# HARTLEPOOL BOROUGH COUNCIL CONSTITUTION

**Contents**


**Part 1 Summary and Explanation**

**Part 2 Articles of the Constitution**

Article1 The Constitution
Article 2 Elected Members of the Authority
Article 3 Local People and the Authority
Article 4 Full Council
Article 5 The Ceremonial Mayor
Article 6 The Leader of the Council
Article 7 Policy Committees
Article 8 Regulatory and Other Committees
Article 9 Joint Arrangements, Committees and Partnership Boards
Article 10 Officers
Article 11 Decision Making
Article 12 Finance, Contracts and Legal Matters
Article 13 Review and Revision of the Constitution
Article 14 Suspension, Interpretation and Publication of the Constitution

**Part 3 Responsibility for Functions**

Foreword by the Director of Legal, Governance and Human Resources
Introduction
The Authority's Functions and Delegation Scheme
Officers Delegations Scheme
The Statutory/Proper Officers
Senior Leadership Structure
Managing Director
Director of Finance, IT and Digital
Director of Legal, Governance and Human Resources
Executive Director of Adult and Community Based Services
Executive Director of Children's and Joint Commissioning Services
Director of Public Health
Executive Director of Development, Neighbourhoods and Regulatory Services

## Part 4 Full Council Rules of Procedure

Access to Information
Budget and Policy Framework Procedure Rules
Contract Procedure Rules
Full Council Rules of Procedure
Financial Procedure Rules
Officer Employment Procedure Rules
Statutory Scrutiny Procedure Rules

## Part 5 Codes and Protocols

Code of Conduct for Elected Members and Co-opted Members
Code of Conduct for Employees
Protocol on Elected Members/Officer Relations
Planning Code of Practice
Guide to Pre-Application Developer Forums
Code of Corporate Governance
Guidance for Members and Officers serving on Outside Organisations and Other Bodies
Public Questions to Council Meetings
Filming, Recording Photographing Council Meetings
Guidance Note - Political Balance
Guidance Note - Petition

## Part 6 Elected Members' Allowances Scheme

**A – General Guidance**
Introduction
Claiming Allowances
Co-opted Members
Enquiries and disputes about allowances and expenses
Basic Allowance
Special Responsibility Allowance
Payment of Basic and Special responsibility Allowance
Dependant Carers Allowance
Travel and Subsistence Allowance
Making Travel Arrangements
Telephone Allowance
Out of pocket expenses
Financial Loss Allowance
Records and publicity
With-holding of Allowances
Tax, National Insurance and the production of receipts
Elected Members working or living outside Hartlepool

**Part 7** **Appointment to Outside Organisations and Other Bodies**

Introduction
List of outside Organisations and Other Bodies

**Part 8** **Management Structure**

Senior Leadership Team

# SUMMARY AND EXPLANATION

## 1. Introduction

Hartlepool Borough Council (The Authority) was established as a small unitary authority in April 1996. From May 2013 the Authority has operated a Committee system of governance with a Leader and Ceremonial Mayor.

In February 2021, the authority formally adopted a new Council Plan covering the period up to 2023/24. The Council Plan sets out our vision for Hartlepool: Hartlepool will be a place...

... where people are enabled to live healthy, independent and prosperous lives.
... where those who are vulnerable will be safe and protected from harm.
... of resilient and resourceful communities with opportunities for all.
... that is sustainable, clean, safe and green.
... that has an inclusive and growing economy.
... with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

**Summary and Explanation**

## 2. The Constitution

The Constitution sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Authority to choose. The Constitution has been developed in accordance with the Local Government Act 1972, the Local Government Act 2000 and the Localism Act 2011. These Acts, along with the Local Government and Housing Act 1989, are the key statutory references for the provisions of this Constitution. Any changes to the Constitution are likely to be initiated by both legislation and local experience.

## 3. What is in the Constitution?

The Constitution is divided into 14 Articles that set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules, codes and protocols also set out in the Constitution.

Article 1 sets out the purpose of the Constitution. Articles 2 – 14 explain the rights of citizens and sets out a framework for how the key parts of the Authority operate, these are:

- Elected Members of the Authority (Article 2).
- Local People and the Authority (Article 3).
- Full Council (Article 4).

- The Ceremonial Mayor (Article 5).
- The Leader of the Council (Article 6).
- Policy Committees (Article 7).
- Regulatory and other Committees (Article 8).
- Joint Arrangements, Committees and Partnership Boards (Article 9).
- Officers (Article 10).
- Decision Making (Article 11).
- Finance, Contracts and Legal Matters (Article 12).
- Review and Revision of the Constitution (Article 13).
- Suspension, Interpretation and Publication of the Constitution (Article 14).

## 4. How the Authority operates

The Authority is made up of 36 Elected Members. The Authority's area is divided into 12 Wards and three Elected Members are elected by the voters in each Ward. Each year an election for one seat in each Ward within the Authority's area is held. This means that the election of a third of all Elected Members will be held each year, except in every fourth year when no election is held.

Elected Members must follow a code of conduct to ensure high standards in the way they undertake their duties. The Authority has a duty to promote and maintain high standards of conduct by Elected Members and co-opted Members of the Authority. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Audit and Governance Committee when the Committee fulfils its responsibilities in relation to such standards.

When all Elected Members formally meet together this is called a meeting of Full Council. Meetings of Full Council are normally open to the public. Here Elected Members decide the Authority's overall policies and set the budget each year. Further details of how meetings of the Authority operate can be found in Article 4 and the Council Procedure Rules, contained within Part 4 of this Constitution.

## 5. How decisions are made

Most of the Authority's day to day decisions are made by Policy Committees, Sub-Committees or through Officers. The Authority has 5 Policy Committees which deal with the functions, plans and strategies and service areas as set out within Article 7 and Part 3 (Functions and

Responsibilities) of this Constitution. The public are entitled to attend meetings of Policy Committees when proposed decisions are discussed, except where personal or confidential matters are being considered.

Policy Committees may only take decisions that comply with the budget and specific plans agreed at Full Council. Any proposed decisions that are not in compliance must be referred by a Policy Committee to Full Council for a decision. A Policy Committee may refer any other matter to Full Council for determination should it choose to do so. In addition, not less than 18 Elected Members of Council (at least one half of the composition of Council) may request the referral of a major decision to Full Council for debate and decision. Such a referral must take place in accordance with the Rules of Procedure set out within Part 4 of the Constitution. Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business. Meetings of the Authority's Policy, Regulatory and other Committees are open to the public except where personal or confidential matters are being discussed.

## 6. Statutory Scrutiny

The Authority has a number of statutory scrutiny responsibilities in relation to health and crime and disorder, as defined within the Health and Social Care Act 2012 and Police and Justice Act 2006. In fulfilling these roles, the Audit and Governance Committee is responsible for the review and scrutiny of matters relating to the planning, provision and operation of health services. It is also designated as the Authority's 'Crime and Disorder Committee' with responsibility for the review and scrutiny of crime and disorder matters. These roles and responsibilities are more fully set out within Part 3 – Responsibility for Functions.

## 7. Face the Public – Statutory Partnerships

In accordance with statutory guidance the Safer Hartlepool Partnership and the Health and Wellbeing Board will each hold one Face the Public Event a year.

These events will be open to Elected Members and the public. The statutory partners will undertake to be responsible for:

(a) Updating those attending on their work during the last year;

(b) Inform those attending on their future plans including future challenges;

(c) Consulting and engaging with residents on the development of key partner strategies and plans for the Borough;

(d) Receiving and responding to questions from those attending on their work, future plans and priorities.

These meetings will be chaired by the Chair of the Safer Hartlepool Partnership and the Chair of the Health and Wellbeing Board as appropriate.

## 8. The Authority's Staff

The Authority has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Officers can be staff who are engaged in short term, agency contracts or other non-employed capacity. Some Officers have a specific duty to ensure that the Authority acts within the law and uses its resources wisely. More information about Officers of the Council can be found in Part 1- Article 10 and the decisions delegated to Officers are set out in Part 3 of the Constitution. A protocol governs the relationships between Officers and Elected Members of the Authority and can be found in Part 5 – Codes and Protocols of this Constitution.

## 9. People's Rights

People have a number of rights in their dealings with the Authority. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Authority's own processes. Solicitors and local advice agencies can advise on the legal rights of individuals.

Where people use specific services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

People have the right to:

- vote at local elections if they are registered;
- vote at any Council Tax Referendum ;
- contact their local Elected Member about any matters of concern to them;
- obtain a copy of the Constitution;
- attend (and record or film) meetings of the Full Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a constitutional change as to how the Authority should be run (5% of the number of local government electors within the Borough are required to support a petition and there can only be one referendum in any period of 10 years);
- participate in the Full Council's question time and contribute to inquiries in accordance with the relevant procedure rules;
- see reports and background papers, and any record of decisions made by Full Council and its Committees or Officers in accordance with the relevant procedure rules;

- complain to the Authority about the way in which services are being delivered;

- complain to the Ombudsman if they think the Authority has not followed its procedures properly. However, they should normally do this after using the Authority's own complaints process;

- complain to the Monitoring Officer if they have evidence which they think shows that an Elected Member has not followed the Authority's Code of Conduct; and

- inspect the Authority's accounts and make their views known to the external auditor.

## 10. Further information

The Authority welcomes participation by the town's people in its work. For further information on your rights or about this Constitution, please contact:

Democratic Services Team
Legal, Governance and Human
Resources Department
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

Telephone: 01429 284307
E-mail: democratic.services@hartlepool.gov.uk

# ARTICLES OF THE CONSTITUTION

**Contents**


**Page**

**Article 1 – The Constitution** .....1

**Article 2 – Elected Members of the Authority** .....2

**Article 3 – Local People and the Authority** .....4

**Article 4 – Full Council** .....6

**Article 5 – The Ceremonial Mayor** .....8

**Article 6 – The Leader of the Council** .....10

**Article 7 – Policy Committees** .....12

**Article 8 – Regulatory and Other Committees** .....14

**Article 9 - Joint Arrangements, Committees and Partnership Boards** .....16

**Article 10 – Officers** .....20

**Article 11 – Decision Making** .....24

**Article 12 – Finance, Contracts and Legal Matters** .....28

**Article 13 – Review and Revision of the Constitution** ..... 29

**Article 14 – Suspension, Interpretation and Publication of the Constitution** ...30

## ARTICLE 1 – THE CONSTITUTION

### 1.1 The Constitution

This Constitution, and all its appendices, is the Constitution of Hartlepool Borough Council (The Authority).

### 1.2 Powers of the Authority

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

### 1.3 Purpose of the Constitution

The purpose of the Constitution is to:

(a) Enable the Authority to exercise its function as a statutory body;
(b) Enable the Authority to provide clear leadership to the community in partnership with people, businesses and other organisations;
(c) Support the active involvement of people in the process of Local Authority decision-making;
(d) Help Elected Members represent their constituents more effectively;
(e) Enable decisions to be taken efficiently and effectively;
(f) Provide a powerful and effective means of holding decision-makers to public account;
(g) Ensure that no one will review or scrutinise a decision in which they were directly involved;
(h) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
(i) Provide a means of improving the delivery of services to the community.

### 1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Authority to choose between different courses of action, the Authority will always choose that option which it thinks is closest to the purposes stated above. The Authority will monitor and evaluate the operation of the Constitution as set out in Article 13 Review and Revision of the Constitution.

## ARTICLE 2 – ELECTED MEMBERS OF THE AUTHORITY

### 2.1 Composition and Eligibility

The Authority is made up of 36 Elected Members. The Authority is divided in to 12 wards 3 Elected Members are elected by the voters in each Ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State. One of the Elected Members is appointed at the Annual Meeting of Full Council as the Chair of Council and also takes the title Ceremonial Mayor.

Only registered voters within the Authority's area or those living or working there will be eligible to hold the office of Elected Member.

### 2.2 Election and terms of Elected Members

Each year an election for one seat in each Ward within the Authority's area is held. This means that the election of a third of all Elected Members will be held each year except in every fourth year when no election is held. Where an ordinary election is held this will take place on the first Thursday in May in each election year.

The terms of office of Elected Members will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

### 2.3 Roles and functions of all Elected Members

The following sets out the key roles within the Authority:

All Elected Members will:

(a) Collectively, be the ultimate policy-makers of the Authority to determine the budget and agree the plans and strategies set out in the Budget and Policy framework;

(b) Represent their communities and bring their views into the Authority's decision-making process, i.e. become the advocate of and for their communities; but will make decisions taking into account the best interests of the Borough.

(c) Contribute to the good governance of the area and actively encourage community participation and people involvement in decision making;

(d) Where Members represent a parished area they will engage with the Parish Council and, where possible, attend Parish Council meetings to ensure open communication and strengthen relationships;

(e) Effectively represent the interests of their ward in dealing with individual casework constituents acting as an advocate and balancing the different interests fairly and impartially;

(f) Be available to represent the Authority on other bodies; and

(g) Maintain the highest standards of conduct and ethics as the public would expect of their elected representatives in accordance with the Principles of Public Life and the Authority's Code of Conduct for Elected Members.

## 2.4 Rights and duties

(a) Elected Members will have such rights of access to documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law and the provisions of this Constitution.

(b) Elected Members will not make public any information that is confidential or exempt (defined in the Access to Information Procedure Rules in Part 4 of this Constitution) without the consent of the Authority and will not divulge information given in confidence to anyone other than an Elected Member or Officer entitled to know it.

## 2.5 Conduct

Elected Members will at all times observe the Code of Conduct for Elected Members and Co-opted Members and the Protocol on Elected Member/Officer Relations set out in Part 5 of this Constitution.

## 2.6 Allowances

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

## 2.7 Member Development

The Authority is committed to developing Elected Members by providing learning and development opportunities to enhance skills and knowledge supporting effective community leadership and the undertaking of Council business. The Authority's Member Development Programme is designed to provide a range of awareness and training opportunities. Elected Members are required to attend training in accordance with the Member Development Programme.

## ARTICLE 3 – LOCAL PEOPLE AND THE AUTHORITY

### 3.1 People's rights

Local People have the rights set out below. People's rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

### 3.2 Voting and petitions

Local People on the electoral roll for the area have the right to:

(a) vote and to sign a petition to request a referendum for a constitutional change to the governance arrangements operated by the Authority. This can be submitted to the Authority from 16 November 2022, namely 10 years after the last referendum, and must comply with the requirements of the relevant regulations.

(b) vote in a referendum, where the Secretary of State has determined that the Authority in its capacity as the local precepting authority proposes a basic amount of Council Tax which the Secretary of State deems to be excessive and which is required to be determined through a local referendum.

### 3.3 Access to Information

Local people have the right to:

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

(b) See reports and background papers, and any records of decisions made by Full Council, its Committees and Sub-Committees, and specified decisions delegated to be taken by officers on behalf of the Authority subject to the Access to Information procedure rules set out in Part 4 of this Constitution; and

(c) Inspect the Authority's accounts and make their views known to the external auditor.

## 3.4 Participation

People have the right to:

(a) Participate in a variety of meetings; these include question-time at Full Council and public speaking at regulatory Committees in accordance with accepted procedures and at Policy Committee meetings in accordance with the Protocol for Referral of Public Questions to a Policy Committee.

For further information on how to do this see "Part 4 – Rules of Procedure" (Public Questions to Council) and "Part 5 – Codes and Protocols" within the Constitution.

## 3.5 Complaints

People have the right to complain to:

(a) the Authority itself under its complaints policies;
(b) the Local Government Ombudsman; and
(c) the Monitoring Officer about a breach of the Members' Code of Conduct in accordance with the 'Arrangements for Dealing with Standards Allegations'.

Where a complainant remains dissatisfied in respect of any decision made, it is open to them to pursue judicial review of the decision through the courts. Copies of the above documents are available on the Authority's website.

## 3.6 Local Peoples' Responsibilities

People are expected to behave in a manner that contributes to the well being of the Borough and

(a) are required to register to vote and are actively encouraged to exercise their vote as part of their commitment to citizenship and local democracy.

(b) must not be violent, abusive or threatening to Elected Members or Officers and must not wilfully harm things owned by the Authority, Elected Members or Officers. Any such behaviour will be dealt with in accordance with the Authority's Policy on Managing Unreasonable Customer Behaviour Policy.

## ARTICLE 4 – FULL COUNCIL

### 4.1 Introduction

Hartlepool Borough Council operates a Committee system of governance and operates its decision making process in accordance with section 101 and 102 of the Local Government Act 1972. The structure of the Authority is shown in Schedule 1.

### 4.2 Responsibility for Functions

The Authority maintains a list in Part 3 of this Constitution setting out the responsibilities for the Authority's functions and the responsibilities for functions (other than those matters expressly reserved to Full Council) delegated to a Policy, Regulatory or other Committee or Sub-Committee or an officer.

### 4.3 Functions of the Full Council

Full Council is responsible for the approval and adoption of the Authority's annual budget and the plans and strategies contained within the policy framework following receipt of any recommendations from a Policy Committee.

The policy framework means the following plans and strategies:-

(a) Community Safety Plan

(b) The plans and strategies which together comprise the Local Plan

(c) Local Council Tax Support Scheme

(d) Medium Term Financial Strategy

(e) Licensing Policy & Statement of Licensing Principles (Gambling Act)

(f) Annual Library Plan (if required)

(g) Youth Justice Plan

(h) Local Transport Plan

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

The process for developing and agreeing plans and strategies in the policy framework and for developing and agreeing the budget is set out in the Budget and Policy Framework Procedure Rules at Part 4.

A full list of the functions specifically reserved to Full Council are set out within Part 3 Responsibility for Functions but these include:

- adopting and changing the Constitution,
- approving and adopting the policy framework and the budget,
- agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them,
- appointing representatives to outside bodies unless this has been delegated by Full Council,
- adopting the Members' Allowances Scheme,
- changing the name of the area,
- conferring the title of honorary alderman or freedom of the borough,
- confirming the appointment of the Head of Paid Service and Monitoring Officer, and
- all other matters which by law must be reserved to Full Council

## 4.4 Council meetings

There are three types of Full Council meeting:

(a) the annual meeting, which takes place each year to appoint the Chair of Council, the Leader of the Council and the Chairs and Elected Members of the Authority's Committees, Sub Committees and which makes appointments to outside bodies;

(b) ordinary meetings, which take place on dates agreed by Full Council and at which the ordinary business of the Authority is conducted and Motions on Notice are considered;

(c) extraordinary meetings, which are additional meetings of Full Council called in accordance with the Council Procedure Rules in Part 4 of this Constitution.

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

## 4.5 Appointment of Elected Members to Committees

Full Council will allocate seats on committees and sub-committees in accordance with the requirements for political balance contained in the Local Government and Housing Act 1989 (as amended). Appointment to the role of Chair or Vice Chair of any of the Authority's committees or sub-committees by Full Council will only take effect if the Elected Member nominated to the role is present at the meeting of Full Council when so nominated, or, where the Elected Member so nominated is absent from the meeting of Full Council, the Elected Member provides their consent to the nomination in writing to the Monitoring Officer in advance of the nomination being made. Where a Chair or Vice-Chair is to be determined at a Committee the same rule regarding consent to nomination applies.

## ARTICLE 5 – THE CEREMONIAL MAYOR

### 5.1 Role and Function of the Ceremonial Mayor

At its Annual meeting Full Council will appoint a Chair of Council who will also take the title, Ceremonial Mayor for the municipal year, in accordance with the Local Government Act 1972. The Vice Chair will also be appointed at the Annual Meeting and will take the title Deputy Ceremonial Mayor.

In the absence of the Ceremonial Mayor, the Deputy Ceremonial Manor will carry out the civic and ceremonial roles, functions and responsibilities of the Ceremonial Mayor as follows:-

(a) be first citizen of the Borough;

(b) uphold and promote the purposes of the Constitution;

(c) preside over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of Elected Members and the interests of the community;

(d) ensure that the meetings of Full Council provide a forum for the debate of matters of concern to the local community and a place at which Elected Members can ask questions of the Chairs of Committees and Sub-Committees;

(e) promote public involvement in the Authority's activities;

(f) be the conscience of the Authority; and

(g) attend, with the Ceremonial Mayor's consort, the following civic and ceremonial functions (at which both the Ceremonial Mayor and the Ceremonial Mayor's consort will be entitled to wear the appropriate chains (or the Deputy Ceremonial Mayor and consort if substituting for the Ceremonial Mayor and consort):

- Annual Civic Service
- Annual Memorial Service - Bombardment
- Annual Remembrance Day Service and Associated Events
- Armed Forces Day
- Charity Event(s) to be held at the discretion of the Ceremonial Mayor
- Workers' Memorial Day

(a) Attend as a representative of the Authority at:

- Royal visits
- Official openings
- Other Councils' civic events
- Presentation of community awards
- School, church and other official visits
- Greeting civic and other dignitaries
- Any other events, as determined by Full Council

## ARTICLE 6 – THE LEADER OF THE COUNCIL

### 6.1 Appointment and Removal of Leader and Deputy Leader

The Council shall at its Annual Meeting appoint a Leader and a Deputy Leader for a period of one year. If the Council fails to elect the Leader at the relevant Annual Meeting, the Leader is to be elected at a subsequent meeting.

The Leader, and/or the Deputy Leader may be removed from office by resolution of the Council.

Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the Council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Ceremonial Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader

### 6.2 Role and Functions

The Leader will carry out the following roles:

(a) be the political Leader of the Authority and act as the Authority's principal public spokesperson;

(b) act for the benefit of all the Borough's citizens and other interested persons and stakeholders;

(c) give the overall policy direction to the Authority and lead with the Chairs of the Authority's Committees and Sub-Committees, the implementation of policies, budgets and strategies approved by Full Council;

(d) represent the interests of the Authority and its community (residents and other stakeholders) at regional, national and international levels;

(e) be the Chair of the Authority's Finance and Corporate Affairs Committee and Constitution Committee and the Health and Wellbeing Board

(f) provide policy direction and progress the Full Council's corporate objectives with Committee Chairs, the Managing Director and Chief Officers, the Leaders of other political groups within the Authority, partners and other stakeholders;

(g) maintain professional working relationships and mutual respect with Elected Members and Officers;

(h) attend and participate in such civic and ceremonial functions and duties as determined by Full Council;

(i) To chair meetings of the Parish Liaison Group with the Managing Director and the Chairs/Vice Chairs of the Parish Councils on a quarterly basis.

**6.3 The Leader as an Elected Member of the Authority:**

(a) subject to the same rules about qualification and disqualification as any other Elected Member. As the Authority operates a Committee system under the Local Government Act 1972, the Localism Act 2011 and regulations made thereunder, the Leader has no formal legal powers and duties vested in him or her under the Local Government Act 1972 or the Local Government Act 2000.

(b) Holds a significant role within the Authority as the main political spokesperson and the focus of policy direction. Hence, the Leader is the Chair of the Finance and Corporate Affairs Committee, which has responsibility for the development and interpretation of the Authority's broad policies and its finances.

(c) Must together with all Elected (and Co-opted) Members adhere to the rules about disclosure of registerable and non-registerable personal interests to comply with the Council's Code of Conduct as set out within Part 5 of this Constitution.

(d) Where the Leader is a member of a political group, will be taken into account when calculating seat allocations on Committees and Sub-Committees of which he/she is a Member. This ensures Committees and Sub-Committees reflect the political composition of Full Council as a whole in accordance with the Local Government and Housing Act 1989. For further information on Political Balance see the Guidance Note – Political Balance at Part 5.

(e) Will receive a Special Responsibility Allowance in recognition of the role of Leader and associated role as Chair of the Finance and Corporate Affairs Committee as set out in the Elected Members' Allowances Scheme as set out within Part 6 of the Constitution.

## ARTICLE 7 – POLICY COMMITTEES

### 7.1 Policy Committees

Full Council will appoint the Policy Committees and the Chair and Vice Chair of each Committee at the Annual Council meeting.

The following Policy Committees are part of the Authority's decision-making structures:

(a) Finance and Corporate Affairs Committee

The Finance and Corporate Affairs Committee is chaired by the Leader of the Council and consists of 11 Elected Members. The Committee is responsible for financial and other resources of the Authority, for formulating, developing and implementing the Authority's plans and strategies under the budget and policy framework. Additional service area responsibility including electoral services, revenues and benefits, social welfare and public health, under the Health and Social Care Act 2012, including the development of partnership working.

(b) Children's Services Committee

The Children's Services Committee is made up of 7 Elected Members as well as a number of other Members including school heads, school parent governors and young people. The young people provide the Committee with a fresh perspective on children's services. The Committee is responsible for children's services including child protection of children and young people and exercising the Authority's functions as Local Education Authority.

Children's Services Committee also has a Sub-Committee 'Corporate Parent Forum' which is made up of the members of Children's Services Committee and other non-voting members. The Corporate Parent Forum is responsible for the development, implementation and review of the Council's Corporate Parent Strategies and policies in order to ensure that the Council's duty as a 'Corporate Parent' is discharged properly, effectively and consistently.

(c) Adult and Community Based Services Committee

The Adult and Community Based Services Committee consists of 7 Elected Members. The Committee is responsible for services provided to adults with eligible social care needs and their carers, including adult safeguarding, social work and occupational therapy and care packages that support people in the community. Delivery of preventative and community based services for all Hartlepool residents that support people to live active healthy lives and to participate in their local communities. The Committee is also responsible for Conservation, Parks and Countryside functions (including allotments).

(d) Economic Growth and Regeneration Committee

The Economic Growth and Regeneration Committee consists of 7 Elected Members and is responsible for Inward Investment and Economic Growth. The Committee is also responsible for Culture and Events, Learning and Skills.

(e) Neighbourhood Services Committee

The Neighbourhood Services Committee is responsible for a number of service areas including Building Design and Construction, Transport and Highways and Engineering and Environmental Services, Planning and Development Control, Community Safety and Public Protection. The Committee is made up of 7 Elected Members.

Part 3 Responsibility for Functions sets out the functions to be discharged by the Committees.

## ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

### 8.1 Regulatory and other Committees

Full Council will appoint Committees to undertake a variety of regulatory and other functions that are the responsibility of the Authority. These Committees are set out below:

(a) Audit and Governance Committee

The Audit and Governance Committee promotes the Authority's internal governance and financial control and approves the Council's annual Statement of Accounts and Treasury Management Strategy. The Committee is made up of 10 Elected Members and is chaired by an Elected Member who is not from the majority political group (if any). The Audit and Governance Committee is there to make sure that the Authority manages its budget and finances in a proper and prudent way. It looks at the work of the Authority's internal auditors and reviews the plans of the external auditor and the internal audit team to ensure that audit work is co-ordinated.

The Committee promotes the maintenance of high standards of conduct by Elected Members and additional independent members are included when standards issues are considered.

The Audit and Governance Committee also acts as the statutory scrutiny committee of the Council in relation to the provision and operation of health services and is also designated as the Authority's 'Crime and Disorder Committee'.

(b) Appeals Committee

The Appeals Committee is responsible for considering staffing matters including appeals against dismissals and staffing reviews/restructures. The Committee is made up of 5 Elected Members plus a non-statutory co-opted Independent Person who are appointed by Council.

(c) Planning Committee

The Planning Committee manages the Authority's planning services. It meets every four weeks to consider any significant planning applications or to examine and resolve objections to planning applications which have been received.

(e) Licensing Committee

The Licensing Committee meets every three months and manages the Authority's licensing services and licensing policy including alcohol licences (for pubs, clubs and retail outlets) and taxi and private hire drivers' licences. Much of the committee's work is done by the Licensing Sub-Committees (Licensing Act Sub-Committee and

Regulatory Sub-Committee. These sub committees meet as and when they are required.

Full Council will appoint such other Committees or Sub-Committees as it considers appropriate to exercise any of its functions.

The responsibilities of these Committees are contained in Part 3 of this Constitution.

## 8.2 Advisory bodies

Full Council will appoint the advisory bodies set out in Part 7 of this Constitution.

Full Council or a Policy Committee may from time to time establish a Working Group or ad hoc panels, the membership being drawn from Elected Members of the Authority and/or non-voting co-optees. The proceedings and recommendations or advice from such group or panel shall be reported to the appropriate Policy Committee. No Committee or Sub-Committee can delegate its function to any such group or panel.

## ARTICLE 9 – JOINT ARRANGEMENTS, COMMITTEES AND PARTNERSHIP BOARDS

### 9.1 Arrangements to Promote Wellbeing

In order to exercise the general power of competence and to promote the economic, social or environmental wellbeing of the area and in the interests of the efficient discharge of a function or service Full Council, may:

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, 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.

Full Council will appoint or make appointments to the Joint Committees and Partnership Boards to exercise the functions as set out below.

### 9.2 Joint Committees:

(a) Joint Archives Committee

The Joint Archives Committee is a joint committee of the Boroughs of Hartlepool, Stockton, Middlesbrough and Redcar & Cleveland to manage documentary and other historic material through a Joint Archive Service, following the abolition of Cleveland County Council.

(b) Emergency Planning Joint Committee

The Emergency Planning Joint Committee is a Committee of the four constituent unitary Local Authorities. The Committee meets quarterly to monitor the delivery of the Cleveland Emergency Planning Unit against its financial management, performance in line with its annual plan, and to hear feedback upon incidents and lessons learned across the Cleveland area. The Committee is authorised to agree budgetary provision from the four Authorities to the Emergency Planning Unit.

(c) Police and Crime Panel

A Joint Committee for the Boroughs of Hartlepool, Stockton, Middlesbrough and Redcar & Cleveland to fulfil the functions within the Police Reform and Social Responsibility Act 2011, including scrutiny of the elected Police and Crime Commissioner for the Cleveland Police Force Area.

(d) Collaborative Procurement Sub Group

A Sub Committee comprising of 12 Elected Members from the 12 North East Local Authorities (one from each) established as a means of joint

contracting for pooling purchase power, knowledge and expertise. The function is to deliver value for money, efficiencies and savings within the public sector including the development of the local economy wherever possible.

## 9.3 Partnership Boards

(a) Children's Strategic Partnership

The Children's Strategic Partnership is a partnership between the Local Authority and Education Representatives comprising representation from schools, academies and higher education/further education college representatives together with representation from young people within the Borough, employer and regional representation as determined.

The Board provides strategic oversight of the delivery of the Education Improvement Strategy to realise the ambition to provide a first class education for every Hartlepool learner. The Board will determine an annual action plan measuring outcomes against the strategy and identify and commit the necessary resources required to carry out the relevant actions and activities.

(b) Health and Wellbeing Board

Following the transfer of public health duties to the Authority under the Health and Social Care Act 2012, the Health and Wellbeing Board was set up to advise the Authority, local health organisations and Integrated Care Boards on improving the health and wellbeing of the people of Hartlepool through integrated health and social care services. The Board is responsible for preparing a Joint Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.

The Board is a partnership involving the Authority, the National Health Service and a range of public and voluntary partner organisations.

(c) Safer Hartlepool Partnership

The Safer Hartlepool Partnership is a partnership of the Authority and a range of other public and voluntary agencies which aims to create a confident and safe local community by working together to reduce crime, anti-social behaviour and substance misuse in Hartlepool. The partnership is responsible for the development and implementation of a range of plans including the Community Safety Plan and the Youth Justice Strategic Plan.

(d) Hartlepool Education Partnership (HEP)

The Hartlepool Education Partnership (HEP) is a partnership between the Local Authority and Education/Multi Agency Representatives comprising representation from schools, academies and higher education/further education college representatives together with

representation from health, social services, youth services and early years. The Board provides strategic oversight of the delivery of the Hartlepool Education Plan to realise the ambition to provide a first class education for every Hartlepool learner.

Responsibility for the functions of the above Joint Committees and Partnership Boards are contained in Part 3 of this Constitution.

## 9.4 Face the Public – Statutory Partnerships

In accordance with statutory guidance the Safer Hartlepool Partnership and the Health and Wellbeing Board will each hold one Face the Public Event a year.

These events will be open to Elected Members and the public. The statutory partners will undertake to be responsible for:

(a) Updating those attending on their work during the last year;

(b) Inform those attending on their future plans including future challenges;

(c) Consulting and engaging with residents on the development of key partner strategies and plans for the Borough;

(d) Receiving and responding to questions from those attending on their work, future plans and priorities.

These meetings will be chaired by the Chair of the Safer Hartlepool Partnership and the Chair of the Health and Wellbeing Board as appropriate.

## 9.5 Other Local Joint Committees

(a) Local Joint Consultative Committee

The Local Joint Consultative Committee comprising four Members of the Council and to include only those Members who are not Members of the Finance and Corporate Affairs Committee or Appeals Committee, four Trade Union representatives and four Senior Officers. The function is to resolve disputes where there is a formal failure to agree between the Authority and the Trade Unions. This will enable the views of members to be considered and make recommendations to be referred to Finance and Corporate Affairs Committee for decision.

## 9.6 Joint arrangements

The Authority may establish joint arrangements with one or more local authorities to exercise functions. Such arrangements may involve the appointment of a joint committee with other local authorities.

Information about any joint arrangements including any delegations to joint committees is contained in the Authority's scheme of delegations in Part 3 of this Constitution. Details of representation on Joint Committees can be found in Part 7 of this Constitution.

### 9.7 Access to information

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

The access to information rules in Part VA of the Local Government Act 1972 will apply to the Joint Committee.

### 9.8 Delegation to and from other local authorities

Full Council may delegate functions to another local authority or, in certain circumstances, the Chief Executive of another local authority.

The decision whether or not to accept such a delegation from another local authority shall be reserved to Full Council.

### 9.9 Contracting out

The Authority 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 Authority's agent under usual contacting principles, provided there is no delegation of the Authority's discretionary decision making.

### 9.10 Joint arrangements with other public bodies

Under Section 75 of the National Health Service Act 2006, Section 10 of the Children's Act 2004 and the provisions of the Health and Social Care Act 2012, local authorities, health bodies and others have powers to delegate the exercise of certain functions to each other and to co-operate in the exercise of their functions.

## ARTICLE 10 – OFFICERS

The use of the title “officers” in the Constitution means all of the employees of the Authority and includes those staff who are engaged in any short term, agency or other non-employed capacity.

The use of the title “Directors” in the Constitution means all Executive Directors and Directors.

### 10.1 Management structure

Full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

### 10.2 Chief Officers

The Authority will engage persons who will be designated Chief Officers in accordance with the Officer Employment Procedure Rules in Part 4 of this constitution.

The functions and responsibilities of Chief Officers are set out within Part 3 of this Constitution.

### 10.3 Statutory Officers

The Authority is required to appoint a number of statutory officers by law. The three key statutory officers are the Head of Paid Service, the Section 151 Officer (Chief Finance Officer) and the Monitoring Officer. Full Council designates the following statutory roles as set out below:

| | |
|---|---|
| Role | Head of Paid Service - Section 4 of the Local Government & Housing Act 1989 |
| Designation | Managing Director. |
| Function | The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Authority showing the management structure and deployment of Officers. This is set out at Part 8 of this Constitution. |
| Restrictions | The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant. |

| | |
|---|---|
| Role | Section 151 Officer – Local Government Act 1972 |
| Designation | Director of Finance, IT and Digital |

| | |
|---|---|
| Function | (a) Ensuring lawfulness and financial prudence of decision making<br><br>After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the Full Council and the Authority'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 Authority is about to enter an item of account unlawfully.<br><br>(b) Administration of financial affairs<br><br>The Section 151 Officer will have responsibility for the administration of the financial affairs of the Authority.<br><br>(c) Contributing to corporate management<br><br>The Section 151 Officer will contribute to the corporate management of the Authority, in particular through the provision of professional financial advice.<br><br>(d) Providing advice<br><br>The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Elected Members and will support and advise Elected Members and Officers in their respective roles.<br><br>(e) Give financial information<br><br>The Section 151 Officer will provide financial information to the media, members of the public and the community. |

| | |
|---|---|
| Role | Monitoring Officer – s5 Local Government & Housing Act 1989 |
| Designation | Director of Legal, Governance and Human Resources |
| Function | (a) Maintaining the Constitution<br><br>The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Elected Members, staff and the public.<br><br>(b) Ensuring lawfulness and fairness of decision making<br><br>After consulting with the Head of Paid Service and Section 151 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. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.<br><br>(c) Supporting the Audit and Governance Committee<br><br>The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Governance Committee in the Committee's discharge of its standards functions.<br><br>Notwithstanding any duty of confidentiality, the Monitoring Officer shall be at liberty to disclose any information relating to the Authority's affairs, and provide copies of any records or documents belonging to the Authority, to the Audit and Governance Committee or a Sub-Committee, for the purpose of investigation and/or determination of a complaint against an Elected Member.<br><br>(d) Conducting investigations<br><br>The Monitoring Officer will conduct and undertake such investigations into matters of complaint as referred to the Monitoring Officer and make reports or recommendations in respect of them to the Audit and Governance Committee or to Full Council.<br><br>(e) Proper Officer for access to information<br><br>The Monitoring Officer will ensure that Full Council and Committee and Sub-Committee decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.<br><br>(f) Providing advice<br><br>The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Elected Members. Where the Monitoring Officer considers that an Elected Member(s) has acted contrary to his/her advice it is open to him/her to refer the matter to the Audit and Governance Committee as a breach of the Member Code of Conduct or issue a report to Full Council under s.5 Local Government and Housing Act 1989; or seek judicial review, as s/he considers appropriate in the circumstances. |
| Restrictions | The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service. |

## 10.4 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

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

## 10.5 Conduct

Officers will comply with the Code of Conduct for Employees as adopted by Full Council as part of their employment and shall adhere to the Officer/ Elected Member Protocol set out in Part 5 of this Constitution.

## 10.6 Employment

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

## ARTICLE 11 – DECISION MAKING

### 11.1 Responsibility for Decision making

The Authority operates a Committee system of governance and takes decision in accordance with section 101 and 102 of the Local Government Act 1972. The structure of the Authority is shown in Schedule 1.

The Monitoring Officer will issue and keep up to date a record of the types of decisions or decisions relating to particular areas or functions which are the responsibility of Full Council, delegated by Full Council to a Committee or Sub Committee or delegated to an Officer. This record is set out in Part 3 of this Constitution.

### 11.2 Types of Decisions

There are different decisions taken in the Authority's name:

(a) Full Council Decisions – except when acting as a Tribunal (see below) a meeting of Full Council will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter

(b) Committee/Sub-Committee Decisions – Committees and Sub-Committees will follow those parts of Council Procedure Rules as set out in Part 4 of this Constitution as apply to them when making decisions.

(c) An Officer Delegation - as set out in the scheme of delegation at Part 3 of this Constitution.

### 11.3 Key Decisions

Some decisions are referred to as 'Key Decisions' and can be made by Full Council, a Committee or an Officer acting under delegated authority.

A key decision is a decision which falls within one or more of the following categories:

(a) any decision which is financially significant because it will result in income, expenditure or savings with a gross full year effect of £100,000 or greater;

or

(b) any decision which may have a significant impact on communities living or working in an area comprising two or more wards.

A decision is not defined as key in the following circumstances:

(a) a bid of £100,000 or greater for funding made by the Authority (subject to consultation with the Managing Director, Monitoring Officer and Section 151 Officer) to third parties provided that a report will be submitted for approval of the scheme and acceptance of the funding, should the bid be successful;

(b) expenditure which is inevitable (as defined by the Managing Director) for the day to day provision of services (eg day to day supplies, payment of energy bills etc);

(c) a transaction which is carried out as part of the efficient administration of the Authority's finances within the Authority's agreed policies, e.g. Treasury Management activities;

(d) a decision to invite tenders or sign contracts shall not be treated as a key decision insofar as the purpose of the contract is to fulfil the policy intention of a key decision, implement an explicit policy within the approved budget or policy framework, implement a capital project named in the approved capital programme or provide for the continuation of an established policy or service;

(e) a decision in which the essential characteristics of the proposal are included in the budget in sufficient detail to allow interested parties to understand it except where proposals have a material impact on those with protected characteristics, as defined in the Equality Act 2010 (as amended) and following an Equality Impact Assessment, as determined by the Managing Director in consultation with the Leader of the Council and relevant Policy Committee Chair;

(f) a decision which is a direct consequence of implementing a previous key decision, except where one of the tests above, has not previously been applied; and

(g) a decision in respect of an individual care package or a service response and associated expenditure for care and accommodation for an individual service users.

(h) Expenditure which is inevitable as a result of the Government providing a Section 31 grant ('New Burden' Funding) to help fund the impact of specific legislative commitments where there is no in year cost, or future commitment for the General Fund.

Before a Key Decision is taken, the procedure set out in Rule 17 of the Access to Information Procedure Rules must be followed.

## 11.4 Principles of Decision Making

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

(a) Proportionality (i.e. the action must be proportionate to the desired outcome);

(b) In accordance with the purposes of the Constitution;

(c) Having due consultation and the taking of professional advice from Officers;

(d) Respect for Human Rights and Equality and Diversity;

(e) Best Value;

(f) A presumption in favour of openness;

(g) Clarity of aims and desired outcomes;

(h) Due consideration of options available to the decision taker and outlining reasons for recommendations;

(i) Consideration of relevant matters only including any risks;

(j) Subsidiarity (i.e. delegation of decisions to the most appropriate level);

(k) Efficiency (i.e. decisions must not be unnecessarily delayed); and

(l) Reasonableness

(m) Consideration of the Legal and Financial Implications

(n) Consideration of any impact on Crime and Disorder

(a) Consideration of the tackling of poverty inequality within the Borough and any impact on the Environment, Sustainability and Climate Change.

## 11.5 Scrutiny and Other Decision Making

(a) Consideration of matters when undertaking statutory scrutiny responsibilities

A Committee undertaking statutory scrutiny functions will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

(b) Decision making by Authority bodies acting as tribunals

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

(c) Decision making in partnership with other bodies

Full Council, an Elected Member or an Officer acting through any partnership arrangement will follow such proper procedures which have been agreed with that body for the purposes of those arrangements.

## 11.6 Urgent Decisions

The Managing Director (or in his/her absence the relevant Executive Director), in consultation with the Leader (or in his absence the Deputy Leader), Chair of the relevant Committee (or in his absence Vice Chair), the Section 151 Officer and Monitoring Officer, may take a decision normally reserved to Full Council or a Committee where:

a) Failure to take the decision promptly would, or would be likely to, harm the interests of the Authority and/or the public.

b) The decision is of such urgency that it cannot be delayed to be considered at a meeting of Full Council or the relevant Committee with delegated authority.

Such decision must be taken in accordance with the urgent decision procedure set out at Part 3 (MD8 and MD9)

## 11.7 Record of decisions

All decisions of Full Council and its committees and sub-committees; and any officers exercising delegated powers will be recorded in accordance with Part 4 Access to Information Rules of Procedure.

## ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS

### 12.1 Financial Management

The management of the Authority's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

### 12.2 Contracts

Every contract made by the Authority will comply with the Contract Procedure Rules set out in the Contract Procedure Rules at Part 4 of this Constitution.

### 12.3 Legal Proceedings

The Monitoring Officer, or his/her authorised representative, 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 Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Authority's interests.

### 12.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.

### 12.5 Common Seal of the Authority

The Common Seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Authority, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Legal, Governance and Human Resources should be sealed. The affixing of the Common Seal will be attested by the Director of Legal, Governance and Human Resources or some other person authorised by him/her.

## ARTICLE 13 – REVIEW AND REVISION OF THE CONSTITUTION

### 13.1 Duty to monitor and review the Constitution

The Constitution Committee will periodically review the operation of the Constitution in conjunction with the Authority's Monitoring Officer who will monitor the constitution to ensure that the aims and principles of the Constitution are given full effect.

In conducting a periodic review of the Authority's Constitution the Constitution Committee should submit a report (the report to be presented by the Monitoring Officer to Full Council) before the September meeting (or a meeting approximate thereto) to ensure that any new Elected Members have undertaken their induction.

### 13.2 Protocol for Monitoring and Review of the Constitution by the Constitution Committee in conjunction with the Monitoring Officer.

A key role for the Constitution Committee and the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task the Constitution Committee and Monitoring Officer may:

(a) observe meetings of different parts of the Elected Member and Officer structure;

(b) undertake an audit trail of a sample of decisions;

(c) record and analyse issues raised with the Monitoring Officer by Elected Members, Officers, the public and other relevant stakeholders; and

(d) compare practices in the Authority with other comparable Authorities, and/or national examples of best practice.

### 13.3 Changes to the Constitution

Changes to the Constitution will only be approved by Full Council after consideration of the proposal through recommendations of the Constitution Committee.

The Monitoring Officer is authorised to make such minor, factual, grammatical and other changes necessary to comply with legislation and statutory guidance.

### 13.4 Change of Governance Arrangements

Where a change in governance arrangements, is under consideration, the Authority may take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals. The Authority must hold a binding referendum following the expiration of the statutory moratorium period in the holding of a referendum, namely, the period of 10 years from the date of the previous referendum.

## ARTICLE 14 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

### Suspension of the Constitution

### 14.1 Limit to suspension

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

### 14.2 Procedure to suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Elected Members are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

### 14.3 Rules capable of suspension

The Council Procedure Rules in Part 4 of this Constitution detail the ability to suspend elements of the rules.

### 14.4 Interpretation

The ruling of the Chair as to the construction or application of this Constitution or as to any proceedings of the Authority shall not be challenged at any meeting of Full Council. Such interpretation will be after advice from the Monitoring Officer and will have regard to the purposes of this Constitution contained in Article 1.

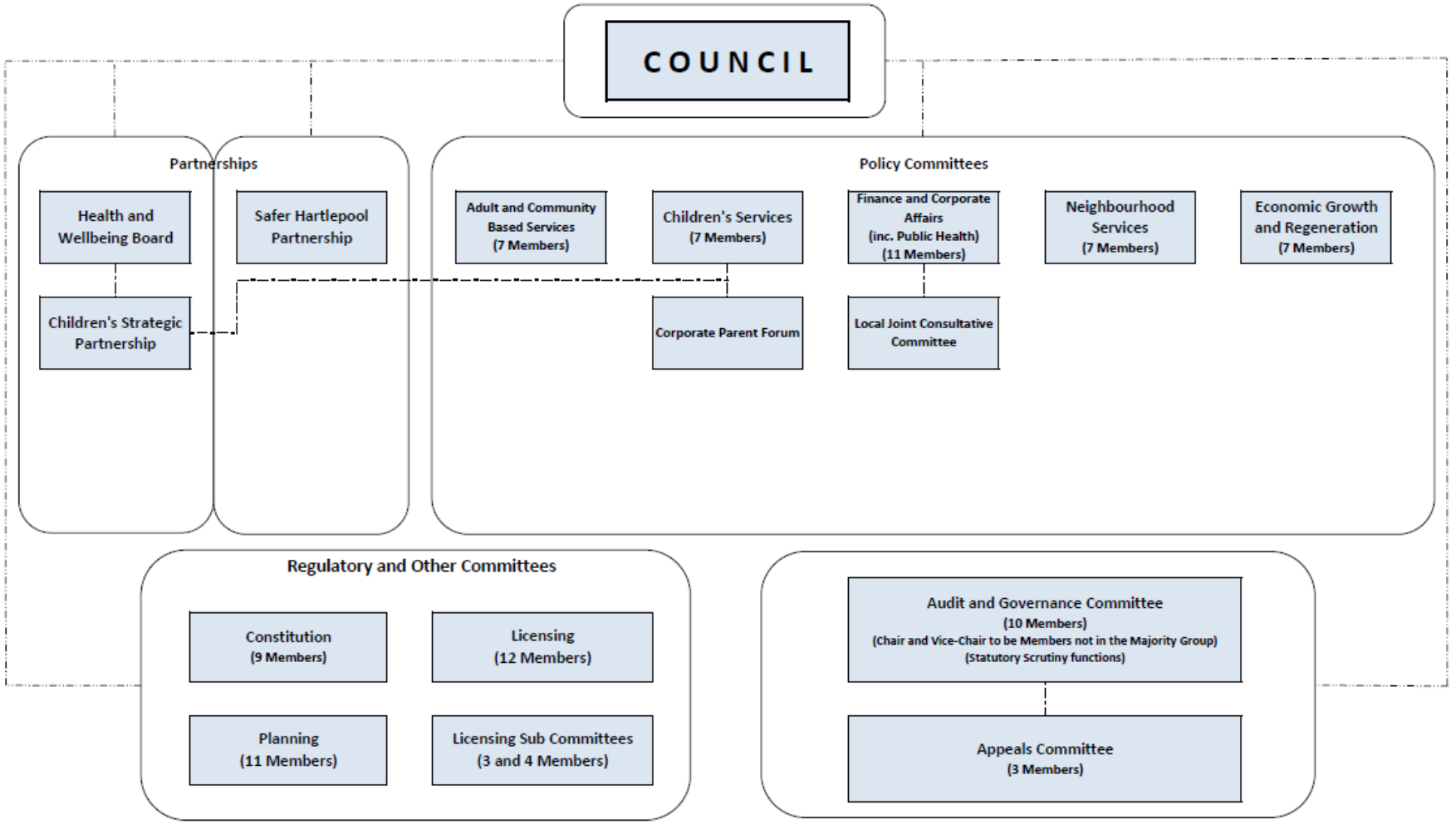
### 14.5 Publication

The Monitoring Officer will give as soon as practicable a copy of this Constitution to each Elected Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Elected Member first being elected to the Authority.

The Monitoring Officer and Democratic Services Team Manager will ensure that copies are available for inspection at council offices and other appropriate locations and can be purchased by members of the local press and the public on payment of a reasonable fee.

The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

# SCHEDULE 1 - POLITICAL STRUCTURE OF THE COUNCIL



# RESPONSIBILITY FOR FUNCTIONS

**Contents**


**Page**

**1 Foreword by the Director of Legal, Governance and Human Resources** .. 1

**2 Introduction** ..... 2

**3 The Authority's Functions and Delegation Scheme** ..... 3

Council ..... 3
Finance and Corporate Affairs Committee ..... 5
Adult and Community Based Services Committee ..... 9
Children's Services Committee ..... 11
Corporate Parent Forum ..... 13
Economic Growth and Regeneration Committee ..... 14
Neighbourhood Services Committee ..... 15
Audit and Governance Committee ..... 17
Appeals Committee ..... 19
Licensing Committee ..... 20
Licensing Sub Committee ..... 21
Regulatory Sub Committee ..... 22
Planning Committee ..... 23
Safer Hartlepool Partnership ..... 25
Health and Wellbeing Board ..... 26
Appointments Panel ..... 27
Constitution Committee ..... 28
Civic Honours Committee ..... 29
Independent Advisory Committee ..... 30

**4 Officer Delegations Scheme** ..... 31

**5 The Statutory/Proper Officers** ..... 33

**6 Senior Leadership Structure** ..... 43

**7 Managing Director** ..... 44

**8 Director of Finance, IT and Digital** ..... 49

9 Director of Legal, Governance and Human Resources ..... 55

10 Executive Director of Adult and Community Based Services ..... 59

11 Executive Director of Children's and Joint Commissioning Services ..... 64

12 Director of Public Health ..... 68

13 Executive Director of Development, Neighbourhoods and Regulatory Services ..... 69

# RESPONSIBILITY FOR FUNCTIONS

## 1. FOREWORD BY THE DIRECTOR OF LEGAL, GOVERNANCE AND HUMAN RESOURCES

1.1 Hartlepool Borough Council (the Authority) has adopted a Code of Corporate Governance which describes how the Council will meet and demonstrate its commitment to good Corporate Governance. The Code of Corporate Governance is based on the core principles set out in the SOLACE/CIPFA Good Governance Framework one of which is 'Informed, Transparent Decision Making and Managing Risk.'

1.2 Full Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Authority by law. It may also delegate many of those functions to a Committee, a Sub-Committee or an Officer.

1.3 Matters delegated to a Committee or Sub-Committee are set out in its terms of reference below. Those terms of reference, together with Arrangements for the Delegation of Functions to Officers, are set out in this Part 3 of the Constitution.

**Hayley Martin**
**Director of Legal,**
**Governance and**
**Human Resources**

## 2. INTRODUCTION

2.1 This part of the Constitution sets out which bodies and Officers within the Authority are responsible for decision-making in relation to particular functions of the Authority.

2.2 The functions are described in more detail in the paragraphs below. Also included in this part of the Constitution are details of the membership of Committees and Forums, information about other bodies (including advisory bodies) and the list of Proper Officer functions. Advisory bodies have no decision-making power but will advise the Authority, Full Council or its Committees or Sub-Committees, about a particular function.

### Full Council Functions

2.3 These are functions which the law states cannot be the responsibility of a Committee or Sub-Committee or an Officer. For example adopting the annual budget, is a decision which can only be taken at a meeting of the Full Council. In other cases, where this restriction does not apply the responsibility for undertaking a function may be delegated by Full Council to a Committee or Sub-Committee or an Officer or through joint arrangements with other Authorities.

### Committee Functions

2.4 All other functions that are not required to be taken by Full Council or are specifically retained by Full Council are delegated by Full Council to Committees and Sub-Committees or to Officers. Where a function is discharged through a Committee or Sub-Committee, decisions about these functions will be taken either by a Policy Committee, or through Regulatory and other Committees. The Authority is also able to discharge functions through Joint Arrangements with other Authorities and through Officers.

### Other Council and Committee Delegations

2.5 Full Council may delegate a function/decision to a Committee or an Officer and a Committee may authorise an Officer to take decisions in relation to matters for which it retains responsibility. In addition, although the Constitution and is renewed annually changes in legislation and new delegations do occasionally arise in-year and therefore for information on any recent in-year changes please refer to Democratic Services for further information.

2.6 The alleviation of child and family poverty within the Borough and consideration of any impact on the Environment, Sustainability and Climate Change are matters to be taken into account in all decision making particularly that of Full Council and Policy Committees, in accordance with Part 2, Article 11.

2.7 The delegation arrangements in this Constitution reflect the principles that all matters that have been previously delegated prior to the revision of this Constitution should remain so. Where, in any statement of the powers previously delegated, reference is made to the holder of a post or office which no longer exists, that reference shall be interpreted as being a reference to the holder of the current post or office of which the responsibilities or functions most closely relate to those of the former post-holder or office holder. In the event of any contradiction between the earlier delegations and those set out below, the latter shall prevail.

