 in 2014/15; +£27,830 in 2015/16)

### 3.0 ECONOMIC DEVELOPMENT BOARD

#### 3.1 SUMMARY

A subjective analysis (an analysis by type of expenditure as opposed to by service heading) is in the table below

Economic Development Board		Original	Revised	Original
		Budget	Budget	Budget
		2014/15	2014/15	2015/16
1	EMPLOYEES	£32,330	£35,830	£35,610
2	PREMISES	£173,560	£175,920	£164,500
3	TRANSPORT	£220	£400	£400
4	SUPPLIES & SERVICES	£356,760	£425,330	£399,950
5	THIRD PARTY PAYMENTS	£47,020	£66,870	£65,640
7	SUPPORT SERVICES	£390,300	£330,800	£380,300
8	CAPITAL/FINANCING	£170,240	£170,260	£170,260
		<b>£1,170,430</b>	<b>£1,205,410</b>	<b>£1,216,660</b>
9	INCOME	(£360,160)	(£347,430)	(£336,780)
		<b>£810,270</b>	<b>£857,980</b>	<b>£879,880</b>

### 3.2 REVISED BUDGET 2014/15

The revised budget for 2014/15 is **£857,980**, an increase of **£47,710** on the original budget for 2014/15 of **£810,270**

### 3.3 BUDGET 2015/16

The budget for 2015/16 for this Board is **£879,880**, an increase of **£69,610** on the original budget for 2014/15 of **£810,270**; and an increase of **£21,900** on the revised budget for 2014/15 of **£857,980**.

### 3.4 MAIN VARIATIONS

Main variations include (minus figures are reduced costs or increased income)

- Town Centre improvements - budget brought forward (+£37,730 in 2014/15; -£37,730 in 2015/16)
- Regeneration Projects – budgetary provision for Council costs in 2015/16 (+£150,000)
- Market – reduced income budget from 2014/15 (+£20,900)
- Depot – waste transfer station operation costs and completion of paving repairs (+£12,470 in 2014/15; -£10,420 in 2015/16)
- Local Development Plan – estimated completion by year end (+£2,000 in 2014/15; -£132,000 in 2015/16)

## 4.0 POLICY AND ORGANISATION BOARD

### 4.1 SUMMARY

A subjective analysis (an analysis by type of expenditure as opposed to by service heading) is in the table below.

Policy & Organisation Board	Original Budget	Revised Budget	Original Budget
	2014/15	2014/15	2015/16
1 EMPLOYEES	£719,910	£647,690	£684,190
2 PREMISES	£450	£990	£700
3 TRANSPORT	£7,870	£7,060	£8,640
4 SUPPLIES & SERVICES	£1,055,040	£1,063,030	£1,187,620
5 THIRD PARTY PAYMENTS	£174,450	£343,390	£323,770
6 MISCELLANEOUS	£31,658,170	£31,539,220	£31,504,610
7 SUPPORT SERVICES	£3,610,960	£3,862,880	£3,843,520
8 CAPITAL/FINANCING	£1,743,860	£1,659,490	£1,815,920
	<b>£38,970,710</b>	<b>£39,123,750</b>	<b>£39,368,970</b>
9 INCOME	(£35,763,420)	(£36,174,190)	(£36,341,820)
	<b>£3,207,290</b>	<b>£2,949,560</b>	<b>£3,027,150</b>



## **4.2 REVISED BUDGET 2014/15**

The revised budget for 2014/15 is **£2,949,560** a decrease of **£257,730** on the original budget for 2014/15 of **£3,207,290**

## **4.3 BUDGET 2015/16**

The budget for 2015/16 for this Board is **£3,027,150**, a decrease of **£180,140** on the original budget for 2014/15 of **£3,207,290**; and an increase of **£77,590** on the revised budget for 2014/15 of **£2,949,560**.

## **4.4 MAIN VARIATIONS**

Main variations include (minus figures are reduced costs or increased income)

- Housing Benefits – net cost after subsidy and admin grant (+£63,950 in 2014/15; -£44,640 in 2015/16)
- Licensing service costs – saving due to the Environmental Health shared services arrangement (-£12,400 in 2014/15; -£13,340 in 2015/16)
- Local elections – additional costs in 2014/15, no elections in 2015/16 (+£17,860 in 2014/15; -£47,860 in 2015/16)
- Pension Fund payment (fixed element) –increase notified to local authorities from 2015/16 (+£36,000)
- Grants – increase in New Homes Bonus Grant and falling out of new burdens grants in 2015/16 (-£131,920 and +£16,410 respectively)
- Interest and Financing Costs – including interest paid and earned, Item 8 adjustment with the HRA and the Minimum Revenue Provision (-£87,040 in 2014/15; +£113,880 in 2015/16)

## **5.0 RISK ASSESSMENT**

5.1 Council budgeting processes include an element of risk in respect of the many variables involved. These include:

- New statutory responsibilities
- Government led or notified activities – including national Business Rates Retention funding from 2013/14
- Demand led activities which may result in the Council have to react to external factors
- Contractual obligations
- Market & economic factors including interest rates

5.2 To counter these risks and uncertainties, the Council aims to be proactive in monitoring and controlling its services and budgets and taking prompt corrective action when necessary.

## Agenda item no. 8

<b>Report to:</b>	<b>COUNCIL</b>
<b>Meeting date:</b>	<b>11 FEBRUARY 2015</b>
<b>Title:</b>	<b>TREASURY MANAGEMENT &amp; PRUDENTIAL INDICATORS 2015/16</b>
<b>Originator:</b>	<b>BOROUGH TREASURER</b>
<b>Status</b>	<b>FOR DECISION</b>

### **Purpose**

This report outlines the Council's prudential indicators for 2015/16 to 2017/18, together with the expected treasury operations for this period. It fulfils a key legislative requirement.

### **Recommendations**

Council is recommended to approve:

- The Treasury Management Strategy, as identified in 1.3
- The Prudential Indicators, as identified in 1.4
- The Minimum Revenue Provision (MRP) policy statement set out in 2.2
- The Annual Investment Strategy (paragraph 2.7.2)

## **1.0 BACKGROUND**

### **1.1 Overview**

- 1.1.1 The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low risk counterparties or instruments commensurate with the Council's low risk policy, providing adequate liquidity initially before considering investment return.
- 1.1.2 The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. On occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

- 1.1.3 The Chartered Institute of Public Finance and Accountancy (CIPFA) defines treasury management as:

*“The management of the local authority’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks. ”*

## **1.2 Reporting requirements**

- 1.2.1 The Council is required to receive and approve, as a minimum, three main reports each year, which incorporate a variety of policies, estimates and actuals.

- 1.2.2 Prudential and Treasury Indicators and Treasury Strategy** (this report) - the first, and most important report covers:

- the capital plans (including prudential indicators);
- a Minimum Revenue Provision Policy (how residual capital expenditure is charged to revenue over time);
- the Treasury Management Strategy (how the investments and borrowings are to be organised) including treasury indicators; and
- an investment strategy (the parameters on how investments are to be managed).

- 1.2.3 A Mid Year Treasury Management Report** – this will update members with the progress of the capital position, amending prudential indicators as necessary, and whether the treasury strategy is meeting its objectives or whether any policies require revision

- 1.2.4 An Annual Treasury Report** – this provides details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

The latter two reports are combined and jointly reported in September.

## **1.3 Treasury Management Strategy for 2015/16**

- 1.3.1 The strategy for 2015/16 within this report covers two main areas:

### **1.3.2 Capital Issues (set out in sections 2.1 to 2.3)**

- the capital plans and the prudential indicators
- the Minimum Revenue Provision (MRP) policy

### **1.3.3 Treasury management issues (set out in sections 2.4 to 2.8), including**

- the current treasury position
- treasury indicators which limit the treasury risk and activities of the Council
- prospects for interest rates

- borrowing strategy
  - borrowing in advance of need
  - debt rescheduling
  - investment strategy
  - creditworthiness policy as set out in Appendix A
- 1.3.4 These elements cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, the CLG MRP Guidance, the CIPFA Treasury Management Code and the CLG Investment Guidance.

## **1.4 The Prudential Indicators 2015/16 – 2017/18**

- 1.4.1 The prudential indicators contained within this report are required by CIPFA's Prudential Code and are designed to support and record local decision making in a transparent and accountable manner. They cover
- **Capital Expenditure**
    - Capital expenditure and capital financing requirement (paragraphs 2.1.1 & 2.1.2)
  - **Affordability**
    - Ratio of financing costs to net revenue stream (paragraph 2.3.1)
    - Incremental impact of capital investment decisions on the council tax and Housing Rents (paragraphs 2.3.2 & 2.3.3)
  - **Prudence**
    - Gross debt and capital financing requirement (paragraph 2.4.1)
  - **Treasury Indicators**
    - External debt (paragraph 2.4.1)
    - Operational boundary (paragraph 2.4.2)
    - Authorised limit (paragraph 2.4.3)
  - **Treasury Management**
    - Adoption of the CIPFA Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes which is demonstrated by the issues covered in this report
- 1.4.2 In addition the following treasury management indicators are part of the Treasury Management code and are designed to limit the treasury risk and activities of the Council
- **Treasury Management Indicators relating to Borrowing**
    - Upper limits on fixed and variable interest rate exposure (2.6)
    - Upper and lower limits on the maturity structure of borrowing (2.6)
  - **Treasury Management Indicator relating to External Debt**
    - Upper limits to the total of principal sums invested longer than 364 days (2.8)

## **1.5 Training**

- 1.5.1 Member training and briefing sessions have taken place in September 2011 (delivered by officers), January 2012 (delivered by Capita) and most recently in February 2015 (delivered by Capita). Officer training is arranged as required.

## **1.6 Treasury management consultants**

- 1.6.1 The Council uses Capita Asset Services, Treasury solutions as its external treasury management advisors.
- 1.6.2 The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon our external service providers.
- 1.6.3 It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.
- 1.6.4 The company provides a range of services to the Council which include:
- Technical support on treasury matters and capital finance issues,
  - Economic and interest rate analysis;
  - Debt services which includes advice on the timing of borrowing and debt rescheduling.
  - Training and briefing sessions.

## **2.0 REPORT**

### **2.1 THE CAPITAL PRUDENTIAL INDICATORS 2015/16 – 2017/18**

- 2.1.1 The Council's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans are reflected in prudential indicators, which are designed to assist members overview and confirm capital expenditure plans.

#### **Capital expenditure**

- 2.1.2 This prudential Indicator is a summary of the Council's capital expenditure plans, both those agreed previously, and those forming part of this budget cycle. The capital programme reflected in the table below was approved by P&O Board on 29 September 2014. Council is recommended to approve the capital expenditure forecasts and how these plans are being financed by capital or revenue resources. Any shortfall of resources results in a net financing need.
- 2.1.3 Other long term liabilities - the above borrowing need excludes other long term liabilities, such as PFI and leasing arrangements which already include borrowing instruments.

<b>Capital Expenditure and Financing</b>	<b>2013/14 Actual £'000</b>	<b>2014/15 Revised £'000</b>	<b>2015/16 Estimate £'000</b>	<b>2016/17 Estimate £'000</b>	<b>2017/18 Estimate £'000</b>
<b>Expenditure</b>					
Community Board	1,403.6	2,968.0	660.0	783.0	620.0
Economic Development Board	13.6	263.0	0.0	0.0	0.0
Policy and Organisation Board	252.5	812.5	235.0	175.0	175.0
<b>Non-HRA</b>	<b>1,669.7</b>	<b>4,043.5</b>	<b>895.0</b>	<b>958.0</b>	<b>795.0</b>
<b>HRA</b>	<b>3,555.8</b>	<b>3,485.0</b>	<b>6,060.0</b>	<b>3,640.0</b>	<b>3,800.0</b>
<b>Total</b>	<b>5,225.5</b>	<b>7,528.5</b>	<b>6,955.0</b>	<b>4,598.0</b>	<b>4,595.0</b>
<b>Financing</b>					
Capital Receipts	221.9	100.0	675.0	600.0	600.0
Capital grants & contributions	1,012.8	1,613.0	282.0	282.0	282.0
Capital Reserves	0.0	0.0	0.0	0.0	0.0
HRA (MRA)	2,400.1	2,446.0	2,488.0	2,533.0	2,583.0
HRA (Reserves / Revenue)	1,155.7	1,039.0	3,572.0	1,107.0	1,217.0
<b>Net financing need for the year</b>	<b>435.0</b>	<b>2,330.5</b>	<b>(62.0)</b>	<b>76.0</b>	<b>(87.0)</b>

### **The Council's borrowing need (the Capital Financing Requirement)**

- 2.1.4 The second prudential indicator is the Council's Capital Financing Requirement (CFR). The CFR is the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Council's underlying borrowing need. Any capital expenditure above, which has not immediately been paid for, will increase the CFR.
- 2.1.5 The CFR does not increase indefinitely, as the minimum revenue provision (MRP) is a statutory annual revenue charge which broadly reduces the CFR in line with each revenue charge which is broadly based on each assets life.
- 2.1.6 The CFR includes any other long term liabilities (e.g. PFI schemes, finance leases). Whilst these increase the CFR, and therefore the Council's borrowing requirement, these types of scheme include a borrowing facility and so the Council is not required to separately borrow for these schemes
- 2.1.7 The Council is asked to approve the CFR projections below:

Capital Financing Requirement	2013/14 Actual £'000	2014/15 Revised £'000	2015/16 Estimate £'000	2016/17 Estimate £'000	2017/18 Estimate £'000
<b>Capital Financing Requirement</b>					
CFR - Non Housing	18,286.3	20,166.5	19,580.1	19,140.3	18,524.0
CFR - Housing	62,970.1	62,264.1	61,255.1	60,155.1	58,449.1
<b>Total CFR</b>	<b>81,256.4</b>	<b>82,430.6</b>	<b>80,835.2</b>	<b>79,295.4</b>	<b>76,973.1</b>
<b>Net movement in CFR</b>	<b>(162.2)</b>	<b>1,174.2</b>	<b>(1,595.4)</b>	<b>(1,539.8)</b>	<b>(2,322.3)</b>
<b>Movement in CFR is represented by</b>					
Net financing need for the year	435.0	2,330.5	(62.0)	76.0	(87.0)
Less Debt Repayments		(606.0)	(909.0)	(1,000.0)	(1,606.0)
Less MRP/VRP/other movements	(597.2)	(550.3)	(624.4)	(615.8)	(629.3)
<b>Movement in CFR</b>	<b>(162.2)</b>	<b>1,174.2</b>	<b>(1,595.4)</b>	<b>(1,539.8)</b>	<b>(2,322.3)</b>

## 2.2 MINIMUM REVENUE PROVISION (MRP) POLICY STATEMENT

2.2.1 The Council is required to pay off an element of the accumulated General Fund capital spend each year (the CFR) through a revenue charge (MRP), although it is also allowed to undertake additional voluntary payments if required (voluntary revenue provision - VRP).

2.2.2 CLG Regulations have been issued which require the full Council to approve **an MRP Statement** in advance of each year. A variety of options are provided to councils, so long as there is a prudent provision. The Council is recommended to approve the following MRP Statement.

- **For capital expenditure incurred before 1 April 2008, MRP will be based on the Regulatory Method, an extension of the then existing policy. This option provides for an approximate 4% reduction in the borrowing need (CFR) each year.**
- **For unsupported borrowing (including PFI and finance leases) after 1 April 2008, MRP will be based on the Asset Life Method with MRP starting in the year following the year in which the asset becomes operational. This option provides for a reduction in the borrowing need approximately over the asset's life.**

2.2.3 There is no requirement on the HRA to make a minimum revenue provision but there is a requirement for a charge for depreciation to be made (although there are transitional arrangements in place).

Any finance lease repayments are applied as MRP.

## 2.3 PRUDENTIAL INDICATORS - AFFORDABILITY

2.3.1 The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council's overall finances. The Council is asked to approve the following indicators.

### Ratio of financing costs to net revenue stream

2.3.2 This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

%	2013/14 Actual	2014/15 Revised	2015/16 Estimate	2016/17 Estimate	2017/18 Estimate
Non-HRA	6.5%	6.8%	7.6%	7.5%	7.4%
HRA	31.3%	30.8%	30.4%	30.5%	30.4%

2.3.3 The estimates of financing costs include current commitments and the proposals in this budget report.

2.3.4 It should be noted that the current uncertain levels of government financing – affecting, for example, revenue support grant projections – make General Fund projections beyond 2015/16 uncertain.

2.3.5 As noted in the Treasury Outturn report to P&O Board on 29 September 2014, HRA financing costs now include depreciation which, following HRA Reform, is now a real cost to the HRA.

### Incremental impact of capital investment decisions on council tax

2.3.6 The estimate of the incremental impact on Band D Council Tax of capital programme decisions past and present, including treasury management cash flows, as included in the budget report. The assumptions are based on the budget, but will invariably include some estimates, such as the level of future Government support.

£	2013/14 Actual	2014/15 Revised	2015/16 Estimate	2016/17 Estimate	2017/18 Estimate
Council Tax - Band D	£7.67	£0.86	£3.96	(£0.28)	(£0.27)

### Incremental impact of capital investment decisions on housing rent levels

2.3.7 Similar to the council tax calculation, this indicator identifies the estimated trend in the cost of housing capital programme decisions included in the budget report, including treasury management cash flows, expressed as a discrete impact on weekly rent levels. This indicator includes the revenue impact on any newly proposed changes, although any discrete impact will be constrained by rent controls

£	2013/14 Actual	2014/15 Revised	2015/16 Estimate	2016/17 Estimate	2017/18 Estimate
Weekly Housing Rents	£13.63	£0.13	£0.13	£0.27	£0.30

2.3.8 As noted at 2.3.1 above HRA financing costs now include depreciation.



## 2.4 PRUDENTIAL INDICATORS – TREASURY - EXTERNAL DEBT

2.4.1 The capital expenditure plans set out in Section 2.1 provide details of the service activity of the Council. The treasury management function ensures that the Council's cash is organised in accordance with the the relevant professional codes, so that sufficient cash is available to meet this service activity. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury / prudential indicators, the current and projected debt positions and the annual investment strategy.

### Gross Debt and the Capital Financing Requirement

2.4.2 The Council's treasury portfolio position at 31 March 2014, with forward projections are summarised below. The table shows the actual external debt (the treasury management operations), against the underlying capital borrowing need (the Capital Financing Requirement - CFR), highlighting any over or under borrowing.

Portfolio Position	2013/14 Actual £'000	2014/15 Revised £'000	2015/16 Estimate £'000	2016/17 Estimate £'000	2017/18 Estimate £'000
External Debt	76,274.7	76,165.0	75,256.0	74,256.0	72,650.0
Other Long Term Liabilities	0.0	0.0	0.0	0.0	0.0
<b>Gross Debt at 31 March</b>	<b>76,274.7</b>	<b>76,165.0</b>	<b>75,256.0</b>	<b>74,256.0</b>	<b>72,650.0</b>
<b>CFR</b>	<b>81,256.4</b>	<b>82,408.5</b>	<b>80,791.0</b>	<b>79,229.1</b>	<b>76,906.8</b>
<b>Under / (over) borrowing</b>	<b>4,981.7</b>	<b>6,243.5</b>	<b>5,535.0</b>	<b>4,973.1</b>	<b>4,256.8</b>

2.4.3 Within the prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2015/16 and the following two financial years. This allows some flexibility for limited early borrowing for future years, but ensures that borrowing is not undertaken for revenue purposes.

2.4.4 The Borough Treasurer reports that the Council complied with this prudential indicator in the current year and does not envisage difficulties for the future. This view takes into account current commitments, existing plans, and the proposals in this budget report

## The Operational Boundary

- 2.4.5 This is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt.

Operational boundary		2014/15	2015/16	2016/17	2017/18
		Revised	Estimate	Estimate	Estimate
		£m	£m	£m	£m
		87.4	85.8	84.2	81.9

## The Authorised Limit for external debt

- 2.4.6 A further key prudential indicator represents a control on the maximum level of borrowing. This represents a limit beyond which external debt is prohibited, and this limit needs to be set or revised by the full Council. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

1. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although this power has not yet been exercised.
2. The Council is asked to approve the following Authorised Limit:

Authorised limit		2014/15	2015/16	2016/17	2017/18
		Revised	Estimate	Estimate	Estimate
		£m	£m	£m	£m
		93.3	91.4	89.8	87.5

- 2.4.7 The Council is also limited to a maximum HRA CFR (see 2.1) through the HRA self-financing regime.

HRA debt limit		2014/15	2015/16	2016/17	2017/18
		Revised	Estimate	Estimate	Estimate
		£'000	£'000	£'000	£'000
		63,067	63,067	63,067	63,067

## 2.5 BORROWING

### Borrowing Strategy

- 2.5.1 The Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as investment returns are low and counterparty risk is relatively high.
- 2.5.2 Against this background and the risks within the economic forecast, caution will be adopted with the 2015/16 treasury operations. The Borough Treasurer will monitor interest rates in financial markets and adopt a pragmatic approach to changing circumstances:
- *if it was felt that there was a significant risk of a much sharper RISE in long and short term rates than that currently forecast, perhaps arising from a greater than expected increase in the anticipated rate to US tapering of asset purchases, or in world economic activity or a sudden increase in inflation risks, then the portfolio position will be re-appraised with the likely action that fixed rate funding will be drawn whilst interest rates are still lower than they will be in the next few years*
  - *if it was felt that there was a significant risk of a sharp FALL in long and short term rates (e.g. due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings will be postponed, and potential rescheduling from fixed rate funding into short term borrowing will be considered.*

### Sources of Borrowing

- 2.5.3 Long-term loans (in excess of 364 days) will be raised with the PWLB or other public bodies
- 2.5.4 Short term loans (less than 364 days) will be raised through
- Money market loans through the London Money Market using brokers appointed at the discretion of the Borough Treasurer
  - Directly or through brokers, at the discretion of the Borough Treasurer, with other public bodies
  - Use of the Council's overdraft limit with its bankers, National Westminster Bank, up to £250,000
  - Internal funds – the cash held in internal funds can be used short term to fund capital expenditure or the repayment of debt, thus delaying the need to borrow externally
- 2.5.5 The authority to respond to different interest rates throughout the financial year is delegated to the Borough Treasurer, Head of Accountancy and Group Accountant. There is a clear segregation of duties between setting up and authorising loans and investments.

## Prospects for interest rates

- 2.5.6 The Council has appointed Capita Asset Services as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. The following table gives their central view.

Annual Average %	Bank Rate %	PWLB Borrowing Rates % (including certainty rate adjustment)		
		5 year	25 year	50 year
Mar 2015	0.50	2.20	3.40	3.40
Jun 2015	0.50	2.20	3.50	3.50
Sep 2015	0.50	2.30	3.70	3.70
Dec 2015	0.75	2.50	3.80	3.80
Mar 2016	0.75	2.60	4.00	4.00
Jun 2016	1.00	2.80	4.20	4.20
Sep 2016	1.00	2.90	4.30	4.30
Dec 2016	1.25	3.00	4.40	4.40
Mar 2017	1.25	3.20	4.50	4.50
Jun 2017	1.50	3.30	4.60	4.60
Sep 2017	1.75	3.40	4.70	4.70
Dec 2017	1.75	3.50	4.70	4.70
Mar 2018	2.00	3.60	4.80	4.80

- 2.5.7 UK GDP growth surged during 2013 and the first half of 2014. Since then it appears to have subsided somewhat but still remains strong by UK standards and is expected to continue likewise into 2015 and 2016. There needs to be a significant rebalancing of the economy away from consumer spending to manufacturing, business investment and exporting in order for this recovery to become more firmly established. One drag on the economy has been that wage inflation has only recently started to exceed CPI inflation, so enabling disposable income and living standards to start improving. The plunge in the price of oil brought CPI inflation down to a low of 1.0% in November, the lowest rate since September 2002. Inflation is expected to stay around or below 1.0% for the best part of a year; this will help improve consumer disposable income and so underpin economic growth during 2015. However, labour productivity needs to improve substantially to enable wage rates to increase and further support consumer disposable income and economic growth. In addition, the encouraging rate at which unemployment has been falling must eventually feed through into pressure for wage increases, though current views on the amount of hidden slack in the labour market probably means that this is unlikely to happen early in 2015.
- 2.5.8 The US, the biggest world economy, has generated stunning growth rates of 4.6% (annualised) in Q2 2014 and 5.0% in Q3. This is hugely promising for the outlook for strong growth going forwards and it very much looks as if the US is now firmly on the path of full recovery from the financial crisis of 2008. Consequently, it is now confidently expected that the US will be the first major western economy to start on central rate increases by mid 2015.

2.5.9 The current economic outlook and structure of market interest rates and government debt yields have several key treasury management implications:

- Greece: the general election on 25 January 2015 is likely to bring a political party to power which is anti EU and anti austerity. However, if this eventually results in Greece leaving the Euro, it is unlikely that this will directly destabilise the Eurozone as the EU has put in place adequate firewalls to contain the immediate fallout to just Greece. However, the indirect effects of the likely strengthening of anti EU and anti austerity political parties throughout the EU is much more difficult to quantify;
- As for the Eurozone in general, concerns in respect of a major crisis subsided considerably in 2013. However, the downturn in growth and inflation during the second half of 2014, and worries over the Ukraine situation, Middle East and Ebola, have led to a resurgence of those concerns as risks increase that it could be heading into deflation and prolonged very weak growth. Sovereign debt difficulties have not gone away and major concerns could return in respect of individual countries that do not dynamically address fundamental issues of low growth, international uncompetitiveness and the need for overdue reforms of the economy (as Ireland has done). It is, therefore, possible over the next few years that levels of government debt to GDP ratios could continue to rise to levels that could result in a loss of investor confidence in the financial viability of such countries. Counterparty risks therefore remain elevated. This continues to suggest the use of higher quality counterparties for shorter time periods;
- Investment returns are likely to remain relatively low during 2015/16 and beyond;
- Borrowing interest rates have been volatile during 2014 as alternating bouts of good and bad news have promoted optimism, and then pessimism, in financial markets. The closing weeks of 2014 saw gilt yields dip to historically remarkably low levels after inflation plunged, a flight to quality from equities (especially in the oil sector), and from the debt and equities of oil producing emerging market countries, and an increase in the likelihood that the ECB will commence quantitative easing (purchase of EZ government debt) in early 2015. The policy of avoiding new borrowing by running down spare cash balances has served well over the last few years. However, this needs to be carefully reviewed to avoid incurring higher borrowing costs in later times, when authorities will not be able to avoid new borrowing to finance new capital expenditure and/or to refinance maturing debt;
- There will remain a cost of carry to any new borrowing which causes an increase in investments as this will incur a revenue loss between borrowing costs and investment returns.

## **Policy on borrowing in advance of need**

- 2.5.10 The Council has some flexibility to borrow funds for up to three years ahead. The Borough Treasurer may do this under delegated power where, for instance, a sharp rise in interest rates is expected meaning borrowing early at fixed interest rates will be economically beneficial or meet budgetary constraints. Whilst the Borough Treasurer will adopt a cautious approach to any such borrowing, where there is a clear business case for doing so borrowing may be undertaken to fund the approved capital programme or to fund future debt maturities.
- 2.5.11 The Council will not borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates, and will be considered carefully to ensure that value for money can be demonstrated and that the Council can ensure the security of such funds.

## **Debt rescheduling**

- 2.5.12 As short term borrowing rates will be considerably cheaper than longer term fixed interest rates, there may be potential opportunities to generate savings by switching from long term debt to short term debt. However, these savings will need to be considered in the light of the current treasury position and the size of the cost of debt repayment (premiums incurred).
- 2.5.13 The reasons for any rescheduling to take place will include:
- the generation of cash savings and / or discounted cash flow savings;
  - helping to fulfil the treasury strategy;
  - enhance the balance of the portfolio (amend the maturity profile and/or the balance of volatility).
- 2.5.14 Consideration will also be given to identify if there is any residual potential for making savings by running down investment balances to repay debt prematurely as short term rates on investments are likely to be lower than rates paid on current debt.
- 2.5.15 Any rescheduling undertaken will be reported to Policy and Organisation Board.

## **2.6 TREASURY MANAGEMENT CODE INDICATORS – LIMITS ON ACTIVITY**

- 2.6.1 There are three debt related treasury activity limits. The purpose of these is to restrain the activity of the treasury function within certain limits, thereby managing risk and reducing the impact of any adverse movement in interest rates. However, if these are set to be too restrictive they will impair the opportunities to reduce costs / improve performance. The indicators are:

- Upper limits on variable rate exposure. This identifies a maximum limit for variable interest rates based upon the debt position net of investments.
- Upper limits on fixed rate exposure. This is similar to the previous indicator this covers a maximum limit on fixed interest rates.
- Maturity structures of borrowing. These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing, and are required for upper and lower limits.

2.6.2 The Council is asked to approve the following treasury indicators and limits: -

Interest rate exposures			2015/16 Upper £'000	2016/17 Upper £'000	2017/18 Upper £'000
Limits on fixed interest rates:	Debt only		100%	100%	100%
	Investments only		100%	100%	100%
Limits on variable interest rates:	Debt only		10%	15%	15%
	Investments only		100%	100%	100%

			2015/16 Lower	2015/16 Upper
<b>Maturity structure of fixed interest rate borrowing</b>				
Under 12 months			0%	4%
12 months to 2 years			4%	13%
2 years to 5 years			18%	25%
5 years to 10 years			23%	30%
10 years and above			50%	55%
<b>Maturity structure of variable interest rate borrowing</b>				
Under 12 months			0%	2%
12 months to 2 years			0%	5%
2 years to 5 years			0%	5%
5 years to 10 years			0%	5%
10 years and above			0%	0%

## 2.7 INVESTMENTS

### Investment Policy

2.7.1 The Council's investment policy has regard to the CLG's Guidance on Local Government Investments ("the Guidance") and the 2011 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code"). The Council's investment priorities will be security first, liquidity second and then return.

2.7.2 Short term surplus funds are to be invested in counterparties that meet the Council's minimum accepted credit quality (creditworthiness) which is

summarised in Appendix A or UK Regulated Qualifying Money Market Funds. No other (non specified) investments will be allowed.

### **Annual investment strategy**

- The key objectives of the Council's investment strategy are security, liquidity and yield in that order.
- The Council has determined that it will only use approved counterparties from the UK
- No Investments are to exceed 3 years although most will not exceed 364 days
- A £3m limit applies with any single group other than the Council's Bank or UK Regulated Qualifying Money Market Funds
- Investments will be placed with bodies that meet the Council's creditworthiness criteria (see Appendix A)
- There is a clear operational difficulty arising from the current banking situation. Ideally investments would be invested longer to secure better returns, however uncertainty over counterparty creditworthiness and interest rates suggests short dated investments may provide lower exposure to risk.

## **2.8 TREASURY MANAGEMENT CODE INDICATOR – LIMIT ON INVESTMENT ACTIVITY**

2.8.1 This limit is set with regard to the Council's liquidity requirements and to reduce the need for early sale of an investment and is based on the availability of funds after each year-end.

2.8.2 The Council is asked to approve the following treasury indicator and limit: -

<b>Maximum principal sums invested &gt;364 days</b>			<b>2015/16 Estimate £m</b>	<b>2016/17 Estimate £m</b>	<b>2017/18 Estimate £m</b>
Principal sums invested > 364 days			<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

## **3.0 CONCLUSION**

3.1 The effect of the proposals set out in this report is to allow the Council to effectively and efficiently manage cash balances in line with the relevant CIPFA and CLG guidance. The low risk nature of the Council's current policy is consistent with the current economic climate.



<b>Financial implications:</b>	As contained in the report.
<b>Legal implications:</b>	It is a legal requirement that an annual Treasury Management report is considered by the Council.
<b>Service Improvement Plan implications:</b>	This report is required in order that to fulfil statutory requirements associated with the achievement of both service improvement plan and corporate plan targets.
<b>Corporate Plan:</b>	
<b>Risk Assessment:</b>	As contained in the report
<b>Background papers:</b>	
<b>Appendices:</b>	A – Creditworthiness policy
<b>Author:</b>	John Norman

### Creditworthiness policy

The Council utilises the creditworthiness service provided by Capita Asset Services to determine which institutions investments will be placed with and the duration of those investments.

This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moody's and Standard and Poor's. The credit ratings of counterparties are supplemented with the following overlays:

- credit watches and credit outlooks from credit rating agencies;
- CDS (Credit Default Swap) spreads to give early warning of likely changes in credit ratings;
- sovereign ratings to select counterparties from only the most creditworthy countries.

This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments. The Council will therefore use counterparties within the following durational bands

- Yellow 5 years (only applies to AAA rated Government debt or its equivalent)
- Dark pink 5 years for Enhanced money market funds (EMMFs) with a credit score of 1.25
- Light pink 5 years for Enhanced money market funds (EMMFs) with a credit score of 1.5
- Purple 2 years
- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 100 days
- No colour not to be used

The Capita Asset Services creditworthiness service uses a wider array of information than just primary ratings and by using a risk weighted scoring system, does not give undue preponderance to just one agency's ratings.

Typically the minimum credit ratings criteria the Council use will be a short term rating (Fitch or equivalents) of F1 and a long term rating of A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.

All credit ratings will be monitored weekly. The Council is alerted to changes to ratings of all three agencies through its use of the Capita Asset Services creditworthiness service.

- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
- in addition to the use of credit ratings the Council will be advised of information in movements in credit default swap spreads against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.

Sole reliance is not be placed on the use of this external service. Additionally, the Council will use market data and market information and information on government support for banks.

## AGENDA ITEM NO. 9

<b>Board/Committee:</b>	COUNCIL
<b>Date of Meeting:</b>	11 FEBRUARY 2015
<b>Title:</b>	GOVERNANCE ISSUES
<b>Author:</b>	BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE
<b>Status:</b>	FOR DECISION

### **Purpose**

To advise the Council of recent legislation and guidance relating to a number of governance issues and to propose changes to the Constitution.

### **Recommendation**

That Council agree the changes to the Constitution set out in Appendix 1.

#### **1. Background**

- 1.1 Significant changes were made to the Standards regime by the Localism Act 2011 including removing the requirement for a National Model Code of Conduct and changing the requirements as to the registration and declaration of interests which is now limited under the Act to disclosable pecuniary interests.
- 1.2 Changes have also been made to the Local Government Act 2000 so that there is now no longer a reference to 'Alternative Arrangements and authorities who do not operate an Executive are now known as operating a Committee System. Transitional arrangements meant that the Council did not need to do anything at that time but it is now timely to update the Constitution to reflect both the new statutory arrangements and Council procedures and practice.

#### **2. Report**

##### Code of Conduct

- 2.1 Whilst the Code of Conduct only expressly refers to disclosable pecuniary interests it has become apparent that members are also expected to continue to declare other interests, which were previously known as personal interests, in order to act in conformity with the principle of integrity. This was made explicit in the September 2013 revision to the Government's guidance 'Openness and transparency on personal interests'.
- 2.2 I am often asked to advise members of Regulatory Board on whether they can be considered to have a personal interests and what they should do in terms of participation if they do decide to declare the

personal interest.

- 2.3 The Hampshire and Isle of Wight Local Authorities (HIOWLA) in November 2013 considered that a common approach on conduct would be beneficial to those members who sit on more than one body and in particular they proposed that provisions relating to personal interests, gifts and hospitality and exclusion from meetings where a member has a disclosable pecuniary interest should be covered.
- 2.4 Standing Order 7.1.1 already requires a member with a disclosable pecuniary interest to declare the interest and withdraw from the meeting. However it would be useful for Members if the position on personal interests was clarified by inclusion in the Code of Conduct. The suggested amendments to the Code of Conduct is set out in Part 4 Schedule 19 at Appendix 1 and broadly reflects the provisions in the previous National Model Code of Conduct save that members would now only need to declare the personal interest and could participate in the discussion or vote on the item unless it was also a disclosable pecuniary interest. The changes also reflect the common approach referred to in 2.3 above.
- 2.5 The previous code of conduct also provided that Members had a personal interest if an item related to the interest of any person from whom they had received a gift or hospitality with an estimated value of £25. Members were also required to register the receipt of such in the Council's register of interests. It is proposed to include both these provisions with the value now being £50.
- 2.6 At their meeting on 11 September Standards and Governance Committee agreed to recommend these changes to Council.
- 2.7 There are a number of small changes which need to be made to the Constitution to reflect changes in legislation such as the requirement for recorded votes for budget meetings, previous changes to the Board Structure and changes to the management structure of the Council and these are set out in the relevant Parts of the Constitution at Appendix 1.
- 2.8 However there are some specific changes in relation to Overview and Scrutiny which reflect changes to statutory provisions as the Council operate a Committee System, current Council procedure and practice. These are found in particular at Chapter 6 of Part 2; Standing Order 5 of Part 4, Schedule 11; and in the new Scrutiny Procedure Rules at Part 4 Schedule 18 of Appendix 1. Provisions have been included as to how Overview and Scrutiny reports are dealt with to reflect the new arrangements for Council's operating a Committee Structure (Standing Order 5 Part 4 Schedule 11). Whilst Councillor Calls for Action are not new the Constitution now sets out how they will be dealt with (Scrutiny Procedure Rules).

- 2.9 Article 6.02 (f) of the Constitution has been amended so that members of Policy and Organisation Board will be eligible to be appointed to Overview and Scrutiny Committee (although the Chairman will not be under Standing Order 5.2).
- 2.10 A number of other changes have been made to update the Constitution to reflect the Council's management structure and officers' areas of responsibilities. The changes to Deputations (Standing Order 6.3, Part 4 Schedule 11) reflects the practice at Regulatory Board. It also recognises that some of the licensing legislation prescribes who may make representations on applications (generally only objectors within the statutory time period) and practice of the Board in respect of taxi drivers' applications. There are a small number of additional delegations to officers in Schedule 10 of Part 3 which reflect recent new statutory provisions.
- 2.11 All the proposed changes are shown in Appendix 1 save that there will be a final proof read before the final version is issued to Members and published on the website and any typographical, numbering, cross referencing errors will be corrected.
- 2.12 Some parts of the Constitution still need to be reviewed and these include Part 3 Contract Procedure Rules and Financial Regulations; Part 5 Code of Conduct for Employees, Code of Conduct for Councillors and Officers involved in the Regulatory Process, Protocol on Member/Officer Relationships and Anti-Fraud and Corruption Policy including Whistleblowing policy. It is intended to carry out the review later in the year and report to Standards and Governance Committee and then to Council.

### **3. Risk Assessment**

- 3.1 The Council must comply with the requirements of the legislation. The proposed amendments to the Constitution should put Members in a better position to assess whether they have a personal interest and what this means for them and thereby reduce the risk that they do not act in accordance with the Code of Conduct.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	Contained in the report
<b>Crime and Disorder:</b>	None
<b>Equality and Diversity:</b>	The code of conduct makes specific reference to the need to treat others with respect and to comply with equalities legislation
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	None
<b>Risk Assessment:</b>	See Section 3

<b>Background papers:</b>	Reports to Standards and Governance Committee 21 June 2012 and Council 11 July 2012; Openness and transparency on personal interests: A guide for councillors, DCLG September 2013; Open and accountable local government; Report to Standards and Governance 11 September 2014
<b>Appendices/Enclosures:</b>	
Appendix '1'	Proposed Amendments to the Constitution (to follow)
<b>Report author/ Lead Officer:</b>	Linda Edwards

**GOSPORT BOROUGH COUNCIL**

**CONSTITUTION**

**OF THE**

**COUNCIL**



## GOSPORT BOROUGH COUNCIL – CONSTITUTION - CONTENTS

PART	CHAPTER/ SCHEDULE	DESCRIPTION
1		<b>Summary and explanation of Constitution</b>
2		<b>Chapters of the Constitution</b>
	<b>CH1</b>	The Constitution
	<b>CH2</b>	Members of the Council
	<b>CH3</b>	Citizens and the Council
	<b>CH4</b>	The Full council
	<b>CH5</b>	Chairing the Council
	<b>CH6</b>	Overview and Scrutiny Committees
	<b>CH7</b>	Service and Regulatory and Licensing Boards and Committees
	<b>CH8</b>	The Standards and Governance Committee
	<b>CH9</b>	Area Committees and Forums
	<b>CH10</b>	Joint Arrangements
	<b>CH11</b>	Officer Management Structure
	<b>CH12</b>	Decision Making
	<b>CH13</b>	Finance, Contracts and Legal matters
	<b>CH14</b>	Review and Revision of the Constitution
	<b>CH15</b>	Suspension, Interpretation and Publication of the Constitution
	<b>Sch.1</b>	Roles of Councillors
	<b>Sch.2</b>	Role of Mayor
	<b>Sch.3</b>	Role of Deputy Mayor
	<b>Sch.4</b>	Portfolio - Leader
	<b>Sch.5</b>	Portfolio – Chairman of Overview and Scrutiny Committee
	<b>Sch.6</b>	Portfolio – Chairmen of Regulatory and Licensing Boards
	<b>Sch.6A7</b>	Portfolio – Chairmen of Service Boards
	<b>Sch.7</b>	<del>Portfolio – Chairman of Personnel Sub Board</del>
	<b>Sch.8</b>	Portfolio – Chairman of Standards and Governance Committee
3		<b>Responsibility for Functions</b>
	<b>Sch.9</b>	General Provisions as to exercise of powers delegated to Boards, Sub-Boards and Committees
	<b>Ann 1 to Sch.9</b>	Terms of Reference of Policy and Organisation Board

	<b>Ann 2 to Sch.9</b>	Terms of Reference of Community Board
	<b>Ann 3 to Sch.9</b>	Terms of Reference of Economic Development Board
	<b>Ann 4 to Sch.9</b>	Terms of Reference of Regulatory Board
	<b>Ann 5 to Sch.9</b>	Terms of Reference of Licensing Board
	<b>Ann 6 to Sch.9</b>	Terms of Reference of Licensing Sub Board
	<b>Ann 7 to Sch.9</b>	Terms of Reference of Standards and Governance Committee
	<b>Ann 8 to Sch.9</b>	Terms of Reference of Assessment Sub-Committee
	<b>Ann 9 to Sch.9</b>	Terms of Reference of Overview and Scrutiny Committee
	<b>Sch. 10</b>	Delegations to Officers and Proper Officer Appointments
<b>4</b>		<b>Rules of Procedure</b>
	<b>Sch.11</b>	Standing Orders for the Conduct of Council Business
	<b>Sch.12</b>	Access to Information Procedure Rules
	<b>Sch.13</b>	Contract <a href="#">Procedure Rules</a> <del>Standing Orders</del>
	<b>Sch.14</b>	Officer Employment Procedure Standing Orders
	<b>Sch.15</b>	Budget and Policy Framework Procedure policy
	<b>Sch.16</b>	Financial Regulations
	<b>Sch.17</b>	Procedures of Standards and Governance Committee
	<b><a href="#">Sch.18</a></b>	<a href="#">Scrutiny Procedure Rules</a>
<b>5</b>		<b>Codes and Protocols</b>
	<b><del>Sch.19</del><a href="#">18</a></b>	Code of Conduct for Members
	<b><del>Sch.20</del><a href="#">19</a></b>	Code of Conduct for Employees
	<b><del>Sch.21</del><a href="#">20</a></b>	Code of Conduct for Councillors and Officers involved in the Regulatory process
	<b><del>Sch.22</del><a href="#">21</a></b>	Protocol on Councillor/Officer Relationships
	<b><del>Sch.23</del><a href="#">22</a></b>	Anti-Fraud and Corruption Policy including Whistleblowing policy
	<b><del>Sch. 23</del></b>	<a href="#">Protocol on Principles of Scrutiny</a>

<b>6</b>		<b>Members' Allowances</b>
	<b>Sch.24</b>	Members Allowances Scheme
<b>7</b>		<b>Officer's Management Structure</b>
	<b>Sch.25</b>	Structure diagram of Council's Officers' Management Structure
<b>8</b>		<b>Details of Council, Board and Committee Memberships</b>
	<b>Sch.26</b>	Members of the Borough Council
	<b>Sch.27</b>	Members of Boards, Sub-Boards and Committees

# **Part 1**

## **SUMMARY AND EXPLANATION**

# SUMMARY AND EXPLANATION

## 1 Introduction and Background to the Borough Council's Constitution

~~For the first time, l~~ Local authorities are required to have a written Constitution. This requirement is contained in Section 37 of the Local Government Act 2000.

The requirement was foreshadowed in July 1998 when the Government signalled its intention to introduce options for new political management structures when it published the White Paper "Modern Local Government: In Touch With People". The introduction of the Local Government Act 2000 places every Council, (other than the small Town and Parish Councils) under a duty to review their political management structures. As part of the review Councils were required to consider the type of new structure it should adopt and were given a choice of only four models from which to choose.

For Councils with a population of less than 85,000, one of the models was known as "alternative arrangements". This allowed Councils to retain a Committee structure for making decisions (known as 'executive decisions') but introduced a system that allowed other Councillors to scrutinise all decisions made. All residents in the Borough were asked for their views on the structure that should be adopted. The overwhelming majority of residents who responded to the consultation favoured the adoption of the "alternative arrangements" in preference to any of the others available to the Borough Council.

Following consideration of the residents' views the Borough Council have now adopted a new Constitution based on the "alternative arrangements" favoured by its residents. Following legislative changes in 2012 these arrangements are now known as a 'Committee System'~~This meets the requirements of the Local Government Act 2000.~~

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

~~All of the existing Committees have been disbanded. They have been replaced~~The Council has by Boards, and Sub Boards and Committees, which will make ~~executive decisions~~. It also has an Overview and Scrutiny~~New Committees have also been established~~ to scrutinise the work of the ~~Boards Council and others~~ on behalf of residents.

The Committee System~~new structure~~ provides for decisions to be made at the following meetings:-

Council  
Policy and Organisation Board

Community ~~and Environment~~ Board  
Economic Development Board

~~Housing Board~~  
Regulatory Board  
Licensing Board

The decisions and work of these ~~Boards~~ Council will be scrutinised by:- the Overview and Scrutiny Committee subject to below.

#### ~~Overview and Scrutiny Committee~~

The Regulatory Board deals with planning applications and the Licensing Board deals with licensing matters and the law does not allow their work to be subject to scrutiny by other Councillors. The reason for this appears to be that their decisions are already subject to appeal to either an independent inspector or to the courts.

~~In addition to the Boards and Committees set out above~~ The Council has also appointed a Standards and Governance Committee. This Committee comprises of Councillors ~~and at least one other person who is not connected in any way with the Council.~~ That Committee's job is to promote and maintain the highest standards of conduct by members and officers of the Council. Full details of its role are shown in the Constitution.

The Constitution itself is divided into 15 Chapters. These set out the basic rules governing the Council's business. In addition the Constitution also includes a number of more detailed procedures and codes that are set out in separate rules and protocols at the end of the document.

## **2 What's in the Constitution?**

Chapter 1 of the Constitution commits the Council to provide clear community leadership and to ensure that it operates with transparency, efficiency and accountability. Chapters 2-15 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Chapter 2)
- Citizens and the Council (Chapter 3)
- The Full Council (Chapter 4)
- Chairing the Council (Chapter 5)
- Overview and Scrutiny of decisions (Chapter 6)
- Service and Regulatory and Licensing Boards (Chapter 7)
- The Standards and Governance Committee (Chapter 8)
- Area committees and Forums (if appointed) (Chapter 9)
- Joint arrangements (Chapter 10)
- Officers Management Structure (Chapter 11)

- Finance, contracts and legal matters (Chapter 13)
- Review and revision of the Constitution (Chapter 14)
- Suspension, interpretation and publication of the Constitution (Chapter 15)

### **3 How the Council operates**

The Council is currently composed of 34 Councillors with half elected every two years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

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

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Service and Regulatory [and Licensing](#) Boards and Overview and Scrutiny Committees and may hold Public Question Times and special public debates on matters of concern relating to the Economic, Social and Environmental Well-being of the Borough. It also acts as arbiter of last resort in the event of disputes between Boards or disagreements between the Service and Regulatory and Licensing Boards and the Overview and Scrutiny Committees.

### **4 How decisions are made**

The five Boards referred to above make most day-to-day decisions.

The Policy and Organisation Board deals with issues relating to the Council's [policy and strategy; financial and other, and human](#)~~manpower and land resources; asset management, budgets, the capital programme; Best Value, the Community Strategy, the Best Value~~ Performance Plan/Corporate Plan, ~~the Local Plan (required under Planning legislation), strategic partnerships, economic regeneration, crime and disorder; revenues and benefits;~~ land charges, electoral and civic matters.

The Community ~~and Environment Board~~ deals with issues relating to [housing; environmental health; leisure and recreation and other amenities;](#)~~events and tourism, environmental and heritage management and conservation;~~ highway, [street and road safety; traffic and](#) coastal protection; [refuse collection; grounds maintenance and health improvement issues.](#)

~~The Housing Board deals with issues relating to the management of the Council's housing stock, the development of the Housing Strategy for the~~



~~Borough, housing initiatives and the care and conservation of all housing in the Borough.~~

[The Economic Development Board deals with the strategy and policy for economic prosperity in the Borough; the Local Development Framework; tourism and culture; to manage Council land and authorise acquisitions of land.](#)

The Regulatory Board deals with development control matters as the local planning authority, regulatory functions under the Council's Building Control.

The Licensing Board discharges the Council's function on licensing including the functions contained in the Licensing Act 2003.

[The Standards and Governance Committee deals with the code of conduct for members; training for members; supporting the work of the Council's Monitoring Officer and Chief Financial Officer; internal and external audit; risk management; complaints; whistle blowing, anti fraud and corruption policies.](#)

The Borough Council may change the functions of the individual Boards [and Committees](#) from time to time if it believes that changes would help to improve its decision making arrangements for the benefit of the community it serves.