## 3. THE AUTHORITY'S FUNCTIONS AND DELEGATION SCHEME

### Full Council

| Full Council Membership | | | |
|---|---|---|---|
| **Membership** | 36 Councillors | **Quorum** | 9 Councillors |

| No | Full Council Function |
|---|---|
| 1 | Functions relating to the approval or adoption of a Plan or Strategy of a description specified the Local Authorities (Committee System) (England) Regulations 2012 including those plans, policies and strategies contained within the Council's Budget and Policy Framework namely:<br><br>Community Safety Plan<br>The plans and strategies which together comprise the Local Plan<br>Local Council Tax Support Scheme<br>Medium Term Financial Strategy<br>Licensing Policy and Statement of Licensing Principles (Gambling Act)<br>Annual Library Plan (if required)<br>Youth Justice Plan<br>Local Transport Plan. |
| 2 | The approval or adoption of a Plan or Strategy for the control of the Local Authority's borrowing, investments or capital expenditure, or for determining the Authority's minimum revenue provision. |
| 3 | The approval for the purpose of submission to the Secretary of State or any Minister of the Crown for approval, of any Plan or Strategy referred to in 1 and 2 above (whether or not in the form of a draft) of which any part is required to be so submitted. |
| 4 | Approval of Licensing Act 2003 and Gambling Act 2005 policies. |
| 5 | Functions relating to name and status of areas and individuals. |
| 6 | Power to make, amend, revoke or re-enact byelaws. |
| 7 | To approve the appointment of the Head of Paid Service |
| 8 | Power to appoint Officers for particular purposes (appointment of "Proper Officers"). |

| No | Full Council Function |
|---|---|
| 9 | Duty to designate Officer as the Head of the Authority's Paid Service, and to provide staff, including Statutory Officers. |
| 10 | The making of appointments under Part 2 of Schedule 6 of the Police Reform and Social Responsibility Act 2011. |
| 11 | The appointment of any individual:<br>(a) to any office other than an office in which he/she is employed by the Authority;<br>(b) to any body other than<br>(i) the Authority<br>(ii) a joint Committee of two or more Authorities; or<br>(c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment. |
| 12 | Approving the Member Allowances Scheme following the recommendation of the Independent Remuneration Panel |
| 13 | To exercise powers under Part 2 of the Local Government and Public Involvement in Health Act 2007, as amended, regarding a change in the Council's scheme for elections and for providing by order for consequential changes to the years in which ordinary elections of parish Councillors take place. |
| 14 | Functions relating to the conduct of Community Governance Review under Part 4 of the Local Government and Public Involvement in Health Act 2007 including the receipt and validation of a community governance petition, the terms of reference for any review and to formulate, publish and make decisions relating from a community governance review. |
| 15 | The function of making a request to the Local Government Boundary Commission for England under Section 57 (requests for single Member electoral areas) of the Local Democracy, Economic Development and Construction Act 2009 for single Member electoral areas. |
| 16 | Power to approve the Localised Council Tax Support Scheme. |
| 17 | Functions relating to the preparation, approval and subsequent publication of a Pay Policy Statement under Section 38 of the Localism Act 2011. |
| 18 | To approve the dismissal of an Officer designated as the Head of the Authority's Paid Service, Section 151 Officer, or Monitoring Officer, before notice of dismissal is given to that person. |
| 19 | All other functions reserved to Full Council by law. |

## POLICY COMMITTEES

The Council has established five Policy Committees aligned with the functions of the Council:

1. Finance and Corporate Affairs Committee
2. Adult and Community Based Services Committee
3. Children's Services Committee
4. Economic Growth and Regeneration Committee
5. Neighbourhood Services Committee

The Full Council will decide the constitution, membership and terms of reference of each Committee (except for those matters relating to Area Committees which are set out in legislation).

### Matters reserved to all Policy Committees

Responsible for the service areas set out in the functions of the Committee (except for the Development Control element of Planning and Development functions delegated to the Planning Committee) and the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas as detailed in the functions of the Committee

### Finance and Corporate Affairs Committee

This Committee has overall responsibility for the financial and other resources of the Council, for developing the Council's strategy and policy based on national government and local priorities, and for the development of partnership working. It also has responsibility for many of the services delivered to residents and customers. Its specific functions are set out in the following paragraphs. It furthermore has responsibility for considering all proposals with corporate budgetary or policy implications referred to it by a Policy Committee.

| **Finance and Corporate Affairs Committee Membership** | | | |
|---|---|---|---|
| **Membership** | 11 Councillors | **Quorum** | 3 |

| | |
|---|---|
| 1 | Responsibility for the financial and other resources of the Authority, for formulating, developing and implementing the Authority's plans and strategies under the budget and policy framework. Additional service area responsibility including:<br><br>- electoral services,<br>- revenues and benefits,<br>- social welfare and public health under the Health and Social Care Act 2012, including the development of partnership working. |

| No | Finance and Corporate Affairs Committee Function |
|---|---|
| 2 | The formulation, development and implementation of the policy framework (as detailed below) and budget and the implementation of these in respect of Council functions and services not otherwise the responsibility of Council or any other Committee, namely:<br><br>Policy Frameworks:<br>• Localised Council Tax Support Scheme (DFID)<br>• Medium Term Financial Strategy (DFID)<br>• Community Safety Plan (EDDNRS) |
| 3 | The exercise of public health functions of the Authority under Part 5 of the Health and Social Care Act 2012 including partnership arrangements made under Section 75 of the National Health Service Act 2006 and the overall development of partnership working. |
| 4 | Responsibility for the functional areas, other Plans and Strategies and service areas:<br>• Financial Management (Corporate) (DFID))<br>• Accountancy (DFID)<br>• Financial Management (DFID)<br>• Benefits (including fraud and control) and means tested services (DFID)<br>• Revenues collection (DFID)<br>• Payments / Payroll (DFID)<br>• Insurances (DFID)<br>• Social Fund (DFID)<br>• Legal (DLGHR)<br>• Land Charges (DLGHR)<br>• Members' Services (DLGHR)<br>• ICT (DFID)<br>• Policy / Performance / Partnerships (MD)<br>• Complaints / Consultation (MD)<br>• Democratic Services (DLGHR)<br>• Human Resources Business Team (DLGHR)<br>• Organisational Development (DLGHR) |

| No | Finance and Corporate Affairs Committee Function |
|---|---|
| 4 | • Customer Services / Hartlepool Connect (DFID)<br>• Registrars (DFID)<br>• Equality / Diversity (DLGHR)<br>• Health, Safety and Wellbeing (EDDNRS)<br>• Business Continuity (EDDNRS lead but all)<br>• Commissioning public health services (DPH)<br>• Smoking / public health intervention in tobacco control, obesity / nutrition / healthy weight/ physical activity, alcohol, drugs, cancer, cardiovascular disease, breastfeeding, oral health promotion, respiratory disease (DPH)<br>• Public mental health / suicide prevention (DPH)<br>• Community safety (domestic violence) (DPH and EDCJCS)<br>• NHS Health Check programme (DPH and EDCJCS)<br>• School nursing (DPH and EDCJCS)<br>• Accidental injury prevention (All)<br>• Public health intelligence and epidemiology (DPH)<br>• Joint strategic needs assessments (DPH)<br>• Health equity audits (DPH)<br>• Health impact assessments (DPH)<br>• GP primary prevention programme (DPH)<br>• Health protection plan and related services including (DPH):<br>• Outbreaks and communicable disease (DPH)<br>• Sexual health (DPH)<br>• Immunisation (DPH)<br>• Screening (DPH),<br>• Seasonal Flu and Mortality (DPH)<br>• Infection control (DPH)<br>• Homelessness and Housing Advice (EDCJCS)<br>• Housing Revenue Account (EDDNRS) |

| No | Finance and Corporate Affairs Committee Function |
|---|---|
| 5 | Functions relating to Local Government pensions etc., except those reserved to the Audit and Governance Committee. |
| 6 | Functions relating to Health and Safety at work. |
| 7 | Writing-off of debts above £50,000. |
| 8 | Determination of usage and oversight of grant funding in relation to grants that fall within the Policy Committee's remit, where required under the conditions of grant. |

## Adult and Community Based Services Committee

The Adult and Community Based Services Committee consists of 7 Elected Members. The Committee is responsible for services provided to adults with eligible social care needs and their carers, including adult safeguarding, social work and occupational therapy and care packages that support people in the community. Delivery of preventative and community based services for all Hartlepool residents that support people to live active healthy lives and to participate in their local communities.

| **Adult and Community Based Services Committee Membership** | | | |
|---|---|---|---|
| **Membership** | 7 Councillors | **Quorum** | 3 |

| **No** | **Adult and Community Based Services Committee Function** |
|---|---|
| 1 | Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas:<br>Policy Frameworks<br>• Annual Library Plan (if required) (EDACBS)<br><br>Service Areas<br>• Adult Safeguarding (EDACBS)<br>• Housing Related Support (EDACBS)<br>• Adult Social Work Support for Older People, People with Mental Health, People with Misuse Issues, People with Learning Difficulties, Physical Disabilities or Sensory Impairment and Carers. (EDACBS)<br>• Commissioning of Adult Services (EDACBS)<br>• Occupational Therapy (EDACBS)<br>• Intermediate Care and Re-ablement (EDACBS)<br>• User Property and Finance Performance Management (EDACBS)<br>• Community Hubs incorporating a library offer, information and advice; and access to a range of health and employment support (EDACBS)<br>• Leisure Centres (EDACBS) |

| | |
|---|---|
| 2 | • Learn to Swim Programme (EDACBS)<br>• Carlton Outdoor Education Centre (EDACBS)<br>• Summerhill Outdoor Activity Centre (EDACBS)<br>• Sport and Physical Activity Team (EDACBS)<br>• Strategy Development and Implementation (Playing Pitch Strategy, Indoor Facilities Strategy) (EDACBS)<br>• Conservation Parks and Countryside (including allotments) (EDACBS) |
| 3 | Determination of usage and oversight of grant funding in relation to grants that fall within the Policy Committee's remit, where required under the conditions of grant. |

## Children's Services Committee

The Children's Services Committee is made up of 7 Elected Members as well as a number of other Members including statutory Diocesan representatives (for education matters), school heads, school parent governors and young people. The young people provide the Committee with a fresh perspective on children's services. The Committee is responsible for children's services including the protection of children and young people and exercising the Authority's functions as Local Education Authority.

Children's Services Committee also has a Sub-Committee 'Corporate Parent Forum' which is made up of the members of Children's Services Committee and other non-voting members which include foster carers and formerly looked after children. The Corporate Parent Forum is responsible for the development, implementation and review of the Council's Corporate Parent Strategies and policies in order to ensure that the Council's duty as a 'Corporate Parent' is discharged properly, effectively and consistently.

| **Children's Services Committee Membership** | | | |
|---|---|---|---|
| **Membership** | 7 Councillors | **Quorum** | 3 |

| **No** | **Children's Services Committee Function** |
|---|---|
| 1 | Responsibility for:<br>• Children's Services including the care and protection of children and young people.<br>• Exercising the Council's functions as Local Education Authority. |
| 2 | Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas:<br>Policy Framework:<br>• Youth Justice Plan<br>Service Areas:<br>• Child Safeguarding, Assessment and Support (EDCJCS)<br>• Children looked after and leaving care (EDCJCS)<br>• Fostering and adoption (EDCJCS)<br>• Quality and Review / Independent Reviewing Officers (EDCJCS)<br>• Local Safeguarding Children Board (EDCJCS)<br>• Children's Strategic Commissioning (EDCJCS)<br>• Youth Support Services (EDCJCS)<br>• Youth Offending Service (EDCJCS) |

| | |
|---|---|
| 3 | • Early Help including children's centres and 0-19 healthy child programme (EDCJCS)<br>• Monitoring of Schools Causing Concern<br>• School Improvement Support and Challenge (EDCJCS)<br>• Curriculum development and enrichment (EDCJCS)<br>• Performance management and self- evaluation (EDCJCS)<br>• Pupil Referral Unit (EDCJCS)<br>• ICT in schools (EDCJCS)<br>• Transformation of Learning (EDCJCS)<br>• School Capital Programmes (EDCJCS)<br>• Social and Educational Inclusion (EDCJCS)<br>• School Transformation (EDCJCS)<br>• Special Educational Needs and Disabilities (EDCJCS)<br>• Educational Psychology (EDCJCS)<br>• Early Years Foundation Stage (EDCJCS)<br>• School Capital (in partnership with EDDNRS) (EDCJCS)<br>• School Admissions and School Place Planning (EDCJCS) |
| 4 | Power to nominate persons for appointment as Local Authority school governors. |
| 5 | Determination of usage and oversight of grant funding in relation to grants that fall within the Policy Committee's remit, where required under the conditions of grant. |

## Corporate Parent Forum

| Corporate Parent Forum Membership | | | |
|---|---|---|---|
| **Membership** | 7 Councillors | **Quorum** | 3 Councillors |

| No | Corporate Parent Forum Function |
|---|---|
| 1 | Responsibility for the formulation, development, implementation and review of the Council's Corporate Parent Strategies and policies in order to ensure that the Council's duty as a 'Corporate Parent' is discharged properly, effectively and consistently. |
| 2 | To advise and make recommendations to the Authority's decision-making bodies and other partner agencies on any issues that affect children and young people who are Looked After by Hartlepool Borough Council. |
| 3 | To oversee the exercise of the Authority's responsibilities as Corporate Parent and ensure that the interests of Looked After Children are appropriately reflected in all the Authority's policies and the work of the Children's Strategic Partnership. |

## Economic Growth and Regeneration Committee

The Economic Growth and Regeneration Committee consists of 7 Elected Members and is responsible for Inward Investment and Economic Growth. The Committee is also responsible for Culture & Events and Learning & Skills.

| **Economic Growth and Regeneration Committee Membership** | | | |
|---|---|---|---|
| **Membership** | 7 Councillors | **Quorum** | 3 Councillors |

| No | Economic Growth and Regeneration Committee Function |
|---|---|
| 1 | • Inward Investment and Economic Growth (EDDNRS)<br>• Communication and Marketing (MD)<br>• Strategic Procurement and Reprographic (EDDNRS)<br>• Capital Programme Delivery and Monitoring (DFID)<br>• Estates and Asset Management (EDDNRS)<br>• Asset and Property Management (EDDNRS)<br>• Business Growth and Engagement (EDDNRS)<br>• Culture and Events (EDACBS)<br>• Learning and Skills (EDACBS) |
| 2 | The approval of new grant-aided schemes subject to specific funding being available subject to compliance with any terms of grant. |
| 3 | To receive and examine quarterly reports on the monitoring and outcome of contract letting procedures including outputs, values, value for money considerations and performance (incorporating if necessary provider comparative analysis) where lowest/highest price is not payable/receivable. |
| 4 | Determination of usage and oversight of grant funding in relation to grants that fall within the Policy Committee's remit, where required under the conditions of grant. |
| 5 | To receive and examine reports on any exemptions granted to the Contract Procedure Rules. |
| 6 | Accepting, disposing or loaning out objects into the Museum Collection where the value exceeds £100,000. |

## Neighbourhood Services Committee

The Neighbourhood Services Committee is responsible for a number of service areas including Building Design and Construction, Transport and Highways and Engineering and Environmental Services, Planning and Development Control, Community Safety and Public. The Committee is made up of 7 Elected Members.

| **Neighbourhood Services Committee Membership** | | | |
|---|---|---|---|
| **Membership** | 7 Councillors | **Quorum** | 3 Councillors |

| No | Neighbourhood Services Committee Function |
|---|---|
| 1 | Responsibility for the formulation, development and implementation of the Policy Framework, other Strategies and Plans and service areas:<br><br>Policy Framework<br>• Local Transport Plan (EDDNRS)<br>• The plans and strategies which together comprise the Local Plan (EDDNRS). |
| 2 | Service Areas<br>• Building Design and Construction (EDDNRS)<br>• Community Safety and Enforcement (EDDNRS) (other than matters relating to the Safer Hartlepool Partnership which is the responsibility of the Finance and Corporate Affairs Committee)<br>• Environmental Services (EDDNRS)<br>• Emergency Planning Unit (EDDNRS)<br>• Facilities Management (Cleaning, Catering and Security) (EDDNRS)<br>• Public Protection (EDDNRS)<br>• Safer Hartlepool Partnership (EDDNRS)<br>• Transport and Infrastructure (EDDNRS)<br>• Planning and Development Control (EDDNRS) – Development Control element of planning falls within the functions of the Planning Committee (see below)<br>• Building Control (EDDNRS)<br>• Emergency and Local Resilience Planning and Business Continuity (EDDNRS) |
| 3 | To introduce Traffic Regulation Orders and Highway Infrastructure improvements where there are more than 2 material objections to the proposal. |

| No | Neighbourhood Services Committee Function |
|---|---|
| 4 | Determination of usage and oversight of grant funding in relation to grants that fall within the Policy Committee's remit, where required under the conditions of grant. |

## Audit and Governance Committee

The Audit and Governance Committee is made up of 10 Elected Members. The Committee is responsible for the Council's Audit functions including the monitoring of both internal and external audit reports. The Committee undertakes the Council's statutory scrutiny role in relation to Health and Crime and Disorder. The Committee also undertakes the promotion of high ethical standards and Elected Member conduct under the Code of Conduct for Elected Members and Co-opted Members. 2 Independent Persons appointed by Council and 2 local Parish Council representatives form part of the Committee when undertaking this role.

| **Audit and Governance Committee Membership** | | | |
|---|---|---|---|
| **Membership** | 10 Councillors | **Quorum** | 3 Councillors |

| No | Audit and Governance Committee Function |
|---|---|
| 1 | Promote the independent internal audit function and raise awareness of internal control, reviewing controls and financial operations and developing an anti-fraud culture. |
| 2 | Focussing and monitoring the Authority's audit resources by reviewing the plans and reports of the external auditor and the internal audit team to ensure that audit work is co- ordinated. Determining the arrangements for appointment of the External Auditor. |
| 3 | Monitoring audit performance by including reporting schedules and action on recommendations. |
| 4 | Power to approve Authority's statement of accounts and Annual Governance Statement. |
| 5 | To scrutinise the Treasury Management Strategy and resulting Treasury Management solutions thereon and to make such recommendations to Full Council as the Committee shall deem appropriate. |
| 6 | Consider the overall effectiveness of the Authority's corporate governance arrangements, risk management and anti- fraud and anti-corruption arrangements and to seek assurance that action is taken on risk related issues identified by internal and external audit. |
| 7 | Functions relating to the scrutiny of contracts and the monitoring of contracts (at the discretion of the Committee) subject to the formal quotation and tendering procedures under the Authority's Contract Procedure Rules. |
| 8 | Making appointments to the fIndependent Remuneration Panel as established under the provisions of the Local Government Act 2000. |
| 9 | Promoting and maintaining high standards of conduct by Elected Members and Co-opted members of the Authority. |

| No | Audit and Governance Committee Function |
|---|---|
| 10 | To delegate to a Hearing Sub-Committee, the conduct of a hearing upon a complaint and to make recommendations and report findings, as appropriate. |
| 11 | To assist in making recommendations through the better governance of the Council insofar as it relates to the maintenance and promotion of high ethical standards. |
| 12 | To exercise and undertake the statutory health scrutiny functions of the Authority under Part 5 of Chapter 2 of the Health and Social Care Act 2012 and regulations made there under and associated guidance. |
| 13 | To undertake the functions of the Authority's Crime and Disorder Committee for the purposes of the Police and Justice Act 2006. |
| 14 | Power to determine complaints regarding Elected Members in accordance with the Council's agreed corporate complaints procedures. |
| 15 | Monitoring the use of Covert Surveillance (Regulation of Investigatory Powers Act 2000) (RIPA):<br>• To receive reports upon the Authority's use of surveillance powers under the Regulation of Investigatory Powers Act 2000 (RIPA).<br>• To examine compliance with the legislation, the Code of Practice and Authority policy in connection to RIPA.<br>• To consider whether the Authority policy on RIPA remains fit for purpose and recommend changes where appropriate for the consideration of Finance and Corporate Affairs Committee. |
| 16 | The nomination of members from the Committee to serve on joint bodies formed with neighbouring Authorities for health scrutiny exercises. |

## Appeals Committee

| Appeals Committee Membership | | | |
|---|---|---|---|
| **Membership** | 5 Councillors plus 1 non-statutory co-opted Independent Person (non-voting) | **Quorum** | 3 Councillors |

| No | Appeals Committee Functions |
|---|---|
| 1 | Power to consider and determine:<br>• Appeals against dismissal<br>• Appeals arising out of Departmental staffing reviews and/or re-structures<br>• Grievances at the final internal stage<br>• Home to School Transport Appeals. |
| 2 | Functions relating to local government pensions, etc. relating to the determination of individual cases excluding those relating to individual early retirement. |

## Licensing Committee

| Licensing Committee Membership | | | |
|---|---|---|---|
| **Membership** | 12 Councillors | **Quorum** | 3 Councillors |

| No | Licensing Committee Function |
|---|---|
| 1 | Policy Framework<br>The development of the following policies to be referred to Council for adoption:<br>• Licensing Act 2003 Policy.<br>• Gambling Act 2005 Policy. |
| 2 | Appointments to the following Sub-Committees:-<br>• Licensing Sub-Committees.<br>• Regulatory Sub-Committees. |

## Licensing Sub Committee

| Licensing Sub Committee Membership | | | |
|---|---|---|---|
| **Membership** | 3 Councillors | **Quorum** | 3 Councillors |

| No | Licensing Sub Committee Function |
|---|---|
| 1 | Discharge the Council's functions under the Licensing Act 2003 and the Gambling Act 2005, with the exception of those functions reserved to Full Council. |

## Regulatory Sub Committee

| Regulatory Sub Committee Membership | | | |
|---|---|---|---|
| **Membership** | 4 Councillors | **Quorum** | 3 Councillors |

| No | Regulatory Sub Committee Function |
|---|---|
| 1 | Discharges the Licensing Committee's functions in relation to individual licence matters not assigned to the Licensing Act Sub-Committee.<br><br>Including:<br><br>the power to refuse, revoke or suspend except for matters where eligibility criteria are not met or where there is judged to be a clear risk |
| 1 | to the well-being of the public, or a section of the public, which needs to be addressed as a matter of urgency, except those relating to Commons Registration and Roads and Highways (delegated to Planning Committee). |
| 2 | Discharges all other licensing and registration functions except those relating to Commons Registration and Roads and Highways (delegated to Planning Committee) with the exception of those functions reserved to Full Council. |

## Planning Committee

The Planning Committee shall exercise the Authority's Town and Country Planning, and Development Management functions including Commons registration and Village Greens. This includes powers relating to the protection and preservation of important hedgerows and trees.

***NB: "Planning application" means applications for planning permission, listed building consent, , advertisement consent and tree preservation order consents.***

| **Planning Committee Membership** | | | |
|---|---|---|---|
| **Membership** | 11 Councillors | **Quorum** | 5 Councillors |

| No | Planning Committee Function |
|---|---|
| 1 | Any Planning application which any Elected Member, or within a parished area the appropriate Parish Council, requests in writing should be referred to the Committee for decision, such request to be received within 21 days of the publication of details of the application or such later time with the permission of the Chair of the Committee. |
| 2 | Any Planning application which has received three or more material planning objections from separate addresses, |
| 3 | Any Planning application with an Officer recommendation to approve which is significantly contrary to current planning policy. |
| 4 | Any application made by or on behalf of an Elected Member or HBC planning officer. |
| 5 | Powers, related to Commons Registration, where applications / modifications are opposed. |
| 6 | Functions relating to public rights of way where applications / modifications are opposed. |
| 7 | Functions relating to Town and Village Greens where applications / modifications are opposed. |
| 8 | To consider reports on the proposed Development Plan Documents of neighbouring authorities where the Council is a consultee. |
| 9 | To receive reports on the performance of the Development Control and Planning Policy section. |

| No | Planning Committee Function |
|---|---|
| 10 | Powers relating to Tree Preservation Orders where three or more objections are received. |
| 11 | Any Planning application referred by the Executive Director of Development, Neighbourhoods and Regulatory Services at his/her discretion. |
| 12 | Any application for replacement of windows or doors in a Conservation Area. |

## Safer Hartlepool Partnership

| Safer Hartlepool Partnership Membership | | | |
|---|---|---|---|
| **Membership** | Leader of the Council, Chair of Neighbourhood Services Committee + representatives of partner organisations as required under legislation. | **Quorum** | 3 Members<br>(with at least 2 being Responsible Authority Members) |

| No | Safer Hartlepool Partnership Function |
|---|---|
| 1 | A partnership to create confident cohesive and healthy communities by working together to reduce crime, anti-social behaviour, re- offending and substance misuse in Hartlepool |
| 2 | The Partnership is responsible for the delivery of the community safety outcomes. |
| 3 | Plans and Strategies:<br>• Anti-Social Behaviour Strategy<br>• Community Safety Plan<br>• Youth Justice Strategic Plan<br>• Drug Treatment Plan<br>• Alcohol Harm Reduction Strategy<br>• Domestic Violence Strategy<br>• Social Behaviour Plan<br>• Prevent Action Plan<br>• Reducing Reoffending Strategy<br>• Community Cohesion Framework<br>• Troubled Families Programme. |

## Health and Wellbeing Board

| Health and Wellbeing Board Membership | | | |
|---|---|---|---|
| **Membership** | Leader of Council + 3 Councillors.<br>Prescribed Membership as set out in Statutory Guidance.<br>Additional non-prescribed Members. | **Quorum** | 5 prescribed Members with at least 1 rep from each of the 3 prescribed Member organisations |

| No | Health and Wellbeing Board Function |
|---|---|
| 1 | Responsibility for the preparation and implementation of a Health and Wellbeing Strategy for the Borough. |
| 2 | Responsibility for ensuring the development and use of a comprehensive evidence based Joint Strategic Needs Assessment (JSNA) for Hartlepool and that a pharmaceutical needs assessment is undertaken. |
| 3 | Responsibility for ensuring consistency between the commissioning priorities of partners and the Health and Wellbeing Strategy and JSNA. Having strategic influence over commissioning and investment decisions across health, public health and social care services to ensure integration and joint commissioning particularly for those services being commissioned and provided to the most vulnerable people. |

## Appointments Panel

| Appointments Panel Membership | | | |
|---|---|---|---|
| **Membership** | 8 Councillors | **Quorum** | 3 Councillors |

| No | Appointments Panel Function |
|---|---|
| 1 | To exercise those functions as set out within the Officer Employment Procedure Rules at Part 4 of the Constitution. |

## Constitution Committee

| Constitution Committee Membership | | | |
|---|---|---|---|
| **Membership** | 9 Councillors | **Quorum** | 3 Councillors |

| No | Constitution Committee Function |
|---|---|
| 1 | To review, monitor, and where necessary, recommend changes to the Constitution to full Council, so that the aims and principles of the Council's Constitution are given full effect. |

## Civic Honours Committee

| Civic Honours Committee Membership | | | |
|---|---|---|---|
| **Membership** | 5 Councillors<br>+ 1 co-opted Member | **Quorum** | 3 Councillors |

| No | Civic Honours Committee Function |
|---|---|
| 1 | Receive, consider and make recommendations to Council in respect of conferment of the Freedom of the Borough upon individuals or organisations. |
| 2 | Consider nominations for Honorary Alderman and Honorary Alderwoman and make recommendations to the Council thereon. |
| 3 | Make recommendations and issue guidance as the Committee may consider appropriate to Council on the conferment of Civic Honours. |

## Independent Advisory Committee

| Independent Advisory Committee | | | |
|---|---|---|---|
| **Membership** | 3 | **Quorum** | 2 |

| No | Independent Advisory Committee Function |
|---|---|
| 1 | To act as an advisory panel to the Council in respect of any recommendation that is made to dismiss an officer designated as the Council's Head of Paid Service, the Section 151 Officer or Monitoring Officer (the Statutory Officers). |

## 4. OFFICER DELEGATIONS SCHEME

4.1 The Managing Director, Executive Directors (collectively referred to below as 'Directors') and Chief Officers are authorised to carry out those functions of the Authority, statutory duties and managerial responsibilities delegated to them as set out in this scheme.

4.2 The Managing Director is authorised to exercise any of those functions delegated to the Directors and the Chief Officers, provided he/she is not prohibited from doing so by any other legal or constitutional requirement.

### Exercise of Delegated Functions

4.3 The Managing Director, Directors and Chief Officers may authorise other officers to exercise their delegated powers and duties on their behalf. In these circumstances:

(a) documentary evidence of the authorisation must be kept in the form of an Authorisation Record and will be retained by Democratic Services;
(b) Managing Director, Directors or Chief Officer with the original delegation shall remain accountable for any decision taken under such an authorisation;
(c) the Managing Director, Directors or Chief Officer with the original delegation must ensure that the officer who has been authorised to act is not prohibited from doing so by any other legal or constitutional requirement and has the relevant skills, experience and qualifications to undertake the duties; and

4.4 The exercise of any functions of the Authority in respect of any particular matter which has been delegated shall include the power to take any action incidental, conducive or ancillary thereto. This will include the enforcement of all legislation relating to the Council's powers, duties and functions, including the issuing of certificates, licences, notices, consents and orders including the authorisation of registration and the maintenance of such registers and lists relating thereto.

### Duties

4.5 In exercising delegated powers officers must:

(a) act within the law, the Authority's Constitution, Contract Procedure Rules, Financial Procedure Rules and the Authority's approved budget, policies, plans and strategies;
(b) not make decisions about matters in which they have a personal interest. If an officer has a personal interest, whether financial or not, which could overlap or bring about conflict with the Authority's work, it must be declared in accordance with the Code of Conduct for Employees.
(c) consult the chair of the relevant committee prior to taking action:
- where the taking of action has policy or significant financial implications; or
- where the chair has given a prior indication that he/she wishes to be consulted on a matter or type of matter.

(d) consult any other appropriate officer and/or ward members if appropriate;

(e) keep documentary evidence of the exercise of the delegated power and the consultation undertaken; and make the documentary evidence available on request to the public unless the document is exempt under a provision of the Freedom of Information Act 2000 or its disclosure would be a breach of the Data Protection Act 2018.

**Deputising**

4.6 Where the Managing Director is absent or unable to act the Managing Director will authorise an Executive Director to exercise the functions delegated to the Managing Director provided the Managing Director is satisfied that the Executive Director is not prohibited from doing so by any other legal or constitutional requirement.

4.7 Where a Director or Chief Officer is absent or unable to act, the Managing Director or the relevant Executive Director, as appropriate, will authorise another officer to exercise the functions provided they are satisfied that the Officer is not prohibited from doing so by any other legal or constitutional requirement.

4.8 In the circumstances set out in paragraph 4.6 and 4.7 documentary evidence of the authorisation must be produced and retained by Democratic Services for the period of the authorisation.

## 5. THE STATUTORY/PROPER OFFICERS

5.1 The following statutory roles have been assigned to the post holder of the positions named below with the authority to exercise the duties and responsibilities associated with those positions.

5.2 The Managing Director is hereby appointed the Proper Officer in relation to any reference to any enactment other than the Local Government Act 1972, or in any instrument made before the 26th October, 1972, to the Clerk of a Council or the Town Clerk of a Borough, which by virtue of any provision in the said Act, is to be construed as a reference to the Proper Officer of the Council.

5.3 The Director of Finance, IT and Digital is hereby appointed the Proper Officer in relation to any reference in any enactments or Instruments to a Borough Treasurer or Treasurer or Section 151 Officer which by any such provision is to be construed as a reference to the Proper Officer of the Council.

5.4 The Executive Director of Development, Neighbourhoods and Regulatory Services is hereby appointed the Proper Officer in relation to any reference in any enactments or Instruments to a Sanitary Inspector or Public Health Officer which by any such provision is to be construed as a reference to the Proper Officer of the Council.

| **Legislation** | **Description** |
|---|---|
| Civil Partnership Act 2004. | The Assistant Director (Customer Services and IT) is hereby appointed Proper Officer to undertake the Council's duties. |
| Commons Registration Act 1965. | The Director of Legal, Governance and Human Resources is hereby appointed the Proper Officer. |
| Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 | The Executive Director of Children's and Joint Commissioning Services and the Director of Adult and Community Based Services are hereby appointed as the Proper Officers for ensuring compliance. |
| Local Elections (Declaration of Acceptance of Office) Order 2001 | The Managing Director is hereby appointed Proper Officer for the purposes of receipt of declaration of office of Elected Members. |
| Local Government (Committees and Political Groups) Regulations 1990. | The Director of Legal, Governance and Human Resources is hereby appointed Proper Officer to receive notices. |

| Legislation | Description |
|---|---|
| Local Government (Miscellaneous Provisions) Act 1976 s. 41(2A) | The Director of Legal, Governance and Human Resources is hereby appointed Proper Officer for the purposes of certification of records of decisions. |
| Local Government Act, 1972 | The Executive Director of Development, Neighbourhoods and Regulatory Services is hereby appointed Proper Officer in relation to any reference in any enactments or Instruments referred to in any resolution of the Council to a Borough Engineer, Borough Surveyor, Surveyor or Head of Engineering and Waste Management which by any provision is to be construed as a reference to the Proper Officer of the Council. |
| Local Government and Housing Act 1989 as amended in respect of politically restricted posts. | The Director of Legal, Governance and Human Resources is hereby appointed Proper Officer. |
| Local Government and Housing Act 1989, Section 5. | The Director of Legal, Governance and Human Resources is hereby appointed Monitoring Officer. |
| Public Health (Control of Disease) Act 1984 (as amended) and in relation to any reference in any enactments or instruments made thereunder. | The person appointed by Public Health England as a Consultant in Communicable Disease/Consultant in Health Protection/Regional Epidemiologist/Unit Director is hereby appointed to act as Proper Officer for the Council for the purposes of functions. |
| Registration Services Act 1953 as amended. | The Assistant Director (Customer Services and IT) is hereby appointed Proper Officer. |
| S.8, 28,35, 52, 67 and 131 respectively of the Representation of the People Act 1983. | Managing Director is hereby appointed the Returning Officer and the Electoral Registration Officer. |
| S.82 Representation of the People Act 1983. | The Managing Director is hereby appointed the Proper Officer for the taking of an election candidate’s declaration of expenses. |
| S4 of the Local Government and Housing Act 1989. | The Managing Director is hereby designated as Head of the Paid Service. |

| Legislation | Description |
|---|---|
| Section 18 of the Children Act 2004. | The Executive Director of Children's and Joint Commissioning Services as the Proper Officer. |
| Section 30 of the Health and Social Care Act 2012 | The Director of Public Health is hereby appointed Proper Officer. |
| Section 4(2) of the Housing Act 2004. | The Executive Director of Development, Neighbourhoods and Regulatory Services is hereby appointed the Proper Officer. |
| Section 532 of the Education Act 1996. | The Executive Director of Children's and Joint Commissioning Services is hereby appointed Proper Officer. |
| Section 6 of the Local Authority Social Services Act 1970 (as amended). | The Executive Director of Adult and Community Based Services is hereby appointed Proper Officer. |
| Section 6(3) of the Sheriffs Act 1887. | The Managing Director is hereby appointed the Proper Officer. |
| Section 9FB of the Local Government Act 2000 as amended by the Localism Act 2011 | The Statutory Scrutiny Manager is hereby designated as Scrutiny Officer. |

5.5 In respect of the sections of the Local Government Act 1972 set out in the first column below, the Officer of the Council referred to in the second column shall be the Proper Officer with regard to the function referred to in the third column:-

| Section Local Government Act 1972 | Proper Officer | Function |
|---|---|---|
| 13(3) | Managing Director | Parish Trustee. |
| 83(1) to (4) | Managing Director | Witness and receipt of declarations of acceptance of office. |
| 84 | Managing Director | Receipt of declaration of resignation of office. |
| 88(2) | Managing Director | Convening of meeting of Council to fill casual vacancy in the Office of Chairman. |

| Section Local Government Act 1972 | Proper Officer | Function |
|---|---|---|
| 89(1)(b) | Managing Director | Receipt of notice of casual vacancy from 2 Local Government electors. |
| 100B - 100F | Director of Legal, Governance and Human Resources | Functions with respect to exempt information. |
| 115(2) | Director of Finance, IT and Digital | Receipt of money due from Officers. |
| 117 | Managing Director | Keeping record of particulars of any notice given by an Officer as to a pecuniary interest in any contract or proposed contract. |
| 146(1)(a) and (b) | Director of Finance, IT and Digital | Declarations and certificates with regard to securities. |
| 191 | Assistant Director (Development and Growth) | Functions with respect to ordnance survey. |
| 210(6) and (b) | Managing Director | Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office, to Proper Officers. |
| 212(1) and (2) | Director of Legal, Governance and Human Resources | Proper Officer to act as local registrar for Land Charges Act 1972 and 1975. |
| 225(1) | Director of Legal, Governance and Human Resources | Deposit of Documents. |
| 229(5) | Director of Legal, Governance and Human Resources | Certification of photographic copies of documents. |
| 234(1) and (2) | Managing Director | Authentication of documents. |
| 236(9) | Director of Legal, Governance and Human Resources | To send copies of bye-laws for Parish Records. |
| 238 | Director of Legal, Governance and Human Resources | Certification of bye-laws. |

| Section Local Government Act 1972 | Proper Officer | Function |
|---|---|---|
| 248 | Director of Legal, Governance and Human Resources | Keeping of roll of Freemen. |
| Schedule 12 | Managing Director | Signature of summonses to Council meetings. |
| Para. 4(3) | Managing Director | Receipt of notices regarding address to which summons to meetings is to be sent. |
| Para. 25(7) | Director of Legal, Governance and Human Resources | Certification of resolutions under para. 25 of Schedule 14. |
| Schedule 16 Para. 28 | Director of Legal, Governance and Human Resources | Receipt on deposit of lists of protected buildings (section 54(4) of the Town and Country Planning Act 1971). |

5.6 Hartlepool Borough Council hereby appoints any person for the time being employed as a Director for Health Protection or Consultant in Communicable Disease Control / Consultant in Health Protection at the North East Health Protection Team of the UK Health Security Agency to act as Proper Officers for the following purposes:

| Legislation | Section or Regulation | Effect |
|---|---|---|
| The Health Protection (Notification) Regulations 2010 | Regulations 2, 3, 6 | Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons. |

5.7 For the purpose of exercising any of the functions for which the Officer of the Council named in the first column is appointed Proper Officer whenever that Officer is unable to perform such functions, the Officer of the Council named in the second column hereunder shall be appointed Deputy to the Proper Officer in respect of these functions,:-

| Proper Officer | Deputy Proper Officer |
|---|---|
| Managing Director | The Managing Director will authorise an Executive Director. |

| Proper Officer | Deputy Proper Officer |
|---|---|
| Director of Legal, Governance and Human Resources | Assistant Director of Legal, Governance and Human Resources. |
| Director of Finance, IT and Digital | Assistant Director (Corporate and Financial Services (Deputy s151)) / Assistant Director (Customer Services and IT) (as appropriate) |
| Assistant Director (Corporate and Financial Services) | Director of Finance, IT and Digital |
| Assistant Director (Customer Services and IT) | Director of Finance, IT and Digital |
| Executive Director of Development, Neighbourhoods and Regulatory Services | Assistant Director (Neighbourhoods) / Assistant Director (Regulatory Services) / Assistant Director (Development and Growth) (as appropriate) |
| Assistant Director (Neighbourhoods ) | Executive Director of Development, Neighbourhoods and Regulatory Services |
| Assistant Director (Regulatory Services) | Executive Director of Development, Neighbourhoods and Regulatory Services |
| Assistant Director (Development and Growth) | Executive Director of Development, Neighbourhoods and Regulatory Services |
| Executive Director of Children's and Joint Commissioning Services | Director of Public Health / Assistant Director of Joint Commissioning Services Assistant Director (Children's and Families' Services) / Assistant Director (Education) (as appropriate) |
| Assistant Director (Children's and Families' Services) | Director of Children's and Joint Commissioning Services |
| Executive Director of Adult and Community Based Services | Assistant Director (Adult Social Care) Assistant Director (Preventative and Community Based Services) (as appropriate) |

| Proper Officer | Deputy Proper Officer |
|---|---|
| Director of Public Health | Managing Director other than statutory health protection duties – Alternative Director of Public Health (Tees Valley Authorities) |

**Managing Director, Executive Directors, Directors and all Assistant Directors**

5.8 The Managing Director, Executive Directors, Directors and all Assistant Directors are authorised to exercise the functions listed below:

| No | Delegation |
|---|---|
| GD1 | To carry out those functions of the Authority delegated to them as set out in this scheme. |
| GD2 | Where the Managing Director, Executive Directors, Directors or a Chief Officer hold statutory or proper officer positions (as set in section 5 of the scheme), to exercise those statutory duties and responsibilities assigned to the positions by law. |
| GD3 | To take decisions on behalf of the Authority on all matters where they have managerial or professional responsibilities for their service areas. |
| GD4 | To serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licenses in the exercise of any discretionary power or in complying with any duty of the Authority delegated to them. |
| GD5 | To seek any formal regulatory approval which may be required for a project, scheme or programme which has been approved by the Council, Committee or any officer acting under delegated powers. |
| GD6 | In consultation with the Director of Legal, Governance and Human Resources and the Director of Finance, IT and Digital to make payments or provide benefits in cases of maladministration under section 92 of the Local Government Act 2000. |
| GD7 | To procure goods, works and services and undertake other associated functions in accordance with the duties and responsibilities laid down in Contract Procedure Rules. |
| GD8 | In consultation with the Director of Legal, Governance and Human Resources to submit tenders to other public bodies, as defined by the Local Authorities Goods and Services Act 1970, for work falling within the capability of the Authority and if successful to authorise the Director of Legal, Governance and Human Resources to complete the appropriate contract documents. |

| No | Delegation |
|---|---|
| GD9 | In consultation with the Director of Finance, IT and Digital and the Executive Director of Development, Neighbourhoods and Regulatory Services to authorise expenditure without recourse to the provisions of Financial Procedure Rules and/or Contract Procedure Rules in accordance with the Authority's business continuity and emergency planning policies and procedures. |
| GD10 | In consultation with the Chair of the relevant Committee, the setting of fees and charges that have not been determined as part of the budget process, where the in-year additional income or expenditure does not have a gross full year effect greater than £100,000 i.e. where key decision test (i) does not apply. |
| GD11 | To exercise the functions, duties and responsibilities relating to the financial management of their service areas as set out in Financial Procedure Rules. |
| GD12 | To ensure that all staff in their service area are aware of the existence and content of the Financial Procedure Rules. |
| GD13 | To award grants to voluntary and community organisations and individuals in accordance with financial regulations, delegated budgets and Authority policy. |
| GD14 | To appoint (below the level of Chief Officer and as set out in the Officer Employment Rules), dismiss and deploy staff and deal with other employment matters in accordance with human resources policy, procedure and guidelines, subject to their actions being within their approved budget. |
| GD15 | To represent the Authority at meetings, as appropriate, of any organisations where the Authority has an involvement or interest subject to:<br>(a) a record being kept when a representation is likely to be for a significant period; and<br>(b) consultation with the Director of Legal, Governance and Human Resources in respect of any formal indemnification that may be necessary. |
| GD16 | To enter into partnership agreements/arrangements with other bodies to work collectively to achieve joint objective(s). When entering into partnership agreements/arrangements Chief Officers will ensure the appropriate policies and procedures are followed including the Constitution, and the other provisions of the Officer Delegation Scheme, Contract Procedure Rules and Financial Procedure Rules. |
| GD17 | To monitor the effectiveness of partnerships. |
| GD18 | To appoint officers as authorised officers of the Authority and to sign warrant and authorisation cards enabling staff to undertake their duties and enter land and premises pursuant to statute. |

| No | Delegation |
|---|---|
| GD19 | Strictly in exceptional circumstances, such as a global pandemic, where Officers with the requisite delegations are incapacitated or absent, functions maybe exercised by any Officer within the Council with suitable experience and seniority who has been appropriately briefed and has sufficient understanding of the matter to be decided. |
| GD20 | Power to determine and implement a programme of promotional activities and events, including appropriate hospitality, within budget provision. |
| GD21 | Power to determine attendance of Officers in his/her division at events not on the Approved List of Conferences, Seminars and Meetings in accordance with the Council' scheme of guidance. |
| GD22 | Variations to existing policies and procedures together with new policies/procedures which do not have significant service or corporate impact, where changes are necessary to ensure compliance with the law, Ministerial Direction or Government Guidance. |
| GD23 | Approval of Departmental service plans. |
| GD24 | Strategic service level financial and performance monitoring. |
| GD25 | Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the relevant Policy Committee or as part of the approved budget and policy framework. |
| GD26 | Involvement in grant allocations and other allocations of funding within the terms of a scheme or method of allocation previously agreed by the Council. |
| GD27 | Improvement plans and other key reports. |
| GD28 | External Audit and other inspection reports on service and non-strategic corporate matters. |
| GD29 | Allocations, scheme designs and specifications within agreed programmes of works. |
| GD30 | Policies, plans and strategies which are not part of the budget and policy framework or otherwise reserved to a Policy Committee |

| No | Delegation |
|---|---|
| GD31 | Powers for a variety of transactions within £100,000 in capital value and £50,000 in rental value (annual figure). The powers are to approve land and property disposals and acquisitions, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters. |

## 6. SENIOR LEADERSHIP STRUCTURE

## 7. MANAGING DIRECTOR

7.1 The Managing Director leads, manages and directs the **senior leadership team** to promote a corporate, co-ordinated, cross-functional approach towards strategy and policy development and the delivery of services for Hartlepool. The Managing Director is responsible and accountable to the Authority and provides clear leadership in order to maintain and achieve sustained improvement in Authority performance, efficiency and service delivery. The Managing Director represents the Authority within the local community and at a regional and national level to promote the social, economic and environmental wellbeing of Hartlepool.

7.2 In addition to the general delegations set out in section 6 of the scheme, the Managing Director is authorised to exercise the following specific functions:

| No | Delegation |
|---|---|
| **General** | |
| MD1 | To exercise any function delegated to the Executive Directors, Directors and Chief Officers, provided s/he is not prohibited from doing so by any other legal or constitutional requirement. |
| MD2 | To approve and make necessary in-term changes to the plans and strategies included in the Policy Framework following sign-off by Full Council unless the change would:<br>- have a budgetary impact outside of the financial regulations framework;<br>- have an impact on other strategic plans; and / or, involve the insertion or deletion of a key objective from the plan. |
| MD3 | To determine attendance by Elected Members at non-local events either not included in the approved list of conferences, seminars and meetings, or where the Elected Member is not specified on the approved list, together with any reasonable associated costs. |
| MD4 | To determine attendance of Executive Directors, Directors and Chief Officers at events not on the approved list of conferences, seminars and meetings. |
| MD5 | To determine any requests in connection with the use of office accommodation within any of the Authority's establishments, together with matters relating to Bank Holiday and other closures of the Civic Centre and other administrative buildings. |
| MD6 | To determine all matters relevant to the discharge of the Authority's civic and ceremonial functions, including the replacement of civic vehicles and the provision of appropriate hospitality which may be necessary to facilitate the efficient discharge of the Authority's functions in this area. |

| No | Delegation |
|---|---|
| MD7 | To act as the Authority's representative on Joint Committees and Partnership Boards and to exercise all decision making powers in consultation with the Leader of the Council, as required under the Authority's governance arrangements. |
| MD8 | In consultation with the Leader (or in his/her absence the Deputy Leader), Chair of the relevant Committee (or in his/her absence Vice Chair) Monitoring Officer and Section 151 Officer, the Managing Director (or in his/her absence the authorised Executive Director) may take a decision normally reserved to Full Council or a Committee where:<br><br>(a) Failure to take the decision quickly would, or would be likely to, harm the interests of the Council and the public.<br>(b) The decision is so urgent that it cannot wait until the next meeting of the Committee at which the decision would normally be taken.<br><br>The decision together with the reason as to why it was determined urgent must be recorded on an Officer Decision Record. The record of urgent decisions will be held by the Democratic Services team and will be made available for inspection.<br><br>Following the decision, it be reported to the next meeting of the relevant committee explaining:<br>• the decision;<br>• the reasons for it; and<br>• the reasons why the decision was treated as a matter of urgency. |
| MD9 | In exceptional circumstances, such as a global pandemic, the Managing Director, in consultation with the Leader and the Ceremonial Mayor, may postpone convened meetings of Full Council (including Committee Meetings). |

| No | Delegation |
|---|---|
| MD10 | In consultation with the Chair of Finance and Corporate Affairs Committee and authorised Executive Director, the Monitoring Officer and Section 151 Officer may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by Full Council, if the decision is a matter of urgency.<br><br>However, the decision may only be taken:<br><br>(a) if it is not practical to convene a quorate meeting of the Full Council; and<br>(b) if the Ceremonial Mayor acting as Chair of the Council, in consultation with the Monitoring Officer agrees that the decision is a matter of urgency. In the absence of the Chair of the Council the approval of the Vice-Chair of Council, will be sufficient.<br><br>The decision together with the reason as to why it was determined urgent must be recorded on an Officer Decision Record. The record of urgent decisions will be held by the Democratic Services Team and will be made available for inspection. Following the decision, it be reported to the next meeting of the relevant committee explaining:<br><br>• the decision;<br>• the reasons for it; and<br>• the reason why the decision was treated as a matter of urgency. |
| MD11 | The appointment and dismissal of, and taking disciplinary action against, officers below the level of Chief Officer (excluding political assistants). |
| MD12 | Ensure that all staff are aware of the existence and content of the Officer Delegation Scheme and they comply at all times with the general principles set out in the Officer Delegation Scheme. |
| MD13 | In consultation with the Director of Legal, Governance and Human Resources, to take decisions on managing access to the Authority in the event of unacceptable behaviour in accordance with Authority's Managing Unreasonable Behaviour Policy. |

| No | Delegation |
|---|---|
| MD14 | Make decisions on a robust and self-funded business case as set out in the Financial Procedure Rules, ensuring they comply with the Principles of Decision Making as set out in the Articles, and is in accordance with the Budget and the plans and strategies in the Policy Framework, if relevant, and does not add a recurring financial commitment to the General Fund budget. This delegation shall be exercised by the Managing Director, with agreement from:<br>• Director of Finance, IT and Digital and;<br>• Director of Legal, Governance and Human Resources<br>In consultation with:<br>• Chair of Finance and Corporate Affairs Committee, and;<br>• Chair of the relevant Committee responsible for service area.<br><br>This delegation will also apply where revisions are needed to existing business cases (whether delegated or approved at the relevant committee) but where such revisions still meet the objectives of the original business case and the tests above are satisfied.<br><br>Details of business cases approved, or amendments to previously approved business cases, shall be reported to the next scheduled meeting of the Finance and Corporate Affairs Committee for information. |
| MD15 | To determine requests to hold open-air services of a religious or similar nature, except for marriages, should such a request be of a controversial nature. |
| MD16 | The final decision, post consultation, on any staffing proposals requiring compulsory redundancy of one or more staff (excluding statutory officers). |
| MD17 | Functions relating to elections with the exceptions of the Statutory Powers reserved for Full Council:<br>(a) Power to assign Officers in relation to requisitions of the Electoral Registration Officer.<br>(b) Power to divide electoral wards into polling districts at Local Government elections.<br>(c) Powers in respect of holding elections.<br>(d) Power to pay expenses properly incurred by Electoral Registration Officers.<br>(e) Duty to declare vacancy in office in certain cases.<br>(f) Duty to give public notice of a casual vacancy. |

| No | Delegation |
|---|---|
| MD17 | (g) Duty to declare vacancy in office in certain cases.<br>(h) Power to make temporary appointments to Parish Councils.<br>(i) Power to determine fees and conditions for supply of copies of, or extracts from, election documents.<br>(j) Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000. |
| MD18 | Severance payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, in consultation with the Leader/Chair of Finance and Corporate Affairs Committee, s151 Officer and Monitoring officer. |
| MD19 | Power to make agreements with other Local Authorities for the placing of staff at the disposal of those other Local Authorities. |
| MD20 | In consultation with the Chair of Finance and Corporate Affairs Committee and the Chair of the Committee responsible for the relevant service area along with that Director, the determination of Departmental staffing proposals, where service areas are being amalgamated or disaggregated or service area is created, modified or deleted due to changes in grant/external funding |

## 8. DIRECTOR OF FINANCE, IT AND DIGITAL

8.1 The Director of Finance, IT and Digital provides senior leadership on: issues of effective resource allocation; financial planning and management; maximising income for the Authority through effective Council Tax and Business Rates collection; and ensuring that services are corporate, integrated and provided in accordance with Authority policy and any relevant statutory duties.

8.2 The Director of Finance, IT and Digital is the Council's 'Responsible Financial Officer' (sometimes known as the 'Chief Finance Officer' or 'Section 151 Officer'). The responsibilities and powers of this officer derive from statute (Section 151 of the Local Government Act 1972), which provide that every local authority shall appoint one officer who has an overall duty to "make arrangements for the proper administration of [the Council's] financial affairs". The Director of Finance, IT and Digital is thus 'head of profession' for the financial arrangements of the Council, and has a managerial and professional responsibility in this regard.

8.3 The Director of Finance, IT and Digital is responsible for the following services:

- Corporate Services
- Finance and Customer Services
- Accountancy
- Financial Management
- IT
- Digital

8.4 In addition to the general delegations set out in the scheme, the Director of Finance, IT and Digital is authorised to exercise the following specific functions:

| No | Delegation |
|---|---|
| **General** | |
| DFID1 | Determination and, where necessary, adjudication, on all issues of interpretation/application relating to the national and local conditions of service both corporately and in individual cases. |
| DFID2 | The arrangement of insurance cover and settling of claims |
| DFID3 | To administer the billing and collection of Council Tax and Non-Domestic Rates in accordance with the Local Government Finance Acts 1988 and 1992. |
| DFID4 | To determine applications for rate relief under sections 43, 45, 47 and 48 of the Local Government Finance Act 1988 in accordance with any general scheme approved by the Council. |
| DFID5 | To determine applications for hardship relief in respect of Non-Domestic Rates under Section 49 of the Local Government Act 1988 in accordance with any general scheme approved by the Council. |

| No | Delegation |
|---|---|
| DFID6 | To determine applications in respect of empty allowances for part-occupation of non-domestic hereditaments under Section 44A of the Local Government Act 1988. |
| DFID7 | To make proposals for the alteration of the Local Valuation List and to lodge appeals against decisions of the Valuation Tribunal and Lands Tribunal. |
| DFID8 | To take Court proceedings for the recovery of, Council Tax, Non- Domestic Rates and Sundry Debts. |
| DFID9 | To write off irrecoverable Council Tax, Non-Domestic Rates and other irrecoverable debts which are uneconomic to collect, within the approved limit of £50,000. |
| DFID10 | To manage the borrowing, financing and investment requirements of the Council in accordance with approved council policy. |
| DFID11 | To make all necessary banking arrangements on behalf of the Council. |
| DFID12 | To administer and grant Housing and Council Tax Support (for pensioners and any other excepted categories) under the Social Security, Contributions and Benefits Act 1992 and the Social Security Administration Act 1992. |
| DFID13 | To administer and grant Council Tax support to working age adults under the approved Localised Council Tax Support Scheme. |
| DFID14 | To determine sanctions in fraudulent benefit cases in accordance with the Social Security Administration Act 1992. |
| DFID15 | To disburse monies from funds and accounts of the Authority as required for the lawful discharge of the Authority's functions. |
| DFID16 | To enter into Treasury Management transactions in the name of the Authority as may be required to meet the needs of both revenue and capital accounts subject to any statutory limitations, the provisions of the Treasury Management Strategy or the provisions of the Authority's Budget and Policy Framework. |
| DFID17 | To negotiate and enter into leasing agreements as a means of financing capital expenditure. |
| DFID18 | To vary the mortgage interest rate under section 110 of the Housing Act 1980 as directed by the Secretary of State. |
| DFID19 | To vary the mortgage interest rate on pre 3rd October 1980 mortgages as directed by circular 20/64. |

| No | Delegation |
|---|---|
| DFID20 | The arrangement of insurance cover and settling of claims and in consultation with the Managing Director:<br>(a) Authority to deal with the settlement of insurance claims on risks being carried by the Authority's Insurance Fund with the exception of all contract guarantee claims; and<br>(b) to take all decisions in order to balance the risks included in the Insurance Fund. |
| DFID21 | To receive, investigate and pay the Coroner's accounts, fee and related expenses and to take any other action in relation to those items. |
| DFID22 | To determine the Authority's pension discretions pursuant to Regulations |
| DFID23 | To consider and determine, applications made by employees who are members of the Local Government Pension Scheme who seek the application of the Authority's pension discretions under the relevant Pension Scheme Regulations. |
| DFID24 | To serve notices, enter into agreements, give receipts, make adjustments, institute proceedings and take any action available to the Authority to collect or enforce the payment of the National Non-Domestic Rate and the Council Tax from those persons liable. |
| DFID25 | On the Authority's behalf, to prosecute or defend or to appear in any proceedings before a Magistrates Court and to conduct any such proceedings in respect of unpaid Council Tax or National Non-Domestic Rate payable to the Authority and to discontinue such proceedings if considered necessary. |
| DFID26 | In relation to the recovery of general debts and overpaid housing benefits:<br>(a) to issue County Court summonses;<br>(b) to deal with all matters arising from the issue of County Court summonses;<br>(c) to seek Judgement Orders in cases where the summons is undefended;<br>(d) to issue enforcement proceedings in relation to cases where a judgement has been made but the order not complied with; and in cases where the debt is no greater than £5,000 (or the applicable limit at any given time for cases which can be pursued through the small claims court) and a defence is submitted, to attend small claims arbitration hearings on behalf of the Authority. |
| DFID27 | To deal with all matters relating to the issues of Completion Notices for Council Tax and National Non-Domestic Rating purposes and the administration of appeals against any such notices. |

| No | Delegation |
|---|---|
| DFID28 | To determine all applications for the apportionment of rateable value of partly occupied hereditaments under section 44A of the Local Government Finance Act 1988. |
| DFID29 | To deal with all matters relating to Housing Benefit, Universal Credit elements relevant to the local authority and the Localised Council Tax Support scheme as set out in the relevant regulations. |
| DFID30 | To administer any Council Tax transition scheme and to determine any appeals submitted under the provisions of any such scheme. |
| DFID31 | To determine applications for any form of discretionary rate relief which meet the relevant legislative requirements and satisfies the criteria set out in the Authority's policy for dealing with such applications. |
| DFID32 | In consultation with the relevant Chief Officers, to review the Authority's policy on the granting of discretionary relief of business rates and to implement any changes to policy. |
| DFID33 | To delegate to the relevant Chief Officers, as required under section 16 of the Local Government Finance Act 1992, to appear before and conduct proceedings at any Valuation tribunal on any appeal relating to Council Tax or Local Council Tax Support. |
| DFID34 | To delegate to the relevant Chief Officers, to act on the Authority's behalf as required by section 223 of the LGFA 1992 in respect of the collection and recovery of any Council Tax or National Non Domestic Rate payable to the Authority. To prosecute or defend, or to appear in a Magistrates Court or to conduct any such proceedings in respect of Council Tax and National Non Domestic Rates payable to the Authority. |
| DFID35 | To institute possession proceedings in cases of mortgage arrears. |
| DFID36 | To provide an adequate and effective system of internal audit. |
| DFID37 | Power to deal with all local and national taxation matters arising under the terms of the Local Government and Rating Act 1967, the Local Government Finance Act 1988, and the Local Government Finance Act 1992, as amended and any future relevant legislation, including the power to represent the Council in any court proceedings. |
| DFID38 | Power to deal with allotment rent arrears and the recovery procedure. |
| DFID39 | Power to deal with outstanding sundry debtor accounts. |
| DFID40 | Power to implement changes in standard national rate and local average rate of interest in respect of mortgage advances. |

| No | Delegation |
|---|---|
| DFID41 | Power to vire expenditure in case of emergency, from one estimate head to another, after consultation with the Chair of the relevant Committee and the relevant Director. |
| DFID42 | Power in accordance with the provisions of Section 151 of the Local Government Act 1972 to make all arrangements for the proper administration of the Council's financial affairs including power to negotiate and manage all loans to the Council and to make any investment required for day to day cash management and borrowing and leasing arrangements. Power to amend the approved Treasury Management Strategy in emergencies. |
| DFID43 | Rights of audience to pursue debts through the small claims procedure. |
| DFID44 | Power to administer Housing, and Council Tax benefits (and any other appropriate local tax) in accordance with regulations. |
| DFID45 | Power to determine the charge to the public for the Abstract of Accounts and where cheques have been returned to the Council endorsed "refer to drawer". |
| DFID46 | Power to exercise the Council's statutory powers and duties under the Local Government Finance Act 1988, in particular Section 114. |
| DFID47 | Power to settle claims against the Council arising from the use of the Direct Debit Scheme operated in conjunction with participating banks. |
| DFID48 | Power to exercise the Council's statutory powers and duties under the Accounts and Audit Regulations 1996 in relation to Internal Audit. |
| DFID49 | Power under the Insolvency Act 1986 to vote in any meeting of creditors in relation to either corporate liquidation, creditors' voluntary arrangements, or personal bankruptcy matters. |
| DFID50 | Power to institute prosecution in detected fraud cases in consultation with the Managing Director and the Director of Legal, Governance and Human Resources |
| DFID51 | Power to levy reasonable costs for court action in relation to all debts due to the Council and subject to legal recovery proceedings in consultation with the Director of Legal, Governance and Human Resources. |
| DFID52 | Power to deal with and approve car purchase advances which comply with the approved scheme including reviewing and determining;<br>(i) the maximum amount of loan that can be advanced,<br>(ii) the percentage rule for calculating the applicants ability to repay. |

| No | Delegation |
|---|---|
| DFID53 | Power under Section 15 of the Social Security Administration Fraud Act 1997 to levy penalties as an alternative to prosecution in cases of detected fraudulent Housing Benefit. |
| DFID54 | Power to determine any charge of the letting of rooms in the Civic Suite, up to and including the maximum as determined by the Council. |
| DFID55 | Power to approve and implement energy savings projects in accordance with agreed criteria and within approved budgets. |
| DFID56 | Individual early retirement decisions within the scheme with the agreement of the Managing Director Officer and/or in consultation with the appropriate Director |

## 9. DIRECTOR OF LEGAL, GOVERNANCE AND HUMAN RESOURCES

9.1 The Director of Legal, Governance and Human Resources is responsible for all legal services required by the Council. The managed team is staffed by solicitors and legal executives with relevant qualifications and experience; being directly responsible, for example, for child and adult safeguarding cases, all land transactions – sales and purchases of land and property, preparation of contracts for goods and services required by the Council, the preparation of statutory orders, such as traffic regulation orders, tree preservation orders and byelaws, and litigation in the Magistrates and other courts, Employment Tribunals etc. The Director of Legal, Governance and Human Resources is responsible for the following services:

- Legal Services
- Elections
- Land Charges
- Members' Services
- Statutory Scrutiny
- Democratic Services
- Human Resources
- PA's/Executive Support

9.2 In addition to the general delegations set out in section 6 of the scheme, the Director of Legal, Governance and Human Resources is authorised to exercise the following specific functions:

| No | Delegation |
|---|---|
| **General** | |
| DLGHR1 | Power to seek Counsel's opinion on any matter affecting the Council's affairs and instruct Counsel as necessary in the Council's interests. |
| DLGHR2 | Power to institute, withdraw from, compromise or participate in any legal proceedings (including prospective legal proceedings) involving the Council.<br>In accordance with the Statutory Guidance on Special Severance Payments the Director of Legal, Governance and Human Resources can approve payments up to £20,000. |
| DLGHR3 | Power to take any legal action necessary to give effect to a decision of the Council. |
| DLGHR4 | To authorise the relevant officers of the Authority for the purposes of any matter coming within appropriate legislation, bye-laws, regulations and orders. |

| No | Delegation |
|---|---|
| DLGHR5 | To authorise staff pursuant to section 223 of the Local Government Act 1972 to appear on behalf of the Authority in proceedings before a Magistrates Court where those staff members would otherwise not have rights of audience before the Court. |
| DLGHR6 | To receive and record declarations of hospitality received from Elected Members. |
| DLGHR7 | To maintain a register of Elected Member Interests. |
| DLGHR8 | Power to confirm, without modification, the creation, diversion or extinguishment of Orders in respect of:<br>- Public Rights of Way, following the statutory advertising period.<br>- Footpath and footway conversion orders following the statutory advertising period.<br>- Definitive Map Modification Orders following the statutory advertising period.<br>- Where two or less objections have been received. |
| DLGHR9 | To appoint panels of persons from whom Education Appeals Panel can be constituted and to constitute and to act as Clerk to Education Appeals Panels. |
| DLGHR10 | To consider admission appeals and exclusion reviews in accordance with the School Standards and Framework Act 1998 and the Education Act 2002 as amended. |
| DLGHR11 | To make requests for information relating to land use and ownership under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976. |
| DLGHR12 | To serve notices under section 146 of the Law and Property Act 1925 (notice before forfeiture requiring breach of covenant to be remedied). |
| DLGHR13 | To act as the Proper Officer to receive and acknowledge receipt of complaints of failure to comply with the Code of Conduct for Members and Co-opted Members in accordance with the Authority's adopted arrangements. |
| DLGHR14 | To review complaints received in respect of any alleged breach by any elected or co-opted Member of the Council of the Code of Conduct for Members and Co-opted Members and determine, in consultation with the Independent Person:<br>(a) whether the allegation, if proven, would constitute a failure to observe the Code of Conduct; and<br>(b) if it would constitute such a failure, determine (applying the Authority's adopted assessment criteria), whether the complaint should be investigated or referred for local resolution, and following such determination to refer the complaint for either purpose. |

| No | Delegation |
|---|---|
| DLGHR15 | To refer the review of any such complaint received to the Audit and Governance Committee where the Monitoring Officer considers it inappropriate for him/her to take the decision as to whether a complaint should be accepted as a complaint and/or investigated or referred for informal resolution. |
| DLGHR16 | To determine requests for anonymity received from a complainant in relation to a complaint that a Member has failed to comply with the Code of Conduct for Members and Co-opted Members. |
| DLGHR17 | Where a request for anonymity has been granted, to determine when the identity of the complainant will be provided to a Member who is the subject of a complaint that he/she has failed to comply with the Code of Conduct for Members and Co-opted Members. |
| DLGHR18 | To undertake informal/local resolution with respect to complaints that a Member has failed to comply with the Code of Conduct for Members and Co-opted Members, in consultation with the Independent Person and/or the Chair Audit and Governance Committee as appropriate in accordance with the Authority's adopted arrangements. |
| DLGHR19 | To appoint an Investigating Officer to investigate a complaint that a Member has failed to comply with the Code of Conduct for Members and Co-opted Members. |
| DLGHR20 | To provide reports to the Audit and Governance Committee in relation to the number and nature of complaints received, advice on the progress of any investigations and to advise the committee of matters where training or other action may lead to the promotion or maintenance of high standards of conduct by the Authority's elected or co-opted Members. |
| DLGHR21 | To undertake any other necessary or appropriate actions to facilitate the administration of the Authority's adopted arrangements in relation to the Code of Conduct for Members and Co-opted Member. |
| DLGHR22 | To refer the report of the Investigating Officer which identifies a breach of the Code of Conduct, where informal/local resolution of a complaint is unsuccessful, to the Audit and Governance Committee for a formal hearing and determination. |

| No | Delegation |
|---|---|
| DLGHR23 | To act as the Authority's Senior Responsible Officer under the Regulation of Investigatory Powers Act (RIPA) 2000 and be responsible for maintaining effective procedures on behalf of the Authority under this Act. Such procedures to include the appointment of authorising officers, the maintenance of a list of authorising officers, the maintenance of a register of authorisations and ensuring appropriate training provision. A report to be submitted to Audit and Governance Committee annually on the operation of a RIPA policy. |
| DLGHR24 | Assisting Elected Members and Co-opted members to observe the requirements of the Council's Code of Conduct |
| DLGHR25 | To advise and offer guidance to Elected Members and Co-opted members on the adoption or revision of the Code of Conduct |
| DLGHR26 | To grant dispensations to Elected Members and Co-opted members (including Parish Council representatives) from requirements relating to interests as set out within the relevant Code of Conduct. |
| DLGHR27 | Power to ensure that all Council policies and practices, and all legislation, with regard to personnel matters be adhered to. |
| DLGHR28 | Power to institute payment of honoraria in accordance with the Council's scheme. |
| DLGHR29 | Power to implement all national and local conditions of service. |
| DLGHR30 | Power to determine car allowances in accordance with the Council's provisions. |
| DLGHR31 | Power to authorise payment of appropriate Officers professional subscriptions where a legal requirement exists. |
| DLGHR32 | Power to consult, negotiate and reach agreements with the Trade Unions on corporate staffing/employment matters within the overall policy and financial framework determined by Elected Members, and in consultation with the Managing Director, Directors/Chief Officers as appropriate |
| DLGHR33 | That any in-year informal, ad hoc vacancies on Committees, Partnerships or Boards be implemented in accordance with the agreed proportionality for the committee/body and Group wishes. |

## 10. EXECUTIVE DIRECTOR OF ADULT AND COMMUNITY BASED SERVICES

10.1 The Executive Director of Adult and Community Based Services is responsible for the services which support vulnerable people to maintain their independence and exercise choice and control about how their needs are met, whilst also ensuring that they are safeguarded, including:

- Older people
- People with mental health needs
- People with substance misuse issues
- People with learning disabilities physical disabilities or sensory
- Impairment, carers.

10.2 Further to this the Preventative & Community Based Services support people to live active, healthy lives and to participate in their local communities including:

- Community Hubs incorporating a library offer; information and advice; and access to a range of health and employment support.
- Leisure Centres (Mill House Leisure Centre, Brierton Sports Centre, Headland Sports Hall and Grayfields Recreation Ground);
- Culture and Events
- Learning and Skills
- Conservation, Parks and Countryside functions (including allotments)

10.3 In addition to the general delegations set out in section 6 of the scheme, the Executive Director of Adult and Community Based Services is authorised to exercise the following specific functions:

| No | Delegation |
|---|---|
| **General** | |
| EDACBS1 | Exercise responsibilities and duties in order to promote and safeguard the interests and wellbeing of adults, for whom the Local Authority has a social services function. |
| EDACBS2 | Exercise the authority to institute legal proceedings and action in relation to vulnerable adults and to accept on behalf of the Local Authority, Court and other legal orders, in relation to those vulnerable adults including the power to authorise the deprivation of liberty of persons under the Mental Capacity Act 2005. |
| EDACBS3 | Agree adult care packages, service responses and expenditure for care and accommodation of individuals for whom the Council has a social services function and to do so within the Care Act 2014 eligibility criteria and exceptionally outside of eligibility criteria where necessary on the grounds of urgency, vulnerability or legal directive. |

| No | Delegation |
|---|---|
| EDACBS4 | Determine contracts and arrangements for social care services relating to adults in accordance with the commissioning strategy and approved contract process and in relation to independent sector providers, with other Local Authorities and with health bodies. |
| EDACBS5 | Exercise duties as Responsible Individual and matters relating to registration and operation of social care services in connection with adults. |
| EDACBS6 | Power to exercise discretion in the waiving of charges when considered appropriate. |
| EDACBS7 | Power to complete and submit applications to the Government and other bodies in respect of monies available through specific grant or other funds. |
| EDACBS8 | To agree to the letting of any leisure and community facilities. |
| EDACBS9 | To approve the closure of libraries in cases of emergency. |
| EDACBS10 | To determine issues relating to the management and control of libraries including the purchase, hire, sale and disposal of books and other material. |
| EDACBS11 | Provide protection of property of persons referred to in sections 47 and 48 of the National Assistance Act 1948 to prevent loss or damage to it if no arrangements have been made to protect it and recover any reasonable expenses incurred. |
| EDACBS12 | To approve applications for disabled facilities grants. |
| EDACBS13 | To approve adaptation schemes for the improvement of houses for persons suffering from disability and in this connection to approve schemes up to a maximum cost of £30,000. |
| EDACBS14 | To agree to the cost of social work services provided to Hartlepool residents who choose to live in residential or nursing care homes in other parts of the country to be undertaken by those authorities on behalf of Hartlepool. |
| EDACBS15 | To act in all cases of emergency and in all cases to make suitable arrangements for the provision of accommodation and assistance for persons for whom the Authority is under a duty to provide such accommodation and assistance under the provisions of any of the Acts specified in Schedule 1 to the Local Authority Social Services Act 1970 and to exercise discretion with any emergency admission case where a person is an owner/occupier and is to be admitted into a Residential Home and leaves a relative in the property. |

| No | Delegation |
|---|---|
| EDACBS16 | To nominate appropriate officers for appointment by the NHS (or such other body as may be authorised by the Secretary of State for Health) to a Continuing Care Review Panel operated by the NHS to review decisions about assessment of patients continuing care needs and application of eligibility criteria. |
| EDACBS17 | The Director or his/her duly authorised nominee to sign individual placement agreements called the Residents Agreement made under pre- placement or block contracts for residential care for any individual with an eligible social care need requiring residential care. |
| EDACBS18 | The Director or his/her duly authorised nominee to sign individual placement agreements called the 'Individual Service Agreement' made under pre-placement or block contracts for domiciliary care packages and other community based support. |
| EDACBS19 | To act in relation to the duty to co-operate with the NHS in accordance with section 22 of the National Health Service Act 1977 and amended by section 27 of the Health Act 1999 and to enter into agreements with the NHS to provide services under section 256 of the NHS Act 2006 as amended by section 75 of the NHS Act 2006, subject to such agreements being reported to Adult and Community Bases Services Committee. |
| EDACBS20 | With respect to the cost of residential care to take such action which is deemed necessary to ensure that agreements in relation to agreed "top up" payments are carried out and to recover any debt which may arise through the failure to make such payments. |
| EDACBS21 | To enter into a Deferred Payments Agreement under section 55 of the Health and Social Care Act 2001 in respect of a resident who is willing to pay their assessed charge but who, following an assessment of resources has insufficient income and capital (that is below the upper capital limit) excluding their property to meet their care homes fees. |
| EDACBS22 | To create a charge against properties under sections 34-36 of the Care Act 2014 and the Care and Support (Deferred Payment) Regulations 2014. |
| EDACBS23 | To agree the standard rate for accommodation in homes not managed by the local authority but provided under contract with the independent and voluntary sectors. (National Assistance Act 1948, section 26(2).) |
| EDACBS24 | To sign agreements to allow the recovery of payments made under the Charging for Residential Accommodation Guidance (CRAG) and section 55 of the Health and Social Care Act 2001, requiring local authorities to make available deferred payments. |

| No | Delegation |
|---|---|
| EDACBS25 | To agree to register a legal charge against a property owned by an individual, under section 22 of the Health and Social Services and Social Security Adjudications Act 1983, in those circumstances where an individual fails to pay an assessed charge. |
| EDACBS26 | To receive patients into guardianship under the provisions of section 7 and 37 the Mental Health Act 1983. |
| EDACBS27 | To appoint and approve Approved Mental Health Professionals under section 114 of the Mental Health Act 1983 to carry out statutory functions under the Act, such appointments to be made within the criteria contained in Directions issued from time to time by the Secretary of State for Social Services under the said section. |
| EDACBS28 | To deal with all matters not otherwise delegated connected with the Mental Health Act 1983 in respect of section 25 agreements, section 117 and section 27 nearest relative and the Mental Capacity Act 2005. |
| EDACBS29 | To identify suitable officers who will make decisions and where appropriate authorise a Deprivation of Liberty under the terms of the Mental Capacity Act 2005. |
| EDACBS30 | To determine the Authority's response to the recommendations of Complaints Review Panels under the Authority's social services complaints procedure in accordance with the Local Authority Social Services Complaints (England) Regulations 2006. |
| **Culture and Events** | |
| EDACBS31 | In consultation with the Chair of Economic Growth and Regeneration Committee, accepting, disposing or loaning out objects where the value is less than £100,000. |
| **Learning and Skills** | |
| EDACBS32 | Power to deal with the development and dissemination of road safety in relation to schools education, training programmes and safety audits. |
| EDACBS33 | Ensuring the provision of relevant and accurate information to the public on services. |
| EDACBS34 | Power to implement programme and activities relating to education and raising public awareness about environmental matters. |

| No | Delegation |
|---|---|
| **Heritage and Countryside** | |
| EDACBS35 | Power to approve minor landscaping works up to a value of £1,000. |
| EDACBS36 | Power to act as the Council's Liaison Officer with the Ordnance Survey, to authorise the annual payment of Ordnance Survey Copyright fees and to maintain and distribute digital data in accordance with requirements of the Service Level Agreement. |
| EDACBS37 | Power to take appropriate action under Section 4(3) of the Wildlife and Countryside Act 1981. |
| EDACBS38 | In consultation with the Chair of Adult and Community Based Services Committee, to approve Conservation Grants. |
| EDACBS39 | To be responsible for the control, management, inspection and letting of allotments including the authority to issue and sign allotment agreements. |
| EDACBS40 | To serve Notices to Quit in relation to breaches of allotment rules. |
| EDACBS41 | Power to approve a request for a name to be added to a War Memorial |
| EDACBS42 | Power to control and manage public open markets. |

## 11. EXECUTIVE DIRECTOR OF CHILDREN'S AND JOINT COMMISSIONING SERVICES

11.1 The Executive Director of Children's and Joint Commissioning Services is responsible for, with the Director of Public Health (outlined specifically in section 13), driving the development of the Joint Strategic Needs Assessment, strategic commissioning for children's and adult services and joint health and wellbeing strategy

11.2 The Executive Director of Children's and Joint Commissioning Services is further responsible for Children Services, with the aim to support and help children, young people and their families to lead happy, safe and healthy lives. This is undertaken by working closely with children, young people and their families to build on their unique strengths, skills and resources, supporting and helping them to be the best they can.

11.3 The Executive Director of Children's and Joint Commissioning Services is further responsible for Education, with the aim to ensure all children and young people in Hartlepool enjoy their childhood, attend a good school and are well equipped to enter adulthood with the education and skills necessary for them to live happy and fulfilled lives.

11.4 In addition to the general delegations set out in section 6 of the scheme, the Executive Director of Children's and Joint Commissioning Services is authorised to exercise the following specific functions:

| No. | Delegation |
|---|---|
| **General** | |
| **Children's Social Services** | |
| EDCJCS1 | Research into matters relating to local authority welfare services. Health Visiting and Social Work (Training) Act 1962. |
| EDCJCS2 | Care and other treatment of children and young persons through court proceedings Children and Young Persons Act 1969. |
| EDCJCS3 | To ensure the provision for services for transition for children to adult care and support in England. Chronically Sick and Disabled Persons Act 1970 and Care Act 2014. |
| EDCJCS4 | Functions exercisable under the Adoption and Children Act 2002. |
| EDCJCS5 | To discharge all of the functions of the local authority as contained in the Children Act 1989. |
| EDCJCS6 | Local offer for care leavers Children and Social Work Act 2016. |
| EDCJCS7 | To discharge any functions exercisable by the authority under the National Health Service Act 2006 on behalf of an NHS body insofar as those functions relate to children. |

| No. | Delegation |
|---|---|
| EDCJCS8 | To discharge the functions conferred on the authority under Part 1 of the Childcare Act 2006 and any function conferred on the authority under section 2 of the Childcare Act 2016. |
| EDCJCS9 | The Protection of the young in relation to criminal and summary proceedings; children appearing before court as in need of care, protection or control; committal of children to approved school or care of fit person, etc. Remand homes, approved schools and children in care of fit persons Children and Young Persons Act 1933. |
| EDCJCS10 | To ensure appropriate commissioning for social care services relating to children and adults in accordance with the commissioning strategy and approved contract process. |
| **Youth Offending** | |
| EDCJCS11 | To determine and implement any response necessary to meet the needs of young people in the youth justice system as required by the courts or the national standards for the Youth Offending Service. |
| EDCJCS12 | To exercise the duties and responsibilities contained within the Crime and Disorder Act 1998 and the Criminal Justice Act 2003 insofar as they relate to youth justice. |
| EDCJCS13 | To establish youth offender panels and all other requirements contained within Powers of Criminal Courts (Sentencing) Act 2000. |
| EDCJCS14 | To exercise powers relating to young persons in need of care, protection or control; further provisions for protection of the young in relation to criminal proceedings Children and Young Persons Act 1963. |
| **Education** | |
| EDCJCS15 | To discharge all education functions conferred on or exercisable by the authority Children Act 2004. |
| EDCJCS16 | To exercise the powers of the Authority as Local Education Authority under the Schools Standards and Framework Act 1998 and other relevant legislation and any steps required under direction issued by the Secretary of State for Education. |
| EDCJCS17 | To ensure sufficiency of places in early years, schools and colleges. |

| No. | Delegation |
|---|---|
| EDCJCS18 | To comply with the local authorities duty to children with special education needs including the identification and assessment of children with special education needs, the provision of education to those children and all other associated duties Children and Families Act 2014. |
| EDCJCS19 | To appoint Parent Governor Representatives to local authority committees dealing with education; Education Act 1996 |
| EDCJCS20 | To ensure that each maintained school has a governing body, instrument of governance and all otherwise complied with all other requirements of the Education Act 2002. |
| EDCJCS21 | In consultation with the Chair of the relevant Committee, to authorise works where an emergency (e.g. risk of school closure) or a significant risk of health and safety is likely. |
| EDCJCS22 | Approve grants and awards to pupils and students in further or higher education in accordance with nationally or locally agreed schemes or provisions, or as a special case outside such provisions, in either case in accordance with regulations and advice issued by the Secretary of State for Education. |
| EDCJCS23 | To make arrangements to establish the identities of children residing in the area who are not receiving suitable Education Act 1996. |
| EDCJCS24 | To discharge all functions of the authority as contained within the Education Act 2005 relating to the performance and inspection of schools. |
| **Housing** | |
| EDCJCS25 | To grant Discretionary Housing Payments to Housing Benefit recipients for Housing Costs in accordance with the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and the Discretionary Housing Payments (Grants) Order 2001. |
| EDCJCS26 | To administer and grant Local Welfare Support grant payments. |
| EDCJCS27 | To discharge the functions of the authority insofar as they are relevant and in accordance with the Housing Act 1996. |
| **Child Poverty** | |
| EDCJCS28 | To make arrangements to promote co-operation between the Council and its partner Authorities and other persons or bodies to reduce and mitigate the effects of child poverty in the Council's area under Section 21 of the Child Poverty Act 2010. |

| No. | Delegation |
|---|---|
| **Miscellaneous** | |
| EDCJCS29 | To consider licence applications for children to take part in performance or take part in paid sports or paid modelling work. |

## 12. DIRECTOR OF PUBLIC HEALTH

12.1 The Director of Public Health is responsible for the teams which aim to improve the health of the population, protect the health of the population and ensure the population has good healthcare.

12.2 In addition to the general delegations set out in section 6 of the scheme, the Director of Public Health is authorised to exercise the following specific functions:

| No | Delegation |
|---|---|
| DPH1 | To oversee public health to deliver better health outcomes and to reduce health inequalities within the Borough. |
| DPH2 | To liaise with Local Authorities, communities and voluntary groups, public health services and clinical commissioning groups to deliver effective public health interventions. |
| DPH3 | To prepare an Annual Report on the health of the local population and for the Council to publish that report. |
| DPH4 | Responsibility relating to pharmaceutical needs assessment and consultation requirements thereon (including but not limited to the preparation, maintenance and publication of required pharmaceutical and other lists and arrangements for applications in respect thereof). |

## 13. EXECUTIVE DIRECTOR OF DEVELOPMENT, NEIGHBOURHOODS AND REGULATORY SERVICES

13.1 The Executive Director of Development, Neighbourhoods and Regulatory Services is responsible for the teams which are committed to growing our economy, help businesses, facilitate the creation of new and diverse jobs and inward investment and to arm residents with the right skills to take advantage of this growth. Further to this to regenerate the Borough through delivering key regeneration projects and delivering new housing, services and infrastructure including roads, schools, shops and services to develop and grow the Borough by supporting and encouraging sustainable development and inward investment. The Executive Director of Development, Neighbourhoods and Regulatory Services is responsible for the following services:

- Planning and Development
- Environmental Services
- Public Protection
- Community Safety
- Building Design and Construction
- Highways and Infrastructure
- Emergency Planning
- Facilities Management
- Economic Growth
- Strategic Asset Management
- Regeneration

13.2 In addition to the general delegations set out in section 6 of the scheme, the Executive Director of Development, Neighbourhoods and Regulatory Services is authorised to exercise the following specific functions:

| No | Delegation |
|---|---|
| **Planning and Development** | |
| EDDNRS1 | The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land. |
| EDDNRS2 | The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. |
| EDDNRS3 | To determine, in consultation with the Chair of Planning Committee, all forms of planning and other applications/notifications and certificates under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation (General Permitted Development Order etc.) except those reserved to the Planning Committee. |

| No | Delegation |
|---|---|
| EDDNRS4 | Matters which will be exercised by the Director and to be reported for information to the next available meeting of the Committee:<br>a) To serve a Tree Preservation Order.<br>b) To serve a hedgerow retention notice.<br>c) To require the discontinuance of a use of land<br>d) To serve a stop notice (including a temporary stop notice)<br>e) To issue an enforcement notice<br>f) To apply for an injunction restraining a breach of planning control<br>g) To serve a building preservation notice and related powers<br>h) To issue enforcement notice in relation to demolition of unlisted building in conservation area<br>i) To acquire a listed building in need of repair and to serve a repairs notice<br>j) To apply for an injunction in relation to a listed building<br>k) To defend Planning enforcement Appeals<br>l) To exercise Section 215 of the Town and Country Planning Act 1990<br>m) To take any enforcement action under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Act 2008 or under any related secondary legislation. |
| EDDNRS5 | Power to formulate and issue decision notices following decisions made in principle by the Committee. |
| EDDNRS6 | Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management. |
| EDDNRS7 | In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues. |
| EDDNRS8 | Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management. |
| EDDNRS9 | Power to register without modification unopposed applications to register land as town or village green in respect of Town and Village Greens, following the statutory consultation period. |
| EDDNRS10 | Power to refer disputes with regard to planning application viability to the District Valuer for impartial assessment. |
| EDDNRS11 | Power to determine the designated Officer having power of entry to premises under the provisions of the Planning Acts. |
| EDDNRS12 | To consider reports on proposed changes to national planning policy in consultation with the Chair. |

| No | Delegation |
|---|---|
| EDDNRS13 | To consider reports on the proposed Development Plan Documents of neighbouring authorities where the Council is a consultee. |
| **Environmental Services** | |
| EDDNRS14 | To exercise the functions of the Authority in relation to the management, inspection and control of asbestos, (Control of Asbestos at Work Regulations), and water systems in relation to Legionella (Approved Code of Practice for Minimisation of Legionella in Water Systems (L8)). |
| EDDNRS15 | To exercise the Council's functions under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987. |
| EDDNRS16 | Power to make Tender Bids for Works and Services, subject to relevant legal requirements. |
| EDDNRS17 | Power to seek out competitive tenders for the supply of goods and services, in response to the changes in the market economy |
| EDDNRS18 | Power to purchase plant and vehicles subject to the usual tendering arrangements in line with Council procurement rules |
| EDDNRS19 | Power to implement programmes and activities relating to education and raising public awareness about environmental matters. |
| EDDNRS20 | Power to name, rename, number and renumber streets under the conditions of relevant Acts and in consultation with the Neighbourhood Services committee. |
| EDDNRS21 | Power to deal with applications in relation to the Concessionary Fares Scheme |
| EDDNRS22 | Power to determine applications under the Blue Badge scheme and deal with any subsequent action required. |
| EDDNRS23 | Power to allocate staff car park places to individuals subject to payment of the approved charges. |
| EDDNRS24 | Power to approve or reject plans submitted under and in accordance with the provision of byelaws relating to new streets. |
| EDDNRS25 | Power to approve changes to subsidised bus services and charges within the existing budgetary provision. |
| EDDNRS26 | Power to exercise directly or by his/her nominated representative, power of entry and inspection under Section 11 of the Safety of Sports Ground Act 1975. |

| No | Delegation |
|---|---|
| EDDNRS27 | Power to exercise directly or by his/her nominated representative power of entry and inspection under Section 35 of the Fire Safety and Safety of Places of Sport Act 1987 |
| EDDNRS28 | Power to serve notices, take default action and authorise legal action under the provision of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976. |
| EDDNRS29 | Power to serve notices where appropriate under the Local Government (Miscellaneous Provisions) Act 1976 requiring the removal of trees, or such parts thereof, as may be required to secure the protection of the public, and/or the unimpeded movement of vehicles. |
| EDDNRS30 | Be authorised to determine which Officers are “Suitably Qualified” in relation to the appropriate authorisations. |
| EDDNRS31 | Power to institute proceedings for obstruction of an Inspector in exercising his/her powers under Section 20 of the Health and Safety at Work Act 1974. |
| EDDNRS32 | Power to take any necessary action on behalf of, or acting as, the Hartlepool Port Health Authority. |
| EDDNRS33 | Power to implement schemes for remediation and after-care of closed landfill sites and institute measures to minimise the environmental impact of leachate and landfill gas, as required by the Environment Agency. |
| EDDNRS34 | Power to enter into arrangements with regard to the River Tees Port Health Authority |
| EDDNRS35 | To agree the transfer or assignment of premises between the Health and Safety Executive and the Authority under the Health and Safety (Enforcing Authority) Regulations 1998. |
| EDDNRS36 | In consultation with the Director of Legal, Governance and Human Resources to serve notices and institute proceedings under section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (Provision of Sanitary Appliances at Places of Entertainment). |
| EDDNRS37 | After consultation with the Director of Legal, Governance and Human Resources discretion as to whether or not to commence proceedings under the Health and Safety at Work etc. Act 1974. |
| EDDNRS38 | To arrange for the restoration of water supplies to premises where it has been discontinued because of the absence or defective state of any apparatus by the carrying out of works of renewal and repair and the recovery of expenses up to £200. |
| EDDNRS39 | To select and purchase vehicles, plant and workshop equipment in accordance with the Authority’s procurement rules. |

| No | Delegation |
|---|---|
| EDDNRS40 | To provide driver training and the assessment of driving standards of Authority employees who operate vehicles and plant belonging or on hire to the Authority. |
| EDDNRS41 | To deal with dangerous trees under the provisions of section 23 of the Local Government (Miscellaneous Provisions) Act 1976, in cases of emergency. |
| EDDNRS42 | To take all necessary action with regard to the service of notices and the execution of works and the recovery of costs under legislation relating to injurious weeds. |
| EDDNRS43 | To designate "Appointed Officers" in accordance with the Dutch Elm Disease (Local Authorities) Order 1984. |
| EDDNRS44 | To sign orders with public utilities. |
| **Public Protection** | |
| EDDNRS45 | To exercise the Council's functions in respect of dangerous and dilapidated buildings and other structures including authorising service of Notice under the Public Health Acts 1936 and 1961 and the Building Act 1984. |
| EDDNRS46 | To exercise those functions and responsibilities in relation to the seizure of stray dogs under Part VIII of the Environmental Protection Act 1990 and such other ancillary and related powers under the Act. |
| EDDNRS47 | To exercise the Council's functions with regard to temporary markets under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982. |
| EDDNRS48 | Power to grant and suspend all Hackney Carriage Vehicle Licences, Private Hire Vehicle Licences and Private Hire Operators Licences, Hackney Carriage Drivers Licences and Private Hire Drivers Licences. |
| EDDNRS49 | Power to issue licences under the Game Act 1831. |
| EDDNRS50 | Power to carry out any necessary action or functions under the County of Cleveland Act 1987 and subsequent Regulations made thereunder. |
| EDDNRS51 | Power to serve notices, give consent or take action in default including legal proceedings in respect of Control of Pollution Act 1974. |
| EDDNRS52 | Power to issue notices, take default action and authorise legal action under the Slaughterhouses Act 1974. |

| No | Delegation |
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| EDDNRS53 | Power to act on behalf of the Council in respect of:-<br>• The Food and Environment Protection Act 1985, Part III as amended by the Pesticides (Fees and Enforcement) Act 1989<br>• The Control of Pesticides Regulations 1986. |
| EDDNRS54 | Power to serve notices, take default action and authorise any necessary legal action in relation to contraventions of the Public Health Acts delegated to the Regeneration Board. |
| EDDNRS55 | Power under Section 287 of the Public Health Act 1936 to issue the necessary authentication for an Officer to enter premises as may be required. |
| EDDNRS56 | Power to serve notices and take action in default, including legal proceedings, in respect of Sections 80 and 81 of the Environmental Protection Act 1990 to statutory nuisance. |
| EDDNRS57 | Power to authorise any necessary legal action for; contravention of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. |
| EDDNRS58 | Power to issue but not refuse registration of food premises under the regulations made under Section 19 of the Food Safety Act 1990. |
| EDDNRS59 | Power to enforce the provisions of the 'Products of Animal Origin (Import and Export) Regulations 1992. |
| EDDNRS60 | Power to approve Plans submitted under Section 4 of the Clean Air Act 1993 and submissions under Section 7 of the Clean Air Act 1993. |
| EDDNRS61 | Power to enforce the provision of the Clean Air Act 1993 and any Regulations made thereunder including authorisation of work in default and legal proceedings. |
| EDDNRS62 | Power to approve Chimney Heights submitted under Sections 14 and 15 of the Clean Air Act 1 993. |
| EDDNRS63 | Exercise all powers of the Council (other than those reserved to Committee) under the relevant Acts and subsequent Regulations, Byelaws and Orders, including but not limited to, enforcement, institution of proceedings, approval, certification, designation, variation, consenting, granting or renewal relevant to the responsibilities and service areas assigned to the post. |

| No | Delegation |
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| **Licensing** | |
| EDDNRS64 | Power to carry out all of the functions of the Licensing Act Sub-Committee and the Regulatory Sub-Committee |
| EDDNRS65 | Power under Section 287 of the Public Health Act 1936 to issue the necessary authentication for an Officer to enter premises as may be required. |
| EDDNRS66 | Power to appoint a Chief Inspector of Weights and Measures. |
| EDDNRS67 | Power to appoint alternative Proper Officers, Nominated Medical Practitioners and Authorised Officers as set out in the Public Health (Control of Diseases) Act 1984 and the National Assistance Act 1948 (as amended in 1951). |
| EDDNRS68 | Power to issue, refuse and revoke licences to premises under the provisions of the Food Safety (General Food Hygiene) (Butchers Shops) Amendments Regulations 2000. |
| EDDNRS69 | Power to nominate Authorised Officers and others to exercise statutory powers of entry under Section 108 of the Environment Act 1995. |
| EDDNRS71 | Authorisation in accordance with the provisions of Section 19(1)(c) of the Food and Environment Protection Act 1985 as amended by the Pesticides (Fees and Enforcement) Act 1989. |
| EDDNRS71 | Power to Serve Notice under Section 51 of the Clean Air Act 1993. |
| EDDNRS72 | Appoint Proper Officer of the Authority under the Public Health (Control of Diseases) Act 1984. |
| EDDNRS73 | To exercise all powers and duties under the provisions of the Public Health (Control of Diseases) Act 1984. |
| EDDNRS74 | To serve abatement notices where the Authority is satisfied that a statutory nuisance exists or is likely to occur or re-occur. |
| EDDNRS75 | To implement, administer and deal with all ancillary matters, including the appeals process associated with the Food Standards Agency national Food Hygiene Rating Scheme. |
| EDDNRS76 | To undertake those functions under any of the “relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that these functions are discharged otherwise than in the Authority’s capacity as an employer. |

| No | Delegation |
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| EDDNRS77 | To exercise all powers and duties under the relevant requirements of the Working Time Regulations 1998. |
| EDDNRS78 | To deal with applications for the registration of persons and premises relating to the practice of acupuncture, tattooing, skin piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982. |
| EDDNRS79 | To issue, under Section 19 (2) of the Criminal Justice and Police Act 2001, a Closure Notice to premises when satisfied that the premises are being, or have been within the last 24 hours, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises. |
| EDDNRS80 | In consultation with the Chair of the relevant Committee the setting fees for licences/consents/registrations and similar. |
| EDDNRS81 | To determine applications for licences under the Authority's scheme for licensing pleasure craft under section 94 of the Public Health Acts Amendment Act, 1907 subject to appeals against any refusal being referred to the Licensing Committee. |
| EDDNRS82 | To determine transfers, variations, provisional statements and variations of designated premises supervisors under Licensing Act 2003 where no representations have been received to enable licensable activities to be provided at establishments in Hartlepool. |
| EDDNRS83 | To license the use of moveable dwellings and camping sites under section 269 of the Public Health Act 1936. |
| EDDNRS83 | To serve notices under sections 60 and 61 of the Control of Pollution Act 1974 (Prevention of Noise) and 79 and 80 of the Environmental Protection Act 1990. |
| EDDNRS84 | The inspection of premises and the taking of all necessary action in connection with furnaces and fuel and to deal with the control of chimney heights under the clean air legislation. |
| EDDNRS85 | To consider and decide upon applications under section 61 of the Control of Pollution Act 1974 (consent to work on construction sites). |
| EDDNRS86 | To determine whether abatement notices should be fixed to vehicles, machinery or plant contravening the Noise and Statutory Nuisance Act 1993. |
| EDDNRS88 | To determine applications for permits for the operation of loud speakers in streets or roads in accordance with the Noise and Statutory Nuisance Act 1993. |
| EDDNRS89 | To determine the validity of an application for deemed consent under the Planning (Hazardous Substances) Act 1990. |

| No | Delegation |
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| EDDNRS90 | To serve notices under section 85 of the Water Industry Act 1991. |
| EDDNRS91 | To inspect, determine, consult and remediate contaminated land within Hartlepool under section 57 of the Environment Act 1995 and Part 2A of the Environmental Protection Act 1990. |
| EDDNRS92 | To enable powers of entry, work to be carried out in default and to seize equipment under section 81(3) of the Environmental Protection Act 1990 and section 10 of the Noise Act 1996. |
| EDDNRS93 | To enforce the prohibition of dark smoke from any chimney, prohibition of dark smoke from industrial or trade premises under sections 1 and 2 respectively of the Clean Air Act 1993 and enforce the prohibition of smoke in smoke control areas and the acquisition and sale of unauthorised fuel and all other pollution issues referred to under the Clean Air Act 1993. |
| EDDNRS94 | To control noise on construction sites by service and enforcement of section 60 notices under Control of Pollution Act 1974. |
| EDDNRS95 | To enable the monitoring, review and assessment of air quality under Part IV of the Environment Act 1995 and the consultation and declaration of areas as Air Quality Management Areas. |
| EDDNRS96 | To take action under the Noise Act 1996 to abate and control noise complaints from domestic and licensed premises. |
| EDDNRS98 | To designate alarm notification areas under sections 69-72 of the Clean Neighbourhoods and Environment Act 2005. |
| EDDNRS99 | To take action as necessary under the Clean Neighbourhoods and Environment Act 2005 in relation to audible intruder alarms including powers of entry to abate the sounding of alarms and service of fixed penalty notices. |
| EDDNRS99 | To undertake the duties of the Authority as Weights and Measures Authority including the appointment of the Chief Inspector of Weights and measures, approving the Annual Report of the Chief Inspector of Weights and Measures and all legislative requirements that apply to the Authority in that capacity including any functions performed under the Licensing Act 2003 and the Violent Crime Reduction Act 2006. |
| EDDNRS100 | To determine applications for consent to permit loading and unloading at large shops before 9.00 am on Sunday mornings within a loading control area under Schedule 3 of the Sunday Trading Act 1994, subject to such conditions considered appropriate. |
| EDDNRS101 | To appoint appropriate Officers of the trading standards section as inspectors under the provisions of the Sunday Trading Act 1994. |
| EDDNRS102 | To renew arrangements to secure the provision of the trading standards metrology laboratory services, subject to their being no material changes to the arrangement agreed in May 2007. |

| No | Delegation |
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| EDDNRS103 | To determine applications relating to sites for circuses and caravan rallies. |
| EDDNRS104 | To take all necessary action, including issuing any instructions for prosecution, in connection with those sections of the Clean Neighbourhoods and Environment Act 2005 and associated regulations which relate to highways, nuisance and/or abandoned vehicles, fly- posting, transport of waste materials, noise nuisance and abandoned shopping trolleys. |
| EDDNRS105 | To take all necessary action with regard to the parking of caravans on unlicensed areas of the Borough. |
| EDDNRS106 | To determine applications for licences to display goods in accordance with section 20 Schedule 5, of the Local Government (Miscellaneous Provisions) Act 1982. |
| **Community Safety** | |
| EDDNRS107 | To undertake the Authority's powers and duties in relation to high hedge complaints under the Anti-Social Behaviour Act 2003. |
| EDDNRS108 | Exercise responsibilities in relation to applications for Child Safety Orders under Section 11 of the Crime and Disorder Act 1998 |
| EDDNRS109 | Power to apply for an Injunction to Prevent Nuisance and Annoyance (IPNA) and Criminal Behaviour Orders (CBOs) under Parts 1 and 2 of the Anti-Social Behaviour, Crime and Policing Act 2014. |
| EDDNRS110 | To respond to any Police consultation in respect of the making by the Police of a Dispersal Order under Part 3 of the Anti-Social Behaviour, Crime and Policing Act 2014. |
| EDDNRS111 | Exercise responsibilities in consultation with the Director of Legal, Governance and Human Resources in relation to Drink Banning Orders under the Violent Crime Reduction Act 2006. |
| EDDNRS112 | Where applicable the power to designate an area as a Public Space Protection Order and to undertake such consultation in respect thereof under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014. |
| EDDNRS113 | Power to take action to deal with anti-social behaviour under the provisions of the Crime and Disorder Act 1998. |
| EDDNRS114 | Power to deal with all Fly tipping and to take any necessary action against offenders in consultation with the Director of Legal, Governance and Human Resources. |
| EDDNRS115 | Power to deal with abandoned vehicles recovered under the Refuse Disposal (Amenity) Act 1978 procedures after due process of law and in accordance with Standing Orders. |

| No | Delegation |
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| EDDNRS116 | Power to endorse or take any necessary action to implement any agreed transfer of enforcement responsibility as set out in Regulation 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989. |
| EDDNRS117 | Power to nominate Authorised Officers within his/her Department who shall have powers to collect and deal with stray and dangerous dogs under the Dangerous Dogs Act 1991 and the Road Traffic Act 1988. |
| EDDNRS118 | Anti-Social Behaviour, Crime and Policing Act 2014:<br>a) To issue a Closure Notice under section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014.<br>b) To issue a Cancellation Notice under section 78 of the Anti-Social Behaviour, Crime and Policing Act 2014.<br>c) To authorise Officers to enter premises for which a Closure Order is in force and/or to do anything necessary to secure the premises against entry.<br>d) To issue a Community Protection Notice under section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014.<br>e) To issue Fixed Penalty Notices under sections 52 and 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 for failure to comply with a Community Protection Notice or Public Spaces Protection Order.<br>f) To delegate authorised Officers to utilise the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to issuing and enforcement of community protection orders and Fixed Penalty Notices.<br>g) To authorise Officers to take enforcement action and enter premises for which a Community Protection Notice Order is in force and/or to do anything necessary to secure the premises against entry.<br>To discharge all other functions under the Anti-Social Behaviour, Crime and Policing Act 2014 except those not capable of delegation. |
| EDDNRS119 | To issue a certificate that a need for a closure order has ceased, under section 22 of the Criminal Justice and Police Act 2001. |
| EDDNRS120 | To authorise Officers to act in accordance with section 25 of the Criminal Justice and Police Act 2001 and to enter premises and do all that is reasonably necessary for the purpose of securing compliance with a closure order. |
| EDDNRS121 | To investigate complaints and offences and provide instructions to the Director of Legal, Governance and Human Resources to consider commencing legal proceedings. |
| EDDNRS122 | Permit the authorisation of Officers to enforce legislation relating to idling offences under Road Traffic (Vehicle Emissions) (Fixed Penalty)(England) Regulations 2002. |

| No | Delegation |
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| EDDNRS123 | To enforce, and with the Director of Legal, Governance and Human Resources to institute proceedings, in relation to the sale of combat knives and offensive weapons under the Criminal Justice Act 1988, Part XI and any subsidiary legislation made thereunder. |
| EDDNRS124 | To dispose of redundant vehicles, plant and workshop equipment in accordance with the Authority's Financial Regulations. |
| EDDNRS125 | To consider and respond to requests from Cleveland Police in respect of the designation of dispersal areas under the provisions of the Anti-Social Behaviour Act 2000. |
| EDDNRS126 | To issue penalty and fixed penalty notices, penalty charge notices and fixed monetary penalties for all offences under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005, Dog Byelaws, The Dogs (Fouling of Land) Act 1996, Anti-Social Behaviour Act 2003, Control of Pollution (Amendment) Act 1989, Refuse Disposal (Amenity) Act 1978, Noise Act 1996 and Housing Act 2004 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 made under the Energy Act 2013 and any amendments under those Orders. |
| EDDNRS127 | To act as the Proper Officer under section 149(1) of the Environmental Protection Act 1990 for the purpose of discharging the Authority's functions for dealing with stray dogs. |
| EDDNRS128 | To take all necessary action with regard to unauthorised dumping under section 33 of the Environmental Protection Act 1990. |
| EDDNRS129 | To manage the use and enforcement of on and off street parking, waiting and loading restrictions, bus lane enforcement and other items under the Traffic Management Act 2004, the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, the Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007, the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) 2007 and the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No 3) Order 2007, the 2015 Deregulation Bill and any subsequent amending legislation or further legislation regarding parking contraventions. |
| EDDNRS130 | To decide upon applications for the issue of parking permits for the parking of vehicles in "permit holders only" parking places established by the Authority under the Road Traffic Regulation Act. |

| No | Delegation |
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| EDDNRS131 | To arrange for the removal of vehicles under section 3 of Refuse Disposal (Amenity) Act 1978, section 99 of the Road Traffic Regulation Act 1984, Part II of the Removal and Disposal of Vehicles Regulations 1986 and section 11 of Clean Neighbourhoods and Environment Act 2005 that are illegally, obstructively or dangerously parked, abandoned or broken down on a road and the removal and disposal of abandoned vehicles generally. |
| **Building Design and Construction** | |
| EDDNRS132 | To receive, pass or reject all plans, certificates and notices pursuant to the Building Regulations 2010 (as amended) and related legislation. |
| EDDNRS133 | Power to approve condition or reject applications submitted under the Building Regulations 2010 (as amended) and other related legislation. |
| EDDNRS134 | Power to accept and process Building Notices given under and in accordance with the provisions of the Building Regulations 2010 (as amended). |
| EDDNRS135 | Power to accept or reject Initial notices and subsequent certificates under and in accordance with the provisions of the Building (Approved Inspectors etc.) (Amendment) Regulations 2010. |
| EDDNRS136 | Power to pass or reject applications for relaxation or dispensation of the Building Regulations 2010 (as amended). |
| EDDNRS137 | Power to serve Enforcement notices under the Building Act 1984 and power to authorise proceedings and take action under Sections 35 and 36 of the Building Act 1984. |
| EDDNRS138 | Power to exercise all of the duties and powers under the Building Act 1984. |
| EDDNRS139 | Power to respond to consultations made by outside bodies or agencies to the Council in their capacity as a Building Control Regulation Authority. |
| EDDNRS140 | Power to accept and process applications for Regularisation Certificates under and in accordance with the provisions of the Building Regulations 2010 (as amended). |
| EDDNRS141 | Power to authorise the charging of fees in accordance with the provisions of The Building (Local Authority Charges) Regulation 2010. |
| EDDNRS142 | Power to deal with agreements to provide sewers under buildings in accordance with the provisions of the Building Act 1984 and through the Agency with Northumbrian Water Ltd. |

| No | Delegation |
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| EDDNRS143 | Power to maintain and improve existing watercourses and to construct new works under Section 14(2), 14(3) and 15 of the Land Drainage Act, 1991. |
| EDDNRS144 | Power to apply to DEFRA for grant aid for works to watercourses under Section 59 of the Land Drainage Act 1991. |
| EDDNRS145 | Power to secure and maintain a proper flow in a watercourse by service of notice under Section 25 of the Land Drainage Act 1991. |
| EDDNRS147 | Power to require and to give approval to a developer to fill, partially fill, cover over, or culvert any ditch or watercourse (excluding main river) that runs through or abuts land to be developed, under Section 262 and 263 of the Public Health Act 1936. |
| EDDNRS147 | Power to require a landowner to repair, maintain and cleanse culverts and watercourses in, on or under their land under Section 264 of the Public Health Act 1936. |
| EDDNRS148 | Power to authorise the undertaking of drainage work to prevent flooding under the Land Drainage Act 1991. |
| EDDNRS149 | Power to authorise the preparation of any programme and implementation of any works and dealing with any other matters under the Water Act 1973. |
| EDDNRS150 | To deal with applications for relaxation of Building Regulations made under section 8 of the Building Act 1984 and current Building Regulations. |
| EDDNRS151 | To exercise the powers of the Authority under section 81 of the Building Act 1984 in respect of notification of intended demolitions or to ensure the proper execution of demolition work. |
| EDDNRS152 | To exercise the powers of the Authority under section 78 of the Building Act 1984 with regard to emergency measures in respect of dangerous buildings. |
| EDDNRS153 | To serve notice under section 77 of the Buildings Act 1984 with respect to executing works to potentially dangerous buildings/structures. |
| EDDNRS154 | To execute and enforce breaches of the current Building Regulations in accordance with section 35 and 36 of the Building Act 1984. |
| EDDNRS155 | To execute and enforce the powers of the Authority under section 72 of the Building Act 1984 in relation to buildings with inadequate means of escape in case of fire. |

| No | Delegation |
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| **Highways and Infrastructure** | |
| EDDNRS156 | Power to arrange the execution of works in connection with highway cleansing through the Control of Pollution Act 1974 and the Environment Protection Act 1990. |
| EDDNRS1587 | Power to authorise unscheduled and scheduled maintenance in respect of the adopted highway network and under the Local Transport Plan in accordance with the approved budget. |
| EDDNRS158 | Power to issue permits for abnormal load movements throughout the Borough under S.21 of the Road Traffic Regulations Act 1984. |
| EDDNRS159 | Power to authorise the use of three/four way temporary traffic signals in the public highway. |
| EDDNRS160 | Power to act on behalf of the Highways Authority in respect of the conditions of the New Roads and Street Works Act 1991 including, but not limited to, licensing and enforcement issues |
| EDDNRS161 | Power to authorise and determine the conditions for the temporary closure of the public highway for 'thronging's' in accordance with the requirements of the Town Police Clauses Act 1847. |
| EDDNRS162 | Power to deal with matters relating to compensation claims against the Council concerned with defects in the highway. |
| EDDNRS163 | Power to deal with the establishment and management of schemes for off street parking |
| EDDNRS164 | Power to authorise the advertisement of proposed Traffic Regulation Orders. |
| EDDNRS165 | Power to act on behalf of the Highway Authority in respect of the conditions of the Highway Act 1980 including but not limited to Licensing and Enforcement of activities on, under and above, the highway and adoption of highways under the relevant sections of the Act. |
| EDDNRS166 | Power to act on behalf of the Highway Authority in respect of the conditions of the Highway Act 1980 including but not limited to Licensing and Enforcement of activities on, under and above, the highway and adoption of highways under the relevant sections of the Act. |
| EDDNRS167 | To make requests for information under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976. |
| EDDNRS168 | To approve the making of temporary and permanent Traffic Regulation Orders and the issue of temporary and permanent Traffic Regulation Notices. |
| EDDNRS169 | To approve applications for permission to place public kiosks, feeder pillars, electric pillars, clocks and any other similar structures on or over public highways. |