Meetings of the Council's Boards [and Committees](#) are open to the public except where exempt or confidential matters are being discussed. Details of when Boards can meet in private are shown in Schedule 12 in Part 4 of this Constitution.

## **5 Overview and Scrutiny**

There is an Overview and Scrutiny Committee which supports the work of the Boards and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations which advise the Boards and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committees [also monitor](#) the decisions of the Boards. The Boards may also consult them on forthcoming decisions and the development of policy. Details of when Committees can meet in private are shown in Schedule 12 in Part 4 of this Constitution.

## **6 The Council's Staff**

Officers working for the Council give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have specific duties to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

## **7 Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Chapter 3. Some of these are legal rights, whilst others depend on the Council's own processes. For many services the

Borough Council issues leaflets explaining how decisions are made but the Citizens' Advice Bureau can also advise on individuals' legal rights.

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

Citizens have the right to:

- Vote at local elections if they are registered;

- Contact their local councillor about any matters of concern to them;
- Obtain a copy of the Constitution;
- Attend meetings of the Council, its Boards and its Committees except where, [exempt](#) for example, personal or confidential matters are being discussed;
- Petition to request a referendum on a mayoral form of executive;
- Participate in the Council's Public Question Time and contribute to investigations by the Overview and Scrutiny Committees;
- [Submit deputations to Boards and Committees within the provisions of the Public Speaking arrangements;](#)
- [Submit petitions in accordance with the Council's Petition Scheme](#)
- Complain to the Council if they believe the Council, any Councillor or officer has not performed his or her duties in a proper manner. Details of the Council's Complaints Procedure are available at the Council offices;
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, the Ombudsman expects that the public would only do this after using the Council's own complaints process;
- Complain to the [Standards Board for England Monitoring Officer](#) if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- Inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on rights as a citizen, please contact the Democratic Services Section at the Town Hall, Gosport. (Telephone 02392 584242)

**Part 2**

**CHAPTERS**

**OF THE**

**CONSTITUTION**

## CHAPTER 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, and all its appendices and Schedules, is the Constitution of the Gosport Borough Council. It is based on the option included in legislation and known as a “Alternative Arrangements Committee System”. ~~The following parts of this Constitution constitute the alternative arrangements:~~

~~Chapter 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules;~~

~~Chapter 7 (Service and Regulatory Boards) and Part 3 Responsibility for Functions.~~

### 1.03 Purpose of the Constitution

The purpose of the Constitution is to:-

1. Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. Support the active involvement of citizens in the process of local authority decision-making;
3. Help Councillors represent their constituents more effectively;
4. Enable decisions to be taken efficiently and effectively;
5. Create a powerful and effective means of holding decision-makers to public account;
6. Ensure that no one will review or scrutinise a decision in which they were directly involved;
7. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. Provide a means of improving the delivery of services to the community.
9. Ensure the maintenance of the highest standards of conduct by all Councillors and officers.

#### 1.04 Interpretation and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution as set out in **Chapter 14**.

### CHAPTER 2 - MEMBERS OF THE COUNCIL

#### 2.01 Composition and Eligibility

- a) **Composition:** The Council will comprise 34 members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- b) **Eligibility:** Only registered voters of the Borough or those living or working within the Borough will be eligible (subject to them not being precluded from holding office for other reasons) to hold the office of councillor.

#### 2.02 Election and Terms of Office of Councillors

2.02.1 The Local Authorities (Scheme for Elections of Specified Councils) (England) Order 2002 came into force on 19 August 2002 and provided for a cycle of elections by halves, beginning with the whole council election held in May 2002. At that election, those elected with the highest number of votes received a term of office for four years; those with the lesser number of votes were initially elected for a period of one year and this was extended to two years under the Order referred to above. Ordinary elections of a half of all Councillors will take place on the first Thursday in May in the year 2004 and every second year thereafter. The terms of office for all Councillors, subject to the provisions of paragraph 2.02.2 below, will be for a period of four years starting on the fourth day after being elected and finishing on the fourth day after the date of the ordinary election four years later.

2.02.02 In the event of any person elected at the ordinary regular elections ceasing to be a councillor, the Council shall declare a vacancy in accordance with the statutory provisions in force at that time. The term of office of the person elected to fill the vacancy shall be for the remainder of the term of office of the previous holder of that office of councillor.

## 2.03 Roles and Functions of All Councillors

- 2.03.01 The roles of all Councillors will be in accordance with **Schedule 1 in Part 2**. In undertaking these roles Councillors will maintain the highest standards of ethics and conduct, and at all times shall comply with the statutory provisions relating to the office of councillor and the Council's Code of Conduct for Councillors.
- 2.03.02 Councillors will have such rights of access to such documents, information, land and buildings of the Council as necessary for the proper discharge of their functions and in accordance with the law.
- 2.03.03 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.
- 2.03.04 For the purposes of paragraph 2.03.03 above, 'confidential' and 'exempt' information are defined in the Access to Information Procedure Rules in **Schedule 12 in Part 4** of this Constitution

## 2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocols in **Part 5** of this Constitution.

## 2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in **Part 6** of this Constitution as amended from time-to-time.

## 2.06 Membership of the Council, Service, Regulatory and Licensing Boards and Committees of the Council

Details of the names and addresses of all Councillors are set out in **Schedule 26 in Part 8** and of the members of the Boards, Sub-Boards and Committees of the Borough Council in **Schedule 27 in Part 8** of this Constitution. The **Chief Executive** will be the Proper Officer responsible for the maintenance of the Schedules.



## CHAPTER 3 – CITIZENS AND THE COUNCIL

### 3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in **Schedule 12 in Part 4** of this Constitution:

- a) **Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution. Where other changes are to be made to the Constitution, including one that provides for a change from the '[Committee System](#)~~alternative arrangements~~' ~~structure~~ to one that provides for a leader and cabinet structure, citizens will be consulted. This consultation will be proportionate to the scale, scope and extent of the change proposed.
- b) **Information.** Citizens have the right to:
  - i) Attend meetings of the Council and its Boards and Committees except those parts of meetings where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - ii) See reports and background papers, and any records of decisions made by the Council [except those relating to confidential or exempt information](#); and
  - iii) Inspect the Council's accounts and make their views known to the external auditor.
- c) **Participation.**

Citizens have the right to participate in the Council's Public Question Time and contribute to investigations by Overview and Scrutiny Committees [make deputations and submit petitions](#).
- d) **Complaints.** Citizens have the right to complain to:
  - i) The Council itself under its complaints scheme;
  - ii) The Ombudsman after using the Council's own complaints scheme;
  - iii) The ~~Standards Board for England~~[Monitoring Officer](#) about a breach of the Councillor's Code of Conduct.

### 3.02 Citizens' Responsibilities

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

Councillors or Officers, and when attending Council, Board or Committee  
Mmeetings must respect the authority of the Chairman of the meeting.

## CHAPTER 4 – THE FULL COUNCIL

### 4.01 Meanings

- a) **Policy Framework.** The policy framework means the following plans and strategies:-
- [Sustainable](#) Community Strategy;
  - Crime and Disorder Reduction Strategy;
  - Council's Corporate Plan
  - ~~Plans and~~ [alterationsstrategies](#) which together comprise the Development Plan
  - [Development Plan Documents](#)
  - [Capital Strategy Licensing Authority Policy Statement](#)
- b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to [the approval or adoption of a plan or strategy for](#) the control of the Council's borrowing [investmentsrequirements](#) capital expenditure [and investmentsor for determining the Council's minimum revenue provision](#) and the setting of virement limits.
- c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

### 4.02 Functions of the Full Council

Only the Council will exercise the following functions:

- a) Adopting and changing the Constitution;
- b) Approving or adopting the ~~P~~policy ~~F~~framework ~~following consideration by Overview and Scrutiny Committee~~[\(including approval of documents for the purpose of submission to the Secretary of State or Minister of the Crown \(whether or not it is in the form of a draft\)\)](#), the ~~B~~Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- c) Agreeing and/or amending the Terms of Reference for Boards and Committees, deciding on their composition and making appointments to them;
- d) Appointing the Leader of the Council
- e) Appointing representatives to outside bodies unless the appointment has been delegated by the Council;
-

- f) [Adopting and amending a local code of conduct for members of the Council](#)
- g) [Adopting and amending from time to time a Scheme for Members' Allowances –allowances scheme under Section 18 of the Local Government and Housing Act 1989](#) (which is included in the Constitution at **Schedule 24 in Part 6**), under **Chapter 2.05** and the amount of any allowance payable pursuant to the Members Allowances Scheme;
- h) [The amount of any allowance payable under Section 3 \(5\) and Section 5 \(4\) of the Local Government Act 1972](#)
- i) Changing the name of the area, conferring the title of Honorary Alderman or Honorary Freeman of the Borough;
- j) Confirming the appointment of the Head of Paid Service;
- k) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- l) [Making a request to the Local Government Boundary Commission for England under Section 57 of the Local Democracy, Economic Development and Construction Act 2009](#)
- m) [Passing a resolution to change a scheme for elections under the Local Government and Public Involvement in Health Act 2007](#)
- ~~k)n~~) [Approving Voting rights for co-opted members of overview and Scrutiny Committee](#) and
- ~~h)o~~) All other matters which by law must be reserved to Council.

#### 4.03 Appointment of Chief Executive and Chief Officers

The role of the Council in the arrangements for the recruitment of the Chief Executive and Chief Officers shall be in accordance with the provisions contained within the Officer Employment Procedure Standing Orders at **Schedule 14 in Part 4** of this Constitution.

#### 4.04 Council meetings

There are three types of Council meeting:

- a) The annual meeting;
- b) Ordinary meetings;
- c) Extraordinary meetings

And they will be conducted in accordance with the Standing Orders for the Conduct of Council Business in **Schedule 11 in Part 4** of this Constitution.

#### 4.05 Responsibility for Functions and Delegations

The Council will maintain the information contained in the **Schedules in Part 3** of this Constitution in respect of the responsibilities and delegation arrangements for its functions.

## CHAPTER 5 – CHAIRING THE COUNCIL

### 5.01 The Mayor and Deputy Mayor

The Mayor and Deputy Mayor shall be elected by the Borough Council at the Annual Meeting in each year

The Mayor shall be, and known to be, the Civic Head of the Council. The Mayor shall represent the Borough Council, or shall be entitled to appoint another Councillor, to represent the Council at all formal ceremonial occasions within and outside the Borough.

The Mayor is the Chairman of the Borough Council, and shall, if present, preside over all meetings of the Council. In his/her absence the Deputy Mayor shall undertake such duties.

The duties and responsibilities of the Mayor and Deputy Mayor will be as described in **Schedules 2 and 3 in Part 2** of this Constitution.

## CHAPTER 6 – OVERVIEW AND SCRUTINY COMMITTEES

### ~~6.01 Terms of Reference~~

~~6.01a)~~ The Council shall establish such Overview and Scrutiny Committees as it, at its sole discretion, deems necessary to ensure that in relation to all the functions and services (except those defined by legislation as Regulatory Services) of the Council effective arrangements are in place under ~~Section 21 or Regulations under Section 32~~ Section 9 JA of the Local Government Act 2000 to facilitate the involvement of all members who are not a member of a specific Service Board in

- i) The review ~~and/or~~ scrutiny of decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) To make reports or recommendation to the Council; any Board, Sub-Board or Committee of the Council; to an officer of the Council; or any joint committee on which the Council is represented with respect to the discharge of any function of the Council
- ~~iii) — To make reports or recommendations to the Council; any Board, Sub- Board or Committee-of the Council; to an officer of the Council; or any joint committee on which the Council is represented onAny \_\_matter\_\_—affecting the Council's area or its inhabitants; and~~
- ~~iv) —~~
- ~~v) — The development of the budget and policy framework by in-depth analysis of policy issues~~

- ~~vi) —~~
- ~~vii)iii) Conducting research, community and other consultation in the analysis of policy issues and possible options;~~
- ~~viii) Question members of Boards and chief officers about their views on issues and proposals affecting the area; and~~
- ~~ix) Liaison with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.~~
- ~~x) Reviewing and scrutinising the decisions made by, and performance of, Boards and council officers both in relation to individual decisions and over time;~~
- ~~xi) Reviewing and scrutinising the performance of the Council in relation to its policy objectives, performances targets and/or particular service areas;~~
- ~~xii) Question members of Boards and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;~~
- iv)

- ~~xiii) Making recommendations to the appropriate Board and/or Council arising from the outcome of the scrutiny process;~~
- ~~xiv) Reviewing and scrutinising the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and~~
- ~~xv) Questioning and gathering evidence from any person (with their consent).~~

## **6.02 General**

- a) At the Annual Meeting of the Council, the Council will appoint an Overview and Scrutiny Committee with twelve Councillors in membership.

Provided that the Council may at any time amend the number, terms of reference and membership of the Overview and Scrutiny Committee subject to such changes ensuring that all functions and services of the Council will be scrutinised by at least one such Committee

- b) All appointments to Overview and Scrutiny Committees and any Sub- Committees shall be made in accordance with the proportionality rules contained within the Local Government and Housing Act 1989.
- c) Notwithstanding 6.02a) above, the Council may, at any time, appoint additional Overview and Scrutiny Committees for such specific purposes and for such periods as the Council shall require.
- d) The Terms of Reference of Overview and Scrutiny Committees shall be in accordance with **Annexe 169 to Schedule 9 in Part 3** of this Constitution.
- e) Thee Overview and Scrutiny Committee may appoint Sub-Committees.
- f) ~~A member of the Policy and Organisational Board shall not be eligible for appointment to the Overview and Scrutiny Committee.~~  
A member of ~~another a~~ Service Board (excluding the Chairman) shall be eligible for appointment to the Overview and Scrutiny Committee or any of its Sub Committees but shall not take part in a review or scrutiny of a decision made or action taken of a Service Board of which they are a member and were present when the decision was made or action taken

- g) The roles of the Chairman of Overview and Scrutiny Committee shall be as described in the portfolio at **Schedule 5 in Part 2** of this Constitution.
- h) Where the Council, at its sole discretion, considers co-opted members with particular skills and experience will enhance the work of an Overview and Scrutiny Committee, it may appoint non-Councillors without voting rights to all or any such Committee.
- i) An Overview and Scrutiny Committee may co-opt non-Councillors as it deems appropriate, subject to such co-opted members not having voting rights.

### **6.03 Finance**

Overview and Scrutiny Committees may exercise overall responsibility for the finance made available to it.

### **6.04 Annual Report**

Overview and Scrutiny Committee must report annually to full Council on their working and make recommendations for future work programmes and amended working methods if appropriate.

### **6.05 Officers**

Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support their work.

### **6.06 Proceedings of Overview and Scrutiny Committee**

Overview and Scrutiny Committee will conduct their proceedings in accordance with the ~~Overview and Scrutiny Procedure Rules set out in~~ the Standing Orders for the Conduct of Council Business (**Schedule 11 in Part 4**) and will follow the ~~Principles of~~ Scrutiny Procedure Rules set out ~~in the Protocol at Se~~ in Schedule 2318 in **Part 54** of this Constitution.

## **CHAPTER 7 – BOARDS AND OTHER COMMITTEES**

### **7.01 Service and Regulatory and Licensing Boards and Committees**

The Council will appoint the Boards, Sub Boards and Committees set out in the left hand column of the table 'Responsibility for Functions' in **Schedule 9 in Part 3** of this Constitution to discharge the functions described in column 3 of that table. The Terms of Reference of each Board, Sub Board and Committee are set out in the Annexes to that Schedule.





## CHAPTER 8 – THE STANDARDS AND GOVERNANCE COMMITTEE

### 8.01 Standards and Governance Committee

**At the Annual meeting each year** the Council will establish and appoint members to a Standards and Governance Committee.

#### ~~8.02 Composition~~

~~a) **Membership.** The Standards and Governance Committee will be comprised of at least:-~~

- ~~• Two Councillors~~
- ~~• One person (an independent member) who is not a councillor or an officer of the council or any other body having a Standards or Conduct and Standards Committee. The number of independent member(s) shall comprise at least one quarter of the membership of the Committee.~~

~~b) **Independent Members.** Independent Members will be entitled to vote at meetings.~~

#### ~~8.032~~ **Role and Function – Terms of Reference**

The Terms of Reference and role of the Standards and Governance Committee will be as shown in **Annex 157 to Schedule 9 in Part 3** of this Constitution.

#### **8.03 Role and Function – Chairman of the Committee**

The role of the Chairman of the Standards and Governance Committee shall be as described in **Schedule 8.8 in Part 2** of this Constitution. Where the Chairman of the Committee is unavailable for any reason, the Vice Chairman shall undertake the role and duties of the Chairman. In the absence of the Chairman and Vice-Chairman the Committee shall elect one of its members to be Chairman for the meeting.

## CHAPTER 9 – AREA COMMITTEES AND FORUMS

### 9.01 Area Committees and Forums

- (a) The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of Best Value and more efficient, transparent and accountable decision making.

- (b) At the time of adoption of this Constitution (~~April 2002~~) the Council does not anticipate creating Area Committees. However, if any proposal to establish an Area Committee is made in the future, the procedures for its/their creation in sub paragraph (c) and the provisions of paragraphs 9.02 and 9.03 will apply.
- (c) Prior to any firm proposal being made the Chief Executive shall prepare a report outlining how the establishment of such Committee(s) would meet the objectives set out in paragraph 9.01(a) which report shall be considered by the Policy and Organisation Board. The report shall include details of the financial and manpower resources required for the operation of such Committee(s). The Policy and Organisation Board shall consult all other Boards and the appropriate Overview and Scrutiny Committees that might be affected by the establishment of an Area Committee prior to making any recommendations to Council

**9.02 Conflicts of interest – membership of Area Committees and Overview and Scrutiny Committees**

- a) **Conflict of interest.** If an Overview and Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of the Area Committee of which the Councillor concerned is a member, then the councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Conduct and Standards Committee.
- b) **General policy reviews.** Where the Overview and Scrutiny Committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

**9.03 Area Committees – Access to Information**

Area Committees, if appointed, will comply with the Access to Information Procedure Rules in **Schedule 12 in Part 4** of this Constitution.

**CHAPTER 10 – JOINT ARRANGEMENTS**

**10.01 Arrangements to promote Well-being**

The Council, 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.

#### 10.02 Joint arrangements

- a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's scheme of delegations in **Part 3** of this Constitution.

#### 10.03 Access to Information

- a) The Access to Information Procedure Rules in **Schedule 12 in Part 4** of this Constitution apply.
- b) If the Joint Committee contains members who are not on the executive of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

#### 10.04 Delegation to and from other local authorities

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

#### 10.05 Contracting out

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

### CHAPTER 11 – MANAGEMENT STRUCTURE

#### 11.01 Management Structure

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

- b) **Chief Officers** The full Council will engage persons for the following posts, who will be designated Chief Officers.

Post	Functions and areas of responsibility of Chief Officers
<b>Chief Executive (Statutory appointment as Head of Paid Service)</b>	<p>Proposing, guiding and implementing the corporate and strategic plans and policies of the Council and implementing systems for strategic and performance review of all the Council's strategies, plans and policies.</p> <p>Overall corporate management and operational responsibility (including overall management responsibility for all officers) Press and Public relations, Personnel, Economic Prosperity, Tourism and Culture, <a href="#">Streetscene, Corporate Policy and Community Safety</a>.</p> <p>Provision of professional advice to individual Councillors, political groups and officers in the decision making process.</p> <p>Responsible for ensuring that there is an adequate system for record keeping of the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council)</p> <p>Negotiate with all levels of government and other agencies to further the Council's interests.</p>
<b>Borough Treasurer and Deputy Chief Executive (Statutory appointment as Chief Finance Officer)</b>	<p>To support the Chief Executive in proposing, guiding and implementing the corporate and strategic plans and policies of the Council and implementing systems for strategic and performance review of all the Council's strategies, plans and policies.</p> <p>Provision of professional advice to individual Councillors, political groups and officers in the decision making process.</p> <p><del>To deputise for the Chief Executive in his absence.</del></p>

	<p>Responsible for ensuring that there are adequate systems controlling the Council's financial management arrangements.</p> <p>Central financial management and treasury administration.</p> <p><del>Responsibility for Information Technology, Internal Audit.</del></p> <p><u>Service and Management responsibility for Customer Services Administration, Accountancy, Benefits, Local Taxation/Council Tax, Internal Audit, Pay and Central Services. Information Technology</u></p>
<p><b>Borough Solicitor <u>and Deputy Chief Executive</u> (Statutory appointment as Monitoring Officer)</b></p>	<p>To support the Chief Executive in proposing, guiding and implementing the corporate and strategic plans and policies of the Council and implementing systems for strategic and performance review of all the Council's strategies, plans and policies.</p> <p>Provision of professional advice to individual Councillors, political groups and officers in the decision making process.</p> <p><u>To deputise for the Chief Executive in his absence.</u></p> <p>With the Chief Executive responsible for ensuring that there is an adequate system for record keeping of the Council's decisions.</p> <p>Service and Management responsibility for the democratic process and administration, electoral services, land charges and legal advice, planning <u>services</u>, building control and <u>Civic and Mayoral Services and</u> governance support.</p> <p>To be the Council's Electoral Registration Officer and the Returning Officer for all elections in the Borough.</p>
<p><b>Housing Services Manager</b></p>	<p>Contribute to the development and implementation of the corporate and strategic plans and policies of the Council and the implementation of systems for strategic and performance review of all the</p>

	<p>Council's strategies, plans and policies.</p> <p>Provision of professional advice to individual Councillors, political groups and officers in the decision making process.</p> <p>Service and management responsibility for management of the Council' housing stock and functions relating thereto including homelessness, Environmental Health and Licensing, <a href="#">the Councils property assets</a></p>
--	---

<p><b>Community and Customer Services Manager</b></p>	<p>Contribute to the development and implementation of the corporate and strategic plans and policies of the Council and the implementation of systems for strategic and performance review of all the Council's strategies, plans and policies.</p> <p>Provision of professional advice to individual Councillors, political groups and officers in the decision making process.</p> <p>Service and management responsibility for Customer Services/Administration, Streetscene, Corporate Policy and Community Safety</p>
<p><b>Financial Services Manager</b></p>	<p>Contribute to the development and implementation of the corporate and strategic plans and policies of the Council and the implementation of systems for strategic and performance review of all the Council's strategies, plans and policies.</p> <p>Provision of professional advice to individual Councillors, political groups and officers in the decision making process.</p> <p>Service and management responsibility for Accountancy, Council Tax administration, Benefits and the Pay and Central Services.</p>



c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts:-

Post	Designation of Statutory Officers
Chief Executive	Head of Paid Service
Borough Solicitor <u>and Deputy Chief Executive</u>	Monitoring Officer
Borough Treasurer	Chief Finance Officer

Such posts will have the functions described in Chapter 11.02-11.04 below.

- d) **Structure** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at **Schedule 25 in Part 7** of this Constitution.

## 11.02 Functions of the Head of Paid Service

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

## 11.03 Functions of the Monitoring Officer

- a) The Monitoring Officer will maintain an up to date copy of the Constitution and will ensure that it is widely available for consultation by members, officers and the public.
- b) After consulting with the Head of Paid Service and Chief Finance officer, the Monitoring Officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration where the Local Government Ombudsman has conducted an investigation. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- c) The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards and Governance Committee.
- d) The Monitoring Officer will deal with complaints regarding the conduct of members of the Council in accordance with the Council's procedures. ~~receive and act upon reports made by the Ethical Standards Officers and decisions of the case tribunals.~~
- ~~e)d)~~ ~~The Monitoring Officer will conduct investigations into matters referred by the Ethical Standards Officers and make reports or recommendations in respect of them to the Standards and Governance Committee.~~
- ~~f)e)~~ The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.
- ~~g)f)~~ The Monitoring Officer cannot be the Head of Paid Service or Chief Finance Officer.

#### 11.04 Functions of the Chief Finance Officer

- a) After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b) The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- c) The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d) The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity to all Councillors and will support and advise Councillors and officers in their respective roles.
- e) The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### 11.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer.

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

#### 11.06 Conduct

Officers will comply with the Employees' Code of Conduct and the Protocol on Member/Officer Relations set out in Schedule 21 in Part 5 of this Constitution.

### 11.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in **Schedule 14 in Part 4** of this Constitution.

## CHAPTER 12 – DECISION MAKING

### 12.01 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.

### 12.02 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 consultation and the taking of professional advice from officers;
- c) Respect for human rights;
- d) A presumption in favour of openness;
- e) Clarity of aims and desired outcomes;
- f) Due consideration being given to alternative options;
- g) Reasons for the decision to be given provided there is no breach of confidentiality.

### 12.03 Decision making by the full Council

Subject to Paragraph 12.06 the Council meeting will follow the Standing Orders for the Conduct of Council Business set out in **Schedule 11 in Part 4** of this Constitution when considering any matter.

### 12.04 Decision making by Overview and Scrutiny Committees

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in The Standing Orders for the Conduct of Council Business (**Schedule 11 in Part 4**) and the [Scrutiny Procedure Rules](#)~~Protocol on Principles of Scrutiny~~ set out in **Schedule 1823 in Part 4** of this Constitution when considering any matter.

### 12.05 Decision making by Boards, Sub Boards, Committees and Sub-Committees established by the Council

Subject to Chapter 12.06 Boards, Sub Boards and other Council Committees and Sub-Committees will follow those parts of the Standing Orders for the Conduct of Council Business set out in **Schedule 11 in Part 4** of this Constitution as apply to them.

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

The Council (including Boards, Sub Boards, Committees and Sub Committees), 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 Chapter 6 of the European Convention on Human Rights.

## CHAPTER 13 – FINANCE, CONTRACTS AND LEGAL MATTERS

### 13.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in **Schedule 16 in Part 4** of this Constitution.

### 13.02 Contracts

Every contract made out by the Council will comply with the Financial Regulations and Contracts Standing Orders set out in **Schedules 163 and 163 in Part 4** of this Constitution.

### 13.03 Legal proceedings

The Borough Solicitor and Deputy Chief Executive is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Borough Solicitor and Deputy Chief Executive considers that such action is necessary to protect the Council's interests.

### 13.04 Authentication of documents for Legal proceedings

Where any document is necessary for legal proceedings on behalf of the Council, it shall be signed by the Chief Executive or the Borough Solicitor and Deputy Chief Executive or some other person authorised by the Chief Executive in writing unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### 13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor and Deputy Chief Executive. A decision of the Council, or any part of it including officers acting under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, which in the opinion of the Chief Executive or the Borough Solicitor and Deputy Chief Executive should be sealed. The Chief Executive, or Borough Solicitor Deputy Chief Executive, or Head of Legal Services, ~~or Property Lawyer~~ or Senior Litigation Lawyer shall, as Duly Authorised Officers, attest the affixing of the Common Seal of the Borough Council to documents.

The Mayor or Deputy Mayor may also attest the Common Seal when affixed to any document which is, in the opinion of the Borough Solicitor and Deputy Chief Executive or Head of Legal Services used for any ceremonial purpose.

An entry of every sealing of a document shall be made in a register kept for this purpose.

### 13.06 **Signing of Title Deeds and other Legal Documents**

The Chief Executive or the Borough Solicitor and Deputy Chief Executive or the Head of Legal Services or ~~the Property Lawyer or the Senior~~ Litigation Lawyer as Duly Authorised Officers shall sign all Title Deeds and other legal documents.

### 13.07 **Signing of Formal Written Contracts**

The Chief Executive or the Borough Solicitor and Deputy Chief Executive or the Head of Legal Services or the ~~Property Lawyer or the Senior~~ Litigation Lawyer as Duly Authorised Officers shall sign every formal written contract.

## **CHAPTER 14 – REVIEW AND REVISION OF THE CONSTITUTION**

### 14.01 **Duty to monitor and review the constitution**

The Policy and Organisation Board in consultation with the Standards and Governance Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### 14.02 **Protocol for monitoring and review of constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in **Chapter 1**. In undertaking this task the Monitoring Officer may:

- a) Observe meetings of different parts of the members and officer structure;
- b) Undertake an audit trail of a sample of decisions;
- c) Record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- d) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### 14.03 **Changes to the Constitution**

#### a) **Approval.**

Changes to the constitution will only be approved by the full Council, ~~after consideration of the proposal by Policy and Organisation Board. Prior to submitting any proposal to Council the Policy and Organisation Board shall consult the Overview and~~

Scrutiny Committee and the Standards and Governance Committee.



- b) **Change from committee system~~alternative arrangements~~ to a leader and cabinet form of executive or vice versa.**

In the event that an executive is chosen, the Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

- c) **Change from a mayoral form of executive to another form of executive or to committee system~~alternative arrangements~~, or from committee system~~alternative arrangements~~ to a mayoral form of executive.**

In the event that a Mayor is chosen~~elected~~ the Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.

- d) **Change within a mayoral form of executive.**

In the event that a Mayor is elected, unless the change relates only to the operation of overview and scrutiny committees, any resolution of the full Council to approve a change will have no effect without the written consent of the Mayor.

(**Note:** 'Mayoral form' means a form of executive defined in the Local Government Act 2000 where electors directly elect one person to a new post of Mayor who would be responsible for all executive decisions taken within a broad policy framework agreed by the Borough Council. It does not relate to the existing role undertaken by the civic Mayor of the Borough of Gosport)

## CHAPTER 15 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

### 15.01 Suspension of the Constitution

- a) **Limit to suspension.** The Chapters of this Constitution may not be suspended. The full Council may suspend the Standing Orders for the Conduct of Council Business. Boards and Committees may also suspend those Standing Orders but only insofar as is provided in those Standing Orders
- b) **Procedure to suspend.** A motion to suspend any Standing Orders will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Chapter 1.

### 15.02 Interpretation

The ruling of the Mayor, having taken advice from the Borough Solicitor [and Deputy Chief Executive](#) where necessary, as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Chapter 1.

### 15.03 Publication

- a) The Chief Executive will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Borough Council.
- b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- c) The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

# PORTFOLIO - COUNCILLORS

## 1. As an Elected Representative (All Members)

### 1.1. Main Roles

- 1.1.1 With all other councillors to collectively be the ultimate policy-makers and carry out a number of strategic corporate management functions.
- 1.1.2 To represent effectively the interests of the Ward and all of its constituents for which the Councillor was elected.
- 1.1.3 To contribute in a positive manner to the effective government of the Borough, and the direct, or indirect, provision of services to all residents, visitors and other interested parties,
- 1.1.4 To encourage the involvement and participation of individual citizens and the community generally in the development and review of the Council's decision making processes.

### 1.2. Duties and Responsibilities

- 1.2.1 To meet regularly with constituents and other interested parties, seeking and listening to their views on issues to be considered by or proposed to the Council.
- 1.2.2 To act as the interface between the local community and the Council ensuring that its views and needs are taken into account when strategy, policy and budget issues are considered by the Council.
- 1.2.3 To ensure that the local communities' views are properly expressed and argued when specific decisions affecting them are considered by Council.
- 1.2.4 To use local knowledge and information to assist in the determination of policy proposals and in decision-making.
- 1.2.5 To act as a disseminator of information from the Council to constituents and other interested parties.
- 1.2.6 To participate in Member training programmes and seminars to enhance the ability to undertake a fully effective role as an Elected Representative.

### 1.3 **Key Tasks**

- 1.3.1 To discuss issues to be determined by the Council with constituents and other interested parties.
- 1.3.2 To participate in any local area machinery established for the Councillor's Ward by the Council to facilitate good communication with residents.
- 1.3.3 To develop and maintain a good working knowledge of the organisations, services, activities and hopes and aspirations of the community for the Ward for which the Member was elected.
- 1.3.4 To champion causes and issues on behalf of the Member's constituents and ensure that constituents are kept informed about: -
  - Services in their area.
  - Decisions that may affect them.
  - The reasons why the Council has taken particular decisions.
  - Their rights relating to service provision, appeals against decisions and access to meetings and information.
- 1.3.5 Carry out casework on behalf of constituents and represent their interests to the Council.
- 1.3.6 Participate fully in the activities and decision making processes (where appropriate) of any outside body to which the Councillor is appointed by: -
  - Providing two-way communication between the Council and the outside body.
  - Developing and maintaining a working knowledge of the Council's policies and priorities, particularly in so far as they might affect the outside body.
  - Ensuring that the outside body takes account of the needs and aspirations of the community affected by the work and services of that outside body.
- 1.3.7 To contribute constructively to community planning initiatives and in particular to assist in the achievement of open government and democratic renewal by actively encouraging the community to participate in the

government of the area and take up their roles in terms of effective citizenship.

**2. As a Member of the Regulatory or Licensing Board (All Members)**

**2.1 Main Role**

2.1.1 To deal with those matters of regulation assigned to the Regulatory or Licensing Board in a fair and unbiased manner having regard to the Council's policies and any statutory provisions relating thereto, including the rules of natural justice and human rights legislation.

**2.2 Duties and Responsibilities**

2.2.1 To participate in the setting of policies, rules, regulations and processes to enable the Council to undertake its regulatory roles within the Council's approved policies in a fair and even handed manner.

2.2.2 To contribute to the arrangements for setting of budgets and budgetary control for regulatory functions.

2.2.3 To participate in Member training programmes and seminars to enhance the Members' knowledge and ability to carry out the regularity functions of the Council in accordance with legislation, the Council's policies and other Codes or rules affecting regularity functions.

**2.3 Key Tasks**

2.3.1 To establish policies against which applications for Consent, Licences, Certificates, Permits, Registrations and the like can be determined.

2.3.2 To deal with any specific applications referred to Members in a fair and unbiased manner, taking account of Council policies, legislative requirements and Government guidance.

2.3.3 Where there is a right for an applicant to be heard, to participate in such hearings as may be arranged and determine the issue.

2.3.4 To set budgets, fees and charges and monitor income and expenditure against approved budgets.

3. **Overview and Scrutiny (All Members when not acting as a Member of a Board)**

3.1 **Main Role**

- 3.1.1 To contribute to the effective development of services by the examination of strategy, policy and budget proposals.
- 3.1.2 To monitor, evaluate and question the actions of the Boards and the work of Officers to ensure the effective delivery of services in accordance with the Council's strategies, policies and budgets and make recommendations to the Boards and Council for improvement or changes in accordance with the programmes approved by Council.

3.2 **Duties and Responsibilities**

- 3.2.1 To take part as a consultee in the development of strategy, policy and budget proposals by the Boards.
- 3.2.2 Where appropriate, propose changes, for consideration by the Boards, to the Council's approved strategies, policies and budgets.
- 3.2.3 To participate in the carrying out of reviews of the Council's strategies and policies in accordance with the programme of work submitted to Council.
- 3.2.4 To review Council policy implementation by the Boards and Officers to determine whether implementation meets the Council's objectives in terms of quality of service delivery and cost and report with recommendations thereon to the Boards and Council.
- 3.2.5 To take an active part in the development of ~~the Best Value Performance Plans and Best Value reviews~~ in conjunction with the Boards, and in connection therewith, consult fully with their communities.
- 3.2.6 To participate in Member training programmes and seminars to enhance the Members' ability to undertake a constructive role in the Council's Overview and Scrutiny processes.

### 3.3 Key Tasks

- 3.3.1 To develop and review policy proposals and options put forward by the Boards.
- 3.3.2 To investigate existing strategies, policies and budgets and, where appropriate, recommend changes.
- 3.3.3 To monitor implementation of Council policies particularly in relation to the interests of constituents in the Member's Ward.
- 3.3.4 To investigate the basis on which major decisions are taken ensuring they are consistent with Council policy.
- 3.3.5 To investigate decisions taken by Boards and Officers to ensure consistency with Council policy and that they are within delegated powers.
- 3.3.6 To hold the Boards and Officers to account in respect of their actions in carrying out Council policy.
- 3.3.7 To monitor the Council's overall performance ~~with particular reference to Best Value.~~
- 3.3.8 To ensure, in liaison with residents and other interested parties, that the quality of services delivered matches the Council's and the public's aspirations.
- 3.3.9 To initiate and carry out reviews of other organisations delivering services within the Borough.

## 4 As a Member of a Service Board

### 4.1 Main Role

- 4.1.1 To take collective responsibility for those issues determined by the Service Board under its Terms of Reference and Scheme of Delegation.

### 4.2 Duties and Responsibilities

- 4.2.1 Maintaining an understanding of the issues involved in the delivery of services falling within the Terms of Reference of the Board.
- 4.2.2 Being apprised of developing issues and policies at local and national levels.

- 4.2.3 Considering the development of the corporate vision for the services, strategies and policies of the Board consistent with the overall strategic approach of the Council.
- 4.2.4 In determining policies, strategies and methods of service delivery balancing the social, environmental and economic components of sustainability.
- 4.2.5 Complying with the provisions of all national requirements for the conduct of Councillors and Local Codes of Conduct applicable to Councillors and in particular any provisions relating to interests.

#### 4.3 **Key Tasks**

- 4.3.1 With regard to the consideration of the preparation of, or any amendment and revision of any statutory or non-statutory strategic, technical or service plans, take into account any crosscutting issues.
- 4.3.2 Support arrangements that ensure adequate consultation is undertaken during the preparation and review of the Council's strategies, policies and budget.
- 4.3.3 Within the context of the Service Boards Terms of Reference take part in the promotion and improvement of the economic, social and environmental well being of the Borough.
- 4.3.4 Co-operate with the Overview and Scrutiny Committees in any reviews undertaken by those Committees
- 4.3.5 Promoting the core values of the Council as set out in corporate.
- 4.3.6 Attending, and taking part in, such training sessions/courses as may be determined by the Council or the Leader.



# ROLE OF MAYOR

## 1. Main Role

- 1.1 To be the first citizen of the Borough.
- 1.2 To represent the Council as the Civic Head of the Borough at public and private functions.
- 1.3 To preside over meetings of the Borough Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community.

## 2. Duties and Responsibilities

- 2.1 To preside over meetings of the Borough Council ensuring equality of opportunity for all Members to participate in the decision making process.
- 2.2 To promote the Borough as its first citizen and ambassador.
- 2.3 To lead official civic visits by the Borough Council.
- 2.4 To represent the Council at non-political ceremonies, social occasions and services of prayer and remembrance.
- 2.5 On behalf of the Council, act as host to visitors, including members of the Royal Family, overseas visitors and other civic dignitaries.
- 2.6 To be the embodiment of the Council's dignity
- 2.7 To be the conscience of the Council;
- 2.8 To uphold and promote the purposes of the Constitution and, with advice from the Borough Solicitor and Deputy Chief Executive, to interpret the Constitution when necessary;
- 2.9 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 do not sit on the Boards or Standards and Governance Committee or Overview and Scrutiny Committees are able to hold the members of the Boards and Committees to account;
- 2.10 To promote public involvement in the Council's activities;
- 2.11 To nominate each year a 'Mayor's' charity.

# ROLE OF DEPUTY MAYOR

## 1. Main Role

- 1.1 To support the Mayor in his/her role as the first citizen of the Borough.
- 1.2 To represent the Council as necessary as the Deputy to the Mayor at public and private functions.
- 1.3 In the absence of the Mayor to preside over meetings of the Borough Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community.

## 2. Duties and Responsibilities

- 2.1 To preside over meetings of the Council in the absence of the Mayor ensuring equality of opportunity for all Members to participate in the decision making process.
- 2.2 To be an ambassador for and promote the Borough as the deputy to the first citizen.
- 2.3 To deputise for, or assist, the Mayor in leading official civic visits by the Borough Council.
- 2.4 To represent the Mayor at non-political ceremonies, social occasions and services of prayer and remembrance when the Mayor is unable to attend.
- 2.5 To deputise for, or support, the Mayor in his/her role when acting as host to visitors, including members of the Royal Family, overseas visitors and other civic dignitaries.
- 2.6 To support the Mayor in undertaking duties associated with the Mayor's nominated charities.
- 2.7 In support of the Mayor to be the embodiment of the Council's dignity.
- 2.8 In the absence of the Mayor to be the conscience of the Council.
- 2.9 To support the Mayor in upholding and promoting the purposes of the Constitution and, with advice from the Borough Solicitor and Deputy Chief Executive to interpret the Constitution in the Mayor's absence.
- 2.10 In the absence of the Mayor to ensure that the Council meeting is a forum for debate of matters of concern to the local

community and the place where members who do not sit on Boards, Standards and Governance Committee or Overview and Scrutiny Committees are able to hold the members of the Boards and the Committees to account.

- 2.11 To promote public involvement in the Council's activities.

# PORTFOLIO - LEADER OF THE COUNCIL

## 1. Main Role

- 1.1 To lead the Council in the identification of its vision, core values and strategic objectives
- 1.2 To lead the Council to provide visible political leadership in relation to residents, interested parties and partners in the design, preparation and implementation of the Council's policy framework, policies, strategies, budgets and service delivery
- 1.3 To lead the Council to work in the overall best interests of the local community
- 1.4 To lead the development of local, National and European policy and strategic partnerships
- 1.5 To lead on the development and implementation of the Council's corporate strategy and policies, ~~Best Value~~ PerformanceCorporate Plan and Sustainable Community StrategyPlan
- 1.6 To promote the development of the local economy
- 1.7 To promote the Council's core values and objectives
- 1.8 To maintain effective working relationships with the Chief Executive Officer, Chief Officers and all employees of the Council

## 2. Duties and Responsibilities

- 2.1 To chair meetings of the Policy and Organisation Board.
- 2.2 To be the principal political Leader of the Council in developing strategic partnerships with residents, other local authorities, statutory and non-statutory organisations, the Government and its agencies and other interested parties in relation to the development and implementation of strategic objectives and policies and delivery of services.
- 2.3 To have overall political responsibility for:
  - 2.3.1 Strategic policy innovations
  - 2.3.2 Design, preparation, implementation and monitoring of the ~~Best Value~~ PerformanceCorporate Plan and the Sustainable Community StrategyPlan

- 2.3.3 Strategic financial management including the revenue and capital budgets and financial monitoring
- 2.3.4 Communications with Councillors, employees, residents, other interested parties and all other external organisations
- 2.3.5 Setting the Council's business strategy to meet the Government's ~~Best Value regime~~ Best value and value for money requirements
- ~~2.3.6~~ Implementation of new political and management structures to meet any legislative duties placed upon the Council to ensure open and accountable decision-making and effective delivery of services
- 2.3.7 Development of arrangements to facilitate community consultation and involvement in the Council's decision making processes
- 2.3.8 Human resource planning insofar as this is a function of the Policy and Organisation Board.
- 2.3.9 Encourage Members to declare all disclosable pecuniary interests and ~~non-pecuniary personal~~ interests in any matters placed before the m-Committee.

# PORTFOLIO - CHAIRMAN OF OVERVIEW AND SCRUTINY COMMITTEES

## 1. Main Role

- 1.1 To lead on the scrutiny or review of decisions made or actions taken in connection with the discharge of any of the Councils functionsof strategic policy and budget proposals by the Boards for the service areas under the jurisdiction of the Committee.
- 1.2 To lead on making reports or recommendations on matters affecting the Council's area or its inhabitantsscrutinising the activities and performance of the Boards and Officers in relation to the services under the jurisdiction of the Committee.
- ~~1.3 To lead the Committee's activities relating to Best Value reviews.~~

## 2. Duties And Responsibilities

- 2.1 Chair the Overview and Scrutiny Committee.
- 2.2 Co-ordinate the activities of the Overview and Scrutiny Committee and take a lead role in its work.
- 2.3 Lead investigations into matters policy proposals referred to the Committee by the Council, Boards, Members or selected by the Committee and in particular:-
  - 2.3.1 The determination of the overall manner in which the work will be undertaken.
  - 2.3.2 Arranging provision of preliminary background information.
  - 2.3.3 The selection of witnesses and whether evidence is to be given orally or in writing.
  - 2.3.4 The determination and selection of consultants (where appropriate) for particular areas of research.
  - 2.3.5 The completion of the investigation within the approved timetable.
- 2.4 Lead investigations in respect of those policy decisions made or action taken by the Council, Boards or Officers and in particular:-

- 2.4.1 On the determination of the extent of the investigation to be undertaken.
- 2.4.2 On commissioning appropriate research and the provision of preliminary background information for the Committee.
- 2.4.3 By co-ordinating the preparation of any lists of questions to be asked during the investigation.
- 2.4.4 By providing a list of issues to be discussed or requests for detailed statistical and other information to the Boards or Officers prior to any meeting of the Committee.
- 2.4.5 On the determination and selection of consultants (where appropriate) for particular areas of research.
- 2.4.6 In the selection of witnesses and whether evidence is to be given orally or in writing.
- 2.4.7 Ensuring that, upon completion of the investigation, a report on the outcome of the investigation is prepared and submitted to the Boards and/or Council as appropriate.
- 2.5 Ensure that the Committee undertakes, in conjunction with the Boards and their Members, appropriate performance management reviews~~reviews of service performance under the Best Value regime~~.
- 2.6 Lead on reviews of the Council's involvement in and support of outside organisations that fall within the Terms of Reference of the Overview and Scrutiny Committee.
- ~~2.7 Take the lead on consideration and review of external audit reports that relate to the matters within the Terms of Reference of the Overview and Scrutiny Committee.~~
- ~~2.8~~2.7 Take the lead in ensuring that training requirements of Committee Members are considered and appropriate training programmes or seminars are arranged.
- ~~2.9~~2.8 Encourage Committee Members to deal with all issues placed before them in an unbiased manner. Where Members have received advice or directions from their group leader, or the group, as to the views any Councillor should express on a particular issue, ensure that those Members disclose such facts at the meeting at which the matter is being discussed.
- ~~2.10~~2.9 Encourage Members to declare all disclosable pecuniary interests and ~~personal non-pecuniary~~ interests in any matters placed before the Committee.

# PORTFOLIO – CHAIRMEN OF REGULATORY AND LICENSING BOARDS

## 1. Main Role

- 1.1 To lead the Council's activities in relation to those functions covered by the Terms of Reference of the Boards.
- 1.2 To ensure that the Board deal with its functions in a fair and proper manner having regard to the Council's policies and statutory provisions relating thereto including the rules of natural justice and human rights legislation.

## 2. Duties And Responsibilities

- 2.1 Chair meetings of the Board.
- 2.2 Ensure, in relation to each function of the Board, that appropriate policies, rules, regulations and processes are adopted to enable the Boards to undertake their functions in a fair and even-handed manner within the Council's approved policies.
- 2.3 Liaise closely with the ~~Policy and Organisation~~ Economic Development Board in the preparation, alteration and adoption of the Development ~~and Local~~ Plans.
- 2.4 Ensure that all Members of, and Officers serving, the Boards take full and proper account of the legislative framework in setting any relevant policies, rules, regulations and processes and in the determination of any applications under planning legislation.
- 2.5 Make all necessary arrangements to ensure legislative provisions, and in particular the rules of natural justice and human rights legislation are followed in determining planning and licensing matters.
- 2.6 Work closely with the Economic Development ~~Policy and Organisation~~ Board in determining any applications that may have an effect on the economic health of the Borough or any part of it (Regulatory Board only).
- 2.7 Ensure that mechanisms are put in place to regularly measure the efficiency and quality of the arrangements for dealing with the functions of the Boards.
- 2.8 Ensure Members of, and Officers serving, the Boards comply with



the rules relating to declaration of disclosable pecuniary interests  
and personal interests.

- 2.9 Take the lead in setting the Board's budgets, fees and charges and put effective budget monitoring procedures in place.
- 2.10 Ensure that appropriate Member training programmes and seminars are arranged to enhance Members knowledge and ability to carry out the Board's functions in accordance with legislation, the Council's policies and other codes and rules affecting such functions.

# PORTFOLIO – CHAIRMEN OF SERVICE BOARDS

## 1. Main Role

2. To lead the Council's activities in relation to those functions covered by the Terms of Reference of the Board.
3. To ensure that the Board deals with its functions in a fair and proper manner having regard to the Council's policies and statutory provisions relating thereto including the rules of natural justice and human rights legislation.
4. To co-operate in all respects with any reviews of decisions made and actions taken ~~policies and services~~ undertaken by ~~the appropriate~~ Overview and Scrutiny Committee and in particular attend meetings of that Committee as required by its members and respond to questions on matters being the responsibility of the Board.

## 5. DUTIES AND RESPONSIBILITIES

6. Chair meetings of the Board.
7. Maintain an understanding of the policies and issues relating to the delivery of those services being the responsibility of the Board and in particular be informed of developing issues at local, regional and national levels.
8. Being aware of those issues that have an effect on services being the responsibility of another Service Board and ensuring that before the Board reaches a conclusion on such cross-cutting matters that the views of the other Service Boards have been taken into account.
9. Ensure that any report or recommendation from Overview and Scrutiny Committee addressed to the Board is considered and responded to in accordance with the notice given by the Overview and Scrutiny Committee ~~before a final decision is taken on issues brought before the Board that have an effect on the Council's approved policies or affect the approved budget or finances of the Council that the views of the appropriate Overview and Scrutiny Committee have been obtained and taken into account.~~
10. Ensure, in relation to each function of the Board, that appropriate policies and processes are adopted to enable the Board to undertake its functions in a fair and even-handed manner within the Council's approved policies.
11. In relation to the preparation, alteration and adoption of any Policy Framework document ~~statutory plans such as the Community Strategy, Development and Local Plans, Best Value Performance Plan and the Crime and Disorder Reduction Strategy~~ that ~~full consultations have been undertaken with the appropriate Overview and Scrutiny Committee or the Regulatory Board and~~ that adequate arrangements have been made to involve all Councillors, employees where appropriate, residents and other stakeholders in the preparation and review of such plans and strategies.

12.

12 Ensure that all Members of, and Officers serving, the Board take full and proper account of the legislative framework in setting any relevant policies and processes.