| No | Delegation |
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| EDDNRS170 | To determine requests for the repositioning of street furniture to allow access to private premises. |
| EDDNRS171 | To object where necessary on behalf of the Authority as Highway Authority to the granting or renewal of a vehicle operators' licence and to authorise the appropriate Officer, to appear before the Licensing Authority to support such objection if considered necessary. |
| EDDNRS172 | To carry out minor traffic management measures not requiring Traffic Regulation Orders and costing less than £10,000 subject to the necessary finance being available in the approved budget. |
| EDDNRS173 | To serve notices under section 112 of the Road Traffic Regulation Act 1984 on registered keepers of vehicles requiring them to notify the Authority of the name and address of the driver. |
| EDDNRS174 | To grant Street Works Licences under section 50 of the New Roads and Street Works Act 1991. |
| EDDNRS175 | To determine the priority for the surfacing of roads. |
| EDDNRS176 | Power to make orders and enter into agreements for the creation, modification and/or stopping up of highways and adoption of new streets as highways (including those that are repairable at the public expense) in accordance with the Highways Act 1980 (as amended) and thereafter make all orders necessary to modify the Definitive Map in accordance with the Wildlife and Countryside Act 1981 |
| EDDNRS177 | To make application to the Department for Transport in respect of the closure or diversion of a highway that is consequential of planning permission for development in accordance with section 247 of the Town and Country Planning Act 1990. |
| EDDNRS178 | To deal with all matters in relation to the closure or diversion of highways as a consequence of planning permission for development in accordance with section 257 of the Town and Country Planning Act 1990. |
| EDDNRS179 | To make all necessary arrangements to convert a footway to a cycle track with a right of way on foot under sections 65 and 66 of the Highways Act 1980. |
| EDDNRS180 | To make all necessary arrangements in respect of Orders under section 3 of the Cycle Tracks Act 1984 for the conversion of all or any part of a footpath to a Cycle Track. |

| No | Delegation |
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| **Emergency Planning** | |
| EDDNRS181 | In consultation with the Chair of Neighbourhood Services, to make decisions on the felling of street trees following the duty to consult under the provisions of section 96A of the Highways Act 1980 (as amended by 115 of the Environment Act 2021).<br>In cases where the removal of a street tree is outside the scope of the duty to consult or is subject to an exemption within the legislation or guidance, the decision on whether to fell a street tree will be made by the Council's arboriculturalist. |
| EDDNRS182 | To discharge the Authority's responsibilities as a category 1 responder under the Civil Contingencies Act 2004. |
| EDDNRS183 | To act as the Proper Officer for civil emergencies. |
| EDDNRS184 | To approve and maintain emergency planning arrangements and procedures on behalf of the Authority under the statutory guidance of the Civil Contingencies Act 2004, such procedure to include, amongst other matters, the appointment of appropriate Officers involved in the process. |
| EDDNRS185 | To act as the Proper Officer for business continuity management. |
| EDDNRS186 | As the Proper Officer for business continuity management to approve and maintain an effective business continuity management procedure on behalf of the Authority under the statutory guidance set out in the Civil Contingencies Act 2004, including the appointment of appropriate Officers involved in the process. |
| **Facilities Management** | |
| EDDNRS187 | Determine and implement a Joint Waste Strategy developed by the constituent Authorities. |
| EDDNRS188 | Power to approve private functions, sponsored walks etc. in public open spaces, subject to the approval of the Director of Finance, IT and Digital for insurance purposes and in consultation with the Strategic Asset Manager. |
| EDDNRS189 | Power to negotiate the terms of contracts concerning the disposal, recycling, re-use and minimisation of wastes |
| EDDNRS190 | Power to manage the Household Waste Recycling Centre and implement and expand schemes for the recycling, re-use and minimisation of waste. |
| EDDNRS191 | Power to deal with proposals and their implementation for the provision of new and improvement of existing street lighting and client responsibilities for the maintenance of street lighting. |

| No | Delegation |
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| EDDNRS192 | Power to agree a reduced notification period under Section 6 of the Control of Asbestos at Work Regulations 20067 and Section 5 of the Asbestos (Licensing) Regulations 1983. |
| EDDNRS193 | To determine applications received from persons suffering a learning difficulty or physical disability for a reduced cost of admission to leisure facilities. |
| EDDNRS194 | To determine applications from voluntary and charitable organisations, for reduced charges for leisure facilities for fund raising events. |
| EDDNRS195 | To hire transport from outside sources for use by service areas. |
| EDDNRS196 | To issue permits under section 19 of the Transport Act 1985 and the section 19 Permit Regulations 2009 (or any amended Section 19 Permit Regulations) in relation to minibuses. |
| EDDNRS197 | To submit on behalf of the Authority observations on traffic regulation conditions in relation to bus service registrations made under the Transport Act 1985. |
| EDDNRS198 | To inspect premises for the assessment of charges for refuse collection and waste disposal, in accordance with the Control of Pollution Act (COPA) 1974, Environmental Protection Act 1990 and Controlled Waste (England and Wales) Regulations 2012. |
| EDDNRS199 | To determine waste disposal licences and resolutions under the Waste Disposal Regulations, section 34 of the Environmental Protection Act 1990. |
| EDDNRS200 | To extend the provision of Authority services into new developments within the Borough, as required by the Control of Pollution Act (COPA) 1974, and section 46 of the Environmental Protection Act 1990. |
| EDDNRS201 | To make arrangements for the separate collection of recyclable waste under the Household Waste recycling Act 2003, and Waste (England and Wales) (Amendment) Regulations 2012. |
| EDDNRS202 | To exercise the powers and duties of the Authority under Parts II and IV of the Environmental Protection Act, 1990. |
| EDDNRS203 | Power to authorise officers to carry out any functions required to be carried out by the Authority under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (including subsequent regulations/amendments including the issuing of prohibition notices. |
| EDDNRS204 | Power to design and implement the public Christmas decorations in accordance with the approved budget. |

| No | Delegation |
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| EDDNRS205 | Power to approve applications for permission to site mobile exhibitions in the Council's Car Parks. |
| EDDNRS206 | To determine applications received for permission to display temporary advertisements on selected street lighting columns within the Authority's policy of permitting such advertising for charitable and suitable non- commercial events. |
| **Economic Growth and Regeneration** | |
| EDDNRS207 | To manage, operate and develop Economic Growth and Regeneration policies and projects. |
| EDDNRS208 | Power to take all formal steps necessary under Section 35 of the Local Government and Housing Act 1989 to enable the powers to be exercised in respect of Economic Development related activities. |
| EDDNRS209 | Power to approve financial assistance and award grants to companies within approved guidelines and budget provision. |
| EDDNRS210 | Power to implement an Economic Growth and Regeneration Strategy for the Borough. |
| EDDNRS211 | Power to prepare and implement an annual programme of corporate hospitality for the purpose of Economic Growth and/or Regeneration. |
| EDDNRS212 | On behalf of the Economic Growth and Regeneration Committee, power to enforce the provisions of any Act or Statutory Instrument relevant to the post and which has been delegated by the Council to a Board or Panel. |
| EDDNRS213 | In relation to all projects and programmes, to authorise the entering into of agreements with other funding organisations where the purpose of the agreement is to enable that organisation to provide funding support for projects within any of the programmes delivered or managed by the Authority. |
| EDDNRS214 | To develop and submit expressions of interest for funding programmes and opportunities that will assist the delivery of Authority's priorities. |
| EDDNRS215 | Power to enter into informal negotiations with prospective landlords, tenants, purchasers or vendors, reporting any terms of agreement possible back to the relevant Chair of Committee. |
| EDDNRS216 | Power to deal with any proceedings in respect of any breach of tenancy conditions and to take any subsequent action necessary. |
| EDDNRS217 | Power to instruct the Director of Legal, Governance and Human Resources to take any action necessary for the legal implementation of any matter related to Strategic Asset Management. |

| No | Delegation |
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| EDDNRS218 | Power to employ auctioneers to sell property at auction and to authorise the auctioneer to sign contracts on behalf of the Council at auction, where the Council appraisals agreed |
| EDDNRS219 | Power to agree the terms of purchase of houses in advance of proposed or agree clearance areas, reporting to the appropriate Board/Committee for information all subject to appropriate budgetary provision being available in consultation with the Director of Finance, IT and Digital and relevant Committee Chair. |
| **No** | **Delegation** |
| EDDNRS220 | Power to settle compensation claims from Council house tenants to a maximum of £500. |
| EDDNRS221 | Power to consider and approve requests for conveyance of additional strips of land comprised in Council house premises, subject to the 'Right to Buy' provisions where the tenant of the adjoining property has no objection and the Council's interests are not prejudiced thereby. |
| **Strategic Assets Management / Housing** | |
| EDDNRS222 | Power to accept subject to contract the highest tender received by the Borough Council for property advertised for sale or to let by way of lease or licence upon the open market and to report back to the appropriate Committee/Board for information. |
| EDDNRS223 | Power to approve land and property disposals, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters within prescribed thresholds as set out in the Finance and Corporate Affairs Committee arrangements. |
| EDDNRS224 | Power to re-advertise property where no tender has been received as a result of previous marketing. |
| EDDNRS225 | Power to grant early entry under licence onto land or into buildings for which authority to sell or lease has previously been granted. |
| EDDNRS226 | Power to review rents, and review existing leases, of all properties and land, except Council Houses and to serve all relevant notices under the lease and power to respond to all notices served upon the Council in this respect. |
| EDDNRS227 | Power to re-let property, other than Council houses, upon the open market, which has previously been let and which is not required for the Council's immediate statutory purposes. |
| EDDNRS228 | Power to agree terms for, and authorize the granting of wayleaves, easements and licences over Borough Council land and to allow early entry onto relevant Borough Council land. |

| No | Delegation |
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| EDDNRS229 | Subject to budgetary availability power to agree terms and authorise the taking of wayleaves and easements over land owned by a third party where such easements and wayleaves are required for benefit of Borough Council property holdings and power to allow early entry. |
| EDDNRS230 | Power to give consent to building or development of land or to the alterations of buildings where such consent is required pursuant to a covenant contained in a conveyance or lease of the land or building, and to determine applications for variation of user clauses or restrictive covenants from leaseholders or freeholders of Council owned or previously Council owned land or property |
| EDDNRS231 | Power to consent to alterations to shop premises under the terms of lease and to authorise landlord's repairs. |
| EDDNRS232 | Power to terminate business leases at appropriate premises. |
| EDDNRS233 | Power to approve the institution of proceedings for the recovery of property held under lease |
| EDDNRS234 | Power to determine eligibility for assistance and approve claims for repurchase in appropriate cases under the provision of the Housing Act 1985. |
| EDDNRS235 | Power to allocate tenancies to approved applicants and tenants of houses in confirmed Clearance Areas or Closing and Demolition Orders and to pensioners in future Clearance Areas where the property has been purchased by the Council and other approved cases in proposed Clearance Areas. |
| EDDNRS236 | Power to nominate tenants to Registered Provider's properties. |
| EDDNRS237 | Power to allocate Council tenancies in accordance with the Council's allocations policy. |
| EDDNRS238 | Power to order repairs to Council dwellings and garages. |
| EDDNRS239 | Power to approve within the guidelines laid down by the Council applications for sale of Council dwellings. |
| EDDNRS240 | Power to approve exchanges between Council tenants or Council tenants and private tenants (including Housing Associations). |
| EDDNRS241 | Power to approve letting a Council tenancy to persons with former tenant arrears or recharges debt under £500. |
| EDDNRS242 | Power to transfer tenancies on death, remarriage or in cases of legal and mutual separation and similar special cases. |
| EDDNRS243 | Power to provide move on' accommodation from supported or emergency accommodation. |
| EDDNRS244 | Power to allocate garage tenancies. |

| No | Delegation |
|---|---|
| EDDNRS245 | Power to award decoration vouchers to tenants of properties which have been re-let and left in a poor state of decoration or properties which are proving difficult to let by virtue of the poor standard of decoration. |
| EDDNRS246 | Power to reduce charges for tenant's liability for repairs on grounds of financial hardship, age or condition of the appliance to be replaced and to waive charges where there is reasonable doubt as to the extent of liability. |
| EDDNRS247 | Power to take all action necessary up to and including application to County Court for Possession Orders in respect of rent arrears cases. |
| EDDNRS248 | Power to serve notice upon the tenant or tenants of a Council dwelling house in respect of any breach of tenancy condition and/or any breach of the grounds set out in Schedule 2 of the Housing Act 1985 (as amended) and to take any subsequent action necessary including authorising application to the County Court for Possession Orders subject to prior consultation with the Director of Legal, Governance and Human Resources. |
| EDDNRS249 | Power to take action to recover possession of any Council owned dwelling or garage occupied by an unauthorised occupier. |
| EDDNRS250 | Power to instruct the Director of Legal, Governance and Human Resources to take possession action for recovery of premises in appropriate cases where a breach of the tenancy agreement has taken place. |
| EDDNRS251 | Power, in consultation with the Chair of Finance and Corporate Affairs Committee, to accept offers to sell houses to the Council upon terms agreed with the Strategic Asset Manager, in advance of proposed or agreed clearance areas and to report to the relevant Committee for information. |
| EDDNRS252 | Power to authorise appropriate treatment of party walls exposed by demolition of adjoining clearance area properties. |
| EDDNRS253 | Power, in consultation with the Director of Finance, IT and Digital, to write off former tenancy arrears which do not exceed £50,000, after all appropriate recovery procedures have been attempted. |

| No | Delegation |
|---|---|
| EDDNRS254 | To exercise the Authority's powers under section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to ensure the continuation or restoration of water, gas or electricity to private residential dwellings where the failure of the landlord to pay the bills results in the threat of or the actual disconnection of supplies and to recover the costs incurred and interest accrued in taking any such action. |
| EDDNRS255 | To approve applications for grants relating to private sector housing which comply with the provisions of the Housing Acts, Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 within the scheme laid down by the Authority. |
| EDDNRS256 | To approve in whole or in part the removal of the conditions imposed by an Improvement Grant under the Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 where there is a repayment of an amount which reflects that proportion of the condition period remaining unexpired plus compound interest. |
| EDDNRS257 | To serve notices under the provisions of Part 1 of the Housing Act 2004 in connection with housing disrepair; to consider the carrying out of works in default; the execution of such works in default and the recovery of expenses incurred and interest accrued in executing such works. |
| EDDNRS258 | To carry out inspections and submit reports in connection with the provisions of the Housing Acts so far as they relate to houses in accordance with the provisions relating to repair, the closing and demolition of houses unfit for human habitation and the abatement of overcrowding. |
| EDDNRS259 | To serve all necessary notices under the Housing Act 2004 to ensure that houses in multiple occupation are provided with adequate means of escape from fire and adequate other fire precautions and in consultation with the Director of Finance, Legal and Governance to exercise discretion to take action to ensure that such notices are complied with either by the institution of any court proceedings or the acceptance of undertakings on behalf of the Authority under the Housing Act 2004. |

| No | Delegation |
|---|---|
| EDDNRS260 | In respect of grants relating to private sector housing improvement to determine when a contractor other than one whose estimate accompanied the application be allowed to undertake the work and the circumstances when grant shall be paid direct to any applicant in preference to the contractor. |
| EDDNRS261 | To exercise all powers and duties of the Authority under the provisions of the Housing Act 2004 and associated regulations with respect to housing conditions (Part 1), licensing of houses in multiple occupancy (Part 2), selective licensing of other residential accommodation (Part 3), additional control provisions in relation to residential accommodation (Part 4), miscellaneous provisions (Part 6) and supplementary and final provisions (Part 7). |
| EDDNRS262 | The management of all matters required to ensure the Authority carries out its statutory duties as a local housing authority as prescribed in:<br>• Housing Act 1985<br>• Housing Act 1996<br>• Housing Act 2004<br>• Local Government and Housing Act 1989 and<br>Any other relevant statute or government guidance relating to the management and provision of social housing and related facilities. |
| EDDNRS263 | To take any decisions on the selection of property appropriate for affordable rent. |
| EDDNRS264 | Exercising the management of functions of the Authority in relation to dwellings owned by the Authority but not held under Part IV of the Housing Act 1985. |

| No | Delegation |
|---|---|
| EDDNRS265 | Authorising the allocation and granting of tenancies and licenses in accordance with the Authority's allocation scheme:<br>(a) approving rents in specific cases;<br>(b) serving notices, to quit, of termination or seeking possession;<br>(c) maintaining properties and estates;<br>(d) granting consent or otherwise to the assignment of a tenancy where statute allows and in line with the Authority's policy;<br>(e) granting consent to mutual exchanges, imposing conditions to that consent where appropriate or refusing such consent with reference to Schedule 3 of the Housing Act 1985;<br>(f) granting consent or otherwise to tenants" requests to carry out improvements or alterations;<br>(g) granting consent or otherwise in any other matter where the Authority's tenancy agreement including introductory tenancy agreement or licensees requires that permission is sought by the tenant or licensee;<br>(h) authorising compensation for tenants" improvements be they statutory or discretionary (Housing Act 1985 sections 99a and 100);<br>(i) settling any claims by tenants for disrepair;<br>(j) taking action under sections 1 and 115 of the Crime and Disorder Act 1998, Part V of the Housing Act 1996, Anti-Social Behaviour Act 2003 and Housing Act 2004;<br>(k) taking action to secure the eviction of trespassers;<br>(l) undertaking consultation with tenants and / or social landlords where required by statute or government guidance or where otherwise appropriate e.g. section 105 of the Housing Act 1985; and<br>(m) authorise the granting of licences for the use of garages, reviewing licence conditions and subsequent termination of licences where necessary. |

| No | Delegation |
|---|---|
| EDDNRS266 | Carry out the Authority's statutory responsibilities under Part V of the Housing Act 1985 (Right To Buy).<br>• Authorising service of statutory notices, admitting/denying the right to buy, withdrawing or requiring completion.<br>• Authorising sales of freehold or otherwise granting of long leases.<br>In consultation with the Director of Legal, Governance and Human Resources, with regard to freeholds, enforcing covenants including those relating to repayment of discount, use of shared areas and letting of whole.<br><br>Leasehold:<br>• Agreeing variations to the terms of individual leases.<br>• Granting/refusing permission to requests on various matters, by leaseholders, where the lease requires consent of the landlord, e.g. requests to sublet whole.<br>In consultation with the Director of Legal, Governance and Human Resources authorising action on breaches of covenants. |
| EDDNRS267 | To ensure compliance with all Authority policies relating to the provision and management of Council owned residential properties. Authority to make changes to all such policies where provision of service would be improved or necessity arises or to recommend such changes to the appropriate committee where appropriate. |
| EDDNRS268 | To establish such arrangements as appropriate to ensure effective engagement of tenants and leaseholders in the setting, monitoring and review of housing and related services including holding meetings, organising consultation events, surveys and newsletters |
| EDDNRS269 | To consider any matters relating to the Housing Act 1985 (as amended) in respect of Right to Buy including the repayment of discount and right of first refusal. |
| EDDNRS270 | In consultation with the Director of Finance, IT and Digital, the write-off of Credit balances associated with untraceable former tenants in compliance with the Authority's write-off policy. |

# RULES OF PROCEDURE

**Contents**


**Page**

**Access to Information Procedure Rules** ..... 1

**Budget and Policy Framework Procedure Rules** ..... 9

**Contract Procedure Rules** ..... 19

**Full Council Procedure Rules** ..... 47

**Financial Procedure Rules** ..... 79

**Officer Employment Procedure Rules** ..... 107

**Statutory Scrutiny Procedure Rules** ..... 115

# ACCESS TO INFORMATION PROCEDURE RULES

**Contents**

**Page**

**Rules**


1 Scope ..... 3

2 Additional rights to information ..... 3

3 Rights to attend, film and record meetings ..... 3

4 Notice of meeting ..... 3

5 Access to agenda and reports before the meeting ..... 3

6 Supply of copies ..... 4

7 Access to minutes etc after the meeting ..... 4

8 Listing of background papers ..... 4

9 Public inspection of background papers ..... 4

10 Summary of public's rights ..... 5

11 Confidential information - exclusion of access by the public to meetings ..... 5

12 Meaning of confidential information ..... 5

13 Exempt information - exclusion of access by the public to meetings ..... 5

14 Meaning of exempt information ..... 6

15 Exclusion of access by the public to reports ..... 7

16 Application of rules to Policy Committees ..... 7

17 Procedure before taking key decisions ..... 7

18 Record of decisions ..... 7

19 Access to documents – Discharge of Statutory Scrutiny Functions ..... 7

20 Limits on rights of access to documents ..... 8

21 Additional rights of access for Elected Members - material relating to previous business ..... 8

22 Nature of rights ..... 8

# ACCESS TO INFORMATION PROCEDURE RULES

For the purpose of the Access to Information Procedure Rules, the Proper Officer is the Director of Legal, Governance and Human Resources.

## 1. Scope

These rules apply to all meetings of the Council, its Committees and Sub-Committees (together called 'meetings'). They summarise the public's right to attend meetings and to inspect and be supplied with copies of documents, full particulars of which are contained within Part VA of the Local Government Act 1972 as amended.

## 2. Additional Rights to Information

These rules do not affect any other rights to information contained elsewhere in this Constitution or within the law.

## 3. Rights to Attend, Film and Record Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules. Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of any meeting of the Council and its Committees where the meeting is open to the public. Any person whose recording activities are disruptive to the meeting may be required by the Chair to stop recording and may be removed from the meeting (Please see also Part 5, Protocol on Filming, Recording and Photographing Meetings.)

## 4. Notice of meeting

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Civic Centre, Victoria Road, Hartlepool, the designated office.

## 5. Access to Agenda and Reports before the meeting

The Council will make copies of the agenda and reports available for inspection at the Civic Centre other than those matters which contain confidential or exempt information at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where a report is prepared after the summons has been sent out, the Proper Officer shall make the report available to the public as soon as the report is completed and sent to Elected Members.

All agendas, reports and minutes (which do not contain exempt information) of Council and Committee meetings are available on Hartlepool Borough Council's website (www.hartlepool.gov.uk) as soon as practicable after publication.

## 6. Supply of copies

The Council will supply copies of:

i) any agenda and reports which are open to public inspection;

ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

iii) if the proper officer thinks fit, copies of any other documents supplied to Elected Members in connection with an item;

to any person on payment of a charge for postage and any other costs.

## 7. Access to minutes etc after the meeting

The Council will make available copies of the following for six years after a meeting:

i) the minutes of the meeting or records of decisions taken, in accordance with statutory requirements, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

ii) 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;

iii) the agenda for the meeting; and

iv) reports relating to items when the meeting was open to the public.

## 8. Listing of background papers

The report writer 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:

i) disclose any facts or matters on which the report or an important part of the report is based; and

ii) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in rules 11 to 14).

## 9. 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 (subject to copyright of any person other than the Council) and supply a copy or an extract on payment of such copying fee as may be required.

## 10. 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 and be available to the public at the Civic Centre, Victoria Road, Hartlepool.

## 11. Confidential information – Exclusion of access by the public to meetings

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.

## 12. 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 because of a Court order.

## 13. Exempt information – Exclusion of access by the public to meetings

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 of the Act. This includes cases where exclusion of the public is considered to be necessary for the protection of the private life of the parties.

## 14. Meaning of exempt information

Exempt information means information falling within the following categories (subject to any condition).

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
   (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
   (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information falling within paragraph 1 adjacent is not exempt information by virtue of that paragraph if it is required to be registered under –

   (a) the Companies Act 2006
   (b) the Friendly Societies Acts 1974 and 1992
   (c) the Industrial and Provident Societies Acts 1965 to 1978
   (d) the Building Societies Act 1986;

   or

   (e) the Charities Act 2011.
9. Information is not exempt within any category of information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10. Information which –

    (a) falls within any of paragraphs 1 to 7 adjacent; and
    (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

    is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 15. Exclusion of access by the public to reports

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with rules 11 to 14, 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.

## 16. Application of rules to Policy Committees

All meetings of the Policy Committees or Sub-Committees must omply with Rules 1 to 15.

Meetings of the Policy Committees or Sub-Committees will be held in public unless exempt or confidential information would be disclosed. Members of the public attending meetings of the Council's Policy Committees or Sub-Committees may speak at the discretion of the Chair of the Committee or a Sub-Committee. (NB: separate public speaking rights apply in the case of the Council's regulatory and other Committees.)

## 17. Procedure before taking key decisions

A key decision is a decision which falls within one or more of the following categories:

(i) any decision which is financially significant because it will result in income, expenditure or savings with a gross full year effect of £100,000 or greater;

**or**

(ii) any decision which the originator of the report, in consultation with his or her Chief Officer, believes may have a significant impact on communities living or working in an area comprising two or more wards.

Where the decision is to be taken at a meeting of a Policy Committee or Sub-Committee, notice of the meeting must been given in accordance with Rule 4 (notice of meetings).

## 18. Record of decisions

After any meeting of Full Council, a Committee or Sub-Committee, whether held in public or private, the Proper Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and details of any alternative options considered and rejected at that meeting. A record of a key decision taken by an Officer will also be reported to a subsequent meeting of the relevant Policy Committee.

## 19. Access to documents – Discharge of Statutory Scrutiny Functions

Subject to rule 25 below, the Audit and Governance Committee in the exercise of the statutory scrutiny functions (including any of its Sub-Committees) will be entitled to copies of any document which is in the possession or control of the Authority which contain material directly relating to:

i) any business transacted at a meeting of the Council or its Committees; or

ii) any key decision that has been made by an officer under delegated authority.

## 20. Limits on rights of access to documents

The Audit and Governance Committee in the exercise of its statutory scrutiny functions will not be entitled to:

i) any document that is in draft form; or

ii) any part of a document that contains exempt or confidential information, unless that information is directly relevant to:

- an action or decision they are reviewing or scrutinising; or
- any review contained in any programme of work of such a Committee or Sub-Committee of such Committee; or

iii) the advice of a political adviser.

## 21. Additional rights of access for Elected Members - material relating to previous business

Elected Members may in certain circumstances, subject to the advice of the Monitoring Officer, be able to inspect a wider range of documents on a confidential basis if it is shown by the Elected Member to be necessary in the proper discharge of their role as an Elected Member.

Elected Members will be entitled to request the provision of exempt information reports relating to key decisions that are non urgent in order to determine whether or not Council Procedure Rule 25 (Reference to Council) should be exercised.

## 22. Nature of rights

The rights of an Elected Member to access to documents and information are additional to any other right he/she may have.

# BUDGET & POLICY FRAMEWORK PROCEDURE RULES

**Contents**


**Page**

1. The framework for decisions ..... 11
2. Process for agreeing the annual budget framework ..... 11
3. Process for developing all Plans and Strategies within the Policy Framework ..... 14
4. Decisions outside the Budget or Policy Framework ..... 16
5. Urgent decisions outside the Budget or Policy Framework ..... 16
6. Flexibilities ..... 17
7. Virement ..... 17
8. Resources ..... 18
9. In term changes to the Budget and Policy Framework ..... 18

# BUDGET & POLICY FRAMEWORK PROCEDURE RULES

## 1. The framework for decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4.

The policy framework means the following plans and strategies:-

Community Safety Plan
The plans and strategies which together comprise the Local Plan
Local Council Tax Support Scheme
Medium Term Financial Strategy
Licensing Policy and Statement of Licensing Principles (Gambling Act)
Annual Library Plan (if required)
Youth Justice Plan
Local Transport Plan

Once the Authority's Annual Budget or a Plan or Strategy included in the policy framework has been agreed by Full Council, it will be the responsibility of the Finance and Corporate Affairs Committee or other relevant Policy Committee to secure and monitor implementation.

## 2. Process for Agreeing the Annual Budget

This process will be completed within the time scale set by the Finance and Corporate Affairs Committee and will include the following steps:-

**(a)** The Finance and Corporate Affairs Committee will draw up a budget timetable to reflect the timing of Government Funding Announcements and the statutory requirements for determining the Annual Budget and Council Tax level.

**(b) Finance and Corporate Affairs Committee develops proposals for the Annual Budget**

The Finance and Corporate Affairs Committee will consult stakeholders in the manner appropriate for the matter under consideration and will then draw up initial proposals for the Annual Budget.

**(c) Individual Policy Committees develop detailed budget proposals**

Individual Policy Committees will consider and prepare detailed budget proposals within the parameters set or defined by the Finance and Corporate Affairs Committee.

**(d) Finance and Corporate Affairs Committee finalises proposals for submission to Full Council**

The Finance and Corporate Affairs Committee will finalise the proposals for the Annual Budget for the Full Council to consider.

**(e) Initial Full Council Meeting**

Full Council will consider the Finance and Corporate Affairs Committee's proposals for the Annual budget and proposed level of Council Tax and may approve them on the basis of a simple majority of Elected Members present and voting.

The proposed Annual Budget (and Council Tax level) becomes effective immediately and the Council's decision.

If the Annual Budget (and Council Tax level) proposed is not approved by Full Council it is referred back to the Finance and Corporate Affairs Committee

Full Council must identify the issue(s) that it wishes the Finance and Corporate Affairs Committee to reconsider and the reasons for seeking such reconsideration..

**(f) Further Meeting of the Finance and Corporate Affairs Committee**

A further meeting of Finance and Corporate Affairs Committee to consider the referral from Full Council will take place. The Committee will consider and respond to the referral from Full Council.

**(g) Final Meeting of the Council**

The final meeting of Full Council will take place no later than 11 March in any year to enable the Authority's Council Tax Requirement to be determined by the requisite statutory deadlines.

An example of the process followed for setting the budget is set out at Figure 1.

## Figure 1 Example of Budget Process

**Medium Term Financial Strategy Update**

The Corporate Management Team will present a report to the Finance and Corporate Affairs Committee to provide an update on the financial position facing the Council for the period covered by the Medium Term Financial Strategy. This will include determining indicative Council Tax increases, indicative Local Council Tax Support Scheme and savings requirements.

**Individual Policy Committees**

Develop and approve initial savings proposals to contribute towards achieving overall savings requirements identified by the Finance and Corporate Affairs Committee, which can be approved for early implementation.

**Finance and Corporate Affairs Committee**

Consider and approve initial savings proposal developed by individual Policy Committees which can be referred to Council for early implementation.

**Budget Communication**

Provision of information and explanation on the financial position facing the Council.

**Finance and Corporate Affairs Committee**

Review of reserves held at 31st March.

**Council**

Consider and approve initial savings proposals referred by Finance and Corporate Affairs Committee for early implementation.

**Individual Policy Committees**

Consider and approve final savings proposals required to achieve a balanced budget.

**Council**

Consider and approve Local Council Tax Support Service proposed by Finance and Corporate Affairs Committee based on simple majority vote.

**Finance and Corporate Affairs Committee**

Approve final budget proposals developed by individual Policy Committees to be referred to full Council.

**Council**

Consider and approve budget proposals and HBC Council Tax level proposed by Finance and Corporate Affairs Committee. Consider and approve statutory Council Tax calculations incorporating precepts approved by Police and Crime Commissioner, Cleveland Fire Authority and Parish Councils.

## 3. Process for developing all Plans and Strategies within the Policy Framework

This process will be followed for all Plans and Strategies included within the Policy Framework for each Policy Committee.

### (a) Outline proposal developed

Officers will report to the relevant Policy Committee outlining the need and process for the development of the Plan or Strategy including key dates for decisions.

### (b) Drafting of Plan or Strategy and consideration of initial draft policy by Policy Committee

Officers will consult the relevant stakeholders in a manner appropriate for the Plan or Strategy being developed and will then prepare the initial draft. The initial draft will be presented to the relevant Policy Committee for discussion and approval as a draft for consultation.

### (c) Consultation on initial draft of Plan or Strategy

Officers will undertake consultation on the initial draft Plan or Strategy for a minimum of 8 weeks. The Community Safety Plan is subject to statutory scrutiny and will be considered by the Audit and Governance Committee at this stage. The Audit and Governance Committee will have at least 6 weeks to consider the draft policy following referral from the Policy Committee.

### (d) Revised drafting of Plan or Strategy and consideration by Policy Committee

Officers consider the consultation responses received and, if appropriate, produce a revised Plan or Strategy. Any revised draft will be presented to the Policy Committee for agreement for further consultation, if necessary. The Committee will be provided with information on the consultation responses, comments on those responses and proposed changes to the initial draft Plan or Strategy. If no further changes requiring consultation are proposed the Plan or Strategy may be approved as the final draft and be submitted to Full Council in accordance with part (f) below.

### (e) Consultation on revised draft of Plan or Strategy

Officers will undertake appropriate consultation on any revised draft of the Plan or Strategy as agreed by the Policy Committee. The Community Safety Plan is subject to statutory scrutiny and will be considered by the Audit and Governance Committee again at this stage.

**(f) Drafting and debating the final draft Plan or Strategy**

Officers will consider any further consultation responses received and produce a final draft of the Plan or Strategy. The final draft of the Community Safety Plan is subject to statutory scrutiny and will be considered by the Audit and Governance Committee again at this stage.

The final draft of the Plan or Strategy will be presented to the relevant Policy Committee for approval. A response to the comments made through the consultation on the final draft including the response from Audit and Governance Committee where appropriate, will be included in the report to the Committee.

Once approved by the Policy Committee the final draft of the Plan or Strategy will be presented to Full Council for approval. Full Council will consider the final draft and either adopt it, amend it or refer it back to the Policy Committee for further consideration.

**(g) If the policy is adopted unamended by Full Council**

Full Council will consider the final draft Plan or Strategy and may adopt the Plan or Strategy on the basis of a simple majority of those Elected Members present and voting.

If the final draft Policy or Strategy is not approved by Full Council it is referred back to the relevant Policy Committee. Full Council must identify the issue(s) that it wishes the Policy Committee to reconsider and the reasons for seeking such reconsideration.

**(h) Further Meeting of the Policy Committee**

A further meeting of the Policy Committee to consider the referral from Full Council will take place. The Policy Committee will consider and respond to the referral from Full Council.

**(i) Meeting of Full Council**

A further meeting of Full Council will be convened to consider the response of the Policy Committee to the referral from Full Council. Full Council may adopt the final draft Plan or Strategy on the basis of a simple majority of those Elected Members present and voting.

Alternatively, Full Council may approve the Plan or Strategy subject to any amendments agreed by Full council on the basis of a simple majority of those Elected Members present and voting, providing that no objection to amendments agreed at Full Council is submitted, in writing, including the full reasons for the objection, by the Chair (or in their absence the Vice Chair) of the relevant Policy Committee, to the Proper Officer (an Objection). An Objection must be submitted within five clear working days of the meeting of Full Council (the Objection Period). In the absence of an Objection, the Plan or Strategy as amended will be adopted by the Authority at the expiry of the Objection Period.

**(i) Final Meeting of Full Council**

Where a valid objection is received the Proper Officer will call a meeting of Full Council within 10 clear working days of the Chair's objection. At that meeting Full Council will reconsider the issue in light of the Objection received and determine whether to confirm adoption of the Plan or Strategy as amended by Full Council or to agree and adopt the final draft Plan or Strategy agreed by the Policy Committee. The relevant Plan or Strategy will be adopted~~,~~ on the basis of a simple majority of Elected Members present and voting).

## 4. Decisions outside the Budget or Policy Framework

i) Subject to the provisions of section 6 (Flexibilities), Committees or Officers exercising delegated powers, may only take decisions which are in accordance with the approved Budget and/or the Plans and Strategies contained within the Policy Framework. If any Committee or Officer acting under delegated powers wishes to make a decision which is not in accordance with the approved Budget and/or the Plans and Strategies contained within the Policy framework and which not permitted in accordance with the provisions of Section 6 (Flexibilities) then that decision may only be taken by Full Council. This prohibition is, however, subject to section 5 (Urgent Decisions outside the Budget or Policy Framework) below.

ii) If a Committee or an Officer exercising delegated powers is unclear as to the status of a proposed decision, they must take advice from the Monitoring Officer and the Director of Finance, IT and Digital as to whether the decision they want to make would not be in accordance with the approved Budget and/or the Plans and Strategies contained within the Policy Framework. If the advice of either of these Officers is that the decision would not be in accordance with the Budget and/or Policy Framework, then the Committee or Officer must amend the decision, in consultation with the Director of Finance, IT and Digital and the Monitoring Officer to comply with the budget or framework. The decision can also be referred to Full Council to agree the decision on an exceptional basis. If the decision is a matter of urgency, the provisions in section 5 (Urgent Decisions outside the Budget and Policy Framework) shall apply.

## 5. Urgent decisions outside the Budget and/or Policy Framework

i) The Managing Director, in consultation with the Chair of Finance and Corporate Affairs Committee, the Director of Finance, IT and Digital and the Monitoring Officer may take a decision which is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council, if the decision is a matter of urgency. However, the decision may only be taken:

- if it is not practical to convene a quorate meeting of the Full Council; and

- if the Ceremonial Mayor acting as Chair of the Council in consultation with the Monitoring Officer and/or Director of Finance, IT and Digital agrees that the decision is a matter of urgency. In the absence of the Chair of the Council the approval of the Vice-Chair of Council, will be sufficient.

ii) The reason why it is not practical to convene a quorate meeting of Full Council and the Chair of Council's consent to the decision being taken as a matter of urgency, must be provided on the record of the decision.

iii) Following the decision, the decision taker will provide a full report to the next Ordinary meeting of Full Council including an explanation of the decision, the reasons for taking the decision and the reason(s) for urgency.

## 6. Flexibilities

The Financial Procedure Rules in Part 4 give details of flexibilities available in implementing the Budget and applying financial framework. Key aspects are set out below:

i) The Authority shall have the budget heads as set out in the annual budget book.

## 7. Virement

i) Steps taken by Committees and Officers with delegated powers to implement Authority's policies as contained within the Plans and Strategies in the Policy Framework and otherwise shall not exceed those budgets allocated to each budget head. However, such Committees and Officers are entitled to transfer resources through virement across budget heads on the following basis:

- Revenue budget – The Managing Director and Directors may approve virement of revenue budget up to £100,000 (cumulatively up to £200,000 over the financial year) and proposed virement of any resources in excess of that limit will require the approval of Full Council.

- No virement of revenue budget transfer between 'Directorates' is permitted without approval of the Finance and Corporate Affairs Committee.

- Capital budget - The Managing Director and Directors may approve virement of capital budget up to £100,000 (cumulatively up to £200,000 over the financial year) per scheme and proposed virement of any resources in excess of that limit will require the approval of Full Council. Any virement that has an increased borrowing implication will require the approval of Full Council.

No virement of capital budget transfer between 'Directorates' is permitted without approval of the Finance and Corporate Affairs Committee.*"*

- Virement in accordance with the Closure Strategy may be undertaken by the Director of Finance, IT and Digital as required.

## 8. Resources

i) Resources may be transferred into/out of specific reserves.

ii) Any Government grants or other financial support received, whether or not referenced or included within the Budget, will be allocated in accordance with any conditions applied by Government to the resource received and the Authority's relevant Plans or Strategies included in the Policy Framework.

## 9. In term changes to the Budget and Policy Framework

The responsibility for agreeing the Budget and the Plans and Strategies contained within the Policy Framework lies with Full Council and decisions by Committees or Officers exercising delegated powers must be in accordance with it.

No changes to any Plan or Strategy in the Policy Framework may be made by those Committees or Officers acting under delegated powers during the term of the Plan or Strategy except those changes necessary to ensure compliance with the Law, Ministerial direction or Government guidance or to the extent permitted in accordance with any other specific delegation by Full Council to that Committee or Officer in respect of a specified Plan or Strategy.

# CONTRACT PROCEDURE RULES

**Contents**

**Page**

**Rules**


Introduction ..... 21

**Part A – Scope of Contract Procedure Rules** ..... 30

1. Application of Contract Procedure Rules

**Part B – Selected Tenderers Lists** ..... 31

2. Compilation of Selected Tenderers Lists
3. Adoption/Development of Corporate or Collaborative Framework Agreements

**Part C – Procurement Procedures** ..... 33

4. Scope of Part C
5. Informal Procedure - Contracts under £10,000
6. Formal Quotations Procedure - Works Contracts £10,000 - £5,336,937 (is inclusive of VAT)
   Goods, Materials or Services Contracts £10,000 - £213,477 (is inclusive of VAT)

**Part D – Best Price Procedures** ..... 35

7. Tender Procedure - Works Contracts over £5,336,937 (inclusive of VAT)
   Goods, Materials or Services Contracts over £213,477 (inclusive of VAT)
8. Public Notice provisions
9. Selected tenderers provisions
10. Acceptance of tender

**Part E – Price/Quality Procedures** ..... 37

11. Price/Quality Contracts Provisions

**Part F – Strategic Partnerships** ..... 38

12. Strategic Partnership Contracting Provisions

**Part G – General Provisions** ..... 38

13. Opening of Tenders
14. Tenders to be returned in sealed envelopes
15. Agreed Marking Mechanism

16. Contracts to be in writing
17. Liquidated Damages and Performance Bonds
18. Vetting and Signature of contracts
19. Tenderers withdrawal
20. Post contract variations and negotiations
21. Extensions to Contracts

**Part H – Glossary** ..... 43

22. Interpretation

## INTRODUCTION

### 1. Contracts covered by the rules

i) The following procedure rules apply to contracts entered into by the Council whether under authority exercised by Full Council, a Policy Committee or a relevant Officer. The contracts to which they are applicable are contracts for the acquisition of goods, materials or services or for the execution of works, with certain exemptions set out in the rules.

ii) The rules do not represent a total procedure package – rather they stipulate a number of requirements that must be complied with within any contract letting procedures adopted.

- Most Advantageous Tender (MAT) Price/Quality – contractor to be selected on basis of combination of price and quality, buyer of goods/services to be selected on basis of combination of price and benefits to Hartlepool residents;

- Strategic Partnerships – arrangements to be developed between the Council and its strategic partners (including other public sector organisations), to exploit common resources, potential economies of scale, support local infrastructure or to secure continuing service provision.

- To ensure that Social Value principles are applied in a way that enables the Council to maximise economic, social and environmental benefits for Hartlepool and its residents (Social Value Statement of Intent attached to these Procedure Rules as Appendix 1)

### 2. Procurement Exercises undertaken as a result of a successful challenge under the Localism Act 2011

i) Once a decision has been made to procure a service following acceptance of a challenge submitted under the 'Community Right to Challenge' legislation, the Council's Contract Procedure Rules come into effect.

ii) As with all other procurement activities undertaken by the Council, the procurement procedure will be selected by assessing the value of the contract to be awarded – as described later in these rules.

iii) Given the possible nature of the services subject to challenge, care will need to be taken to ensure that evaluation criteria are utilised which reflect the Council's obligation to secure Best Value and meet the requirements and principles laid down in the Public Services (Social Value) Act 2012, i.e. to consider how the procurement can promote or improve the social, economic or environmental well-being of the Authority's area.

iv) In addition, care will be taken to ensure that Third Sector and Voluntary & Community Sector organisations are not excluded from bidding for

services as a result of the Council incorporating requirements which are not proportional to the value of the service and any associated risks relating to public safety, service delivery, service continuity etc.

v) In addition to the above, any planned procurement activity will take into account any pre-existing contractual obligations the Council may have. This may result in decisions being required on whether to extend or terminate existing contracts.

## 3. Central Purchasing Contracts and Framework Agreements

i) Where goods or services are to be acquired of a nature in respect of which a central contract or framework agreement has been established by the North East Procurement Organisation (NEPO), via a national, regional or other public sector collaborative arrangement, the Council's Procurement Team, or is a contract designated as the Council's preferred channel, such goods and services will be purchased through that contract or framework agreement unless the Chief Officer, following consultation with the Council's Corporate Lead for Procurement considers a special exemption can be made.

ii) Goods or services for which the Council has; accepted an offer submitted to NEPO or the Council's Procurement Team or, where they can be secured through a contract or framework agreement which has been designated as the Council's preferred channel (as detailed in 3(i) above), are outside the scope of the Contract Procedure Rules and will be obtained from the relevant supplier in accordance with the applicable procedures.

## 4. Select Lists of Contractors

i) Where goods, services or works are to be acquired of a nature in respect of which a Select List of Contractors has been established or adopted by the Council, such goods, services or works will be purchased through that arrangement unless the Chief Officer, following consultation with the Council's Corporate Lead for Procurement considers a special exemption can be made.

ii) Goods or services for which the Council has accepted an offer submitted via a Select list are outside the scope of the Contract Procedure Rules and will be obtained from the relevant supplier in accordance with the procedures defined for using the Select List.

## 5. Strategic Partnerships

i) Where goods or services are to be acquired of a nature in respect of which the Council has established a Strategic Partnership with another provider, such goods and services will be acquired through that Strategic Partnership. Only in exceptional circumstances and following consultation with the Council's Corporate Lead for Procurement and the Director of Legal, Governance and Human Resources, will exemptions be made.

ii) Strategic Partnerships of the kind intended in these Contract Procedure Rules are likely to be of a lengthy duration and as a result, will typically represent a monetary value well in excess of the threshold detailed in the prevailing Public Contracts Regulations.

iii) The Public Contracts Regulations impose specific requirements in relation to the setting up of strategic partnerships (as opposed to letting contracts through the normally required competitive procurement routes) with the main considerations revolving around structural control, economic dependency, and the pursuit of objectives in the public interest.

iv) This is a highly complex area and as such, any Council activities identified as possibly suitable for the creation of a Strategic Partnership must be referred to the Council's Legal Division for consideration.

## 6. The Rules and an In-house Provider

i) These rules do not apply when a decision is taken to have work executed by an in-house provider such as Neighbourhood Services, without competitive process provided that the service is not subject to a challenge under the 'Community Right to Challenge' legislation.

ii) Should such a challenge exist, contracts will not be awarded until the outcome, either successful or unsuccessful of the challenge has been ascertained.

iii) In such circumstances, the provider being a department or division of the Council, there is no contract as it is a fundamental principle of contract law that a party cannot contract with itself. Even where a competitive process has taken place and the work is awarded to the in-house provider on the basis of their bid, there is no contract.

iv) This has the consequence that, when it is necessary for the in-house provider to have some part of the work done by an outside contractor, the contract with the outside contractor is a 'contract', rather than a 'sub-contract' (requiring specific contract provision regulating the relationship between the in-house provider and the external contractor which is outside the scope of this commentary).

## 7. Recording of decision making process with regard to Procurement Strategy

i) As part of their specification writing and procurement documentation preparations, procurers must record details of and the rationale behind the procurement strategy to be employed. As a minimum, the details must include the following:

- Scope of the contract
- Reasons for requirement packaging and structure of lots
- Basis of any price/quality split to be used in the evaluation process

ii) This information is to be retained for audit purposes and in the event that the relevant Policy Committee requests a review of the procurement process followed.

iii) Considerations which will inform decisions around the procurement strategy to be employed are likely to include: -

- Value of contract and method of payment
- Nature of project - e.g. is the work involved of a specialist nature where the contractor's techniques, design talents, contacts with government departments, national agencies etc are likely to be material to any choice
- Length of contract and any extension arrangements
- Frequency of need for services/work
- Importance of adherence to budget and cost monitoring
- Client input and contract management throughout the project
- In the event of the contract arising as a result of a successful challenge under 'Community Right to Challenge' legislation the Council will consider its obligations and stated preferences in relation to delivery of services and the opportunities the contract may provide to support and develop the Third and Voluntary Sectors in the locality.

## 8. Roles and Responsibilities

i) Responsibility for decision making and action under contract letting procedures and for monitoring of the application of the contract procedures will be spread over the Council, in the interests of both efficiency and probity.

**The role of Policy Committees or the Council**

ii) Most contracts will relate to 'policy' functions and regulations, provided that those functions may only be discharged by Full Council, a Policy Committee or a relevant Officer, as the case may be. In respect of contracts relating to their policy functions, Policy Committees of the Council will have the responsibility:

- To determine the policy aims of the project, or service to be acquired
- To establish the level of expenditure for the project or service.
- To waive any element of the Contract Procedure Rules in the case of an individual project / service or class or group of contracts / services and to delegate such decisions to the Director of the Department requesting the waiver in consultation with the Director of Finance, IT

and Digital and Director of Legal, Governance and Human Resources where deemed appropriate.

**The Economic Growth & Regeneration Committee**

iii) In order to ensure monitoring in the award of contracts, the Economic Growth and Regeneration Committee will review outcomes after the completion of a tender procedure or a quotation with a value in excess of £60,000 (Goods and Services) or £100,000 (Works). In respect of any tender the Committee will have the responsibility:

- The same functions under 8(ii) above in its role as a Policy Committee.
- To receive and examine quarterly reports on the monitoring and outcome of contract letting procedures including outputs, values, value for money considerations and performance (incorporating if necessary provider comparative analysis) where lowest/highest price is not payable/receivable.
- To receive and examine reports on any exemptions granted to these Contract Procedure Rules

iv) **The Audit and Governance Committee**

To monitor contracts (at the discretion of the Committee) subject to the formal quotation and tendering procedures.

**The Role of Officers - The Chief Officer/Officer Team**

v) The Chief Officer/Officer Team will have the responsibility:

- To record the specification and procurement strategy in accordance with section 7 of this introduction.
- To approve use of selected tendering lists or frameworks or, if none available, to determine the quotation list for the contract.
- To advertise/issue invitations for expressions of interest, where appropriate.
- To determine a marking mechanism for each contract or for categories of contracts.
- To select contractors for participation in contracts procedures.
- To evaluate proposals and contractors and allocate scores.
- To approve the successful contractor.
- To work with the Corporate Procurement Team to ensure all relevant transparency requirements are met including the relevant notices are placed on the Central Digital Platform for projects

vi) The Corporate Procurement Officer must:-

- Open all quotations / tenders in excess of £30,000

- Record the outcome of all tenders / quotations with a value in excess of £60,000 (Goods and Services) or £100,000 (Works) indicating:-
  - Contract Name and Reference number;
  - Description of Goods / Services being procured;
  - Department / Service area procuring the Goods / Services;
  - Bidders;
  - Prices (separate to Bidders details to preserve commercial confidentiality);
  - Identity of successful Bidder.
  - To update the Central Digital Platform with all relevant notices

And report the above information to the Economic Growth and Regeneration Committee on a quarterly basis.

vii) It is presumed that Officers responsible for procuring goods, works and services under these rules are familiar with the powers delegated to Officers under the Council's delegation scheme, at least to the extent that those powers enable an Officer to take action without a specific authority from Elected Members. Where an Officer is given power to take action (e.g. to incur expenditure for which budgetary provision has been made), that power includes the power to enter into any contract necessary to secure the goods, works or services involved. In the interests of transparency, the requirement for the outcome of a Contract letting procedure to be reported to the Economic Growth and Regeneration Committee applies to contracts undertaken by an Officer under delegated powers, but the responsible Officer, rather than the Director of Legal, Governance and Human Resources would sign such a contract.

## 9. Electronic Procurement (e-Procurement)

i) It is the Council's policy that, whenever possible, procurement shall be carried out electronically. All procurement carried out, on any e-procurement system approved by the Director of Legal, Governance and Human Resources and the Council's Corporate Lead for Procurement, is subject to these Rules.

## 10. The Public Services (Social Value) Act 2012 & National Procurement Policy Statement

i) The Public Services (Social Value) Act and National Procurement Policy Statement places a number of statutory obligations on the Council, in relation to certain elements of its procurement practices including on what is classed as below threshold tenders.

iii) As the Act covers service contracts as defined in the Public Contracts Regulations 2015 and the Procurement Act 2023 the duty appears to

extend to contracts for 'Social and Other Services' since these service contracts are covered by the Public Contracts Regulations albeit the requirements for the procurement of such contracts are less onerous.

iv) The Act also includes an amendment to section 17 of the Local Government Act 1988 (exclusion of non-commercial considerations in the case of local and other public authority contracts) which basically enables the Council to consider non-commercial matters when awarding business, provided this is done in pursuit of the duties imposed by the Public Services (Social Value) Act 2012.

v) The Council confirms that it will consider the following when proposing to procure or make arrangements for procuring services and will ensure that the Council's Key Social Values, are taken into account:

- How what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant area (and this is the Authority's own area (or combined areas if it is a joint procurement) in which it 'primarily exercised its functions');

- How, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain in line with EU law, that anything under this limb much be relevant and proportionate in respect of the proposed contract);

- Whether they need to undertake any consultation about the two limbs of the duty as set out above.

vi) Where appropriate, procurement documentation will include a reference to the Act and will provide the opportunity for bidders to propose the delivery of 'Social Value' as part of their submission with such proposals being considered and scored as part of the tender / quotation evaluation process.

vii) Whilst the 'Public Services (Social Value) Act 2012' places a requirement on the Council to consider the issues described above, the Council is committed to the principles of the Act in all of its procurement activities, regardless of the value of the procurement or the nature, i.e. not solely service contracts to the exclusion of supply and/or works contracts, and will endeavour to apply these principles in a relevant and proportionate way.

## 11. Prompt Payments in the Supply Chain

i) The Council is keen to ensure that prompt payment of valid invoices takes place throughout its supply chains.

ii) The Council has a good record in paying its suppliers promptly and it has expressed the aim of ensuring this good performance is extended throughout it supply chains.

iii) To achieve this aim, the Council has amended its contractual terms and conditions to impose the following payment related obligations on its suppliers:

**Purchase Order Terms and Conditions:**

Where the supplier enters into a sub-contract, the Council expects that all sums due by the supplier to the sub-contractor are paid within a specified period not exceeding 30 days from the receipt of the invoice.

**Standard Terms and Conditions for the Purchase of Goods and Standard Terms and Conditions for the Purchase of Services:**

Where the Contractor enters into a sub-contract they must ensure that a provision is included which:

- Requires payment to be made of all sums due by the Contractor to the sub-contractor within a specified period not exceeding 30 days from the receipt of a valid invoice as defined by the sub-contract requirements and provides that, where the Council has made a payment to the Contractor in respect of the services and the sub-contractor's invoice relates to such services then, to that extent the invoice must be treated as valid and, provided the Contractor is not exercising a right of retention or set-off in respect of a breach of contract by the sub-contractor to the Contractor, payment must be made to the sub-contractor without deduction;

- Notifies the sub-contractor that the sub-contract forms part of a larger contract for the benefit of the Council and that should the sub-contractor have any difficulty in securing the timely payment of an invoice, that matter may be referred by the sub-contractor to the Council.

Construction related contracts will be amended to incorporate clauses which conform to the principles outlined in the above clauses.

## 12. Blacklisting

i) The Council operates a policy of not contracting with organisations who undertake 'blacklisting' in relation to their employees on the basis of their trade union membership or union activities.

ii) This policy is enacted through the content of Selection and Suitability questionnaires, and the Council's contract terms and conditions.

iii) The questionnaires referred to above contain the following warranty which bidding organisations are required to offer:

> 'The organisation (or its directors or any other person who has powers of representation, decision or control of such organisation) confirms that:-

Being an organisation, it has not complied or disseminated any 'blacklist' which is intended to discriminate against workers on the grounds of their Trade Union membership or union activities.

It is understood that such activities are expressly prohibited by law and that should the organisation engage in such practices, the Council has the right to exclude the organisation from tendering for any Council contracts.

Furthermore the organisation warrants that they have not been convicted of any offence under the Employment Relations Act 1999 (Blacklists) Regulations 2010.

iv) The Councils' contract terms and conditions incorporate the following clause:

'Subject to the provisions of the Force Majeure clause in these terms and conditions the Council may terminate this contract with immediate effect by notice in writing to the Contractor/Supplier at any time if the Contractor/Supplier or any subsidiary company of the Contractor/Supplier is convicted of any offence under the Employment Relations Act 199 (Blacklists) Regulations 2010.

## 13. General

i) In the event of conflict between this Introduction and the following Contract Procedure Rules 2015 and the Procurement Act 2023, national procurement legislation shall prevail.

ii) These rules are made in pursuance of Section 135 of the Local Government Act 1972 and any statutory modification or amendment thereto.

## PART A - SCOPE OF CONTRACT PROCEDURE RULES

### 1. Application of Contract Procedure Rules

i) These rules apply to every contract for the supply of goods, materials or services or for the execution of works, so far as they are relevant to a contract of the type determined by Council, except as provided in (ii) below.

ii) With the exception of (viii) overleaf, these rules do not apply to contracts with professional persons or contractors for the execution of works or the provision of services in which the professional knowledge and skill of these persons or contractors is of the primary importance, or where the contract is for the provision of a direct package of care and support for an individual child or vulnerable person.

iii) No exemption from any of the rules shall be made otherwise than by direction of a Policy Committee or the Council or in any case of urgency, the Chief Officer after consultation with the Monitoring Officer. Requests for an exemption from the rules must be documented using the template available on the Council's intranet. On completion of the template, a copy must be sent to the Corporate Procurement Team. The request will be checked for completeness and passed for review to:

the Director of Legal, Governance and Human Resources or representative
the Director of the Department requesting the exemption or representative
and
the Director of Finance, IT and Digital or representative
the Commissioning Officer requesting the exemption

In the event that the exemption is requested on behalf of the Finance, IT and Digital Department, the request is to be reviewed by Managing Director.

A record of any granted exemption from any of the provisions of these procedure rules shall be reported to the Economic Growth and Regeneration Committee on a quarterly basis and shall specify the case or urgency by which the exemption shall have been justified.

iv) Any granted exemption to these Contract Procedure Rules shall remain valid for a maximum period of 12 months. Officers will not be able to rely upon the granted exemption beyond this point and a procurement process must be undertaken in accordance with these Contract Procedure Rules, wherever possible.

v) For the purposes of any financial limit referred to in the rules, if the application of the rules to a particular contract cannot be identified until after opening of any tender / quotation, the value of the contract shall be as estimated by the Chief Officer.

vi) Reference in these rules to any decision, authority or action of the Council, a Policy Committee or an Officer shall be deemed to include reference to a decision approval or action of the responsible body or Officer prior to as well as after the adoption of these rules.

vii) The letting of any contract shall also comply with any legislation or regulations relevant to the contract, Health and Safety Regulations, the European Directive on public procurement and the Council's Financial Regulations.

viii) In respect of any contract to which, for whatever reason, the procedures set out in these rules do not apply, there shall be followed a procedure which:

- ensures a level of competition consistent with the nature and value of the contract
- is transparent and auditable
- provides value for money, and
- records the reasons for choosing the successful contractor

## PART B – SELECT LISTS OF CONTRACTORS

### 2. Compilation of a Select List of Contractors

i) This rule applies where a decision has been made that a list shall be kept of persons to be invited to submit quotations for contracts for the supply of goods, materials or services of specified categories, values or amounts, or for the execution of specified categories of work.

ii) The list shall include, where possible, a minimum of four persons, wherever practicable two of which should be local to Hartlepool, and shall;

- be approved by the Chief Officer;
- contain the names of all persons included in it subject to their approval by the Chief Officer/Head of Department, the appropriate technical officer (being satisfied that they have the capacity to undertake the contracts envisaged), the Health, Safety and Wellbeing Manager or Managing Director's nominee (being satisfied that they have adequate Health and Safety arrangements) and the Director of Finance, IT and Digital (being satisfied that they are financially sound); and
- indicate whether a person whose name is included in it is approved for contracts for all or only some of the specified values or amounts of categories.

iii) At least four weeks before the list is first compiled, notices inviting applications for inclusion in it shall be published:

a. in one or more local newspapers circulating in the district, and/or
b. on the procurement pages of the Council's website, and/or
c. in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories.

iv) The list may be amended by the appropriate Chief Officer as required from time to time and shall be reviewed as follows:

- Review to be carried out at intervals not exceeding 4 years, where an update of the list is carried out and notices inviting applications for inclusion in the list shall be published in the manner provided by paragraph (iii) of this section.

- Update to be carried out at intervals not exceeding 2 years, where each person whose name appears in the list shall be asked whether s/he wishes his/her name to remain therein.

Any such amendment or update shall be approved by the Chief Officer.

## 3. Adoption / Development of Corporate or Collaborative framework agreements

i) This rule applies where a decision has been made to adopt or develop a framework agreement corporately and where the agreement is to be used exclusively with no 'off-contract' purchases being made.

ii) When developing / adopting framework agreements for corporate use, the agreement must include a number of suppliers appropriate to the nature and subject of the framework agreement.

iii) The maximum duration of any such framework agreement is 4 years. This limit refers to the duration of the framework agreement and not any contracts implemented via the framework agreement. The duration of Framework Agreements may not be extended beyond the 4 year limit.

iv) Procurement processes and public notice provisions for developing framework agreements are the same as those detailed in Part C Procurement Procedures.

v) Any exemptions relating to the use of alternative procurement routes to approved Corporate framework agreements (for goods / works / services covered by approved Corporate framework agreements) are to be requested from the Council's Corporate Lead for Procurement and will be reported to the Economic Growth and Regeneration Committee on a quarterly basis.

## PART C - PROCUREMENT PROCEDURES

## 4. SCOPE OF PART C:

i) The requirements detailed in this Part C do not apply to contracts which have been determined should be let under the Select Lists of Contractors or Corporate framework provisions (see Part B) or which relate to the following matters: -

(a) Purchase by auction;

(b) Work to be executed, or goods materials or services to be purchased, which are a matter of urgency;

(c) The work to be executed or the goods, materials or services to be supplied consist of repairs to or parts for existing machinery or plant;

(d) The goods, materials or services to be purchased are such that a substantial proportion of the price is likely to be attributable to haulage;

(e) The purchase of goods, materials or services which are obtainable only from a limited number of contractors, but in such case a reasonable number of contractors shall be invited to submit quotations;

(f) Purchase or repair of patented or proprietary article or articles sold only at fixed price;

(g) The goods, materials or services to be purchased are such that effective competition is prevented by government control;

(h) The prices of the goods, materials or services to be purchased are controlled by a trade organisation or for other reasons there would be no genuine competition.

(i) The purchase of goods, materials or services which are acquired for re-sale to the public by a trading arm of the Council.

(j) The works to be executed could invalidate an existing warranty.

(ii) Purchase of second-hand goods.

a) NOTE: All quotations / tenders referred to in sections 4, 5 and 6 below are to be sought from Central Purchasing Contracts or framework agreements (as described in ‘Introduction – Para. 3’).

b) Where such arrangements do not exist, a minimum of two local suppliers (where available) must be invited to submit a quotation in respect of the processes outlined in sections 4 & 5. This is not possible with section 6 (Tenders) as these are advertised, however

steps should be taken to communicate opportunities to local businesses.

c) The minimum number of local suppliers to be invited to submit a quotation varies depending on the value of the contract to be awarded. Details are provided in the table at paragraph 6 below.

## 5. Informal Request for Quotation Procedure –

### i) Contracts under £5,000

For a contract for less than £5,000, it is not mandatory to use the council's e-tendering portal. The requisite number of quotations shall wherever possible be obtained. Appropriate checks and records must be retained to evidence such reasonable enquiries and award information must be published as legally required.

## 6. Formal Request for Quotations Procedure –

### i) Works contracts £10,000 - £5,336,937 (inclusive of VAT) Goods materials or Services Contracts £1,000 - £213,477 (inclusive of VAT)

In respect of contracts:

- for the execution of works over £5,000 and up to £5,372,6097 (inclusive of VAT)
- for the supply of goods materials or services over £5,000 and up to £214,904 (inclusive of VAT)

the requisite number of quotations shall wherever possible be obtained.

The following table details the requisite number of quotations, dependent on the anticipated value of the subsequent contract:

| | | Goods Materials and Services (excluding Social and other specific Services) | Social and other specific services | Works |
|---|---|---|---|---|
| | **Anticipated Contract Value** | **Rules** | **Rules** | **Rules** |
| Departmental | £0-£5,000 | **At least 2 quotations (use of Open is optional)** At least 2 Quotations (minimum of 1 Local where possible). | | |
| | £5,000-£30,000 | **At Least 3 quotations using Open** Officers Should invite a minimum of 2 local companies to quote (where available | | |

<table>
<tr><td rowspan="6">Corporate Procurement</td><td>£30,000 - £60,000</td><td colspan="2">At Least 3 quotations using Open<br><br>Officers should invite a minimum of 2 local companies to quote (where available)</td><td>At least 3 quotations using Open<br><br>Officers should invite a minimum of 2 local companies to quote (where available)</td></tr>
<tr><td>£100,000</td><td>At least 4 quotations using Open (minimum 3 local where possible)</td><td rowspan="3">At least 4 quotations using Open (minimum 3 local where possible)<br><br>Officers should invite a minimum of 3 local companies to quote (where available)</td><td rowspan="3">At least 4 quotations using Open<br><br>Officers should invite a minimum of 3 local companies to quote (where available)</td></tr>
<tr><td>£214,904<br>(inclusive of VAT)</td><td>Officers should invite a minimum of 3 local companies to quote (where available)</td></tr>
<tr><td>£663,540<br>(inclusive of VAT)</td><td rowspan="2">Tender Procedure<br><br>Procurement Act 2023 Regulations apply</td></tr>
<tr><td>£5372,609<br>(inclusive of VAT)</td><td>Tender Procedure<br><br>Procurement Act 2023 Regulations apply</td></tr>
<tr><td></td><td></td><td>Procurement Act 2023 Regulations apply</td></tr>
</table>

**Anticipated Contract Value figures valid from 1st Jan 2024 to 31st Dec 2025. Only where stated do the figures include VAT all other figures are VAT exclusive.**

All quotations are to be secured using the Council's prescribed system and process of quotation gathering, the default position being a requirement to use the Council's e-procurement system unless otherwise stated.

## PART D – BEST PRICE PROCEDURES

### 7. Tender Procedure –

i) **Works contracts over £5,372,609 (inclusive of VAT)**
**Goods materials or Services Contracts over £214,904 (inclusive of VAT)**
**(In-house bid contracts over £100,000)**

All contracts which exceed £5,336,937 in value or amount for the execution of any works, or £213,477 in value or amount for the supply of goods, materials or services shall be procured in accordance with the Procurement Act 2023.

## 8. Public Notice provisions

### Publication of Contract Opportunity Notices

Procurement processes subject to the tender procedure described in paragraph 7 are governed by the requirements of the Procurement Act 2023.

The following public notice provisions are also governed by the requirements of the Procurement Act 2023 but are further defined by these Contract Procedure Rules. Publication rules apply to procurement processes classed as above threshold under the Procurement Act 2023 and aspects are covered for below threshold procurements as outlined in the Procurement Act 2023.

Application of certain public notice provisions is optional, however, where these provisions are applied AND the value of the contract to be awarded is in excess of £30000 an advertisement MUST be placed on the Government's Central Digital Platform

The Corporate Procurement team will place this advert on behalf of the procuring officer/team.

i) At least seven calendar days public notice shall be given

- in one or more local newspapers circulating in the district, and/or
- on the procurement pages of the Council's website, and/or
- on the Council's chosen procurement portal and/or
- where deemed appropriate, in one or more newspapers or journals circulating among such persons as undertake such contracts,

expressing the nature and purpose of the contract, inviting tenders for its execution and stating the last date (not less than 14 days after appearance of the public notice) when tenders will be received.

ii) After the date specified in the public notice, invitations to tender for the contract shall be sent to not less than four of the persons who applied for permission to tender, selected by the Chief Officer in the approved manner, either generally or in relation to a particular contract or category of contract or, if fewer than four persons have applied and are considered suitable, to all such persons.

### Publication of Contract Award notices

All contracts **awarded** with a value in excess of £30,000 MUST be notified to the Corporate Procurement Team so that details can be submitted to the Government's Central Digital Platform.

## 9. Selected tenderers provisions

i) This rule applies where it has been determined that formal requests for quotations are to be restricted to persons whose names appear on a Selected List of Contractors compiled under Part B - Rule 2. An invitation to quote for that contract shall be sent to at least four of those persons included in the list as being approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are four or more such persons, the persons to whom invitations are sent shall be selected by the Chief Officer in the manner approved, either generally or in relation to a particular contract or to a category of contracts.

## 10. Acceptance of tenders / quotations

i) A tender/quotation –

- other than the lowest tender / quotation if payment is to be made by the Council or

- other than the highest tender / quotation if payment is to be received by the Council,

shall have the reason for its acceptance recorded and notified to the Economic Growth and Regeneration Committee on a quarterly basis.

# PART E - PRICE/QUALITY CONTRACTS

## 11. Price/Quality Contracts Provisions

i) This rule applies when it has been determined by the Chief Officer, that the contractor shall be chosen on the basis of a combination of price and performance and for which a price/quality ratio has been determined.

(a) Where there is a relevant Select List of Contractors or framework for the nature of work or service involved in the project, the Chief Officer shall invite the appropriate contractors from the list to indicate whether they are interested in undertaking the proposed works.

(b) Where there is no Select List of Contractors or framework the rules defined in sections 3, 4 or 5 are to be applied.

ii) An Agreed Marking Mechanism (see Rule 15) shall be applied to calculate the Price/quality Score of each tender / quotation.

iii) The tender / quotation with the highest Price/Quality Score will usually be accepted.

## PART F – STRATEGIC PARTNERSHIPS

### 12. Strategic Partnership Contracting Provisions

i) There are a wide range of possibilities with regard to the establishment of Strategic Partnerships however care must be taken to consider the possible impact of public procurement regulations when considering any such course of action.

ii) Examples of public-public co-operation arrangements which may be exempt from the Public Procurement regulations are:

a) Public tasks performed by own resources

Under the procurement rules, a contracting authority remains free to perform the public tasks conferred on it by using its own administrative technical and other resources, without being obliged to call on outside entities not forming part of its own structure. The procurement rules do not apply where a contracting authority performs a public task by using its own resources in such a way that no contract for financial interest is concluded, because the situation is internal to one and the same legal person.

The possibility of performing public tasks using own resources may also be exercised in co-operation with other contracting authorities provided this does not involve remuneration or any exchange of reciprocal rights and obligations, there is no service provision within the meaning of EU public procurement law.

However, where contracting authorities conclude contracts for financial interest with one another, the case law indicates that this may in certain circumstances (despite the general principle) fall outside the scope of the procurement rules. Where contracting Authorities co-operate with a view to jointly ensuring the execution of public interest tasks, then this may involve the award of contracts without triggering the obligation to apply EU public procurement law.

iii) Clearly the possibilities for establishing Strategic Partnerships without undertaking a competitive procurement exercise do exist, although, as stated earlier, this is a very complex area and any such proposals must initially be passed to the Council's Legal Division for consideration.

## G - GENERAL PROVISIONS

### 13. Opening of tenders

i) All electronic quotations / tenders with a value less than £30,000 shall be opened at one time by the Procuring Officer

ii) All electronic tenders / quotations with a value in excess of £30,000 shall be opened at one time by a Corporate Procurement Officer

iii) Paragraph (i) and (ii) of this Provision shall not apply to tenders / quotations obtained for the In-house Provider for the purpose of compiling a bid as tender for submission by the In-house Provider.

iv) Paragraph (i) and (ii) of this Order shall not apply to tenders / quotations which are received through the execution of an e-auction. In such an event, the following will take place:

a) The relevant Chief Officer will be advised of the e-auction event dates and times by the Corporate Procurement Team and arrangements made to accommodate relevant Officers at the live auction event should they wish to attend.

v) The outcomes of all (written and electronic) quotations / tenders with a value in excess of £60,000 (Goods and Services) or £100,000 (Works) are to be recorded indicating:-

- Contract Name and Reference number
- Description of Goods / Services being procured
- Department / Service area procuring the Goods / Services
- Bidders
- Prices (separate to Bidders details to preserve commercial confidentiality)
- Identity of successful Bidder

This information will be reported to the Economic Growth and Regeneration Committee on a quarterly basis
.

## 14. Tenders to be returned in sealed envelopes

i) The Council's principal method of procurement is by electronic means. Requests for Quotations and Invitations to Tender must be transmitted by electronic means using the Council's e-procurement system unless the Director of Finance, IT and Digital authorises (in exceptional circumstances) the use of postal / hard copy tenders / quotations.

ii) In the event that use of postal / hard copy tenders / quotations has been authorised, the resultant procurement documentation shall state that no submission will be received except in a plain sealed envelope which shall bear the word "Tender" - followed by the subject to which it relates - but shall not bear any name or mark indicating the identity of the sender. Envelopes shall be returned to the Managing Director and once received shall remain in the custody of the Managing Director or his/her nominee until the time appointed for their openings.

iii) The Managing Director shall keep a record of all postal / hard copy tenders / quotations received.

## 15. Agreed Marking Mechanism

i) No Price/Quality procedure shall be commenced unless there has been an Agreed Marking Mechanism developed.

Bidders shall be informed of the elements to be marked and of the comparative importance of each element as a percentage of the available marks.

## 16. Contracts to be in writing

i) Every contract, other than those for goods / services which are classified as exempt, shall be the subject of a Council purchase order and shall specify:

(a) the work, materials, matters or things to be furnished, had or done;
(b) the price to be paid, with statement of discounts or other deductions; and
(c) the time or times within which the contract is to be performed.

ii) Where the value of the contract exceeds the financial limits which require a tender process or quotation exercise with a value in excess of £60,000 (Goods and Services) or £100,000 (Works) to take place (see Rule 7) the contract must be the subject of a formal written contract signed in accordance with Rule 18.

## 17. Liquidated Damages and Performance bonds

Every contract which exceeds £100,000 in total value or total amount over its lifetime and is either for the execution of works or for the supply of goods, materials or services, shall, unless the Chief Officer otherwise decides after consultation with the Director of Legal, Governance and Human Resources, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, and the Council shall also require and take sufficient security for the due performance of any such contract. In the case of any such contract for the execution of works such security shall be provided by requiring the retention of a proportion of the contract sums payable until the work has been satisfactorily completed and maintained and, unless the Chief Officer, after consultation with the Director of Legal, Governance and Human Resources considers it unnecessary in any particular case, additional provision of a bond for due performance.

## 18. Vetting and Signature of contracts

i) **Contract Vetting**

a) Contracts with a value in excess of £30,000 are to be referred to the Corporate Procurement Team for vetting.

b) The Corporate Procurement Team must refer all contracts with a value in excess of £60,000 (Goods and Services) or £100,000 (Works) and which incorporate additional terms and conditions to those contained in the Council's approved standard contractual

documentation to the Council's Legal Services Department for vetting.

ii) **Contract Signature**

a) Except for contracts entered into by an Officer in exercise of delegated powers, the Director of Legal, Governance and Human Resources shall be the agent of the Council to sign on behalf of the Council all contracts agreed to be entered into by or on behalf of Policy Committees or the Council.

b) Contracts which are for a value of £100,000 or more shall be executed under the Council's seal by the Director of Legal, Governance and Human Resources (or in his/her absence by a person authorised by him/her).

## 19. Tenderers withdrawal

i) In the event of any person or firm withdrawing a tender / quotation, or declining to sign a form of contract upon being called on to do so after his/her or their tender / quotation has been accepted (whether accepted subject to the Council's approval or not), no further tender /quotation from such a person or firm shall, unless the Economic Growth and Regeneration Committee or the Council otherwise resolve, be considered for a period of three years.

## 20. Post contract variations and negotiations

i) Except for a variation –

(a) which does not substantially affect the nature of the works services goods, materials or services to be supplied to the Council and does not increase the payment to be made by the Council, or

(b) is made in accordance with paragraph (ii)

a contract shall not without the authority of the relevant Policy Committee or the Council depart from the description of the works, goods, materials or services for which the quotation or tender was received.

ii) This paragraph applies where all of the tenders / quotations received exceed the budget allocated for the project and the Chief Officer and the Head of Service relevant to the contract consider that amendments may be made to the specification or procurement process which would result in a price in accordance with the budget. All those submitting tenders / quotes shall be provided with a schedule of variations / revised instructions and invited to submit a revised bid.

iii) Apart from discussions with contractors for the purpose of clarification of any element of a tender / quotation, or for the correction of arithmetic or other details, (but NOT the resolution of any qualified bids) negotiations

following receipt of tenders / quotations shall only take place in the following circumstances: -

(a) where a single tender /quotation or no acceptable tenders / quotations have been received and the Chief Officer considers that negotiation may lead to more favourable terms or an acceptable offer to the Council, or

(b) when tenders /quotations cannot readily be evaluated and compared without discussion with those submitting the tender / quotation or

(c) with the approval of the Director of Finance, IT and Digital and the Director of Legal, Governance and Human Resources and the Monitoring Officer (if different) and any negotiations shall be conducted in accordance with paragraph (iv)

iv) Discussion with those submitting the tender / quotation for the purpose of negotiations under paragraph (iii) shall

- be attended by not less than 2 Council Officers

- be at a pre-determined time during normal office hours

- be the subject of a comprehensive written record, signed by the Council Officers in attendance and submitted to the Council's Corporate Lead for Procurement for approval

## 21. Extensions to contracts

i) In the event that an extension of the original contract period (the original contract period to include all extensions already allowed for in the original contract) is required, the decision to implement such an extension must be approved by the relevant Chief Officers and the Council's Corporate Lead for Procurement.

Requests for a contract extension, as described above, must be documented using the template available on the Council's intranet. On completion of the template, a copy must be sent to the Corporate Procurement Team. The request will be checked for completeness and passed for review to:

the Director of Legal, Governance and Human Resources or representative
the Director of the Department requesting the exemption or representative
the Director of Finance, IT and Digital or representative
the Commissioning Officer requesting the exemption

In the event that the extension is requested on behalf of the Finance and Policy Department, the request is to be reviewed by the Managing Director.

ii) In the event that a contract extension, as described above, represents a value greater than the applicable relevant procurement threshold, then the available extension period will be limited to a time or value as stipulated under the prevailing legislation (PCR2015 & PA 2023) under which the procurement was undertake and the relevant notices established . .

## PART H - GLOSSARY

### 22. Interpretation

Unless the context otherwise indicates, the following terms used in these rules have the meanings stated: -

**"Agreed Marking Mechanism"** is the mechanism which (before the issue of any invitation to tender / quotation or attend interview) has been agreed between the Chief Officer and the Council's Corporate Procurement Team for the allocation of marks making up the Price/Quality Score (see also Rule 15).

**"Central Digital Platform"** Under the Procurement Act 2023 (PA2023), the central digital platform is the enhanced Find a Tender service (FTS). This platform is designed to facilitate the publishing of required notices and documents in accordance with the new regulation.

**"Chief Officer"** is the Chief Officer of the Council who is responsible for letting and supervising the completion of a contract or of contracts of a particular nature. (Director or Assistant Director)

**"Electronic Procurement (e-Procurement)"** is a fully electronic procure-to pay process from initial requisition and ordering through to invoicing and payment, and can include e-Auctions, e-Purchasing, e-Tendering and Procurement Cards.

**"e-Auctions"** is the means of carrying out purchasing negotiations via the Internet. A real time event that occurs online allowing multiple suppliers in different geographic locations to place and modify bids simultaneously.

**"e-Tendering"** is systems or solutions to enable the tendering / quotation process to be conducted via the Internet. Including advertisement of requirement, documentation production, supplier registration, electronic exchange of documents between supplier and buyer, opening of tenders / quotations, evaluation of submissions, contract award and publication.

**"National Procurement Policy Statement" (NPPS)** sets out the strategic priorities for public procurement in the UK. It provides guidance on how contracting authorities can support these priorities through their procurement activities.

**"Policy Committee"** is a Committee of the Council acting together in accordance with the Council's Delegation Scheme currently applicable.

**"Price/Quality Score Matrix"** is a matrix showing in respect of all contractors each element of their Price/Performance Score and their total scores.

**“Price/Quality Contract under Procurement Act 2023 generally known as Most Advantageous Tender ”** is a contract for which the contractor is to be chosen on the basis of a combination of price and performance.

**“Price/Quality Ratio”** is the comparative importance of price and performance of the product or service expressed as a percentage ratio.

“The Procurement Act 2023 PA 2023” reformed the UK's public procurement system, with the objectives of making it quicker, simpler, and more transparent. It introduces a new regime focused on value for money, competition, and objective criteria, and creates a central digital platform for suppliers to register and bid for contracts and was introduced in February 2025.

**“Procurement Cards”** are charge cards which work in a similar way to credit cards and can be used to purchase goods and services. Can be open to use by any suppliers or have controls placed upon them by the issuer to limit their use to certain suppliers and/or commodities. They are usually used to process low-value, high-volume transactions.

**“The Public Contracts Regulations 2015 (PCR 2015)”** are a set of rules governing the procurement processes for public sector contracts in the UK, ensuring transparency, fairness, and competition. These were superseded by the Procurement Act 2023 in February 2025 although aspects of PCR2015 will remain for many years in relation to procurements undertaken under PCR 2015 and call offs from frameworks done under PCR 2015.

**“Public Services (Social Value) Act 2012**” is an Act which places a number of statutory obligations on the Council, in relation to certain elements of its procurement practices, specifically to consider:

- How, what is being proposed to be procured might improve the economic, social and environmental wellbeing of the relevant area (and this is the Authority’s own area (or combined areas if it is a joint procurement) in which it ‘primarily exercised its functions’)

- How, in conducting the procurement process, it might act with a view to securing that improvement (although the Act makes it clear, in order to remain in line with EU law, that anything under this limb much be relevant and proportionate in respect of the proposed contract);

- Whether they need to undertake any consultation about the two limbs of the duty as set out above.

**“Quotation”** for the purposes of this document is an offer submitted by a supplier to the Council via a procurement process where the suppliers participating in the procurement process have been selected by the Council, as opposed to their involvement occurring as a result of them responding to an advertised, open invitation, available to all interested suppliers.

**“Tender”** for the purposes of this document is an offer submitted by a supplier to the Council via a procurement process which required suppliers to respond to an

advertised opportunity, such opportunity being made equally available to all interested suppliers.

# FULL COUNCIL RULES OF PROCEDURE

**Contents**


**Page**

1. Annual meeting of Full Council .....49

2. Ordinary meetings of Full Council .....50

3. Extraordinary meetings .....51

4. Appointment of substitute Elected Members of Committees and Sub-Committees .....52

5. Time and place of meetings .....53

6. Notice of and summons to meetings .....53

7. Quorum .....53

8. Duration of meeting .....53

9. Questions from the public .....53

10. Questions by Elected Members .....54

11. Motions on notice .....58

12. Motions without notice .....59

13. Rules of debate .....60

14. Previous decisions and motions .....64

15. Voting ..... 64

16. Minutes ..... 65

17. Record of attendance ..... 66

18. Exclusion of public ..... 66

19. Elected Members' conduct ..... 66

20. Disturbance by public ..... 67

21. Elected Members Interests ..... 67

22. Suspension, amendment and interpretation of Council Procedure Rules ..... 67

23. Committees and Sub-Committees of the Council ..... 68

24. Application of Procedure Rules ..... 69

25. Reference to Council ..... 70

Appendix 1 – Requisition to Call an Extraordinary Council ..... 73

Appendix 2 – Protocol on Extraordinary Council Meetings ..... 75

Appendix 3 – Council Referral ..... 77

# FULL COUNCIL RULES OF PROCEDURE

## 1. ANNUAL MEETING OF FULL COUNCIL

### 1.1 Timing of Annual Meetings

In a year when there is an ordinary election of Elected Members, the Annual Meeting of Full Council will take place within 21 days of the retirement of the outgoing Elected Members. In any other year, the Annual Meeting will take place in March, April or May on a date to be determined by Council.

### 1.2 Order of Business of Annual Meetings

The Annual meeting of Council is a formal procedural meeting and the order of business at any Annual meeting will be:

i) To elect a person to preside at the meeting if the Chair (Ceremonial Mayor) and Vice Chair (Deputy Ceremonial Mayor) is not present;

ii) To receive apologies from absent Elected Members;

iii) To elect the Chair of Council (Ceremonial Mayor) for the coming municipal year;

iv) To elect the Vice Chair of Council (Deputy Ceremonial Mayor) of Council for the coming municipal year;

v) To receive any announcements from the Chair of Council (Ceremonial Mayor) and/or Head of Paid Service;

vi) To elect the Leader of the Council and a Deputy Leader of the Council for the coming municipal year:

vii) To approve a programme of meetings of the Council for the year; and

viii) To make appointments to committees and other bodies as required by the Constitution;

ix) To make appointments to joint committees and other outside bodies where appointment is reserved to Council.

x) To resolve to adjourn the Annual Meeting to (insert date) to receive suitable presentations from the newly elected Chair of Council (Ceremonial Mayor)

### 1.3 Variation of Order of Business

Business falling under items (i) to (iv) of rule 1.2 shall not be displaced, but subject thereto the order of business of the Annual Meeting may be varied by the Ceremonial Mayor acting as Chair (hereinafter referred to as ‘Chair’ for the purposes of these procedure rules).

## 2. ORDINARY MEETINGS OF FULL COUNCIL

### 2.1 Order of Business at Ordinary Meetings

Unless otherwise provided under rule 2.2 the order of business at every ordinary meeting will be:

i) To elect a person to preside if the Chair and Vice-chair are not present;

ii) To receive apologies from absent Elected Members;

iii) To receive any declarations of interest from Elected Members;

iv) To deal with any business required by statute to be done before any other business;

v) To approve the minutes of the last meeting of Full Council as the correct record;

vi) To answer questions from Elected Members of Full Council on the minutes of the last meeting of Full Council;

vii) To deal with any business required by statute to be done;

viii) To receive any announcements from the Chair, or the Head of Paid Service;

ix) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;

x) To consider reports from the Authority's Committees and to receive questions and answers on any of those reports;

xi) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;

xii) To consider reports from the Policy Committees:

(a) proposals in relation to the Authority's approved Budget and Policy framework; and

(b) proposals for departures from the approved budget and policy framework;

xiii) To consider motions in the order in which notice has been received;

xiv) To receive the Managing Director's report and to pass such resolutions thereon as may be deemed necessary.

xv) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 9;

xvi) To answer questions of Elected Members under Rule 10;

a) Questions to the Chairs about recent decisions of Council the Authority's Committees without notice under Council Procedure Rule 10.1

b) Questions on notice to the Chair of any Committee under Council Procedure Rule 10.2

c) Questions on notice to the Authority's representatives on the Police and Crime Panel and Cleveland Fire Authority

d) Minutes of the meetings held by the Cleveland Fire Authority and the Police and Crime Panel

The business items set out above are the only matters which may be brought before an Ordinary meeting of Full Council.

## 2.2 Variation of Order of Business

Business falling under items (i) to (vi) of rule 2.1 shall not be displaced, but subject thereto the order of business of an Ordinary Meeting may be varied:-

i) by the Chair, or

ii) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## 3. EXTRAORDINARY MEETINGS

## 3.1 Calling extraordinary meetings

The persons listed below may request the Managing Director to call Council meetings in addition to ordinary meetings:

i) the Council by resolution;

ii) the Chair, or, in his/her absence, the Vice-Chair;

iii) the Council's Monitoring Officer; and

iv) any five Elected Members of the Council if they have signed a requisition (in the form as that reproduced in Appendix 1) presented to the Chair of the Council and she/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

At other times the Managing Director may call a meeting of Full Council whenever they consider it necessary and/or appropriate to do so.

3.2 Any request or requisition for an Extraordinary Meeting of the Council shall specify the reason for the calling of the meeting and give notice of a motion/motions to be debated (unless the purpose is to receive reports or adoption of recommendations of Committees or Officers or any resolutions following from them). The purpose of an

Extraordinary Meeting is to enable business to be transacted, or a matter to be debated, that is urgent and cannot wait until the next ordinary Full Council meeting. A protocol in relation to extraordinary meetings is attached at Appendix 2.

3.3 **Business**

No item of business may be conducted at an extraordinary meeting of Full Council other than that specified in the resolution, request or requisition which led to the meeting being.

## 4. APPOINTMENT OF SUBSTITUTE ELECTED MEMBERS OF COMMITTEES AND SUB-COMMITTEES

### 4.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council at the Annual Meeting may allocate seats in the same manner for substitute Elected Members.

### 4.2 Designation of Substitutes

A substitute may be designated for each Elected Member appointed to a Committee or Sub-Committee:

i) by Full Council, if so requested by the Elected Member, or

ii) by the Elected Member, by notification to the Managing Director (which designation as a substitute shall take effect immediately after notification to the Managing Director for the specific meeting or until such later time as shall be specified by the Elected Member).

and, in respect of an Elected Member appointed to more than one Committee or Sub-Committee, a different substitute may be designated for each appointment.

An Elected Member designated as a substitute shall undergo such training as required, or as otherwise deemed necessary, in accordance with any direction or instruction through the Chair of the relevant Committee, any procedural or best practice guidance in the better governance of the Authority.

An Elected Member may, by written notification to the Managing Director, terminate the appointment of a substitute with immediate effect.

### 4.3 Powers and duties

Substitute Elected Members will have all the powers and duties of any ordinary Elected Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

### 4.4 Substitution

At the commencement of a meeting at which a substitute is to attend as substitute s/he shall identify the Elected Member for whom s/he substitutes who shall be excluded from participating in that meeting and for whom there shall be no further substitution at that meeting.

## 5. TIME AND PLACE OF MEETINGS

### 5.1 Annual and extraordinary meetings

The Annual Meeting and extraordinary meetings of Full Council shall unless otherwise directed or determined by Full Council be held at the Civic Centre, Hartlepool, commencing at 7.00 p.m.

### 5.2 Ordinary meetings

The Ordinary meetings of Full Council shall, unless otherwise directed or determined by Full Council, be held at the Civic Centre, Hartlepool commencing at 7.00 pm in the evening.

## 6. NOTICE OF AND SUMMONS TO MEETINGS

The Managing Director will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting (otherwise than in cases of unavoidable urgency), the Managing Director will send a summons signed by him/her by post or email to every Elected Member or leave it at their usual place of residence or other duly notified address. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

## 7. QUORUM

The quorum of a meeting of Full Council will be nine. If at the commencement of or during any meeting there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 8. DURATION OF MEETING

Unless the majority of Elected Members present vote for the meeting to continue, any meeting that has lasted until 9.00 pm shall adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 9. QUESTIONS FROM THE PUBLIC

### 9.1 General

During a period of 30 minutes, or a longer period at the discretion of the Chair, residents of Hartlepool may raise questions of, Chairs of Committees and Sub-Committees at ordinary meetings of Full Council in accordance with these procedure rules.

### 9.2 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Managing Director no later than noon on the Thursday of the week before the meeting (or in the case of a meeting held otherwise than on a Thursday, on the expiry of the fifth clear working day before the meeting). Each question must give the name and address of the questioner and must name the Chair of Committee to whom it is to be put (if the questioner is under 16 years of age, the notice must include the name, address and signature of the parent or guardian of the questioner).

Questions may be submitted at a later time than the deadline stated above if, in the opinion of the Chair of the Council, the question relates to an urgent issue that has arisen after the deadline.

### 9.3 Order of questions

i) In respect of receipt of more than one question under rule 9.2 and not rejected under rule 9.5, questions will be asked in the order received, except that the Chair of the Council may group together similar questions.

ii) There shall be excluded from the process described in rule 9.3(i) the question of any person whose question was dealt with at the immediately preceding ordinary meeting of the Full Council which shall be placed at the end of the order of questions. If there is more than one question to which this paragraph applies, they shall be asked in the order in which they were asked at the preceding meeting.

### 9.4 Number of questions

At any one meeting no person may submit more than 2 questions but a question may consist of a number of parts.

### 9.5 Scope of questions

The Managing Director in consultation with the Chair of the Council, may reject a question if:-

i) it is not about a matter for which the Authority has a responsibility or which affects the Borough; or

ii) it is out of order, illegal, irregular or improper; or

iii) it is defamatory, frivolous or offensive; or

iv) it is substantially the same as a question which has been put at a meeting of the Council in the past six months and since when there has been no change of circumstances justifying the resubmission of the question ; or

v) it requires the disclosure of confidential or exempt information; or

vi) it is unreasonably excessive because of its length or its number of parts.

**9.6 Record of questions**

i) The Managing Director will enter each question in a book open to public inspection and will immediately send a copy of the question to the Elected Member to whom it is to be put. Rejected questions will include reasons for rejection.

ii) The Managing Director shall notify the questioner in writing addressed to the questioner at the address at which s/he is registered that his/her question has been accepted (or referred to a Policy Committee under Rule 9.8) or rejected under rule 9.5 (the letter will be copied to the parent or guardian identified in the notice if the questioner is under 16 years of age)

iii) Copies of all questions will be circulated to all Elected Members and will be made available to the public attending the meeting.

**9.7 Asking the question at the meeting**

(i) The Chair will invite the Managing Director to read the submitted question to the Elected Member named in the notice, unless the questioner would prefer to read out their own question.

(ii) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Elected Member who was to respond to the question, will be dealt with by way of a written answer.

(iii) Once the question has been asked, the Elected member named in the notice will have 5 minutes to respond to the question.

(iv) Once the question has been responded to, a questioner may ask up to two supplementary questions without notice for clarification purposes only. The supplementary question must arise directly from the original question or reply. That following the response, the Chair will ask the member of the public if they consider that their question has been answered, if so there will be no debate. If the member of the public states that their question has not been answered, the Chair will allow up to 10 minutes for debate and that the normal Rules of Debate will apply.

## 9.8 Formal Referral of a Public Question to a Policy Committee

If the Managing Director, in consultation with the Chair of Council, considers that it would be more appropriate to do so, a question received on notice for submission to Full Council under Rule 9.2 may instead be referred to the next relevant Policy Committee for answer and shall be dealt with in accordance with the Council's Protocol for Public Questions at Policy Committee meetings which is included in Part 5 of the Constitution.

## 9.9 Asking Questions at Policy Committee Meetings

The public may ask questions at Policy Committee meetings in relation to the items on the agenda with a time limit of 4 minutes to include asking and responding to the question

# 10. QUESTIONS BY ELECTED MEMBERS

## 10.1 Questions about recent decisions of Council Committees

(i) An Elected Member of the Council may ask a Chair of a Committee about a decision published and approved for implementation in the period since the last ordinary meeting of Full Council. Questions under this rule may be asked without notice. However, the questioner must identify the Committee making the decision and the title of the decision taken by the Committee.

(ii) Once the question has been responded to by the Chair of the Committee, at the Chair of Council's discretion, Full Council may debate the matter or move that the issue be referred to a Committee if so moved, seconded and agreed by Council.

(iii) An Elected Member asking a question will have a maximum of one minute to ask his/her question at the meeting. A Chair of a Committee responding to a question will have a maximum of five minutes to respond to the question.

## 10.2 Questions on notice at full Council

i) An Elected Member of the Council may ask the Chair of any Committee or Forum a question on

- any matter in relation to which the Authority has powers or duties or
- which affects the Borough of Hartlepool

provided s/he has given notice by delivering it in writing or by electronic mail to the Managing Director no later than noon on the Thursday of the week before the meeting. In the case of a meeting held otherwise than on a Thursday, on the expiry of the fifth clear working day before the meeting. If the question relates to urgent matters, and the consent of the Elected Member to whom the question is to be addressed has been given, notice may be given to the Managing Director not later than 1 hour before the time of commencement of the meeting.

An Elected Member who submits more than one question shall place the questions in a numbered order of priority and shall indicate whether, in the event that the question is not asked at the meeting of Full Council for which it is submitted, s/he wishes that the question be asked at the next ordinary meeting of Full Council or be answered in writing.

ii) An Elected Member may, if a notice in writing has been given to the Managing Director no later than noon on the Thursday of the week before the meeting (or in the case of a meeting held otherwise than on a Thursday, on the expiry of the fifth clear working day before the meeting) and such notice is signed by an Elected Member before the commencement of the meeting ask:-

- a Member of the Police and Crime Panel any question on any matter in relation to the discharge by the Panel of its functions; or

- a Member of the Cleveland Fire Authority any question on any matter in relation to the discharge by the Fire Authority of its functions.

An Elected Member who submits more than one question shall place the questions in a numbered order of priority

(iii) Questions of which notice has been given under (i) or (ii) above shall be asked in the order in which notice of the questions was given save that all questions of one priority shall be dealt with before questions of the next priority.

(iv) Elected Members may, at the discretion of the Chair of Council, make comment upon and discuss the issue raised by the questioner under (i) or (ii) above and/or move that that the issue is referred to a Committee if so moved, seconded and agreed by Council.

(a) An Elected Member asking a question will have a maximum of one minute to put his/her question at the meeting. The relevant Elected Member responding to a question will have a maximum of five minutes to provide their response.

(b) Not more than 30 minutes shall be allocated at a meeting of Full Council to the answering of questions under this rule provided that the Chair of Council may at his/her discretion extend the time. Any questions remaining unanswered shall (unless the Elected Member who gave notice of the question has indicated that the question should be answered in writing) be dealt with at the next ordinary meeting of Full Council. The first unanswered question of each Elected Member being accorded priority no 1 and subsequent questions accorded priority in the sequence allocated by the Elected Member.

## 10.3 Scope of Questions

The Managing Director in consultation with the Chair of the Council, may reject a question if:-

i) it is not about a matter for which the Authority has a responsibility or which affects the Borough; or

ii) it is defamatory, frivolous or offensive; or

iii) it is substantially the same as a question which has been put at a meeting of Full Council in the past six months and since when there has been no change of circumstances justifying the resubmission of the question; or

iv) it requires the disclosure of confidential or exempt information; or

v) it is unreasonably excessive because of its length or its number of parts;

### 10.4 Response in Writing

An answer under Rules 10.1 and 10.2 may take the form of:

i) a direct oral answer which will be open to further debate in Council;

ii) where the reply cannot conveniently be given orally, a written answer will be circulated to all Elected Members. At the discretion of the Chair of Council, the questioner may ask an additional question in accordance with Rule 10.2 at the next ordinary meeting of Full Council about issues raised in the written answer.

## 11. MOTIONS ON NOTICE

### 11.1 Notice

A Motion must be about a matter for which the Authority has a responsibility or which affects the Borough of Hartlepool.

i) Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least five Elected Members, must be submitted to and received by the Managing Director, or by electronic mail to the Managing Director before 5 pm at least seven clear working days before the date of the meeting.

ii) The notice of motion will be entered in a book open to public inspection.

iii) The number of motions before an Ordinary Meeting of Council shall not exceed three subject to consultation with the Chair of Council and in accordance with Council Procedure Rule 11.1 (i). Motions will be set out in the agenda in the order in which they were received. Where, subject to rule 11.2, more than three Motions are received, the Motions to be submitted to Council shall be determined in a manner of random selection which will determine also the order the Motions will be listed on the agenda, any remaining Motions on Notice shall be dealt with at the next ordinary meeting of Full Council.

### 11.2 Scope

The Managing Director in consultation with the Chair of the Council, may reject a Motion if:-

i) it is not about a matter for which the Authority has a responsibility or which affects the Borough; or

ii) it is out of order, illegal, irregular or improper; or

iii) it is defamatory, frivolous or offensive; or

iv) it is substantially the same as a Motion which has been put at a meeting of the Full Council in the past six months and since when there has been no change of circumstances justifying the resubmission of the question ; or

v) it requires the disclosure of confidential or exempt information; or

vi) it is unreasonably excessive because of its length or its number of parts;

### 11.3 Withdrawal of motion not moved

If a motion set out in the agenda is not moved either by the Elected Members who gave notice of it or some other Elected Member on his/her behalf shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

### 11.4 Remission to committee

If in the view of the Chair of Council, in consultation with the Monitoring Officer, the subject matter of any Motion is the responsibility of any Committee or Committees it shall, upon being moved and seconded, stand referred without discussion to such Committee or Committees or to such other Committee or Committees as Full Council may determine, for consideration and report. Provided that the Chair may, if s/he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting of Full Council, following consultation with the Monitoring Officer.

## 12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

i) to appoint a Chair of the meeting at which the motion is moved;

ii) in relation to the accuracy of the minutes;

iii) subject to rules 1.3 and 2.2, to change the order of business in the agenda;

iv) to refer a matter to an appropriate body or individual;

v) to appoint a Committee or Elected Member arising from an item on the summons for the meeting;

vi) To consider reports from Committees and Officers, and any resolutions flowing from them.

vii) to withdraw a motion;

viii) to amend a motion;

ix) to extend the time limit for speeches

x) to proceed to the next business;

xi) that the question be now put;

xii) to adjourn the debate;

xiii) to adjourn the meeting;

xiv) that the meeting continue beyond the time specified by rule 8 for termination of the meeting;

xv) to suspend a particular procedure rule;

xvi) to exclude the public and press in accordance with the Access to Information Rules;

xvii) that an Elected Member named under Rule 19.3 be not further heard or be excluded from the meeting under Rule 19.4;

xviii) requesting an Elected Member to leave under rule 21; or

xix) to give the consent or decision of the Council where its consent or decision is required by these procedure rules.

## 13. RULES OF DEBATE

### 13.1 Moving and seconding the motion

i) Except as provided by this rule, no speeches may be made on a motion until it has been moved and seconded.

ii) An Elected Member proposing to move a motion shall, on rising, move the motion by stating the terms of the motion without further comment.

iii) The motion may then be seconded without further comment.

iv) The Chair shall state the terms of the motion.

v) The mover of the motion shall open the debate on the motion and subject to rule 13.4 the seconder may reserve their right to speak to later in the debate.

### 13.2 Right to require a proposed amendment to a motion in writing

Unless notice of the motion has already been given, the Chair may require a proposed amendment to a Motion to be written down and handed to him/her before it is discussed.

### 13.3 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech by the mover of a motion or an amendment may exceed 5 minutes, and no other speech may exceed 3 minutes without the consent of the meeting.

### 13.4 When an Elected Member may speak again

Except under rule 13.1(v) an Elected Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

i) to speak once on an amendment moved by another Elected Member;

ii) to move a further amendment if the motion has been amended since s/he last spoke;

iii) if his/her first speech was on an amendment moved by another Elected Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);

iv) in exercise of a right of reply;

v) on a point of order; and

vi) by way of personal explanation.

### 13.5 Amendments to motions

i) An amendment to a motion must be relevant to the motion, will be moved in accordance with the procedure set out in rule 13.1 and will either be:

   (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;

   (b) to leave out words;

   (c) to leave out words and insert or add others; or

   (d) to insert or add words.

   as long as the effect of an amendment is not to negate the motion.

ii) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

iii) If an amendment is not carried, other amendments to the original motion may be moved.

iv) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

v) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote as the substantive motion.

### 13.6 Alteration of motion

i) An Elected Member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

ii) An Elected Member may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

iii) Only alterations which could be made as an amendment may be made.

### 13.7 Withdrawal of motion

An Elected Member may withdraw a motion which s/he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Elected Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### 13.8 Right of reply

i) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

ii) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

iii) The mover of the amendment has no right of reply to the debate on his or her amendment but if that amendment becomes the substantive motion s/he has the right of reply at the close of the debate on that motion.

### 13.9 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

i) to withdraw a motion;

ii) to amend a motion;

iii) to proceed to the next business;

iv) that the question be now put;

v) to adjourn the debate;

vi) to adjourn the meeting;

vii) that the meeting continue beyond the time specified by rule 8 for termination of the meeting*;*

viii) to exclude the public and press in accordance with the Access to Information Rules; and

ix) to not hear further an Elected Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

**13.10 Closure motions**

i) An Elected Member may move, without comment, the following motions at the end of a speech of another Elected Member:

(a) to proceed to the next business;

(b) that the question be now put;

(c) to adjourn the debate; or

(d) to adjourn the meeting.

ii) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

iii) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the mover of the original motion a right of reply before putting his/her motion to the vote.

iv) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply on that occasion.

**13.11 Point of order**

An Elected Member may raise a point of order at any time and shall be heard immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Elected Member must indicate the rule or law and the way in

which s/he considers it has been broken. The ruling of the Chair on the matter will be final.

### 13.12 Personal explanation

An Elected Member may make a personal explanation at any time and shall be heard immediately. A personal explanation may only relate to some material part of an earlier speech by the Elected Member in the present debate which may appear to have been misunderstood. The ruling of the Chair on the admissibility of a personal explanation will be final.

## 14. PREVIOUS DECISIONS AND MOTIONS

### 14.1 Motion to rescind a previous decision

A motion or amendment to rescind, or having the effect of rescinding, a decision made at a meeting of Full Council within the past six months cannot be moved.

### 14.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Full Council in the past six months cannot be moved. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### 14.3 Motions to Full Council by a Committee or Sub-Committee

Rules 14.1 and 14.2 shall not apply to motions moved in pursuance of a recommendation of a Council Committee or Sub-Committee (see rule 22.3).

## 15. VOTING

### 15.1 Majority

Unless the law provides otherwise, any matter will be decided by a simple majority of those Elected Members present and voting in the room at the time the question was put.

### 15.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

### 15.3 Show of hands

Unless 15.5 applies, the Chair will take a vote by a show of hands, or if there is no dissent, by the affirmation of the meeting. The Chair shall confirm, in the absence of dissent, that this is the unanimous decision of Council.

### 15.4 Ballot

A ballot shall be taken, if the meeting decides, before the vote is taken on any question. The Chair will announce the numerical result of the ballot immediately the result is known.

### 15.5 Recorded Vote

For decisions of Full Council, other than where the Chair proceeds with the agreement of the meeting through a show of hands under rule 15.3, the Chair shall ensure that recorded votes are taken. The Proper Officer shall take the vote by calling the names of Elected Members and recording whether they voted for or against the motion or amendment thereto, or did not vote. The minutes will show whether an Elected Member voted for or against the motion or any amendment or abstained from voting.

### 15.6 Voting on Budget Decisions

Immediately after any vote is taken at a budget decision meeting of an authority 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.

A “budget decision” means a meeting of the authority at which it;

(i) makes a calculation (whether originally or by way of substitute) in accordance with the applicable provisions of the Local Government Finance Act 1982, as amended; or

(ii) issues a precept under chapter 4 of Part 1 of that Act.

And includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting.

### 15.7 Voting on appointments where there is more than two people nominated

If more than two people are nominated for any position to be filled and there is not a clear majority in favour of one person, then the name of the person having the least number of votes shall be removed from the list and a new vote shall be taken. The process will continue until there is a majority of votes for one person.

## 16. MINUTES

### 16.1 Signing the minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will sign the minutes of the previous meeting following agreement by the Full Council that they are a correct record. The only part of the minutes that can be discussed is their accuracy which shall be raised only by motion.

### 16.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### 16.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

## 17. RECORD OF ATTENDANCE

All Elected Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## 18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

## 19. ELECTED MEMBERS' CONDUCT

### 19.1 Standing to speak

(a) When an Elected Member speaks at Full Council they must stand (where able to do so) and address the meeting through the Chair. If more than one Elected Member stands, the Chair will ask one to speak and the others must sit. Other Elected Members must remain seated whilst an Elected Member is speaking unless they wish to make a point of order or a point of personal explanation.

(b) An Elected Member shall respond to any questions under Rules 9 and 10.

### 19.2 Chair standing

When the Chair stands during a debate, any Elected Member speaking at the time must stop and sit down. The meeting must be silent.

### 19.3 Elected Member not to be heard further

If, in the opinion of the Chair, an Elected Member persistently disregards the ruling of the Chair, or by behaving improperly or offensively or by deliberately obstructing business, the Chair may move that the Elected Member be not heard further. If seconded, the motion will be voted on without discussion.

### 19.4 Elected Member to leave the meeting

If the Elected Member continues to behave improperly after such a motion is carried, the Chair may move that either the Elected Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### 19.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as s/he considers necessary.

## 20. DISTURBANCE BY PUBLIC

### 20.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If that person continues to interrupt, the Chair will order his/her removal from the meeting room.

### 20.2 Clearance of part of meeting room

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

## 21. ELECTED MEMBER INTERESTS

Each agenda for a meeting of the full Council, the Council's Committees or Sub-Committees contains a specific item requiring declaration of Elected Members' interests in items contained within the agenda at the outset of the meeting before the principal business is conducted.

Where an Elected Member has a Registerable (disclosable pecuniary interest) or Non-Registerable personal (prejudicial) interest as defined in the Code of Conduct for Elected Members, it must be declared either at the start of the meeting or as soon as it becomes apparent. The Elected Member must then leave the meeting room during the whole of the consideration of that item, except where the Member is permitted to remain in the meeting room as a result of the prior grant of a dispensation under section 33 of the Localism Act 2011 or an exemption applies (see paragraph 6.4 of the Code of Conduct for Elected Members).

## 22. SUSPENSION, AMENDMENT AND INTERPRETATION OF COUNCIL PROCEDURE RULES

### 22.1 Suspension

All of these Council Rules of Procedure except Rule 15.6 and 16.2 may be suspended by motion on notice or without notice if

i) at least one half of the whole number of Elected Members of the Council are present, and

ii) the Chair agrees, and

iii) the Monitoring Officer has provided his/her advice on whether or not the rules should be suspended.

Suspension shall only be for the duration of the meeting.

### 22.2 Amendment

Any motion to add to, vary or revoke these Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council unless the proposed addition, variation or revocation is for the purpose of compliance with any statutory provision.

### 22.3 Interpretation of Procedure Rules

i) The Interpretation Acts shall apply to these Procedure Rules.

ii) The ruling of the Chair as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall be final, after advice from the Monitoring Officer.

iii) In these Procedure Rules, unless the context otherwise indicates:-

any reference to a statutory provision, regulations or code of conduct shall be construed as a reference to it as amended, substituted or extended from time to time;

“committee” includes any panel or forum appointed by the Council pursuant to s.101(1) Local Government Act 1972.

## 23. COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL

### 23.1 Appointment of sub-committees

Every Committee of the Authority may appoint Sub-Committees for purposes to be specified by the Committee and may appoint substitutes for Elected Members of any Sub-Committees in the manner provided by the Council Procedure Rules.

### 23.2 Special Meetings of Council Committees and Sub-Committees

i) The Chair of the Council or the Chair of a Committee or Sub-Committee of the Council may call a special meeting of that Committee or Sub-Committee at any time.

ii) The summons to the special meeting shall set out the business to be considered at the meeting and no business other than that set out in the summons shall be considered at the meeting.

### 23.3 Mover of motion may attend Council Committee or Sub-Committee

An Elected Member who has moved a motion which has been referred to any Committee or Sub-Committee shall have notice of the meeting of the body at which it is proposed to consider the motion. S/he shall have the right to attend the meeting and speak on the motion (unless to do so would be in breach of the Code of Conduct for Elected Members) but not, by operation of this rule, be entitled to vote.