13. Ensure that mechanisms are put in place to regularly measure the efficiency and quality of the arrangements for dealing with the functions of the Board.
14. Ensure Members of, and Officers serving, the Board comply with the rules relating to declaration of disclosable pecuniary interests and personal interests.
15. Take the lead in setting the Board's budgets, fees and charges and put effective budget monitoring procedures in place.
16. Ensure that appropriate Member training programmes and seminars are arranged to enhance Members knowledge and ability to carry out the Board's functions in accordance with legislation, the Council's policies and other codes and rules affecting such functions.

# PORTFOLIO – CHAIRMAN OF STANDARDS AND GOVERNANCE COMMITTEE

## 1. Main Role

- 1.1 Lead the Council's activities in relation to those functions covered by the Terms of Reference of the Conduct and Standards Committee.
- 1.2 Ensure that the Committee deals with its functions in a fair and proper manner having regard to the Council's policies and statutory provisions relating thereto, including the rules of natural justice.

## 2. Duties and Responsibilities

- 2.1 Chair meetings of the Committee.
- 2.2 Ensure, in relation to each function of the Committee, that appropriate policies, rules, regulations and processes are adopted to enable the Committee to undertake its functions in a fair and even-handed manner within the Council's approved policies.
- 2.3 Ensure that all Members of, and Officers serving, the Committee takes full and proper account of the legislative framework in setting policies, rules, regulations, and procedures, and in the determination of any applications.
- 2.4 Liaise closely with the Council's Chief Executive Officer, Monitoring and Chief Finance Officers in connection with the adoption, implementation and review of the ~~statutory~~ Code of Conduct for Members of Gosport Borough Council and any other Codes relating to the ethical standards of the Council, Councillors and officers.
- 2.5 Ensure that mechanisms are put in place to regularly measure the efficiency and quality of the arrangements for dealing with the functions of the Committee.
- 2.6 Ensure Members of, and Officers serving, the Committee comply with the rules relating to declaration of interests.
- 2.7 Take the lead in setting the Committee's budgets, fees and charges and put effective budget monitoring procedures in place.

- 2.8 Ensure that appropriate Member training programmes and seminars are arranged to enhance Members knowledge and ability to carry out the Committee's functions in accordance with legislation, the Council's policies and other codes and rules affecting such functions.

# RESPONSIBILITY FOR FUNCTIONS AND DELEGATIONS

## General Provisions

1. Subject to the limitations contained within this Schedule the powers and duties set out in the third column of the table at **Paragraph 15** of this Schedule shall be executed and performed by, and are hereby delegated to the Boards and Committees of the Council referred to in the first column of that table until such time as this obligation shall be revoked or amended by resolution of the Council.
2. Where any proposal implies, requires or would be expected to result in a variation to a Policy Framework document or of the approved budget in excess of any variation permitted by Financial Regulations the proposal shall be submitted directly to the Council for decision.
3. Any decision inconsistent with or contrary to any policy of the Council as embodied in a formal resolution of the Council or established by long practice shall be referred to the relevant Service Board together with any proposals for amendments to the policy. Where the decision relates to the Policy Framework, then the proposal shall be referred directly to the Council for decision.
4. Where any proposal made by a Committee relates to the functions of a Service Board the matter shall be referred to the appropriate Service Board before, where it is necessary, being considered by Council.
5. Notwithstanding the foregoing, in the event of war or a national defence emergency declared by the Crown or HM Government, all the powers, duties and functions of the Council without reservation are hereby delegated to the Chief Executive in consultation with the Leader of the Council, who shall have authority and power to delegate such powers, duties and functions as he deems appropriate.
6. Boards and Committees may not determine any matter required by statute to be decided by the Council.
7. All appointments to Boards and Committees or outside bodies shall be reserved to the full Council unless included specifically within the Terms of Reference of the Board and/or Committee.
8. Changes in the member representation and organisation or functions of the Council and its Boards and Committees shall be reserved to full Council.
9. All matters relating to the acquisition and disposal of land and buildings shall be referred to the Economic Prosperity Development Board if the

acquisition or disposal of the piece of land is not covered by the terms of reference of a Service Board; or the terms of Delegation to Officers, as contained in the Officer Scheme of Delegation.

10. The adoption of the ~~Local Development Framework~~ Plan and Development Plan Documents and any other strategic planning matters which may have a major impact on the Borough are reserved for decision by the Council.
11. There shall be no scrutinising of the work of the Regulatory Board and the Licensing Board
12. The powers and duties of the Council, Boards and Committees as described in this Part 3 to this Constitution shall be executed and performed by, and are hereby delegated to, the officers identified in **Schedule 10 in Part 3**. Such arrangements shall continue until they are revoked or amended by resolution of the Council.
13. This Scheme of Delegations shall not extend to: -
  - (a) Powers, duties or functions with respect to the levying of the Council Tax excluding those specifically delegated;
  - (b) The levying or issuing of a rate or precept for a rate;
  - (c) The control of the Council's borrowing requirement; or
  - (d) Those powers, duties or functions for which statute requires the Council to retain responsibility.
  - (e) To make byelaws
  - (f) To make orders relating to the Compulsory Purchase of land
  - (g) To adopt the Development Plan and Development Plan Documents ~~Local Development Framework~~ under the Town and Country Planning Acts
14. All Boards and Committees have the power to respond to any consultation in respect of any matter falling within their Terms of Reference. **[New]**
15. The Boards and Committees of the Council:

<b>BOARDS AND COMMITTEES</b>	<b>NUMBER OF MEMBERS</b>	<b>POWERS, DUTIES OR FUNCTIONS DELEGATED</b>
Service Boards appointed by the Council	Policy <u>and Organisation</u> Board and Economic Development Board shall each comprise of 10 members and Community Board	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers,



<b>BOARDS AND COMMITTEES</b>	<b>NUMBER OF MEMBERS</b>	<b>POWERS, DUTIES OR FUNCTIONS DELEGATED</b>
	shall comprise of 12 members	duties and functions described specifically and generally in the Terms of Reference for each Board appointed by the Council and as set out in the Annexes to this Schedule.
Overview and Scrutiny Committee	The Committee shall comprise of 12 members	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for the Committee appointed by the Council and as set out in the Annexes to this Schedule.
Standards and Governance Committee	<del>The Committee shall comprise of eight members of whom at least one quarter shall be independent from the Council; i.e. not being a close friend or relative of a member or officer of the Council, nor being, or having been, a member or officer of the Council in the 5 years prior to appointment.</del>	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Committee appointed by the Council and as set out in the Annexes to this Schedule.
<u>Assessment Sub-Committee</u>	<u>The Sub-Committee shall comprise 3 members who must be members of the Standards and Governance Committee</u>	<u>All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions</u>

<b>BOARDS AND COMMITTEES</b>	<b>NUMBER OF MEMBERS</b>	<b>POWERS, DUTIES OR FUNCTIONS DELEGATED</b>
		<u>described specifically and generally in the Terms of Reference for each Sub-Committee approved by the Council and as set out in the Annexe to this Schedule.</u>
Regulatory Board	The Board will comprise of 12 members of the Council (For this Board, in addition to nominating members for appointment as full members, political groups on the Council shall be entitled to nominate the same number of suitably trained named deputies who may substitute for members who are unable to attend a meeting)	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Board appointed by the Council and as set out in the Annexes to this Schedule.
Licensing Board	The Board will comprise 12 Members of the Council. (For this Board, in addition to nominating members for appointment as full members, political groups on the Council shall be entitled to nominate the same number of suitably trained named deputies who may substitute for members who are unable to attend a meeting)	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Board appointed by the Council and as set out in the Annexes to this Schedule.
Licensing Sub-Board	The Board will comprise 3 members who must be members of the Licensing Board	All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers,

<b>BOARDS AND COMMITTEES</b>	<b>NUMBER OF MEMBERS</b>	<b>POWERS, DUTIES OR FUNCTIONS DELEGATED</b>
		duties and functions described specifically and generally in the Terms of Reference for each Sub-Board approved by the Council and as set out in the Annexe to this Schedule.
Portchester Crematorium Joint Committee	The Joint Committee comprises two members from Gosport, Fareham and Havant Borough Councils and Portsmouth City Council Each Council is also authorised to appoint a standing deputy to deputise for each appointed member.	The Joint Committee is charged with full responsibility for the management and operation of the Portchester Crematorium in accordance with the terms of an agreement between the Councils.
Project Integra Management Board	The Joint Committee comprises 15 voting members being one appointed by each Partner Authority in Hampshire and one co-opted non-voting Member representing Hampshire Waste Services. Each Authority may appoint a deputy for their named representative.	The Joint Committee has responsibility for the management of Hampshire's waste.
<del>Portsmouth and Gosport Joint Board</del>	<del>The Board comprises 12 members with each Authority appointing 6 members whose period of office is 3 years.</del>	<del>To determine applications for licences of Watermen and their vessels within the confines of Portsmouth Harbour and areas adjacent to the isle of Wight.</del>

# **POLICY AND ORGANISATION BOARD**

## **MEMBERSHIP – 10 COUNCILLORS**

### **Terms of Reference**

- 1 The provision of the Policy and administrative framework in which the Council will operate.
- 2 Control of the Council's human and material resources.
- 3 To promote effective relations with other local authorities, agencies, businesses and the public.
- 4 To exercise the functions of the Council in relation to:

#### **A. Policy and Strategy**

The formulation , co-ordination and implementation of corporate policies and strategies including the Corporate Plan and making decisions relating to such matters to the extent that they are not reserved to full Council or delegated to other Boards.

#### **B. Finance and Other Resources**

(a) Establishing and maintaining the overall framework for the allocation, control and management of the Council's resources including finance, assets, ICT

(b) Formulating annual budget proposals for adoption by the Council; authorising virements under Financial Regulations

(c) Making decisions or granting authorisations on expenditure in accordance with the requirements of and delegations given by Financial Regulations;

(d) Dealing with all financial services, including risk management, treasury management, insurance

(e) Determining grant requests from Voluntary Organisations

#### **C. Human Resources**

- (a) Establishing the framework for human resources policies and procedures and the discharge of the Council's functions as an employer where this is exercisable by a Board.
- (b) To determine the Council's staffing establishment and approve changes

**D. General Powers**

- (a) To exercise all functions of the Council not specifically delegated to another Board or Committee or reserved to full Council under the law, this Scheme of Delegation, Standing Orders or Procedure Rules or regulations;
- (b) To exercise the Council's functions in respect of matters referred to it by other Boards or Committees as having corporate budgetary implications

**E. Miscellaneous Service Functions**

To exercise the Council's functions in relation to the following services:

- (a) Electoral
- (b) Civic Ceremonial and Commemorative (including Twinning)
- (c) Legal and Complaints Services including investigation by the Local Government Ombudsman
- (d) Performance Management and Corporate Procurement;
- (e) Revenues and Benefits, including Housing Benefit and Council Tax Benefit, the administration, collection and enforcement of Council Tax, Non-domestic Rates and to authorise write-offs
- (f) Local Land Charges;
- (g) Corporate Communications and Services for Councillors;
- (h) Emergency Planning

# **COMMUNITY BOARD**

## **MEMBERSHIP – 12 COUNCILLORS**

### **Terms of Reference**

#### **1.0 Housing**

- 1.1 The management of the Council's housing stock, formulation and implementation of the Housing Strategy, renewal activity and Homelessness Strategy.
- 1.2 Private Sector Housing legislation, including empty dwellings, defective housing, caravans and control of houses in multiple occupation, grants protection of persons from unlawful eviction and harassment.
- 1.3 Fuel poverty and Affordable warmth, home energy conservation measures and policies including the provision of financial assistance.
- 1.4 Policies for the management of the Council's housing stock including fixing of rent and change of landlord provision under the Housing Act 1988 and the terms and conditions for all types of tenancies issued by the Council.
- 1.5 All of the Council's powers in relation to its role as an enabler including formulation of a strategy for the provision of housing, housing renewal, relationships with Registered Social Landlords, provisions of guarantees and mortgages, co-ownership proposals.
- 1.6 The sale of Council houses re-purchases and payment of disturbance and home loss payments in appropriate cases.
- 1.7 Council's policies and procedures in respect of Tenant Participation.
- 1.8 Homelessness - Services and Policies.
- 1.9 The Housing Register and Allocation Policy.
- 1.10 Agreements, delivery and outcomes relating to Supporting People.

#### **2.0 Environment & Health**

- 2.1 The formulation of policies and initiatives for the maintenance and improvement of the environment and the health of the Community.
- 2.2 Pollution control.

2.3 Environmental protection including statutory nuisances.

2.4 Food safety legislation.

2.5 Public health functions.

### **3.0 Community Safety**

3.1 The formulation of policies and initiatives in respect of Community Safety and Anti- Social Behaviour.

### **4.0 Leisure Recreation & Other Amenities**

4.1 The formulation of policies and initiatives for the provision of recreational; cultural; sports; heritage facilities and allotments and cemeteries and crematoria.

4.2 The operation and management of recreational; cultural; sporting and leisure facilities; cemeteries and crematoriums; parks; play areas and open spaces, allotments, car parking, boat moorings and sea defences.

4.3 Council's powers in relation to highways, streets and road safety.

4.4 Provision and maintenance of amenity street lighting.

4.5 Policy on street naming and numbering.

4.6 All operational land drainage functions exercisable by the Council.

### **5.0 General**

5.1 To promote effective relations with other local authorities, agencies, businesses and the public.

5.2. Management of services relating to the collection of refuse, street cleansing, public conveniences, grounds maintenance, housing repairs and other housing management services.

5.3 To exercise the functions of the Council under the Acts and any Statutory Orders or Regulations made thereunder as set out in the Scheme of Delegations to Officers Part 3 – Schedule 10 in relation to any of the matters falling within the Terms of Reference of the Community Board.

5.4 To set the amount of Fixed Penalty to be paid to the Council for offences under Environmental; Community Safety; and Anti-Social Behaviour legislation including arrangements to accept a lesser sum as discharging the Fixed Penalty.

- 5.5 To approve entering into arrangements with persons to exercise the Council's functions of giving Fixed Penalty Notices under Environmental; Community Safety; and Anti-Social Behaviour-legislation.



# ECONOMIC DEVELOPMENT BOARD

## MEMBERSHIP – 10 COUNCILLORS

### Terms of Reference

1. To develop and implement the strategy and policy of the Council for economic prosperity within the Borough.
2. To develop the strategy and policy of the Council comprising the Development Plan and Development Plan Documents~~Local Development Framework of Development Plan Documents~~; and approve and review the Gosport Local Development Scheme.
3. To develop the Council's strategies and policies for Tourism and Culture.
4. To promote effective relations with other local authorities, agencies, businesses and the public.
5. To develop and implement the strategy and policy of the Council on:
  - (a) development and implementation of growth within the Borough.
  - (b) regeneration, development and sustainable infrastructure.
  - (c) community cohesion, community development and health inequalities
  - (d) all matters in relation to proposals for ~~D~~local development ~~P~~plan ~~d~~Documents under the Local Development Framework and associated matters such as design and development briefs.
  - (e) all matters relating to Economic Development including regional or sub regional partners..
  - (f) all matters in relation to sustainable development including Climate Change.
  - (g) all matters in relation to transport, utility provision and open space.
  - (h) all matters in relation to tourism and culture.
6. To consider and respond to proposals and consultations in relation to:
  - (a) National planning guidance and policy initiatives.
  - (b) Regional and Sub Regional Strategies.
  - (c) Proposals for minerals and waste.
7. To develop the Council's policy and overview arrangements in relation to neighbourhood development.
8. Property Management
  - (a) to manage land held for the purposes of the functions of the Board, corporately held property and land declared surplus to the requirements of a Service Board or the service area in accordance with the principles of good estate management.

(b) to authorise the acquisition or disposal of any land held by the Council.

9. The Council's powers under the Local Authorities (Land) Act 1963, Part III of the Local Government and Housing Act 1989 (or any similar discretionary spending power) and under any other appropriate powers legislation in relation to loans or other financial assistance to businesses and other appropriate organisations of any kind situated in or moving into the Borough or for persons or bodies of any kind providing facilities which are aimed at creating jobs and or economic regeneration.

# REGULATORY BOARD TERMS OF REFERENCE

## Membership – 12 Councillors

### Terms of Reference

1. To carry out such planning functions of the Council as are not delegated to the Economic Prosperity Board.
2. To carry out the regulatory functions of the Council as a Building Control Authority.

### 3. Planning Powers

- 3.1 Discharge of the Council's functions under the Town and Country Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990 and any regulations made thereunder (other than those matters delegated to the Economic ~~Development~~Prosperity Board) including:-
  - (i) the control of development;
  - (ii) enforcement measures
  - (iii) the conservation and enhancement of buildings and areas of historic/architectural interest.
  - (iv) tree preservation orders
- 3.2 Discharge of the Council's functions in relation to allied legislation including that relating to Building Control, Ancient Monuments, Countryside, Parks, Nature Reserves, Archaeological Areas and Derelict Land.
- 3.3 Consideration of proposals, issues and formal consultation in relation to planning matters in adjoining Planning Authority Areas;
- 3.4 Consideration of all proposals that involve departures from approved local plans.
- 3.5 Consideration of planning consultations received from the County Council in relation to development within the Borough and formulating and deciding the Council's response to such consultations.

- 3.6 Acting as consultee and commenting on strategic planning issues and development proposals by Government Departments, Hampshire County Council and adjoining Local Planning Authorities.
- 3.7 The powers and duties of the Council under the Building Act 1984 which relates to the Building Regulations and allied legislation.
- 3.8 To consider and determine applications for a contribution towards the cost of repairs to buildings on the Buildings at Risk Register provided the contribution does not exceed 15% of the total costs and is within the Board's budget provision.
- 3.9 Discharge of the Council's functions and powers in relation to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.

# LICENSING BOARD

## Membership – 12 Councillors

### Terms of Reference

1. To carry out all of the licensing and registration functions (including enforcement thereof) of the Council where these are not specifically delegated to any other Board.
2. Except insofar as power is delegated to the Licensing Sub-Board or officers, the grant, renewal, refusal, revocation and imposition of conditions in respect of any licences or registration included in the functions of the Council and in particular in respect of the following:

### Licensing Powers

1. The licensing of money lenders, pawnbrokers, scrap metal dealers, sex establishments and premises for ear-piercing, acupuncture, tattooing and electrolysis;
2. Administration of any dog licensing or registration schemes and all other matters relating to the general control of dogs and other animals;
3. The function of licensing and prosecuting authority under the Caravan Sites and Control of Development Act 1960;
4. The control of street and house-to-house collections;
5. Hackney Carriages, Taxis and Private Hire Vehicles;
6. Street Trading;
7. Any other licences, permits or consents for which the Council has a general or specific responsibility under any general or local Act;
8. Administration of the registration scheme under the Vehicles (Crime) Act 2001;
9. Licensing Act 2003.
10. Gambling Act 2005.

# LICENSING SUB-BOARD

## Membership – Any 3 Members of the Licensing Board

### Delegated Powers

#### 1. LICENSING ACT 2003

1.1 The determination of applications ~~under the Licensing Act 2003~~ where representations or a police objection is received or where the applicant for a personal licence has unspent convictions.

1.22 The determination of applications to renew a premises licence or a club premises certificate.

1.33 The determination of a police objection to a temporary event notice.

1.44 Where the Council is a consultee to decide whether or not to object to an application made to another Licensing Authority under the Licensing Act 2003.

#### 2. GAMBLING ACT 2005

2.1 The determination of applications where representations have been received and not withdrawn.

2.2 The determination of applications for the grant or variation or transfer of a premises licence

2.3 The determination of applications for the review of a premises licence.

2.4 The determination of application for club gaming/ club machine permits.

2.5 The determination of a police objection to a temporary use notice.

# STANDARDS AND GOVERNANCE COMMITTEE

## Membership, 8 Councillors

### Terms of Reference

1. To promote and maintain high standards of conduct within the Council, both for Councillors, Co-opted Members and officers through advice, guidance, training and monitoring of the ~~Local~~Council's Code of Conduct.
2. To promote transparency and probity throughout all functions of the Council ensuring that Councillors and officers strive to publicly, as well as privately, demonstrate the highest standards of conduct.
3. To monitor the effectiveness and development of the ~~Local~~Councils Code of Conduct and to make recommendations on the adoption and review of the Councils~~Local~~ Code of Conduct as necessary to Council.
4. To arrange training for Councillors, Co-opted Members and officers on matters relating to the Councils~~Local~~ Code of Conduct and governance including standards, ethics and probity.
5. To have an oversight of the Council's method for establishing and recording Members' disclosable pecuniary interests and to determine applications for dispensations under Section 2233 of the Localism Act 2011.
6. To support the Monitoring Officer in their statutory role.
7. To have an oversight of the Constitution, the operation of and amendments to the Constitution particularly in relation to codes of conduct.
8. To adopt or amend any protocols on conduct made pursuant to the Constitution.
9. In accordance with the Council's Constitution to appoint sub-committees to determine complaints of breach of the Code of Conduct.
10. To support the Chief Financial Officer in his/her statutory role in connection with the financial probity.
11. To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

12. To consider the external auditor's annual letter, relevant reports, and the reports to those charged with governance.
13. To consider specific reports as agreed with the external auditor.
14. To liaise with the Audit Commission over the appointment of the Council's external auditor.
15. To monitor the effective development and operation of risk management and corporate governance in the Council.
16. To review any issue referred to it by Council or the Chief Executive.
17. To review complaints under the Council's Complaints procedure and those investigated by the Ombudsman.
18. To have an oversight of the Council's "Whistle-blowing" policy, Anti-fraud and Anti-corruption policies.
19. To oversee the production of the Council's Statement of Internal Control and to recommend to Council its adoption.
20. To consider in relation to Internal Audit:
  - Summary of specific Internal Audit reports (as requested)
  - Reports dealing with the management and performance of the Internal Audit service.
21. To comment on the scope and depth of external audit work and to ensure it gives value for money.



# **ASSESSMENT SUB-COMMITTEE**

## **Membership, 3 Members of the Standards and Governance Committee**

### **Delegated Powers**

1. The determination of allegations of failure to comply with the Council's Code of Conduct, in accordance with the Council's arrangements for dealing with such allegations.

# OVERVIEW AND SCRUTINY COMMITTEE

## Membership – 12 Councillors

### Terms of Reference

- 1 To assist the Council in the development of its Budget, Policy Framework and other policies by in-depth analysis of policy issues including:-

- conducting research of community and other consultation in the analysis of policy issues and possible options
- consideration and implementation of mechanisms to encourage and enhance the community participation in the development of policy options
- consideration of matters affecting the area or inhabitants

and to report and make recommendations on such matters as appropriate to Council, Service Boards and as the Committee thinks fit.

2. To carry out the review and scrutiny function with regard to the matters listed in 1 above and the discharge by the Council of any of its functions including:-

- decisions made or actions taken by the Service Boards and officers of the Council
- the performance of the Council

i) ~~3. To monitor and scrutinise the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. To report any findings and make any recommendations to the Council for alteration of the Constitution.~~

And to make reports or recommendation to the Council; any Board, Sub-Board or Committee of the Council; to an officer of the Council; or any joint committee on which the Council is represented with respect to the discharge of any function of the Council

- ~~34.~~ To monitor and scrutinise the workings of the Overview and Scrutiny Committee and the relationship between the Overview and Scrutiny Committee and the Service Boards. To make any necessary recommendations on such matters to the relevant Service Board or Council, where appropriate.

45. Liaise with external organisations operating in the area, whether national, regional, or local, to ensure that the interests of the people are enhanced by collaborative working.

5.6. Review and scrutinise the performance of other ~~agencies~~public bodies in the area and invite reports by them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance.

6. To make reports or recommendations to the Council; any Board, Sub- Board or Committee-of the Council; to an officer of the Council; or any joint committee on which the Council is represented on matters affecting the Council's area or its inhabitants

7. To consider matters referred through the Councillor Call for Action

- 8.7. Question Members ~~of Boards, Sub-Boards~~ and Officers of the Council about their views on the issues and proposals affecting the area.

98. Question and gather evidence (from any person or organisation).

**APPENDIX 2**

# SCHEME OF DELEGATION TO OFFICERS AND STATUTORY (PROPER) OFFICER APPOINTMENTS

## CONTENTS

### Section Page

- 1.0 General
- 2.0 Delegations to the Chief Executive
- 3.0 Delegations to Chief Officers
- 4.0 Delegations to the Borough Solicitor
- 5.0 Delegation to the Section 151 Officer
- 6.0 Delegations to the Borough Treasurer
- 7.0 Delegations to the Head of Development Control
- 8.0 Delegations to the Building Control Manager
- 9.0 Delegations to the Housing Services Manager
- ~~○ 10.0 Delegations to the Financial Services Manager~~
- ~~○ 11.0 Delegations to the Environmental Services Manager~~
- ~~○ 12.0 Delegations to the Community & Customer Services Manager~~
- Statutory Officer Appointments
- Appendix 1 - Sealing of documents

# GOSPORT BOROUGH COUNCIL

## SCHEME OF DELEGATION TO OFFICERS

### 1.0 General

- 1.1 Chief Officers in this Scheme of Delegations means Chief Executive, Borough Treasurer, Section 151 Officer, Borough Solicitor and Housing Services ~~Unit~~ Managers.
- 1.2 Delegated powers shall at all times be exercised fully in accordance with any statutory requirements for the time being in force; any policy or decision of the Council or appropriate Board; and in accordance with the Constitution; Financial Regulations for the time being of the Council; and Contract Procedure rules; and within any approved budgetary limits and also have regard to the Council's equalities duties and duty under Section 17 of the Crime and Disorder Act 1998.
- 1.3 Any Officer having delegated powers may, before making any decisions under those powers, consult with such other Officers or Members as he considers appropriate and may, if he considers it necessary, refer the matter to the relevant Board for determination.
- 1.4 Any Officer having delegated powers under this Scheme may authorise any other suitably qualified Officer to exercise their delegated powers except where prohibited by statute or law and powers relating to any statutory officer appointment. Such authorisation must be made in writing. The officer authorised by the other shall act in the name of the original officer who received the original delegation.
- 1.5 Any powers delegated by this Scheme to any Officer shall include a delegation to any other officer to whom the function in respect of which those powers may be exercised has passed either by re-designation, reorganisation or otherwise.
- 1.6 Any powers delegated by this Scheme in respect of any statutory provision shall include a delegation in

respect of any other statutory provision, which re-enacts or remakes the same whether or not with or without amendments.

- 1.7 In any case, where particular powers have been delegated by this Scheme to an Officer, if at any time that post is not currently filled the delegation will automatically be to the line manager of that Officer; unless, for some reason the line manager is not qualified (e.g. through professional qualification) to carry out a particular function, in which case the duty will temporarily be delegated to the next most senior officer who is so suitably qualified.
- 1.8 Any powers delegated to an officer under this scheme shall also include the delegation of that function to that officer's line manager and Chief Officers providing the line manager and/or Chief Officer holds any statutory qualification necessary for undertaking that function.
- 1.9 The powers delegated to Chief Officers include the powers to manage their staff and services including the appointment, promotion and dismissal of staff within any other specific provision approved by Council and the power to purchase necessary equipment and other items provided budget provision has been made for the purpose.
- 1.10 Chief Officers will undertake all and any functions and tasks necessary in support of or related to supporting approved partnerships and joint working. For the avoidance of doubt, this should include joint working with other public bodies and agencies, including NHS Trusts and associated bodies, other local authorities and other appropriate bodies, including those with representatives of the private sector. This would include Partnership for Urban South Hampshire (PUSH) Transport for South Hampshire (TfSH), and Solent LEP.

## **2.0 Delegations to the Chief Executive**

- 2.1 Authority to require that any Officer having delegated powers under this Scheme shall not exercise those powers either generally or in such circumstances as the Chief Executive may specify.

- 2.2 Authority to require that any decision which may be taken under delegated powers shall be submitted to the relevant Board or Committee for determination.
- 2.3 Authority to make any decision which may be made under delegated powers in substitution for the Officer to whom the relevant power has been delegated except where that decision relates to a statutory officer appointment or can only be taken by an Officer having any necessary qualifications or statutory authority.
- 2.4 Authority in the event of the illness incapacity or absence of any Officer having delegated powers under this Scheme to appoint another Officer or Officers for the purposes of the exercise of any or all of those powers.
- 2.5 Authority to attest the Council's seal and to sign documents in accordance with the provisions of Appendix I.
- 2.6 Authority, in consultation with the Leader of the Council and Ward Councillors, to make Public Spaces Protection Orders~~give consent to Dispersal Order applications~~ under Part 4, Chapter 2 of the Anti Social Behaviour, Crime and Policing Act 2003~~14 in line with the protocol approved by full Council on 14 July 2008.~~
- 2.7 Authority to take any action on urgent matters which would otherwise require reference to or consultation with the Council, a Board or Committee if there is no such time for such reference or consultation to be made provided the Section 151 Officer and Monitoring Officer agree to the proposed course of action before it is decided. All such decisions shall be reported to the next meeting of the Council, Board or Committee.
- 2.8 To respond to any consultation or request for information from the Government; local authority; or other body following consultation with the Chairman of the relevant Board or Committee.
- 2.9 To edit and publish the Council's external communications including Coastline in accordance with the Council's Editorial Policy.
- 2.10 To make any decisions about the sale of advertising or sponsorship in Council (or Council related) publications or on Council property subject to legal, and other constraints and Council policy.

- 2.11 To appoint external agents or consultants to provide specialist services in respect of the Council's major development schemes, subject to compliance with Financial Regulations and Contract Procedure Rules.
- 2.12 To liaise with economic partnerships and other economic bodies to represent the Council's interests on economic issues.
- 2.13 To lead on and contribute to the PUSH Business Plan and oversee the implementation following consultation with the Chairman of the Economic Development Board.
- 2.14 To take any decisions or actions necessary in relation to economic development and regeneration including, but not limited to, the submission of funding bids, approving projects to meet agreed targets in the Corporate Plan and any projects relating to poverty, deprivation, employability, worklessness, tourism, international and European relations and economic development.
- 2.15 To undertake negotiations on behalf of the Council in respect of proposed special events in the Borough.
- 2.16 To sign on behalf of the Council, Members' Declaration of Interest forms and to arrange for the maintenance of any statutory or voluntary registers of Members' interests.
- 2.17 To undertake all functions and responsibilities associated with Emergency planning
- 2.18 To undertake the discharge of any of the Council's functions relating to the welfare of civilians under the Civil Defence Acts 1937 – 1948, under Section 138 of the Local Government Act 1972 as amended by the Civil Contingency Act 2004.
- 2.19 Authority to establish and maintain civil and military emergency plans in accordance with legal or government requirements and to maintain liaison with the relevant civil and military bodies.



- 2.20 Authority to enter into Agreements with other Local Authorities or third parties to deal with matters relating to community safety, crime and disorder and crime reduction.
- 2.21 To take any decisions or actions necessary in relation to community safety and anti-social behaviour subject to 2.6 above including under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 excluding those provisions relating to the setting of fixed penalties (Section 52 (7)&(8), Section 68 (6) & (7)); including the submission of funding bids, approving projects related to community safety and anti-social behaviour; approving specific projects to meet targets in corporate plans and strategies.
- 2.22 Management of all matters relating to information technology for the Council.
- 2.23 Authority to determine any fee or charge for special events and irregular lettings of recreational facilities and to fix a scale of charges for the use of recreational facilities so far as such charges are not included in the scale of fees and charges approved by the Council.
- 2.24 The fixing of charges for consumable items sold at the Council's recreational facilities.
- 2.25 The management of the Council's moorings.
- 2.26 Responsibility for the management of the Council's parks and service facilities.
- 2.27 Responsibility for the management of the Council's leisure facilities, and development of recreation facilities.
- 2.28 Responsibility for the operation and management of all car parks covered by the Council's car parking order including enforcement.
- 2.29 The issue of Grants of Exclusive Rights of Burial.
  - 2.30 The Council's powers and duties under Section 46 of the Public Health (Control of Disease) Act 1984 (burial and cremation where no other arrangements have been made).

2.31 The maintenance of any street furniture and amenity lighting.

2.32.2 Authority to deal with the removal and disposal of abandoned vehicles.

2.33 All the Councils powers under the Refuse Disposal (Amenity Act) 1978 excluding the setting of fixed penalties (Section 2 A (8), (9) & (10))

2.33 Authority to deal with waste; refuse; litter; fly tipping; graffiti excluding the setting of fixed penalties

Note: The following delegations may only be exercised where the decision relates to a matter which, in the opinion of the Officer, is wholly within or affecting one particular Ward only of the Borough and then only after the Ward Members for that Ward have been given written notice of the proposed exercise of the delegation and none of them has, within seven days of such notice objected to the exercise of the delegation in which case, unless the objection can be resolved, the matter will be referred to the Community Board.

2.33 The provision of street furniture.

2.34 The provision of street lighting.

2.35 The erection of any notice or the taking of any other action to promote road safety.

### **3.0 Delegations to Chief Officers**

#### **3.1 Management Powers**

3.1.1 Authority to carry out the day to day administration of any Service Unit, Section, staff or other matter under the control of the Chief Officer or within their Terms of Reference.

#### **Staff**

3.1.2 Authority to pay loans or advances to staff within the terms of any Council scheme for the time being in force.

- 3.1.2 Authority within the law to recruit and terminate the employment of staff, within their Units.

NOTE: For the avoidance of doubt, the appointment of a Chief Officer shall be the responsibility of Members of the Council.

- 3.1.4 Authority, in respect of staff employed within the Service Unit or Section of the Chief Officer concerned, to take all relevant action under the Council's Disciplinary and Grievance Codes of Practice save that the power to issue a final written warning (including the conduct of any associated interview) or the suspension or dismissal of any member of staff shall be exercised in accordance with the Council's Disciplinary procedures and in addition the provisions of Paragraph 1.3 of this Scheme shall not apply.

- 3.1.5 Authority to arrange and approve the training of staff including attendance at meetings, conferences day release courses and the like.

- 3.1.6 Authority to grant special leave, paid or unpaid.

- 3.1.7 Authority to approve the payment of overtime within the limits of any approved national or local scheme.

- 3.1.8 Authority, subject to approval by the Chief Executive ~~and~~ the Borough Treasure to award merit increments and honoraria to staff for exceptional performance.

#### Assets

- 3.1.9 Authority to dispose of obsolete or worn out plant and equipment by sale or otherwise in the Council's best financial interests and so that value for money is received.

- 3.1.10 Authority within the individual scope of each Officer's Terms of Reference to carry out the day-to-day management, maintenance and repair of any land and premises for the time being under their control.

- 3.1.11 Authority in consultation with the Borough Treasurer and the Borough Solicitor to grant and renew trading concessions for terms not exceeding one year on or in any land or property under the day-to-day control of the Manager concerned.

#### Payments

- 3.1.12 Authority with the approval of the Borough Treasurer to write off debts to the Council deemed to be irrecoverable within any limits for the time being imposed by the Council's Financial Regulations.
- 3.1.13 Authority where this is in the best interests of the Council and in order to settle or resolve any claim or dispute and with the approval of the Borough Treasurer and Borough Solicitor to make ex gratia payments not exceeding £1,000.

#### General

- 3.1.14 Authority to take all necessary action to implement Council, Board, Committee, Strategies; Policies; and decisions including actions that commit resources, within an agreed budget in the case of financial resources, as necessary and appropriate.
- 3.1.15 To seek planning permission, conservation area consent and listed building consent in accordance with the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to:
- i the Head of Development Control being given 14 days to comment on the proposal prior to the submission of the formal application, and
  - ii the Head of Development Control agreeing that the proposal is not in conflict with any planning policy of the Council

3.1.16 Subject to the approval of the Borough Solicitor and Section 151 Officer to enter into any lawful contract for the provision of services, goods or materials for another body where to do so is considered beneficial to the Council.

3.1.17 To take any consequential action necessary or expedient in respect of a bid or tender involving funding or assistance from central government, the European Commission or from any other source.

3.1.18 To determine the procurement route for any procurement governed by the EU procurement regime or any other legislation and make all subsequent decisions in relation to such procurement whether governed by the EU Public Procurement Regime or not.

### 3.2 Statutory and Enforcement Powers

3.2.1 Authority within the individual scope of each Chief Officer's Terms of Reference but subject to limitations imposed by law, any decision of the Council or its Boards or by this Scheme to take any and all action necessary to carry out the functions of the Council including the issue of any necessary licence or consent required under any statutory provision or local Byelaw or Order.

3.2.2 Authority within the individual scope of each Chief Officer's Terms of Reference and within the scope of any statutory authority for the time being in force to do any or all of the following:-

- (a) To serve notices and to rescind any notice served and to determine the existence of any relevant state of affairs necessary for the service or rescission of any notice;
- (b) To obtain information by requisition or any other means;
- (c) To enter premises and, where necessary, to apply for Warrants of entry to premises;

- (d) To require the execution of works to premises or on or under land including the power to require the removal of any substance or deposit from premises or land;
- (e) To require the cessation of a particular use of premises or to impose conditions for the continuation of that use including the imposition of any limit on or other requirement relating to the numbers of occupants;
- (f) Where necessary, to carry out works in default;
- (g) To recover costs by any and all relevant legal means;
- (h) To investigate offences;
- (i) To consult with any other individual or body or organisation;
- (j) To authorise and appoint any member of his staff, provided that member of staff is in possession of any necessary qualifications, to act as an Inspector or otherwise for any of the above purposes and for the purposes of enforcing the provisions of any enactment which it is the power or duty of the Council to enforce.

3.2.3 Authority within the individual scope of each Chief Officer's Terms of Reference, and in consultation with the Borough Solicitor, to take any and all action necessary to satisfy any duty or requirement imposed on the Council by any new or amending legislative provision or case law in respect of which power has not been delegated by this Scheme.

3.2.4 Authority to give a formal caution as an alternative to the taking of criminal proceedings in those cases where the Borough Solicitor has so authorised.

3.2.5 To authorise appropriate officers to administer formal cautions in respect of any criminal offence.

3.2.6 To grant authorisations under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

3.3 Powers With Regard to Land (except Council housing)

Note: Any action taken under the following delegated powers shall except in the case of a temporary lease or licence under 3.3.3, or in the case of a lease or licence to a sporting club, voluntary group or similar organisation granted under Board authority at a nominal or concessionary rental be at a price which, in the opinion of the Council's valuer, represents the best price which can reasonably be obtained and upon such other terms and conditions as he has recommended.

3.3.1 Authority in consultation with the Borough Treasurer, to agree any rent increase which may be due under the terms of any lease or licence

3.3.2 Authority, in consultation with the Borough Solicitor and with the Borough Treasurer, to authorise on terms recommended by the Council's Valuer:-

- (i) the renewal of or variation of leases and licences;
- (ii) the grant of a licence to enter upon and carry out works on under or over land owned by the Council.

3.3.3 Authority, in respect of any Council-owned land or property which is currently vacant and unused and is not currently required for Council purposes and after consultation with the relevant Board Chairman and the Borough Solicitor and in the interests of good management to authorise the grant and renewal of leases and licences subject to the following conditions:-

- (a) The lease or licence shall not exceed three years in duration;
- (b) There are no plans for the use of the land or property for any Council purpose within that period.

- (c) The terms of the proposed lease/licence have been approved by the Borough Solicitor in consultation with the Council's valuer.
- (d) The arrangement is intended to be a temporary arrangement and the Borough Solicitor is reasonably satisfied that the Council will be able to recover possession of the land at the end of the agreed term or if it is required for redevelopment.

3.3.4 Authority to authorise the disposal of small areas of Council-owned land within the day-to-day control of the relevant Chief Officer subject to the following conditions:-

- (a) The value of the land shall not exceed £20,000 and the land shall not form part of a larger area having a value in excess of £20,000;
- (b) The land has no current use and is, in the opinion of the Manager, surplus to the Council's requirements;
- (c) The Head of Property Services has consulted all relevant Service Unit Managers, the Head of Planning Policy, the Head of Development Control and other relevant Officers and none has objected to the disposal;
- (d) The Head of Property Services has consulted the Ward Members within whose Ward the land is situated and none has objected to the disposal;

Note: In a case where an Officer has objected under (c), or a Ward Member under (d) and it has not been possible to resolve that objection, the matter shall be considered by the relevant Board;

## **4.0 Delegations to Borough Solicitor**

### **4.1 General**



- 4.1.1 Authority to act as the Council's Solicitor in all legal matters and to accept service on behalf of the Council of any legal document or process.
- 4.1.2 Authority (where this has not been delegated to any other Officer or is not within the Terms of Reference of any other Officer for the purposes of clause 3.2.2) to sign issue and serve all statutory notices in consultation with the relevant Chief Officer.
- 4.1.3 Authority to arrange for the sealing and/or signing of documents in accordance with the provisions of Appendix I.
- 4.1.4 Authority to seal mortgage discharges and other miscellaneous documents including all deeds and documents necessary to give effect to any decision of the Council or one of its Boards or Committee or an Officer exercising delegated powers under this scheme.
- 4.1.5 Authority to consent to the assignment, surrender, or novation of any Lease, Licence, Contract or other similar obligation where he/she is satisfied that such action is in the Council's best interests and, in the case of any assignment or novation, that this is on terms no less favourable to the Council than those contained in the original agreement.
- 4.1.6 Authority to dispose of the reversionary interest in any leasehold land and property in respect of which the original term was not less than 99 years and the rent payable is a Ground Rent and any other leasehold land and property where the sale is in pursuance of any lessees' rights of enfranchisement under the Leasehold Reform Acts.
- 4.1.7 Authority, after consultation with the relevant Chief Officer, to grant or refuse any application for consent under the terms of any lease or licence.

Note: An application for consent for a change of the permitted use of any land or property shall not be exercised until the Ward Members within whose Ward the land is situated have been consulted in writing by the Borough Solicitor and none has, within a period of

seven days from the date of the written consultation, objected. If any Ward Member does so object the matter shall be considered by the relevant Board.

4.1.8 Authority, after consultation with any other relevant Chief Officer, to consent to the grant, renewal or variation of any easement covenant or wayleave upon such terms as have been recommended by the Council's valuer.

4.1.9 Authority to approve the use of the Borough Crest.

4.1.10 Authority to take all necessary legal proceedings in respect of the collection of money due to the Council.

4.1.11 Authority to take all necessary legal proceedings for the possession of properties mortgaged to the Council and Council housing accommodation in those cases where mortgage instalments or rent arrears have accrued or where the conditions of tenancy have been infringed.

4.1.12 Authority to commence, defend any criminal proceedings and to respond to any appeals or other challenges to action taken by the Council provided the relevant Chief Officer has recommended such action.

4.1.13 In respect of any criminal offence and without prejudice to the powers contained in paragraph 3.2.4 above and after consultation with the relevant Chief Officer, to determine whether or not a formal caution should be given as an alternative to prosecution and to authorise the Chief Officer to give the caution.

4.1.14 Authority in consultation with the relevant Chief Officer to take all steps including legal action to secure the removal of any trespasser or unauthorised occupier on or in Council-owned land or property.

4.1.15 To provide or arrange for the provision of legal advice to the Council, including obtaining Counsel's opinion and instructing external solicitors as appropriate either on a case by

case, or in any other appropriate manner or form as determined by the Borough Solicitor.

- 4.1.16 To take all necessary action as the Council's data protection officer, pursuant to the Data Protection Act 1998, in relation to the Council's functions and duties under the Freedom of Information Act 2000 and all relevant secondary legislation and guidance (including European Directives).
- 4.1.17 To determine all matters arising from the Commission for Local Administration in England (the Local Government Ombudsman) in whatever manner is appropriate, including the making of local settlements in consultation with the relevant Chief Officer and the Borough Treasurer in respect of financial settlements.
- 4.1.18 To settle any claim whether proceedings have been initiated or not where this is in the best interests of the Council following consultation with the Chief Executive, Section 151 Officer and relevant Chief Officer.
- 4.1.19 To appear and to authorise officers including those not within the managerial control of the Borough Solicitor to appear on behalf of the Council in proceedings in the County Court, pursuant to Section 60 County Courts Act 1984, as amended by S125 (7) of County and Legal Services Act 1990, and in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.
- 4.1.20 To amend the Constitution pursuant to any lawful decision of the Council where that decision warrants a change to the Constitution.
- 4.1.21 To amend the Constitution where any change in the law requires a consequential change in the body of the Constitution, provided such change is not so substantial as to warrant reporting to the Council for approval.
- 4.1.22 To sign or endorse any documents on behalf of the authority where so requested by a citizen, eg authentication details.

- 4.1.23 To certify as a true and correct record any documents in accordance with Section 229 Local Government Act 1972.
- 4.1.24 Following consultation with the Section 151 Officer and Chief Executive, to grant indemnities for Members and Officers within the terms of the Council's approved policy.
- 4.1.25 The Council's powers in consultation with the Head of Development Control in relation to the making of Tree Preservation Orders and the confirmation of Tree Preservation Orders where no objections or observations have been received.
- 4.1.26 Power to correct clerical mistakes pursuant to Regulation 33 of the Licensing Act (Hearing) Regulations 2005 where the determination was made by the Licensing Sub-Board in consultation with the Chairman of that Sub-Board and where the determination was made by the Environmental Services Manager in consultation with him.
- 4.1.27 To publish the Annual Monitoring Report to the Local Development Framework.

#### 4.2 Local Land Charges

- 4.2.1 To carry out all functions and responsibilities associated with the Local Land Charges Act 1975 including maintaining; operating the Register of Local Land Charges; and authority, so far as such charges are not prescribed, to agree the scale of charges for responding to Land Charges Searches and replying to Supplemental Enquiries.

#### 4.3 Transport and Traffic

- 4.3.1 Power to authorise temporary road closures or prohibitions or restriction of traffic in accordance with any relevant statutory provisions including to grant permission for the closure of any highway for celebrations such as street parties provided the Police do not object and the Council are indemnified against any third party claims

4.3.2 Authority to make vary or rescind Traffic Regulation Orders

4.3.4 Approval to road openings for private purposes.

4.3.5 Authority to issue and refuse any permit, licence, approval or consent (including the power to impose conditions and to rescind any permit, licence etc granted) under the Highways Act 1980

4.4 Administration of the Council's complaints procedure.

**5.0     Delegations to the Section 151 Officer**

- 5.1.1 Authority to arrange the borrowings necessary to finance the Council's Capital Development, to defray payment to be met from Revenue Funds pending the receipt of sums due in respect of the same period, or to replace debts paid.
- 5.1.2 Authority to invest or deposit any temporary surplus funds on the Wholesale Money Market.
- 5.1.3 Transactions under 5.1.1 and 5.1.2 are to be in accordance with the Council's Treasury Management Strategy.
- 5.2 Authority to make all payments of money due from the Council.
- 5.3 Authority to write off debts due to the Council which he deems to be irrecoverable or uneconomic to pursue, other than debts in excess of any limit from time to time set by the Council.
- 5.4 Authority, after consultation with any other relevant Chief Officer, to approve the amount and period for repayment of any loan or mortgage within the limits of any scheme from time to time approved by the Council.
- 5.5 Authority in consultation with the Borough Solicitor to take proceedings for the collection of all money due to the Council under any statutory scheme of local taxation.
- 5.6 Authority to keep the statutory account, under the Local Government Act 1986, of the Council's expenditure on publicity and to make arrangements to enable persons to exercise their right to inspect and make copies of the account or any part of it.
- 5.7 The power to determine changes to the rate of interest on mortgage loans etc in accordance with any relevant statutory provisions.
- 5.8 To act as the Council's Anti Money Laundering Officer

**6.0     Delegation to Borough Treasurer**

~~6.1 Authority to enter into Agreements with other Local Authorities or third parties to deal with matters relating to community safety, crime and disorder and crime reduction.~~

~~6.2 To take any decisions or actions necessary in relation to community safety and anti-social behaviour, including the submission of funding bids, approving projects related to community safety and anti-social behaviour, authorising enforcement action, approving specific projects to meet targets in corporate plans and strategies.~~

~~6.3 Management of all matters relating to information technology for the Council.~~

~~6.1 To exercise all the powers and duties of the Council in relation to:~~

- ~~• Housing and Council Tax Benefits Scheme~~
- ~~• National Non-Domestic Rates~~
- ~~• Council Tax~~

~~Save for those functions specifically excluded from delegation or by legislation.~~

~~6.2 To review annually or at such other periods as is considered necessary all risks and insurances following consultation with appropriate Chief Officers and make arrangements and agree terms with insurers for those risks considered to be economic to transfer to the Council's insurers.~~

~~6.3 To indemnify / insure directly or indirectly persons, other than councillors / officers, involved in Council activities.~~

~~6.4 The central procurement of furniture, equipment, stationery and other goods not delegated to other officers.~~

## **7.0 Delegations to the Head of Development Control**

### **7.1 Planning Matters**

7.1.1 The determination of planning applications relating to the following types of proposals, including applications made by or on behalf of the Council but excluding applications from Officers of the Council; Members of the Council; or any member of their family, provided that:

- (i) in the case of any application approved under these delegated powers the

proposals comply with the Borough Local Plan, and

- (ii) where objections have been received, or where supporting representations have been received for an application that is proposed to be refused, no Member has given written notice (within 5 working days of being notified in writing of a proposal to determine an application under this paragraph) that such an application must be referred to the Regulatory Board for determination

- (a) Householder applications including:-  
Private Garages,  
Extensions and other ancillary structures;
- (b) Boundary walls, fences etc;
- (c) Vehicular accesses;
- (d) All applications for advertisement consent;
- (e) Submission of reserved matters;
- (f) Applications for temporary consents;
- (g) The erection of extensions to non-residential premises;
- (h) Changes of use or sub-division of existing premises including A1 to A2; A1 to residential;
- (i) Protected trees and trees in Conservation Areas;
- (j) Non Material, and Minor Material Changes to permissions, consents, approvals, approved plans and details;
- (k) The erection of extensions and alterations to Listed Buildings;

~~(l) Applications for Conservation Area Consents;~~

~~(m)~~ Variation of Conditions;

~~(n)~~ Applications for development classified as Minor including new shop fronts; alterations to existing shop fronts save



that the limit for residential units shall be 6;

(en) Extension of Time

- 7.1.2 Responding to the following notifications and minor consultations:-
- (a) Hampshire County Council;
  - (b) Fareham Borough Council;
  - (c) Portsmouth City Council;
- 7.1.3 Determination of Lawful Development Certification applications (Sections 191 and 192 of the Town and Country Planning Act 1990 as amended) and Certificate of Lawfulness of Proposed Works applications under Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.1.4 Authority, in accordance with Regulation 3 of the Town and Country Planning (General Development Procedure) Order 1995 to request the submission of such further detail as he considers necessary to enable an application for outline planning permission to be determined.
- 7.1.5 Authority to respond to any notification or application made to the Council under the terms of any General Development Procedure or General Permitted Development Order for the time being in force.
- 7.1.6 The approval of conditions (including, in consultation with the Borough Treasurer, for the assessment of any commuted sum payable) for the future maintenance by the Council of any land which is proposed to be dedicated or transferred to the Council for use for open space or public amenity purposes.
- 7.1.7 Applications to discharge conditions.
- 7.1.8 The functions and powers of the Council in relation to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003 (the Act) excluding the function of setting the level of fee and refunding fees in Sections 68 (1) (b) and (8), of the Act.
- 7.1.9 On receipt of a Hedgerow Removal Notice, authority to determine whether the hedge is “important” in accordance with the Hedgerow Regulations 1997 except in respect of hedgerows owned by the Council.