### 23.4 Attendance of Elected Members at Council Committee meeting

Unless to do so would be in breach of the Code of Conduct for Elected Members, any Elected Member may attend meetings of any Committee (or Sub-Committee) of which s/he is not a member, but s/he may not

i) speak at the meeting without the permission of the meeting or vote on any decision.

ii) continue to attend the meeting when:-

a resolution to exclude the press and public from the meeting has been passed, and

the Committee or Sub-Committee is dealing with an item of business for the purposes of which information of a description for the time being falling within categories 1, 2 and 3 (with the exception of information relating to terms of a council contract under negotiation) 4, 5 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 will be disclosed and the explanation for initiating non-attendance is presented to the Committee.

### 23.5 Committees Meeting Jointly

Where a Committee is to consider a matter upon which another Committee(s) shares a common interest, that Committee may invite Members of other Committee(s) to attend a joint meeting. The attending Committee Members will have no vote but may take part in the discussion.

### 23.6 Quorum of Committees and Sub-Committees

In all cases where it is not otherwise specifically provided, 3 Elected Members shall form a quorum in all Committees and 3 Elected Members shall form a quorum in all Sub-Committees

## 24. APPLICATION OF PROCEDURE RULES

All of the Council Procedure Rules apply to meetings of full Council.

Only Rules 6-10, 13-15, 16–25 (but not Rule 19.1) apply to meetings of Committees and Sub-Committees, subject to any variation approved by a Committee for regulating its own proceedings. Where there is any inconsistency between these Rules and the Budget and Policy Framework Procedure Rules, the Council Procedure Rules will prevail.

## 25. REFERENCE TO COUNCIL

A Key Decision (as defined in Article 12.3) taken by a Policy Committee will be referred to Full Council (a Referral) following receipt of a requisition on notice (in the form as reproduced at Appendix 3, (the Requisition) by the Managing Director, as Proper Officer, in accordance with the provisions set out below.

A referral shall not apply to day to day management and operational decisions taken by Officers nor to any decision which may otherwise be the subject of a Referral where it is considered by the Chair of the relevant Policy Committee, in consultation with the Proper Officer to be urgent. A decision will be urgent if any delay caused by a Referral would seriously prejudice the interests of the Authority or the public. The decision of the relevant Chair of the Policy Committee and notice of publication of the decision shall state whether the decision is an urgent one and therefore not subject to the Referral process.

Any Referral may only be used in exceptional circumstances where the Elected Members seeking the Referral have evidence to suggest that a key decision taken by a Policy Committee was not in accordance with the Principles of Decision Making set out in Article 11 (Decision Making) or the decision is not in accordance with the approved Budget and/or the Plans and Strategies contained within the Policy Framework. The advice of the Director of Finance, IT and Digital and the Monitoring Officer must be sought.

As an alternative to a Referral the Chair of the relevant Policy Committee should consider representations being made (between the period of the decision and its publication) referring the matter to Full Council with the consent of the Chair of Council as an item of business at the next Ordinary meeting of Council or in accordance with Council Procedure Rule 3.1 (Calling Extraordinary Meetings). Such requests and the receipt of any Referral shall collectively be limited to 6 during any Municipal year.

### (i) Mechanism for Referral

Not less than half of the whole number of Elected Members (18 Elected Members or more) may submit a Requisition to the Managing Director for the calling of a meeting of Full Council to reconsider a decision taken but not yet implemented by a Policy Committee, that is a Referral. The Requisition shall contain and identify the reasons why it is believed the decision was not taken in accordance with the principles of Decision Making or otherwise is not in accordance with the approved Budget and/or the Plans and Strategies contained within the Policy Framework. Requisition shall contain the advice provided by the Director of Finance, IT and Digital and the Monitoring Officer.

The Requisition must be received by the Managing Director not later than 3 working days after the publication of the decision (the ‘Specified Period’).

If a valid Requisition is received within the Specified Period all action to implement the decision will be suspended until the meeting of Full Council to consider the Referral is held.

### (ii) Meeting to discuss the Referral

The Council will meet to consider the Referral no later than 14 working days after receipt of the Requisition by the Managing Director, or such later date falling within the period of 28 days from receipt of the Requisition that the Managing Director shall determine in consultation with the Chair of Council.

### (iii) Outcomes of the Referral

At the meeting of Full Council to consider the Referral, the meeting will debate and determine the Referral in accordance with these Council Procedure Rules and shall decide either:-

- Reaffirm or modify the decision of the Policy Committee following which the decision may be implemented; or
- Decide not to reaffirm or modify the decision, but to refer the matter back to the relevant Policy Committee for further consideration at its next meeting.

A matter that has been subject to a Referral shall not be so subject to any further Referral in the absence of the expressed consent of the relevant Policy Committee Chair and the approval of the Chair of Council.

**APPENDIX 1**

# HARTLEPOOL BOROUGH COUNCIL

## *REQUISITION TO CALL AN EXTRAORDINARY COUNCIL*

**1. The Elected Members named below present to the Chair this request to call a Council meeting in addition to the Ordinary Council Meetings in accordance with Council Procedure Rule 3.1.**

NOTE: This requisition calling for an extraordinary meeting must be signed by any five Elected Members of the Council and be presented to the Chair of the Council. In the event that the Chair refuses to call a meeting or has failed to call a meeting within seven days from the date of the presentation of this requisition, as the case may be, those Elected Members may forthwith call an extraordinary meeting of the Council.

The Managing Director shall have responsibility to provide at least five clear days notice of the time and place of the intended meeting, which shall be published at the Council's offices; and where the meeting is called by elected members of the Council the notice shall be signed by those elected members and shall specify the business proposed to be transacted thereat and the summons to attend shall be signed by the Managing Director as the Proper Officer of the Council.

| Councillor | Position and Party Group | Signature |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |

**2. What is/are the reason(s) for requesting an Extraordinary Council?**

Lead Councillor:

Signed: Date:

**For office use only**

**APPENDIX 2**

## PROTOCOL ON EXTRAORDINARY MEETINGS

### 1. Calling extraordinary meetings

The persons listed below may request the Managing Director to call Council meetings in addition to ordinary meetings:

i) the Council by resolution;

ii) the Chair, or, in his/her absence, the Vice-Chair;

iii) the Council's Monitoring Officer; and

iv) any five Elected Members of the Council if they have signed a requisition (in the form as that reproduced in Appendix 1) presented to the Chair of the Council and she/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

At other times the Managing Director may call a meeting of Full Council whenever they consider it necessary and/or appropriate to do so.

1.1 The requisitioning Members are required to provide with the requisition notice, a notice of the motion or motions to be debated at the Extraordinary meeting.

1.2 The purpose of an Extraordinary Meeting is to enable business to be transacted, or a matter to be debated, that cannot await until the next ordinary Council meeting. The expectation, therefore, is that the matter covered in the notice of motion will be urgent.

1.3 Given the challenges of organising a full council meeting at short notice and the inconvenience that may be caused to members, the matter(s) covered in the notice of motion should also be one(s) that cannot be dealt with to the requisitioning members' satisfaction in some other way.

1.4 This protocol is designed to provide a locally agreed framework within which requisitions for Extraordinary Meetings can be handled in a reasonable and co- operative way.

1.5 This does not affect the statutory rights of councillors to make such a requisition or of the Chair to refuse to call an extraordinary meeting or to call an Extraordinary Meeting at any time after being presented with a requisition.

### 2. Steps to taken during the requisition period

2.1 In the event that the matter is not resolved satisfactorily and a requisition is presented to the Chair, if it appears appropriate discussion with the requisitioning members will continue to see whether matters can be resolved without a full Council meeting being held.

2.2 In the event that the requisitioning members, or any of them, are satisfied before the 7 day period has expired, they should notify the Chair that they no longer support the

requisition and will not participate in the calling of an Extraordinary meeting if no such meeting is called by the Chair.

**APPENDIX 3**

# HARTLEPOOL BOROUGH COUNCIL

*COUNCIL REFERRAL*

**1. Which key decision would you like to refer to Council?**
(Please include details of the decision, when it was taken and by which Policy Committee)

**2. What are the reasons for referring this decision?** Referrals must only be used in exceptional circumstances

Please indicate which of the following applies and provide supporting information.

- where Elected Members have evidence to suggest that the key decision taken was not in accordance with the Principles of Decision Making as set out in Article 13 of the Council's Constitution; or
- the decision falls outside the Budget and Policy Framework.

This Notice must be signed by not less than half of the whole number of Elected Members (18 Elected Members or more) of the Council must sign the Referral.

| Councillor | Position and Party Group | Signature |
|---|---|---|
| 1. | | |
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| 24. | | |
| 25. | | |

**3. Advice of the Section 151 Officer and/or the Monitoring Officer whether the matter is outside the Budget and Policy Framework**

NB. Any Elected Member may initiate Referrals providing they have the support of at least 17 other Elected Members of the Council.

Lead Councillor:

Signed: Date:

**For office use only**

Date received: Initials: Council Agenda:

# FINANCIAL PROCEDURE RULES

**Contents**


**Page**

**1. Introduction and Guidance**

1.1 Purpose ..... 83
1.2 Format ..... 83

**2. Safeguarding Public Money/Assets**

2.1 Overview – Control Requirements – Statutory Basis ..... 84
2.2 Internal Audit ..... 85
2.3 External Audit ..... 86
2.4 Banking Requirements ..... 87
2.5 Cash Arrangements ..... 88
2.6 Income and Recovery ..... 89
2.7 Ordering and Paying for Goods and Services ..... 91
2.8 Paying Staff and Elected Members ..... 92
2.9 Preventing Financial Irregularities ..... 93
2.10 Assets, Stocks and Stores ..... 94
2.11 Gifts and Hospitality ..... 96

**3. Corporate Governance**

3.1 Overview ..... 96
3.2 Revenue Financial Plans ..... 97
3.3 Monitoring of Revenue Income and Expenditure ..... 97
3.4 Capital Financial Planning ..... 98
3.5 Monitoring of Capital Income and Expenditure ..... 99
3.6 Treasury Management ..... 101
3.7 Financial Risk Management and Insurance ..... 101

**4. Financial administration**

4.1 Overview ..... 102
4.2 Financial Systems ..... 102
4.3 Format of Accounts ..... 103
4.4 Taxation ..... 103
4.5 Budget/Reserves Transfers and Contingencies ..... 104
4.6 Financial Management of Self Funded Business Cases ..... 105
4.7 Use of Managed Revenue Underspend ..... 106
4.8 Use of Specific Grant Funding ..... 106

# FINANCIAL PROCEDURE RULES

Financial Procedure Rules are those rules that the Council must have to govern all its financial affairs. These rules are required by law to ensure that large sums of public money are spent properly and wisely.

Financial Procedure Rules apply to all parts of the Council, to Elected Members and employees. Together with Standing Orders, the Scheme of Delegation and roles of Committees they form an integral part of the Council's Constitution.

The Director of Finance, IT and Digital is responsible for issuing and reviewing Financial Procedure Rules and advising upon their implementation and interpretation.

## 1. Introduction and Guidance

### 1.1 Purpose

1.1.1 Hartlepool Borough Council spends millions of pounds of public money. By law it is required to ensure that it has sound financial management policies, practices and controls in place which are strictly monitored. Financial Procedure Rules are an essential part of this control process.

1.1.2 The Financial Procedure Rules clarify responsibilities, accountabilities and powers of individuals, named Officers and Elected Members of Policy Committees in relation to financial administration. The Financial Procedure Rules are part of and inextricably linked with the Council's Constitution, e.g. Standing Orders, Delegation Scheme, and the Officer/ Elected Member Protocol.

1.1.3 All Elected Members and Officers have a general responsibility to protect the assets of the Council under their control and ensure the proper use of those assets. The Section 151 Officer (Director of Finance, IT and Digital) is responsible for the financial administration arrangements within the Council which includes a continuous review of Financial Procedure Rules and the issue of advice and guidelines to underpin those rules which Elected Members, Officers and others acting on the Council's behalf are required to follow. Directors and Chief Officers are responsible for ensuring that all staff are aware of their responsibilities under Financial Procedure Rules and other internal regulatory controls.

1.1.4 Staff in schools should apply these rules in conjunction with LMS rules on financial administration and management.

1.1.5 Failure to comply with Financial Procedure Rules could give rise to disciplinary action and employees have a duty to report apparent breaches of Financial Procedure Rules to an appropriate senior manager and also to the Director of Finance, IT and Digital and the Council's Monitoring Officer.

1.1.6 In any case of doubt about the appropriate application of Financial Procedure Rules or any action required, Officers should consult with their senior manager in the first instance. Advice can also be obtained from Internal Audit particularly if you require information on financial administration which is not included within these rules.

### 1.2 Format

1.2.1 The rules are in three parts. They cover the safeguarding of public money/assets, the Corporate Governance of the Council and the Financial Administration arrangements of the Council.

1.2.2 Under each section the key controls are outlined which are then followed by the responsibilities of the Director of Finance, IT and Digital and other Directors and Chief Officers.

1.2.3 Whilst these rules apply to all Officers and Elected Members of the Council, Directors and Chief Officers have an overall responsibility to ensure that all staff are aware of and comply with their responsibilities under these rules.

## 2. Safeguarding Public Money/Assets

### 2.1 Overview - Control Requirements – Statutory Basis

2.1.1 The Council is a complex organisation and requires internal controls to ensure that it manages and monitors its progress towards the strategic objectives it sets.

2.1.2 A range of internal control arrangements are established to provide assurance that:

i) operations are efficient and effective;

ii) financial information and reporting is reliable;

iii) there is compliance with laws and regulations.

2.1.3 Managerial control systems exist to define policies, set objectives and plans, monitor financial and other performance indicators and to take appropriate action.

2.1.4 Financial and operational control systems and procedures include physical safeguards for assets, segregation of duties, authorisation and approval arrangements.

2.1.5 Internal Audit is responsible for independently evaluating organisational systems of internal control and undertaking effective reviews of systems and procedures on a regular basis.

2.1.6 In addition to the methods of internal control the Council is also subject to External Review in terms of its service delivery and also in its financial arrangements through its External Audits.

2.1.7 Director of Finance, IT and Digital's responsibilities:

i) Proper administration of the Council's financial affairs;

ii) To set financial standards and monitor compliance;

iii) Prepare, review and amend Financial Procedure Rules and inform Elected Members and staff of the content and implications.

iv) Provide guidance on the development of the Medium Term Financial Strategy, Local Council Tax Support Scheme and Treasury Management Strategy.

2.1.8 Responsibilities of Directors and Chief Officers:

i) Ensure new systems for maintaining financial records are agreed with the Director of Finance, IT and Digital:

ii) Ensure that the financial implications of new proposals, including the development of new services, changes to existing services and savings/efficiency proposals are agreed with the Director of Finance, IT and Digital;

iii) Ensure that Financial Procedure Rules are known to all staff;

iv) Secure compliance with Financial Procedure Rules and promote financial management standards set by the Director of Finance, IT and Digital.

## 2.2 Internal Audit

2.2.1 The Director of Finance, IT and Digital has a statutory responsibility for the overall financial administration of the Council's affairs and is responsible for maintaining an adequate and effective internal audit.

2.2.2 Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

2.2.3 In undertaking its work, Internal Audit is independent in planning and operation and carries out its activities in accordance with the Public Sector Internal Audit Standards (PSIAS) and any other relevant guidance.

2.2.4 In carrying out the internal audit function the Director of Finance, IT and Digital, or their authorised representative, has authority, subject to any statutory limitations, to:

i) Enter at all times any Council land or premises;

ii) Have access to all documents, correspondence and other records relating to the finances of the Council and apply any test or check deemed necessary;

iii) Require and receive from employees, Elected Members or other persons, information and explanations concerning any matter under examination;

iv) Require any employee of the Council to produce any cash, stores or other property of the Council under the employee's control.

2.2.5 Director of Finance, IT and Digital's responsibilities:

i) Maintain Strategic and Annual audit plans taking account of relative risk and in consultation with the Managing Director, Directors and Chief Officers;

ii) Ensure that Internal Audit have access at reasonable times to all Council premises, records, documents and staff for information and explanations;

iii) Where appropriate report to the Audit and Governance Committee on any audit actions the Managing Director, Directors and Chief Officers have formally stated they will not implement or have not been implemented within six months of agreement;

iv) Report annually to the Audit and Governance Committee on the main issues raised by Internal Audit during the year;

v) Investigate promptly any fraud or irregularity brought to their attention and report to the Head of Paid Service.

2.2.6 Responsibilities of Directors and Chief Officers:

i) To ensure that Internal Auditors are given access at all reasonable times to premises, records, documents and staff for the purposes of their work and liaise and co-operate with Internal Auditors on service specific issues;

ii) To consider and respond promptly to risks identified by Internal Audit, providing an action plan to mitigate risks identified and to confirm in writing when actions have been implemented.

iii) Notify the Director of Finance, IT and Digital immediately of any suspected fraud or irregularity. Take all necessary steps to prevent further loss and secure records for any investigation.

## 2.3 External Audit

2.3.1 Given the special accountabilities attached to public money and the conduct of public business, external audit in local government is characterised by three distinct features:

i) auditors are appointed independently from the bodies being audited by the Public Sector Audit Appointments Ltd;

ii) external audit covers not only the audit and opinion on financial statements, but also the financial aspects of corporate governance and aspects of performance management;

iii) the external audit approach is defined in a statutory Code of External Audit Practice.

2.3.2 External auditors are responsible for following the Code of External Audit Practice which sets out the National Audit Office view of what constitutes best professional practice and covers the standards, procedures and techniques that auditors should adopt.

2.3.3 Director of Finance, IT and Digital's responsibilities:

i) Liaise with the external auditor in relation to time-tabling audits and working procedures;

ii) Ensure that external auditors have reasonable access to premises, records, documents and staff for the purposes of their work;

iii) Follow up on recommendations made by external audit to ensure their implementation and report to Council on actions taken to address recommendations made in the Audit Management Letter.

2.3.4 Responsibilities of Directors and Chief Officers:

i) To ensure that external auditors are given reasonable access to premises, records, documents and staff for the purposes of their work and liaise and co-operate with External Auditors on service specific issues;

ii) To ensure that all systems and records are up to date and available for inspection;

iii) Respond to recommendations and reports from external audit and take appropriate action.

## 2.4 Banking Requirements

2.4.1 Being a complex organisation the Council has varied banking requirements. This section sets out the procedures to be followed in the operation of those Bank Accounts.

2.4.2 Key Banking Controls are:

i) All Banking Arrangements in relation to the Council's business are made through the Director of Finance, IT and Digital. The Director of Finance, IT and Digital or his/her representative is authorised to pay or collect all monies due to or by the Council by whatever means he/she deems appropriate;

ii) All Bank Accounts will have an official title and in no circumstances will accounts be opened in the name of an individual;

iii) All Bank Accounts must be reconciled regularly in accordance with any timescale and procedure note that the Director of Finance, IT and Digital may issue.

iv) All cheques should be held securely.

2.4.3 Director of Finance, IT and Digital's responsibilities:-

– To make all overall arrangements to secure the Council's Banking needs.

2.4.4 Responsibilities of Directors and Chief Officers :-

i) To agree all arrangements for the opening, closing or operation of specific bank accounts relating to the Council as guardian with the Director of Finance, IT and Digital;

ii) Ensure as far as is practicable the separation of duties to ensure that a single member of staff does not complete all procedures in connection with transactions through bank accounts;

iii) Ensure that accounts are reconciled regularly and appropriate action taken in regard to any discrepancies identified;

iv) Ensure that cheques are securely stored.

## 2.5 Cash Arrangements

2.5.1 Effective cash collection and control arrangements are essential to ensure that all monies received by the Council are receipted, effectively reconciled, securely controlled and banked properly.

2.5.2 The key controls within the Council's arrangements are:

i) the arrangements for the receipt and control of all monies received by the Council will be subject to the control and approval of the Director of Finance, IT and Digital;

ii) all monies received must be acknowledged, recorded and either paid over to the Director of Finance, IT and Digital or banked in the Council's name without delay;

iii) All receipts forms will be ordered and controlled by the Director of Finance, IT and Digital and only official receipts will be issued for monies received on behalf of the Council;

iv) Cash and receipt forms will at all times be kept in a safe place;

v) Only official receipts will be issued for money received on behalf of the Council;

vi) Personal cheques may not be cashed, nor payments made, out of money held on behalf of the Council;

vii) Every transfer of official monies from one Officer to another must be evidenced by the signature of the receiving officer;

viii) Sums may be advanced to employees receiving cash income for the purpose of giving change. The employee is personally responsible for such sum and must sign for its receipt.

2.5.3 Director of Finance, IT and Digital's responsibilities:

i) Approve all arrangements, procedures and systems for the collection of income;

ii) Order and supply all forms of receipts, tickets etc. and be satisfied with the arrangements for their control.

2.5.4. Responsibilities of Directors and Chief Officers:

i) To ensure that all receipts, tickets etc. and other records of income are held securely and kept for the appropriate length of time;

ii) Ensure adequate security arrangements are in place to safeguard income against loss or misappropriation, and to ensure the security of cash handling;

iii) Ensure adequate separation of duties as far as practicable so that cash received is properly identified and recorded;

iv) Ensure that all income is promptly paid into an appropriate account of the Council and is recorded to provide an audit trail;

v) Ensure income is not used to cash personal cheques or make other payments;

vi) Maintain a record of all transfers of official money between employees.

## 2.6 Income and Recovery

2.6.1 The recovery of all sums due to the Council is subject to the control of the Director of Finance, IT and Digital. Whenever practicable, departments are required to obtain payment in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering debts and eliminates the risk of bad debts.

2.6.2 The key controls within the Council's arrangements are:

i) all monies billed and collected should be in accordance with the scales of rents, fees and charges approved by Council, Policy Committees or delegated to specific Officers;

ii) effective action must be taken to pursue non payment of debt within defined timescales;

iii) no debt, once correctly established and due to the Council, can be written off except if approved under delegated powers or by the Finance and Corporate Affairs Committee. The Director of Finance, IT and Digital is responsible for developing and reviewing appropriate recovery strategies;

iv) appropriate accounting adjustments will be made following write-off action within defined timescales;

v) all appropriate income documents must be retained for the defined period in accordance with the "Guidelines on the Retention of Records", issued from time to time;

vi) appropriate credit checks should be carried out in accordance with guidance to be issued by the Director of Finance, IT and Digital.

2.6.3 Director of Finance, IT and Digital's responsibilities:

i) To approve all systems and arrangements for the raising, collection and recovery of all sums due to the Council;

ii) To establish a recovery strategy and ensure appropriate action in consultation with the appropriate Director/Chief Officer is taken to recover debts, which are not paid promptly;

iii) To agree the write-off of debts within the approved limit of £50,000;

iv) To refer unpaid debts above £50,000, in consultation with the appropriate Director/Chief Officer, to the Finance and Corporate Affairs Committee for approval to write-off;

v) Set a corporate framework within the Medium Term Financial Strategy for charging policies of the Council;

vi) Ensure appropriate accounting adjustments are made in relation to write-off action;

vii) Ensure regular review and maintenance of adequate Bad Debt provisions by departments.

2.6.4 Responsibilities of Directors and Chief Officers:

i) Review charging policy in line with corporate policies;

ii) Take appropriate action to minimise increasing and persistent debt;

iii) Ensure an adequate separation of duties as far as practicable for identifying and billing sums due and collection of monies;

iv) To maintain records on debts raised sufficient to enable recovery action to be taken for debts unpaid within a reasonable time;

v) Notify the Director of Finance, IT and Digital of all outstanding income relating to the previous year as soon as possible after the 31 March in line with the timetable determined by the Director of Finance, IT and Digital;

vi) Review and maintain, in consultation with the Director of Finance, IT and Digital, an adequate departmental Bad Debt provision.

## 2.7 Ordering and Paying for Goods and Services

2.7.1 The ordering and paying for goods and services is critical to the Council's ability to deliver services. It is essential that the Council's controls are adequate to demonstrate probity and good practice. Accordingly the following controls exist:

i) Budget provision is required for all expenditure prior to ordering;

ii) Budget provision confers authority to spend within that budget;

iii) All payments other than from payment cards, petty cash or specifically approved bank accounts (primarily Schools) must be made by the Director of Finance, IT and Digital from the Council's Bank Account in the manner deemed most appropriate by the Director of Finance, IT and Digital;

iv) All instructions for payment must be authorised by the appropriate budget holder or other person duly approved. This should only be done after acceptable receipt of the goods or services in accordance with the order;

v) Expenditure must be allocated to the correct heading.

2.7.2 Responsibilities of the Director of Finance, IT and Digital:

i) To make payments in accordance with the above Council rules;

ii) To maintain and issue detailed payment instructions;

iii) To maintain a list of budget holders or their nominees authorised to incur expenditure;

iv) To store, or issue instructions in relation to the storage of source documents to support the accounts and taxation responsibilities.

2.7.3 Responsibilities of Directors and Chief Officers:

i) To ensure that rules and instructions in relation to the authorisation of orders and payments are followed within their service area;

ii) To ensure that the Director of Finance, IT and Digital is informed of all budget holders and their nominees entitled to authorise expenditure.

## 2.8 Paying Staff and Elected Members

2.8.1 Staff costs form the largest single element of the Council's expenditure and appropriate controls are necessary to ensure that payments are only made in accordance with the appropriate terms and conditions. Accordingly the Council has the following controls:

i) The calculation of all payments to staff/Elected Members must be done by the Director of Finance, IT and Digital supported by appropriate Human Resources/Legal advice;

ii) All appointments must be made in accordance with appropriate terms and conditions;

iii) All appointments must have adequate budget provision;

iv) All prime documents used to calculate pay must be signed by the individual and authorised by an appropriate budget holder or their nominee;

v) All payments to Elected Members must be in accordance with the approved scheme of allowances;

vi) The Managing Director authorises all changes in Chief Officer pay.

2.8.2 Responsibilities of the Director of Finance, IT and Digital:

i) To make payments in accordance with the above Council rules;

ii) To maintain and issue detailed payment instructions;

iii) To maintain a list of budget holders or their nominees authorised to incur expenditure;

iv) To store, or issue instructions in relation to the storage of source documents to support the accounts and taxation responsibilities.

2.8.3 Responsibilities of Directors and Chief Officers:

i) To ensure that rules and instructions with regard to appointments and authorisation of payments are followed within their service area;

ii) To ensure that the Director of Finance, IT and Digital is informed of all budget holders and their nominees entitled to authorise expenditure;

iii) To inform the Director of Finance, IT and Digital promptly of any changes affecting payments to staff.

## 2.9 Preventing Financial Irregularities

2.9.1 In administering its responsibilities, the Council is committed to the prevention of financial irregularities and in its Anti Fraud and Corruption Strategy, issued from time to time, Council makes it clear that the Council will not tolerate fraudulent or corrupt acts committed either by its Officers, Elected Members, or those companies or organisations with which it does business.

2.9.2 The Council's expectation on propriety and accountability is that Elected Members and staff at all levels will lead by example in ensuring adherence to rules, procedures and Codes of Conduct.

2.9.3 The Council has in place a network of systems and procedures to cover its stewardship of public funds responsibilities and it maintains a continuous overview of the adequacy of its corporate governance arrangements through its Internal and External Auditors.

2.9.4 The Council's "Whistleblowing Arrangements" issued from time to time, provide the opportunity for issues to be raised in a confidential manner. In addition, the Council operates defined protocols, such as the procedures to comply with the Proceeds of Crime Act, setting out individual responsibilities for reporting and the subsequent investigation of irregularities.

2.9.5 Director of Finance, IT and Digital's responsibilities:

i) Maintain adequate and effective audit arrangements;

ii) Review the Council's policies on Anti Fraud and Corruption;

iii) Ensure irregularities are appropriately investigated and are reported to the Head of Paid Service to determine what further action should be instigated.

2.9.6 Responsibilities of Directors and Chief Officers:

i) Ensure all staff are aware of the Council's Anti Fraud and Corruption Strategy;

ii) Ensure that all suspected irregularities are reported to the Director of Finance, IT and Digital and if appropriate, the Monitoring Officer.

## 2.10 Assets, Stocks and Stores

2.10.1 The Council holds assets in the form of property, vehicles, equipment, furniture and other items of significant value. The Council's arrangements seek to ensure that such assets are safeguarded and used efficiently in the delivery of services.

2.10.2 Each Chief Officer is responsible for the security of assets under his/her control. Where practicable, each asset should be marked as the property of the Council.

2.10.3 Inventories must be maintained by Departments/Establishments of all assets other than land having a value of £500 or more covering plant, equipment, furnishings, fittings, machinery, vehicles and other non-consumable items. The inventory must record:

i) description of item including make, model, serial number;

ii) date of purchase and purchase price;

iii) whether asset is leased;

iv) security tag reference (where applicable);

v) location of asset.

2.10.4 The disposal of surplus or obsolete items will be undertaken in accordance with the "Guidelines for the disposal of assets and IT equipment". An annual physical asset inventory check should be undertaken and any discrepancies identified and reported to the relevant Head of Service. All items loaned to Officers and Elected Members e.g. laptop computers should be recorded and a signature obtained.

2.10.5 The Executive Director of Development, Neighbourhoods and Regulatory Services has corporate responsibility for maintaining an Asset Register of all land and buildings owned by the Council and will ensure appropriate valuations and re-valuations are carried out. The Director of Legal, Governance and Human Resources is responsible for the safe custody of all deeds.

The Council's assets must not be used for any purpose other than the discharge of the Council's functions. Any unauthorised or misuse of Council assets will result in appropriate disciplinary action.

2.10.6 All stock received, transferred, issued or returned must be recorded in a manner approved by the Director of Finance, IT and Digital. In stores, deliveries must be checked for quantity and quality and goods should

only be issued from the stores on production of a valid requisition, properly certified.

2.10.7 Stores levels must be reviewed by Chief Officers at regular intervals to ensure that stores are not held in excess of reasonable requirements and to prevent the holding of obsolete stores.

2.10.8 The responsible Head of Service will ensure that arrangements are made for a system of continuous stock checking or an annual stock check is made. A certificate of stockholding at 31 March every year must be made available on demand to the Director of Finance, IT and Digital.

2.10.9 Adjustments of deficiencies or surpluses on stocks or disposal of surplus, obsolete or damaged stock should not be made without the agreement of the Director of Finance, IT and Digital with whom the method of disposal must also be agreed prior to disposal.

2.10.10 Director of Finance, IT and Digital's responsibilities:

i) Ensure inventories and asset registers are maintained in accordance with good practice and these procedure rules;

ii) Advise on best practice for the disposal of assets, stocks and stores.

2.10.11 Responsibilities of Directors and Chief Officers:

i) Ensure the maintenance of inventories in accordance with Financial Procedure Rules;

ii) Carry out annual checks on inventories and take appropriate action in regard to surpluses and deficiencies;

iii) Make suitable arrangements for the care and custody of assets stocks and stores;

iv) Agree disposal of assets with the Director of Finance, IT and Digital;

v) Pass all title deeds to the Director of Legal, Governance and Human Resources;

vi) Carry out regular stock checks and supply stockholding certificates as required by the Director of Finance, IT and Digital.

## 2.11 Gifts and Hospitality

2.11.1 The Council's policy for Gifts and Hospitality is included in the Staff Information and Recruitment Pack which is provided to all current and new employees.

2.11.2 Employees and Elected Members must be careful not to accept any gift or hospitality, which might interfere with or be perceived as impacting on Council business or services. This does not include gifts of minor value, which are used at work i.e. diaries, pens, calendars etc. However, any other gifts or hospitality offered should be reported to the appropriate Director or Chief Officer who will then determine the action to be taken. In the case of gifts, these may be then returned or donated for the Chairman's charity use. Where a gift is not returned the donor will be advised of the use to which it has been put.

2.11.3 Employees and Elected Members should not accept personal gifts from contractors and outside suppliers.

2.11.4 Employees and Elected Members should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be declined, unless they are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded.

2.11.5 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

2.11.6 When receiving hospitality, employees and Elected Members should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality. When visits to inspect equipment etc are required, employees should ensure that the Council meets the cost of such visits to avoid compromising the integrity of subsequent purchasing decisions.

2.11.7 Responsibilities of Directors and Chief Officers:

i) To ensure compliance with the Council's policy and Codes of Conduct in respect of gifts, hospitality and personal interests;

ii) To maintain a register of staff interests, gifts and hospitality.

# 3. Corporate Governance

## 3.1 Overview

3.1.1 This section sets out those arrangements that the Council needs to make to ensure that it makes proper plans to achieve its objectives. It covers the setting of revenue and capital expenditure plans, the monitoring of those plans through to how the Council plans to manage

risks and its treasury functions. It is predominantly concerned with how the Council works at a strategic level and from a financial perspective what it needs to consider and decide.

## 3.2 Revenue Financial Plans

3.2.1 Each year the Council must set an annual budget for the coming year. This budget needs to be considered as part of a wider Medium Term Financial Strategy covering the following two/three years that considers the level of resources available to the Council, the expenditure needs of the Council and the level of Council Tax. The Council's corporate objectives need to be addressed in the consideration of the expenditure needs of the Council in the Medium Term Financial Strategy.

3.2.2 Director of Finance, IT and Digital's responsibilities:

i) Preparation of multi year forecasts of resources and expenditure for the consideration of the Finance and Corporate Affairs Committee;

ii) Identification of risks inherent in the forecasts;

iii) Development of a medium term financial strategy;

iv) Development, in conjunction with the Finance and Corporate Affairs Committee, of an appropriate annual budget within the Medium Term Strategy compliant with all relevant legislation for submission to Council.

3.2.3 Responsibilities of Directors and Chief Officers:

i) Provision of information to the Director of Finance, IT and Digital in relation to expenditure changes outside of their control within their services for the life of the forecast;

ii) Preparation of detailed budgets within the resources allocated by the Medium Term Financial Strategy to nominated budget holders;

iii) Responsibility for subsequent expenditure from those detailed budgets to meet the objectives of the service.

## 3.3 Monitoring of Revenue Income and Expenditure

3.3.1 Having determined budgets that set out how the Council intends to achieve its objectives it is important to monitor the performance of actual income and expenditure against those budgets. This is a continuous process to ensure that resources are used to their best effect. In relation to income it is important to ensure that all income is accounted for and in relation to expenditure that differences are explained and understood. The analysis of differences should enable budget holders to ensure that appropriate action to bring budgets back on track is taken. Often at the detail level this may not be possible within the financial year and the

relevant Director will need to consider transfers from other budgets within their control.

3.3.2 Responsibilities of the Director of Finance, IT and Digital:

i) To ensure that monitoring reports are available to budget holders;

ii) To ensure that corporate level budgets are monitored;

iii) To determine the format of monitoring reports for the Finance and Corporate Affairs Committee and individual Policy Committees;

iv) To report on major differences or trends that have a significant impact on the overall finances of the Council;

v) To operate and maintain an effective Financial Management system;

vi) To provide Directors and Chief Officers with appropriate advice and guidance.

3.3.3 Responsibilities of Directors and Chief Officers:

i) To ensure that adequate budget provision exists for all expenditure prior to it being incurred;

ii) To ensure that each detailed budget has a nominated budget holder and to provide the Director of Finance, IT and Digital with a schedule of nominated budget holders;

iii) To monitor budgets within their service areas;

iv) To ensure that where the approved budget for a service area under a single Director's control is anticipated to be insufficient to meet forecast commitments, to transfer resources between service areas in accordance with the budget transfer rules detailed in section 4.5 and where appropriate to seek approval of transfers within the quarterly monitoring reports submitted to the Finance and Corporate Affairs Committee to ensure transparency.

v) To inform the Director of Finance, IT and Digital of any major differences of actual from planned income or expenditure.

## 3.4 Capital Financial Planning

3.4.1 Capital Financial Planning involves the acquiring or enhancing of an asset with a long-term value to the Council or the Town. The planning of capital expenditure is essential for a number of reasons:

i) Being major items of expenditure they are a key means for the Council to directly achieve its objectives in shaping service delivery;

ii) They create long term financial commitments in both financing and running costs;

iii) Varied funding sources are often available, each with differing requirements;

iv) Strict controls are imposed upon the Council's ability to incur capital expenditure;

v) The Council's ability to attract external funding is often dependent upon its proven track record of delivering projects on time and budget.

3.4.2 Responsibilities of the Director of Finance, IT and Digital:

i) To prepare a detailed annual statement of likely commitments and resources for both revenue and capital within a three-year medium term framework for consideration by the Finance and Corporate Affairs Committee;

ii) To submit details of potential schemes to the Council or relevant Policy Committee for inclusion in the Capital Programme for the year;

iii) To determine the format of project appraisals for inclusion within the Capital Programme in conjunction with Directors.

3.4.3 Responsibilities of Directors and Chief Officers:

i) With the Executive Director of Development, Neighbourhoods and Regulatory Services, or his/her representative, to prepare and maintain an Asset Management Plan to assist in the planning of capital schemes;

ii) To consider proposals and with the appropriate officer/s prepare costings for future project appraisals for submission to the Council or relevant Policy Committee for consideration;

iii) To ensure that no contracts are entered into for which budget provision within the Capital Programme has not been made;

iv) To prepare bid submissions to appropriate funding bodies.

## 3.5 Monitoring of Capital Income and Expenditure

3.5.1 Having set a Capital Programme to achieve its Capital Strategy it is important to monitor the performance of actual physical progress, income and expenditure against the Programme. This is a continuous process to ensure that resources are used to their best effect and not lost, as some external funding is limited to specific financial years. In relation to Capital income, which can take the form of grants or other

contributions, it is important to ensure that all income is received and accounted for within the right financial year. Physical progress should be monitored, as this is a leading indicator of real expenditure on schemes. The analysis of differences between expected spends and actual should enable budget holders to ensure that appropriate action to bring budgets back on track is taken. If this is not possible then the relevant Director will need to consider transfers to or from other budgets within their control. If this is not possible then the Director of Finance, IT and Digital should be informed to enable the programme to be rebalanced.

3.5.2 Responsibilities of the Director of Finance, IT and Digital:

i) To ensure that monitoring reports are available to budget holders;

ii) To report on major differences or trends that have a significant impact on the overall finances of the Council;

iii) To ensure so far as possible the overall Programme is balanced and that the Council suffers no loss of resources;

iv) To provide Directors and Chief Officers with appropriate advice and guidance.

3.5.3 Responsibilities of Directors and Chief Officers:

i) To ensure that adequate budget provision exists for all expenditure prior to it being incurred;

ii) To ensure that each detailed budget has a nominated budget holder;

iii) To monitor projects and their budgets within their service areas;

iv) To ensure that where the approved budget for a specific scheme is anticipated to be insufficient to meet forecast commitments, to transfer resources in accordance with the budget transfer rules detailed in section 4.5 and where appropriate to seek approval of transfers within the quarterly monitoring reports submitted to the Finance and Corporate Affairs Committee and individual Policy Committees to ensure transparency.

v) To inform the Director of Finance, IT and Digital of any major differences of actual from planned income or expenditure.

3.5.4 Responsibilities of Executive Director of Development, Neighbourhoods and Regulatory Services:

i) To manage the contracting process for building works;

ii) To monitor projects physical and financial performance and take action as necessary;

iii) To manage the disposal of surplus land and buildings in accordance with the Capital Strategy and any target set in the Medium Term Financial Strategy.

## 3.6 Treasury Management

3.6.1 The Council is responsible for very significant cash flows arising from its capital and revenue activity. These require investments and borrowings totalling in excess of £100m. The Council must therefore adopt the highest standards in the management of these sums and flows. The Chartered Institute of Public Finance and Accountancy (CIPFA) maintains a Code of Practice, which meets these requirements and is adopted by the Council.

3.6.2 Responsibilities of the Director of Finance, IT and Digital:

i) To ensure that the CIPFA Code of Practice is adopted and maintained;

ii) To propose to the Finance and Corporate Affairs Committee, Audit and Governance Committee and Full Council a Treasury Management Strategy within the Code of Practice;

iii) To implement the Treasury Management Strategy;

iv) To make administrative decisions within the Treasury Management Strategy;

v) To administer all leasing arrangements for goods.

## 3.7 Financial Risk Management and Insurance

3.7.1 All organisations face risk to people, property and continued service delivery, which can result in injury, damage and loss. Where the Council is culpable this can result in a financial claim. The Council also has Health and Safety duties, which need to be considered. This requires a Risk Management Strategy to be developed.

3.7.2 Insurance historically has been the main way of protecting against loss. With the advent of significant excesses the level of risk transferred is no longer as great and the Council is faced with a greater certainty of loss. An effective insurance strategy is therefore required which protects the Council.

3.7.3 Responsibilities of the Director of Finance, IT and Digital:

i) To develop and submit to the Finance and Corporate Affairs Committee a Financial Risk Management Strategy for consideration;

ii) To monitor the Financial Risk Management Strategy;

iii) To develop and submit to the Finance and Corporate Affairs Committee an Insurance Strategy for consideration;

iv) To implement the Insurance Strategy and make administrative decisions within the Strategy.

3.7.4 Responsibilities of Directors and Chief Officers:

i) To assist, develop and submit a Financial Risk Management Strategy;

ii) To identify and take action to minimise financial risks within their service areas;

iii) To inform the Director of Finance, IT and Digital of new financial risks;

iv) To investigate incidents that arise;

v) To deal with any claims that arise with the Director of Finance, IT and Digital speedily and effectively.

## 4. Financial Administration

### 4.1 Overview

4.1.1 This section deals with the administrative issues of the Council's financial affairs.

### 4.2 Financial Systems

4.2.1 The Council needs to have in place sound financial systems. The complexity of the Council will often mean that specialist systems are required for specific service areas. Equally the Council needs to prepare financial accounts based upon its detailed accounting information and records. This requires a corporate financial system to ensure that probity is achieved.

4.2.2 Responsibilities of the Director of Finance, IT and Digital:

i) To operate and maintain a corporate financial accounting system;

ii) To monitor and approve all subsidiary financial systems.

4.2.3 Responsibilities of Directors and Chief Officers:

i) To operate those financial systems within their service areas in accordance with the procedures agreed with and notified by the Director of Finance, IT and Digital;

ii) To maintain adequate supporting information where applicable within their service area.

## 4.3 Format of Accounts

4.3.1 The Council is required by law to compile annual accounts complying with the relevant Accounting Code of Practice.

4.3.2 Responsibilities of the Director of Finance, IT and Digital:

i) To ensure that accounts are prepared on time and in accordance with the necessary legal and professional requirements;

ii) To ensure that suitable accounting policies are in place and applied consistently;

iii) To ensure that professional judgements are made in preparation of the accounts which are prudent and reasonable in light of the information available at the time of preparation;

iv) To ensure that all practicable steps have been taken to identify fraud;

v) To submit and authorise grant claims subject to external audit;

vi) To issue detailed instructions on accounting records or procedures necessary to meet the Council's Statutory requirements.

4.3.3 Responsibilities of Directors and Chief Officers:

i) To provide the Director of Finance, IT and Digital with information sufficient to enable him to prepare the accounts and submit grant claims within the appropriate timescales;

ii) Maintain appropriate records and ensure they are up to date.

## 4.4 Taxation

4.4.1 The Council is subject to Tax and as such needs to ensure that its taxation affairs are efficient. Taxation of Local Authorities is complex and there is significant scope for penalties, which need to be minimised.

4.4.2 Responsibilities of the Director of Finance, IT and Digital:

i) To ensure that the Council's taxation affairs are maintained on a timely basis, with due regard to the complex and changing legislation;

ii) To liaise with the relevant Government Departments and Agencies in relation to Taxation;

iii) To provide Directors with advice in relation to Taxation issues;

iv) To ensure that the corporate payroll and accounting systems deal correctly with taxation.

4.4.3 Responsibilities of Directors and Chief Officers:

To ensure the Director of Finance, IT and Digital is informed of any changes, which can materially affect the Council's Taxation position.

## 4.5 Budget/Reserves Transfers and Contingencies

4.5.1 The Council sets budgets for both Revenue and Capital expenditure; equally the Council holds reserves for earmarked purposes. Circumstances can and do change that result in those detailed budgets becoming outdated. It is necessary, to ensure good financial management, that flexibility exists to allow transfers of resources.

All transfers must be notified to the Director of Finance, IT and Digital for their agreement prior to those transfers being actioned in the Accounting System. All transfers must leave the originating budget with sufficient funds to meet its commitments for the provision of that service at the level approved by Council within the budget and policy framework within the current financial year and not affect the sustainability of the service in future financial years.

4.5.2 These rules should be interpreted for both budget and reserve transfers and cover:

i) Detailed transfers between service areas within a Director's/Chief Officer's control;

ii) Transfers from Revenue to Capital;

iii) Transfers of managed revenue underspends to the following financial year;

iv) Transfers of resources into and from Specific Reserves;

4.5.3 For Capital these rules cover:

i) Transfers between projects;

ii) Transfers from Capital to Revenue, which are subject to specific rules.

4.5.4 Revenue Transfers

In relation to budget transfers the following rules apply:

i) Changes to staffing structures need to be approved in accordance with the relevant Council policy and be approved by the relevant Director, the Managing Director, and Director of Finance, IT and

Digital and must be wholly sustainable. No permanent staffing changes can be funded from reserves without Finance and Corporate Affairs Committee and Council approval.

ii) The Managing Director and Directors may approve revenue budget transfers up to £100,000 (cumulatively up to £200,000 over the financial year) and that formal Council approval be sought for transfers over this limit.
There be no other revenue budget transfers outside of the above limits and no transfer between 'directorates' without formal Council approval.

4.5.5 Transfers from Revenue to Capital are allowed subject to continued service delivery as determined in 4.5.1.

4.5.6 Transfers of managed revenue underspends from one year to the following are allowed subject to the transfer not exceeding 10% or £500,000, whichever is the lower, of the Departmental budget. Details of contributions to managed revenue underspend must be reported to Committee within either a quarterly monitoring report or the annual outturn report.

4.5.7 Transfer into and from Specific Reserves are also allowed and must be reported to Finance and Corporate Affairs Committee, either within a quarterly monitoring report or the outturn report.

4.5.9 Transfers between capital and revenue are allowed subject to the continued delivery of the capital program and compliance with capital accounting regulations and specific funding arrangements and approved by the Director of Finance, IT and Digital, Internal Audit and reported to the Finance and Corporate Affairs Committee.

4.5.10 Any additional favourable outturn must be allocated to the Council's General Fund. This will ensure that any further allocation of said monies is subject to Full Council approval.

4.5.11 Responsibilities of the Director of Finance, IT and Digital:

To maintain and administer the scheme of budget transfers and contingencies.

4.5.12 Responsibilities of Directors and Chief Officers:

To ensure the Director of Finance, IT and Digital is informed of any changes, which require a budget transfer.

## 4.6 Financial Management of Self Funded Business Cases

The Council delivers a range of projects which do not require funding from the General Fund budget and are funded from either specific grant funding or specific income streams. It is necessary, to ensure good financial management and the making of timely business case decisions, where in the professional

opinion of the Managing Director, Director of Finance, IT and Digital and Director of Legal, Governance and Human Resources, to delegate decision making where there is a robust and self funded business case to do so and which does not add a recurring financial commitment to the General Fund budget. Delegated authority shall be exercised by the Managing Director, with agreement from the Director of Finance, IT and Digital and the Director of Legal, Governance and Human Resources in consultation with the Chair of Finance and Corporate Affairs Committee. This delegation will also apply where revisions are needed to existing business cases but where such revisions still meet the objectives of the original business case and the tests above are satisfied. Details of business cases approved, or amendments to previously approved business cases, shall be reported to the next scheduled meeting of the Finance and Corporate Affairs Committee for information.

### 4.7 Use of Managed Revenue Underspend

To ensure the effective management of the Council's resources detailed proposals for using managed revenue under spends to fund non recurring initiatives and 'one off' priorities are included in the Medium Term Financial Strategy proposals referred to Council for approval. Where the final managed revenue under spend is higher than the forecast position the prior approval of the Finance and Corporate Affairs Committee will be required to sanction the use of uncommitted resources to fund non recurring initiatives, or one off priorities, which do not add a recurring financial commitment to the General Fund budget.

### 4.8 Use of Specific Grant Funding

Technical budget adjustments necessary to allocate specific revenue or capital grant resources and comply with grant conditions are allowed, subject to prior approval of the relevant Policy Committee and being wholly sustainable.

# OFFICER EMPLOYMENT PROCEDURE RULES

**Contents**


**Page**

**Rules**

1. **Introduction** ..... 109

2. **General** ..... 109

3. **Pay Policy Statement** ..... 109

4. **Declarations** ..... 109

5. **Seeking support for appointment** ..... 109

6. **Head of Paid Service, Directors, and Chief Officers Reporting Directly to Them** ..... 110

7. **Appointment of Head of Paid Service** ..... 110

8. **Appointment of Directors and of Chief Officers reporting Directly to the Head of Paid Service or a Director** ..... 111

9. **Appointment of Director of Public Health** ..... 111

10. **Disciplinary Action** ..... 111

11 **Disciplinary Action Relating to the Head of Paid Service, Monitoring Officer and Section 151 Officer** ..... 111

12. **Other Officers** ..... 112

13. **Definitions** ..... 112

# OFFICER EMPLOYMENT PROCEDURE RULES

## 1. INTRODUCTION

The Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers.

This section should be read in conjunction with Article11 Officers and the Officer Delegation Scheme (Part 3 – Officer Delegation Scheme for further information).

## 2. GENERAL

The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Chief Officer and excluding political assistants, must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.

The Head of Paid Service has nominated all Directors and Chief Officers to exercise these functions (Part 3 – Officer Delegation Scheme for further information)

## 3. PAY POLICY STATEMENT

The Authority's Pay Policy Statement is published annually in compliance with Section 38 of the Localism Act, 2011. The statement sets out, amongst other matters, the remuneration of the Council's Chief Officers as defined in Section 43 and has regard to the guidance issued by the Secretary of State under Section 40 of the Act.

## 4. DECLARATIONS

The Authority will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they have a close personal relationship with an Elected Member or a Manager of the Authority as set out in the Authority's Recruitment and Selection Policy.

No candidate so related to an Elected Member or Manager will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

## 5. SEEKING SUPPORT FOR APPOINTMENT

Subject to paragraph 8 the Authority will disqualify any applicant who directly or indirectly seeks the support of any Elected Member, employee of the Authority, representative of the Authority and/or any other person directly involved in the recruitment decision making process. The content of this paragraph will be included in any recruitment information.

Subject to paragraph 8, no Elected Member, employee of the Authority, representative of the Authority and/or any other person will seek support for any person for any appointment with the Authority.

Nothing in paragraphs above will preclude an Elected Member, employee of the Authority, representative of the Authority and/or any other person directly involved in the recruitment decision making process from giving a written reference for a candidate for submission with an application for appointment, outside the Authority.

## 6. HEAD OF PAID SERVICE, DIRECTORS AND CHIEF OFFICERS REPORTING DIRECTLY TO THEM

### 6.1 Recruitment

Where the Authority proposes to recruit internally only or internally/externally to a vacant post of Managing Director, Director or other Chief Officer the Council will establish an Appointments Panel. This will not apply when the role, responsibilities, terms and conditions of an officer covered by the Officer Employment Procedure Rule are revised as a result of organisational change in accordance with the Authority's reorganisation procedures. There is presumption that all staff are treated fairly and equally. The Authority will:-

a) make arrangements for a statement to be drawn up specifying:

- the duties of the post concerned; and
- any qualifications or qualities to be sought in the person to be appointed; and
- the salary package for the post which the Appointments Panel must work within when making appointments.

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.

## 7. APPOINTMENT OF HEAD OF PAID SERVICE

Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Panel. The Appointments Panel will consist of:

- the Chair of the Council
- the Leader
- six other Elected Members of the Council selected by the Council

The Panel will select its own Chair and its membership will be in accordance with political balance requirements. The membership should reflect both the make-up of the Council in terms of gender and age, and reflect the range of

responsibility across the Authority's Committees to seek to minimise any gender inequality or age discrimination.

## 8. APPOINTMENT OF DIRECTORS AND OF CHIEF OFFICERS REPORTING DIRECTLY TO THE HEAD OF PAID SERVICE OR A DIRECTOR

The Appointments Panel will make these appointments. That Appointments Panel will consist of:

- the Chair of the Council
- the Leader
- six other Elected Members of the Council selected by the Council

The Appointments Panel will select its own Chair and its membership will be in accordance with political balance requirements. The membership will reflect, so far is possible, both the make-up of the Council in terms of gender and age, and the different areas of responsibility within the Council's Committees to seek to minimise any gender inequality or age discrimination.

## 9. APPOINTMENT OF DIRECTOR OF PUBLIC HEALTH

The Appointments Panel will make this appointment. The Committee will also include:

- an External Health Professional Assessor;
- a Local Authority Managing Director (or nominee);
- a Senior Local NHS Representative; and
- an Office for Health Improvement and Disparities Regional Director (or nominee).

In relation to the appointment of the Director of Public Health, the designation of Director of Public Health must be agreed by the Office for Health Improvement and Disparities and by Full Council.

## 10. DISCIPLINARY ACTION

All Chief Officers, including the Head of Paid Service, Monitoring Officer and Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay and last no longer than two months beginning on the day the suspension takes effect.

## 11. DISCPLINARY AND/OR DISMISSAL ACTION RELATING TO THE HEAD OF PAID SERVICE, MONITORING OFFICER AND SECTION 151 OFFICER

Disciplinary and/or dismissal action (excluding redundancy/ill health/end of fixed term contract) in relation to the head of paid service, monitoring officer or s151 officer will only be taken in accordance with the Model Disciplinary Procedure set out in the Joint Negotiating Committee for Chief Executives of Local Authorities, which incorporates the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Before any decision is taken to dismiss the Head of Paid Service, Section 151 Officer or the Monitoring Officer, the Independent Advisory Committee (IAC) must be convened to advise on any matter that could lead to the dismissal of one of these officers. Any recommendation to dismiss a Statutory Officer must be approved by Full Council.

## 12. OTHER OFFICERS

### 12.1 Appointment of assistants to political groups

Appointment of an assistant to a political group shall be made in accordance with the following:

(a) In this paragraph a post of assistant to political group means a post to which Section 7 of the Local Government and Housing Act 1989 applies and any words or expressions also used in that Section shall be interpreted as they would be for the purposes of this Section;

(b) No appointment to a post of assistant to a political group shall be made unless the Council shall have resolved to allocate a post of professional assistant to each of the political groups of the Council which qualify for one;

(c) No allocation of a post as assistant to a political group shall be made to a political group which does not qualify for one;

(d) Not more than one post of political assistant to a political group shall be allocated to any one political group;

(e) Any decision required to be taken in the appointment process shall be taken by the Managing Director or his/her nominee after consultation with the Leader of the Group to which the post is allocated (or his/her nominee) who shall be entitled to attend any interviews relating to the appointment.

### 12.2 Disciplinary action

Disciplinary action against other Officers will be in accordance with the relevant conditions of service and the Council's disciplinary procedure.

### 12.3 Dismissal

Dismissal of Officers will take place in accordance with the relevant regulations and conditions of services and the Council's disciplinary procedure.

## 13. DEFINITIONS

(a) “the 2011 Act” means the Localism Act 2011;

(b) “section 151 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;

(c) “Independent Person” means a person appointed under section 28(7) of the 2011 Act;

(d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;

(e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) “relevant officer” means the section 151 officer, head of the authority’s paid service or monitoring officer, as the case may be.

# STATUTORY SCRUTINY PROCEDURE RULES

**Contents**

**Page**

**Rules**


1. Arrangements For The Conduct Of Statutory Scrutiny Functions 117

2. Statutory Health Scrutiny Responsibilities ..... 117

3. Statutory Crime And Disorder Scrutiny Responsibilities..... 118

4. Membership..... 119

5. Co-Optees..... 119

6. Meetings To Consider Statutory Scrutiny Issues ..... 120

7. Work Programme..... 120

8. Agenda Items ..... 121

9. Referrals ..... 121

10. Consultations with 'Responsible Persons' ..... 122

11. The Councillor Call for Action ..... 122

12. Statutory Scrutiny Reports ..... 123

13. Request For Information To Facilitate The Statutory Scrutiny Function..... 124

**14. Rights Of Statutory Scrutiny Elected Members To Documents** .... 124

**15. Participation In The Council's Statutory Scrutiny Activities**..... 124

**16. Officer Support** ..... 124

**17. Research Resource** ..... 125

# STATUTORY SCRUTINY PROCEDURE RULES

## 1. ARRANGEMENTS FOR THE CONDUCT OF STATUTORY SCRUTINY FUNCTIONS

Responsibility for the following statutory scrutiny functions are delegated by Full Council to the Audit and Governance Committee:-

(a) The functions of the Authority's Crime and Disorder Committee for the purposes of the Police and Justice Act 2006;

(b) The scrutiny powers under the Health and Social Care Act 2012 in considering the provision of health services at both local and regional levels;

(c) Consider referrals by Full Council and other Committees and Elected Members under the 'Councillor Call for Action mechanism' in accordance with the Local Government and Public Involvement in Health Act 2007;

(d) Responsibility is also designated by Full Council to the Audit and Governance Committee to:

- Participate in, and develop, the Tees Valley Joint Health Scrutiny Committee and other joint arrangements with neighbouring authorities. This includes the nomination of members from the Committee to serve on the Tees Valley Joint Health Scrutiny Committee and other joint bodies formed with neighbouring authorities for health scrutiny exercises; and

- The Audit and Governance Committee will make reports and recommendations to Full Council or to the appropriate Policy Committee on any local government matter (as defined by section 21A of the Local Government and Public Involvement in Health Act 2007) which has been referred to it by an Elected Member of the Council as a Councillor Call for Action.

## 2. STATUTORY HEALTH SCRUTINY RESPONSIBILITIES

The Authority has a statutory responsibility to review and scrutinise matters relating to the planning, provision and operation of health services as provided for by the Health and Social Care Act 2012. In doing this, local authorities have a responsibility to not only look at themselves, but also at all health service providers and any other factors that affect people's health.

In fulfilling this responsibility, the Audit and Governance Committee will review and scrutinise and make reports with recommendations to Full Council (and / or Finance and Corporate Affairs Committee or other Policy Committee where appropriate), a 'responsible person' (that being relevant NHS body or health

service provider) and other relevant agencies about possible improvements in service in the following areas:-

(i) health issues identified by, or of concern to, the local population;

(ii) proposed substantial development or variation in the provision of health services in the Authority's area (except where a decision has been taken as a result of a risk to safety or welfare of patients or staff);

(iii) the impact of interventions on the health of local inhabitants;

(iv) an overview of delivery against key national and local targets, particularly those which improve the public's health;

(v) the development of integrated strategies for health improvement; and

(vi) the accessibility of services that impact on the health of local people to all parts of the local community.

Additional Responsibilities:-

(i) to recommend to Full Council that a referral be made to the Secretary of State where there are concerns over insufficient consultation on major changes to services. Further details of this provision are outlined in the regulations that support the Health and Social Care Act 2012.

## 3. STATUTORY CRIME AND DISORDER SCRUTINY RESPONSIBILITIES

The Authority is statutorily required to establish a Crime and Disorder Scrutiny Committee (under the Police and Justice Act 2006) with the responsibility for review or scrutiny of decisions made or other action taken by the Community Safety Partnership. These responsibilities will be fulfilled through the Audit and Governance Committee. The Committee will:

(i) Scrutinise the work of the partners insofar as their activities relate to the Community Safety Partnership itself;

(ii) Review or scrutinise decisions made or other action taken in connection with the discharge, by responsible authorities, of their crime and disorder functions (responsible authorities means the Authority, Cleveland Police, Cleveland Fire Authority and the Hartlepool and Stockton NHS Clinical Commissioning Group) and make reports or recommendations to Full Council or the appropriate Policy Committee with regard to the discharge of those functions. Key areas for review or scrutiny are:

- Policy development – including in-depth reviews;
- Contribution to the development of strategies;
  Holding the Responsible Authorities to account at formal hearings; and

- Performance management.

(iii) Reports and recommendations to Full Council or to the appropriate Policy Committee on any local crime and disorder matter (as defined by section 19 of the Police and Justice Act 2006) which has been referred to it by an Elected Member of the Council as a Councillor Call for Action.

## 4. MEMBERSHIP

The membership of the Audit and Governance Committee is 10 Elected Members and the Committee may also co-opt representatives from outside bodies to assist in the conduct of its crime and disorder statutory scrutiny function (as detailed in Section 5 below).

## 5. CO-OPTEES

In fulfilling the Authority's statutory scrutiny responsibilities, the Audit and Governance Committee is able to appoint local people to serve on the Crime and Disorder Committee who shall not be entitled to vote on any particular matter, unless the Committee so determines.

The Audit and Governance Committee, as the Authority's designated Crime and Disorder Committee, will also be entitled to co-opt:-

(a) Specialists in particular areas to add value to the Committee's work (either an employee, officer or member of a responsible authority or a co-ordinating person or body); and

(b) Cleveland Police representation by:

- The co-option of additional persons (employee, Officer of Cleveland Police or a co-operating person or body as detailed in the Crime and Disorder (Overview and Scrutiny Regulations) 2009; or

- A standing invitation for additional Cleveland Police representatives as 'expert witnesses; or

- Co-option of a Cleveland Police representative when policing matters are being considered.

During consideration of Crime and Disorder Committee matters, the Audit and Governance Committee's membership will include a co-opted representative from Cleveland Police.

Co-opted Members

The appointment of co-opted Members is a matter reserved to the full Council. The Audit and Governance Committee can make recommendations to the Council on the appointment of co-opted members to the Committee itself and/or any of its sub-committees. In making such recommendations to the Council the

Committee will specify the term of office to be applied in each case. The term of office for any appointed co-opted Member can only be extended with the express approval of the Council. Co-opted Members appointed by the Council can attend and speak at meetings of the Committee but cannot vote, unless the Council approves a voting scheme.

## 6. MEETINGS TO CONSIDER STATUTORY SCRUTINY ISSUES

Meetings to fulfil the Authority's statutory scrutiny responsibilities will be held on an 'ad hoc' basis, called as and when required. Should it be required to facilitate consideration of a specific issue, the Audit and Governance Committee can create, time limited, task and finish / working groups.

As the Authority's statutory scrutiny responsibilities are the responsibility of the Audit and Governance Committee, meetings to consider relevant scrutiny issues may be called by the chair of the Audit and Governance Committee or by the Proper Officer if he/she considers it necessary or appropriate. Access to information arrangements in relation to statutory scrutiny functions are outlined in Part 4 of the Constitution.

In fulfilling its statutory scrutiny functions, the Committee shall consider the following business:

(i) Any matter referred from or to the Committee in the conduct of its statutory scrutiny functions; and

(ii) Responses of the Council, Committees of the Council and outside organisations / partner to the reports submitted by the Committee.

When the Committee invites people to attend to discuss matters being considered by the Committee including the public, Elected Members, officers and representatives of other bodies or companies, meetings are to be conducted in accordance with the Authority's relevant codes and protocols and the following principles:

i) that the discussions will be conducted fairly and all Elected Members of the Committee be given the opportunity to ask questions of attendees and to contribute and speak;

ii) that those assisting the Committee in its work, be treated with respect and courtesy; and

iii) that each enquiry be conducted as to maximise the efficiency of the discussion or analysis.

## 7. WORK PROGRAMME

The Audit and Governance Committee will be responsible for setting the statutory scrutiny work programme at the beginning of each municipal year. The work programme may be subject to referrals received from other bodies and Councillor Call for Action.

## 8. AGENDA ITEMS

Any Elected Member shall be entitled to give notice to the Proper Officer that he/she wishes an item related to the Councils statutory scrutiny functions to be included on the agenda for a future meeting of the Audit and Governance Committee (under the Councillor Call for Action mechanism). All such requests will be considered by the Committee, taking into consideration the Councillor Call for Action criteria, the work programme of the Committee and the views of the Elected Member making the request. Alternatively where appropriate, with the agreement of the Elected Member making that request, to refer the issue to the appropriate Policy Committee or Council.

An Elected Member making a request for items to be considered by the Committee must complete the relevant notice which is available from the Proper Officer and the Democratic Services Team. The information required to be provided by the Elected Member making the request will include the reasons for referring the issue and the objectives of an inquiry.

## 9. REFERRALS

Referrals from Full Council, Policy and other Committees

The Council, Policy and other Committees of the Authority may refer items related to the Authority's statutory scrutiny functions to the Audit and Governance Committee for consideration. When an item is referred to the Audit and Governance Committee, the referring body must provide the following information when agreeing to refer the item to statutory scrutiny:-

(i) the reasons for referring the issue;

(ii) the objectives of statutory scrutiny process;

(iii) any statutory requirements that the referring body is working within/towards; and

(iv) timescales for reporting back to the referring body.

When the Audit and Governance Committee receives the referral it will either:

(i) consider the item itself; or

(ii) create a time limited task and finish group / working group to examine the issue.

The bodies that can refer items to the Audit and Governance Committee and the criteria for such referrals are set out in Appendix A. This also identifies the extent to which the referring body can require an issue to be examined.

Referrals from Healthwatch or a local Healthwatch contractor

Healthwatch, or a local Healthwatch contractor, may refer items relating to the planning, provision or operation of health service (including care services) in the

area. In considering such a referral, the Council is required to acknowledge receipt of the referral within 20 working days and keep the referrer informed of any action taken in relation to the matter.

## 10. CONSULTATIONS BY 'RESPONSIBLE PERSONS'

Where a responsible person (that being relevant NHS body or health service provider) has under consideration any proposal for a substantial development, or variation of the health service in a local authority area they are required to consult the Authority. The process for this as follows

The Responsible Person is required to:

i) Provide the Authority with a date by which it intends to make the decision as to whether to proceed with the proposal and the date by which any comments from the Authority are required;

ii) Inform the Authority of any changes to these dates and publish these dates; and

iii) Where the requirement to consult does not apply, the decision being taken as a result of a risk to the safety or welfare of patients or staff, the responsible person must notify the authority immediately of the decision taken and the reason why no consultation has taken place.

The Audit and Governance Committee:

i) Where required, make comment / recommendation on the proposal by the date requested by the responsible person;

ii) Where the responsible person disagrees with a recommendation from the Authority, they must notify the Authority and both parties take such steps as reasonably practicable to reach an agreement.

iii) Where the Authority's response did not include a recommendation the Authority must advise the responsible person of the date by which it intends to make the decision to refer the proposal to the secretary of state, and if applicable the date by which it intends to do so.

## 11. THE COUNCILLOR CALL FOR ACTION

In accordance with the provisions of the Police and Justice Act 2006 any Elected Member of the Council may refer a local crime and disorder matter affecting their ward to the Crime and Disorder Committee for consideration. Under Hartlepool's governance arrangements this responsibility sits within the remit of the Audit and Governance Committee. A "local crime and disorder matter" is one concerning:-

(i) Crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment), or

(ii) The misuse of drugs, alcohol and other substances, which affects all or part of the electoral area for which the Elected Member is elected or any person who lives or works in that area.

The Committee, having considered a local government matter or a local crime and disorder matter referred to it under these provisions, can make a report or recommendations to the Council, appropriate Committee(s), the responsible authority or co-operating person / body on the matter in question.

Details of the selection criteria and procedure for the consideration of a Councillor Call for Action are outlined in Appendices A and B respectively.

## 12. STATUTORY SCRUTINY REPORTS

When recommendations are formulated at the conclusion of a statutory scrutiny inquiry, the Audit and Governance Committee will agree a formal report which will be submitted to the Proper Officer for consideration by the appropriate body as set out in Appendix C.

If the Committee cannot agree on one single final report to the appropriate body, then one minority report may be prepared and submitted for consideration by the appropriate body with the majority report. Notice of intention to produce a minority report must be given at the meeting at which the draft report is considered. At least one third of the total Membership of the Committee, who must be not solely from one political group, must give notice. A minority report must be agreed by all Elected Members who gave notice. It must identify a lead Elected Member for the purpose of the presentation to the appropriate body.

The body to which a report is referred shall consider it within the timescales specified in Appendix A.

Where a report and its recommendations impact on community safety /crime and disorder issues, the following steps are to be taken-

i) Copies of report and recommendations are sent to the responsible authorities or co-operating bodies as are affected by the report or recommendations, or as otherwise appropriate in accordance with section 19(8) of the Police and Justice Act 20016;

ii) The relevant partner(s) are requested to respond in writing within a period of 28 days of the date the report or recommendations are submitted (or as soon as possible thereafter); and

iii) Following the receipt of responses, the Committee considers and agrees with the relevant partner(s) how progress in implementing the recommendations will be monitored.

Where a report and its recommendations impact on health issues, the following steps are taken:-

(i) The report includes an explanation of the matter reviewed or scrutinised; a summary of the evidence considered; a list of the

participants involved in the review or scrutiny; and any recommendations on the matter reviewed or scrutinised; and

(ii) The relevant NHS body or relevant health service provider to whom the Committee has made a report or recommendation, are requested to respond in writing to the Committee within 28 days of the request/the date the report or recommendations are submitted (or as soon as possible thereafter).

## 13. REQUEST FOR INFORMATION TO FACILITATE THE STATUTORY SCRUTINY FUNCTION

As part of the statutory scrutiny process, the Committee will from time to time request further information in relation to the planning, provision and operation of services in the area, so far as might be reasonably require to undertake effective scrutiny, from either the Community Safety Partnership or NHS bodies. These organisations have a responsibility to provide this information within a reasonable time, which can be agreed locally.

## 14. RIGHTS OF STATUTORY SCRUTINY ELECTED MEMBERS TO DOCUMENTS

In addition to their rights as Elected Members in the conduct of their statutory scrutiny responsibilities have additional rights to documents and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4 of this Constitution. Procedure rules in relation to access to confidential and exempt information do, however, also apply to the provision of information in relation to the conduct of statutory scrutiny activities.

## 15. PARTICIPATION IN THE COUNCIL'S STATUTORY SCRUTINY ACTIVITIES

In fulfilling its statutory scrutiny functions, the Audit and Governance Committee may invite people or organisations from outside the Council to address it, discuss issues of local concern and/or answer questions. It may for example, wish to hear from residents, stakeholders and Elected Members and officers in other parts of the public sector and shall invite such people to attend.

As part of the statutory scrutiny process, the Committee will from time to time request the attendance of a representative from either the Community Safety Partnership or NHS bodies. These organisations will be obliged to send a representative to attend, providing sufficient notice has been given.

## 16. OFFICER SUPPORT

It is important that the statutory scrutiny process is properly supported on a departmental and corporate basis. In supporting the process, departments are responsible for the production of briefing papers and other documentation, provision of specialist knowledge and, as and when required, attendance at relevant meetings of the Committee.

On a corporate basis, advice and support is provided to:

- ensure that the conduct of statutory scrutiny business meets the requirements of the Authority's constitution and Government guidance;
- process and provide advice on referrals and Councillor Call for Action for scrutiny;
- provide policy advice, research to the Committee;
- review and evolve the development of the statutory scrutiny function;
- advise who might be asked to give evidence, advice or opinion;
- liaising with departments about their input;
- brief people giving evidence;
- assist the Committee to write and present Final Reports; and
- monitor the implementation of scrutiny recommendations.

## 17. RESEARCH RESOURCE

17.1 In addition to the work undertaken by departments the support available to the statutory scrutiny function will include the use of outside experts; for buying in expertise where not available within the Council or providing research tailored to needs of the Committee when necessary.

**APPENDIX A**

## PROCESSING REFERRALS IN RELATION TO STATUTORY SCRUTINY RESPONSIBILITIES

| BODY | STATUS OF REFERRAL | TIMESCALES AND OTHER ISSUES |
|---|---|---|
| **Council** | Consideration mandatory | Must be considered within the timescale prescribed |
| **Policy Committees** | Consideration mandatory | Must be considered within the timescale prescribed |

### Selection Criteria – Dealing with Councillor Calls for Action

The Audit and Governance Committee would assess the appropriateness of investigating Councillor Calls for Action against the following selection criteria:-

(i) Clear evidence that reasonable attempts have been made to resolve the issue with relevant partners/Council departments;
(ii) Affects a group of people living within the Hartlepool area;
(iii) Relates to a service, event or issue in which the Council has direct responsibility for, significant influence over or has the capacity to act as public champion;
(iv) Not be an issue which scrutiny has considered during the last 12 months;
(v) Not relate to an ongoing service complaint or petition (including the ability to exclude any matter which is vexatious, discriminatory or not reasonable); and
(vi) Not relate to matters dealt with by another Committee, unless the issue deals with procedure and policy related issues.

## PROCESSING STATUTORY SCRUTINY REFERRAL REPORTS

**Council and Policy Committees**

***Type of report*** – on items referred from Council in relation to Statutory Scrutiny issues

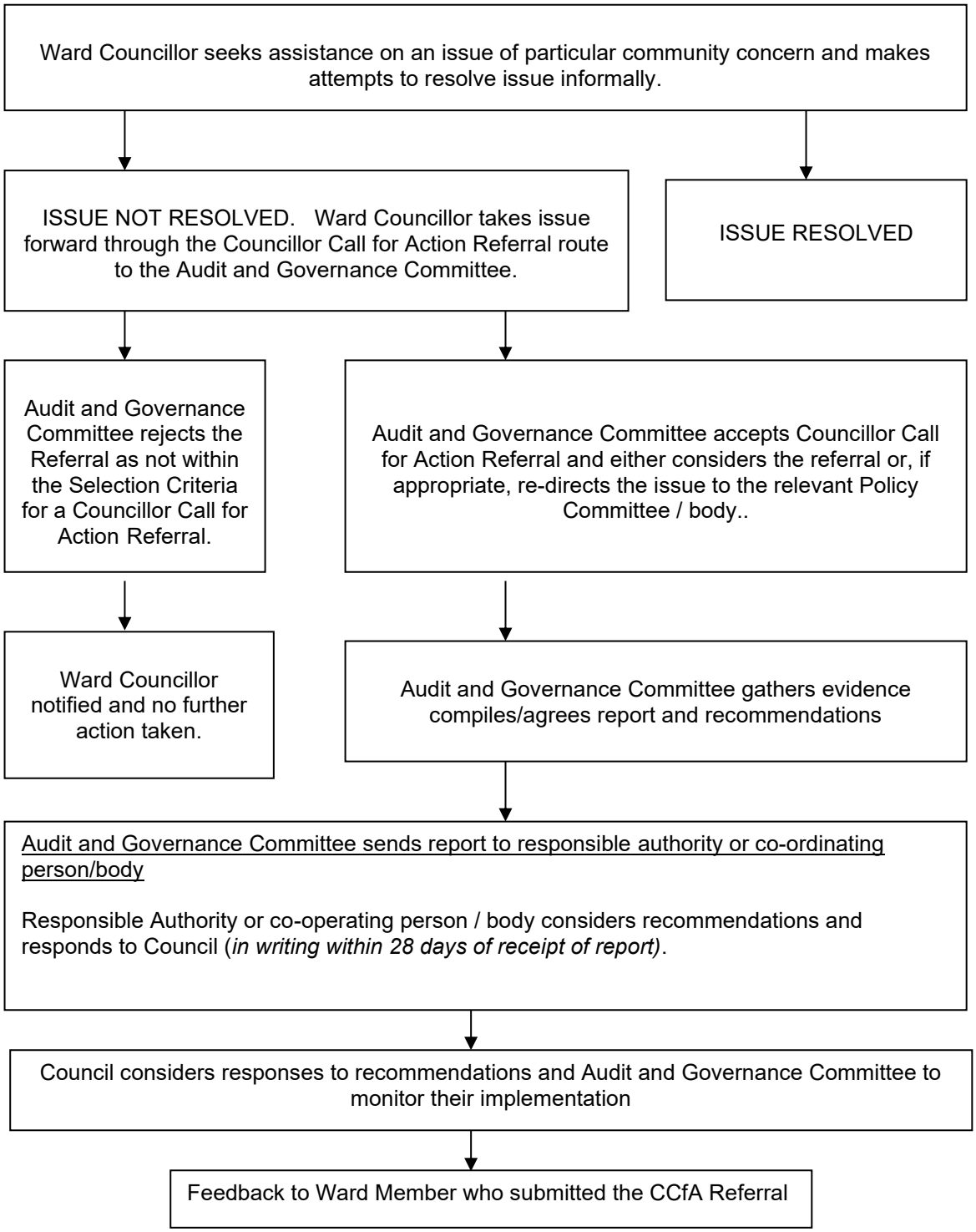
***Presentation*** – the report will be presented by the Chair of the Committee or his/her nominated Elected Member of the Committee. In the case of minority reports those submitting the report should agree a spokesperson from their Membership of the Committee.

***Timescale for consideration*** – if not specified in a referral the report should be considered not later than 10 weeks after being agreed by the Committee.

***Reporting back to the Audit and Governance Committee*** – the relevant minute of the Council / Policy Committee meeting will be reported back to the Committee.

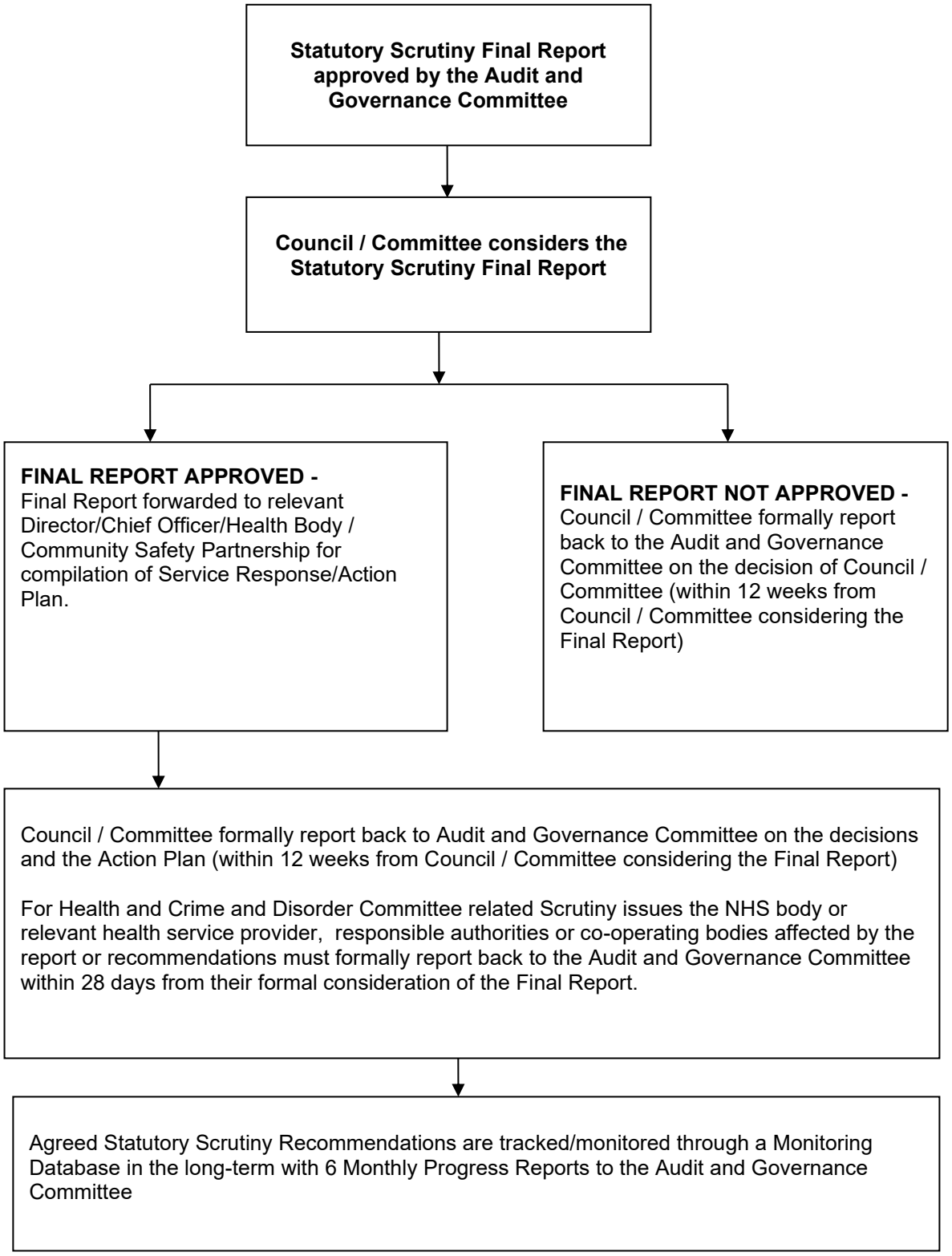
**APPENDIX B**

## PROCEDURE FOR THE CONSIDERATION OF COUNCILLOR CALL FOR ACTION



**APPENDIX C**

## PROCEDURE FOR THE DECISION MAKING ROUTE FOR STATUTORY SCRUTINY FINAL REPORTS



# CODES AND PROTOCOLS

**Contents**


**Page**

**Code of Conduct for Elected Members and Co-opted Members** ..... 1

**Code of Conduct for Employees** ..... 19

**Protocol on Elected Member/Officer Relations** ..... 51

**Planning Code of Practice** ..... 69

**Guide to Pre-Application Developer Forums** ..... 101

**Code of Corporate Governance** ..... 105

**Guidance for Members and Officers Serving on Outside Organisations and Other Bodies** ..... 119

**Public Questions to Full Council Meetings** ..... 129

**Protocol for Referral of Public Questions to a Policy Committee Meeting** 133

**Filming, Recording and Photographing Council Meetings** ..... 135

**Guidance Note – Political Balance** ..... 137

**Guidance Note – Petitions** ..... 143

# CODE OF CONDUCT FOR ELECTED MEMBERS AND CO-OPTED MEMBERS

This Code has been adopted by Hartlepool Borough Council in compliance with the requirements set out in Chapter 7 of the Localism Act 2011.

This Code defines the standards of conduct which will be required of all Members and co-opted Members of the Council.

This Code of Conduct is based on the Local Government Association Model Councillor Code of Conduct, which was developed in 2020 and approved by Full Council on 30 September 2021.

Any person may make a written complaint to the Monitoring Officer that a Member or Co-opted Member has breached the Code.

Details about how to complain and the way that complaints are dealt can be found on the Council's website:

https://www.hartlepool.gov.uk/downloads/download/244/complaining_about_a_councillor_or_parish_councillor
or by contacting:

Hayley Martin, Monitoring Officer
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

01429 523002
Hayley.martin@hartlepool.gov.uk

**Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of

backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All Councils are required to have a local Councillor Code of Conduct. The Code of Conduct is provided to all prospective councillors when they complete and return their nomination pack. This ensures that at the point of being elected, when signing their declaration of acceptance to office, that councillors have read and understood the contents of the Code. All Councillors are required to sign a further declaration at induction training to evidence that they have read and understand the Code.

The LGA will undertake an annual review of this Code to ensure it continues to be fit- for- purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

**Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

**General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person

- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.
- I will inform the Council's Monitoring officer should I be convicted of any criminal offence involving violence against another person.

**Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

**Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

**General Conduct**

**1. Respect**

**As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

**2. Bullying, harassment and discrimination**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen

face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

**3. Impartiality of officers of the council**

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**4. Confidentiality and access to information**

**As a councillor:**

**4.1 I do not disclose information:**

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - **i. I have received the consent of a person authorised to give it;**

ii. **I am required by law to do so;**
iii. **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
iv. **the disclosure is:**
    1. **reasonable and in the public interest; and**
    2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
    3. **I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## 5. Disrepute

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## 6. Use of position

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## 7. Use of local authority resources and facilities

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

**a. act in accordance with the local authority's requirements; and**

**b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## 8. Complying with the Code of Conduct

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

**Protecting your reputation and the reputation of the local authority**

**9. Interests**

**As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## 10. Gifts and hospitality

**As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## Appendices

## Appendix A – The Seven Principles of Public Life

The principles are:

### Selflessness

Holders of public office should act solely in terms of the public interest.

### Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### Honesty

Holders of public office should be truthful.

### Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

"**Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Committee Member in exercise of your Committee's function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which ***affects*** –
    a. your own financial interest or well-being;
    b. a financial interest or well-being of a relative or close associate; or
    **c.** a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

    you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above*)* ***affects*** the financial interest or well-being:
    d. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
    e. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

    You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

    If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

| Subject | Description |
|---|---|
| **Employment, office, trade, profession or vocation** | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| **Sponsorship** | Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.<br>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| **Contracts** | Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council<br>—<br>(a) under which goods or services are to be provided or works are to be executed; and<br>which has not been fully discharged. |
| **Land and Property** | Any beneficial interest in land which is within the area of the council.<br>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income. |

| | |
|---|---|
| **Licenses** | Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer |
| **Corporate tenancies** | Any tenancy where (to the councillor's knowledge)—<br>(a) the landlord is the council; and<br>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of. |
| **Securities** | Any beneficial interest in securities* of a body where—<br>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and<br>(b) either—<br>(i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

*

**Table 2: Other Registrable Interests**

You must register as an Other Registerable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body
   (i) exercising functions of a public nature
   (ii) directed to charitable purposes or
   (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1**: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2**: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3**: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4**: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5**: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6**: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7**: Local authorities should have access to at least two Independent Persons.

**Best practice 8**: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9**: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10**: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12**: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13**: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14**: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15**: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

# CODE OF CONDUCT FOR EMPLOYEES

**Contents**


**Page**

1. Quick Guide to the Forms ..... 21

2. Introduction ..... 23

3. The Seven Principles of Public Life ..... 24

4. Overarching Expectations of Employee Conduct ..... 25

5. Declaration Forms ..... 25


**Sections of the Code in Detail:**


1. Key Relationships ..... 26

2. Personal Conduct ..... 27

3. Political Neutrality ..... 28

4. Conflicts of Interest ..... 28

5. Confidential Information ..... 29

6. Information Technology Use ..... 31

7. Internet and Social Networking Use ..... 31

8. Paid Work Outside of the Council ..... 32

9. Gifts and Hospitality ..... 33

**10. Corruption** ..... 34

**11. Use of Resources** ..... 35

**12. Safeguarding** ..... 35

**13. Health and Safety** ..... 36

**14. Equality and Diversity** ..... 36

**15. Recruitment and Selection** ..... 37

**16. Media** ..... 37

**17. Access to your Councillor** ..... 38

**18. Reporting Improper or Illegal Activities** ..... 39

**19. Intellectual Property** ..... 39

**Appendices**

| | |
|---|---|
| **Appendix 1** | Form 1 – Declaration of Relationship with External Contractor or Supplier |
| **Appendix 2** | Form 2 – Declaration of Personal Interests |
| **Appendix 3** | Form 3 – Approval to undertake paid work outside of the Council (Band 13 and above only) |
| **Appendix 4** | Form 4 – Notification to undertake paid work outside of the Council (Band 12 and below only) |
| **Appendix 5** | Form 5 - Declaration of Offers of Hospitality and Gifts |

# CODE OF CONDUCT FOR EMPLOYEES

## 1. Quick Guide to the Forms

There are a range of behaviour and standards of conduct expected from Hartlepool Borough Council employees which are clearly articulated throughout this document. There are 5 instances where a written declaration is required.

Declaration forms 1-5 are to be completed as detailed in this Code. All forms will be acknowledged and recorded whether approved or declined. Details are provided within this code and on the forms.

| | |
|---|---|
| **Form 1** | **Declaration of Relationship with External Contractor or Supplier**<br><br>All relationships of a business or private nature with external contractors, sub-contractors and suppliers should be made known to the appropriate Chief Officer and **Form 1 – 'Declaration of Relationship with External Contractor or Supplier'** should be completed and submitted. |
| **Form 2** | **Declaration of Personal Interests**<br><br>Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts in which you have a financial interest, that is any direct or indirect interest of monetary value, whether or not the value is readily ascertainable. It is a criminal offence to fail to comply with this. All declarations of interest either financial or non-financial must be declared using **Form 2 - 'Declaration of Personal Interests'**, completed and submitted**.** |
| **Form 3** | **Approval to Undertake Paid Work Outside of the Council (Band 13 and above only)**<br><br>Paid employment outside of the Council means any paid work, on a second employment, self-employed or private business basis undertaken in addition to your Council employment.<br><br>For officers at Band 13 or above, the form should be completed and forwarded to the appropriate Director for approval. Consideration should be given and communicated back to the employee within 14 calendar days.<br><br>If the request is refused, the employee can appeal in writing to Chris Little, Director of Finance, IT and Digital within 14 working days of the decision being made.<br><br>Approval to undertake work outside of the Council must be completed and submitted on **Form 3 – 'Approval to undertake Paid Work outside of the Council (Band 13 and above only)'.** |

| | |
|---|---|
| **Form 4** | **Notification to Undertake Paid Work Outside of the Council (Band 12 and below only)**<br><br>**7.** The Working Time Regulations (1998) are there to protect employees and employers. It is an employee's responsibility to ensure that they comply with these regulations and do not exceed the maximum numbers of hours permitted to be worked. In order to support the Council in its duty of care, all employees Band 12 or under who undertake paid work outside of the Council should notify their Director by completing and submitting **Form 4 – 'Notification of undertaking paid work outside of the Council (Band 12 and below only)'.** |
| **Form 5** | **Declaration of Offers of Hospitality/Gifts**<br><br>In order to ensure transparency, employees are requested to formally register any gift or offer of hospitality on **Form 5 – 'Declaration of Offers of Hospitality or Gifts'.** |

## 2. Introduction

Hartlepool Borough Council (the 'Council') expects high standards of conduct from its employees. This document sets out the minimum standards we expect of you, provides a framework to help you understand the protocols which apply to you and gives guidance to help you comply with them.

This Code covers all employees of the Council, except for school-based employees. Schools need to give consideration to their own procedures, and where schools are using this Code, suitable advice should be sought from Human Resources.

The Code is recommended as good practice to all other groups associated with the Council who have the discretion in their employment to adopt our policies. Apart from schools, this will include such groups as voluntary sector organisations. Where applicable this Code will also apply to agency workers, contractors, consultants or third parties providing work or services for, or on behalf of, the Council. Employees should also comply with this Code if they are representing the Council on any board, partner group, agency or committee outwith the Council.

All employees of the Council have a responsibility to ensure they comply with this Code along with any other policies or procedures referred to in this document. Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality, honesty and integrity.

Employees who attempt to abuse this code may face disciplinary action. The Council takes false or misleading accusations very seriously, which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith. You must participate in any investigations, including those carried out by the Council's Monitoring Officer, who is responsible for ensuring lawfulness and fairness of decision making including reporting any actual or potential breaches of the law or maladministration of the Council.

The Code will be available on the intranet and in a handy sized guide for employees. It will also form part of the new Corporate Induction for new employees and those moving from one job to another within the Council.

## 3. The Seven Principles Of Public Life

The Code meets the recommendations of the Nolan Committee's Standards in Public Life establishing the 'Seven Principles of Public Life'. These are:

| | |
|---|---|
| **Selflessness** | Decisions should be based solely on the Council's best interests. Employees should not take decisions which would result in any financial or other benefit to themselves, their family or their friends. |
| **Integrity** | Employees should always act with integrity and not place themselves under any financial or other obligation to an individual or other organisation which might influence them in their work with the Council. |
| **Objectivity** | Any decisions which are made in the course of an employees work with the Council, including making appointments, or writing contracts or recommending individuals for rewards or benefits, must be based solely on merit. |
| **Accountability** | Employees are accountable to the Council as their employer. The Council, in turn, is accountable to the general public. |
| **Openness** | Employees should be as open as possible in their decisions and their actions that they take. Employees should give reasons for their decisions and should not restrict information unless this is clearly required by Council policy or the law. |
| **Honesty** | Employees have a duty to declare any private interests which might affect their work for the Council. |
| **Leadership** | Managers should promote and support these principles by leadership and example. |

## 4. Overarching Expectations of Employee Conduct

When working on behalf of the Council, you must:

- ✓ act in the best interests of the Council when carrying out your duties, and in accordance with the principles of public life of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- ✓ comply with the Council's Constitution, service requirements, policies, procedures and standards, legislation and other professional standards which apply to your role.
- ✓ declare to your Chief Officer any potential or actual conflicts of interest or relationships that may impact on your work, or that of the Council.
- ✓ report any concerns or breaches of this Code, or any other Council policies, to your manager.
- ✓ ask your manager if you are unsure what is required of you.

## 5. Declaration Forms

Declaration forms 1-5 are to be completed as detailed in this Code. All declaration forms must be forwarded to Business Support for logging onto Resourcelink once considered by the appropriate Director. All forms will be acknowledged and recorded whether approved or declined.

| | |
|---|---|
| **Form 1** | Declaration of Relationship with External Contractor or Supplier |
| **Form 2** | Declaration of Personal Interests |
| **Form 3** | Approval to Undertake Paid Work Outside of the Council (Band 13 and above) |
| **Form 4** | Notification to Undertake Paid Work Outside of the Council (Band 12 and below) |
| **Form 5** | Declaration of Offers of Hospitality/Gifts |

## SECTIONS OF THE CODE IN DETAIL

### 1. Key Relationships

#### The public

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups or individuals within that community as defined by the policies and procedures of the Council. The Council is committed to promoting equality of opportunity and to eliminate discrimination within its employment practices and service delivery and therefore employees must follow the Council's '**Equality and Diversity Statement' policy** and other policies covering these matters.

#### Councillors

Mutual respect between employees and Councillors is essential to good local governance. Inappropriate relationships between employees and individual Councillors can damage the reputation of the Council as well as individuals and should be avoided. Officers are reminded of the guidance contained within section 3 of this document 'Political Neutrality' and the Officer/Member Protocol within the Council's Constitution.

#### Contractors

Employees must be fair and impartial in any dealings with contractors, sub-contractors and suppliers. If employees are involved in a tendering process they must comply with the Council's 'Contract Procedure Rules' and the guidance within the Council's 'Officers Guide to Procurement'. All relationships of a business or private nature with external contractors, sub-contractors and suppliers should be made known to the appropriate Chief Officer and **Form 1 – 'Declaration of Relationship with External Contractor or Supplier'** should be completed and submitted. Orders and contracts must be awarded on merit, through fair competition using the appropriate policies and procedures. If you have access to confidential information on tenders or costs for either internal or external contractors, you must not disclose that information to any unauthorised individual or organisation in accordance with statutory regulations and local procurement protocols.

#### Other Council Employees

Employees may have dealings with the Council on a personal level, for instance as a Council Tax payer, or as an applicant for a grant of a permission, licence, or consent. Employees should never seek or accept preferential treatment in those dealings because of their position. Employees must also avoid placing themselves in a position or avoid actions that could lead the public to think that they are receiving preferential treatment. Similarly, employees should never use their position to seek preferential treatment for friends or relatives or firm or body for which they are personally connected.

Employees should also avoid any actions which may give the impression that they have used their position with the Council to secure preferential treatment.

## 2. Personal Conduct

As an employee and representative of the Council, you are expected to conduct yourself to the highest standards and act in line with 7 principles of public life.

You must:

- ✓ carry out the full requirements of your role, as detailed in your contract of employment (statement of particulars), job description and Council policies and procedures.
- ✓ attend work in accordance with the terms of your contract of employment (statement of particulars).
- ✓ act in an appropriate manner in any situation where you can be readily identified as a Council employee, whether at work or otherwise.
- ✓ wear, and maintain in a reasonable condition, corporate uniform, clothing and personal protective equipment, if provided to you.
- ✓ report any shortfalls in the provision of Council services to your manager, where you feel that it is appropriate.
- ✓ report any concerns / allegations / suspicions of fraud, corruption, bribery, theft or other irregularity, as a matter of urgency in accordance with the **Whistleblowing Policy and procedure.**
- ✓ keep relationships with Councillors, employees, contractors or partners, potential contractors or service users, on a professional basis.
- ✓ be polite, courteous and helpful when dealing with all members of the local community, customers, Councillors and fellow employees.
- ✓ treat all groups and individuals with respect, acknowledge their opinions and beliefs and behave in an appropriate manner.
- ✓ treat others in a fair and equitable manner in accordance with the Council's **Equality and Diversity Statement** and the wider requirements of the law.
- ✓ follow the Council's **Customer Services Charter** when dealing with service users.
- ✓ keep all service users' money, personal records, information and correspondence secure in accordance with the Council's policies and procedures, and the Data Protection Act.
- ✓ if you have any concerns about the standard of service being provided to service user/s or behaviour towards other employees use the appropriate HBC policies and procedures.

You must not:

- ✗ criticise or engage in any conduct or behaviour that is harmful to the reputation of the Council, its services or interests, or conduct which brings the Council into disrepute, even when outside of work irrespective of media used. If you have a genuine concern or grievance, you must use the appropriate procedures within the Council.
- ✗ be under the influence of alcohol or unprescribed drugs so as to adversely affect your work.

- misuse your official position or seek to use information obtained in the course of your work, for personal interests or the interests of others.
- discriminate unfairly in the provision of facilities, services, employment practices or any other area of council duties in line with equality legislation.
- form inappropriate close personal relationships with service users, their relatives or carers.
- give any service information to anyone except those authorised to receive it.

## 3. Political Neutrality

Employees must serve all Councillors and not just those of the controlling group. They must also ensure that the individual rights of all Councillors are respected.

Employees should never compromise their political neutrality.

You must:

- ✓ give appropriate and impartial advice to any Councillor when requested.
- ✓ ensure working relationships are kept on a professional basis.
- ✓ speak to your manager if you are unsure what information you are able to provide to Councillors.

Employees should be aware if they hold a politically restricted post under the Local Government and Housing Act, 1989, as amended,

You must not:

- stand as a candidate for public elected office (other than to a Parish/Town Council).
- hold office in a political party.
- canvass at elections or act as an election agent or sub-agent for a candidate for election.
- speak or write publicly, demonstrating support for a political party.
- form close personal relationships with Councillors which could damage your working relationship.

## 4. Conflicts of Interest and Personal Interests

The best interests of the Council should always be the paramount consideration. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts in which you have a financial interest, that is any direct or indirect interest of monetary value, whether or not the value is readily ascertainable. It is a criminal offence to fail to comply with this. All declarations of interest either financial or non-financial must be declared using **Form 2 - 'Declaration of Personal Interests'.**

Other financial interests could include when money other than your salary or other legitimate expenses are paid into your bank account by the Council or where your address is linked to a business receiving payment from the Council.

Non-financial interests could include governorship of a local school, membership of an NHS Trust Board or involvement with an organisation or pressure group which may seek to influence the Council's policies.

Employees may choose to take on paid work in addition to their Council job as the main employer. In instances such as these, all employees are reminded of the need to comply with the Constitution of the Council which states that 'all employees should be clear about their contractual obligations and should not take any outside employment which conflicts with the Council's interests'(Part 5, Paragraph 5.1). For employees at Band 13 and above**, Form 3 – 'Approval to undertake paid work outside of the Council (Band 13 and above)'** should be completed.

The Working Time Regulations (1998) are there to protect employees and employers. It is an employee's responsibility to ensure that they comply with these regulations and do not exceed the maximum numbers of hours permitted to be worked. In order to support the Council in its duty of care, all employees Band 12 or under who undertake paid work outside of the Council, should notify their Director by completing and submitting **Form 4 – 'Notification of undertaking paid work outside of the Council (Band 12 and below only)'.**

You must:

- ✓ always consider the best interests of the Council in everything you do and declare any non-financial and financial interests that you consider bring about any conflict with the Council's interests using Form 2.
- ✓ Inform your Director if you are undertaking paid work outside the Council using **Form 4 – 'Notification of undertaking paid work outside of the Council (Band 12 and below only)'.**

You must not:

- × allow any private interests to influence decisions.
- × offer advice or guidance or participate in, or influence any decisions making process where you have a vested interest, or a member of the public may reasonably believe that you have such an interest.

If you are involved in a business or any commercial enterprise which might result in a conflict of interest or could reasonably be perceived by a member of the public as creating a possible conflict of interest in relation to any aspect of your work with the Council then you should inform your line manager. Again, this will require the completion of the necessary form of declaration to ensure that a full and proper disclosure has been made **Form 3 – 'Approval to undertake Paid Work Outside of the Council (Band 13 and above only')** and **Form 4 – 'Notification of undertaking paid work outside of the Council'** depending on Band.

## 5. Confidential Information

The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the general

public. The Council proceeds on the basis of “open government” however certain types of information are necessarily exempt or confidential and the maintenance of integrity and sensitivity behind that information is therefore essential. The Freedom of Information Act (2000), provides rights of access to anyone wishing to see information held by the Council (except personal data which is subject to the Data Protection Act (1998). You must assist any person to gain access to information to which they are entitled by law.

The Council’s publication scheme issued under the Freedom of Information Act (2000), outlines those categories of information to which the public have access. The Council will apply any exemptions for the non-disclosure of information only when required to do so in compliance with the law. Accordingly, you must not allow access to information given to you in confidence or information which you believe is of a confidential nature without the consent of the person authorised to give it, unless you are required to do so by law. The Data Protection Act (1998) and the Council’s Data Protection Policy sets out key requirements for the handling of personal data. In addition, all employees should be aware and conform with the Council’s ‘Internet and e-mail’ policy. Employees should also familiarise themselves generally with the Council’s information security procedures and related guidance which should be followed at all times to protect all information held by the Council.

Employees should not use any information obtained in the course of their duties for personal gain or benefit, nor should they pass it on to others that might use it in such a way. The Council is committed to ensuring that its information systems are only used for purposes which are lawful and acceptable to the Council. You should be aware that the Council has the right to monitor e-mail, telephone calls, websites visited and all files created by you. You must therefore bear in mind the office environment and respect your colleagues in respect of messages or images on computers, mobile phones etc.

The confidentiality of information received in the course of an employee’s duties should be respected and must never be used for personal or political gain. Employees must not knowingly pass information on to others who might use it in such a way. If an employee believes that information should be disclosed in the public interest, they should follow the Council’s adopted procedures under the **‘Whistle-blowing’ policy** and any applicable confidential reporting policies of the Council.

Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, information which is stored whether on computer systems or manually must only be disclosed in accordance with the requirements of the Data Protection Act (1998).

Information given in the course of an employee’s duties should be accurate and fair and never designed to mislead.

## 6. Information Technology Use

The Council encourages employees to use IT to improve efficiency and effectiveness. However, it is essential that IT is used appropriately.

The misuse of Council resources is a serious matter and may result in employees being subject to disciplinary and, where appropriate, legal action.

Guidance documents exist within the Council in relation to the use of computers and information technology. Employees must be familiar with, and abide by the Council's policies on computer use and IT, generally.

Private use of Council facilities, such as computers (including use of the Internet), stationery and fax machines, is governed by these documents. Employees should not arrange to receive correspondence, telephone calls and fax messages in the Council related, to outside work or private interests whilst at work on Council Premises.

An employee who is aware or reasonably suspects that abuse of computers, email or the internet is taking place should consider reporting this information in a timely manner to their line manager, if necessary, in accordance with the Council's **Whistle-blowing policy.**

The Council will monitor the use of IT in compliance with statutory provisions. A record of any sites accessed by staff is automatically recorded and may be examined later if misuse is suspected.

## 7. Internet And Social Networking Use

The growing popularity of personal web logs (blogs) and social networking sites, such as Facebook and Twitter, may raise issues for the Council, particularly where employees choose to write about their work and the Council in which they are employed.

Internet access for personal use is at the Council's discretion and must not affect an employee's performance or productivity at work.

The Council may monitor the use of the internet for legitimate business reasons, including compliance with this Code. By using the internet employees are deemed to have consented to the monitoring, recording and auditing of internet use.

You must:

- ✓ adhere to the council's **Personal Information Security Policy** and the **Corporate Social Media Policy** when using social networking sites for personal use.
- ✓ make it clear when posting information or comments on social networking sites that any personal views expressed do not represent those of the Council.
- ✓ inform your manager within good time if you have acted

inappropriately when using social media, even if the mistake has since been resolved.

✓ report to your manager any instances where you believe another employee has posted inappropriate or offensive comments on social networking sites.

You must not:

× post information on social networking sites which is confidential to the Council, its suppliers, customers or contractors.

× post entries on social networking sites about work colleagues and managers, Councillors, customers, contractors, service services or any other person linked to the Council which are derogatory, defamatory, confidential, discriminatory or offensive in any way or which could bring the Council into disrepute.

Employees should ensure that they do not publish or incite or allow anyone else to publish material which may criticise a fellow employee, Councillor or any individual or body which would bring the Council into disrepute.

## 8. Paid Work Outside of the Council

All employees should be clear about their contractual obligations and should not take any outside employment which conflicts with the Council's interests as detailed in the Constitution of the Council Part 5, paragraph 5.12.

Paid work outside of the Council means any second employment, self-employed or private business basis undertaken in addition to your Council employment. Permission will not be granted to employees, or their partner, to operate companies providing services to the Council. Council resources should not be used in any circumstance for paid work outside of your council employment.

Employees on Band 13 and above require formal approval to undertake paid work outside of the Council as detailed in Paragraph 15.19 of the Single Status Agreement (SSA).

**Form 3 'Approval to undertake paid work outside of the Council' (Band 13 and above)** should be completed by the employee and sent to their Director for consideration. A response from the Director to the employee should be provided within 14 calendar days. All approvals will be reviewed on an annual basis.

If the request is refused, an appeal can be submitted, in writing, to Chris Little, Director of Finance, IT and Digital within 14 calendar days of the decision being given by the Director. In the case of the Director of Finance, IT and Digital refusing a request for his department, the Managing Director will receive the appeal.

If you wish to undertake any paid work outside of the Council:

You must:

✓ obtain permission from your appropriate Director by completing **Form 3 –**

**Approval to Undertake Paid Work outside of the Council' (Band 13 and above)** prior to undertaking any outside work (Employees Band 13 and above only)

✓ completing another Form 3 if there are any changes relating to your outside work.

You must not:

× put yourself in a position where your duty and private interests conflict or could appear to conflict.
× seek to gain business in the course of carrying out your Council duties.
× carry out any outside work of a private interest during working hours, including making/sending or receiving telephone calls, emails, correspondence and goods.
× use any Council facilities or equipment or confidential information in relation to commitments outside of work.

## 9. Gifts And Hospitality

You must not accept any personal gifts, other than those of a modest/token nature (e.g. calendars, diaries or other small articles for obvious use) or being an otherwise inexpensive gift. Guidance should always be obtained either from your line manager or from the Council's Monitoring Officer if you are offered a gift which has or could be construed as being more than of token value. In order to ensure transparency, employees are requested to formally register any gift on **Form 5 – 'Declaration of Offers of Hospitality or Gifts'.**

You must also refer all offers of hospitality to your line manager and generally you should not accept offers of hospitality unless you can answer in the affirmative, the following:

- Can the hospitality be justified to the Council, public and media?
- Can I be sure the hospitality will not be subject to legitimate criticism?
- Is the extent of the hospitality reasonable and appropriate?
- Can a response to the level of hospitality be given in an appropriate fashion?
- Am I comfortable with the decision to accept the hospitality?

You should only accept offers to attend social/sporting events where these are clearly part of the Council's role in the community and where the Council would expect to be represented. When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures operating within the Council.

When receiving authorised hospitality, employees should still be particularly sensitive as to its timing in relation to decisions which the Council may be taking which potentially affects those providing the hospitality. Where visits to inspect equipment, vehicles, land or property etc. are required, employees should ensure that the Council meets the cost of such visits without jeopardising the integrity of subsequent purchasing

decisions.

When an outside organisation wishes to sponsor or is seeking to sponsor the Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or services, employees nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full prior disclosure to the Council of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

You must:

- ✓ Complete **Form 5 – 'Declaration of Offers of Hospitality/Gifts'** to seek approval from your appropriate Chief Officer if you are offered any gifts, hospitality or advantage, other than token gifts of a nominal value before you accept such items.
- ✓ use tact and courtesy if you need to refuse a gift or hospitality.
- ✓ report to your manager any gifts which are delivered to your place of work where you may have a problem returning it.
- ✓ report to your line manager any approaches made to you which could be viewed as being aimed at obtaining some form of preferential treatment.

It is not unusual for people receiving care or support at home from council employees, to wish to express their thanks and gratitude to care staff by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their will. In order to protect the council and its employees from any suggestion of improper motives or conduct, members of staff and their families are not allowed to accept gifts or legacies from current or former clients.

If you are made aware that a client is considering making a gift to you or including you in their will, or has actually done so, then you must inform your manager immediately, in order that appropriate contact can be made with the client. Similarly, you must not become involved with making wills for clients nor act as an executor in a client's will.

If you are unclear what is acceptable, ask your line manager in the first instance.

## 10. Corruption

It is a serious criminal offence for employee to receive or give any gift, loan, deed, reward or advantage in doing or not doing anything or showing favour or disfavour to any person in their official capacity.

The Bribery Act (2010), effectively repeals all previous statutory provisions in

relation to bribery and instead replaces them with the following offences:

- The crime of bribery
- The crime of being bribed
- The bribery of a foreign public official
- The failure of a commercial organisation to prevent bribery on its behalf.

A person will commit the crime of bribery when a person offers, gives or promises to give a 'financial or other advantage' to another individual in exchange for "improperly" performing a "relevant function or activity"'. The offence of being bribed is defined as requesting, accepting or agreeing to accept such an advantage, in exchange for improperly performing such a function or activity.

Further guidance is provided in Section 4 – 'Conflicts of Interest and Personal Interest'.

## 11. Use Of Resources

Employees must also ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid challenge to the Council.

Employees should always ensure that any facilities such as vehicles, stationery, computer or secretarial services provided by the Council used in their duties are used strictly for those duties and for no other purpose. This will not prohibit staff from "working from home" and from time to time taking necessary equipment home for this purpose. However, as a safeguard, you should alert your line manager that you are intending to take home valuable equipment.

## 12. Safeguarding

All employees must undertake their work (and associated training) in accordance with requirements laid down in support of the Council's duties for safeguarding and protecting children, young people and vulnerable adults.

An employee must comply with any legal requirements of the Council to declare any criminal convictions.

Employees must not conduct themselves in a way that is contrary to any relevant policy and/or procedure of the Council. This includes conduct which would bring into question their suitability to work with children, young people and vulnerable adults.