7.1.10 Authority to enter into agreements or obligations which arise from applications decided under delegated powers and power to discharge or modify such agreements or obligations in consultation with the Borough Solicitor.

7.1.11 Without prejudice to the general authority contained in paragraph 3.2 of this Scheme of Delegation all the Council's powers to take all enforcement action authorised under the Town and Country Planning Act 1990, the Planning Hazardous Substances Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning and Compensation Act 2004 including (but without prejudice to the generality of the foregoing) the issue, variation and withdrawal of enforcement notices and listed building enforcement notices, stop and temporary stop notices, planning contravention notices, breach of condition notices, completion notices, hazardous substances contravention notices, building preservation notices, urgent works notices and the carrying out of works in default and the recovery of expenses in connection therewith and in the case of legal proceedings subject to the requirements of paragraphs 4.1.10, 4.1.12 and 4.1.13

7.1.12 Authority to issue a notice under Section 215 of the Town and Country Planning Act 1990 (proper maintenance of land).

7.1.13 Authority to decide whether an Environmental Assessment or Environmental Statement is required for any planning application to be determined.

7.1.14 Authority to deal with all future applications for screening and scoping opinions under the Town and Country Planning (Environmental Impact) (England and Wales) Regulations 1999

7.1.15 To decline to determine:

- (a) subsequent applications under Section 70A of the Town and Country Planning Act 1990;
- (b) overlapping applications under Section 70B of the Town and Country Planning Act 1990;
- (c) subsequent applications under Section 81A of the Listed Buildings Act 1990; and
- (d) overlapping applications under Section 81B of the Listed Buildings Act 1990.

~~7.1.16~~ ~~7.1.16~~ Authority in consultation with the Borough Solicitor where an appeal is pursued following a refusal of any application whether determined under delegated powers or by the Regulatory Board or against non determination by the Local Planning Authority to enter into or accept planning obligations where these would overcome a reason for refusal and then to withdraw the reason for refusal

~~7.1.16~~ ~~7.1.17~~ Authority to determine applications under the Conservation of Habitats and Species Regulations 2010

## **8.0 Delegations to the Building Control Manager**

Note: The Council has delegated its Building Control functions to Fareham Borough Council as part of the joint provision of Building Control Services. Fareham Borough Council has delegated its Building Control functions to Gosport Borough Council.

- 8.1.1 The approval and disapproval of all plans submitted for building control purposes.
- 8.1.2 All the Council's powers under any Building Regulations for the time being in force.
- 8.1.3 All the Council's powers in relation to dangerous structures and buildings under Sections 77, 78, 81 and 82 of the Building Act 1984.
- 8.1.4 All the Council's powers under Sections 11, 12 and 13 of the Hampshire Act 1983.
- 8.1.5 All the Council's powers in relation to the naming and numbering of streets and properties and the alteration of street names and property numbers.

Note: this power shall not be exercised until the Ward Members within whose Ward the street or property concerned is situated have been consulted in writing by the Building Control Manager and none has, within a period of seven days from the date of the written consultation, objected. If any Ward Member does so object the matter shall be considered by the relevant Board.

- 8.1.6 All the Council's powers under the Building Act 1984 in respect of a breach of building regulations, enforcement, defective premises and demolition,

supervision of building work other than by Local Authorities.

- 8.1.7 All the Council's powers to act as a third surveyor under the Party Wall etc., Act 1996.

## 9.0 Delegations to the Housing Services Manager

- 9.1 The day-to-day management of the Council's housing stock and associated land including setting the terms of any Tenancy Agreement, the collection of rents, the prioritisation and selection of tenants, the grant, transfer, assignment and exchange of tenancies of Council houses and garages and the acceptance of surrenders.
- 9.2 Authority, within the context of the Council's relationship with any Registered ~~Provider~~Social Landlord ~~registered under as defined by~~ the Housing Act 1996 or Housing and Regeneration Act 2008:-
- (a) To agree the terms of and enter into Nomination Agreements;
  - (b) To select and nominate applicants for accommodation under the terms of any Nomination Agreement;
  - (c) To enter into reciprocal arrangements with any Registered ~~Provider~~Social Landlord for the housing of tenants.
  - (d) To respond to and agree proposals received from the ~~Housing Corporation for amendments to the Annual Development Programme and any consequential changes in the allocation of~~Homes and Communities Agency in relation to grant funding for affordable housing to Registered Providers of Social Housing ~~Grant to Registered Social Landlords~~.
- 9.3 The issue and signing of all Notices to Quit and Notices Seeking Possession where the form of the Notice has been approved by the Borough Solicitor.
- 9.4 Authority to issue landlord's offer notices under any Right-to-Buy legislation.
- 9.5 Authority to take whatever action is necessary to provide, in accordance with statutory requirements,

accommodation for persons who are homeless under Part VII of the Housing Act 1996 or threatened with homelessness including authority to enter into leases or licences in respect of private housing accommodation and authority to make payments to third parties for such accommodation or under any damage deposit or similar scheme.

- 9.6 Authority to issue and represent the Council in County Court proceedings for the recovery of rent arrears.
- 9.7 All matters relating to the issue and signing of applications for Warrants of Possession including authority to attend and represent the Council in any associated County Court hearing in Chambers.
- 9.8 All matters relating to the determination of applications for accommodation under Part VI of the Housing Act 1996 including arranging temporary accommodation whilst enquiries are made.
- 9.9 The grant or refusal of any consent to proposed works to former Council-owned properties under the terms of any relevant restrictive covenant.
- 9.10 Authority to make Home Loss Payments under the provisions of Section 29 of the Land Compensation Act 1973 (as amended), Discretionary Home Loss Payments under the provisions of Section 32(7) of the Act and disturbance payments under the provisions of Section 37 of the Act where she is satisfied in each case that all relevant statutory requirements have been complied with.
- 9.11 All matters relating to the determination and payment of applications for financial assistance under the terms of any Cash Incentive, Right to Compensation for Improvements and Right to Repair or other scheme for the payment of money to secure tenants of Council-owned residential accommodation.
- 9.12 The determination of Service Charges payable by leaseholders of former Council flats and maisonettes.
- 9.13 The Councils functions under the Home Energy Conservation Act 1995
- 9.14 Management of the Council's non-housing portfolio.

9.15 Management of any Council owned permanent residential caravan site

~~10.0 Delegations to the Financial Services Manager~~

~~10.1 To exercise all the powers and duties of the Council in relation to:~~

- ~~• Housing and Council Tax Benefits Scheme~~
- ~~• National Non-Domestic Rates~~
- ~~• Council Tax~~

~~Save for those functions specifically excluded from delegation or by legislation.~~

~~10.2 To review annually or at such other periods as is considered necessary all risks and insurances following consultation with appropriate Chief Officers and make arrangements and agree terms with insurers for those risks considered to be economic to transfer to the Council's insurers.~~

~~10.3 To indemnify / insure directly or indirectly persons, other than councillors / officers, involved in Council activities.~~

~~10.4 The central procurement of furniture, equipment, stationery and other goods not delegated to other officers.~~

~~11.0 Delegations to the Environmental Services Manager~~

Note: The Council has delegated its Environmental Health and Licensing functions to Fareham Borough Council as part of the joint provision of Environmental Health and Licensing Services. Fareham Borough Council has delegated its Environmental Health and Licensing functions to Gosport Borough Council.

~~Licensing Matters~~

~~11.1.1 Subject to the policies of the Council the Council's powers and duties in relation to the grant, suspension and renewal of the following Licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976:-~~

~~Private Hire Vehicle Licence;  
Private Hire Driver's Licences;  
Private Hire Vehicle Operator's Licences;~~

~~Hackney Carriage Driver's Licences;  
Hackney Carriage Licences.~~

~~11.1.2 All the Council's powers relating to Licences and permits for Street Collections and House-to-House Collections (Police Factories etc (Miscellaneous Provisions) Act 1916 and the House-to-House Collections Act 1939).~~

~~11.1.3 Determination of applications for registration under the Vehicles (Crime) Act 2001.~~

~~11.2 All the Council's powers relating to the administration, approval, refusal and to payment of Grants for the renovation and improvement of residential properties under any relevant statutory provision including, in consultation with the Borough Treasurer, the determination of hardship status.~~

~~11.3 Without prejudice to the general authority contained in Paragraph 3.2.2 of this Scheme, all the Council's powers subject, in the case of legal proceedings, to the requirements of paragraphs 4.1.10 and 4.1.12 of this Scheme, under the following statutory provisions which includes any regulations made under the Statute or the European Communities Act 1972~~

**STATUTORY PROVISION****EXTENT OF DELEGATION**

Animal Boarding  
Establishments Act 1963  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003

The whole Act  
Please confirm still needed  
The Whole Act  
Section 43(1), Section 43(B) and  
Section 47, authorisation of  
authorised officers to give fixed  
penalty notices under Section 43(1)  
The whole Act  
The whole Act  
The whole Act

Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Breeding and Sale of Dogs  
(Welfare) Act 1999  
Building Act 1984

Part III (except Sections 77, 78, 81  
and 82  
Part I (except Section 24)

Caravan Sites and Control of  
Development Act 1960  
Cinemas Act 1985  
Clean Air Act 1993  
Cleaner Neighbourhoods and  
Environment Act 2005

The whole Act  
The whole Act  
Sections 3, 4, 5, 6(1)-  
(7), 7, enforcement of orders  
made under Section 55 and  
Section 61, enforcement of  
provisions relating to Alarm  
Notification Areas designated  
under Section 69.  
Authorisations of authorised officers to  
give fixed penalties under Section  
6, Section 59 and Section 73.  
Part III – Noise Section 73 – power to  
obtain information  
The whole Act

Control of Pollution Act 1974

Dangerous Wild Animals Act  
1976

Environment Act 1995

Part II – contaminated land  
Part IV – air quality  
Section 108 – powers of  
enforcing authority and persons  
authorised by them  
Section 109 – power to deal with  
cause of imminent danger of  
pollution  
Schedule 18 – supplementary  
provisions in respect of powers  
of entry

Environmental Protection Act  
1990

The whole Act excluding the  
Council's functions and powers:-  
1. To specify fixed penalties and  
make provision for treating it as



	<p>having been paid if a lesser amount is paid before the end of a period specified by the Council.</p> <p>2. To enter into arrangements with persons to exercise the Council's functions of giving fixed penalty notices.</p> <p>3. Under Section 92C(5).</p> <p>3. To designate land under paragraph 2 of Schedule 3A and set fees under paragraph 4 of Schedule 3A of the Act.</p> <p>But including the authorisation of authorised officers to give fixed penalty notices.</p> <p>The whole Act</p>
Factories Act 1964	
Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998	Power to appoint officers of police and Solent Sea Fisheries for enforcement purposes.
<p>THE FOOD HYGIENE (ENGLAND) REGULATIONS 2006</p> <p>REGULATION (EC) 178/2002</p> <p>REGULATION (EC) 852/2004</p> <p>REGULATION (EC) 853/2004</p> <p>REGULATION (EC) 854/2004</p> <p>THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) REGULATIONS 2004</p> <p>THE PRODUCTS OF ANIMAL ORIGIN (IMPORT and EXPORT) REGULATIONS 1996</p> <p>OFFICIAL FOOD and FEED CONTROL REGULATIONS 2003</p> <p>CONTAMINANTS OF FOOD REGULATIONS 2003</p>	All of the Regulations
Game Act 1831	The whole Act
Hampshire Act 1983	Section 4 – Hairdressers and barbers
Health Act 2006	Section 10(5) – power to authorise officers to be the named person for recipients of fixed penalty notices to ask questions about the service of the notice and if appropriate to decide upon the

~~cancellation of a Fixed Penalty Notice~~

~~N.B in the absence of the Environmental Services Manager the Head of Environmental Health is authorised to exercise this delegation~~

Housing Act 2004

~~Part 1 – Housing Conditions~~

~~Section 4 – To carry out inspections to see whether any Category 1 or 2 hazards exist.~~

~~Section 4 – To be the Proper Officer to whom any official complaint about the condition of residential premises must be made.~~

~~Section 11 – To serve an Improvement Notice for Category 1 hazard~~

~~Section 12 – To serve an Improvement Notice for a Category 2 hazard~~

~~Section 14 – To suspend an Improvement Notice~~

~~Section 16 – To revoke or vary an Improvement Notice~~

~~Section 17 – To review a suspended Improvement Notice and give notice of the decision on a review~~

~~Section 20 – To make and serve a Prohibition Order in respect of Category 1 hazards~~

~~Section 21 – To make and serve a prohibition order in respect of Category 2 hazards~~

~~Section 23 – To suspend a prohibition Order~~

~~Section 25 – To revoke or vary a Prohibition Order~~

~~Section 26 – To review a suspended Prohibition Order and to serve notice of the decision of any review~~

~~Section 28 – To serve a Hazard Awareness Notice relating to a Category 1 hazard~~

~~Section 29 – To serve a Hazard Awareness Notice for a Category 2 hazard~~

~~Section 31 and Schedule 3 – To take action in respect of an Improvement Notice~~

~~Sections 40 and 41 – To take emergency remedial action where there is a Category 1 hazard and to serve the requisite notices.~~

~~N.B. subject to consultation with Hampshire Fire and Rescue Authority in respect of a fire hazard, in accordance with Section 10.~~

~~In consultation with the Environmental Services Manager in respect of taking emergency remedial action in relation to blocked private sewers.~~

~~Section 43 – To serve an Emergency Prohibition Order for Category 1 hazard~~

~~Section 46 (Housing Act 1985, S 265) – To serve a Demolition Order for Category 1 or 2 hazards~~

~~Section 47 (Housing Act~~

~~1985, S 289) — To declare a Clearance Area~~

~~Section 49 — To make a charge for enforcement action~~

~~Part 2 — Licensing of Houses in Multiple Occupation~~

~~The Council's functions of licensing Houses in Multiple Occupation ('HMO') as set out below excluding the setting of the fee to accompany the application~~

~~Section 62 — To serve a temporary exemption from the licensing requirement for HMOs~~

~~Sections 64, 69 and 70 — To grant or refuse a licence for an HMO, to vary or revoke the licence~~

~~Section 73 — to apply for a rent repayment order, and to serve the requisite notices~~

~~Part 3 — Selective Licensing of Other Residential Accommodation~~

~~Section 96 — To apply for a rent repayment order and to serve the requisite notices~~

~~Part 4 — Additional control Provisions in relation to Residential Accommodation~~

~~Sections 102, 111 and 112 — To make, vary and revoke interim management orders~~

~~Sections 113, 121 and 122 — To make, vary and revoke final management orders~~

	<del>Section 131 — Power of entry to carry out works where management order is in force, and to appoint, in writing, persons to enter the premises to carry out the work</del>
	<del>Section 133 — To make an interim empty dwelling management order</del>
	<del>Section 136 — To make a final empty dwelling management order</del>
	<del>Section 139 — To serve an overcrowding notice</del>
	<del>Section 144 — To revoke and vary overcrowding notices</del>
	<del>Section 235 — to serve notice requiring documents to be produced</del>
	<del>Section 239 — To enter premises for purposes of carrying out a survey or examination</del>
	<del>Section 239 — To be the Proper officer for determining if a survey or examination is necessary</del>
<del>Housing Act 1985</del>	<del>Section 255 and 256 — To serve, and to revoke, an HMO declaration notice.</del>
	<del>The relevant Sections of the Act, remaining in force, dealing with powers concerning private dwellings</del>
<del>Housing Act 1996</del>	<del>Part II — registration of houses in multiple occupation</del>
<del>Housing Grants, Construction and Regeneration Act 1996</del>	<del>Part I — grants</del>
	<del>Part II — group repair</del>
	<del>Part III — Home Repair Assistance</del>
	<del>Part IV — deferred action</del>

<del>Local Government and Housing Act 1989</del>	<del>Part VII – renewal areas Part IX – miscellaneous Part XIII – administration, approval, refusal and payment of grants</del>
<del>Local Government (Miscellaneous Provisions) Act 1976</del>	<del>Section 16 – Requisition for information Section 20 – provision of sanitary appliances at places of entertainment Section 35 – removal of obstruction from private sewers Section 33 – restoration of water supply</del>
<del>Local Government (Miscellaneous Provisions) Act 1982</del>	<del>Part II – control of sex establishments Part III – Street trading Part VIII – Acupuncture, tattooing, ear-piercing and electrolysis Part IX – public health etc Part XII – Section 37 – temporary markets</del>
<del>Noise Act 1996</del>	<del>The whole Act excluding Section 8A but including the authorisation of authorised officers to give fixed penalty notices under Section 8A.</del>
<del>Noise and Statutory Nuisance Act 1993</del>	<del>The whole Act</del>
<del>Offices Shops &amp; Railways Premises Act 1963</del>	<del>The whole Act</del>
<del>Pet Animals Act 1951</del>	<del>The whole Act</del>
<del>Prevention of Damage by Pests Act 1949</del>	<del>The whole Act</del>
<del>Private Water Supplies Regulations 2009</del>	<del>All the Regulations</del>
<del>Pollution Prevention and Control Act 1999</del>	<del>The whole Act</del>
<del>Public Health Act 1936</del>	<del>Part II – Sanitation and Buildings</del>
<del>Public Health Act 1961</del>	<del>Section 17 – summary power to remedy stopped up drains Section 22 – power to cleanse or repair drains</del>

	<del>Section 34 – removal of rubbish</del>
	<del>Section 36 – power to require the vacation of premises for fumigation</del>
	<del>Section 37 – prohibition for sale of verminous articles</del>
	<del>Section 73 – derelict petrol tanks</del>
	<del>Section 74 – power to reduce numbers of pigeons and other birds in built-up areas</del>
<del>Scrap Metal Dealers Act 1964</del>	<del>The whole Act</del>
<del>Rag Flock and Other Filling Materials Act 1951</del>	<del>The whole Act</del>
<del>Refuse Disposal (Amenity) Act 1978</del>	<del>The whole Act excluding Section 2A(8) but including authorisation of authorised officers to give fixed penalties under Section 2A</del>
<del>Riding Establishments Act 1964</del>	<del>The whole Act</del>
<del>Riding Establishments Act 1970</del>	<del>The whole Act</del>
<del>Road Traffic Regulation Act 1984</del>	<del>Sections 99-102 (removal of abandoned vehicles)</del>
<del>Sunday Trading Act 1994</del>	<del>The whole Act</del>
<del>Theatres Act 1968</del>	<del>The whole Act</del>
<del>Town and Country Planning Act 1990</del>	<del>Section 224 and Section 225</del>
<del>Water Act 1989</del>	<del>The whole Act</del>
<del>Water Industry Act 1991</del>	<del>The whole Act</del>
<del>Water Industry Act 1999</del>	<del>The whole Act</del>
<del>Wildlife and Countryside Act 1981</del>	<del>Part I – wildlife</del>
<del>Zoo Licensing Act 1981</del>	<del>The whole Act</del>

~~11.4 Power to appoint officers of the Health Authority to undertake the Council's duties with respect to infectious diseases.~~

~~11.5 The proper officer for the signature and issue of any Licence, Registration Certificate, Order, Notice or other document under the following legislation:~~

### **Statutory Provision**

### **Extent of Delegation**

~~Public Health (Control of Disease) Act 1984~~

~~The whole Act~~

~~Public Health (Infectious Disease) (Regulations) 1968~~  
~~Food Safety Act 1990~~

~~The whole Regulations~~

~~Section 5 – appointment of authorised officers~~

~~Section 6 – enforcement of the Act~~

~~Section 9 – inspection and seizure of suspected food~~

~~Section 10 – Improvement Notices~~

~~Section 12 – emergency Prohibition Notices and Orders~~

~~Part III~~

~~Food and Environmental Protection Act 1985~~

~~Health and Safety at Work Etc Act 1974~~

~~Section 18 – enforcement~~

~~Section 19 – appointment of Inspectors (including authority to define the powers of any Inspector under Section 20)~~

~~Section 21 – Improvement Notices~~

~~Section 22 – Prohibition Notices~~

~~Section 25 – power to deal with causes of imminent danger~~

~~11.6 Authority to enter into reciprocal enforcement arrangements relating to the detention, examination and seizure of food with other local authorities in England and Wales.~~

~~11.7 Determination of the following applications under the Licensing Act 2003 where no representation is made:~~

~~11.7.1 Personal Licence excluding applications where the applicant has unspent convictions~~

~~11.7.2 Premises Licence~~

~~11.7.3 Club Premises Certificate~~

~~11.7.4 Provisional Statement~~

~~11.7.5 Variation to Premises Licence~~

~~11.7.6 Variation to Club Premises Certificate~~

~~11.7.7 Variation to designated premises supervisor excluding applications where there is an objection from the police~~



~~11.7.8 Transfer of Premises Licence excluding application where there is an objection from the police~~

~~11.7.9 Interim authorities excluding applications where there is an objection from the police~~

~~11.8 The Council's functions and powers under the Licensing Act 2003 and to regulations made thereunder to~~

~~11.8.1 Determine requests to be removed as a designated premises supervisor~~

~~11.8.2 Determine whether a complaint is irrelevant, frivolous or vexatious~~

~~11.8.3 Issue notices of hearing pursuant to regulations of the Licensing Act 2003 (Hearing) Regulations 2005 ('the Regulations') and information to accompany that notice including any particular points of which the authority considers that it will want clarification or at the hearing from a party (pursuant to Regulation 7)~~

~~11.8.4 Extend time limits pursuant to Regulation 11 of the Regulations~~

~~11.8.5 Carry out the administration of applications, the issuing of licences (including those determined on appeal) by the Magistrates Court and the compilation and maintenance of registers.~~

~~11.9 To authorise officers as required by Section 304 (3) (b) of the Gambling Act 2005.~~

~~11.10 Determination of the following applications under the Gambling Act 2005 where no representation have been received or such representation has been withdrawn:-~~

~~11.10.1 Premises licence~~

~~11.10.2 Variation to a licence~~

~~11.10.3 Transfer of a licence~~

~~11.10.4 Provisional licence~~

~~11.10.5 Club gaming/club machine permits~~

~~11.11 Determination of the following matters under the Gambling Act 2005:-~~

~~—— 11.11.1 Applications for other permits~~

~~—— 11.11.2 Cancellation of licensed premises gaming machine permits~~

~~11.11.3 Consideration of temporary use notices~~

~~Roads and Streets~~

~~11.12.1 The Council's powers under Section 7 of the Hampshire Act 1983 (touting on highways).~~

~~11.12.2 Authority to deal with the removal and disposal of abandoned vehicles.~~

~~11.12.3 Approval to road openings for private purposes.~~

~~11.12.5 Authority to issue and refuse any permit, licence, approval or consent (including the power to impose conditions and to rescind any permit, licence etc granted) under the Highways Act 1980~~

~~11.12.6 The maintenance of any street furniture and amenity lighting.~~

~~Note: The following delegations may only be exercised where the decision relates to a matter which, in the opinion of the Officer, is wholly within or affecting one particular Ward only of the Borough and then only after the Ward Members for that Ward have been given written notice of the proposed exercise of the delegation and none of them has, within seven days of such notice objected to the exercise of the delegation in which case, unless the objection can be resolved, the matter will be referred to the Community and Environment Board.~~

~~11.12.7 The provision of street furniture.~~

~~11.12.8 The provision of street lighting.~~

~~11.12.9 The erection of any notice or the taking of any other action to promote road safety.~~

**NOTE: For the following delegations the whole Act/Regulations as appropriate are delegated unless specifically stated otherwise**

## **Licensing Matters**

9.16 Subject to the policies of the Council the Council's powers and duties in relation to the grant, suspension and renewal of the following Licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976:-

- Private Hire Vehicle Licence;
- Private Hire Driver's Licences;
- Private Hire Vehicle Operator's Licences;
- Hackney Carriage Driver's Licences;
- Hackney Carriage Licences

9.17 All the Council's powers relating to Licences and permits for Street Collections and House-to-House Collections (Police Factories etc (Miscellaneous Provisions) Act 1916 and the House-to-House Collections Act 1939).

9.18 All the Council's powers under the Lotteries and Amusements At 1976 and the Lotteries Act 1976.

9.19 Determination of applications for registration under the Vehicles (Crime) Act 2001.

9.20 Determination of the following applications under the Licensing Act 2003 where no representation is made:-

- Personal Licence excluding applications where the applicant has unspent convictions
- Premises Licence
- Club Premises Certificate
- Provisional Statement
- Variation to Premises Licence
- Variation to Club Premises Certificate
- Variation to designated premises supervisor excluding applications where there is an objection from the Police
- Transfer of Premises Licence excluding applications where there is an objection from the Police

- Interim authorities excluding applications where there is an objection from the Police

9.21 The Council's functions and powers under the Licensing Act 2003 and to regulations made thereunder to:-

- Determine requests to be removed as a designated premises supervisor
- Determine whether a complaint is irrelevant, frivolous or vexatious
- Issue notices of hearing pursuant to the Licensing Act 2003 (Hearing) Regulations 2005 ('the Regulations') and information to accompany that notice including any particular points of which the authority considers that it will want clarification of at the hearing from a party (pursuant to Regulation 7)
- Extend time limits pursuant to Regulation 11 of the Regulations
- Carry out the administration of applications, the issuing of licences (including those determined on appeal) by the Magistrates Court and the compilation and maintenance of registers.

9.22 Licensing Act 2003 Section 179- Right of Entry to investigate Licensable offences.

9.23 To authorise officers as required by Section 304 (3) (b) of the Gambling Act 2005.

9.24 Determination of the following applications under the Gambling Act 2005 where no representation has been received or such representation has been withdrawn:-

- Premises Licence
- Variation to a Licence
- Transfer of a Licence
- Provisional Licence
- Club gaming/club machine permits

9.25 Determination of the following matters under Gambling Act 2005:-

- Applications for other permits
- Cancellation of licensed premises gaming machine permits
- Consideration of temporary use notices

9.26 To initiate enforcement action, save in respect of legal proceedings and subject to any other provisions within the Scheme of Delegations, under the Gambling Act 2005.

9.27 Renovation Grants- All the Council's powers relating to the administration, approval, refusal and to payment of Grants for the renovation and improvement of residential properties under any relevant statutory provision including, in consultation with the Borough Treasurer, the determination of hardship status.

9.28 Without prejudice to any general authority contained in Paragraph 3.2.2 of this Scheme, all the Council's powers subject, in the case of legal proceedings to the requirements of paragraphs 4.1.10 and 4.1.12 of this Scheme, under the following statutory provisions which includes any regulations made under the Statute or the European Communities Act 1972:-

**Housing Act 1985**

The relevant Sections of the Act, remaining in force, dealing with powers concerning private dwellings including Section 265 (Demolition Orders) and Section 289 (Clearance Areas)

**Housing Act 1996**

Part II – registration of houses in multiple occupation

**Local Government and Housing Act 1989**

Part VII – renewal areas

Part IX – miscellaneous

Part XIII – administration, approval, refusal and payment of grants

**Housing Grants, Construction and Regeneration Act 1996**

Part I – grants

Part II – group repair

Part III – Home Repair Assistance

Part IV – deferred action

**Housing Act 2004**

Part 1 – Housing Conditions

Section 4 – Including appointment as Proper Officer and carry out inspections

Section 11 – To serve an Improvement Notice for Category 1 hazard

Section 12 – To serve an Improvement Notice for Category 2 hazard

Section 14 – To suspend an Improvement Notice

Section 16 – To revoke or vary an Improvement Notice

Section 17 – To review a suspended Improvement Notice and give notice of the decision on a review

Section 20 – To make and serve a Prohibition Order in respect of Category 1 hazards

Section 21 – To make and serve a Prohibition Order in respect of Category 2 hazards

Section 23 – To suspend a Prohibition Order

Section 25 – To revoke or vary a Prohibition Order

Section 26 – To review a suspended Prohibition Order and to serve notice of the decision of any review

Section 28 – To serve a Hazard Awareness Notice relating to a Category 1 hazard

Section 29 – To serve a Hazard Awareness Notice for a Category 2 hazard

Section 31 and Schedule 3 – To take action in respect of an Improvement Notice

Sections 40 and 41 – To take emergency remedial action where there is a Category 1 hazard and to serve the requisite notices.

N.B. subject to consultation with Hampshire Fire and Rescue Authority in respect of a fire hazard, in accordance with Section 10.

Section 43 – To serve an Emergency Prohibition Order for Category 1 hazard

Section 49 – To make a charge for enforcement action

Part 2 – Licensing of Houses in Multiple Occupation

The Council's functions of licensing Houses in Multiple Occupation ('HMO') as set out below excluding the setting of the fee to accompany the application

Section 62 – To serve a temporary exemption from the licensing requirement for HMOs

Sections 64, 60 and 70 – To grant or refuse a licence for an HMO, to vary or revoke the licence

Section 73 – to apply for a rent repayment order, and to serve the requisite notices

Part 3 – Selective Licensing of Other Residential Accommodation

Section 96 – To apply for a rent repayment order and to serve the requisite notices

Part 4 – Additional control provisions in relation to Residential Accommodation

Sections 102, 111 and 112 – To make, vary and revoke interim management orders

Sections 113, 121 and 122 – To make, vary and revoke final management orders

Section 131 – Power of entry to carry out works where a management order is in force, and to appoint, in writing, persons to enter the premises to carry out work

Section 133 – To make an interim empty dwelling management order

Section 136 – To make a final empty dwelling management order

Section 139 – To serve an overcrowding notice

Section 144 – To revoke and vary overcrowding notices

Section 235 – To serve notice requiring documents to be produced

Section 239 – To enter premises for purposes of carrying out a survey or examination

Section 239 – To be the Proper Officer for determining if a survey or examination is necessary

Section 255 and 256 – To serve, and to revoke, an HMO Declaration Notice.

### **Environmental Protection Act 1990**

The whole Act excluding the Council's functions and powers:-

- To specify fixed penalties and make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the Council.
- To enter into arrangements with persons to exercise the Council's function of giving fixed penalty notices.
- To designate land under paragraph 2 of Schedule 3A and set fees under paragraph 4 of Schedule 3A of the Act.

But including the authorisation of authorised officers to give fixed penalty notices.

### **Clean Neighbourhoods and Environment Act 2005**

Enforcement of provisions relating to Alarm Notification Areas designated under Section 69.

Authorisations of authorised officers to give fixed penalties under Section 73.

### **Environment Act 1995**

Part II – contaminated land

Part IV – air quality

Section 108 – powers of enforcing authority and persons authorised by them

Section 109 – power to deal with cause of imminent danger of pollution

Schedule 18 – supplementary provisions in respect of powers of entry

### **Noise Act 1996**

The whole Act excluding Section 8A but including the authorisation of authorised officers to give fixed penalty notices under Section 8A

### **Noise and Statutory Nuisance Act 1993**

### **Control of Pollution Act 1974**

Part III – Noise Section 73 power to obtain information

### **Clean Air Act 1993**

### **Motor Cycle (Noise) Act 1987**



**Pollution Prevention and Control Act 1999**

**Prevention of Damage by Pests Act 1949**

**The Environmental Damage (Prevention and Remediation) Regulations 2009**

**Health and Safety at Work etc Act 1974**

The whole Act including appointing appropriately qualified inspectors and the Proper Officer for the signature and issue of any Licence, Registration, Certificate, Order, Notice or other document under :-

- Section 18 – enforcement
- Section 19 - appointment of Inspectors (including authority to define the powers of any Inspector under Section 20)
- Section 21 – Improvement Notices
- Section 22 – Prohibition Notices
- Section 25 – power to deal with causes of imminent danger

**Factories Act 1961**

The Proper Officer for the signature and issue of any Licence, Registration, Certificate, Order, Notice or other document under the Act

**Offices Shops and Railway Premises Act 1963**

The Proper Officer for the signature and issue of any Licence, Registration, Certificate, Order, Notice or other document under the Act

**Food Safety Act 1990**

The whole Act including appointment as the Proper Officer for the signature and issue of any Licence, Registration, Certificate, Order, Notice or other document under the Act including :-

- Section 5 – appointment of authorised officers
- Section 6 – enforcement of the Act
- Section 9 – inspection and seizure of suspected food
- Section 10 – Improvement Notices
- Section 12 – emergency Prohibition Notices and Orders

**Food Act 1984**

The whole Act including appointment as the Proper Officer for the signature and issue of any Licence, Registration, Certificate, Order, Notice or other document under the Act

**Food & Environment Protection Act 1985**

The Proper Officer for the signature and issue of any Licence, Registration, Certificate, Order, Notice or other document under Part III of the Act

**Game Act 1831**

**The Food Safety and Hygiene (England) Regulations 2013**

**The General Food Regulations 2004**

**Regulation (EC) no. 178/2002**

**Regulation (EC) no. 852/2004**

**Regulation (EC) no. 853/2004**

**Regulation (EC) no.854/2004**

**The Products of Animal Origin (Import and Export) Regulations 1996**

**The Trade in Animals and Related Products Regulations 2011**

**Official Feed and Food Control (England) Regulations 2006**

**Contaminants of Food (England) Regulations 2003**

**European Communities Act 1972**

Any Orders or Regulations made thereunder or relating to the foregoing or having effect by virtue of the European Communities Act 1972; and any modification or re-enactment to the foregoing

**Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998**

Power to appoint officers of police and Solent Sea Fisheries for enforcement purposes

**Public Health Act 1961**

Section 17 – summary power to remedy stopped up drains

Section 22 – power to cleanse or repair drains

Section 34 – removal of rubbish

Section 36 – power to require the vacation of premises for fumigation

Section 37 – prohibition for sale of verminous articles

Section 73 – derelict petrol tanks

Section 74 – power to reduce numbers of pigeons and other birds in built-up areas

**Public Health Act 1936**

Part II – Sanitation and Buildings

**Health Act 2006**

**Animal Boarding Establishments Act 1963**

**Animal Welfare Act 2006**

**Breeding of Dogs Act 1973**

**Breeding and Sale of Dogs (Welfare) Act 1999**

**Breeding of Dogs Act 1991**

**Dangerous Wild Animals Act 1976**

**Pet Animals Act 1951**

**Riding Establishments Acts 1964 & 1970**

**Zoo Licensing Act 1981**

**Animal Health Act 1981**

**Animal Welfare Act 2006**

**Dangerous Dogs Act 1991**

**Guard Dogs Act 1975**

**Local Government (Miscellaneous Provisions) Act 1976**

Section 16 – Requisition for information

Section 20 – Provision of sanitary appliances at places of entertainment

Section 35 – removal of obstruction from private sewers

Section 33 – restoration of water supply

**Local Government (Miscellaneous Provisions) Act 1982**

Part II – control of sex establishments

Part III – Street trading

Part VIII – Acupuncture, tattooing, ear-piercing and electrolysis

Part XI – Public Health etc

Part XII – Section 37 – temporary markets

Schedule IV – issue of trading consents and licences

**Building Act 1984**

Part III (except Sections 77, 78, 81 and 82

**The Control of Pesticides Regulation 1986**

**The Control of Pesticides (Amendment) Regulations 1997**

**The Plant Protection Products (Sustainable use) Regulations 2012**

Regulations 18, 19, 20, 21, 22 and Schedule 3

**The Plant Protection Products (Sustainable use) Regulations 2012**

Schedule 3

**Caravan Sites and Control of Development Act 1960**

Part I (except Section 24)

**Caravan Sites Act 1968**

The Whole Act

**Anti-Social Behaviour, Crime and Policing Act 2014**

Part 4 Chapters 1, 2 and 3 excluding those matters covered by paragraph 2.6 of this Scheme and the setting of fixed penalties (Section 52 (7) & (8) and Section 68 (6) & (7))

**Scrap Metal Dealers Act 1964**

**Town and Country Planning Act 1990**

Section 224 and Section 225

**Wildlife and Countryside Act 1981**

Part I wildlife

The Private Water Supplier Regulations 1991

Water Industry Act 1991

Water Industry Act 1999

Lotteries and Amusements Act 1976

Lotteries Act 1993

Sunday Trading Act 1994

Theatres Act 1968

Sunbeds (Regulation) Act 2010

Hampshire Act 1983

Section 4 Hairdressers and Barbers

Highways Act 1980

Part V11 A – Provision of Amenities on Certain Highways

9.29 Authority to enter into reciprocal enforcement arrangements relating to the detention examination and seizure of food with other local authorities in England and Wales

9.30 Power to appoint officers of the Health Authority to undertake the Council's duties with respect to infectious diseases

9.31 The Council's powers under Section 7 of the Hampshire Act (touting on the highway)

**12.0 Delegation to the Community and Customer Services Manager**

~~12.1 Authority to determine any fee or charge for special events and irregular lettings of recreational facilities and to fix a scale of charges for the use of recreational facilities so far as such charges are not included in the scale of fees and charges approved by the Council.~~

~~12.2 The fixing of charges for consumable items sold at the Council's recreational facilities.~~

~~12.3 The management of the Council's moorings.~~

~~12.4 Responsibility for the management of the Council's parks and service facilities.~~

~~12.5 Responsibility for the management of the Council's leisure facilities, and development of recreation facilities.~~

~~12.6 The issue of Grants of Exclusive Rights of Burial.~~

~~12.7 The Council's powers and duties under Section 46 of the Public Health (Control of Disease) Act 1984 (burial and cremation where no other arrangements have been made).~~

~~12.8 Administration of the Council's complaints procedure.~~

# STATUTORY OFFICER APPOINTMENTS

## Chief Executive

Head of the Paid Service - Section 4 Local Government and Housing Act 1989.

## Borough Treasurer

1. Responsibility for the proper administration of the Council's financial affairs - Section 151 Local Government Act 1972.
2. Receipt of all monies and banking arrangements - Section 115(2) of the Local Government Act 1972.
3. Registrar of loan instruments - Section 46 of the Local Government and Housing Act 1989.
4. Maintenance of an adequate and effective system of internal audit of the Council's accounting records and control systems - Regulation 5 of the Accounts and Audits Regulations 1996.

NB: The ~~Financial Services Manager and~~ the Head of Accountancy ~~isare each~~ appointed to act as Proper Officers in the absence of the Borough Treasurer.

## The Borough Solicitor

1. The Council Solicitor with full power to serve and accept service of any legal document or process except where authority has been specifically delegated to any other Officer.
2. Monitoring Officer - Section 5 of the Local Government and Housing Act 1981.

NB: The Head of Legal Services is appointed to act as Deputy in the absence of the Borough Solicitor. The Head of Legal Services may appoint a Deputy to cover in his/her absence when acting as Monitoring Officer.

3. Appointment of Proper Officer in relation to:-

- (a) Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Town Clerk of a Borough which, by virtue of any provisions of the said Act was to be construed as reference to the Proper Officer of the Council.
  - (b) Any reference in any local statutory provision to the Town Clerk of Gosport which, by virtue of an Order made under Section 254 of the Local Government Act 1972, was to be construed as a reference to the Proper Officer of the Council.
  - (c) Any reference in the Local Government Act 1972 to the Proper Officer of the Council other than Section 115(2).
  - (d) Any reference in any enactment passed after the 1971/72 session of Parliament or to be passed to the Proper Officer of the Council unless or until a specific appointment of another Officer has been made by the Council.
4. Registrar of Local Land Charges.
5. The Proper Officer for the following provisions of the Local Government Access to Information) Act 1985:-
- Section 100B(2) - excluding reports from public agendas,
- Section 100B(7) - Supplying additional documents to the Press,
- Section 100C(2) - making written summary of confidential proceedings,
- Section 100D(1) - compiling list of background papers,
- Section 100D(5) - defining background papers,
- Section 100F(2) - restricting disclosure of exempt information to Members.
- NB: The Head of Legal Services is appointed to act as Proper Officer in the absence of the Borough Solicitor.
6. The Proper Officer for the grant of any consent or licence and the giving of any notice under the Highways Act 1980



7. The Proper Officer in relation to the receipt of any application and the issue of any permission or refusal of permission under the Town and Country Planning Act 1990.

NB: The Head of Development Services is appointed Proper Officer in the absence of the Borough Solicitor.

8. The Proper Officer in relation to any notice, approval or other matter under the Building Act 1984.

NB: The Building Control Manager is appointed Proper Officer in the absence of the Borough Solicitor.

### **Environmental Housing Services Manager**

**NOTE: The Council has delegated these functions to Fareham Borough Council**

1. The Proper Officer in relation to the signature of all operators, drivers and vehicle licences in respect of Hackney Carriage and private hire vehicles under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
2. The Proper Officer for the signature and issue of any licence, registration certificate, Order, notice or other document under the following **purposes:-**

Public Health (Control of Disease) Act 1984 ~~and the~~  
Public Health (Infectious disease) Regulations 1968.

~~The~~ Local Government (Miscellaneous Provisions) Act 1982:-

Part I licensing of public entertainments;

Part II - control of sex establishments;

Part III - street trading;

~~Part IV - Closing Orders (Section 5 only)~~

Part VIII - Acupuncture, tattooing, ear piercing and electrolysis;

~~Part IX - sale of food by hawkers.~~

Part XI - public health etc

Schedule IV- issue of street trading consents and licences

Highways Act 1980 Part VII A – Provision of Amenities on Certain Highways

3. Signature of any consents, Orders, demands or other documents under the Building Act 1984 Sections 59-76, 79, 84 ~~and 1985~~ and their authentication as provided by Section 93.

~~4. In relation to the provisions of the Food Act 1984 and the Food Safety Act 1990.~~

~~:~~

Health Act in twice sort out

# APPENDIX 1

## GOSPORT BOROUGH COUNCIL SCHEME OF DELEGATION TO OFFICERS

### SEALING OF DOCUMENTS

- (a) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of any Board or Officer having delegated powers in that behalf or where the sealing of any document is necessary to give effect to any lawful decision of the Council or of any Board or of any decision properly made under delegated powers.
- (b) The Common Seal shall be attested by the Chief Executive or the Borough Solicitor or the Head of Legal Services or Senior Solicitor (Litigation) and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for that purpose and shall be signed by the person who attested the Common Seal. The Common Seal may also be attested by the Mayor or the Deputy Mayor when affixed to any document which is, in the opinion of the Borough Solicitor or of the Head of Legal Services used for any ceremonial purpose. No document used for such purpose shall, however, be invalidated by the failure of the Mayor or the Deputy Mayor to attest the Common Seal.
- (c) The Chief Executive, the Borough Solicitor, the Head of Legal Services or Senior Solicitor (Litigation) shall be authorised to sign on behalf of the Council any agreement or other document not required to be executed under seal, provided that the subject matter has been approved by the Council or a Board or Sub-Board of the Council or is to put into effect a decision made by an Officer acting under delegated power

# **Part 4**

**RULES**

**OF**

**PROCEDURE**

# **STANDING ORDERS FOR THE CONDUCT OF COUNCIL BUSINESS**

## **TABLE OF CONTENTS**

- 1.0 Interpretation
  - 2.0 The Council and its Boards - Meetings and Membership
    - 2.1 Ordinary Meetings of the Council
    - 2.2 Extraordinary Meetings of the Council
    - 2.3 Board and Committee Structure
    - 2.4 Election of Mayor and Deputy Mayor
    - 2.5 Leader of the Council
  - 3.0 Meetings of the Council and its Boards and Sub-Boards - Before the Meeting
    - 3.1 Summonses and Agendas
    - 3.2 Pre-Agenda Meetings
    - 3.3 Notice of Motion - Procedure for Giving (Council Meetings Only)
    - 3.4 Members' Questions - Procedure for Giving(Council Meetings Only)
    - 3.5 Notice of Deputations - Procedure for Giving
    - 3.6 Notice Of Public Questions - Procedure for Giving
    - 3.7 Member's Right to Speak at Board and Sub-Board Meetings
    - 3.8 Members' Reports - Procedure (Board and Sub-Board Meetings Only)
  - 4.0 Proceedings at Council Meetings
    - 4.1 Quorum
    - 4.2 Order of Business
-

- 4.3 Board Minutes Part I
- 4.4 Board Minutes Part II
- 4.5 Motions Moved Without Notice
- 4.6 Procedure for Motions Following Notice
- 4.7 Procedure for Amendments
- 4.8 Procedure for Members' Questions
- 4.9 Procedure for Deputations
- 4.10 Procedure for Public Questions
- 4.11 Rules of Debate
- 4.12 Formal Motion and Voting
- 4.13 Minutes
- 4.14 Rescission of Previous Decisions
- 4.15 The Council as a Board
- 5.0 Overview and Scrutiny Committees
  - 5.1 Overview and Scrutiny Committee
  - 5.2 Membership of Overview and Scrutiny Committee
  - 5.3 Appointment of Chairman and Vice-Chairman of Overview and Scrutiny Committee
  - 5.4 Requests for Scrutiny
  - 5.5 Delegation of Scrutiny Tasks
  - 5.6 Proceedings of the Overview and Scrutiny Committee
  - 5.7 Scrutiny Investigations
- 6.0 Proceedings at Board and Sub-Board Meetings
  - 6.1 Quorum
  - 6.2 Order of Business
  - 6.3 Procedure for Deputations

- 6.4 Procedure for Public Questions
- 6.5 Attendance by Tenants' Forum Representatives at Meetings of the Housing Board
- 6.6 Rules of Debate
- 6.7 Motion for Debate, Amendments and Voting
- 6.8 Minutes
- 6.9 Rescission of Previous Decisions
- 6.10 Reference to Council (Service Boards only)
- 7.0 Miscellaneous Matters
  - 7.1 Members' Interests
  - 7.2 Interest of Officers in Contracts
  - 7.3 Persons Employed by the Council
  - 7.4 Exempt Reports - Confidentiality
  - 7.5 Urgent Action on Part I Matters
  - 7.6 Members' Access to Documents
  - 7.7 Standing Orders - Availability of Copies

## 1.0 INTERPRETATION

Chairman - means the Chairman of a meeting.

Chief Officers - Comprise the Chief Executive and Deputy Chief Executive and Borough Treasurer, Borough Solicitor, ~~and~~ and Service Unit Managers.

Board - means one of the Council's Boards having powers to carry out any function delegated to it by the Council.

Committee – means either the Council's Overview and Scrutiny Committee or the Council's Standards and Governance Committee.

Confidential Information - means information which has either been supplied to the Council by a Government Department on terms which prohibit its publication or information the disclosure of which to the public is prohibited by any enactment or by Order of the Court.

Council - means Gosport Borough Council.

Day(s) – means normal working days only

Exempt Item - means an item in respect of which a resolution has been passed under Section 100(A)(4) of the Local Government Act 1972 for the exclusion of the Press and members of the public while the item is being considered. References to "exempt business" and "exempt session" shall have the same meaning.

Leader - means the Leader of the Council who shall be Chairman of the Policy and Organisation Board.

Mayor - The Mayor is the Chairman of the Council and these Standing Orders shall be construed accordingly. If the Mayor is not present at the Council meeting the Deputy Mayor will (if present) act as the Chairman of the Council. If neither the Mayor or Deputy Mayor is present, the Council shall elect a mayor for the meeting. Throughout these Standing Orders reference to the person chairing the Council meeting shall be given as "Mayor".

Member - means a Member of the Council who has signed a declaration of acceptance of office.

~~Notice-Time~~ Period – means, unless the contrary intention is expressed, any period of ~~time notice~~ stated in these Standing Orders ~~which~~ shall be interpreted by reference to normal working days only and shall exclude the day of ~~service of the notice or request; or meeting Notice~~ and the day on which the meeting or other event in respect of which the ~~N~~notice ~~or request~~ is ~~made given- or meeting~~ takes place.

Point of Order - means a point arising in relation to these Standing Orders.



Service Board - means Policy and Organisational Board, Community ~~and Environment~~ Board or Housing Economic Development Board as the case may be

Sub-Board - means any Sub-Board exercising any of the powers delegated to it by one of the Council's Service Boards or by the Council.

Sub-Committee – means any Sub-Committee exercising any of the powers, delegated to it by one of the Committees or by the Council

<b>2.0 THE COUNCIL AND ITS BOARDS - MEETINGS AND MEMBERSHIP</b>	
<b>2.1 Ordinary Meetings of the Council</b>	
2.1.1 There shall be not less than six meetings of the Council in each year of which one shall be the Annual Meeting and one shall be the budget meeting.	<b>Frequency, annual meeting, budget meeting</b>
2.1.2 The Annual Meeting shall be held in May in each year and the budget meeting shall be held in February in each year. Other meetings shall be held on such days as the Council has previously determined or on a day determined in accordance with Standing Order 2.1.3.	<b>Timing of meetings.</b>
2.1.3 The Mayor shall have the power to vary the date of any Ordinary Meeting of the Council after consultation with the Chief Executive, the Leader of the Council and the Leaders of any other Political Group represented on the Council.	<b>Variation of timing.</b>
2.1.4 Unless agreed otherwise by the Council an Ordinary Meeting shall commence at 6 pm in the Council Chamber at the Town Hall.	<b>Commencement and venue.</b>
<b>2.2 Extraordinary Meetings of the Council</b>	
2.2.1 An Extraordinary Meeting may be called at any time by the Mayor.	<b>Calling of by the Mayor.</b>
2.2.2 Any five Members of the Council shall have the right to submit a written request to the Mayor that an Extraordinary Meeting should be called to consider the item(s) of business stated in the request.	<b>Members Requisition.</b>
2.2.3 Within seven days after receipt of a request under Standing Order 2.2.2 the Mayor shall call an Extraordinary Meeting for a date not more than fourteen days after receipt of the request.	<b>Timing of Meeting following requisition.</b>

<p>2.2.4 If the Mayor refuses or neglects within seven days to call an Extraordinary Meeting of the Council in accordance with Standing Orders 2.2.2 and 2.2.3 any five Members of the Council may at the expiry of the said seven days submit a written request to the Chief Executive for an Extraordinary Meeting of the Council to be called forthwith and the Chief Executive shall comply with that request and issue a summons for the meeting to be held within 7 days.</p>	<p><b>Default power of Chief Executive to call meeting.</b></p>
<p>2.2.5 An Extraordinary Meeting of the Council shall not be convened under Standing Order 2.2.2 or 2.2.4. unless the request specifies the business to be considered at the meeting in the form of a Notice of Motion.</p>	<p><b>Members' Requisition to contain Notice of Motion.</b></p>
<p><b>2.3 Board and Committee Structure</b></p>	
<p>2.3.1 The Council shall at the Annual Meeting appoint such Boards and Sub-Boards, together with Overview and Scrutiny Committees and Standards and Governance Committee and make such provision as to Terms of Reference, powers and Membership as it thinks fit subject to compliance with the proportional representation provisions of the Local Government and Housing Act 1989 or any amending legislation except insofar as members elect to waive their rights under such legislation.</p>	<p><b>Appointment of Boards and Committees of the Council</b></p>
<p>2.3.2 The Mayor and the Chairman of the Policy and Organisation Board shall be ex-officio Members of every Board and Sub-Board of the Council save that there shall be no entitlement to a vote where Membership of any Board or Sub-Board of the Council is by virtue only of this Standing Order. The Mayor and Chairman of the Policy and Organisation Board shall not be ex-officio members of the Overview and Scrutiny Committee or the Standards and Governance Committee.</p>	<p><b>Ex-officio membership of Boards and Sub-Boards.</b></p>
<p>2.3.3 Any vacancy on a Board or Sub-Board, Overview and Scrutiny Committee or Standards and Governance Committee which occurs after the Annual Meeting shall be filled by the Council in accordance with paragraph 2.3.4.</p>	<p><b>Filling of casual vacancies.</b></p>

<p>2.3.4 Notwithstanding the requirements of Standing Orders 2.3.3 and 2.3.54, any vacancy on any Board, Sub-Board, Committee or other body which occurs after the Annual Meeting and which has been caused by the resignation or departure for whatever reason of a Member of a Political Group recognised by the Council may be filled by any other member nominated by the Leader of that Group providing the requirements of the Local Government and Housing Act 1989 (Political Balance on Boards Etc) or any amending legislation are complied with.</p>	<p><b>Filling of casual vacancies by Members nominated by Political Groups.</b></p>
<p>2.3.5 Any vacancy on an outside body (other than a body to which a Board has been authorised to make appointments) shall be filled by the Council on the recommendation of the Policy and Organisation Board or, if that Board fails to make such a recommendation, by the Council itself. Where it thinks fit, the Council may make such an appointment notwithstanding any Board authorisation previously given.</p>	<p><b>Vacancies on Outside Bodies.</b></p>
<p>2.3.6 Where any member of a Board, Sub-Board or Committee is absent from a single meeting and has submitted his/her apologies to the Borough Solicitor <u>and Deputy Chief Executive</u>, the Leader or Deputy Leader of the Member's Political Group may nominate another member of that Political Group to be a substitute for the absent member provided that:-</p> <ul style="list-style-type: none"> <li>(a) the substitute member is not precluded from any other of these Standing Orders from being a full member of that Board, Sub-Board or Committee;</li> <li>(b) the Group Leader or Deputy Leader has before the commencement of the meeting given notice in writing, on the form provided for this purpose, to the Borough Solicitor of the name of the absent member(s) and the names of the substitute member(s);</li> <li>(c) the substitute member has received all necessary training to enable him/her to undertake the role of substitute;</li> <li>(d) in the event of the full member presenting him/herself at the meeting the appointment of the nominated substitute shall be null and void;</li> <li>(e) all members recognising that the use of substitute members is intended to cover single absences from a particular meeting and in the event that a member is unable to attend three successive meetings of a Board, Sub-Board or Committee the appointment of substitutes shall not be permitted after the second absence; and</li> <li>(f) in the case of the Regulatory Board or Licensing Board substitute members may only be drawn from the nominated Deputies appointed for each Group at the Annual Meeting under the provisions of the Council's Constitution.</li> </ul>	<p><b>Appointment of substitute members</b></p>

<b>2.4 Election of Mayor and Deputy Mayor</b>	
2.4.1 During January or February in each year the Borough Solicitor <u>and Deputy Chief Executive</u> shall write to Group Leaders and to all Members of the Council inviting them to submit nominations of Members for selection as Mayor-Elect for the next succeeding Municipal Year.	<b>Voting on nominees.</b>
2.4.2 The Borough Solicitor <u>and Deputy Chief Executive</u> shall ascertain that each Member is prepared to accept nomination. A list of those Members prepared to accept nomination shall be included on the agenda for the January or February ordinary meeting of the Council. Voting on the list of nominees shall be by ballot and shall continue until one nominee secures an overall majority.	<b>Voting on nominees</b>
2.4.3 The procedure set out in 2.4.2 shall be followed for the selection of a Deputy Mayor-Elect.	<b>Procedure for Deputy Mayor-Elect.</b>
<b>2.5 Leader of the Council</b>	
2.5.1 The Leader of the Council shall be elected by the whole Council as the Chairman of the Policy and Organisation Board.	<b>Election of Chairman of POB. designated as "Leader".</b>
<b>3.0 MEETINGS OF THE COUNCIL AND ITS BOARDS AND SUB-BOARDS - BEFORE THE MEETING</b>	
<b>3.1 Summonses and Agendas</b>	
3.1.1 A printed copy of the Summons and Agenda for any forthcoming meeting of the Council or any Board, Sub-Board or Committee shall be despatched to each Member by the Borough Solicitor <u>and Deputy Chief Executive</u> not less than five clear working days before such meeting.	<b>Despatch of Summons and Agenda.</b>

3.1.2 The Agenda shall list the business to be conducted at the meeting in the order in which it is required to be conducted by these Standing Orders. Notices of Motion shall be set out in full and any accompanying reports referred to in the Agenda.	<b>Contents of Agenda.</b>
3.1.3 The Summons and Agenda for any Ordinary Meeting of the Council or of any Board, Sub-Board or Committees shall be accompanied by the draft Minutes of any previous meeting(s) whether Ordinary or Extraordinary.	<b>Draft Minutes to be included with Agenda for Ordinary Meetings.</b>
<b>3.2 Pre-Agenda Meetings</b>	
3.2.1 In the case of the Policy and Organisation Board, <del>Housing Board and Community and Environment Board and Economic Development Board</del> fourteen days before the meeting of that Board there will be a formal Pre-Agenda Meeting. For the avoidance of doubt this will not be the case with the Regulatory Board and Licensing Board. The Chairman of the Board will be present at the meeting, together with relevant officers of the Council.	<b>Pre-Agenda Meetings.</b>
3.2.2 At the Pre-Agenda Meeting the Chairman will consider a list of items for consideration at the Board and make a decision as to whether in his/her opinion it is a controversial matter, in which case it should be placed on a provisional Board Agenda, or not controversial and decided under the delegated powers approved by Council in accordance with the Terms of Delegation of a relevant Officer of the Council or send it to the Overview and Scrutiny Committee. At the meeting a “Key Decisions List” listing the Chairman’s decisions including reasons for sending an item <del>other than a Policy Framework item</del> to Overview and Scrutiny Committee will be prepared.	<b>Key Decisions List.</b>
3.2.3 Within two days of the Pre-Agenda Meeting, the Borough Solicitor <del>and Deputy Chief Executive</del> will despatch a copy of the Key Decisions List to all Members of the Council, in order that they may consider whether or not they wish to ask the Overview and Scrutiny Committee to consider calling in the item for scrutiny.	<b>Circulation of Key Decisions List</b>

<p>3.2.4 Request for Overview and Scrutiny Committee to call in an item on the Key Decisions List for scrutiny shall be made in writing, set out the reasons for the request and unless the request is being made by the Chairman of the Overview and Scrutiny Committee shall be signed by three members. All requests for scrutiny shall be given to the Borough Solicitor <u>and Deputy Chief Executive</u> within four days of the date of despatch of the <u>Key Decisions List</u>.</p>	
<p>3.2.5 Once the deadline has expired for a request for scrutiny of any matter on the Key Decisions List the Borough Solicitor <u>and Deputy Chief Executive</u> will prepare the final Agenda for the Board and this will be circulated to each Member of the Council in accordance with Standing Order 3.1.1.</p>	<b>Final Agenda</b>
<p><b>3.3 Notice of Motion - Procedure for Giving (Council Meetings Only)</b></p>	
<p>3.3.1 Every Notice of Motion shall be in writing and signed by the Member(s) giving the Notice.</p>	<b>Notice of Motion to be in writing.</b>
<p>3.3.2 Every Notice of Motion shall be delivered to the Borough Solicitor <u>and Deputy Chief Executive</u> not less than eight days before the Ordinary Meeting of the Council at which it is to be considered (except a Motion to suspend Standing Orders given under Standing Order 3.3.5 and a Motion under Standing Order 4.15.1 which shall be delivered to the Borough Solicitor <u>and Deputy Chief Executive</u>, not later than noon on the day preceding the meeting in question) or a motion under Standing Order 4.5.1.</p>	<b>Eight days' notice of Motion.</b>
<p>3.3.3 The Borough Solicitor <u>and Deputy Chief Executive</u> shall number in the order of receipt and record in a book, which shall be available for inspection by Members, every Notice of Motion received by him/<u>her</u>.</p>	<b>Notices to be recorded.</b>
<p>3.3.4 Every Notice of Motion received by the Borough Solicitor <u>and Deputy Chief Executive</u> in accordance with these Standing Orders shall be inserted in the Summons for the meeting at which it is to be considered unless it has previously been withdrawn by the Member(s) concerned.</p>	<b>Notices to be Inserted in Summons unless withdrawn.</b>

<p>3.3.5 Notice of Motion to suspend a Standing Order or Standing Orders shall:-</p> <p>(a) Give the reasons for suspending a Standing Order or Standing Orders;</p> <p>(b) If not included on the Agenda, be handed to the Borough Solicitor <u>and Deputy Chief Executive</u> not less than two hours before the scheduled time for the commencement of the meeting.</p>	<p><b>Requirements of Notice of Motion to suspend Standing Orders.</b></p>
<p><b>3.4 Members' Questions - Procedure for Giving (Council Meetings Only)</b></p>	
<p>3.4.1 Notice of any question to which Standing Order 4.8.1 or Standing Order 4.8.2 applies shall be given to the Borough Solicitor <u>and Deputy Chief Executive</u> not later than noon on the working day preceding the relevant Council meeting.</p>	<p><b>One day's Notice for Members' Questions</b></p>
<p><b>3.5 Notice of Deputations - Procedure for Giving</b></p>	
<p>3.5.1 Notice of any deputation to which Standing Order 4.9.1 and Standing Order 6.3.1 applies shall be given to the Borough Solicitor <u>and Deputy Chief Executive</u> not later than noon on the second working day preceding the relevant meeting.</p>	<p><b>Two days' Notice for Deputations</b></p>
<p>3.5.2 The Notice given under Standing Order 3.5.1 must be counter-signed by ten electors of the Borough <u>and Deputy Chief Executive</u> or signed by or on behalf of the person or persons having a private interest in the object or the deputation</p>	<p><b>Notice to be Counter-signed unless a private interest matter.</b></p>
<p>3.5.3 Any question as to whether or not an interest is sufficient to constitute a private interest for the purposes of Standing Order 3.5.2 shall, in respect of Council meetings, be determined by the Borough Solicitor <u>and Deputy Chief Executive</u> in consultation with the Mayor and Leader of the Council and in the case of Board and Sub-Board or Committee meetings, shall be determined by the Borough Solicitor <u>and Deputy Chief Executive</u> in consultation with the Chairman of that Board, Sub-Board or Committee.</p>	<p><b>Determination of private interest.</b></p>



<b>3.6</b>	<b>Notice Of Public Questions – Procedure for Giving</b>	
3.6.1	Notice of any public question to which Standing Order 4.10.1 applies shall be given to the Borough Solicitor <u>and Deputy Chief Executive</u> not later than noon on the second working day preceding the relevant meeting.	<b>Two days' Notice for public questions.</b>
<b>3.7</b>	<b>Member's Right to Speak at Board and Sub-Board Meetings.</b>	
3.7.1	Subject to Standing Order 3.7.4 any Member of the Council may attend a meeting of any Board, Sub-Board <u>and Standards and Governance Committee</u> notwithstanding that he is not a Member of that Board and may remain at the meeting for the discussion of any item of business on the Agenda including any exempt item of business.	<b>Member's right to attend Board and Sub-Board meetings.</b>
3.7.2	Any Member of the Council who is not a Member of the Board, Sub-Board <u>or Standards and Governance Committee</u> in question, may only take part in the discussion of any item of business on the agenda for the meeting in question if:-  (a) He is permitted to do so in accordance with Standing Orders 3.8 or 4.6.5; or  (b) The matter under discussion relates to the Member's Ward; or  (c) The Chairman of the Board or Sub-Board <u>or Standards and Governance</u> consents.	<b>Member's right to speak at Board and Sub-Board meetings.</b>
3.7.3	Any Member who wishes to exercise the right conferred in Standing Order 3.7.2 shall (with the exception of the right arising by virtue of (a)) give to the Borough Solicitor <u>and Deputy Chief Executive</u> not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the Member wishes to speak.	<b>Member's Notice to speak at Board and Sub-Board meetings.</b>
3.7.4	Standing Order 7.1 (interests in contracts and other matters) and Standing Order 7.4 (proceedings to be confidential) shall apply to Members exercising the rights	<b>Right to speak subject to Standing Orders.</b>

conferred by this Standing Order.	
-----------------------------------	--

3.7.5	The decision of the Chairman of the Board, Sub-Board <u>or Standards and Governance Committee</u> on whether a matter relates to a Member's Ward and on whether a Member shall be permitted to take part in a discussion, shall be final.	<b>Chairman's ruling to be final.</b>
3.7.6	No Member who is not a Member of the Board, Sub-Board <u>or Standards and Governance Committee</u> in question shall in any circumstances be entitled to vote on any matter before the Board or Sub-Board <u>or Standards and Governance Committee</u> .	<b>Prohibition on voting.</b>
3.7.7	Any Member attending a Board, Sub-Board or Committee shall, unless taking part in the discussion by virtue of this Standing Order, sit apart from the Members of the Board, Sub-Board or Committee and shall refrain from conversing with or disturbing the Members of the Board, Sub-Board or Committee and shall, if required to do so by the Chairman, retire from the meeting.	<b>Non-Members to take no part in Board, Sub-Board or Committee meetings.</b>
<b>3.8</b>	<b>Members' Reports - Procedure (Board and Sub-Board Meetings Only)</b>	
3.8.1	Subject to Standing Orders 3.8.2 and 3.8.3 any Member of the Council may require any substantive matter falling within the terms of reference and delegated powers of a Board or Sub-Board <u>or Standards and Governance Committee</u> to be included on the agenda of that Board or Sub-Board <u>or Standards and Governance Committee</u> .	<b>Members' rights to have matters raised at Board and Standard and Governance Committee meetings.</b>
3.8.2	Any Member exercising the right conferred by Standing Order 3.8.1 shall, not less than 17 days before the meeting in question, provide the Borough Solicitor <u>and Deputy Chief Executive</u> with a written statement of the matter that the Member wishes to raise.	<b>Written statement to be provided 17 days before meeting.</b>
3.8.3	In respect of any statement received under Standing Order 3.8.2, the Borough Solicitor <u>and Deputy Chief Executive</u> , in consultation with the Chairman of the relevant Board or Sub-Board <u>or Standards and Governance Committee</u> shall determine whether or not it is appropriate to include the item on the agenda for the meeting in question. If the Member's request is refused, the Member shall be notified	<b>Determination of Member's request for matter to be considered, <del>at</del> Board.</b>

accordingly with the reasons for refusal.	
---	--

<p>3.8.4 If the Member's request is approved, the request shall be incorporated in a Member's report prepared by the Borough Solicitor <u>and Deputy Chief Executive</u> which report shall also incorporate the preliminary comments (if any) of any other relevant Officer of the Council.</p>	<p><b>Preparation of report detailing Member's request.</b></p>
<p><b>4.0 PROCEEDINGS AT COUNCIL MEETINGS</b></p>	
<p><b>4.1 Quorum</b></p>	
<p>4.1.1 A quorum for a meeting of the Council shall be 8 Members.</p>	<p><b>Quorum to be 8 Members.</b></p>
<p>4.1.2 If within 10 Minutes after the time appointed for the commencement of any meeting of the Council the quorum is not present, the meeting shall be adjourned and the names of the Members present at that time shall be recorded.</p>	<p><b>Dissolution if quorum not present.</b></p>
<p>4.1.3 If at any time during the meeting the quorum of Members present falls below 8 Members the Mayor shall immediately adjourn the meeting and the names of the Members present at that time shall be recorded in the Minutes. The completion of any outstanding business shall be adjourned to a date and time stipulated by the Mayor, or, if no such date and time is stipulated, to the next Ordinary Meeting of the Council.</p>	<p><b>Counting <del>out</del> and outstanding business.</b></p>
<p><b>4.2 Order of Business</b></p>	
<p>4.2.1. Subject to Standing Order 4.2.2 the order of business for every meeting of the Council shall be:-</p> <ul style="list-style-type: none"> <li>(a) To appoint a Member as Chairman if the Mayor and Deputy Mayor are both absent;</li> <li>(b) To record any apologies for non-attendance</li> <li>(c) To conduct any business required by statute to be done before any other business;</li> <li>(d) To approve (or not as the case may be) as a correct</li> </ul>	<p><b>Order of business.</b></p>

<p>record the Minutes of the last meeting;</p> <p>(e) To receive, consider and pass such Motions as the Council shall deem expedient on the Mayor's Communications (if any);</p> <p>(f) To receive deputations in accordance with Standing Order 4.9.1 and to answer questions in accordance with Standing Order 4.10.1;</p> <p>(g) To dispose of any outstanding business from the last meeting;</p> <p>(h) To answer questions in accordance with Standing Orders 4.8.1 and 4.8.2;</p> <p>(i) To receive and consider the Part I minutes of proceedings of all Boards or Committees of the Council;</p> <p>(j) To consider Notices of Motion in the order in which they have been received;</p> <p>(k) To receive the Part II Minutes of the proceedings of all Boards and Committees of the Council;</p> <p>(l) To fill vacancies in any office, Board, Committee or other body;</p> <p>(m) Such other business as may be specified in the Summons.</p>	
<p>4.2.2 A Motion to vary the Order of business may be considered at any time after the completion of the business referred to in Standing Orders 4.2.1(a), (b) and (c).</p>	<p><b>Variation of order of business.</b></p>
<p><b>4.3</b> <del>Board Minutes-Part I</del> <u>Items- recommendations from Service Boards</u></p>	
<p>4.3.1 The Chairman or Vice-Chairman of each <u>Service Board</u> shall present the <u>recommendation of that Service Board</u><del>Minutes of proceedings of that Board on Part 1 items to the Council by calling the number of each Minute in Part I of the Minutes in turn and giving the answer to any question of which Notice had been given in relation to that Minute.</del></p> <p><u>individually</u></p>	<p><b><u>Presentation of Part I Minutes.</u></b></p> <p><b><u>Consideration of recommendations from Service Boards</u></b></p>

<p>4.3.2 Immediately after <u>a recommendation on a Part 1 item from the Service Board is presented</u><del>each Minute is called and any questions of which Notice has been given answered</del>, a Member wishing to speak thereon may indicate his/<u>her</u> wish to do <del>so by calling the number of the Minute and/or by</del> raising his/<u>her</u> hand but shall not start his/<u>her</u> speech until called upon by the Mayor.</p>	<p><b>Right to speak on Part I <u>items</u>Minutes.</b></p>
<p>4.3.3 <u>At the end of discussion on the Part 1 item the Mayor shall put the recommendation as set out in the Part 1 item to the Council for a vote.</u></p>	<p><b><u>Vote on Part 1 item</u></b></p>
<p><b>4.4 Board Minutes - Part II</b></p>	
<p>4.4.1 The Chairman or Vice-Chairman of each Service Board shall move page by page that Part II of the Board Minutes be received.</p>	<p><b>Receipt of Part II minutes</b></p>
<p>4.4.2 Any Member wishing to speak on a Part II Minute may do so by <u>calling the number of the page and/or by raising his/her hand but shall not start to speak until called upon by the Mayor</u><del>following the procedure set out in Standing Order 4.3.2</del> save that no Member may speak for more than 3 minutes on any one Part II Minute.</p>	<p><b>Procedure for speaking on Part II Minutes.</b></p>
<p><b>4.5 Motions Moved Without Notice</b></p>	
<p>4.5.1 The following Motions may be moved without Notice:-</p> <ul style="list-style-type: none"> <li>(a) A Motion to adopt a recommendation contained in any report or Part I <u>Item</u><del>Minute</del> before the Council;</li> <li>(b) An amendment to any Motion before the Council;</li> <li>(c) A Motion to refer an item of <u>b</u><del>B</del>usiness to or back to a Board, Sub-Board or Overview and Scrutiny Committee or <u>Conduct and Standards and Governance</u><del>Conduct and</del> Committee of the Council;</li> <li>(d) A Motion arising out of the consideration of Mayor's communications;</li> <li>(e) That the Council Meeting or debate be adjourned;</li> </ul>	<p><b>Motions moved without notice.</b></p>

<p>(f) That the question be now put;</p> <p>(g) That the Council proceed to the next business;</p> <p>(h) A Motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the Press and public;</p> <p>(i) A Motion that a Member be not further heard or that a Member be allowed to speak for a longer period;</p> <p>(j) A Motion that the order of business be varied;</p> <p>(k) That the subject of a Notice of Motion be debated as a matter of urgency under Standing Order 4.6.3;</p> <p>(l) A Motion that a Deputation is not received (Standing Order 4.9.7) or that a Deputation be received (Standing Order 4.9.8);</p> <p>(m) A Motion that the business of the Council shall continue after 9.30 pm.</p>	
<p><b>4.6 Procedure for Motions Following Notice</b></p>	
<p>4.6.1 Any Motion of which Notice has been given in accordance with Standing Order 3.3.1 shall, upon being formally moved and seconded stand referred without discussion to such Board <del>or Sub-Boards</del> <u>or Standards and Governance Committee</u> within whose Terms of Reference the Motion falls.</p>	<p><b>Reference of Motions to Board</b></p>
<p>4.6.2 If the subject matter of any Motion does not fall within the Terms of Reference of any Board <del>or Standards and Governance Committee</del> of the Council the Motion shall be referred to the Policy and Organisation Board for consideration as a Part I item.</p>	<p><b>Reference to Policy and Organisation Board.</b></p>
<p>4.6.3 Provided that if the Council on the Motion of the Chairman of the Policy and Organisation Board and without debate resolves that there is an urgent need in the interests of the Borough or of the Borough Council for the Motion to be debated immediately it shall be so debated.</p>	<p><b>Motions debated as a matter of urgency.</b></p>
<p>4.6.4 If a Motion of which Notice has been given in the Summons for the meeting is not moved by the Member or Members</p>	<p><b>Motions not</b></p>



<p>giving the Notice or by any other Member authorised in writing by that Member or those Members, it shall be treated as abandoned and shall not thereafter be moved without fresh Notice.</p>	<p><b>moved.</b></p>
<p>4.6.5 A Member of the Council who has proposed a Motion that has been referred to any Board <u>or Standards and Governance Committee</u> shall be entitled to attend the meeting of the Board <u>or Standards and Governance Committee</u> at which it is to be considered and to take part in any debate on it. Such Member shall not be entitled to a vote on the Motion unless he is a member of the Board <u>or Standards and Governance Committee</u> concerned.</p>	<p><b>Mover of Motion entitled to speak at Board.</b></p>
<p><b>4.7 Procedure for Amendments</b></p>	
<p>4.7.1 All amendments must be in writing, signed by the proposer and seconder and handed to the Mayor before any debate on the amendment begins.</p>	<p><b>Amendments to be in writing.</b></p>
<p>4.7.2 An amendment may add and/or delete words</p>	<p><b>Contents of amendment.</b></p>
<p>4.7.3 The effect of an amendment must not be to:-</p> <ul style="list-style-type: none"> <li>(a) Negative the Motion under debate,</li> <li>(b) Introduce a materially new issue,</li> <li>(c) Reverse or amend a decision made under delegated powers except where that decision has not been actioned and the purpose (or one of the purposes) of the debate is to review that decision.</li> </ul>	<p><b>Restriction on amendments.</b></p>
<p>4.7.4 No second or subsequent amendment shall be moved until the first or previous amendment has been disposed of.</p>	<p><b>Amendments to be disposed of one at a time.</b></p>
<p>4.7.5 Notice of any number of amendments may be given provided such Notice is given before the commencement of the reply to the debate on the previous amendment.</p>	<p><b>Timing of amendments.</b></p>
<p>4.7.6 The mover or seconder of any amendment may not move or second any further amendment to the Motion or any</p>	<p><b>Members not to move or second</b></p>

amendment which has replaced it.	<b>further amendments.</b>
4.7.7 An amendment which has been carried becomes the substantive Motion.	<b>Amendment to become substantive motion.</b>
4.7.8 If, after the disposal of an amendment, no further amendment is moved the question upon the substantive Motion shall be put without further debate subject only to any outstanding rights of the mover and seconder to speak or reply under Standing Orders 4.11.2 or 4.11.4.	<b>Voting on substantive motion.</b>

4.7.9	An amendment shall not be inconsistent with any alterations to the original Motion made by amendment(s) already carried.	<b>Amendments not to be inconsistent with previous amendment(s).</b>
4.7.10	The Mayor shall have the discretion to refuse to put to the meeting any amendment which, in his opinion, substantially contradicts, overrides or repeats a previous amendment.	<b>Chairman's discretion to refuse amendments.</b>
<b>4.8</b>	<b>Procedure for Members' Questions</b>	
4.8.1	At any meeting of the Council a Member may ask the Mayor or Chairman of the appropriate Board or Committee any question on any Minute or other matter properly before the Council providing notice of such question has been given in accordance with Standing Order 3.4.1.	<b>Questions on matters before the Council.</b>
4.8.2	At any meeting of the Council a Member may ask the Chairman or Vice-Chairman of the appropriate Board or Committee any question on any matter in relation to which the Council have powers or duties or which affect the Borough but which is not included on the Agenda for the meeting or is not otherwise before the Council providing that notice of such question has been given in accordance with Standing Order 3.4.1.	<b>Questions on matters not before the Council</b>
4.8.3	Where the Chairman or Vice-Chairman is unable to provide an answer at the meeting he/she shall provide a written answer in accordance with the provisions of Standing Order 4.8.5.	<b>Chairman not obliged to answer questions.</b>
4.8.4	Any Member who has received an answer to any question put by him/her under Standing Order 4.8.1 or 4.8.2 may ask one supplementary question arising from the answer given.	<b>Supplementary questions.</b>
4.8.5	Where the Chairman or Vice-Chairman of the appropriate Board or Committee considers that an oral reply cannot conveniently be given, he/she may provide a written answer to the Member concerned within seven days after the meeting. A copy of the written answer shall also be circulated to all other Members with the Minutes of the	<b>Procedure for giving written reply.</b>

meeting at which the question was asked.	
<b>4.9 Procedure for Deputations</b>	
4.9.1 Any meeting of the Council to which this Standing Order applies may receive a Deputation of which Notice has been given in accordance with Standing Order 3.5.1.	<b>Receipt of Deputations subject to notice.</b>
4.9.2 No Deputation may be received if that Deputation relates to an item of business which appears on the Agenda for the meeting in question as an exempt item or which the Council has resolved to consider in confidential session.	<b>No Deputations on exempt business.</b>
4.9.3 At any meeting at which the setting of the level of Council Tax or any statutory replacement thereof is being considered, Deputations shall not relate to the Council Tax.	<b>No Deputations at certain meetings.</b>
4.9.4 A Deputation may only be received in relation to a matter which is before the meeting for a decision or which relates to one or more of the functions of the Council.	<b>Deputations to relate to item of business or functions of the Council.</b>
<p>4.9.5 The following Rules shall apply to any Deputation permitted under this Standing Order:-</p> <p>(a) Each Deputation shall consist of a oral presentation made by one spokesperson only;</p> <p>(b) The spokesperson shall be entitled to speak for a maximum of five minutes;</p> <p>(c) Where there is more than one Deputation supporting or opposing the matter in question the total time for the Deputations in support and the Deputations in opposition shall not exceed ten minutes in each case;</p> <p>(d) The spokesperson for any Deputation shall be entitled to make use of visual aids. Any visual aids so used may be retained by the Borough Solicitor <u>and Deputy Chief Executive</u> if, in <u>their</u><del>his</del> opinion, they should be included or</p>	<b>Rules for presentation of Deputations.</b>

<p>referred to in the Minutes of the meeting;</p> <p>(e) Documents or leaflets may be distributed to Members at the meeting in conjunction with any Deputation provided that the contents of such documents or leaflets are read out or summarised by the spokesperson;</p> <p>(f) Members of the meeting concerned may ask questions of the spokesperson to clarify any statement made;</p> <p>(g) The Chairman shall if he/she considers it appropriate, respond to any Deputation on behalf of the meeting.</p>	
<p>4.9.6 The total time permitted for all Deputations shall not exceed twenty minutes at any one meeting.</p>	<p><b>Deputations not to exceed 20 minutes in total.</b></p>
<p>4.9.7 If it considers it appropriate to do so the Council may resolve, on the Motion of the Mayor, that any Deputation of which notice has been given in accordance with Standing Order 3.5.1 shall not be received or that the matter shall be deferred to a future meeting.</p>	<p><b>Discretion not to receive Deputations.</b></p>
<p>4.9.8 If it considers it appropriate to do so the Council may resolve, on the Motion of the Mayor, either that a Deputation may be received notwithstanding that Notice has not been given in accordance with Standing Order 3.5.1, or, that any of the requirements of Standing Order 4.9 shall not apply in respect of that meeting.</p>	<p><b>Discretion to waive Standing Order 4.9.</b></p>
<p><b>4.10 Procedure for Public Questions</b></p>	
<p>4.10.1 Any member of the public may attend any meeting of the Council to ask a question of which Notice has been given under Standing Order 3.6.1.</p>	<p><b>Public's right to ask questions.</b></p>
<p>4.10.2 A question must relate to the functions of the Council and may not be asked if, in the opinion of the Borough Solicitor <u>and Deputy Chief Executive</u> in consultation with the Mayor, it does not relate to the functions of the Borough Council or is vexatious or frivolous or relates solely or mainly to the interests of an individual or to a matter which, on the advice of the Borough Solicitor, <u>and Deputy Chief Executive</u> should be considered as an exempt item.</p>	<p><b>Exclusion of certain questions.</b></p>

4.10.3 Questions shall be put orally to the Chairman and shall be answered orally by the Chairman or by his or her nominee.	<b>Questions to be put and answered orally.</b>
4.10.4 Questions shall be put in the order in which they are received by the Borough Solicitor <u>and Deputy Chief Executive</u> .	<b>Questions to be put in order of receipt.</b>
4.10.5 A total of fifteen minutes shall be allowed for public questions. If, at the end of that time, questions remain unanswered, the questioner shall receive a written response from the Borough Solicitor <u>and Deputy Chief Executive</u> as soon as practicable after the meeting.	<b>Question time not to exceed 15 minutes.</b>
4.10.6 No questioner shall be permitted to ask more than one question and may not ask supplementary questions.	<b>One question only.</b>
<b>4.11 Rules of Debate</b>	
4.11.1 A Member shall speak only once in a debate on any Motion or amendment except in the exercise of rights given by the following Standing Orders:-  (a) Standing Order 4.11.2 - right of reply,  (b) Standing Order 4.11.10 - point of order,  (c) Standing Order 4.11.11 - personal explanation.	<b>Member to speak once only.</b>
4.11.2 The Chairman or other Member moving the <u>recommendation of the Service</u> <del>Part I Minutes of a Board on a Part 1 item</del> or the proposer of any motion or amendment being debated by the Council shall have a right to reply at the close of the debate immediately prior to any vote being taken.	<b>Member's right to reply.</b>
4.11.3A Member exercising the right to reply shall not introduce any new matter.	<b>Speech in reply not to raise new matter.</b>
4.11.4 The seconder of any Motion being debated by the Council may reserve his right to speak to a later time in the debate but shall not speak after the proposer has made his speech	<b>Secunder may reserve right to</b>

in reply	<b>speak</b>
----------	--------------

<p>4.11.5 Subject to Standing Order 4.11.4 a Member wishing to speak shall so indicate by raising his hand but shall not begin his speech until called by the Mayor who shall decide the order in which Members are to speak.</p>	<p><b>Member to indicate a wish to speak.</b></p>
<p>4.11.6 Wherever possible Members shall stand when speaking and address the Chair<u>man</u>.</p>	<p><b>Member to address Chair<u>man</u>.</b></p>
<p>4.11.7 Subject to Standing Order 4.11.8 Speeches shall not exceed five minutes in length except speeches on amendments which shall not exceed three minutes in length.</p>	<p><b>Speeches not to exceed 5 minutes or 3 minutes.</b></p>
<p>4.11.8 The time limits contained in Standing Order 4.11.7 shall not apply to:-</p> <ul style="list-style-type: none"> <li>(a) The Member moving the budget proposals,</li> <li>(b) The spokesperson of any opposition party in reply to the budget proposals</li> </ul> <p>Provided that the speech of any opposition spokesperson shall not exceed ten minutes in length.</p> <p>(c) speeches where before speeches on an item have begun 5 members request that an extension of time pursuant to this standing order in which case the time limit for speeches shall be increased from 5 minutes to 7 minutes.</p>	<p><b>Exemption from time limits-.</b></p>
<p>4.11.9 Speeches shall be relevant to the matter under debate and the Mayor may stop a Member speaking if he is of the opinion that the speech is not relevant or substantially repeats the speech of another Member.</p>	<p><b>Speeches to be relevant.</b></p>



<p>4.11.10 If it appears to a Member at any meeting that there has been a breach of any of the Council's Standing Orders and that the Mayor has not taken the necessary action, that Member may, although during the speech of another Member, draw the attention of the Mayor by rising to his feet but without speaking until authorised by the Mayor. On such authorisation he should raise the matter by speaking the words "point of order" and quoting the number of the relevant Standing Order followed by details of the alleged breach. He shall not make any speech in support of his opinion but may answer any question put to him by the Mayor. The Mayor shall forthwith rule upon the alleged breach following which there shall be no further discussion on the matter.</p>	<p><b>Member's right to raise points of order.</b></p>
<p>4.11.11 If during any debate it appears to a Member who has already spoken that he has either, (a) made an error of fact which should be corrected, or, (b) he has been misrepresented or misquoted by a subsequent speaker, he may, by rising to his feet but without interrupting the speech of any other Member, ask the permission of the Mayor to make a personal explanation. On the granting of such permission he may either correct what he has previously said or draw attention to the misrepresentation or misquotation but shall not add any new matter or repeat any previous arguments.</p>	<p><b>Member's right to personal explanation.</b></p>
<p>4.11.12 The ruling of the Mayor on any point arising under these Standing Orders, or on the admissibility of a personal explanation, shall be final and not open to discussion or challenge.</p>	<p><b>Chairman's ruling on Standing Orders to be final.</b></p>
<p>4.11.13 When the Mayor rises, no other Member shall remain standing and until the <u>MayorChairman</u> resumes his seat no Member shall rise and the Council shall be silent so that the Mayor may be heard without interruption.</p>	<p><b>Members to respect <u>the ChairmanChair</u>.</b></p>
<p>4.11.14 If the Mayor considers that a Member's conduct is disorderly and so states to the meeting, the Mayor or any other Member may move that the Member in question "be no longer heard". If seconded, the Motion shall be put to the vote without discussion and, if carried, the Member concerned shall discontinue his speech and resume his seat.</p>	<p><b>Member's misconduct - Motion that Member "be no longer heard".</b></p>

<p>4.11.15 For the purposes of Standing Order 4.11.14 it shall be regarded as misconduct for a Member to disregard the ruling of the Mayor, to obstruct the proceedings of the Council, to use offensive language or to behave improperly.</p>	<p><b>Member's misconduct - definition.</b></p>
<p>4.11.16 If, after a Motion under Standing Order 4.11.15 has been put to the meeting and carried, the Member in question continues to disregard the authority of the chair<del>man</del>, the Mayor may either:-</p> <p>(a) Order the Member to leave the meeting and to take no further part in the proceedings of that meeting, or,</p> <p>(b) Adjourn the meeting for such period or to such alternative date and time as the Mayor shall decide.</p>	<p><b>Member's misconduct - exclusion of Member or adjournment of meeting.</b></p>
<p>4.11.17 If at any time it appears to the Mayor that the meeting should be adjourned because of general misbehaviour of either Members or the general public, he may, on his own authority, adjourn the meeting for such period or to such alternative date and time as he shall decide.</p>	<p><b>Public misconduct - adjournment.</b></p>
<p>4.11.18 If the business of the Council is not concluded by 9.30 pm the meeting shall stand adjourned unless it is otherwise decided by the Council on the Motion of the Mayor to continue.</p>	<p><b>Continuation of meeting after 9.30 pm.</b></p>
<p>4.11.19 Where a meeting is not continued under Standing Order</p> <p>4.11.18 any uncompleted business shall be adjourned to the next ordinary meeting of the Council unless, on the Motion of the Mayor, an alternative date and time is decided by the meeting.</p>	<p><b>Uncompleted business adjourned to next meeting.</b></p>
<p>4.11.20 Subject to Standing Orders 4.11.21 and 4.15.1 any Part I <del>Item</del>Minute, report or other document before the Council shall be taken as read.</p>	<p><b>Documents taken as read.</b></p>
<p>4.11.21 Where any meeting of the Council may be adjourned in consequence of the provisions of Standing Order 4.11.18 the Mayor shall try to ensure that any business that has to be determined in order that the Council complies with any statutory provision shall be decided at the meeting but in the event that no decisions are reached the recommendations <del>from the Service Boards on</del> those Part</p>	<p><b>Certain Part 1 minutes deemed to have been approved.</b></p>

1 <del>Items</del> Minutes shall be deemed to have been approved.	
<b>4.12 Formal Motion and Voting</b>	
4.12.1 A Member who has not spoken on the recommendation, motion or amendment under debate may, at the conclusion of the speech of another Member, move "that the question be now put" or "that the Council proceed to the next business" or "that the Council now adjourn" but shall not be entitled to speak on such Motion.	<b>Member's right to move next business etc.</b>
4.12.2 If a Motion moved under 4.12.1 is seconded the Chairman shall, if in his opinion the question before the meeting has been sufficiently debated and subject to the right of reply contained in Standing Order 4.11.2, put the Motion to the vote without amendment or discussion. If such Motion is carried the question before the meeting shall be put to the vote or the subject of debate shall be deemed to be disposed of for that meeting or the meeting shall stand adjourned, as the case may be.	<b>Voting on formal Motion and Mayor's discretion.</b>
4.12.3 Subject to Standing Order 4.12.4 <u>and 4.12.6</u> every question shall be determined by a show of hands unless Standing Order 4.12.4 shall apply.	<b>Show of hands.</b>
4.12.4 If a Member requests and if five other Members support him in that request, <del>the</del> the voting on any question shall be recorded so as to show how each Member present gave his vote or abstained from voting.	<b>Recorded votes.</b>
4.12.5 Notwithstanding Standing Order 4.12.4, any Member may require, at the time the vote is taken, that the Minutes of the meeting show how he voted, or abstained from voting as the case may be, on the item of business in question.	<b>Member's right to have his vote recorded.</b>
<u>4.12.6 Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.</u>	<b><u>Budget decision meetings</u></b>

<b>4.13 Minutes</b>	
4.13.1 No protest or expression of dissent shall be entered in the Minutes of any Council meeting.	<b>Protests not to be recorded.</b>
4.13.2 At any ordinary meeting of the Council the draft Minutes of any previous meeting, whether ordinary or extraordinary, shall be signed by the Mayor as a true and correct record subject only to such corrections as the Members present shall required to be made.	<b>Minutes of previous meetings to be signed at ordinary meetings only.</b>
<b>4.14 Rescission of Previous Decisions</b>	
<p>4.14.1 No Motion which has the effect of:-</p> <p>(a) Rescinding or negating any previous decision of the Council, or,</p> <p>(b) Replacing or reinstating any decision previously rescinded or negated shall be considered by the Council within six months of that decision (or the decision to rescind or negate) except in the following circumstances:-</p> <p>(i) Where the decision was made in reliance on information which has subsequently been found to be incorrect; or</p> <p>(ii) Where there has been a change in the law in relation to that decision; or</p> <p>(iii) Where the Mayor, in consultation with the Leader of the Council and the Borough Solicitor <u>and Deputy Chief Executive</u> considers that there has been such a change in circumstances since the decision was made that it would be in the best interests of the Council for the matter to be reconsidered;</p>	<b>No rescission of Council decisions within six months</b>
4.14.2 The requirements of Sub-Clause (iii) of Standing Order 4.14.1 shall not apply to any matter which appears in the Part I Minutes of any Board to be considered at that meeting providing that the requirements of Standing Order 6.7.1 have been complied with in relation to the item concerned.	<b>Requirements for matters contained in the Part I Minutes of a Board.</b>
<b>4.15 The Council as a Committee</b>	
4.15.1 The Motion of any Member of which notice has been given,	<b>Committee of the</b>

<p>in accordance with Standing Order 3.3.2 that the Council "moves to Committee" in relation to any item of business identified in the Motion, shall be debated in accordance with the rules of debate contained in Standing Order 4.11 subject only to the following exceptions:-</p> <p>(a) Officers may present reports and answer questions thereon;</p> <p>(b) Any recommendation contained in any such report shall be the Motion for debate of which notice shall be deemed to have been duly given;</p> <p>(c) If the report referred to in (b) above makes no recommendation, the Leader of the Council or the appropriate Board Chairman may table the Motion for debate notwithstanding that notice of such Motion has not been given in accordance with the requirements of Standing Order 4.3.2</p>	<b>whole Council</b>
5.0 OVERVIEW AND SCRUTINY COMMITTEES	
5.1 Appointment of Overview and Scrutiny Committee	
5.1.1 The Council will appoint the Overview and Scrutiny Committee:	<b>Appointment of Overview and Scrutiny Committee</b>
5.1.2 The Overview and Scrutiny Committee shall carry out a full range of scrutiny activities in accordance with its Terms of Reference and the Principles of Scrutiny.	<b>Scrutiny Activities of O&amp;S Committee</b>
5.1.3 The Council will keep under review the effectiveness of the operation of the Overview and Scrutiny Committee and may either on its own initiative or on the recommendation of the Overview and Scrutiny Committee make changes to the allocation of tasks and responsibilities under the Principles of Scrutiny. These changes may involve the establishment of a new Overview and Scrutiny Committee or the	<b>Review of O&amp;S Committee</b>

discontinuance of an existing one.	
------------------------------------	--

<p>thereon;</p> <p>(b) Any recommendation contained in any such report shall be the Motion for debate of which notice shall be deemed to have been duly given;</p> <p>(c) If the report referred to in (b) above makes no recommendation, the Leader of the Council or the appropriate Board Chairman may table the Motion for debate notwithstanding that notice of such Motion has not been given in accordance with the requirements of Standing Order 4.3.2</p>	
<p><b>5.0 OVERVIEW AND SCRUTINY COMMITTEES</b></p>	
<p>5.1 Appointment of Overview and Scrutiny Committee</p>	
<p>5.1.1 The Council will appoint the Overview and Scrutiny Committee:</p>	<p><b>Appointment of Overview and Scrutiny Committee</b></p>
<p>5.1.2 The Overview and Scrutiny Committee shall carry out a full range of scrutiny activities in accordance with its Terms of Reference and the Principles of Scrutiny.</p>	<p><b>Scrutiny Activities of O&amp;S Committee</b></p>
<p>5.1.3 The Council will keep under review the effectiveness of the operation of the Overview and Scrutiny Committee and may either on its own initiative or on the recommendation of the Overview and Scrutiny Committee make changes to the allocation of tasks and responsibilities under the Principles of Scrutiny. These changes may involve the establishment of a new Overview and Scrutiny Committee or the discontinuance of an existing one.</p>	<p><b>Review of O&amp;S Committee</b></p>

<b>5.2 Membership of Overview and Scrutiny Committee</b>	
<p>The Overview and Scrutiny Committee shall consist of twelve Members of the Council. There shall be no ex-officio membership of Overview and Scrutiny Committee. The allocation of seats on such Overview and Scrutiny Committees shall be determined between the Political Groups of the Council in accordance with the Proportionality Rules save that Chairmen of the Service Boards are disqualified from membership of the Overview and Scrutiny Committee.</p>	<b>Membership of O&amp;S Committee</b>
<p>5.2.2 The quorum of any meeting of the Overview and Scrutiny Committee shall be 4 Members of the Committee. If within 10 minutes after the time appointed for the commencement of the meeting the quorum is not present the meeting shall be dissolved and the names of the Members present at the time shall be recorded.</p>	<b>Quorum of O&amp;S Committee and Dissolution.</b>
<p>5.2.3 If at any time during the meeting the quorum of members present falls below the limit contained in Standing Order 5.2.2 the Chairman shall adjourn the meeting and the names of the Members present at that time shall be recorded in the Minutes. The completion of any business shall be adjourned to a date and time stipulated by the Chairman, or, if no such date and time is stipulated, to the next ordinary meeting of the Committee.</p>	<b>Adjournment if no quorum present</b>



<b>5.3 Appointment of Chairman and Vice-Chairman of Overview and Scrutiny Committee</b>	
5.3.1 The Overview and Scrutiny Committee shall appoint a Chairman and Vice-Chairman from among its membership. In the absence of the Chairman the Vice-Chairman shall have the right to exercise all powers of the Chairman.	<b>Appointment of Chairman and Vice-Chairman of O&amp;S Committee</b>
<b>5.4 Requests for Scrutiny</b>	
5.4.1 In addition to the provisions relating to requests for scrutiny under Standing Order 3.2.2 and Standing Order 3.2.4 other requests for scrutiny shall be made in accordance with the following provisions. <u>Any Member of the Overview and Scrutiny Committee may refer any matter which is relevant to the functions of the Overview and Scrutiny Committee and 5.4.2 shall not apply to such a referral.</u>	
5.4.2 Request for scrutiny by a Member shall be made in writing setting out the reasons for the request and unless the request is being made by <u>a) the Chairman of a Service Board or ; b) the Chairman of the Overview and Scrutiny Committee or : is a Councillor Call for Action</u> shall be signed by three Members. All requests shall be given to the Borough Solicitor <u>and Deputy Chief Executive</u> who will arrange for them to be included on the agenda for the next Overview and Scrutiny Committee.	<b>Requests in writing</b>
<u>5.4.3 Any Member shall be entitled to refer to the Overview and Scrutiny Committee any local government matter which is relevant to the functions of the Overview and Scrutiny Committee ('Councillor Call for Action'). For these purposes 'local government matter' means a matter which relates to the discharge of any function of the Council; directly affects all or part of the Member's Ward or any person who lives or works in the Ward and is not an excluded matter as defined by legislation.</u>	<b><u>Councillor Call for Action</u></b>

5.4.34	Where a Service Board or Council considering an item on an Agenda consider that that item or any particular aspect of the item should be considered by Overview and Scrutiny Committee the <u>Service Board's</u> or Council's request shall be minuted together with the reasons for the request and the Borough Solicitor <u>and Deputy Chief Executive</u> shall arrange for the request to be included on the Agenda for the next Overview and Scrutiny Committee.	<b>Requests by Service Boards or Council</b>
<del>5.4.4</del>	<del>Reports of any Working Group of a Service Board shall be sent to the Overview and Scrutiny Committee for their consideration before being considered by the Service Board.</del>	<del><b>Reports of Working Groups</b></del>
5.4.5	Any Chairman or one of three Members making a request for scrutiny shall have the right to make a five minute presentation to the Overview and Scrutiny Committee considering their request. The Overview and Scrutiny Committee may ask questions at the end of the presentation.	<b>Right to make presentation</b>
<b>5.5</b>	<b>Delegation of Scrutiny Tasks</b>	
5.5.1	The Overview and Scrutiny Committee may delegate the carrying out of specified tasks to Members of the Committee. Tasks may be delegated to individual Members, or groups of Members but not to other Councillors who are not Members of the Overview and Scrutiny Committee. Tasks may also be delegated to Officers of the Council.	<b>Delegation of Tasks by O&amp;S Committees</b>
5.5.2	In carrying out tasks delegated to them the members or Officers shall:-  (a) Be deemed to be acting with the full authority of the Overview and Scrutiny Committee  (b) Prepare a report to the Committee with recommendations; in the case of a task delegated to more than one Member or Office, the Committee shall determine which member or Office is to be responsible for the preparation of the report.	<b>Carrying out Delegated Tasks</b>
5.5.3	The Overview and Scrutiny Committee may upon receipt of such report determine whether to accept the	<b>Recommendations To and By O&amp;S Committees</b>

<p>recommendations or not and to make further</p> <p>recommendations in accordance with its terms of reference as it thinks fit.</p>	
<p><b>5.6 Proceedings of the Overview and Scrutiny Committee</b></p>	
<p>5.6.1 The Borough Solicitor <u>and Deputy Chief Executive</u> will prepare an Agenda for each meeting of the Overview and Scrutiny Committee. If there has been a request from the Council <u>or</u>, a <u>Service</u> Board the report and the Minutes of the body making the request will be attached to the Agenda, giving reasons as to why the request has been made, any requests from Members including reasons will also be attached to the Agenda. If there has been a request by a third party, where possible the reason for the request will be given.</p>	<p><b>O&amp;S Committee Agenda.</b></p>
<p>5.6.2. The Overview and Scrutiny Committee may carry out a scrutiny of the decision by the Chairman of a Service Board that a matter is non-contentious and shall be dealt with by an Officer under delegated powers approved by the Council. Where a request for scrutiny of such a decision is made or if scrutiny is undertaken action on the decision may not be taken by an officer, under delegated powers, until the request has been determined or the scrutiny concluded unless action is required without delay in the interest of the efficient conduct of Council business or to comply with Statutory or Contractual requirements.</p>	<p><b>Delegation to Council Officers</b></p>
<p>5.6.3 All meetings of the Overview and Scrutiny Committee will normally be held in public unless the Committee considers that the proceedings would be likely to disclose “exempt or confidential information” within the terms of Schedule 12A of the Local Government Act 1972 and it is in the best interests of the Council for the Committee to exclude the public.</p>	<p><b>Meetings Normally Held in Public.</b></p>
<p>5.6.4 Subject to Standing Order 5.6.5, the circumstances and requirements of the Committee’s business normal procedures for meetings shall take the following order:-</p> <p>(a) To appoint a Chairman and Vice-Chairman for the Municipal Year (this applies only to the first meeting in the Municipal Year in question or (at any other meeting) to</p>	<p><b>Order of Business.</b></p>

<p>appoint a Member to act as Chairman if the Chairman and Vice-Chairman are both absent;</p> <p>(b) To record any apologies for non-attendance;</p> <p>(c) To approve as a correct record the Minutes of any previous meeting;</p> <p><del>(d) Consideration of requests for scrutiny;</del></p> <p><del>(de)</del> Review of progress of scrutinies being undertaken;</p> <p><del>(ef)</del> Consideration of <u>requests for</u><del>provisional scrutiny</del> <u>findings;Scrutiny</u></p> <p><del>(fg)</del>Substantive scrutiny being undertaken by the Committee</p> <p><del>(gh)</del> Review of work programme;</p> <p><del>(hi)</del> Any other business</p>	
<p>5.6.5 The Overview and Scrutiny Committee shall determine the procedures to be followed in carrying out its functions subject to the following:-</p> <p>(a) The requirements of legislation and Government guidance;</p> <p>(b) Any rules on procedure determined by the Council;</p> <p>(c) Differing procedures may be followed for differing types of scrutiny;</p> <p>(d) All procedures should ensure that all interested parties including members of the public have an adequate opportunity to express their views, for those views to be tested and questioned and for opposing views to be adequately heard;</p> <p>(e) The proceedings should be as informal as possible whilst remain consistent with the Committee's functions, purpose and operational requirements;</p> <p>(f) No procedures shall operate to the disadvantage of anyone unfamiliar with the operation of local authority business;</p> <p>(g) Proceedings should be investigative rather than</p>	<p><b>Procedures in Carrying Out O&amp;S Committee Functions</b></p>

<p>accusatory in nature;</p> <p>(h) Meetings may take place at any time and in any location, wherever it is relevant to the processes concerned and to ensure that an inspection of any relevant site is made and that all interested parties have an opportunity to be present;</p> <p>(i) The Overview and Scrutiny Committee shall carry out a review of its procedures, which shall be considered at its Annual General Meeting; although interim reviews may be carried out at any time. If it feels appropriate the Committee may make recommendations to the Council to consider necessary changes to the scrutiny rules.</p>	
<p><b>5.7 Scrutiny Investigations</b></p>	
<p>5.7.1 Any determination as to whether or not to carry out scrutiny investigation as requested and the form which that investigation is to take shall be determined by a majority of those Members of the Overview and Scrutiny Committee present and voting.</p>	<p><b>Decision to Scrutinise</b></p>
<p>5.7.2 The Overview and Scrutiny Committee is entitled to <del>require</del><u>ask</u> an Officer to appear before it to offer explanation or clarification and to suggest outcomes to the investigation in hand which the Committee may wish to consider. Such Officer is entitled to be accompanied by a Manager or colleague if they should so wish. The Manager concerned may also of his or her own accord be present.</p>	<p><b>Appearance of Officers Before O&amp;S Committee.</b></p>
<p>5.7.3 The Overview and Scrutiny Committee <del>is shall be</del> <u>requireask for</u> any Member of the Council to appear before it and offer explanation or clarification and to suggest possible outcomes to the investigation in hand. If such a Member refuses to appear before the Committee the Committee may draw the attention of the Group Leader for the Political Group concerned and to the Borough Council. The Council may consider whether to refer the issue to the Council's Conduct and Standards Committee.</p>	<p><b>Appearance of Council Members Before O&amp;S Committee.</b></p>
<p><u>5.7.4 it is the duty of any Officer or Member to comply with any request under 5.7.2 or 5.7.3</u></p>	<p><b><u>Duty to comply</u></b></p>
<p><del>5.7.4 The Overview and Scrutiny Committee shall be entitled to</del></p>	<p><b>Appearance of</b></p>

<p><del>request any third party to appear before it and participate in its work. Although the Committee has no powers of compulsion. It may make reasonable provision to compensate any third party for out of pocket expenses.</del></p> <p><u>5.7.5 The Overview and Scrutiny Committee may invite any other person to attend meetings and participate in its work but has no powers of compulsion. It may make reasonable provision to compensate third parties for out of pocket expenses</u></p>	<p><b>Third Parties Before O&amp;S Committee.</b></p>
<p>5.7.65 Prior to the completion of a Scrutiny <del>Review</del>, all those undertaking <del>the Scrutiny an investigation</del> on its behalf, shall prepare a report of any provisional findings and recommendations, including any finding of fact.</p>	<p><b>Provisional Findings.</b></p>
<p>5.7.76 When a provisional findings report has been prepared a meeting shall be called and:-</p> <p>(a) All those who have had an involvement or in-put into <del>the report of a</del> provisional <del>findingsreview of the Overview and Scrutiny Committee at which the provisional review report findings is considered</del> shall be invited to attend the meeting <u>where the provisional finding report is considered</u> and to have an opportunity to express their views on those findings.</p> <p>(b) Having considered the provisional findings and any views expressed on them, the Committee shall determine its findings <u>and whether or not it wishes to publish a report of the Scrutiny or its recommendations.</u></p> <p>(c) The determination of <del>those matters in ese in 5.7.7 (b) findings</del> shall be by a simple majority of those Members of the Committee present and voting. In the event of an equality of votes, the Chairman shall have a second or casting vote. <u>Whilst the Committee record will record the result of the voting it shall not report any dissenting or minority views unless a specific request is made by Member that their vote be specifically noted.</u></p> <p><del>(d) The findings of the Overview and Scrutiny Committee on an investigation will be produced in a written report. Whilst the Committee record will record the result of the voting it shall not report any dissenting or minority views unless a specific request is made by Member that their vote be specifically noted.</del></p> <p><u>(de) Where the Overview and Scrutiny Committee</u></p>	<p><b>Consideration of Provisional Findings and Publication of Reports</b></p>

	<p><u>determine to publish a report of the Scrutiny or its recommendations they will give notice in writing requiring the Council or Board to which the report or recommendations are addressed to consider the report or recommendations; to respond to the Overview and Scrutiny Committee indicating what (if any) action the Council or Board proposes to take; and to publish their response. The Committee will report back on its findings to any body or organisation which requested the investigation and anyone who had an involvement or input to the process. Such written report shall be available to the public.</u></p>	
5.7.7	<p>The formal written findings on a <u>Scrutiny Review</u> are a final determination of the investigation. No further debate on the issue shall be entertained by the Overview and Scrutiny Committee concerned unless the Council so direct at a Council Meeting. <u>The formal written findings will be sent to any body or organisation which requested the scrutiny.</u></p>	<b>Written Record of the Determination of the Investigation.</b>
6.0	<p><b>PROCEEDINGS AT BOARD, SUB-BOARD AND <del>CONDUCT AND STANDARDS</del> <u>AND GOVERNANCE</u> COMMITTEE MEETINGS</b></p>	
6.1(A)	<p><b>Definition</b></p> <p>For the purposes of Standing Order 6 reference to Board and/or Sub-Board shall, except where otherwise provided, be deemed to include the Standards and Governance Committee.</p>	
6.1	<p><b>Quorum</b></p>	
6.1.1	<p>A quorum for a meeting of a Board shall be four Members and for a meeting of a Sub-Board shall be two Members. The quorum for a meeting of the Standards and Governance Committee shall be three members of the Committee, <del>one of whom shall be an independent member of the Committee.</del></p>	<b>Quorum to be 4 Members for Boards, 2 Members for Sub-Boards, <u>3 Members for Standards &amp; Governance Committee.</u></b>
6.1.2	<p>If within 10 Minutes after the time appointed for the commencement of any meeting the quorum is not present,</p>	<b>Dissolution if quorum not</b>

the meeting shall be dissolved and the names of the Members present at that time shall be recorded.	<b>present.</b>
6.1.3 If at any time during the meeting the quorum of Members present falls below the limit contained in Standing Order 6.1.1 the Chairman shall immediately adjourn the meeting and the names of the Members present at that time shall be recorded in the Minutes. The completion of any outstanding business shall be adjourned to a date and time stipulated by the Chairman, or, if no such date and time is stipulated, to the next Ordinary Meeting of the Board or Sub-Board in question.	<b>Counting Out and outstanding business.</b>



<b>6.2 Order of Business</b>	
<p>6.2.1 Subject to Standing Order 6.2.2 the Order of business for every meeting of a Board or Sub-Board shall be:-</p> <p>(a) To appoint a Chairman and Vice-Chairman for the Municipal Year (this applies only to the first meeting in the Municipal Year in question) or (at any other meeting) to appoint a Member to act as Chairman if the Chairman and Vice-Chairman are both absent;</p> <p>(b) To record any apologies for non-attendance;</p> <p>(c)† To approve as a correct record the Minutes of any previous meetings;</p> <p>(d) To receive Deputations in accordance with Standing Order 6.3.1;</p> <p>(e) To respond to public questions in accordance with Standing Order 6.4.1;</p> <p>(f) To receive and determine any recommendations contained in the Minutes of any relevant Sub-Board or Working Group.</p> <p>(g) Such other business as may be specified in the Agenda;</p> <p>(h) Any urgent business which the Chairman has accepted;</p> <p>(i) Any exempt business.</p>	<b>Order of business at Board and Sub-Board meetings</b>
<p>6.2.2 The order of business specified in items (c)†-(i) in Standing Order 6.2.1 may be varied at the Chairman's discretion or with the agreement of Members present at the meeting.</p>	<b>Variation of Order of Business.</b>
<b>6.3 Procedure for Deputations</b>	
<p>6.3.1 Any meeting of the Council's <del>Service-Boards or Sub-Boards</del> may receive a Deputation of which Notice has been given in accordance with Standing Order 3.5.1.</p>	<b>Receipt of Deputations to <u>Boards</u> subject to notice.</b>
<p>6.3.2 No Deputation may be received if that Deputation relates to an item of business which appears on the Agenda for the</p>	<b>No Deputations on exempt business.</b>

<p>meeting in question as an exempt item or which the meeting has resolved to consider in confidential <del>session-session</del>.</p>	
<p>6.3.3 A Deputation may only be received in relation to a matter which is before the meeting for a decision</p>	<p><b>Deputations to relate to item of business.</b></p>
<p>6.3.4 The following Rules shall apply to any Deputation <u>to a Service Board and Standards and Governance Committee</u> permitted under this Standing Order:-</p> <p>(a) Each Deputation shall consist of an oral presentation made by one spokesperson only;</p> <p>(b) The spokesperson shall be entitled to speak for a maximum of five minutes;</p> <p><del>1(c)</del> (c) Where there is more than one Deputation supporting or opposing the matter in question the total time for the Deputations in support and the Deputations in opposition shall not exceed ten minutes in each case;</p> <p>(d) The spokesperson for any Deputation shall be entitled to make use of visual aids. Any visual aids so used may be retained by the Borough Solicitor <u>and Deputy Chief Executive</u> if, in <del>their</del><u>his</u> opinion, they should be included or referred to in the Minutes of the meeting;</p> <p>(e) Documents or leaflets may be distributed to Members at the meeting in conjunction with any Deputation provided that the contents of such documents or leaflets are read out or summarised by the spokesperson;</p> <p>(f) Members of the meeting concerned may ask questions of the spokesperson to clarify any statement made;</p> <p>(g) The Chairman shall if he/she considers it appropriate, respond to any Deputation on behalf of the meeting.</p>	<p><b>Rules for presentation of Deputations.</b></p>
<p>6.3.5 If it considers it appropriate to do so the meeting may resolve, on the Motion of the Chairman, that any Deputation of which notice has been given in accordance with Standing Order 3.5.1 shall not be received or that the matter shall be deferred to a future meeting.</p>	<p><b>Discretion not to receive Deputations.</b></p>
<p>6.3.6 If it considers it appropriate to do so the meeting may</p>	<p><b>Discretion to waive Standing</b></p>

<p>resolve, on the Motion of the Chairman, either that a</p> <p>Deputation may be received notwithstanding that Notice has not been given in accordance with Standing Order 3.5.1 or, that any of the requirements of Standing Order 6.3 shall not apply in respect of that meeting.</p>	<p><b>Order 6.3.</b></p>
<p><u>6.3.7 .Any meeting of the Regulatory Board may receive a deputation from objectors to an application it is considering at that meeting or from an applicant for planning permission where notice has been given in accordance with Standing Order 3.5.1</u></p> <p><u>6.3.8. The following Rules shall apply to any Deputation permitted under Standing Order 6.3.7:-</u></p> <p><u>(a) Each Deputation shall consist of an oral presentation ;</u></p> <p><u>(b) The person or persons making the Deputation shall be entitled to speak for a maximum of five minutes;</u></p> <p><u>(c) Where there is more than one Deputation objecting to an application the total time for all Deputations objecting to an application shall not exceed five minutes;</u></p> <p><u>(d) The spokesperson for any Deputation shall be entitled to make use of visual aids. Any visual aids so used may be retained by the Borough Solicitor and Deputy Chief Executive if, in their opinion, they should be included or referred to in the Minutes of the meeting;</u></p> <p><u>(e) Documents or leaflets may be distributed to Members at the meeting in conjunction with any Deputation provided that the contents of such documents or leaflets are read out or summarised by the spokesperson</u></p> <p><u>(f) The person wishing to rely on visual aids documents or leaflets in a Deputation must provide sufficient copies for Members of the Regulatory Board, Officers and the Applicant before the start of the meeting;</u></p> <p><u>(g) Members of the Regulatory Board may ask questions of the spokesperson to clarify any statement made;</u></p> <p><u>(h)Where a deputation is made in respect of a planning application</u></p>	<p><b><u>Deputations to Regulatory Board</u></b></p>

	<p><u>the Applicant will be invited to respond to the Deputation and they shall be entitled to speak for a maximum of five minutes. Sub-paragraphs (d) –(g) shall apply to such responses.</u></p> <p><u>6.3.9 Standing Orders 6.3.5 and 6.3.6 shall apply to deputations under 6.3.7</u></p> <p><u>6.3.10 Any meeting of the Licensing Board may receive a deputation but given the nature of the work of the Licensing Board and Licensing Sub- Board there shall be no deputations in respect of applications under the Licensing Act 2003; the Gambling Act 2005; Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982; or individual applications in respect of taxi drivers licences.</u></p> <p><u>6.3.11 Standing Orders 6.3.1 – 6.3.6 shall apply to deputations under 6.3.10</u></p>	<p><b><u>Deputations to Licensing Board and Sub- Board</u></b></p>
<b>6.4</b>	<b>Procedure for Public Questions</b>	
6.4.1	Any member of the public may attend any Board <del>or Sub-Board</del> meeting to ask a question of which Notice has been given under Standing Order 3.6.1.	<b>Public's right to ask questions <u>at Boards</u>.</b>
6.4.2	A question must relate to a matter within the terms of reference of the Board <del>or Sub-Board</del> in question and may not be asked if, in the opinion of the Borough Solicitor <u>and Deputy Borough Solicitor</u> in consultation with the Chairman, it does not so relate or is vexatious or frivolous or relates solely or mainly to the interests of an individual (e.g. a	<b>Exclusion of certain questions.</b>

<p>planning application, an application for Benefit or for housing accommodation) or relates to a matter which, on the advice of the Borough Solicitor <u>and Deputy Chief Executive</u>, should be considered in confidential session.</p>	
<p>6.4.3 Questions shall be put orally to the Chairman and shall be answered orally by the Chairman or by his or her nominee.</p>	<p><b>Questions to be put and answered orally.</b></p>
<p>6.4.4 Questions shall be put in the order in which they are received by the Borough Solicitor <u>and Deputy Chief Executive</u>.</p>	<p><b>Questions to be put in order of receipt.</b></p>
<p>6.4.5 A total of fifteen minutes shall be allowed for public questions. If, at the end of that time, questions remain unanswered, the questioner shall receive a written response from the Borough Solicitor <u>and Deputy Chief Executive</u> as soon as practicable after the meeting.</p>	<p><b>Question time not to exceed 15 minutes.</b></p>
<p>6.4.6 No questioner shall be permitted to ask more than one question and may not ask supplementary questions.</p>	<p><b>One question only.</b></p>

<b>6.5 Attendance by Tenants' Forum Representatives at Meetings of the <u>CommunityHousing</u> Board</b>	
6.5.1 The provisions of this Standing Order shall apply only to specified meetings of the <u>CommunityHousing</u> Board. They shall not apply to any Sub-Board or Working Group established by the <u>Community BoardHousing</u> Board or any meeting of the <u>Community BoardHousing</u> Board jointly with any other Board.	<b>Special Rules relating to the attendance of accredited representatives of the Tenants' Forum at meetings of the <u>CommunityHousing</u> Board.</b>
6.5.2 At any meeting of the Board to which this Standing Order applies the representative of the Tenants' Forum authorised by the Forum under arrangements made by the Board ("the Representative") may attend, may sit with the Members of the Board and may, at the Chairman's discretion, express the views of the Tenants' Forum on any item under consideration by the Board but shall not be allowed to propose or second an amendment or vote.	<b>Rights of Tenants' Forum Representative to attend <u>CommunityHousing</u> Board meetings and express views subject to Chairman's discretion.</b>
6.5.3 Nothing in this Standing Order shall permit the Representative to remain with the Board when the Board has resolved to exclude the Press and public because it intends to consider reports which contain exempt or confidential information.	<b>Representative not to be permitted to remain when the Board has resolved to exclude the Press and the public.</b>
6.5.4 While attending meetings of the Board the Representative shall comply with the requirements of the Council's Standing Orders relating to the conduct of business before the Board.	<b>Representative to comply with the Council's Standing Orders.</b>
6.5.5 The decision of the Chairman as to the items on which the Representative is to address the Board, the nature and length of that address and the extent to which the Representative may be allowed to ask questions and on all other matters relating to the participation of the Representative is final.	<b>Chairman's decision to be final.</b>

6.5.6	Nothing in this Standing Order affects the rights enjoyed by the public under Standing Order 6.3 (Deputations) or Standing Order 6.4 (Public Question Time).	<b>Saving for other Standing Orders.</b>
<b>6.6</b>	<b>Rules of Debate</b>	
6.6.1	There shall be no time limit on speeches and Members may speak more than once on any matter under debate subject to the Chairman's right to terminate the debate if, in his/ <u>her</u> opinion, the matter has been adequately debated.	<b>Length of debate and Chairman's discretion.</b>
6.6.2	A Member wishing to speak shall so indicate by raising his hand but shall not begin his/ <u>her</u> speech until called by the Chairman who shall decide the order in which Members are to speak.	<b>Member to indicate a wish to speak.</b>
6.6.3	Speeches shall be relevant to the matter under debate and the Chairman may stop a Member speaking if he/ <u>she</u> is of the opinion that the speech is not relevant or substantially repeats the speech of another Member.	
6.6.4	If it appears to a Member at any meeting that there has been a breach of any of the Council's Standing Orders and that the Chairman has not taken the necessary action, that Member may draw the attention of the Chairman to the alleged breach. The Chairman shall forthwith rule upon the alleged breach following which there shall be no further discussion on the matter.	<b>Member's right to raise points of order.</b>
6.6.5	If during any debate it appears to a Member who has already spoken that he/ <u>she</u> has either, (a) made an error of fact which should be corrected, or, (b) he/ <u>she</u> has been misrepresented or misquoted by a subsequent speaker, he may ask the permission of the Chairman to make a personal explanation. On the granting of such permission he may either correct what he/ <u>she</u> has previously said or draw attention to the misrepresentation or misquotation but shall not add any new matter or repeat any previous arguments.	<b>Member's right to personal explanation.</b>
6.6.6	The ruling of the Chairman on any point arising under these Standing Orders, or on the admissibility of a personal explanation, shall be final and not open to discussion or	<b>Chairman's ruling on Standing Orders to be final.</b>

challenge.	
6.6.7 If the Chairman considers that a Member's conduct is disorderly and so states to the meeting, the Chairman or any other Member may move that the Member in question "be no longer heard". If seconded, the Motion shall be put to the vote without discussion and, if carried, the Member concerned shall discontinue his speech.	<b>Member's misconduct – Motion that Member "be no longer heard".</b>
6.6.8 For the purposes of Standing Order 6.6.7 it shall be regarded as misconduct for a Member to disregard the ruling of the Chairman, to obstruct the proceedings of the Council, to use offensive language or to behave improperly.	<b>Member's misconduct – definition.</b>
6.6.9 If, after a Motion under Standing Order 6.6.7 has been put to the meeting and carried, the Member in question continues to disregard the authority of the chair, the Chairman may either:-  (a) Order the Member to leave the meeting and to take no further part in the proceedings of that meeting, or,  (b) Adjourn the meeting for such period or to such alternative date and time as the Chairman shall decide.	<b>Member's misconduct – exclusion of Member or adjournment of meeting.</b>
6.6.10 If at any time it appears to the Chairman that the meeting should be adjourned because of general misbehaviour of either Members or the general public, he/ <u>she</u> may, on his/ <u>her</u> own authority, adjourn the meeting for such period or to such alternative date and time as he/ <u>she</u> shall decide.	<b>Public misconduct – adjournment.</b>
<b>6.7 Motion for Debate, Amendments and Voting</b>	
6.7.1 The recommendation contained in any oral or written report under debate shall, unless the meeting agrees otherwise, be the motion for debate and shall be taken to have been moved and seconded accordingly.	<b>Recommendation to be regarded as Motion.</b>
6.7.2 Any amendments must be proposed and seconded and the Chairman may, in the interest of clarity, require the Mover to put the amendment in writing.	<b>Amendments to be proposed and seconded.</b>



6.7.3 An amendment may add and/or delete words	<b>Contents of Amendments.</b>
6.7.4 The effect of an amendment must not be to:- <ul style="list-style-type: none"> <li>(a) Negative the Motion under debate,</li> <li>(b) Introduce a materially new issue,</li> <li>(c) Reverse or amend a decision made under delegated powers except where that decision has not been actioned and the purpose (or one of the purposes) of the debate is to review that decision.</li> </ul>	<b>Restriction on amendments.</b>
6.7.5 No second or subsequent amendment shall be moved until the first or previous amendment has been disposed of.	<b>Amendments to be disposed of one at a time.</b>
6.7.6 Notice of any number of amendments may be given provided such Notice is given before the commencement of the reply to the debate on the previous amendment.	<b>Timing of amendments.</b>
6.7.7 The mover and seconder of an amendment may not move or second any further amendment to the Motion or any amendment which has replaced it.	<b>Members not to move or second further amendments.</b>
6.7.8 An amendment which has been carried becomes the substantive Motion to which further amendments can be moved in accordance with these Standing Orders.	<b>Amendment to become substantive motion.</b>
6.7.9 If, after the disposal of an amendment, no further amendment is moved the question upon the substantive Motion shall be put without further debate.	<b>Voting on substantive motion.</b>
6.7.10 An amendment shall not be inconsistent with any alterations to the original Motion made by amendment(s) already carried.	<b>Amendments not to be inconsistent with previous amendment(s).</b>
6.7.11 The Chairman shall have the discretion to refuse to put to the meeting any amendment which, in his/her opinion,	<b>Chairman's discretion to</b>

substantially contradicts, overrides or repeats a previous amendment.	<b>refuse amendments.</b>
6.7.12 Every question shall be determined by a show of hands.	<b>Show of hands.</b>
6.7.13 Notwithstanding Standing Order 6.7.12, any Member may require, at the time the vote is taken, that the Minutes of the meeting show how he voted, or abstained from voting as the case may be, on the item of business in question.	<b>Member's right to have his vote recorded.</b>
<b>6.8 Minutes</b>	
6.8.1 No protest or expression of dissent shall be entered in the Minutes of any Board, Sub-Board or Committee meeting except where the Member is entitled under statute to have his/her vote recorded in the minutes.	<b>Protests not to be recorded.</b>
6.8.2 At any ordinary meeting of a Board, Sub-Board or Committee the draft Minutes of any previous meeting, whether ordinary or extraordinary, shall be signed by the Chairman as a true and correct record subject only to such corrections as the Members present shall require to be made.	<b>Minutes of previous meetings to be signed at ordinary meetings only.</b>
<b>6.9 Rescission of Previous Decisions</b>	
<p>6.9.1 No Motion which has the effect of:-</p> <p>(a) Rescinding or negating any previous decision of the Board or Sub-Board, or,</p> <p>(b) Replacing or reinstating any decision previously rescinded or negated</p> <p>shall be considered by the Board/Sub-Board within six months of that decision (or the decision to rescind or negate) except in the following circumstances:-</p> <p>(i) Where the decision was made in reliance on information which has subsequently been found to be incorrect;</p> <p>(ii) Where there has been a change in the law in relation to that decision;</p>	<b>No rescission of Board and Sub-Board decisions within six months.</b>

(iii)	The Chairman, in consultation with the Borough Solicitor <u>and Deputy Chief Executive</u> considers that there has been such a change in circumstances since the decision was made that it would be in the best interests of the Council for the matter to be reconsidered;	
6.9.2	Any Motion which has the effect described in Standing Order 6.9.1 shall be considered at Board meetings only notwithstanding that the previous decision in question was made by a Sub-Board.	<b>Rescission of previous decisions to be considered at Board meetings only.</b>
6.10	<b>Reference to Council (Service Boards <del>and Economic Development Sub-Board</del> only)</b>	<b>Minority Order</b>
6.10.1	Immediately following a vote on a decision taken by a Service Board <del>or Economic Development Sub-Board</del> under delegated powers (and before the next agenda item is called) 2 members of the Service Board <del>or Economic Development Sub-Board</del> present and voting at the meeting may require that the decision be submitted to the Council as a recommendation.	
6.10.2	Where a reference has been made pursuant to Standing Order 6.10.1 the decision of the Service Board <del>or Economic Development Sub-Board</del> shall not be implemented before consideration of that recommendation by the Council	
<b>7.0</b>	<b>MISCELLANEOUS MATTERS</b>	
<b>7.1</b>	<b>Members' Interests</b>	
7.1.1	If any Member (which includes a co-opted member) of the Council or any Board or Committee has any disclosable pecuniary interest within the meaning of the Code of Conduct in any contract, proposed contract or other matter, that Member shall, while the contract, proposed contract or any other matter is being considered by the Council or any Board or any Committee, declare that interest and withdraw from the meeting.	<b>Members to declare <u>disclosable pecuniary</u> <del>personal</del> and <u>prejudicial</u> interests in contracts etc and withdraw from meeting.</b>
7.1.2	Any Member shall not be required to withdraw from the meeting pursuant to Standing Order 7.1.1 if the Standards and Governance Committee has granted a dispensation to the Member	<b>Exemptions to requirement to withdraw from meeting.</b>

<p>7.1.3 Any Member who has a personal interest (which is not a <del>disclosable pecuniary prejudicial</del> interest within the meaning of the Code of Conduct) in any matter being discussed by the Council, a Board, Sub-Board or Committee must disclose that interest to the meeting but may remain, speak and vote in accordance with the terms of the Council's Code of Conduct.</p>	<p><b>Members to disclose personal interest.</b></p>
<p>7.1.4 Members shall have regard to the provisions of the Code of Conduct so far as such Code is relevant to their involvement in any Council business.</p>	<p><b>Members to have regard to Code of Conduct.</b></p>
<p><b>7.2 Interest Officers in Contracts</b></p>	
<p>7.2.1 The Borough Solicitor <del>and Deputy Chief Executive</del> shall record particulars of any Notice of any personal and <del>pecuniary prejudicial</del> interest in a contract or other matter given by an Officer and such record shall be open to inspection by Members.</p>	<p><b>Officers to give notice of personal and <del>pecuniary prejudicial</del> interests in contracts etc.</b></p>
<p>7.2.2 Any Officer who has any personal and <del>prejudicial pecuniary</del> interest in any contract or other matter and whether or not notice has been given in accordance with Standing Order 7.2.1 shall not be present at any meeting of the Council or any Board, Sub-Board or Committee while the contract or other matter is being discussed.</p>	<p><b>Officers not to be present at relevant meetings.</b></p>
<p><b>7.3 Persons Employed by the Council</b></p>	
<p>7.3.1 If any question arises at any meeting of the Council or a Board or Sub-Board, as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall only be discussed as an exempt matter subject to the statutory provisions relating to exempt information.</p>	<p><b>Matters concerning persons employed by the Council to be confidential.</b></p>
<p><b>7.4 Exempt Reports – Confidentiality</b></p>	
<p>7.4.1 No Member shall disclose to any other party a matter or the contents of any report which appears on the Agenda for the meeting of the Council, Board, Sub-Board or Committee</p>	<p><b>Members not to disclose “exempt”</b></p>

in	
----	--

<p>question as an “exempt or confidential” item and this prohibition shall continue after the meeting if and for so long only as such matters remains “exempt” under the provisions of the Local Government Act 1972.</p>	<p><b>reports etc.</b></p>
<p><b>7.5 Urgent Action on Part I Matters</b></p>	
<p>7.5.1 Unless acting under a power delegated to them by the Council the recommendations of a Board or Sub-Board (except decisions relating to the appointment of Chairman or Vice-Chairman, or internal procedures for meetings of the Board or Sub-Board) shall not be operative until adopted by the Council.</p>	<p><b>Board recommendations not to be actioned until adopted by the Council.</b></p>
<p>7.5.2 Action on any matter which requires the approval of the Council in accordance with Standing Order 7.5.1. may be taken where the following conditions are satisfied:-</p> <p>(a) The Chief Executive, or in his absence, the Borough Solicitor <u>and Deputy Chief Executive</u> is of the opinion that action is necessary as a matter of urgency, and,</p> <p>(b) That opinion and the intention to take urgent action is report to Board at the time the matter is being discussed and,</p> <p>(c) The fact that the matter in question has been actioned as a matter of urgency shall be reported to the Council in the Minutes of the Board.</p>	<p><b>Board recommendations actioned as matter of urgency.</b></p>
<p><b>7.6 Members’ Access to Documents</b></p>	
<p>7.6.1 Any Member may, for the purposes of his/<u>her</u> membership but not otherwise, on application to the Borough Solicitor <u>and Deputy Chief Executive</u> or, in <u>their</u><del>her</del> absence, the Head of Legal Services, inspect any documents in the possession of the Council which relate to the functions of the Council or to any Board, Sub-Board or Committee on which the Member serves and in any other case if the Member can show that <u>they</u><del>he</del> <u>have</u>s a need to inspect the document(s) in question in order to carry out <u>their</u><del>his</del> duties as a Member of the Council.</p>	<p><b>Members rights of access to certain documents.</b></p>
<p>7.6.2 Any Member may inspect any document which is in the possession of, or under the control of the Council, and</p>	<p><b>Members access to certain exempt</b></p>

<p>which contains information relating to any business to be transacted at a meeting of a Board or Sub-Board to which paragraphs <del>37, 8, 10 4</del> and <del>613</del> of Part I of <del>the</del> Schedule <del>12A</del> to the Local Government <del>(Access to Information)</del> Act <del>1985</del><u>72</u> applies.</p>	<p><b>Information.</b></p>
<p>7.6.3 The Borough Solicitor <u>and Deputy Chief Executive</u> or, in <del>their</del><u>her</u> absence, the Head of Legal Services may decline to allow the inspection of any document of whatever description if, in <del>their</del><u>his</u> opinion, such document is, or would be, a privileged document in legal proceedings and there are good reasons for refusing to allow its inspection.</p>	<p><b>Refusal of application to inspect privileged documents.</b></p>
<p>7.6.4 Any Member who has been refused access to any document for whatever reason shall have the right of appeal to the Council.</p>	<p><b>Appeals to Council.</b></p>
<p><b>7.7 Standing Orders – Availability of Copies</b></p>	
<p>7.7.1 A printed copy of these Standing Orders shall be supplied to each Member of the Council upon delivery of that Member's Declaration of Acceptance of Office</p>	<p><b>Members to be supplied with a copy of Standing Orders.</b></p>
<p>7.7.2 The Council's Standing Orders shall be available for public inspection and copies shall be supplied to members of the Public upon request and upon payment of a reasonable copying charge determined from time to time by the Borough Solicitor <u>and Deputy Chief Executive</u>.</p>	<p><b>Public's right to a copy of Standing Orders.</b></p>

# GOSPORT BOROUGH COUNCIL ACCESS TO INFORMATION RULES

## (RIGHTS OF THE PUBLIC RELATING TO ACCESS TO INFORMATION)

These rules apply to all meetings of the Council, Boards, Sub-Boards, Committees, ~~Sub-Committees and the Conduct and Standards Committee~~ (together called meetings).

### 1 ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### 2 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

### 3 NOTICES OF MEETING

The Council will give ~~at least~~ five clear days notice of any meeting ~~or if the meeting is convened at shorter notice than at the time it is convened~~ by posting details of the meeting at the Town Hall, High Street, Gosport, Hants.

### 4 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting ~~or where the meeting is convened at shorter notice from the time the meeting is convened~~. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.

### 5 SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection excluding those which in the opinion of the Proper Officer relate only to items during which in their opinion the meeting is not likely to be open to the public;



- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) any other documents supplied to councillors in connection with an item to any person if the proper officer thinks fit and on payment of a charge for postage and any other costs.

## **6 ACCESS TO MINUTES ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with any reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **7 BACKGROUND PAPERS**

### **List of background papers**

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

### **Public inspection of background papers**

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

## **8 SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's offices.

## **9 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **Confidential information – requirement to exclude public**

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

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

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

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

### **Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by the provisions or any enactment or Court Order.

### **Meaning of exempt information**

Exempt information means information falling within the following 7 categories (subject to any condition):

Category	Qualification
1. Information relating to any individual.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that	Information within paragraph 3 is not exempt if it is required to be registered under the Companies Act 1985, the

Category	Qualification
information).	Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965-1978, the Building Societies Act 1986 or the Charities Act 1993. If the information is not prevented from being exempt as set out above then it is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.
6. Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	It is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing information.

Information falling within any of paragraphs 1-7 is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 (SI 1992/1492).

## **10 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which the meeting is

likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

#### **~~11 THE STANDARDS AND GOVERNANCE COMMITTEE~~**

~~There are special rules, which apply to meetings of the Standards and Governance Committee under the Relevant Authorities (Standards Committee) Regulations 2001 as amended by S.I. 2006 No 57, which enable matters to be dealt with in private. Similarly, documentation does not need to be made available to the press and public; though reports to full Council from the Standards and Governance Committee will fall within the general access to information rules.~~

# CONTRACT PROCEDURE RULES

## **CONTENTS**

### **A Brief Guide To Contract Procedure Rules**

#### **Definitions**

#### **Section 1: Scope Of Contract Procedure Rules**

1. Basic Principles
2. Officer Responsibilities
3. Exemptions, Collaborative And E-Procurement Arrangements
4. Relevant Contracts

#### **Section 2: Common Requirements**

5. Steps Prior To Purchase
6. Records
7. Advertising, Approved Lists And Framework Agreements

#### **Section 3: Conducting Purchase And Disposal**

8. Competition Requirements For Purchase, Disposal And Partnership Arrangements
9. Pre-Tender Market Research And Consultation
10. Standards And Award Criteria
11. Invitations To Tender/Quotations
12. Shortlisting
13. Submission, Receipt And Opening Of Tenders/Quotations
14. Clarification Procedures And Post-Tender Negotiation

- 15. Evaluation, Award Of Contract, And Debriefing Candidates

#### **Section 4: Contract And Other Formalities**

- 16. Contract Documents
- 17. Bonds And Parent Company Guarantees
- 18. Prevention Of Corruption
- 19. Declaration Of Interests

#### **Section 5: Contract Management**

- 20. Managing Contracts
- 21. Risk Assessment And Contingency Planning
- 22. Contract Monitoring, Evaluation And Review

#### **FURTHER ADVICE:**

Legal Services  
Internal Audit

## **A Brief Guide to Contract Procedure Rules**

These contract procedure rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good purchasing practice and public accountability and deter corruption. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

Officers responsible for purchasing or disposal must comply with these contract procedure rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract. (For example, if Rule 8.1 would normally require that quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions. Equally, it may not always be appropriate to make use of an exemption under Rule 3 even if one might apply or be granted.)

For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include e-mail and fax transmissions as well as hard copy.

- Follow the rules if you purchase goods or services or order building work.
- Take all necessary legal, financial and professional advice.
- Declare any personal financial interest in a contract. Corruption is a criminal offence.
- Conduct a value for money review and appraise the purchasing need.
- Check whether there is an existing Corporate Contract or Hampshire/National Framework agreement you can make use of before undergoing a competitive process.
- Place all bids (quotations and tenders) and supporting information on the South East Business Portal
- Normally allow at least four weeks for submission of bids (except in cases of emergency).
- Keep bids confidential.
- Complete a written contract or Council order before the supply or works begin.

- Identify a contract manager with responsibility for ensuring the contract delivers as intended.
- Keep records of dealings with suppliers.
- Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements.

In accordance with the Constitution, Full Council have the power to make amendments from time to time to these Contract Procedure Rules following amendments agreed by Chief Officers and the Head of Internal Audit & Risk Assurance.

## DEFINITIONS

<b>Agent</b>	A person or organisation acting on behalf of the Council or on behalf of another organisation.
<b>Approved List</b>	A list drawn up in accordance with Rule 7.2.
<b>Award Criteria</b>	The criteria by which the successful Quotation or Tender is to be selected (see further Rules 10 and 11.2e).
<b>Award Procedure</b>	The procedure for awarding a contract as specified in Rules 8, 10 and 15.
<b>Best Value</b>	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council. This terminology has now in many instances been superseded by Value for Money.
<b>Bond</b>	An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Council against a level of cost arising from the contractor's failure.
<b>Board</b>	Each Board shall comprise of 10 members. All the powers, duties and functions of the Council as contained, mentioned or referred to in the statutory provisions from time to time in force governing the exercise of those powers, duties and functions described specifically and generally in the Terms of Reference for each Board appointed by the Council.
<b>Candidate</b>	Any person who asks or is invited to submit a Quotation or Tender.
<b>Chief Executive</b>	As identified in the Constitution.



<b>Chief Officer</b>	The officers defined as such in the Constitution
<b>Code of Conduct</b>	The code regulating conduct of Officers issued by the Head of Paid Service.
<b>Constitution</b>	The document approved by the Council which: <ul style="list-style-type: none"> <li>• allocates powers and responsibility within the Council and between it and others</li> <li>• delegates authority to act to the Board, Committees and Officers</li> <li>• regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.</li> </ul>
<b>Consultant</b>	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with the skills, experience or capacity to undertake the work.
<b>Contracting Decision</b>	Any of the following decisions: <ul style="list-style-type: none"> <li>• Composition of Approved Lists</li> <li>• Withdrawal of Invitation to tender</li> <li>• Whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> <li>• Award of contract</li> <li>• Any decision to terminate a contract</li> </ul>
<b>Corporate Contract</b>	A contract let by the Council to support the Council's aim of achieving Value for Money.
<b>Deputy Chief Executive &amp; Borough Treasurer</b>	As defined by the Constitution.
<b>European Union Procedure</b>	The procedure required by the EU where the Total Value exceeds the EU Threshold.
<b>EU Threshold</b>	The contract value at which the EU public procurement directives apply.
<b>European Economic Area</b>	The 15 members of the European Union, and Norway, Iceland and Liechtenstein
<b>Financial Services Manager</b>	<del>As defined by the Constitution.</del>

<b>Financial Regulations</b>	The financial regulations outlining Officer responsibilities for financial matters issued by the Section 151 Officer in accordance with the Constitution.
<b>Framework agreements</b>	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
<b>Government Procurement Agreement</b>	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
<b>Borough Solicitor <u>and Deputy Chief Executive</u> (Monitoring Officer)</b>	As identified in the Constitution.
<b>High Profile</b>	A high-profile purchase is one that could have an impact on functions integral to Council service delivery should it fail or go wrong.
<b>High Risk</b>	A high-risk purchase is one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.
<b>High Value</b>	A high-value purchase is where the value exceeds the EU Threshold values.
<b>Invitation to tender</b>	Invitation to tender documents in the form required by these contract procedure rules.
<b>Key Decision</b>	Those decisions or recommendations (i.e. outcomes) made by individual Boards can be defined as key decisions.
<b>Section Head</b>	The Officer's immediate superior or the Officer designated by the Service Unit Manager to exercise the role reserved to the Section Head by these contract procedure rules.
<b>Nominated Suppliers and Sub-Contractors</b>	Those persons specified in a main contract for the discharge of any part of the contract.
<b>Non-commercial Considerations</b>	As defined in Section 17 of the Local Government Act 1988.
<b>Officer</b>	The officer designated by the Service Unit Manager to deal with the contract in question.
<b>Parent Company Guarantee</b>	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what is has promised under a contract with the Council, the Council can require the parent company to do so instead.
<b>Priority</b>	Those services required to be tendered as defined in the

<b>Services</b>	EU public procurement directives.
-----------------	-----------------------------------

<b>Procurement Strategy</b>	The document setting out the Council's approach to procurement and key priorities.
<b>Purchasing Guide</b>	The suite of guidance documents, together with a number of standard documents and forms, which supports the implementation of these contract procedure rules. The guide is available on the Council's intranet.
<b>Quotation</b>	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
<b>Relevant Contract</b>	Contracts to which these contract procedure rules apply (see rule 4).
<b>Shortlisting</b>	The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.
<b>Supervising Officer</b>	The Section Heads immediate superior.
<b>Tender</b>	A Candidate's proposal submitted in response to an Invitation to Tender.
<b>Tender record log</b>	The log kept by Legal & Democratic Services to record details of Tenders (see Rule 13.5).
<b>Total Value</b>	<p>The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:</p> <p>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period</p> <p>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months</p> <p>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</p> <p>(d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result</p> <p>(e) for Nominated Suppliers and Sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.</p>

<b>TUPE</b>  <b>Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No 246)</b>	Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (eg private contractor, local authority in-house team) to another (eg following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.
<b>Value for money</b>	Value for money is not the lowest possible price; it combines goods or services that fully meet the needs, with the level of quality required, delivery in time, and at an appropriate price.

# **SECTION 1**

## **SCOPE OF CONTRACT PROCEDURE RULES**

### **1. BASIC PRINCIPLES**

All purchasing and disposal procedures must:

- achieve value for money for public money spent
- be consistent with the highest standards of integrity
- ensure fairness in allocating public contracts
- comply with all legal requirements
- ensure that non-commercial considerations do not influence any contracting decision
- support the Council's corporate and departmental aims, objectives and policies
- comply with the Council's Corporate Procurement Strategy and Financial Regulations

### **2. OFFICER RESPONSIBILITIES**

#### **2.1 Officers**

2.1.1 Officers responsible for purchasing or disposal must comply with these contract procedure rules, Financial Regulations, the Code of Conduct and with all UK and European Union binding legal requirements. Officers must ensure that any Agents, Consultants and contractual partners acting on their behalf also comply.

2.1.2 Officers must:

- have regard to the guidance in the Purchasing Guide.

- check whether a suitable Corporate Contract or Hampshire/National Framework agreement exists before seeking to let another contract; where a suitable Corporate Contract or Hampshire/National Framework agreement exists, this must be used unless there is a justifiable reason not to
- keep the records required by Rule 6
- take all necessary legal, financial and professional advice.

2.1.3 When any employee either of the authority or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.

## **2.2 Chief Officers**

2.2.1 Chief Officers must:

- ensure that their staff comply with Rule 2.1
- keep registers of:
  - contracts completed by signature, rather than by the Council's seal (see Rule 16.3) and arrange their safekeeping on Council premises
  - exemptions recorded under Rule 3.2.

## **3. EXEMPTIONS and COLLABORATIVE ARRANGEMENTS**

3.1 The Council and its Boards have power to waive any requirements within these contract procedure rules for specific projects, and any such decision may be a Key Decision.

3.2 Where a proposed contract is likely to exceed the EU Threshold, a Chief Officer has no delegated powers and no exemption from these requirements can be used if the EU Procedure applies.

3.3 Where an exemption is necessary because of an unforeseeable emergency (below the EU Threshold) involving immediate risk to persons, property or serious disruption to Council services, the Chief Officer, ~~Deputy Chief Executive and~~ Borough Treasurer and the Borough Solicitor and Deputy Chief Executive may approve the exemption but they must prepare a report for the next appropriate Board to support the action taken.

- 3.4 All exemptions, and the reasons for them, must be recorded using the form in the Purchasing Guide. Exemptions shall be signed by the Chief Officer and countersigned by the ~~Deputy Chief Executive and~~ Borough Treasurer and Borough Solicitor and Deputy Chief Executive.
- 3.5 In order to secure Value for Money, the authority may enter into collaborative procurement arrangements. The Officer must consult with the ~~Deputy Chief Executive &~~ Borough Treasurer where the purchase is to be made using collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
- 3.8.1 All purchases made via a local authority purchasing and distribution consortium are deemed to comply with these contract procedure rules and no exemption is required. However, purchases above the EU Threshold must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU Procedures on behalf of this authority and other consortium members.
- 3.8.2 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the leading organisation, will be deemed to comply with these contract procedure rules and no exemption is required.

## **4. RELEVANT CONTRACTS**

- 4.1 All Relevant Contracts must comply with these Contract Procedure Rules. A Relevant Contract is any arrangement made by, or on behalf of, the authority for the carrying out of works, supplies and services. These include arrangements for:
- the supply or disposal of goods
  - the hire, rental or lease of goods or equipment
  - the delivery of services, including (but not limited to) those related to:
    - the recruitment of staff;
    - land and property transactions;
    - financial and consultancy services.
- 4.2 Relevant Contracts do not include:



- contracts of employment which make an individual a direct employee of the authority, or
- agreements regarding the acquisition, disposal, or transfer of land (for which Financial Regulations shall apply).
- provision of legal services by external solicitors or barrister.

## **SECTION 2**

### **COMMON REQUIREMENTS**

#### **5. STEPS PRIOR TO PURCHASE**

5.1 The Officer must appraise the purchase, in a manner commensurate with its complexity and value, and taking into account any guidance in the Purchasing Guide, by:

- taking into account the requirements from any relevant value for money review
- appraising the need for the expenditure and its priority defining the objectives of the purchase
- assessing the risks associated with the purchase and how to manage them
- considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium
- consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring
- drafting the terms and conditions that are to apply to the proposed contract
- setting out these matters in writing if the Total Value of the purchase exceeds £20,000.

5.2 and by confirming that:

- there is member or delegated approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution

## **6. RECORDS**

6.1 Where the Total Value is less than £20,000, the following records must be kept:

- invitations to quote and all Quotations
- a record:
  - of any exemptions and the reasons for them
  - of the reason if the lowest price is not accepted
- written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

6.2 Where the Total Value exceeds £20,000 the Officer must record:

- the method for obtaining bids (see Rule 8.1)
- any Contracting Decision and the reasons for it
- any exemption under Rule 3 together with the reasons for it
- the Award Criteria in descending order of importance
- Tender documents sent to and received from Candidates
- pre-tender market research
- clarification and post-tender negotiation (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- communications with and with the successful contractor throughout the period of the contract.

6.3 Records required by this rule must be kept for six years after the end of the contract (i.e. hard copies). However, written documents which relate to unsuccessful Candidates may be electronically scanned or stored by some other suitable method after 12 months from award of contract, provided there is no dispute about the award.

## **7. ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS**

### **7.1 Identifying and Assessing Potential Candidates**

7.1.1 Officers shall ensure that, where proposed contracts (in excess of £50k), might be of interest to potential Candidates located in other member states of the EU, a sufficiently accessible advertisement is published. Generally, the greater the interest of the contract to potential bidders from other member states, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

- the Council's website
- portal websites specifically created for contract advertisements (IESE Business Portal)
- national official journals, or
- the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure).

7.1.2 Officers are responsible for ensuring that all Candidates for a Relevant Contract are fully assessed. The assessment process shall establish that the potential Candidates have:

- Sound economic and financial standing (contact Internal Audit);-
- Sound technical ability and capacity;- and
- Are able to fulfil the requirements of the authority.

7.1.3 This shall be achieved in respect of proposed contracts that are expected to exceed £50,000 by selecting firms from:

- Approved Lists of providers, maintained by the authority or on its behalf, and compiled following responses to a public advertisement, or
- shortlists assessed from expressions of interest in a particular contract submitted in response to a public advertisement.

7.1.4 Public advertisements issued in respect of Rule 7.1.3 above shall reflect the potential degree of interest from Candidates located within other member states of the EU.

## 7.2 Approved Lists

7.2.1 Approved Lists should be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. Approved Lists cannot be used where the EU Procedure applies.

7.2.2 Chief Officers may draw up in consultation with the Borough Solicitor and Deputy Chief Executive and Head of Internal Audit & Risk Assurance

- Approved Lists of persons ready to perform contracts to supply goods or services of particular types including without limitation on the basis of agreed contract terms
- criteria for Shortlisting from the lists.

7.2.3 No person may be entered on an Approved List until there has been an adequate investigation into both their financial and their technical ability to perform the contract.

7.2.4 Approved Lists must be drawn up after an advertisement inviting applications for inclusion on the list. The advertisement must be placed to secure the widest publicity among relevant suppliers throughout all member states of the EU. Persons may be entered on a list between the initial advertisement and re-advertisement provided the requirements of Rule 7.2.3 are met.

7.2.5 The list and Shortlisting criteria must be reviewed at least annually and re-advertised at least every three years. On re-advertisement, a copy of the advertisement must be sent to each person on the list, inviting them to reapply. Review means:

- the reassessment of the financial and technical ability and performance of those persons on the list.
- the deletion of those persons no longer qualified, with a written record kept justifying the deletion (In cases of significant failure, the Council will delete companies at the appropriate time rather than wait until the next review date).

7.2.6 All Approved Lists shall be maintained in an open, fair and transparent manner and be open to public inspection (on the procurement web page).

- 7.2.7 A register of pre-qualified contractors and Consultants (under the EU Threshold) maintained by or on behalf of central government (eg Constructionline) will be deemed to be an Approved List for the purpose of these contract procedure rules and shall not be subject to the requirements of Rules 7.2.2 to 7.2.6 inclusive.

### **7.3 Framework Agreements**

- 7.3.1 The term of a Framework Agreement must not **exceed four years** and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three in number.

- 7.3.2 Contracts based on Framework Agreements may be awarded by either:

- applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
- where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call off, by holding a mini competition in accordance with the following procedure:
  - inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written Tenders;
  - fixing a time limit which is sufficiently long to allow Tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;
  - awarding each contract to the tenderer who has submitted the best Tender on the basis of the Award Criteria set out in the specifications of the Framework Agreement.

## SECTION 3

### CONDUCTING PURCHASE AND DISPOSAL

#### 8. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The Officer must calculate the Total Value (i.e. full life cycle cost).

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice of the Borough Solicitor and Deputy Chief Executive and Head of Internal Audit & Risk Assurance.

##### 8.1 Purchasing – Competition Requirements

- 8.1.1 Where the Total Value for a purchase is within the values in the first column below, the Award Procedure in the second column must be followed. Shortlisting shall be done by the persons specified in the third column.

Total Value (excl vat)	Award Procedure <sup>1</sup>	SHORTLISTING
Less than £20,000	Written quotation	Section Head
£20,000 less than £50,000	Three written quotations.	Chief Officer
£50,000 less than £100,000	Three tenders	Chief Officer
£100,000 & less than EC threshold	Advertise project and invite expressions of interest in the execution of the works.	Chief Officer will consult the Chairman of the Board
Greater than EC threshold	Requirements of the Directive	Chief Officer in consultation with the <del>Deputy Chief Executive &amp;</del> Borough Treasurer and the Borough Solicitor <u>and Deputy Chief Executive</u> and

<sup>1</sup> Note awards above £50,000 must be posted on the IESE Business Portal and the Council's website.

		the Chairman of the Board.
--	--	----------------------------

8.1.2 Where it can be demonstrated that there are insufficient suitably qualified Candidates to meet the competition requirement, all suitably qualified Candidates must be invited.

8.1.3 An Officer **must not** enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these contract procedure rules.

## 8.2 Assets for Disposal

8.2.1 Assets for disposal may be sent to public auction except where better Value for Money is likely to be obtained by inviting Quotations and Tenders. (These may be invited by advertising on the Council's internet site.) In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the ~~Deputy Chief Executive &~~ Borough Treasurer.

## 8.3 Providing Services to External Purchasers

8.3.1 The Borough Solicitor and Deputy Chief Executive ~~&~~ and Borough Treasurer must be consulted where contracts to provide services or supply goods for organisations other than the authority are contemplated.

## 8.4 Collaborative and Partnership Arrangements

8.4.1 Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must follow these contract procedure rules. If in doubt, Officers must seek the advice of the Borough Solicitor and Deputy Chief Executive and Head of Internal Audit & Risk Assurance.

## 9. PRE-TENDER MARKET RESEARCH AND CONSULTATION (includes quotations)

9.1 The Officer responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential Candidate, but
- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a



commercial interest in them, if this may prejudice the equal treatment of all potential Candidates or distort competition, and

- should seek advice from the Borough Solicitor and Deputy Chief Executive and Head of Internal Audit & Risk Assurance

## 10. STANDARDS AND AWARD CRITERIA

- 10.1 The Officer must ascertain what are the relevant British, European or international standards which apply to the subject matter of the contract. The Officer must include those standards which are necessary properly to describe the required quality. The Borough Solicitor and Deputy Chief Executive must be consulted if it is proposed to use standards other than European standards.
- 10.2 The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money (using whole life costing) for the authority. The basic criteria shall be:
- 'lowest price' where payment is to be made by the authority
  - 'highest price' if payment is to be received, or
  - 'most economically advantageous tender', where considerations other than price also apply (i.e. carbon footprint).

If the last criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations.

These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

- 10.3 Award Criteria must not include:

- Non-commercial Considerations
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

## **11. INVITATIONS TO TENDER (above £50,000)/QUOTATIONS (below £50,000)**

11.1 The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this clause shall be considered.

11.2 All Invitations to Tender shall include the following:

- (a) A specification that describes the authority's requirements in sufficient detail to enable the submission of competitive offers.
- (b) A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
- (c) A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.
- (d) Notification that Tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense.
- (e) A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance.
- (f) Notification that no Tender will be considered unless it is enclosed in a sealed envelope or container which bears the word 'Tender' followed by the subject to which it relates, but no other name or mark indicating the sender or Tenderer.
- (g) A stipulation that any Tenders submitted by fax or other electronic means shall be considered in exceptional circumstances (i.e. postal strike) with prior approval with the Borough Solicitor.
- (h) The method by which any arithmetical errors discovered in the submitted Tenders is to be dealt with. In particular, whether the overall price prevails over the rates in the Tender or vice versa.

- 11.3 All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 16).
- 11.4 The Invitation to Tender or Quotation must state that the Council is not bound to accept any Quotation or Tender.
- 11.5 All Candidates invited to Tender or quote must be issued with the same information (as listed in 11.2) at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

## **12. SHORTLISTING**

- 12.1 Any Shortlisting must have regard to the financial and technical standards relevant to the contract and the Award Criteria. Special rules apply in respect of the EU Procedure.
- 12.2 The officers responsible for Shortlisting are specified in Rule 8.1.1.
- 12.3 Where Approved Lists are used, Shortlisting may be done by the Officer in accordance with the Shortlisting criteria drawn up when The Approved List was compiled (see Rule 7.2.2). However, where the EU Procedure applies, Approved Lists may not be used.

## **13. SUBMISSION, RECEIPT AND OPENING OF TENDERS (above £50,000)/QUOTATIONS (below £50,000)**

- 13.1 Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods (see guidance in the Purchasing Guide).
- 13.2 All Tenders must be returned to Democratic Services. Quotations are to be returned to the appropriate Chief Officer.
- 13.3 Tenders received by fax or other electronic means (eg email) may be accepted with prior approval of the Borough Solicitor and Deputy Chief Executive.
- 13.4 The Officer must not disclose the names of Candidates to any staff involved in the receipt, custody or opening of Tenders.
- 13.5 The Borough Solicitor and Deputy Chief Executive shall be responsible for the safekeeping of Tenders until the appointed time of opening. Each Tender must be:

- suitably recorded so as to subsequently verify the date and precise time it was received
- adequately protected immediately on receipt to guard against loss or amendment of its contents
- recorded immediately on receipt in the Tender Record Log.

- 13.6 The Borough Solicitor and Deputy Chief Executive's representative must ensure that all Tenders are opened at the same time when the period for their submission has ended. The Officer or his or her representative must be present. Tenders must be opened in the presence of at least two independent officers representing the Council, one being from Internal Audit.

Where the Total Value is more than the EU Threshold, one must be the Chairman of the Board.

- 13.7 Upon opening, a summary of the main terms of each Tender (i.e. significant issues that are unique to each Tender submission and were not stated in the Tender invitation documents such as Tender sum, construction period, etc) must be recorded in the Tender Record Log. The summary must be initialled by all those present.

## **14. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION**

- 14.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price (the process of Competitive Dialogue might be required with a short list of tenderers).
- 14.2 If post-tender negotiations are necessary after a single-stage Tender or after the second stage of a two-stage Tender, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best Tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the Chief Officer to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

- 14.3 Post-tender negotiation must only be conducted in accordance with the guidance issued by the Borough Solicitor and Deputy Chief Executive who must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by a team of at least two Officers, one of whom must be from a Service independent to that leading the negotiations.
- 14.4 Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

## 15. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING CANDIDATES

- 15.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times and information about one Candidate's response must not be given to another Candidate.
- 15.2 Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.
- 15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Tender invitation as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.
- 15.4 Officers may accept Quotations and Tenders received in respect of proposed contracts, provided they have been sought and evaluated fully in accordance with these contract procedure rules and, in respect of proposed contracts that are expected to exceed £50,000, the approval of the relevant Budget Holder has been secured. The awarding of contracts that are expected to exceed the EU Threshold **may only be awarded** by the Policy & Organisation Board.
- 15.5 Where the Total Value is over the EU Threshold, the Officer must notify all Candidates simultaneously and as soon as possible of the intention to award the contract to the successful Candidate. The Officer must provide unsuccessful Candidates with a period of at least ten days in which to challenge the decision before the Officer awards the contract. If the decision is challenged by an unsuccessful Candidate then the Officer shall not award the contract and shall immediately seek the advice of the Borough Solicitor and Deputy Chief Executive.

15.6 The Officer shall debrief in writing all those Candidates who submitted a bid about the characteristics and relative advantages of the leading bidder. No information, other than the following, should be given without taking the advice of the Borough Solicitor and Deputy Chief Executive:

- how the Award Criteria were applied
- the prices or range of prices submitted, in either case not correlated to Candidates' names
- the names of Candidates where there were three or more Candidates.

15.7 If a Candidate requests in writing the reasons for a Contracting Decision, the Officer must give the reasons in writing within 15 days of the request. If requested, the Officer may also give the debriefing information at Rule 15.6 above to Candidates who were deselected in a pre-tender Shortlisting process.

## **SECTION 4**

### **CONTRACT AND OTHER FORMALITIES**

#### **16. CONTRACT DOCUMENTS**

##### **16.1 Relevant Contracts**

16.1.1 All Relevant Contracts shall be in writing.

16.1.2 All Relevant Contracts, shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done)
- the provisions for payment (i.e. the price to be paid and when)
- the time, or times, within which the contract is to be performed
- the provisions for the Council to terminate the contract.

16.1.3 The Council's order form or standard terms and conditions issued by a relevant professional body must be used wherever possible.

16.1.4 In addition, every Relevant Contract or purchase must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- ombudsman requirements
- the contractor meets the Council's equality requirements and operates in accordance with the current Equality Legislation.
- Freedom of Information Act requirements
- where Agents are used to let contracts, that Agents must comply with the Council's contract procedure rules
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, if relevant.

- data protection requirements, if relevant
- that charter standards are to be met, if relevant

16.1.5 The **formal advice** of the Borough Solicitor and Deputy Chief Executive must be sought for the following contracts:

- where the Total Value exceeds £20,000;
- those involving leasing arrangements;
- where it is proposed to use a supplier's own terms.

## 16.2 Contract Formalities

16.2.1 Agreements shall be completed as follows:

Total Value	Method of completion	By
Up to £50,000	Signature	See Council Constitution Part 3 Schedule 10 (Appendix 1) <sup>2</sup>
Above £50,000 (also see 16.3.3 below)	Sealing	(As above)

16.2.2 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the ~~Deputy Chief Executive &~~ Borough Treasurer. An award letter is insufficient.

16.2.3 The Officer responsible for securing signature of the contract (in accordance with these rules) must ensure that the person signing for the other contracting party has authority to bind it.

<sup>2</sup> Official orders can be signed by Chief Officers



**16.3 Sealing**

- 16.3.1 Where contracts are sealed the Council's seal, must be witnessed in accordance with the Constitution.
- 16.3.2 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal in line with Part 3 Schedule 10 (Appendix 1) of the Council's Constitution.
- 16.3.3 A contract must be sealed where:
- the Council may wish to enforce the contract more than six years after its end
  - the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services
  - there is any doubt about the authority of the person signing for the other contracting party, or
  - the Total Value exceeds £50,000.

**17. BONDS AND PARENT COMPANY GUARANTEES**

- 17.1 The Officer must consult the Borough Treasurer~~Financial Services Manager~~ about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and:
- the Total Value exceeds £100,000, or
  - award is based on evaluation of the parent company, or
  - there is some concern about the stability of the Candidate.
- 17.2 The Officer must consult the Borough Treasurer~~Financial Services Manager~~ about whether a Bond is needed:
- where the Total Value exceeds £1,000,000, or
  - where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.

## 18. PREVENTION OF CORRUPTION

18.1 The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Rule 18.2 below.

18.2 The following clause must be put in every written Council contract:

“The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf do or collude in any of the following things:

(a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or

(b) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972, or

(c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor’s liability shall not apply to this clause.”

## 19. DECLARATION OF INTERESTS

19.1 If it comes to the knowledge of a member or an employee of the authority that a contract in which he or she has a personal and/or disclosable pecuniary interest~~prejudicial interest~~ has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Borough Solicitor and Deputy Chief Executive who shall report such declarations to the appropriate Board.

19.2 ~~Such written notice is required irrespective of whether the personal and/or prejudicial interest is direct or indirect. An indirect personal and/or prejudicial interest is distinct from a direct personal and/or prejudicial interest in as much as it is not a contract to which the member or employee is directly a party.~~

19.3 A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the less) is not required to be declared for the purposes of this standing

order.

- 19.4 The Borough Solicitor and Deputy Chief Executive shall maintain a record of all declarations of interests notified by members and Officers.

## SECTION 5

### **CONTRACT MANAGEMENT**

#### **20. MANAGING CONTRACTS**

- 20.1 Chief Officers in the sponsoring departments are to name contract managers for all new contracts. All contracts must have a named Council contract manager for the entirety of the contract.
- 20.2 Contract managers must follow the procedures set out in the Council's Purchasing Guide and all contracts must be logged onto a contract register administered by the Financial Services Unit.

#### **21. RISK ASSESSMENT AND CONTINGENCY PLANNING**

- 21.1 A business case must be prepared for all procurements with a potential value over £50,000. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.
- 21.2 For all contracts with a value of over £50,000, contract managers must:
- maintain a risk register during the contract period
  - undertake appropriate risk assessments and for identified risks
  - ensure contingency measures are in place.

#### **22. CONTRACT MONITORING, EVALUATION AND REVIEW**

- 22.1 All contracts which have a value higher than the £50,000, or which are High Risk, are to be subject to monthly formal review with the contractor. The review may be conducted quarterly if permitted by the Chairman of the Corporate Risk Management Group.
- 22.2 For all contracts with a value higher than the EU Threshold limits, or which are High Risk, an annual report must be submitted to the Council's Management Team.
- 22.3 A Council-developed Gateway review process must be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements.
- 22.4 During the life of the contract, the Officer must monitor in respect of:

- performance
- compliance with specification and contract cost
- any Value for Money requirements
- user satisfaction and risk management.
- Compliance with the Council's equality monitoring arrangements (as stated in the contract) and with current equality legislation annually.

22.5 Where the Total Value of the contract exceeds £100,000, the Officer must make a written report to the relevant Budget Holder evaluating the extent to which the purchasing need and the contract objectives (as determined in accordance with Rule 5.2) were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to reletting of the subsequent contract.

# OFFICER EMPLOYMENT PROCEDURE STANDING ORDERS

## **1.0 Appointment of Chief Officers- Advertising, Shortlist and Interview**

1.1. Where the Council proposes to appoint a Chief Officer within the meaning of the Local Authorities (Standing Orders) Regulations 1993, and it is not proposed that the appointment shall be made exclusively from among the existing officers of the Council, it shall:-

(a) Draw up a statement specifying:-

(i) The duties of the post concerned, and

(ii) Any qualifications or qualities to be sought in the person to be appointed.

(b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

For the purposes of this Standing Order the Policy and Organisation Board shall take action where the Chief Executive is to be appointed. The Chief Executive shall take the action where any other Chief Officer is to be appointed.

1.2 Subject to the provisions of Standing Order 1.4, where a post has been advertised as provided for in Standing Order 1.1(b) the Policy and Organisation Board shall either: -

(a) Interview all qualified applicants for the post; or

(b) Select a short list of qualified applicants and interview those included on the short list.

1.3 Where no qualified person has applied, further arrangements shall be made for advertisement in accordance with Standing Order 1.1 (b).

1.4 For the purposes of Standing Orders 1.2 and 1.3 and subject to Standing Order 3 relating to the appointment of the Head of the Paid Service; which may not be varied; and except where the Council determines otherwise; the Policy and Organisation Board may appoint an Officer or

an Appointment Sub-Board with power to act on its behalf on appointments.

## **2.0 Procedure for Disciplinary action against Head of Paid Service, Monitoring Officer and Chief Finance Officer.**

2.1. In Standing Order 2.2, “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer”, have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (‘ the 2001 Regulation’) and “designated independent person” has the same meaning as in regulation 7 of those Regulations.

2.2 No disciplinary action in respect of the head of the authority’s paid service, its monitoring officer or its chief finance officer, except action described in Standing Order 2.3, may be taken by the authority, or by a Board, Committee, a Sub-Committee, a Joint Committee on which the authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

2.3 The action mentioned in Standing Order 2.2 is suspension of the officer for the purpose of investigation of the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

## **3.0 Head of Paid Service**

3.1 Where a Board, Sub-Board, Committee, Sub-Committee or officer is discharging, on behalf of the Authority, the function of the appointment or dismissal of an officer designated as the Head of the Authority’s Paid Service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

## **4.0 Investigation of Alleged Misconduct**

4.1 Where, after a local authority has incorporated provisions in standing orders pursuant to regulation 6 of the 2001 Regulations, it appears to the local authority that an allegation of misconduct by –

- (a) the head of the authority’s paid service;
- (b) its monitoring officer; or
- (c) its chief finance officer,

as the case may be, (“the relevant officer”), requires to be investigated, the authority must appoint a person (“the designated independent person”) for the purposes of Standing Order 2.02 above.

4.2 The designated independent person must be such person as may be agreed between the Authority and the relevant officer or, in default of such agreement, nominated by the Secretary of State.

4.3 The designated independent person –

(a) may direct –

- (i) that the authority terminate any suspension of the relevant officer;
- (ii) that any such suspension must continue after the expiry of the period referred to in Standing Order 2.3;
- (iii) that the terms on which any such suspension had taken place must be varied in accordance with the direction: or
- (iv) that no steps (whether by the authority or any Board, Committee, Sub-Committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under Standing Order 4.3(d);

(b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the authority; or which the authority has power to authorise him to inspect;

(c) may require any member of staff of the authority to answer questions concerning the conduct of the relevant officer;

(d) must make a report to the authority –

- (i) stating his opinion as to whether (and, if so, the extent to which) the evidence he has obtained supports any allegation of misconduct against the relevant officer; and
- (ii) recommending any disciplinary action which appears to him to be appropriate for the authority to take against the relevant officer; and

(e) must no later than the times at which he makes his report under Standing Order 4.3(d), send a copy of the report to the relevant officer.

4.4 A local authority must pay reasonable remuneration to a designated independent person appointed by the authority and any costs incurred by him in, or in connection with, the discharge of his function under this regulation.

## **5.0 Staff other than Statutory and Non-Statutory Chief Officers**

- 5.1 Subject to Standing Orders 6 and 7, the functions of appointment, dismissal, taking disciplinary action and related matters for all employees below the level of Chief Officer must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.
- 5.2 For the purposes of Standing Order 5.1 the functions of appointment, dismissal and related matters for all employees below Chief Officer level shall be dealt with by the Chief Executive and Chief Officers or such other employees as they may authorise in accordance with the delegations set out in the table below or such other delegations as may from time to time be approved.
- 5.3 In undertaking the functions delegated within the table Chief Officers and officers authorised by them shall comply with any policies and procedures approved by the Head of Paid Service.

<b>FUNCTION</b>	<b>COMMENT</b>
Appointment.	All posts within approved establishment.
Making job offers/Approving Contracts of Employment.	All posts within approved establishment.
Filling a post without advertisement in exceptional circumstances.	Subject to consultation with the Head of Personnel and the Trade Union.
Granting of leave concessions.	
Extending period of sick leave entitlement.	Subject to consultation with the Head of Personnel and the Council's Medical Adviser wherever necessary.
Approval of planned overtime payments including employees above spinal column 28.	
Approval of ordinary and enhanced incremental salary progression and the withholding of increments.	
Approval of local amendments to National Conditions of Service/General Conditions of Service.	Subject to expenditure being contained within budget and consultation with the Head of Personnel and the Trade Union.
Dismissal, including during probationary period.	Chief Officer concerned in consultation with the Chief



FUNCTION	COMMENT
	Executive.

## **6.0 Statutory and Non-Statutory Chief Officers**

6.1 Standing Order 5 shall not apply to the appointment or dismissal of, or disciplinary action against –

- (a) the officer designated as the Head of the Authority's Paid Service;
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

7.0 Nothing in Standing Order 5 shall prevent a person from serving as a member of any Committee or Sub-Committee or other Body established by the authority to consider an appeal by –

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Authority; or
- (b) a member of staff of the Authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

## **8.0 Interpretation**

In these Standing Orders –

“the 1989 Act” means the Local Government and Housing Act 1989 ;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and

“member of staff” means a person appointed to or holding a paid office or employment under the authority.

# BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

## 1 THE FRAMEWORK FOR DECISION MAKING

The Council will be responsible for the adoption of its budget and policy framework as set out in Chapter 4 in Part 2 of this Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Service Boards to implement it.

NB: Service Board means Policy and Organisation; Community; and ~~Economic Development~~ Environment; and Housing Boards).

## 2 PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and policy framework shall be developed is:-

- (a) In **February** each year the Council ~~may~~will publish a programme for establishing the budget and policy framework for the following year. Within this programme, it ~~may~~will identify strategic policy or resource issues on which it wishes to request studies by Overview and Scrutiny Committees.
- (b) Within the overall programmes, Service Boards may identify studies they wish to request from Overview and Scrutiny Committees related to policy issues on which they wish to make recommendations as part of the budget and policy framework.
- (c) Policy studies undertaken by Overview and Scrutiny Committees should engage as widely as possible with citizens and stakeholders in the community and use a variety of methods to gauge public views. The results should be presented to the relevant Service Board, who will then draw on them in developing their proposals to the Council.
- (d) The policy and budget framework presented to Council will be available to public consultation for a period of 4 weeks.
- (e) In approving the policy and budgetary framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken

by the Service Boards, in accordance with paragraphs 3 and 4 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the council.

### **3 VIREMENTS AND SUPPLEMENTARY ESTIMATES**

Virements and Supplementary Estimates shall be considered in accordance with the procedures prescribed in the Council's Financial Regulations.

### **4 IN-YEAR CHANGES TO POLICY FRAMEWORK**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by Service Boards, Committees or officers with delegated authority must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by a Service Board, Committee or officer with delegated authority except changes:-

- (a) which will result in the closure or discontinuance of a service or part of a service to meet budgetary constraints
- (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;

# **FINANCIAL PROCEDURE RULES FOR GOSPORT BOROUGH COUNCIL**

- 1. Introduction**
- 2. A: Financial Management**
  - B: Financial Planning**
  - C: Risk Management And Control Of Resources**
  - D: Systems And Procedures**
  - E: External Arrangements**

## **1 INTRODUCTION**

- 1.1 Financial Procedure Rules (previously known as Financial Regulations) provide the framework for good governance in the management of the Council's financial affairs. They apply to every Board, Committee, member and officer of the Council and anyone acting on its behalf.
- 1.2 It is the responsibility of all Members and officers to comply with the Council's Financial Procedure Rules.
- 1.3 The provisions of these Procedure Rules shall not prevent the Chief Executive or Service Unit Manager from incurring expenditure which is essential to meet immediate needs created by a sudden emergency or which is referred to in Section 138 of the Local Government Act 1972. However, prior to any financial commitment being made the appropriate Service Unit Manager shall consult, wherever possible, the Chief Executive and the Borough Treasurer. In addition, the matter shall also be reported, as soon as practicable, to the appropriate Board.
- 1.4 Section 151 of the Local Government Act 1972 requires every local authority "to make arrangement for the proper administration of their financial affairs and secure that one of their Officers has responsibility for the administration of those affairs" The Council has appointed the ~~Deputy Chief Executive &~~ Borough Treasurer as the Section 151 Officer and the ~~Financial Services Manager~~ Head of Accountancy as the designated deputy.

## SECTION A: FINANCIAL MANAGEMENT

### INTRODUCTION

- A.1 Financial management covers all financial matters in relation to the running of the Council.

### THE FULL COUNCIL

- A.2 The Full Council is responsible for approving procedures and for recording and reporting decisions taken. The Terms of Reference and the delegations to Boards, [Overview and](#) Scrutiny Committee, Standards & Governance Committee and delegation to officers are set out in the Constitution ([GBC Constitution](#)).
- A.3 Within these procedure rules, the Policy & Organisation Board shall be construed to be the Proper Board to which matters shall be referred, unless otherwise stated.

### COUNCIL MANAGEMENT TEAM

#### Section 151 Officer

- A.4 The Council has appointed the Section 151 Officer statutory duties in relation to the financial administration and stewardship of the Council (in the absence of the Section 151 Officer, the ~~Financial Services Manager~~ or Head of Accountancy shall exercise these functions as deputy). This statutory responsibility cannot be overridden.
- A.5 The Section 151 Officer is responsible for:
- the proper administration of the Council's financial affairs
  - setting and monitoring compliance with accounting and financial management procedures and standards including International Financial Reporting Standards (IFRS)
  - maintaining an effective and adequate internal audit and all audit arrangements
  - advising on the Council's finances
  - providing financial information
  - preparing and controlling forward financial plans, budget strategies, the revenue budget, the capital strategy and capital programme
  - treasury management and banking arrangements
  - All financial staff as Head of Profession
  - schemes of financial delegation
  - financial and related IT systems
  - procedures and controls for ordering services, supplies and works
  - payment of accounts and collection of income.

A.6 Section 114 of the Local Government Finance Act 1988 (the Act) requires the Section 151 Officer to report to the Council and external auditor if the Council or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to Gosport Borough Council
- is about to make an unlawful entry in Gosport Borough Council's accounts.

A.7 Section 114 of the Act also requires:

- the Section 151 Officer to nominate a properly qualified member of staff to deputise should he be unable to perform the duties under section 114.
- that the Council provides the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under Section 114.

### **Other Chief Officers**

A.8 These officers are responsible for:

- ensuring that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer or his deputy.
- operating financial processes within their Units. To do this they must ensure that adequate operational controls are in place.
- controlling expenditure and income, monitoring performance and taking the necessary action to remain within budgets and cash limits.

A.9 It is the responsibility of Service Unit Managers to consult with the Section 151 Officer and seek approval regarding any matters that are liable to significantly affect the Council's finances, before any commitments are incurred.

### **Virement <sup>1</sup>**

#### **Revenue**

A.10 The Full Council is responsible for agreeing procedures for virement of expenditure between budget headings.

---

<sup>1</sup> A Virement is an approved transfer of a budgetary sum of money between budget headings (a budget heading being a budget line in the budget book).

- A.11 The virement regulations below are aimed at providing the flexibility for Service Unit Managers to ensure that approved budgets are not exceeded while at the same time allowing for the delivery of services in line with the Council's policies and plans.
- A.12 Virements less than £20,000 can be approved by the Service Unit Manager after agreement with the Section 151 Officer and the Chief Executive. Over £20,000 requires the further approval of the appropriate Board(s).
- A.13 Virements between Boards of more than £50,000 require approval from the Section 151 Officer, Chief Executive and the appropriate Board(s). They must also be approved by the Policy & Organisation Board.

### **Capital**

- A.14 Virements of less than £20,000 between approved schemes can be approved by the Service Unit Manager after agreement with the Section 151 Officer and Chief Executive. Applications for virements of more than £20,000 between approved schemes must be made to the appropriate Board by the Service Unit Manager for approval.
- A.15 Virements between Boards of more than £50,000 require approval from the Section 151 Officer, Chief Executive and the appropriate Board(s). They must also be approved by the Policy & Organisation Board.

### **Supplementary Estimates<sup>2</sup>**

- A.16 Supplementary estimates are a last resort and will only exceptionally be approved by both the Section 151 Officer and Chief Executive. They must also be approved by the Policy & Organisation Board.

### **Revenue**

- A.17 Where expenditure budget provisions are estimated to be exceeded or an income budget provision not achieved by more than £20,000, and a virement is not possible, then the Service Unit Manager responsible for the budget, following consultation with the Section 151 Officer, should apply to the appropriate Board for a supplementary estimate for the estimated overspend or shortfall of income. Board recommendations shall be referred to the next available meeting of the Policy & Organisation Board.

---

<sup>2</sup> A supplementary estimate is an additional budgetary sum of money – generally from the Council's reserves.



## Capital

- A.18 If the estimated cost of a scheme or project included in the Capital Estimates is likely to exceed the approved expenditure by more than 10% or £100,000 whichever is the lesser (subject to a minimum of £20,000), and a virement is not possible, the Service Unit Manager responsible for controlling the expenditure on that scheme or project, following consultation with the Section 151 Officer~~Financial Services Manager~~, shall apply to the appropriate Board for a supplementary estimate for the amount of the estimated overspending. Board recommendations for any excess expenditure arising from other variations or changes to a scheme shall require the approval of the next available meeting of the Policy & Organisation Board.

## Treatment of year-end balances

- A.19 The treatment of year-end balances resulting from under and overspendings on budget headings shall be approved by the Policy and Organisation Board as part of the final accounts process.
- A.20 Revenue budget carry forwards will generally not be permitted.
- A.21 Capital programme slippage will be reported to Policy & Organisation Board as part of the final accounts process.

## Accounting policies

- A.22 The Section 151 Officer is responsible for determining accounting policies and financial systems and ensuring that they are applied consistently.

## Accounting records and returns

- A.23 The Section 151 Officer is responsible for determining the accounting procedures and records for the Borough Council.

## Journals

- A.24 All individual journals over £50,000 are subject to monthly review by senior accounts staff and a further check of the monthly files are subject to review by the Section 151 Officer or his deputy.

## The annual statement of accounts

- A.25 The Section 151 Officer~~Financial Services Manager~~ is responsible for ensuring that the annual statement of accounts is prepared in accordance with statutory timescales and the applicable Codes and reporting financial standards. ~~Standards and Governance Committee is responsible for approving the annual governance statement and reviewing external auditor's comments.~~ Policy & Organisation Board is responsible for approving the Council's Statement of Accounts and Annual Governance Statement.

## **SECTION B: FINANCIAL PLANNING**

### **BUDGETING**

#### **Budget format**

- B.1 The general format of the budget will be approved by the Council on the advice of the Section 151 Officer. The draft budget should include allocations to different services and projects, potential taxation levels and will be prepared with due regard to the Medium Term Financial Strategy and annual Budget Strategy.

#### **Budget preparation**

- B.2 The Section 151 Officer shall prepare and present the annual estimates of revenue income and expenditure to the Council's Boards with due regard to the relevant codes of practice.

#### **Policy and Organisation Board**

- B.3 The Policy and Organisation Board shall oversee the budget policy and strategy, Medium Term Financial Strategy and Budget and shall recommend to Council detailed estimates for approval. The Council shall determine the level of Council Tax for each property Band to be levied in the next financial year, by no later than 11<sup>th</sup> March in each year.

#### **Budget monitoring**

- B.4 Service Unit Managers are responsible for ensuring that expenditure and income budgets assigned to their staff are monitored and controlled against the Council's approved budget.
- B.5 The Financial Services Unit is responsible for providing other Service Unit Managers with financial information in order to enable them to monitor the performance of the operations and services under their control.
- B.6 Accountants are to attend Section meetings to provide input on the budget situation and resolve any budgetary queries.
- B.7 The Section 151 Officer shall submit regular budget monitoring reports to the Council Management Team and Council Members identifying changes in trends and resource requirements.
- B.8 All Service Unit Managers should ensure that arrangements are in place for their staff to record time spent on appropriate projects and services.

**Preparation of the capital programme**

- B.9 Capital Programmes shall initially be prepared by the Section 151 Officer in conjunction with Service Unit Managers to reflect either approved or intended Council projects and the likely availability of resources.
- B.10 On an annual basis Boards will consider and report their forward capital programmes to the Policy and Organisation Board. Any changes to these programmes will be considered by Boards and referred to the Policy and Organisation Board for approval. The Policy and Organisation Board shall recommend to the Council the total programme for approval for the ensuing financial year, after taking into account both capital and revenue resource implications.

## **SECTION C: RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **INTRODUCTION**

- C.1 Robust, integrated systems should be developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

### **RISK MANAGEMENT**

- C.2 The Standards & Governance Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. In addition, the Council is responsible for ensuring that appropriate reserves and insurances are maintained.
- C.3 The Head of Internal Audit & Risk Assurance is responsible for co-ordinating the Council's risk management policy statement and for promoting it throughout the Council.

### **INSURANCE**

- C.4 The Section 151 Officer shall ensure that, after discussion with the relevant Service Unit Manager, the Council has appropriate insurance cover at all times.

#### **Insurable Items and Interests**

- C.5 Service Unit Managers shall notify the Financial Services Unit promptly of all liabilities, risks, properties, assets and rights that could be insured and of any alterations that should be made to existing cover.
- C.6 Service Unit Manager shall promptly notify the Financial Services Unit of every loss, liability or damage sustained, or event likely to lead to a claim, which is or may be covered by insurance. Where appropriate, e.g. suspected arson, the Service Unit Manager shall also inform the Police.

### **INTERNAL CONTROL**

- C.7 Internal control refers to the systems of control put in place to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- C.8 The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations and other relevant statements of best practice. They should ensure that all funds are properly

safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.

- C.9 It is the responsibility of Service Unit Managers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

### **AUDIT REQUIREMENTS**

- C.10 The Accounts and Audit Regulations 1996 require every Council to maintain an adequate and effective internal audit.
- C.11 The Audit Commission is responsible for appointing external auditors to each Council. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982.
- C.12 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue & Customs, who have statutory rights of access.

### **INTERNAL AUDIT**

- C.13 The Section 151 Officer shall be responsible for maintaining a continuous and independent internal audit appraisal of the Council's internal control systems, as a service to the organisation. The Internal Audit Section shall objectively examine, evaluate and report on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

### **REPORTING LINES**

- C.14 The Head of Internal Audit & Risk Assurance shall report at least quarterly to the Standards and Governance Committee on the activities of Internal Audit.

### **AUDIT AUTHORITY**

- C.15 The Section 151 Officer and Head of Internal Audit & Risk Assurance or authorised representative has authority to:
- (a) enter, at all reasonable times, any premises or land owned, leased or controlled by the Council
  - (b) inspect and examine all records, accounts, leases, agreements, contracts, vouchers, correspondence and other documents of the Council

- (c) require and receive explanations on any matter under examination, either verbally or in writing
- (d) require any employee to produce and account for cash, stores, or other Council property under their control.

## EXTERNAL AUDIT<sup>3</sup>

C.16 The basic duties of the External Audit are defined in the Local Audit Commission Act 1998 and the Local Government and Accountability Act 1999~~2014~~.

C.17 Their duties are to review and report upon:

- All financial aspects of the Council's corporate governance arrangements.
- the Council's financial statements and incorporating results within the "Annual Governance Report".
- the External Auditors are to be given access, at all reasonable times, to premises, personnel, documents and assets as required
- VFM Conclusion (The External auditor's conclusion on whether the audited body has put in place proper arrangements for securing economy, efficiency and effectiveness in its use of money, people and time.).
- to present to the Council their "Annual Audit Letter".

## PREVENTING FRAUD AND CORRUPTION

C.18 The Section 151 Officer is responsible for the development and compliance of an anti-fraud and corruption policy.

### Potential fraud and corruption<sup>43</sup>

C.19 Where there is a suspicion of irregularity in the administration of the financial affairs of the Council, it is the duty of all individuals to report the matter to the Head of Internal Audit & Risk Assurance.

C.20 Where, upon investigation, reasonable grounds appear to exist for suspecting that a loss may have occurred as a result of misappropriation, irregular expenditure or fraud, the Head of Internal Audit & Risk Assurance shall decide, in consultation with the Chief Executive and Section 151 Officer, whether the circumstances require further investigation by the Police and take appropriate action. The

<sup>3</sup> ~~The Audit Commission are currently the Council's External Auditors. They can be contacted on 0844 798 4640.~~

<sup>3</sup><sup>4</sup> 24 hour Fraud Hotline 02392 545308.

Chief Executive, Section 151 Officer and Monitoring Officer shall be consulted prior to referring any matter to the Police.

- C.21 Where, upon investigation, the Head of Internal Audit & Risk Assurance believes that a loss may have occurred as the result of waste, extravagance or maladministration, a report on the matter shall be submitted to the relevant Service Unit Manager, Section 151 Officer, Chief Executive and Monitoring Officer.

## **ASSETS**

- C.22 Service Unit Managers should ensure that records and assets are properly maintained (inventory) and securely held. They should also ensure that contingency plans are in place for the continuity of service and the security of assets in the event of disaster or system failure.

## **LAND (inc. leases etc.)**

### **Terrier**

- C.23 A terrier of all land owned by the Council shall be maintained by the Head of ~~Property~~Legal Services.

## **Sale and Purchase of Land**

- C.24 Unless covered under the Scheme of Delegation to Officers or falling within the terms of reference of a Board, land shall not be sold, purchased or leased except as authorised by the Economic Development Board. The Board must be presented with a report prepared by the relevant Service Unit Manager in consultation with the Borough Solicitor, Financial Services Manager and the Head of Property Services containing a detailed evaluation (including a reason for the proposal, the overall implications of the proposal, a valuation and risk assessment) of the consequences and implications of such sale or purchase.

## **TREASURY MANAGEMENT**

- C.25 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- C.26 The Council is responsible for approving the Treasury Management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the Full Council. The Section 151 Officer has responsibility for implementing and monitoring this statement.

- C.27 The Section 151 Officer is responsible for ensuring an appropriate Treasury Management Strategy is adopted by Council at or before the start of each financial year.

### **Borrowing**

- C.28 The Section 151 Officer has authority to arrange the borrowings necessary to finance the Council's Capital Programme, to defray payments to be met from revenue funds pending the receipt of sums due in respect of the same period, or to replace debts repaid as prescribed in the Council's Scheme of Delegation to Officers.

### **Lending**

- C.29 The Section 151 Officer has authority to invest or deposit any temporary surplus funds on the Wholesale Money Market. Such funds will only be placed with those institutions that meet the criteria approved by the Council.
- C.30 The Section 151 Officer is responsible for reporting annually to Full Council on the activities of the Treasury Management operation.

### **BANKING**

- C.31 The opening of any Council bank account must be authorised by the Section 151 Officer or his deputy.
- C.32 Direct debit instructions (DDI's) for payment of invoice(s) must be signed by an authorised Officer under the agreed Council's Bank Mandate. Further information regarding the signatories may be obtained from the Head of Accountancy.
- C.33 Arrangements and terms for banking shall be in accordance with a contract that shall from time to time be subject to competitive tender.
- C.34 All forms of cheque and cheque stationery shall be ordered, issued and controlled by the Financial Services Manager.
- C.35 Cheques for less than £20,000 shall bear the lithographic signature of the Section 151 Officer. Cheques equal to or greater than £20,000 should be signed by an authorised signatory under the Council's Bank Mandate. In exceptional circumstances manual cheques can be produced which are signed manually by an authorised signatory.
- C.36 All payments sent electronically must be authorised by a designated Officer. Those greater than £20,000 (individual payment) should also be counter authorised by an authorised signatory.



**STAFFING**

- C.37 Service Unit Managers shall exercise control over their staffing establishments within the approved annual staffing budgets.
- C.38 Where a Service Unit Manager wishes to make changes the cost should be absorbed in the current year and future years' budgets.
- C.39 Vacancies shall only be filled where they are essential to the services the Council provides and are subject to the approval of the Chief Executive, in consultation with the appropriate Board Chairman.

## **SECTION D: SYSTEMS AND PROCEDURES**

### **INTRODUCTION**

- D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

### **GENERAL**

- D.2 The Financial Services Unit is to advise on and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- D.3 The Financial Services Unit shall be responsible for advising on the financial administration and accounting procedures and for the maintenance of all accounting records. Where records are maintained by service units the appropriate Manager shall have a duty to maintain a clear audit/management trail to support their management control responsibilities.
- D.4 Service Unit Managers shall obtain the Head of Accountancy's approval before introducing any books, forms or procedures or other records that relate to or may affect the Council's finances.
- D.5 Service Unit Managers, in consultation with the Section 151 Officer, shall submit to the Head of Accountancy such information as the latter deems necessary for accounting and costing purposes and shall afford access at all reasonable times to all accounting records and documents which relate to or may affect the Council's finances.
- D.6 Service Unit Managers shall ensure that as far as is practicable, the duties of staff concerned with financial systems and transactions are trained and they maintain an up to date procedural manual of fundamental financial systems.

## **COUNCIL TAX AND NATIONAL NON-DOMESTIC RATES**

### **Register**

- D.7 The Financial Services Manager shall compile and maintain up-to-date records of all relevant properties and businesses.

### **Billing**

- D.8 The Financial Services Manager shall send appropriate bills promptly to those liable for Council Tax or National Non-Domestic Rates.

## Collection and Recovery

- D.9 The Financial Services Manager shall take all action necessary, in accordance with Council policy, to secure the prompt collection and recovery of amounts due.

## INCOME

### Collection

- D.10 The collection of all money due to the Council shall be under the control of the Section 151 Officer and each Manager shall provide such information as may be required to record correctly and recover promptly all sums due. The use of electronic collection (direct debit) must be encouraged to all customers, where available.
- D.11 There is a statutory requirement for the Council to be aware of its cash income and to protect against the risk of becoming involved in money laundering. In order to assist with this requirement a limit on single cash transactions has been set at £5,000. All single cash transactions of this amount or greater must be reported to the Head of Internal Audit & Risk Assurance immediately.

### Stationery

- D.12 All receipt forms, books, tickets and other documents of a financial nature by which income is demanded or receipted, shall be ordered, controlled and supplied to Service Units by the Pay and Central Services Section, except where otherwise specifically approved by the ~~Financial Services Manager~~Section 151 Officer. Service Unit Managers shall be responsible for the safe custody of such documents within their service units and for maintaining control over their use in accordance with arrangements approved by the Head of Internal Audit & Risk Assurance.

### Receipting

- D.13 Every Service Unit Manager whose unit receives money on behalf of the Council shall comply with arrangements approved by the Head of Internal Audit & Risk Assurance and Head of Accountancy concerning its acknowledgement and recording. This includes the issue of formal instructions to staff. Service Unit Managers shall also be responsible for the safe custody of the money and shall, promptly deposit it with the Cash Office. Payment counterfoils shall be stamped, dated and signed by the Cashier, save where an approved machine receipting system is in use. No Officer shall give a receipt for money received on behalf of the Council on any form other than an official receipt form. All monies received should be banked or paid into the cashiers promptly and within 1 working day.

- D.14 All cheques, money orders, postal orders and payment warrants received shall be immediately crossed with the name of "Gosport Borough Council".
- D.15 All cheque (due to the abolition of the cheque guarantee service) payments require clearance approval from Accountancy prior to a Council service being commissioned.
- D.16 Money received shall not be used to cash personal or other cheques but shall be deposited intact.

### **Paying-in**

- D.17 Every Officer who pays money into the cash office or any other authorised cash collection point shall enter on the paying-in slip and on the counterfoil or duplicate particulars of such payment, including the receipt number(s) to which the payment(s) relates. In addition, for each cheque, the amount and the receipt number to which it relates shall be entered separately. If a cheque is received in full or partial discharge of a debt, the counterfoil should be marked as such.
- D.18 The Section 151 Officer shall be notified of all money due to the Council under contracts, leases, tenancies and other agreements that have been entered into on the Council's behalf as soon as possible and shall have access to the original documents and relevant particulars and information.

### **Sundry Debtors**

- D.19 Sundry debtors invoices will only be raised in response to a documented request in a format approved by the Head of Accountancy.
- D.20 A sundry debtor invoice request form must be completed within 14 days of the date of supply or from when the debt was incurred.
- D.21 Care must be taken to ensure that the debtors' details, including full name, address and postcode, are entered correctly, and that the correct accounting and VAT codes are used.
- D.22 Wherever possible, a formal legal agreement for the debt should be established which must be provided in the event of recovery action being necessary.
- D.23 Wherever possible, efforts should be made to avoid raising small value invoices by encouraging the customer to pay in advance.

**Bad Debts**

- D.24 Service Unit Managers shall refer to the Borough Solicitor and Deputy Chief Executive all debts (other than Housing Rents and Local Taxation) which they are unable to recover following the recognised arrears process.
- D.25 Service Unit Managers shall also inform the Financial Services Unit of any sums that have been referred to the Borough Solicitor.
- D.26 The Borough Solicitor and Deputy Chief Executive shall take all reasonable steps to recover such debts that are not considered as irrecoverable.
- D.27 No sum of money due to the Council, after it has been correctly determined, shall be discharged otherwise than by payment in full or by writing off the debt or the unpaid portion of it on the authority of:
- a) both the appropriate Service Unit Manager and the Section 151 Officer, up to £20,000
  - b) by the Policy and Organisation Board in excess of £20,000, following a report by the Section 151 Officer confirming that the debt is not recoverable at reasonable effort and expense.
- D.28 An annual summary of all debt write-offs shall be notified to members of the Policy and Organisation Board by the Section 151 Officer.

**Scales of Fees and Charges**

- D.29 Fees and Charges shall be reviewed as part of the Council's annual budget process and amendments reported to the Policy & Organisation Board.
- D.30 The recommendation of the Board on the amendment of the Scales of Fees and Charges shall be reported to the next available Full Council.

**PURCHASE ORDERS**

- D.31 Paragraphs D33, D34 and D36 in this section do not apply to Housing (tenants requested repairs).

**Ordering goods and services**

- D.32 A requisition shall be raised for all purchases.
- D.33 All requisitions shall be approved by the appropriate Senior Officer.
- D.34 Request for a quote form shall be used for all non catalogue goods and will be sourced by Central Purchasing.

- D.35 Official orders for all purchases, other than petty cash, shall only be placed in accordance with systems approved by the Head of Pay & Central Services, Head of Accountancy and the Head of Internal Audit and Risk Assurance.
- D.36 Orders for goods, works or services, other than recurring services eg.- public utility supplies etc. shall be on an official order form.
- D.37 Each order shall specify and describe adequately the nature and quantity of the goods, works, services etc., required and any agreed prices. In addition, all incentives or inducements on ordering goods must be registered and reported prior to authorisation and recorded on the order.
- D.38 Any changes to the terms of the order as issued originally shall be approved by the relevant Service Unit Manager.
- D.39 No order shall be placed which will commit the Council to expenditure unless authority exists to incur such expenditure.
- D.40 Official orders may not be used for the procurement of goods, materials or services for the personal use of an employee, except for the purchase of personal protective equipment.

## EXPENDITURE

- D.41 In order to comply with the Late Payment of Commercial Debts (Interest) Act 1998 the Section 151 Officer~~Financial Services Manager~~ shall ensure that payment of all sums due from the Council is made promptly. Service Unit Managers shall be responsible for ensuring that all invoices and other accounts are sent for payment without delay, particularly where a discount is available. All procurement cards held within the Council must follow the same principles as set out in this section. In addition, these cards must be kept secure at all times.
- D.42 Prior to an invoice being authorised for payment, Service Unit Managers shall ensure that responsible officers under their control are satisfied that:
- (a) invoices are date stamped on receipt
  - (b) the terms of the order have been complied with
  - (c) prices are in accordance with any quotation given or are otherwise reasonable
  - (d) the amount of the invoice is arithmetically correct
  - (e) all discounts have been taken
  - (f) appropriate entries have been made in stores records/inventories/copy orders etc

- (g) the amount of the expenditure is provided for in the approved budgets and that the grid stamp is fully completed including the expenditure code and certification. As a minimum the checked by, certified for payment, creditor number and expenditure code boxes must be completed on the grid stamp.
- (h) the invoice has not been authorised previously for payment
- (i) the account is not a photocopy or statement or Facsimile (unless approved by the Head of Accountancy)
- (j) a pro-forma voucher is not being used as a substitute for an invoice
- (k) Value Added Tax has been correctly identified, checked and coded on official tax invoices
- (l) if an invoice is disputed, delayed or paid on a copy the details of this must be noted on the invoice.

D.43 Invoices must be authorised for payment without delay to comply with both payment terms and the Council's Local Performance Indicator which requires payment of all invoices within 30 days. In the case of small or medium sized enterprises the Council will endeavour to make payment within 10 days of receipt of a correct invoice.

### Invoice Certification

D.44 Invoices for payment shall be independently initialled as checked. The form and content of the certification for payment shall be that required by the Financial Services Unit. Nominated certifying officers shall be required to provide the Head of Accountancy with specimen signatures and initials, together with an expenditure limit annually (as agreed by Council Management Team). Officers shall not certify any voucher payable to themselves, family relatives or organisation/club in which they have an interest. Separate officers shall carry out responsibilities for verifying receipt of goods, checking invoices and certification for payment.

### Urgent Payments

D.45 Urgent payments are costly to process, so Units should keep requests for such payments to a minimum and only in cases where there is a genuine need. The use of electronic payment must be encouraged to all suppliers, where available, at all times (direct credit).

### Payment of Salaries, Wages and Allowances

- D.46 The payment of all salaries, wages and other allowances shall be under the control of the Section 151 Officer.

### **Changes**

- D.47 Service Unit Managers shall immediately notify the Head of Pay & Central Services, the Head of Personnel and the Chief Executive of all matters affecting staffing establishments and the payment of employees' remuneration and allowances, in particular:
- (a) appointments, resignations, dismissals, suspensions, secondment and transfer
  - (b) absences from duty for sickness or other reasons, apart from approved leave
  - (c) changes in remuneration, other than normal increments, pay awards and agreements of general or national application
  - (d) information necessary to maintain records of service for superannuation, income tax, national insurance and items of a similar nature
  - (e) significant changes in duties and responsibilities.
- D.48 All notifications must be signed or approved by the appropriate Service Unit Manager.

### **Time Sheets**

- D.49 Service Unit Managers shall ensure that any required time sheets for staff under their control are properly completed and are examined and independently certified by a responsible officer.

### **Payroll Information**

- D.50 Service Unit Managers shall make available to the Head of Pay & Central Services all information necessary for the prompt and accurate preparation of payrolls. The arrangements shall include an approved form of time and pay records and such records may only be authorised by approved certifying officers as agreed with the Head of Pay & Central Services.

### **Allowances**

- D.51 All claims by Members and Officers for payment of car allowances, subsistence allowances, travelling and other expenses shall be submitted, duly certified, in accordance with the procedure approved by the Section 151 Officer. Such claims may be authorised only by an approved certifying officer. Certifying officers may not certify their own claims. Claims submitted more than three months after the expenses



were incurred will only be paid with the express approval of the Section 151 Officer, after consultation with the appropriate Service Unit Manager.

- D.52 A certification by or on behalf of a Service Unit Manager shall be taken to mean that the certifying officer is satisfied that the journeys were for official business and that the most cost effective option was used, the expenses were properly and necessarily incurred and that the allowances are properly payable by the Council.
- D.53 Officers in receipt of car allowances shall maintain a log of all mileage in respect of official business.

## **TAXATION**

- D.54 The Council is responsible for ensuring its tax affairs are in order. Service Unit Managers are to be provided with relevant information and kept up to date with tax issues and required record keeping. This will ensure that all taxable transactions are identified, properly carried out and accounted for within stipulated timescales.

## **SECURITY**

- D.55 Each Service Unit Manager is responsible for maintaining proper security of all information, buildings, stocks, stores, furniture, equipment, documents, financial records, cash etc., under their control (including such information held on computer which shall be in accordance with the principles of the Data Protection Act 1998 and the Council's policies). The Head of Internal Audit & Risk Assurance shall be consulted in any case where security is thought to be defective or where it is considered that special security arrangements may be needed (e.g. intruder alarms).

## **Cash holding limits**

- D.56 Every effort should be made to bank monies within one working day. In those units that have access to a safe a maximum limit for cash holdings must be agreed with both the Financial Services Unit (for insurance purposes) and the Head of Internal Audit & Risk Assurance.

## **Safe keys**

- D.57 Keys to safes, key safe boxes (where used) and similar receptacles shall be issued to named individuals who shall be held responsible for their safe custody; the loss of any such keys must be immediately reported to the Head of Internal Audit & Risk Assurance.

## **Town Hall**

- D.58 Service Unit Managers shall refer any relevant matters to the Chief Executive or to the Manager who has responsibility for the overall security of the Town Hall.

## **ASSET REGISTERS**

### **Preparation and maintenance**

- D.59 The Section 151 Officer~~Financial Services Manager~~ shall be responsible for preparing and maintaining an asset register which shall record all Council owned land, buildings and assets initially costing (or currently valued at) greater than £10,000. This will include maintaining inventories and recording an adequate description of furniture, fittings, equipment, plant and machinery. Inventions, writing and software (including in-house developed spreadsheets) will give rise to Intellectual Property and various Acts of Parliament will cover different types of intellectual property. Service Unit Managers shall provide, on a regular basis, such information as is required by the Head of Accountancy for the maintenance of the asset register.

### **Verification**

- D.60 At least once a year the Section 151 Officer will require other Service Unit Managers to arrange for their portion of the register to be checked against the physical assets. The Head of Accountancy shall be advised of surpluses or deficiencies requiring amendment of the asset register.

### **Disposal**

- D.61 The disposal of any items considered to be obsolete or surplus to requirements shall be in accordance with the Council's Scheme of Delegation to Officers.

## **STOCKS AND STORES**

### **Custody**

- D.62 Service Unit Managers shall be responsible for the custody and control of the stocks and stores in their units.

### **Accounts**

- D.63 The stores accounting records maintained by Service Unit Managers shall be approved by the Head of Accountancy and Service Unit Managers shall supply such information as is required for the Council's accounting and financial records.

**Levels**

D.64 Stocks shall not be in excess of reasonable requirements.

**Valuation**

D.65 The Head of Accountancy, in conjunction with Service Unit Managers, shall determine the method to be followed in the valuation of stores.

**Stocktaking**

D.66 Not less frequently than annually, Service Unit Managers shall ensure that a stock take of all stocks and stores in their units is carried out independently of the officers responsible for their custody. Where items are obsolete or surplus to requirements, the Manager shall dispose of them in accordance with the Council's Scheme of Delegation to Officers.

D.67 The Head of Internal Audit & Risk Assurance may be represented at any stocktaking for the purpose of making test checks and shall be allowed to make test checks at any time.

**Adjustment of stores records**

D.68 Adjustments of stores records in consequence of discrepancies revealed by stocktaking shall be authorised by the appropriate Service Unit Manager and, if significant, shall be reported to the Head of Accountancy and Head of Internal Audit & Risk Assurance.

**Report to Head of Accountancy**

D.69 The total value of stores written off in each financial year shall be reported to the Head of Accountancy.

**Stores records**

D.70 Details of stores received, returned or issued shall be entered promptly in the stores records.

**Stores issues/returns**

D.71 Stores issue/returns shall be made only against a properly completed official stores issues/returns note.

**Other**

D.72 A Service Unit Manager may, in consultation with the Head of Accountancy, instruct that the maintenance of records of particular items of stocks and stores are not necessary on economic grounds.

**INFORMATION COMMUNICATION TECHNOLOGY**

- D.73 The acquisition and disposal of ICT equipment (hardware & software) shall be in accordance with the Council's approved IT strategy, which requires, inter alia, a detailed financial appraisal of any significant proposed investment.
- D.74 The development or acquisition of software or systems shall comply with the principles of a recognised project management methodology e.g. PRINCE2. Any deviation from the agreed methodology must be reported to Council Management Team.
- D.75 All system selections must be signed off by the sponsoring Manager and the Head of Information Technology.
- D.76 The use of all ICT systems and equipment shall be in accordance with the standards and policies laid down for security, privacy and acceptable use.
- D.77 The use of ICT systems and equipment shall comply with the Data Protection Act 1998 and other ICT related Law.
- D.78 Only official, licensed versions of authorised software from a known, reliable source shall be used on Council equipment.

## SECTION E: EXTERNAL ARRANGEMENTS

### PARTNERSHIPS

- E.1 The Section 151 Officer shall ensure that accounting arrangements adopted relating to partnerships and joint ventures are satisfactory and that the overall corporate governance arrangements are satisfactory when contracts are arranged with external bodies. Service Unit Managers must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.2 Service Unit Managers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

### EXTERNAL FUNDING

- E.3 The Section 151 Officer, in conjunction with the relevant Service Unit Manager, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

### WORK FOR THIRD PARTIES

- E.4 The Section 151 Officer and Borough Solicitor and Deputy Chief Executive are responsible for approving the contractual framework for any work for third parties or external bodies.

# ~~GOSPORT BOROUGH COUNCIL~~ ~~PROTOCOL ON PRINCIPLES OF~~ ~~SCRUTINY~~ PROCEDURE RULES

## 1. Introduction

1. The ~~standing orders~~~~procedures~~ for the setting up, and running of the Overview and Scrutiny Committees; together with their Terms of Reference are explained elsewhere in this Constitution. They ~~Committee~~ shall operate generally in accordance with the requirements of the law and the ~~procedures and~~ principles of scrutiny set out below. The Borough Council, either of its own accord or on the recommendation of ~~one or more of~~ the Overview and Scrutiny Committees may at any time amend these ~~principles~~~~provisions~~ or issue supplementary guidance.

## 2. Different Types of Scrutiny.

2.1 For the purpose of the Committee's operations, "scrutiny" may be defined as being of two separate types, "reactive scrutiny" and "policy scrutiny". The scope of both is considered in the following paragraphs. It should be stressed, however, that the divisions between the two will not be rigid in practice and it is in particular possible that an exercise in scrutiny may start in one type and move into the other as it progresses; equally, there may be exercises which involve both types of scrutiny simultaneously. Accordingly the categorisation should not be used to build barriers and above all should not be used as a means of preventing scrutiny from taking place.

## ~~3.~~ Reactive Scrutiny.

2.2 Reactive scrutiny is scrutiny that arises directly, or indirectly, from a decision taken, or to be taken, by the Council, or by one of the ~~operational~~Service Boards or by an Officer acting under delegated authority. It may include "pre-scrutiny", that is an evaluation of the potential consequences of a decision and offering advice to the person or body which will make the decision about its potential consequences, or "post-scrutiny", which is considering the actual consequences and policy implications of a particular decision and offering proposals and guidance in relation to future decisions of the same type and nature.

## ~~4.~~ Policy Scrutiny.

2.3 Policy scrutiny is a review of the wider aspects of the Council's performance and the implications for the Council and its community ~~including the over sight of Community Plans and Local Strategy Partnerships including the work of other agencies~~. It involves consideration both of inputs in terms of consultation exercises carried out

in the context of strategic development and output in terms of plans and strategies that the Council puts in place. ~~It also comprises a general oversight and management (in a non-executive sense) of Best Value and community consultation processes, and ensuring that an appropriate input is made into the production of strategic tools.~~

#### ~~5. Reactive Pre-scrutiny and the Executive Function.~~

~~The basic function of reactive scrutiny is to offer advice to the Council and operational Boards on the potential consequences of decisions that are to be taken, and to draw attention to the factors that need to be taken into account. Scrutiny should add a breadth of view to consideration of the issue. Where the recommendations of a Board and those of the Overview and Scrutiny Committee are in significant conflict, that conflict shall be resolved by the Council. In reaching its decisions, the Council shall identify and record the reasons for it and particularly the reasons for not following the recommendations of either the Board or the Overview and Scrutiny Committee.~~

#### ~~6. Reactive Post-scrutiny and the Executive Function.~~

~~There is a need for certainty about the Council's decision-making processes, not least for the benefit of outsiders dealing with the organisation. Post-scrutiny may evaluate how effective the decision was, what its consequences were, what the lessons to be learned from it are and what issues should be considered if the same decision had to be made again. It must, however, be clearly understood by all that the post-scrutiny, whatever its result, does not effect the decision already made. It neither qualifies nor invalidates it, and where a finding arises from post-scrutiny that could be construed as adverse it does not mean the decision taken was wrong. Where post-scrutiny recommends that another decision in similar circumstances should be different from that made, the Overview and Scrutiny Committee cannot insist that the other decision is different; however a proposal in those circumstances to make the same decision again would almost certainly be called in for pre-scrutiny.~~

### ~~3.7. Involvement of External Interests.~~

3.1 The Overview and Scrutiny Committee activities includes looking at matters which affect the Council's area or its inhabitants and this involves looking at the work of other ab=agencies. Interested outsiders have a clear "stake" in all scrutiny activity undertaken by the Council, ~~both policy and reactive.~~ The constitution arrangements controlling scrutiny procedures envisage the ability for interested parties to have an in-put, while balancing the needs of the organisation and preventing the sub-version of the scrutiny process to become a means of delaying or frustrating decisions. There will inevitably be, on occasions, doubts

about the extent to which external interests can be involved, but Overview and Scrutiny Committees should ensure as far as possible that these doubts are not resolved by the exclusion of legitimate external interests or concern.

#### **8.4. Conflicts of Interest.**

4.1 Both Government Guidance and the requirements of membership of Overview and Scrutiny Committees are designed to ensure that conflicts of interest do not arise for individual Members between their responsibility for ~~executive- taking~~ decisions and their roles in scrutiny of the Council's activities. Membership should, however, take care to ensure that those measures are treated as a minimum and not a maximum requirement. If, in certain circumstances, they consider that an outsider might think that one role is compromised by the other the Member must ensure that the potential conflict is resolved, normally by withdrawing from one of the ~~r~~Roles. This issue may come to be of particular significance in relation to Members requested individually to undertake tasks by an Overview and Scrutiny Committee.

#### **5.9 Whipping**

5.1 When considering any matter in respect of which a member of an Overview and Scrutiny Committee is subject to a party whip, or advice from a Group Leader on the decision to be reached, the member must declare the party whip or advice received, and the nature of it before the commencement of the committee's deliberation on the matter. The ~~declaration, declaration~~ and its details shall be recorded in the minutes of the meeting.

#### **6. Matters excluded from Scrutiny**

6.1 Overview and Scrutiny will not scrutinise individual decisions in respect of development control, licensing, registrations, consents and other permissions as they are not an alternative to normal appeals processes. However they may make reports and recommendations on such functions as part of wider scrutiny reviews.

6.2 The scrutiny process is not appropriate for issues involving individual complaints or cases for which a separate process already exists.

#### **7. Requests for Scrutiny (excluding Councillor Calls for Action)**

7.1 Where the Overview and Scrutiny receive a request for scrutiny they will use the Scrutiny Work Plan Prioritisation Aid (Appendix A) to assist them in deciding whether or not to agree to the request. Where they decide not to agree a request the person making the request (unless they are a member of the Overview and Scrutiny Committee) will be advised, by email, of the decision and the reasons for it within 5 working days of the Committee's decision.



7.2 Overview and Scrutiny Committee shall in particular ensure that the number of scrutinies undertaken do not exceed the capacity of the Committee, Members and Officer resources available to support their work.

7.3 When deciding to undertake a scrutiny the Overview and Scrutiny Committee shall determine if the scrutiny is to be undertaken by the whole Committee, a task and finish working group of members of the Committee, an individual Member of the Committee or an officer, taking account of the expertise and experience of available Members and Officers, and that no Member may be involved in scrutinising a decision in which they have been involved. The Overview and Scrutiny Committee shall set a date by which the scrutiny should be concluded.

7.4 Working groups will not have sub-committee status and the political balance rules in Section 15 of the Local Government and Housing Act 1989 will not apply but they will subject to the availability of Members be established on a cross-party basis.

7.5 There is no provision for substitute Members to attend working group meetings but if a Member is no longer able to participate in the working group the Overview and Scrutiny Committee shall determine if another Member should be appointed to the working group.

## **8. Meetings**

8.1 The Overview and Scrutiny Committee should meet quarterly and in addition extraordinary meetings may be called by the Chairman or the Chief Executive at any time if they consider it necessary or desirable.

8.2 Working Groups shall meet as many times as necessary to carry out their scrutiny but shall be time limited in nature.

8.3 When undertaking a scrutiny the Committee, Working Group or Officer may go on site visits, conduct public surveys, commission and undertake research, hold public meetings and do other things that they consider reasonably necessary to inform their deliberations subject to resources.

8.4 Officers and Members of the Council may be required to attend to answer questions but such Officers and Members is not obliged to answer any question that that person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

## **9. Work programme**

9.1 The Overview and Scrutiny Committee is responsible for setting its own work programme and this will be reviewed at every meeting.

## **10. Outcome of Scrutiny**

10.1 A report of provisional findings shall be prepared by those undertaking the scrutiny and submitted to the Overview and Scrutiny Committee.

10.2 The Overview and Scrutiny Committee shall consider the report on provisional findings and decide whether or not additional work should be undertaken on the scrutiny and if it so by whom, whether to end the scrutiny with no further action, whether or not to accept the recommendations in the provisional findings and whether or not to publish a report of the Scrutiny or its recommendations.

10.3 The decision of the Overview and Scrutiny Committee will be recorded in the minutes of the meeting which are published on the Council's website.

10.4 Where the Overview and Scrutiny Committee decide to publish a report eh head of Legal and Democratic Services shall deal with eh serving of the requisite notice and arranging for the report to be included on eh agenda of the appropriate Service Board or Council.

## **11. Councillor Call for Action**

11.1 The Councillor Call for Action ('CCA') as set out in Regulations enables any member of the Council to refer to Overview and Scrutiny Committee any local government matter under the jurisdiction of the Council which directly affects their ward which is not an excluded matter. A Councillor can refer a matter even if no citizen has asked them to consider it and any one Councillor in the ward may refer a matter.

11.2 An excluded matter means any matter which is

- a. a local crime and disorder matter within the meaning of Section 19 of the Police and Justice Act 2006; or
- b. A matter of any description specified in regulations.

11.3 The following matters are excluded matters under paragraph 11.2 b above:-

- individual complaints concerning personal grievance or commercial issues
- any matter relating to an individual or entity where there is already a statutory right to a review or appeal ( other than the right to complain to the Local Government Ombudsman) for example:-  
Planning and licensing applications and appeals  
Council Tax/Housing Benefits complaints and queries  
Issues currently under dispute in a court of law
- any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee

11.4 A referral, provided it is not an excluded matter, will ensure it is included on the agenda of the Overview and Scrutiny Committee but it is for the members of the Overview and Scrutiny Committee to decide whether or not to take the matter further. It is important to recognise that CCA is not guaranteed to solve a given problem it provides a method for discussing such problems and through discussion trying to overcome them.

11.5 A CCA should only be raised where other means of resolving the matter have been exhausted and the member should complete the Notice attached at Appendix B. The Councillor should ensure that the Notice states why they consider the issue should be looked at by the Overview and Scrutiny Committee, give brief details of the main areas of concern, supply evidence in support of the CCA, indicate areas or groups affected by the CCA, summarise mediation and attempts at resolution which have been undertaken and indicate any deadlines associated with the CCA which the Overview and Scrutiny Committee needs to be aware.

11.6 The Overview and Scrutiny Committee will use the following criteria to decide whether or not to take the matter further:-

- Is the matter excluded as set out in paragraph 11.3 of these rules?
- Is the Committee satisfied that all reasonable attempts have been made to resolve the issue by the Ward Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
- Has the Committee considered a similar issue recently and if yes have the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a scrutiny/review on the current work programme? It may be more appropriate to link the new issue to an existing scrutiny/review rather than hold a CCA hearing.
- Relevant time pressure on resolving the CCA
- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
- Does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Councillor's ward?

11.7 The Councillor making the CCA referral will be invited to attend the meeting where the Committee considers the referral, The Committee shall also invite other relevant Members and Officers to discuss the issue and answer any questions, if the Committee considers this appropriate.

11.8 If the Overview and Scrutiny Committee decide not to accept the CCA referral it must inform the Councillor and provide reasons. If the Committee decide to accept the CCA referral it must decide how it intends to take the

matter forward and include it in its work programme. The Committee when considering a CCA referral may undertake any of the activities it is able to do when undertaking a scrutiny. At the end of the work on the referral a copy of any report or recommendations of the Overview and Scrutiny Committee on the referral will be sent to the Councillor making the CCA referral.

# CODE OF CONDUCT FOR MEMBERS OF GOSPORT BOROUGH COUNCIL

## CODE OF CONDUCT

This Code of Conduct is adopted pursuant to the Council's statutory duty to promote and maintain high standards of Conduct by Members and Co-Opted<sup>1</sup> Members of the Council.

It was formally adopted by Gosport Borough Council as the Code of Conduct for members on 11 July 2012 and amended by the Council on 11 February 2015.

By law all Members and Co-Opted Members are required to follow their Council's Code of Conduct when acting in their capacity as a Councillor.

This Code is not intended to be an exhaustive list of all the obligations placed on Members of the Council. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.

This Code is based on and consistent with the following principles:

### SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.

### INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### Codes and Protocols

1 A "Co-Opted Member" for the purpose of this code is, as defined in the Localism Act 2011 Section 27 (4), "a person who is not a Member of the Council but who

a) is a member of any committee or sub-committee of the Council, or

b) is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub committee".

**ACCOUNTABILITY**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP**

Holders of public office should promote and support these principles by leadership and example.

## **PART 1: GENERAL OBLIGATIONS FOR MEMBERS AND CO-OPTED MEMBERS**

When acting in your role as a Member or Co-opted Member:-

- 1.1 Do treat others with respect;
- 1.2 Do ensure you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Councillor and on the Council as a whole;
- 1.3 Do not do anything which may cause your authority to breach equalities legislation;
- 1.4 Do not bully any person<sup>2</sup>;
- 1.5 Do not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority;
- 1.6 Do not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where: –
  - (i) You have the consent of a person authorised to give it;
  - (ii) You are required by law to do so;
  - (iii) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any person; or
  - (iv) The disclosure is –
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the authority;
- 1.7 Do not prevent another person from gaining access to information to which that person is entitled by law.

When making decisions as a Member or Co-opted Member of the Council:-

- | ~~2.1~~—~~1.8~~ Do have regard to any relevant advice provided to you by the Council's Chief Finance Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties;
- | ~~2.21.9~~ Do give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

When using or authorising the use by others of the resources of the Council:-

- | ~~3.41.10~~ Do act in accordance with the Council's reasonable requirements including the requirements of the Council's various policies from time to time;
- | ~~3.2~~—~~1.11~~ Do make sure that such resources are not used improperly for political purposes (including party political purposes);
- | ~~3.3~~—~~1.12~~ Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## **PART 2: REGISTERING AND DECLARING INTERESTS**

### Disclosable Pecuniary Interests

- | ~~3.42.1~~ You must, within 28 days of taking office as a Member or Co-opted Member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- | ~~3.52.2~~ You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest<sup>2</sup>'. If the interest is a sensitive interest then you must disclose merely the fact that you have a disclosable pecuniary interest on the matter concerned.
- | ~~3.62.3~~ Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- | ~~3.72.4~~ You must within 28 days of becoming aware of any new or changes to your disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are



living with as a husband or wife, or as if you were civil partners notify the Monitoring Officer the new or changes to your disclosable pecuniary interest.

- 3.82.5** Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

### Personal Interests

**2.6** A Member has a personal interest in an item of business where it relates to or is likely to affect any of the following bodies of which they are a member: a public or charitable body, any body to which the Member has been appointed by the authority, any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy; or where it relates to the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £50.

2.7 A Member also has a personal interest in an item of business where a decision in relation to it might reasonably be regarded as affecting the well being or financial position of the Member, a member of the Member's family or person with whom they have a close association, more than other council tax payers, ratepayers or inhabitants of the authority's area.

**2.8** A Member shall disclose a personal interest at a meeting of the Council, Board, Committee or sub-board/committee, where the Member considers that interest to be relevant to an item of business being considered at that meeting. The disclosure shall be made at the commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting.

2.9 Disclosure of a personal interest does not affect the ability of the Member to participate in discussion or vote on the relevant item, provided it is not also a disclosable pecuniary interest.

### Part 3: Gifts and Hospitality

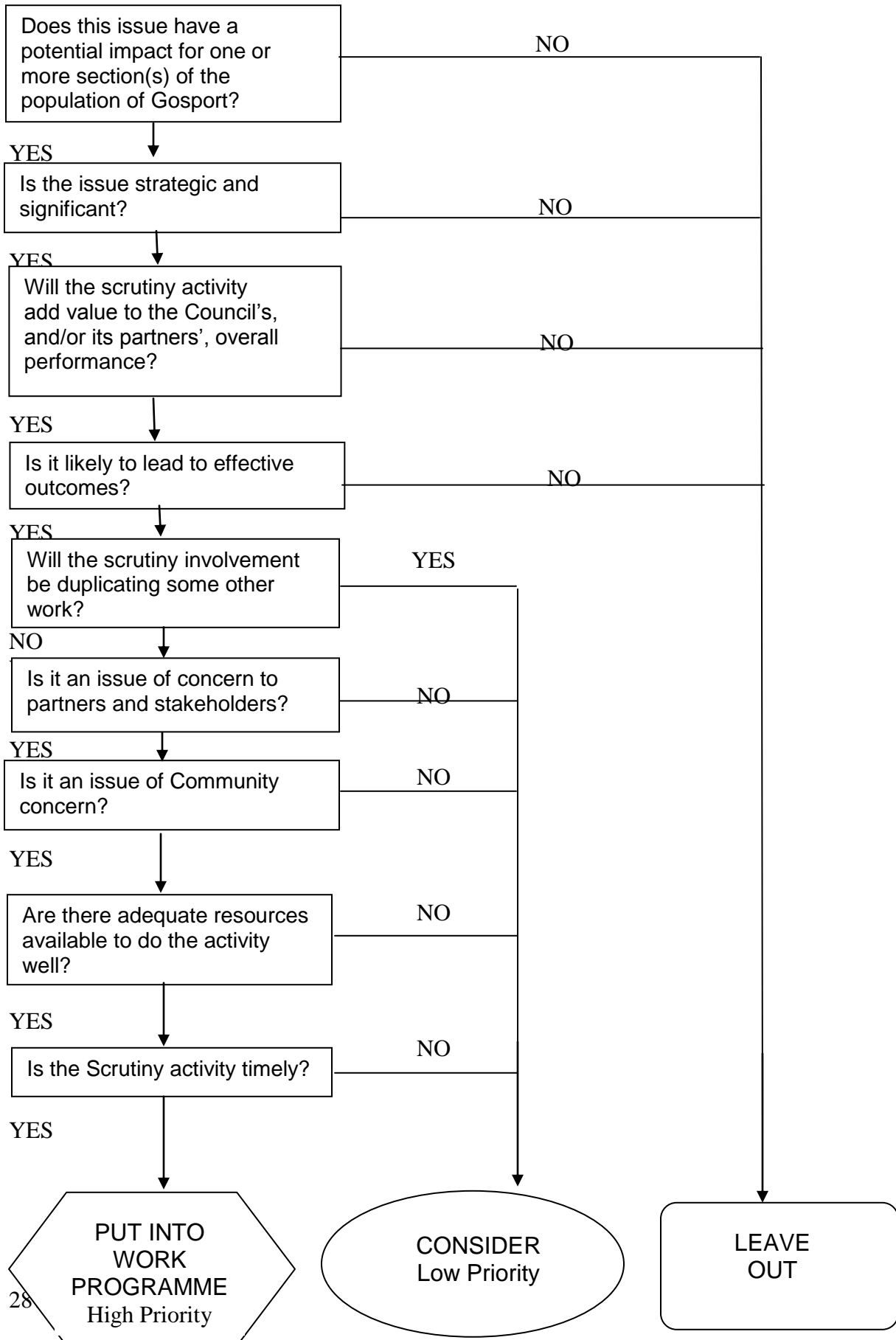
**3.1** A Member shall enter in the authority's register of interests the receipt of any gift or hospitality, where the Member estimates the value to be at least £50, within 28 days of receipt.

**Annex to Code of Conduct**

**PROCEDURE FOR APPLYING FOR A DISPENSATION FROM THE PROVISIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS.**

1. You must make your request in writing and send it to the Monitoring Officer at the Town Hall.
2. In your request you must include:-
  - 1) Details of the disclosable pecuniary interest.
  - 2) Whether you are seeking a dispensation in relation to a particular item of business or generally.
  - 3) Whether you are seeking a dispensation from either or both of the restrictions in Section 31(4) of the Localism Act 2011.
  - 4) The reasons for your request.
  - 5) The period of time you are seeking for your dispensation to operate (which must not exceed 4 years).

## APPENDIX A



## Appendix B

### Councillor Call for Action

#### Notice to include item on Overview and Scrutiny Committee Agenda

To: Borough Solicitor and Deputy Chief Executive

Please make arrangements for the following item to be included on the next available agenda of the Overview and Scrutiny Committee pursuant to Scrutiny Procedure Rule xxxx

**Details of Item** *(include sufficient details to enable the item to be correctly identified)*

**Reasons** *(the reasons should explain what steps have been taken to resolve the matter)*

<b>Supporting Information attached</b> <i>(if</i>	Yes	No
<i>supporting information is provided it should</i>		
<i>be relevant and concise)</i>		

**Signed**

**Dated**

**Note: Guidance on making Councillor calls for Action can be found in Part 4 Schedule 18 of the Council's Constitution**

## ADDENDUM TO AGENDA ITEM 9

Since the publication of the Agenda some further changes are proposed to Appendix 1 as set out below:-

### Part 3 Schedule

1. Paragraph 4.1.26 - Change “ made by Environmental Services Manager in consultation with him” to “made under the Scheme of Delegation in consultation with the Officer making the determination”
2. Paragraph 6.1- Replace first bullet point with “Housing Benefit and Local Council Tax Support Schemes”
3. Paragraph 7.1.4 -Replace “ Regulation 3 of the Town and Country Planning (General Development Procedure)” with “Article 4 of the Town and County Planning (Development Management Procedure) (England) Order 2010”
4. Paragraph 7.1.5 - Change “General Development Procedure Order” to “Development Management Procedure Order”
5. Paragraph 9.3 - Insert after “Possession” in the second line “and Notices of Possession Proceedings”.

These notices are used in relation to introductory Tenancies.

6. After paragraph 9.15 Insert at the end of the first sentence of the Note “including all enforcement powers set out in Paragraph 3.2 of this Scheme but excluding 3.2.6 and subject where specified in paragraph 3.2 consultation with the Borough Solicitor and also subject to paragraphs 4.1.10, 4.1.12, 4.1.13, 4.1.15 and 4.1.18 of this scheme”

7. Paragraph 9.28

Housing Act 2004 - Change “ Sections 64, 60 and 70” to “Sections 64, 69 and 70”

Factories Act 1961- Delete “The Proper Officer for the signature and issue of any Licence, Registration, Certificate, Order, Notice or other document under the Act”

Offices Shops and Railway Premises Act 1963- Delete “The Proper Officer for the signature and issue of any Licence, Registration, Certificate, Order, Notice or other document under the Act”

Food & Environment Protection Act 1985 – Insert at beginning  
“ The whole Act including appointment as”

REPORT TO: COUNCIL

DATE OF MEETING: 11 FEBRUARY 2015

**REPORT BY: COUNCILLOR BURGESS (CHAIRMAN OF THE COMMUNITY BOARD)**

At its meeting on 10 February 2015 the Community Board considered a joint report of the Borough Treasurer and Housing Services Manager on the following item and made the following recommendation to Full Council.

**BUSINESS PLAN UPDATE AND COUNCIL DWELLING RENTS 2015/2016**

**RECOMMENDATION:**

- The revised HRA Business Plan (Appendix A) and associated 2014/15 Revised Budget and 2015/16 Budget (Appendix B) is agreed.
- in line with national guidelines the average weekly Council Dwelling rent increases on average by £1.75 per week.
- the increase in rent for older style garages is increased in line with dwelling rents, as agreed in the Garage Renewal strategy.
- 

That formula rent be charged for properties which are relet following a void period (see paragraph 5.5).

## APPENDIX A

<b>Board/Committee:</b>	COMMUNITY BOARD
<b>Date of Meeting:</b>	10 FEBRUARY 2015
<b>Title:</b>	BUSINESS PLAN UPDATE AND COUNCIL DWELLING RENTS 2015/2016
<b>Author:</b>	BOROUGH TREASURER AND HOUSING SERVICES MANAGER
<b>Status:</b>	FOR RECOMMENDATION TO FULL COUNCIL

### **Purpose**

This report considers the Housing Revenue Account (HRA) Business Plan including the revised 2014/2015 budget and the 2015/2016 budget including recommendations on rent levels for next year.

### **Recommendation**

That the Community Board recommend to Council that:

- The revised HRA Business Plan (Appendix A) and associated 2014/15 Revised Budget and 2015/16 Budget (Appendix B) is agreed.
- in line with national guidelines the average weekly Council Dwelling rent increases on average by £1.75 per week.
- the increase in rent for older style garages is increased in line with dwelling rents, as agreed in the Garage Renewal strategy.
  -
- That formula rent be charged for properties which are relet following a void period (see paragraph 5.5).

### **1.0 Background**

- 1.1 The report details the proposed update of the HRA Business Plan (Appendix A) including the revised budget for 2014/2015 and the budget for 2015/2016 (Appendix B).
- 1.2 The report makes recommendations on rent levels for next financial year. A schedule detailing proposed rent levels is attached at (Appendix C).

### **2.0 Report**

- 2.1 The HRA Business Plan has been updated and covers the 30 year period from 2015 to 2045. Figures detailing predicted income and expenditure levels for the next 5 years are included for reference at Appendix A. Subject to the approval of rent levels; it is possible to prepare a plan that meets our on-going priorities.



2.2 Below is a summary of some of the major points set out in the Business Plan.

- a) Continued increased investment in housing stock of over £39m (Appendix A Repairs and Capital Expenditure) during the next 5 years to reflect the expenditure requirement as identified in the Stock Condition Survey.
- 
- b) Continue to build a Major Repairs Reserve/New Build/Debt Repayment fund to provide funding for major repairs, new build and Special Loan Repayment, with contributions potentially totalling £5m over the next 5 years. This includes sums set aside for the St Vincent development budgeted for approximately £2.5m. In December £600,000 was used to pay off a pre self-financing loan. This means that the Authority is now below its debt cap and the facility to borrow up to £600k is available if required for investment in future new build schemes. The interest saved per annum as a consequence of paying off the loan is £18,000.
- 
- c) An amendment to future rental income streams to reflect changes to the guidance for social rent policy which will use CPI instead of RPI as its inflation measure from 2015/16.

### 2.3 Business Plan Borrowing.

The HRA's Capital Financing Requirement (CFR) or underlying capital borrowing is presently £62.467 million. Under current rules, this gives the authority headroom of £600,000 available for borrowing should the need arise.

### 3.0 Housing Revenue Account (HRA)

3.1 The HRA revised council house maintenance budget for 2014/2015 is £3,910,500 an increase of £110,500 on the original budget. The council house maintenance budget for 2015/2016 is £4,260,310.

3.2 It is anticipated that HRA balance level will remain at its current level of £991,000 by the end of the financial year 2014/2015, with an additional balance of £411,000 set aside to the Major Repairs Reserve/New Build Reserve.

A further £350,000 has been included within the budget as a result of a detailed analysis of Housing Revenue Account debtors. This exercise revealed that primarily due to system duplications an overstatement of the debtors within the balance sheet had occurred. This has been corrected in the current year and processes have been amended to prevent a reoccurrence of this issue in the future.

The substantive variances to the original 2014/15 maintenance budget have occurred in the following areas:

- An increase of approximately £100,000 to the response repairs budget to reflect the level of expenditure incurred during the first six months of the year.
- The administration budget heading has also increased due to additional staffing and associated costs.

3.3 It is anticipated that the HRA balance will remain at £991,000 in 2015/2016. A surplus of £1,047,000 is budgeted to be transferred to the Major Repairs/New build reserve leading to a total balance of £2,308,000 by the end of 2015/16, enabling the Council to start its own new build programme. This increase in HRA balances is essential as this Council looks to build Council properties and invest in its remaining housing stock. There will no longer be a subsidy safety net for authorities that go into deficit with their HRA so it is essential that prudent levels of reserves are maintained.

#### **4.0 HRA Capital Programme**

4.1 The revised HRA Capital Programme for 2014/15 is £3,485,000 and is £6,060,000 for 2015/2016 which includes £2,500,000 identified for the St Vincent development.

4.2 All capital expenditure for future years is funded directly from HRA revenue and reserves as part of the self financing agreement.

#### **5.0 Rent Level Proposals**

5.1 The Government policy of Rent Restructuring came into effect in 2002/2003 and this authority has used this guideline to formulate rent policy since that date. The formula used to calculate the rent increase for 2014/15 is the one used since 2002/03 and is RPI plus 0.5% plus £2 per week. From April 2015 a new formula will be introduced for social housing rent increases. The Consumer Price Index (CPI) 1.2% for 14/15 will be used as the inflationary measure plus 1%. This is set to run for ten years and offers strong protection for the tenants; although it does reduce the income budgeted for in the HRA business plan.

5.2 The average target formula rent is now at £85.60 per property per week and the actual average rent with the proposed increase will be at £82.07. The councils rent still remains below target rent even after this increase.

5.3 Rents will increase by £1.75 a week on average. It is also proposed that service charges for tenants also increase by £0.20 per week on average in order for this Council to recover the costs of providing these services for its tenants.

5.4 It is proposed to implement the increase in rent levels for older style garages, as previously agreed in the Garage strategy.

- 5.5 In practice, due in part to the annual limit on weekly rent increases between 2001-02 and 2014-15 some properties will not have reached formula rent by April 2015. The DCLG have reinforced their assertion that Councils should charge formula rent where a property is relet following a void period.

## **6.0 Hostel Provision**

- 6.1 The Council has invested in increased hostel provision which will help it meet its responsibilities in this area. Agnew Family Centre has been operating at full capacity since it officially opened in November 2012. The works to upgrade Barclay House have been completed within budget. This should ensure that the Council is protected from the financial impact of homelessness increasing and in addition safeguarding against the risk of escalating costs of bed and breakfast accommodation.

## **7.0 Capital Improvements/Repairs and Maintenance**

- 7.1 A breakdown of the expenditure on capital improvements and repairs and maintenance is included at Appendix D to this report. Since the introduction of self-financing and the removal of the HRA subsidy regime, there is more revenue money available to invest in the housing stock. This is reflected in the figure of £6.985m that will be spent in 2014/15.
- 7.2 The table included at Appendix D splits the expenditure into its capital and revenue headings and details the main areas of expenditure under each heading. The work priorities have been identified by the stock condition surveys undertaken.

## **8.0 Risk Assessment**

- 8.1 Self financing means that much of the risk involved with the upkeep, maintenance and management of council housing has moved from Central Government to Local Authorities. Therefore the establishment of a Major Repairs Reserve is considered essential. Establishment of a reserve is also essential to the future funding of HRA projects, including new build programmes, safeguarding non-insurable risks and allowing the Council to take the opportunity to carry out any special debt repayment (potentially leading to discounts) should the economic conditions favouring such measures arise.
- 8.2 As a result of the Government's proposals to reform the housing finance system and the transfer of risk, it is essential that the rent increase for this year brings this authority closer to the guideline rent level set by the Government as this is the final year where this policy will be used. As mentioned in 5.1 above, a new guideline will be in operation from April 2015.

- 8.3 In addition whilst, current balance levels were considered adequate for the previous arrangements relating to the HRA the new risks associated with Self Financing make it essential that balances/reserves are increased to the levels detailed in the Business Plan.

## **9.0 Conclusion**

- 9.1 The Council's ability to influence rent levels has been determined by the rent convergence guidance since 2003/04. The Social rent policy guidance has been amended from April 2015 as discussed in paragraph 5.1
- 9.2 It is proposed that the average rental increase of £1.75 per week is approved. The Business Plan is reliant upon achieving rent level increases linked to inflation at CPI +1% for the next ten years. This increase will enable significant benefits with increased investment, financial certainty and the opportunity to build new dwellings.

<b>Financial Services comments:</b>	As set out in the report
<b>Legal Services comments:</b>	The Council is under a duty to set a budget which prevents a debit balance arising on the Housing Revenue Account
<b>Crime and Disorder:</b>	Not applicable
<b>Equality and Diversity:</b>	No direct implications
<b>Service Improvement Plan implications:</b>	The HRA Business Plan is a Service Improvement Plan item
<b>Corporate Plan:</b>	More effective performance management, which includes making the best use of our assets, is a strategic priority in the Corporate Plan.
<b>Risk Assessment:</b>	As detailed in paragraph 7.
<b>Background papers:</b>	Garage Strategy(June 2009) /HRA Business Plan 2012-2042(Jan 2012)
<b>Appendices/Enclosures:</b>	
Appendix A	HRA 30 Year Business Plan extract
Appendix B	HRA Budget
Appendix C	Rent Analysis Extract
Appendix D	Repairs budget
<b>Report author/ Lead Officer:</b>	Tim Hoskins / Julian Bowcher / Corinne Waterfield

						APPENDIX A
		HRA 30YEAR BUSINESS PLAN EXTRACT				
	2014.15	2015.16	2016.17	2017.18	2018.19	TOTALS
Rental Income	14,088,000	14,355,000	14,437,000	14,657,000	14,991,000	72,528,000
Voids/Write Offs	-408,500	-408,500	-408,500	-408,500	-408,500	-2,042,500
Garages	232,500	239,400	243,000	248,000	250,000	1,212,900
Other Income	565,300	425,200	1,025,000	440,000	450,000	2,905,500
Total Income	14,477,300	14,611,100	15,296,500	14,936,500	15,282,500	74,603,900
General	2,244,100	2,256,750	2,313,000	2,371,000	2,430,000	11,614,850
Special	1,403,900	1,443,520	1,480,000	1,517,000	1,555,000	7,399,420
Repairs	3,910,500	4,260,310	4,350,000	4,442,000	4,538,000	21,500,810
Other Expenditure	505,000	145,510	146,000	146,000	146,000	1,088,510
Total Expenditure	8,063,500	8,106,090	8,289,000	8,476,000	8,669,000	41,603,590
Interest Received	18,000	20,000	20,000	20,000	20,000	98,000
Capital expenditure	-3,485,000	-3,560,000	-3,550,000	-3,570,000	-3,630,000	-17,795,000
Net Operating Income	2,946,800	2,965,010	3,477,500	2,910,500	3,003,500	15,303,310
Prudential borrowing	-204,000	-186,000	-186,000	-186,000	-186,000	-948,000
Loan interest	-1,694,000	-1,694,000	-1,694,000	-1,694,000	-1,694,000	-8,470,000
Loan repayment	-600,000	0	0	0	0	-600,000
Debt Management	-38,000	-38,000	-38,000	-38,000	-38,000	-190,000
MRR/New Build Fund	-410,000	-1,047,000	-1,559,500	-992,500	-1,085,500	-5,094,500
Total Appropriations	-2,946,000	-2,965,000	-3,477,500	-2,910,500	-3,003,500	-15,302,500
Annual cashflow	0	0	0	0	0	
Opening Balance	991,000	991,000	991,000	991,000	991,000	
Closing Balance	991,000	991,000	991,000	991,000	991,000	

## APPENDIX B

	ORIGINAL 2014/15 £'000	REVISED 2014/15 £'000	ORIGINAL 2015/16 £'000
<b>HOUSING REVENUE ACCOUNT</b>			
<b>Income</b>			
Dwelling Rents	13,710	13680	13947
Shops and Garages	236	232	239
Service Charges	590	565	425
	<b>14,536</b>	<b>14,477</b>	<b>14,611</b>
<b>Expenditure</b>			
Administration	3,356	3648	3700
Maintenance Costs	3,800	3910	4260
Rents,Rates,Taxes,Other Charges	243	505	146
Depreciation/capital funding	3,485	3485	3560
<b>Total Expenditure</b>	<b>10,884</b>	<b>11,548</b>	<b>11,666</b>
<b>Net Cost Of Services</b>	<b>-3,652</b>	<b>-2,929</b>	<b>-2,945</b>
Item 8 Debit	1,929	1936	1918
HRA Investment Income	-13	-18	-20
Loan Repayments		600	
	<b>1,916</b>	<b>2,518</b>	<b>1,898</b>
<b>Net Operating Expenditure</b>	<b>-1,736</b>	<b>-411</b>	<b>-1,047</b>
<b>Housing Revenue Account Balance</b>			
Surplus at beginning Of Year	981	991	991
Surplus/(-) Deficit for Year	0	0	0
<b>Surpus at end of Year</b>	<b>981</b>	<b>991</b>	<b>991</b>
<b>Major Repairs/new Build/Loan repayment</b>			
Surplus at beginning Of Year	497	850	1261
Surplus/(-) Deficit for year	1,736	411	1047
Surplus at end of year	2,233	1261	2308

rents ,rates taxes includes £350k set aside for debt adjustment

							<b>APPENDIX C</b>
<b>Stock Numbers</b>	<b>Excludes Agnew,Barclay Hostels</b>						
<b>Type</b>			<b>Bedrooms</b>				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4/5</b>			<b>Total</b>
<b>Bedsit</b>	12						12
<b>Bungalow</b>	316	63	11				390
<b>Flat</b>	942	58	17				1017
<b>House</b>	10	295	891	81			1277
<b>Maisonette</b>	23	105	58	2			188
<b>Sheltered Bedsit</b>	13						13
<b>Sheltered Bungalow</b>	38						38
<b>Sheltered Flat</b>	125	6					131
<b>Total</b>	<b>1479</b>	<b>527</b>	<b>977</b>	<b>83</b>			<b>3066</b>
<b>Increase amount in Numbers</b>							
<b>Increase £</b>							
<b>Type</b>	<b>bedrooms</b>	<b>Nil</b>	<b>upto £1</b>	<b>Upto £2</b>	<b>Upto £3</b>		<b>Total</b>
Bedsit	1			12			12
Bungalow	1			316			316
Bungalow	2			63			63
Bungalow	3			11			11
Flat	1	7	14	920	1		942
Flat	2	3		55			58
Flat	3		1	16			17
House	1			10			10
House	2			291	4		295
House	3	1		304	586		891
House	4/5			4	77		81
Maisonette	1			23			23
Maisonette	2		5	100			105
Maisonette	3			58			58
Maisonette	4				2		2
Sheltered Bedsit	1			13			13
Sheltered Bungalow	1			38			38
Sheltered Flat	1			125			125
Sheltered Flat	2			6			6
		<b>11</b>	<b>20</b>	<b>2365</b>	<b>670</b>		<b>3066</b>
<b>Average Rent in bedroom size</b>							
			<b>Bedroom</b>				
<b>Type</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4/5</b>			<b>Total</b>
Bedsit	61.08						61.08
Bungalow	76.71	86	94.68				85.80
Flat	70.9	83.68	87.55				80.71
House	77.87	86.44	94.13	99.62			89.52
Maisonette	74.13	82.88	86.19	97.9			85.28

		<b>APPENDIX D</b>
<b>Ref</b>	<b>Revenue</b>	<b>Budget 15/16</b>
1	Responsive Repairs (inc Gas & Major Responsive)	£2,020,000
2	Voids (inc Home Imp/Dec Vouchers)	£545,000
3	Bulk Waste	£80,000
4	Structural (inc Garage & Misc Demolition)	£135,000
5	Estate Improvements (inc Tenant Led Fencing & OAP Redecs)	£221,000
6	Cyclical (inc Gas Servicing, Ext Painting, Compliance)	£726,500
	<b>Total</b>	<b>£3,727,500</b>
<b>Ref</b>	<b>Capital</b>	<b>Budget 15/16</b>
9	Asbestos (Surveys & Removals)	£150,000
10	Fire Risk Assessments (inc Associated Work)	£50,000
11	Disabled Aids & Adaptations (inc Major & Minor)	£300,000
12	Contingent Major Repairs (inc Professional Fees)	£115,000
13	Energy efficiency (inc External Wall Insulation)	£430,000
14	Estates Capital (inc Additional Parking & Env Improvements	£45,000
15	Roof Works (inc Gutters & Fascias)	£220,000
16	Windows & Doors	£105,000
17	Kitchens & Bathrooms	£957,500
18	Electrical Upgrades	£170,000
19	Heating Upgrades	£475,000
20	Sheltered Scheme Improvements	£240,000
	<b>Total</b>	<b>£3,257,500</b>
	<b>Total Budget</b>	<b>£6,985,000</b>



## ADDENDUM (2) TO AGENDA ITEM 9

Since the publication of the Agenda and Addendum Report some further changes are proposed to Appendix 1 as set out below:-

### Part 1

1. Penultimate paragraph on page 1- 3<sup>rd</sup> line after “make” insert “decisions”
2. Section 4 - 3<sup>rd</sup> paragraph on page 9 after “Community” insert “Board”

### Part 2

3. Chapter 6 - Paragraph 6.01iii) penultimate line after “on” insert “any”
4. Chapter 6 - Paragraph 6.06 second line delete “the”
5. Schedule 5 - Paragraph 2.4 delete “Counci” and insert “Council”
6. Schedule 7 – Paragraph 11 insert at the beginning “Ensure” and change “In” to “in”

### Part 3

7. Schedule 9 Overview and Scrutiny Committee- Paragraph 7 after “Members” delete “f”
8. Part 10 Statutory Appointments in the “NB:” delete the second “the” in the first sentence and insert “the” before “Proper” in the second sentence

### Part 4

9. Part 4 Schedule 11- Paragraph 3.7.2 (c) after “Governance” insert “Committee”
10. Schedule 12 – Paragraph 5 (a) delete “theh” in the last line and replace with “the”
11. Schedule 13 – Paragraph 15.5 delete “Executiver” in the last line and replace with “Executive”