All employees working with children, young people and vulnerable adults have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children, young people and vulnerable adults. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

There may be times, for example, when an employee's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in the workplace or indicate unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Employees in contact with children, young people and vulnerable adults should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour or actions of an employee's partner or other close family member may raise similar concerns and may require careful consideration by the employee and the Council as to whether there may be a potential risk to children, young people and vulnerable adults in the workplace.

## 13. Health and Safety

Employees have a legal duty to cooperate at all times with the Council to ensure it can fulfil its employer duties under health and safety and fire safety legislation.

You must:

- ✓ take reasonable care of yourself and of other people who may be affected by your actions and behaviour.
- ✓ inform your manager or supervisor of any hazardous situation or condition that may cause ill health or injury.

- ✓ report any incident or accident in line with the **Council's Safety Incident Reporting Procedure.**
- ✓ ensure you use the Employee Protection Register appropriately.

You must not:

- × intentionally or recklessly interfere with or misuse anything that has been provided in the interest of health and safety.
- × deliberately ignore safety procedures or cut corners to save time or money.

## 14. Equality and Diversity

All local government employees should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

The Council is committed to promoting equality of opportunity and to eliminate discrimination within its own employment practices and service delivery and therefore you must follow the Council's **Equality and Diversity Statement** and other policies covering these matters.

As an employee you are entitled to expect equality of treatment with colleagues, managers and Councillors. If you feel that you have been unfairly treated or been discrimimated against you are perfectly entitled to make use of the appropriate Council procedures and seek advice from your Trade Union representative, if you are a member of a Trade Union.

## 15. Recruitment and Selection

Policies covering recruitment and selection must be followed to ensure that all appointments are made on the basis of merit.

If you are involved in the recruitment and selection process and have any kind of relationship with any applicant which might affect your ability to be impartial, that relationship must be declared. The existence of such a relationship will preclude your involvement in the recruitment and selection process.

If you have been lobbied by an applicant, a colleague, a Councillor or any other person you must report the matter to your line manager. You must also not lobby a Councillor or a colleague either directly or indirectly to secure your own appointment or promotion, or the appointment or promotion of any other person.

Personal relationships between colleagues who work together can give rise to conflicts of interest. Employees should therefore be mindful of such situations and be prepared to inform their Line Manager. Any information declared or so disclosed should be recorded on the employees' personal files and treated in strict confidence.

## 16. Media

When acting in matters initiating or responding to contact with the media this should only take place when this has been authorised by the Communications and Marketing team. You must follow any guidance issued by the Council particularly in times of particular sensitivity e.g. the so called "Purdah period" during the holding of elections and also have regard to the Code on Recommended Practice relating to local authority publicity as issued under the Local Government Act (1986).

As an ordinary citizen, you are entitled to express your views about the Council, provided you do not make use of any private or confidential information gained through your work with the Council. However, you should not in your capacity as an employee criticise the Council either through the media or at a public meeting or in any written communication with members of the public. This clearly does not preclude an employee of the Council reporting on, or acknowledging improvements required in the work of the Council where this is a requirement of the employee's duties or responsibilities. In more serious cases where an employee reasonably believes the commission or likely commission of an offence would warrant a "protected disclosure" being made in the public interest, then the same is permissible through the Council's **Whistle Blowing policy and procedure** which is available upon the Council's Intranet and conforms with the Public Interest Disclosure Act (1998) as inserted into the Employment Rights Act (1996).

The Act covers behaviour which amounts to:

- a criminal offence.
- a failure to comply with any legal obligation.
- a miscarriage of justice.
- a danger to the health and safety of any individual.
- damage to the environment.
- the concealment of information about any of the above matters.

If you have any concerns about any such behaviour speak to your line manager in the first instance. If you feel you are unable to discuss your concern with your line manager or other Chief Officer within your service area, then you can report your concerns to the Council's Monitoring Officer or with a representative of a recognised Trade Union.

This provision will not have application to a Trade Union official, when acting in that capacity.

## 17. Access to your Councillor

As a member of the public you are entitled to raise with your Councillor any complaint which you have about the services of Hartlepool Borough Council. Employees are expected to do this in their own time.

If your complaint concerns any aspect of your work with the Council, this should always be discussed with your line manager in the first instance (where this is not appropriate then another appropriate manager). If this does not lead to your concerns being adequately addressed you can then make use of the Council's appropriate HR procedures.

You must not approach Councillors to raise any work related issues as this could lead to disciplinary action for not following Council procedures for managing such issues.

In circumstances where your concerns relate to a potential allegation of fraud, corruption, safeguarding or other serious concern these can be raised through the Council's **'Whistling Blowing' policy and procedure.**

You must:

- ✓ Raise issues with your line manager in the first instance, wherever possible, to deal with problems at an early stage.
- ✓ Use the appropriate HBC HR procedures if the informal discussion does not lead to a satisfactory conclusion.

You must not:

- × Approach Councillors directly and raise any work related issues.

## 18. Reporting Improper Or Illegal Activities

In regard to all aspects of this Code, should you be concerned about any activities which you think may conflict with the Code of Conduct, carried out by yourself or other employees, you should raise the matter with your line manager in the first instance.

You must report any activity which you believe is illegal, improper, unethical, and dangerous or a breach of Code to your line manager or through the Council's **Whistle-blowing policy.**

## 19. Intellectual Property

Some aspects of the work you carry out, or produce, on behalf of the Council may be intellectual property. All creative designs, writings, report, drawings and inventions produced by employees in the course of their duties are the property of the Council.

You must not:

- × disclose, publish or otherwise use the work you produce for the Council for personal gain or benefit unless you have the express written permission of your appropriate Chief Officer.

**For more information about Hartlepool Borough Council:**

www.hartlepool.gov.uk

www.twitter.com/hpoolcouncil

www.facebook.com/hartlepoolcouncil

(01429) 266522

If you know someone who needs this information in a different format, for example large print, Braille or a different language, please call (01429) 266522.

HARTLEPOOL BOROUGH COUNCIL

**Appendix 1**

## Form 1 - Declaration of Relationship with External Contractor or Supplier

Employee's full name: _____

Payroll number: _____

Job title: _____

Department and section: _____

In accordance with the Council's Code of Conduct, I hereby declare my relationship (e.g. friend, relative, business associate) with an external contractor, sub-contractor or supplier as detailed below:

Name and address of external contractor/sub-contractor/supplier:

_____

_____

_____

Nature of relationship:

_____

_____

How potential conflict of interest will be managed:

_____

_____

Employee signature: _____ Date: _____

**This form should be sent to your Assistant Director**
**(or if you are an Assistant Director, to the Director)**

Continued…/

Continued…/

Assistant Director name: _____ Date received: _____

☐ Acknowledgement letter sent to employee Date: _____

☐ Copy of form sent to HR for inclusion on personal file Date: _____

☐ Copy of form sent to Corporate Procurement Officer Date: _____

Assistant Director signature: _____

**Department to send a copy of this completed form to the HR via HR@hartlepool.gov.uk**

**Appendix 2**

## Form 2 - Declaration of Personal Interests

Employee's full name: _____

Payroll number: _____

Job title: _____

Department and section: _____

In accordance with the Council's Code of Conduct, I hereby declare the following personal interests which may conflict with the council's interests:

Nature of interests: Financial / Non-Financial (delete as appropriate)

Details of interest: _____

_____

_____

_____

_____

How potential conflict of interest will be managed:

_____

_____

_____

Employee signature: _____ Date: _____

**This form should be sent to your Assistant Director,**
**(or if you are an Assistant Director, to your Director)**

Continued…/

Continued…/

Assistant Director name: _____ Date received: _____

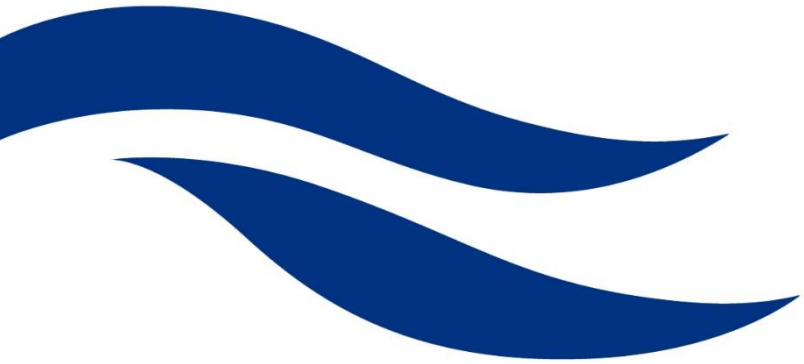
☐ Acknowledgement letter sent to employee Date: _____

☐ Copy of form sent to HR for inclusion on personal file Date: _____

☐ Copy of form sent to Corporate Procurement Officer Date: _____

Assistant Director signature: _____

**Department to send a copy of this completed form to HR via HR@hartlepool.gov.uk.**



**Appendix 3**

## Form 3 - Approval to Undertake Paid Work Outside of the Council For Employees Band 13 and Above

Employee's full name: _____

Payroll number: _____

Job title: _____

Band: _____

Department and section: _____

In accordance with the Council's Code of Conduct, I hereby provide notification that I am undertaking paid work outside of the Council.

Brief outline of duties of your job with Hartlepool Borough Council:

_____

_____

Description of outside interest /contract /employment /directorships: (including company name)

_____

_____

Does it involve any remuneration, fee or reward? (If so give details)

_____

Geographical location of activities:

_____

Details of personal involvement:

_____

_____

Do the activities involve any contact with this or any other council? (If so give details)

_____

Employee signature: _____ Date: _____

**This form should be sent to your Director for approval.**

Continued…/

Continued.../

Director name: _____ Date received: _____

Request approved? YES / NO (delete as appropriate)

Date Returned to Employee (this should be within 14 calendar days)_____

If request approved, give reasons, including how any potential conflict of interest will be managed:

_____

_____

_____

_____

_____

If request declined, give reasons:

_____

_____

_____

_____

_____

Confirmation of decision letter sent to employee: Date: _____

Copy form sent to HR* for inclusion on personal file: Date: _____

Director signature: _____

If the request is declined, the employee has 14 calendar days from the notification of the decision to appeal, in writing, to Chris Little, Director of Finance, IT and Digital. If the request has been declined by one of Chris' own staff members, the appeal should be submitted to Denise McGuckin, the Managing Director.

**Appendix 4**

## Form 4 – Notification to Undertake Paid Work Outside of the Council For Employees Band 12 and Below

Employee's full name: _____

Payroll number: _____

Job title: _____

Band and hours contracted per week: _____

Department and section: _____

In accordance with the Council's Code of Conduct, I hereby provide notification that I am undertaking paid work outside of the Council.

Brief outline of duties of your job with Hartlepool Borough Council:

_____

_____

Description of outside interest /contract /employment /directorships: (including hours worked)

_____

_____

_____

Geographical location of activities:

_____

Details of personal involvement:

_____

_____

Do the activities involve any contact with this or any other council? (If so give details)

_____

Employee signature: _____ Date: _____

**This form should be sent to your Director for notification. Please be aware of the need to comply with the Constitution (Part 5; Paragraph 5.1) in respect of paid work outside of the Council and the Council's own interests.**

**Department to send a copy of this completed form to HR via HR@hartlepool.gov.uk .**

**Appendix 5**

## Form 5 - Declaration of Offers of Hospitality/Gifts

Employee name: _____

Payroll number: _____

Job title: _____

Department and section: _____

In accordance with the Council's Code of Conduct, I hereby declare having been offered the following hospitality/gifts and request approval to accept.

Details of gift/hospitality:

Please complete as applicable

Date offer of gift/hospitality made: _____

Nature of gift/hospitality offered: _____

Venue: _____

Date of event: _____

Approximate value (£): _____

Name and address of person/organisation making the offer:

_____

_____

_____

_____

Employee signature: _____ Date: _____

**This form should be sent to your Assistant Director,**
**(or if you are an Assistant Director, to your Director)**

Continued…/

Continued…/

Department to complete:

Assistant Director name: _____ Date received: _____

Gift/Hospitality approved to accept: Yes / No (delete as appropriate) Date: _____

☐ Acknowledgement letter sent to employee Date: _____

☐ Copy of form sent to HR for inclusion on personal file Date: _____

Assistant Director signature: _____

**Department to send a copy of this completed form to HR via HR@hartlepool.gov.uk .**

# PROTOCOL ON ELECTED MEMBER/OFFICER RELATIONS

## 1. INTRODUCTION

Hartlepool Borough Council (the 'Council') expects high standards of conduct from its Elected Members and Officers which are articulated throughout this document. This Protocol is designed to provide a guide to good working relations between Elected Members and Officers. The Protocol is part of the Council's Constitution and is to be considered in conjunction with other Codes of Conduct included in Part 5 of the Constitution, particularly the Code of Conduct for Elected Members and Co-opted Members and the Code of Conduct for Employees.

All Councils are required to have an Officer/Elected Member protocol included in the written Constitution. The matters which the protocol must cover are set out in the statutory framework and are therefore not within the discretion of the Council. The relevant matters to be addressed are set out below.

- Principles underlying Elected Member/Officer relations.
- Roles of Elected Members.
- Roles of Officers.
- Relationships between Chairs/Elected Members of the Policy and other Committees including Audit and Governance, Licensing and Planning Committees and Officers.
- Officer relationships with party groups.
- Elected Members in their ward role and Officers.
- Council access to documents and information.
- Other individuals who are members of Council bodies.
- Media relations and press releases.
- Correspondence.
- Internet and Social Networking Use
- Breaches and protocol.
- Concluding comments.

The protocol combines relevant topics covered in existing guidance for Elected Members and Officers and statutory advice on the production of new Constitutions. It recognises and is consistent with other procedures/ protocols included elsewhere in the Constitution, particularly the Articles in Part 2 and the Responsibility for Functions in Part 3 which define particular roles for Elected Members and Committees and the Rules of Procedure in Part 4, and provides a written statement of current practice and convention. Given the variety and complexity of Officer/Elected Member relations, it does not seek to be comprehensive, but gives specific advice on issues which may arise and is intended to provide guidance on the approach to dealing with other issues of a similar nature. This protocol also applies where relevant to co-opted members of the Council.

## 2. ROLES OF ELECTED MEMBERS

All Elected Members will:

i) Collectively be the ultimate policy-makers and determine the budget and policy framework operating at all times in accordance with the principles of decision making set out in Article 11 of the Constitution;

ii) Monitor and reviewing policy implementation and service quality;

iii) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

iv) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

v) Effectively represent the interests of their ward and of individual constituents;

vi) Deal with individual case work and representing constituents in resolving concerns and grievances.

vii) Be available to represent the Council on other bodies; and

viii) Maintain the highest standards of conduct and ethics.

The role of Elected Members is fundamentally different to that of Officers. In addition to a decision making role as part of the Council and, where relevant, as part of a Committee or Sub-Committee, Elected Members also have a responsibility to represent the interests of their ward and of individual constituents. This representative role may be carried out in a number of ways, and Officers will offer assistance to Councillors acting in a ward capacity. However, individual Elected Members are not empowered to instruct Council Officers to take a particular course of action. They are however, where set out in the relevant delegation, consulted as part of the decision making process.

## 3. ROLES OF OFFICERS

The Council's Senior Management Team (set out in Parts 3 and 8 of the Constitution) will:

i) Provide professional, impartial advice to the Council and all of its constituent bodies as set out in Part 3 of the Constitution and subject to the Access to Information Procedure Rules in Part 4 of the Constitution.

ii) Report to the Council or any of its constituent bodies on any matter judged to be in the Council's interests.

iii) Undertake day to day and operational management of the services and functions for which the Council has given them responsibility and take any other decisions as allocated in this Constitution.

iv) Determine when the Constitution requires decisions to be taken by Elected Members and refer matters as required.

v) Exercise the statutory responsibilities placed upon statutory and Proper Officers where the post held includes such responsibilities.

vi) Provide informal support and assistance to Elected Members within the scope of legislative requirements and this protocol.

vii) Determine the detailed arrangements which will apply within their Departments for the provision of advice and support to Elected Members by other Officers.

viii) Authorise other Officers within their management control to act on their behalf as appropriate.

ix) Respect the role that all Elected Members play within the Council with particular consideration for the roles of the Leader, Ceremonial Mayor and Chairs of Committees.

x) In all matters, Officers will give advice in accordance with their professional expertise and any relevant professional codes of conduct. Officers will not be required to reduce options, withhold information, or make recommendations which they cannot professionally support, to any body of the Council.

xi) Initiate proposals for policy development and implement the Authority's policies.

xii) Ensure the Authority acts lawfully.

xiii) Represent the Authority on external organisations.

Officers have a statutory responsibility to undertake day-to-day decision making and operational management of services within their area of responsibility. They also have additional decision making powers as set out in the delegation scheme contained in Part 3 of the Constitution. Officers are able to provide informal support and assistance to all Elected Members. However both legislation and the Council's protocol place some limit on the support which may be provided, in order to take account of matters such as resource limitations and confidentiality issues. These limits are dealt with further in the following sections and elsewhere in the Constitution, particularly in Part 4 - Rules of Procedure.

## 4. PRINCIPLES UNDERLYING MEMBER/OFFICER RELATIONS

Mutual respect between Officers and Elected Members is essential to good local governance. Inappropriate relationships between Officers and individual Elected Members can damage the reputation of the Council as well as individuals and should be avoided. Officers are reminded of the guidance contained within section 3 of the Code of Conduct for Employees 'Political Neutrality'.

The following principles underpin the detail contained in individual sections which deal with specific aspects of Member/Officer relations.

i) Elected Members and Officers will treat each other with courtesy and respect at all times in both formal and informal situations.

ii) Council Officers will give impartial advice to the whole Council including all political groups, Committee and non-Committee Elected Members. Formal recommendations will only be made to the body empowered to take the decision in question.

iii) Elected Members and Officers will not seek to use their positions to exercise inappropriate influence e.g. to secure an improper advantage for themselves or any other person.

iv) Elected Members and Officers will at all times observe the requirements of the Council's Constitution.

Amongst other things, this means that both Officers and Elected Members will refrain from shouting, aggression, threats (either explicit or implied), and references, which could reasonably be perceived as insulting. Formal and informal situations encompass: formally constituted meetings either inside or outside of the Council, telephone conversations, personal contact, e-mail, letters or references in the media. It does not mean that Elected Members and Officers may not hold or express differences of view, but that they should do so in accordance with accepted standards of courteous behaviour.

Additionally, in relation to issues within an Officer's area of responsibility, Elected Members should recognise and respect the Officer's expertise and professionalism – failure to do so may place the Council at risk of a formal legal challenge and/or damage to its reputation. Officers' professional advice should not be ignored and should only be rejected for valid reasons. This does not mean that an Officer's recommendations are not open to question or examination, but an Officer's advice should not be rejected arbitrarily or for other than good reasons relevant to the issue in question. What amounts to a valid basis to reject advice cannot be generally defined other than as a reasonable belief based on adequate grounds that the judgement of the Officer is flawed in some way material to the decision to be taken. The adequacy of the grounds will vary according to the nature of the issue and the degree of expertise involved in making the relevant judgement.

Providing an outcome which is satisfactory to an individual constituent or group of constituents does not, of itself, constitute a valid reason for rejecting professional advice – the decision must be based on an objective assessment of the issues relevant to the matter in question, public approval only being a determining factor when the merits and demerits are finely balanced.

Members and Officers both have an important role in creating and stimulating a good reputation for the Authority. In particular they should:

a) protect and promote the legitimacy of democratic local government;

b) promote a positive relationship between Members and Officers and be careful not to undermine it;

c) ensure criticism of the Authority when formally representing it is avoided; and

d) ensure personal criticism of other Members and Officers is avoided.

## 5. UNDUE INFLUENCE

In any dealings between Elected Members and Officers neither should try to take advantage of their position.

In their dealings with Officers Elected Members should be aware that it is easy for Officers to be overawed and feel at a disadvantage. This can be even more so where Elected Members hold leading roles. However, it is also possible for Elected Members, particularly newer Elected Members, to be overawed by Officers. Elected Members and Officers must always be mutually respectful regardless of their role within the Authority.

Elected Members must not attempt to influence any Officer to do things they have no power to do, or to work outside of normal duties.

Apart from decisions that are clearly illegal, Officers should usually carry out decisions of Committee and Council. However, instructions should never be given to Officers to act in a way that is unlawful as ultimately this could damage the Authority's interests. Officers have a duty to express their reservations in this sort of situation and the Monitoring Officer or Chief Finance Officer may get involved as they have a statutory duty to intervene where illegality or maladministration is possible. To assist Elected Members in decision making they should be informed of all legal and financial considerations and be warned of the consequences even if it is unpopular. If a Member has a concern that an Officer is not carrying out a particular Committee or Council decision the Elected Member concerned should draw this to the attention of the Managing Director.

Officers should not use undue influence to pressure an individual Elected Member to make a decision in his/her favour, nor raise personal matters to do with their job, or make claims or allegations about other Officers to Members.

The Authority has procedures for consultation, grievance and discipline and there is a right to report actions of concern under the Authority's Whistle Blowing Policy.

The Authority has adopted separate Codes of Conduct for Members and Officers. One shared aim of the codes is to improve and maintain the Authority's reputation and so they demand very high standards of conduct.

Under the Members' Code of Conduct Members must promote equality, treat others with respect and not do anything that compromises the unbiased nature of those who work for the Authority. In particular, Members should never act in a way which an independent observer might consider to be bullying, harassment or trying to get special treatment.

## 6. RELATIONSHIPS BETWEEN CHAIRS/ELECTED MEMBERS OF THE POLICY AND OTHER COMMITTEES INCLUDING AUDIT AND GOVERNANCE, LICENSING AND PLANNING AND OFFICERS

Relationships between Chairs/Elected Members of Committees and Officers will operate in line with the relevant codes of conduct and the principles contained in the protocol.

Elected Members in positions which include the chairing of meetings will seek to ensure that relevant codes are adhered to and all meeting participants, both Council and non-Council, behave courteously at all times.

### 6.1 Policy Committees

In making their decisions, Elected Members of the Policy Committees must seek and have regard to the professional advice given by Officers. Elected Members must at all times pay due regard to the advice given by Statutory Officers and be aware of, and take account of, their statutory responsibilities.

Elected Members should respect the principle that Officers serve the full Council and therefore have responsibilities to its Policy, Regulatory and other Committees.

Elected Members should at all times take full responsibility for their political decisions within the Council and as representatives on other agencies or bodies.

Elected Members must follow all of the statutory and constitutional requirements governing the decision making process.

Elected Members, Officers and representatives of outside bodies providing information to a Committee will be treated courteously at all times and will treat such individuals with courtesy and respect. Elected Members asking questions will act in accordance with the Member Code of Conduct and the Contract Procedure Rules. It will be the responsibility of the Chair to ensure that members of the public and other non-Council attendees behave appropriately.

Directors and Chief Officers may be required to attend the Committee and may be asked questions as to policies and decisions. They may be required to explain advice given to Elected Members and the objectives of policies. Comment should, however, be consistent with the requirement for Officers to be politically neutral and Officers may not be held accountable for decisions taken by Elected Members. Other Officers may attend the Committee at the discretion of their Director/Chief Officer in order to provide information which will assist. The Committee should not be used to address issues of the individual performance of employees. It will not be the purpose of any Committee to require Officers to personally account for their actions in circumstances where general management provisions including the appraisal and disciplinary processes may apply.

Although professional advice on Council services will generally be provided to a Committee from within the existing Officer structure, circumstances may arise where specific experience is unavailable in-house. Appropriate expertise may then be commissioned subject to budgetary provision being available.

At the request of another Committee a Policy Committee Chair may attend meetings to explain the objectives of policies and the reasons for their Committee's decisions, relevant to their remit.

A Committee may commission independent advice on matters outside of the Council's direct responsibility where budgetary provision exists and where it is either required or advisable and the Council's statutory Officer has been duly committed.

A Committee may invite, but not require, the attendance of representatives from other Councils or agencies.

## 6.2 Regulatory and Other Committees

### (i) Audit and Governance Committee

The Audit and Governance Committee may require a variety of information and advice in order to carry out their work effectively (particularly that relating to the undertaking and discharge of their statutory scrutiny functions) and mechanisms to ensure this is achieved are addressed in detail in other sections of the Constitution. However in planning their work the Audit and Governance Committee must recognise that Officers and outside agencies providing information and Elected Members, Officers and outside agencies requested to attend Committee meetings, may have other commitments which may restrict their ability to meet the requests of the Committee within specified timescales. This is particularly the case where very detailed/complex information is requested or where a number of individuals are requested to attend a Committee meeting. The Committee should be conscious of such circumstances and plan, consider and programme their work accordingly.

### (ii) Planning and Licensing Committees

Particular issues arise in relation to the Planning and Licensing Committees, when Elected Members are determining applications for permissions, licences etc. Although Elected Members act in an administrative role in the Planning Committee and a quasi-judicial role in the Licensing Committee, similar issues arise regarding the status of Officers' recommendations on the merits of an application.

When acting in a quasi-judicial capacity (for example in relation to licensing), Elected Members will pay particular regard to the requirements of natural justice and the procedural advice issued by the Monitoring Officer.

The Planning Committee through the Planning Code of Practice has endorsed the following principles:-

"Elected Members are entitled to reject the Officer's advice but they should only do so on the basis of an objective consideration of the planning issues. Planning is not a defined science and frequently involves decisions based on judgements relating to a wide variety of issues – traffic, appearance, character of the area, environmental impact etc. Elected Members are entitled to bring their local knowledge into play in weighing considerations that often compete with each other. Their judgement on a particular issue may be different from that of the Planning Officer.

"However, the Committee must recognise the importance of factors such as:-

- the local planning scene as set out in the Local Plan;
- the national planning regime as set out in legislation and planning decisions and case law;
- the Council's own guidance to developers;
- previous decisions of the Committee.

The Planning Officer's advice will reflect these factors. Whenever Elected Members depart from the Officer's advice and recommendation they increase the potential for undermining the integrity of the local planning scene and the ability of the Committee as the Local Planning Authority to require and enforce relevant standards of development – in the interests of the community as a whole."

The Licensing Committee in their licensing statement have endorsed the following principles: -

The role of the Officer in the context of the Licensing Committee's consideration of applications presented to it for determination is to provide the information available to the Council to enable the Elected Members to form their own judgement of the issues relevant to the application. The factual content of the information comprises the evidence presented on behalf of the Council. It is the practice for the Officer to make a recommendation whether the application should be granted or refused. The recommendation represents the Officer's opinion, in the light of the information available in advance of the hearing and with the benefit of his/her professional training and experience.

However, as the proceedings of the Committee are quasi-judicial, the Committee would be acting improperly if it failed to pay due regard to information and evidence presented by the parties (applicant and/or objectors). The Committee are required to make a determination by reference to all the evidence presented to them at the hearing, and they are required to take note also of the evidence submitted by or on behalf of the parties (applicants and objectors). The Committee are entitled to, and should, form a view as to the weight they attach to the evidence presented.

In assessing the weight to be given to the evidence, the Committee is also entitled to recognise that information presented by the Officer and the Officer's recommendations have the particular merit of being: -

- objective;
- based on a knowledge of the local licensing scene as a whole;
- informed by the previous decisions of the Committee;
- aimed towards the benefits to the community as a whole and not influenced by the benefits to the applicant, or his/her business or an objector or a section of the community.

## 7. THE CEREMONIAL MAYOR

The Ceremonial Mayor will act as the Council's first citizen attending civic and ceremonial events and carrying out the role and function as established in Part 2, Article 5 - The Ceremonial Mayor. In fulfilling the duties of the role, the Ceremonial Mayor:

i) shall expend civic funds reasonably and within financial limits, subject to the advice of the Proper Officer.

ii) shall have priority in use of the civic vehicle, but at all other times this should be made available for other council duties, subject to the agreement of the Managing Director.

iii) will be entitled to wear the chain of office.

iv) will, where more than one civic function is occurring at the same time, determine which function if any, should be accepted/carried out by the Deputy Mayor.

v) shall seek to ensure that the business of the Council is conducted effectively and that any procedural difficulties are discussed with the Managing Director and the Council's Monitoring Officer.

## 8. OFFICERS' ADVICE TO THE ELECTED MEMBERS

Members are entitled to ask Officers for such advice and information as they reasonably need to help them in discharging their role as a Member of the Council. This can range from general information about some aspect of the Authority's activities, to a request for specific information on behalf of a constituent.

Similarly the Leader is entitled to receive such advice and support as s/he reasonably requires to enable them to fulfil their role as the political leader of the Authority and the Authority's principal public spokesperson.

It is important for the Managing Director, Directors and Assistant Directors to keep Members informed both about the major issues affecting the Authority and about issues affecting the areas s/he represents. Members shall be kept informed about proposals affecting their ward and be invited to Authority initiated events within or affecting their ward. Although issues may affect a single ward, where they have a wider impact, a number of local members will need to be informed.

Advice or information sought by Members should be given in a timely manner. It should be provided by the relevant service provided it is within the service's resources. Resources are finite and Members should act reasonably in the number and content of the requests they make.

Requests by Members to Officers, which are made outside of normal working hours or to an Officer who is on annual leave will be responded to by Officers within working hours or when they return from annual leave, unless exceptional circumstances apply.

Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the Authority's Committees and Council, and when implementing the lawful decisions of a Committee or Council, it must not be assumed that an Officer is supportive of a particular policy or view or is being other than politically neutral in implementing such decisions. Political neutrality in carrying out their work ensures that Officers are able to act impartially in the best interests of the Authority. Special legal rules exist which limit the political activities of certain Officers.

‘Politically restricted’ posts mean that the Officers in those posts are not allowed to speak or write in such a way that could affect public support for a political party. However they can speak or write in a way which is necessary in order to perform their duties properly.

If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the Managing Director or relevant Director, or in the case of the Managing Director, the Leader. Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

Officers can advise on matters relating to the Authority’s business. However, the Officer may need to tell his or her manager about the discussions, if that is necessary to enable a matter to be properly dealt with.

Officers can usually give information confidentially unless doing so would not be in the Authority’s best interests (for example, if it went against their obligation to protect the Authority’s legal or financial position). Any information a Member receives confidentially in one capacity (for example, as a Committee Member) cannot be used when acting in a different capacity (for example, when representing his/her ward). Confidential information can only be given to those entitled to see it. It is best to check with the Officer giving the information whether it is appropriate to pass it on to others.

Members should make sure that when they are getting help and advice from Officers they only ask for information to which they are properly entitled. There is more detail about the information to which Members are entitled below. Members’ rights to inspect documents are contained partly in legislation and partly at common law and are described in the Access to Information Rules contained within the Constitution.

If a Member asks for information or advice relating to the work of a particular service, and it appears likely or possible that the issue could be raised or a question asked at a subsequent meeting on the basis of that information, the Chair of the Committee should be advised about the information provided.

Any Member can seek advice or assistance in confidence from the Chief Officers to address a ward issue.

Officers are required to serve the Authority as a whole. They are responsible to the Chief Officers and not to individual Members whatever office they may hold.

## 9. OFFICER RELATIONSHIPS WITH PARTY GROUPS

No Officer of the Council shall attend any party political group as an employee of the Council without the agreement of the Managing Director and party political groups will not have the power to require attendance of individual Officers unless agreed by the Managing Director.

Officers attending any group meetings, shall not divulge to other groups the contents of any discussion or debate which takes place.

No reports should be produced by Officers specifically for party groups without the express permission of the Managing Director and Officers shall not conduct research for party political purposes.

Officers will provide publicly available attendance details relating to individual Elected Members to group officials from the same party or in the case of other parties (or independents) with the authorisation of the Member concerned. Elected Members will always be notified that such information is being provided.

Officers are not permitted to allow the use of Council resources for party political purposes, other than where such use has been properly authorised and where relevant, the appropriate charge has been made.

An Officer, as a member of the public, is entitled to raise with their Councillor any complaint about the services of the Council. Employees are expected to do this in their own time. If an Officer complaint concerns any aspect of their work with the Council this should always be discussed with their line manager in the first instance. Where this is not appropriate then another appropriate manager. If this does not lead to the concerns being adequately addressed then the Officer should make use of the Council's appropriate HR procedures. An Officer must not approach Elected Members to raise any work related issues as this could lead to disciplinary action for not following council procedures for managing such issues. In circumstances where concerns relate to potential allegation of fraud, corruption, safeguarding or other serious concerns; these can be raised through the Council's **'Whistle Blowing' policy and procedure.**

- Roles of Elected Members.
- Roles of Officers.
- Principles underlying Member/Officer relations.
- Undue Influence.
- Relationships between Chairs/Elected Members of the Policy and other Committees including Audit & Governance, Licensing and Planning Committees and Officers.
- Ceremonial Mayor.
- Officer relationships with party groups.
- Elected Members in their ward role and Officers.
- Councillor access to documents and information.
- Elected Members and Officers who are members of Outside Organisations and other bodies.
- Publicity material, media relations and press releases.
- Correspondence.
- Internet and Social Networking Use.
- Breaches of the protocol.
- Concluding comments.
- In the event that an Officer approaches a Member regarding any aspect of their work with the Council the Member must not become involved in this issue and should advise the officer to follow the procedures detailed in the previous section.

## 10. ELECTED MEMBERS IN THEIR WARD ROLE AND OFFICERS

All Elected Members are entitled to raise matters of local concern either as representatives of the Council or on behalf of individuals or groups of constituents. Specific departmental protocols for dealing with such approaches may be introduced by the relevant Director or Chief Officer in order to facilitate an appropriate response to such enquiries. Wherever possible, a Member should raise their concern/matter using the Councillor Portal.

Information about an individual resident cannot be shared with a Member without the consent of the individual concerned. Similarly, an Officer cannot become involved in a situation without the consent of the individual, unless there is a cause for concern from a safeguarding perspective.

Elected Members will receive advice and assistance in their pursuit of local matters which is consistent with their responsibilities as Elected Members and local representatives. Individual Elected Members may not, however, seek to obtain a disproportionate amount of Officer time in dealing with ward matters. This provision is intended to avoid a situation in which the demands of a small number of Elected Members become so great that the interests of other Elected Members, or the Council as a whole, may be compromised or damaged. There are provisions in the protocol for discussing and resolving differences of view about how much input can reasonably be required from Officers in responding to issues raised by Ward Councillors. If a Director or Chief Officer feels that the demands of Elected Members in these circumstances are unreasonable, and this cannot be resolved informally, he/she will set out in writing the reasons, together with proposals for resolving matters. If agreement cannot be reached the matter will be referred to the Managing Director to determine.

Consultation meetings with residents to discuss matters of local interest may be convened in a number of circumstances, for example by Elected Members, Officers or residents themselves. Officers shall only attend such meetings with the agreement of the appropriate Director or Chief Officer. When Officers convene such meetings, they will ensure that all Elected Ward Members and any other Members who might reasonably have an interest in the subject (e.g. relevant Policy Committee Chair) will be advised of the meeting and invited to attend.

Elected Ward Members and others with a particular interest will be invited as a matter of course to any public meetings called by Officers to discuss local issues. They may also ask to be kept informed of key developments relating to local issues in which they have a particular interest. Such requests must be reasonable and not conflict with Officers' day to day management and decision making responsibilities. Elected Members are not entitled to insist that they be invited to all meetings which Officers convene in order to discharge their responsibilities.

Elected Members should not commit the Authority to Public Meetings until discussed and agreed with Chief Officers. When Elected Members or local residents convene local meetings, Officer attendance will be at the discretion of the relevant Director or Chief Officer and will take account of the purpose of the meeting as stated by the convenor.

In all circumstances, the role of Officers at such meetings is to provide information on the topic under consideration and any decision making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community in the consultation process but will be mindful at all times of the integrity of the formal decision making process.

Elected Members attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to Officers and both Officers and Elected Members should act at all times in accordance with their respective codes of conduct.

Officers may not permit the use of Council resources on Ward matters unless authorised to do so for all Elected Members. The only basis upon which the Council can lawfully provide support services (e.g. stationery, postage, typing, printing, photocopying, transport etc) to Elected Members, is to assist them in discharging their role as Elected Members of the Council. Such support services must therefore be used on Council business only. They should never be used in connection with party political or campaigning activity or for private purposes.

Elected Members and Officers will be mindful and have regard to any applicable Code of Recommended Practice on Local Authority publicity as issued by the Secretary of State under section 4 of the Local Government Act 1986.

## 11. PERSONAL AND BUSINESS RELATIONSHIPS

Members and Officers must work together closely to effectively undertake the Authority's work. This inevitably leads to a degree of familiarity. However, close personal relationships between individual Members and Officers can be damaging to mutual respect.

It is important not to allow any personal or business connection or relationship with any other Members or Officer to affect the performance of official responsibilities, taking action or making decisions. It is also important in these circumstances to be wary of passing confidential information to anyone who should not have access to it.

Members and Officers should always consider how any relationship or connection could be interpreted by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of unfairness or favouritism.

Members should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.

It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom s/he has a close personal or business relationship is a senior officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

## 12. COUNCILLOR ACCESS TO DOCUMENTS AND INFORMATION

Officers will follow the Access to Information Procedure Rules as set out in Part 4 of the Constitution and will make available to Elected Members any information to which a statutory right of access exists as soon as practicable.

Elected Members will also be provided with non-statutory information in accordance with the agreed policy.

Where there is uncertainty as to the statutory position, the matter will be referred to the Council's Monitoring Officer for determination.

Non-statutory information requests from Elected Members will be met within a reasonable timescale taking into account the scale of the request, providing that the information is not confidential, does not constitute party political research or require an unreasonable amount of officer time. Where an Officer considers the request is likely to require an unreasonable amount of Officer time, and the matter cannot be resolved informally, it should be referred to the Managing Director (or Monitoring Officer).

Elected Members are entitled as of right to a wide range of information but not to everything that they may wish to see. All Elected Members have rights of access to documentation relating to business transacted at meetings of the Council, Committees etc. The statutory provisions entitle Elected Members to access documents such as reports, files and accounts, which are relevant to the business in question and are identifiable. They do not entitle an individual Member to require an Officer to undertake research on the Member's behalf or to extract information from records – though in some circumstances an Officer may judge that extraction of information is more efficient than providing access to documents. Beyond those statutory rights, Elected Members' entitlement to information is determined to some degree by the particular role which they carry out. A Member who is on a particular Committee will have access rights which are different from a non-decision making Councillor, owing to the matter being categorised either as being 'exempt' under statute or being otherwise confidential.

Officers who are asked for information will sometimes need to take advice from colleagues, in particular the Monitoring Officer, as to whether or not the Member concerned is entitled to see information which they have asked for. Sometimes they will need to explore whether the information is available at all. It is important to bear in mind that if a Member is not automatically entitled to information, then equally, the Officer is not at liberty to provide it unless satisfied that there is some valid justification for doing so and that disclosure does not infringe any law (e.g. Data Protection Act), Council policy or confidentiality. Where Officers seek further information from Elected Members before making a response to a request for information, this is in order that the position can be checked. Elected Members should not see this as Officers being unhelpful. Where Elected Members feel they have not been given the correct response to a request, they are encouraged to refer the matter to the Monitoring Officer for determination as the Statutory Officer responsible.

## 13. ELECTED MEMBERS AND OFFICERS WHO ARE MEMBERS OF OUTSIDE ORGANISATIONS AND OTHER BODIES

All representatives or other individuals invited or appointed to serve on Council bodies will have the relevant Codes of Conduct, procedures and protocols drawn to their attention and be required to observe them. Included in Part 5 of the Constitution is a Guide for Elected Members and Officers serving on Outside Organisations and Other Bodies. The Guide is intended to give a general overview of the issues which affect Elected Members and Officers who are appointed to outside organisations and other bodies (see also Part 7 of the Council's Constitution). The Council's Monitoring Officer will be able to provide further advice to expand upon any of the issues raised.

## 14. POLITICALLY RESTRICTED POSTS

There are a number of rules which apply to Officers who occupy politically restricted posts under the Local Government and Housing Act 1989. In summary such Officers are prevented from:

a) being a Member of Parliament or a local authority member;

b) acting as an election agent or sub agent for a candidate for any of those bodies;

c) being an officer for a political party or branch, or a committee if that role is likely to involve participation in the management of the party or branch, or to act on its behalf in dealings with other persons;

d) canvassing on behalf of a political party or an election candidate;

e) speaking in public in support of a political party; and

f) publishing written or artistic works affecting support for a political party.

## 15. PUBLICITY MATERIAL, MEDIA RELATIONS AND PRESS RELEASES

The Council's Communications and Marketing Team will follow the same principles as other Officers of the Council in serving Elected Members impartially. They will also follow the Local Authority Code on Recommended Practice for Local Authority Publicity.

Appropriate press releases and publicity material will be prepared and distributed. Where any conflict exists publicity will incorporate a balanced and accurate account of the outcome of the formally constituted meetings.

Communications and Marketing Officers will observe the provisions of the code of recommended practice on Local Authority publicity. One of the key provisions of the code is that the opinions of individual Elected Members cannot be promoted unless they are speaking on behalf of the Council. Communications and Marketing Officers will continue, therefore, to incorporate in press releases only the views of individuals holding posts, which authorise them to speak on behalf of the Council.

Communications and Marketing Officers will, however, offer informal advice to all Elected Members on media relations.

In accordance with the general provisions on confidentiality, both Officers and Elected Members will refrain from making confidential information available to the media.

Draft press releases will be finalised following consultation with any Member who is to be quoted.

Photographic services will be available for major civic events and at other events where budgetary provision has been identified.

Elected Members communicating with the media in any form, including social media, will not make references to Officers which are personal in nature or could be construed as offensive. Any matters relating to individual performance by an Officer of the Council should be raised through the appropriate mechanisms and not in the media. Officers who are in communication with the media in the course of their employment will similarly refrain from any such references to Elected Members. Elected Members are encouraged to check the factual accuracy of any media submissions with the appropriate Officer. Factually inaccurate statements mislead the public and may damage the reputation of anyone who is the subject of, or associated with, such inaccuracies.

## 16. CORRESPONDENCE

Correspondence between an individual Member and Officer should not normally be copied by the Officer to another Member, unless the Elected Member has sent copies to other Elected Members, in which case Officers may copy the response to the same Elected Members. Correspondence between Elected Members and Officers should not be shared on social media without prior agreement from all parties involved.

Where copies of correspondence are sent to other Elected Members, this should be made clear to the original Member. In other words, a system of “silent” or “blind” copies should not be used.

In all matters relating to the copying of correspondence, access to information legislation and the Council policy on access will be observed.

Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representation to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should be sent out by the relevant Officer.

Members should not send letters which appear to create obligations, accept or deny any liability, or give instructions on behalf of the Authority. An Officer must always send any such letter.

## 17. INTERNET AND SOCIAL NETWORKING USE

Elected Members and Officers should have due regard to internet security and ensure that communications remain proper and appropriate in accordance with the guidance set out in the respective codes of conduct.

## 18. BREACHES OF THE PROTOCOL

Potential breaches of the protocol may come to light in a number of ways. They may be raised, for example, by Elected Members, Officers, non-Council officials, groups or individual members of the public.

### 18.1 Alleged Breaches of the Protocol by Officers

The matter should be raised with the relevant member of the Council's Corporate Management Team who will investigate the circumstances.

If it is judged that the alleged breach may be a disciplinary matter or come within the scope of any other existing Council procedure (e.g. for dealing with potentially criminal acts) then the appropriate procedure will be initiated and followed in the usual way.

Where it is not appropriate to use an existing procedure, the investigating officer will report back to the person making the allegation with a suggested course of action.

If matters cannot be resolved, they will be referred to the Managing Director for consideration, who will in any event be advised of all alleged breaches of the code.

### 18.2 Alleged Breaches of the Protocol by Elected Members or Co-optees

Details of the allegation should be reported to the Managing Director, via a Departmental Manager if appropriate.

The Managing Director will consider what, if any further action is appropriate in the circumstances, having regard to any existing procedures such as the Council's complaints procedure or the procedure for dealing with allegations of criminal conduct.

Options may include:

(a) Invoking an existing procedure.

(b) Informal discussions with the individual who is the subject of the allegation to arrive at an agreed response.

(c) Referring the matter to the relevant Group Leader with a recommendation for action.

(d) Referring the matter to the Council's Monitoring Officer to consider action under the Code of Conduct in accordance with the 'Arrangements for Dealing with Standards Allegations'.

(e) Referring the matter to an appropriate body or agency.

## 19. CONCLUDING COMMENTS

The Officer/Member protocol is not intended to deal with every situation that might arise. It does contain, however, a significant amount of material which can act as a pointer to how to deal with a wide range of issues. For example, it is clear in the sections covering the role of Elected Members and the role of Officers that strategic decision-making is undertaken by Elected Members and not Officers. On the other hand, day to day choices on the action necessary to implement Member decisions are the responsibility of Officers not Elected Members. This is made very clear in statutory guidance to Councils. In Hartlepool, Officer/Member relations have traditionally been very strong and constructive, based on mutual respect for the different roles of each, together with a recognition of the need to work together for the good of the community. It is the joint responsibility of both Officers and Elected Members to maintain that tradition into the future.

# PLANNING CODE OF PRACTICE

**Contents**


**Page**

1. **Introduction** ..... 71

2. **The Need for a Code** ..... 71

3. **Scope Of The Code** ..... 72

4. **Councillors and Officers** ..... 72

5. **What Planning Decisions Are Based On** ..... 75

6. **Duties and Actions** ..... 77

7. **The Decision Making Process** ..... 77

8. **Lobbying of and by Elected Members** ..... 78

9. **Pre-Application and Pre-Decision Discussions** ..... 80

10. **Registration of Interests** ..... 82

11. **Declaration of Interests by Elected Members at Committee** ..... 83

12. **Parish Council Membership** ..... 83

13. **Unauthorised Development or Breach of Listed Building Control** ..... 84

14. **Officer Reports to Committee** ..... 85

15. **Committee Procedures** ..... 85

16. Committee Site Visits ..... 87

17. Decisions Delegated to Officers ..... 88

18. Decisions Contrary to the Development ..... 88

19. Decisions Contrary to Officer Advice ..... 89

20. Approving Repeat Applications for Development Previously Refused ..... 89

21. Development Proposals Submitted by, or Affecting, Elected Members and Officers ..... 90

22. The Council's Own Developments ..... 90

23. The Media ..... 91

24. Record Keeping and Complaints ..... 91

25. Training ..... 92

26. Learning from Past Decisions ..... 92

27. Gifts and Hospitality ..... 93

28. Inappropriate and Offensive Comments ..... 93

Appendices - 1, 2, 3 ..... 95

***The main points of advice about the conduct expected of Elected Members and Officers are emphasised in bold italics, like this sentence.***

# PLANNING CODE OF PRACTICE

## 1. INTRODUCTION

1.1 This Planning Code of Practice complements and expands on the 'Code of Conduct for Elected Members and Co-opted Members' ('Code of Conduct') adopted by Hartlepool Borough Council in conformity with the Localism Act 2011. The Code of Conduct is essentially concerned with the responsibilities of Elected Members when acting in the role as an Elected Member of the Borough Council. The Planning Code is concerned with the integrity of the Planning System and its procedures. It is therefore based on guidance from The Committee on Standards in Public Life, the Local Government Association, the Royal Town Planning Institute, the Department for Levelling Up, Housing and Communities (DLUHC), the Council's External Auditors and others. The Code sets out practices and procedures designed to avoid allegations of malpractice in the operation of the planning system. The aim is to protect the integrity of the planning system as open and fair to all parties.

1.2 The Code will be enforced through the Council's Audit and Governance Committee. The Code will be a consideration in any investigation of maladministration by the Local Government and Social Care Ombudsman. The Code refers mainly to the actions of a Planning Committee as the main decision making body, but it applies especially to other forms of decision making, e.g. Full Council where planning issues may be discussed. The Code applies to both Elected Members and Officers.

1.3 In terms of Article 6 of the Human Rights Act 1998, (right to a fair trial), the Code, together with the availability of an appeal procedure will meet the requirements of the Article. Ensuring that decisions are properly recorded and supported by adequate reasons. The fundamental basis of the Code is that the Planning System operates in the public interest and therefore decisions affecting private and public interests have to be made openly, impartially, with sound judgement and for justifiable reasons.

1.4 In addition, the role of Elected Members on a Planning Committee involves balancing/representing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision making on what can be highly controversial proposals which give rise to great tensions.

## 2. THE NEED FOR A CODE

2.1 Decisions on planning applications rely on informed judgement within a firm policy context. The determination of planning applications can be highly contentious because the actual decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (ie it actively invites public opinion before taking decisions) and the legal status of development plans, decision notices and enforcement action. It is important, therefore, that the planning process is characterised by open, fair, impartial, transparent and defensible decision making.

2.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their

settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should be able to show that decisions have been taken in an impartial, unbiased and well-founded way.

## 3. SCOPE OF THE CODE

3.1 This Code sets out the practices which Hartlepool Borough Council follows to ensure that its planning system is fair and impartial, and explains the conduct expected of both Officers and Elected Members on planning matters.

3.2 It applies to both Elected Members and Officers who are involved in operating the planning system - it is not, therefore restricted to professional town planners or to Elected Members in Committee meetings. The successful operation of the planning system relies on mutual trust and an understanding of each other's roles. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

3.3 Both Elected Members and Officers are guided by codes of conduct. The statutory Code of Conduct, supplemented by guidance from the DLUHC and others, provides standards and guidance for Elected Members. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. However, not all Planning Officers are members of the RTPI, and parts of the Code of Professional Conduct are incorporated into this Code. The Council also has a Code of Conduct for Employees, by which all employees are required to abide. In addition to these Codes, the Council's Rules of Procedure govern the conduct of Council business.

3.4 Whilst this Code, and the others referred to above, attempt to be as clear as possible, ***if in doubt about how the guidance applies in particular circumstances seek advice.*** Officers should seek advice from the Monitoring Officer. Elected Members can also seek advice from the Planning and Development Manager or from a Solicitor within the Legal Services Division as appropriate.

3.5 Appendix 1 also contains a list of other guidance on planning which is available from the Council.

3.6 This guidance is mainly about planning applications, but also applies to the ways in which the Council handles all applications, planning enforcement matters and also how the Council prepares a Local Plan. References to applicants and objectors should therefore generally also be taken to refer to complainants and alleged contraveners in enforcement cases, and to landowners, developers and objectors involved in plan proposals. The guidance applies to planning matters on which a decision will be taken by the Council.

## 4. COUNCILLORS AND OFFICERS

4.1 Elected Members and Officers have different, but complementary, roles. Both serve the public. Elected Members are responsible to the electorate, and are elected to represent all people of the Borough. Officers are responsible to the Authority as a whole. They advise the Council and its committees, and carry out the Authority's work.

They are employed by the Authority, not by individual Elected Members, and it follows that instructions may be given to Officers only through Full Council or Committee decision. Any other system which develops is open to question. A successful relationship between Elected Members and Officers can only be based upon mutual trust, respect and an understanding of each other's roles and positions. This relationship, and the trust which underpins it, must never be abused or compromised.

4.2 Therefore:

- ***Individual Elected Members should not give instructions to Officers on planning matters.***
- ***Officers' actions will follow Council policy and Committee decisions.***

- ***Political group meetings should not be used to decide how Elected Members should vote on applications and enforcement cases and Members are not mandated on these matters by a political group.***

4.3 The Code of Conduct sets out the requirements on Elected Members in undertaking their role as an Elected Member of the Council. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests,but also appropriate relationships with other Elected Members, staff and the public, which will impact on the way in which Elected Members participate in the planning process. Of particular relevance to Elected Members who become involved in making a planning decision is the requirement that;

**"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.**

**You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor. The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Elected Members should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.** Elected Members who do not feel that they can act in this way should consider whether they are best suited to serve on a planning committee.

4.4 Officers must always act impartially. The RTPI Code of Conduct says, amongst other things, planners:

- shall not make or subscribe to any statements or reports which are contrary to their own genuine professional opinions;

- shall act with competence, honesty and integrity;

- shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;

- shall act in a way that encourages equity and inclusion.

These guidelines should apply to all Planning Officers. More detailed guidance and requirements are in the Council's own Code of Conduct for Employees. Through the Local Government and Housing Act 1989 as amended, restrictions are placed on the outside activities of senior staff.

4.5 Impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements in the Code of Conduct. Elected Members are placed under a requirement by the Code to:

- treat others with respect; and
- act in accordance with the local authority's requirements,.

4.6 **Under the Localism Act, 2011, a Code of Conduct, when viewed as a whole, must be consistent with the following principles;**

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

In addition, the Code of Conduct requires Election Members to agree that they will on all occasions;

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of councillor.

Further more the Code of Conduct requires Members in undertaking their role to:

- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

***The actions and conduct of Elected Members and Officers should be such as would seem appropriate and above suspicion to an impartial outside observer. Decisions should be taken in the interests of the Borough as a whole, and should not be improperly influenced by any person, company, group or Parish Council. The key is to demonstrate that decisions are taken on the facts alone, without any undue outside pressure.***

## 5. WHAT PLANNING DECISIONS ARE BASED ON

5.1 Planning decisions are based on planning considerations and cannot be based on immaterial considerations. The Town and Country Planning Act 1990 (as amended), together with Government guidance through the National Planning Policy Framework and cases decided by the courts, define what matters are material to planning decisions.

5.2 ***It is the responsibility of Officers in preparing reports and recommendations to Elected Members, and in advising Committees, to identify the material planning considerations and to ensure Elected Members are aware of those matters which are not material to planning decisions.***

5.3 Section 70 of the Town and Country Planning Act 1990, provides that Elected Members have a statutory duty when determining planning applications, to have regard to the provisions of the development plan where material to the application, and to any other material consideration.

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 advises that it is a requirement that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework constitutes guidance for local planning authorities in both drawing up plans and as a material consideration in determining applications. The Framework underlines that 'the purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 6 refers).

The development plan consists of:

- The policies of the Hartlepool Local Plan 2018, the Hartlepool Rural Neighbourhood Plan and the policies contained with the Minerals and Waste Development Plan Documents (September 2011) so far as they are consistent with the National Planning Policy Framework.

Neighbourhood Plans subject to examination in public and approval through referendum, must be in general conformity with an adopted Local Plan.

5.4 Other material planning considerations include:

- supplementary planning documents approved by the Council following public consultation;
- statutory duties in relation to conservation areas and listed buildings;

- representations made by statutory consultees and other people making comments, to the extent that they relate to planning matters;
- the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);
- the amenity and privacy of dwellings;
- the character of an area in other senses (in terms of noise or other forms of pollution);
- road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);
- public services, such as drainage;
- public proposals for using the same land; and
- legitimate planning gain/community benefit.

5.5 There is much case law on what are, and are not material planning matters. ***Planning matters must relate to the use and development of land***. For example, the following are ***not*** normally planning matters and ***cannot be taken into account in planning decisions:***

- personal and financial considerations;
- private property rights and boundary disputes;
- covenants;
- effects on property and land values;
- developers' motives;
- public support or opposition, unless it is founded on valid planning matters;
- the fact that development has already begun (people can carry out development at their own risk before getting permission and the Council has to judge development on its planning merits);
- the fact that an applicant has carried out unauthorised development in the past;
- "trade objections" from potential competitors;
- moral objections such as activities likely to become addictive, for instance betting shops, lottery kiosks or amusement arcades;
- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road to or at the rear of an objector's house);
- the fear that an objector's house or property might be devalued;
- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner and, if it is not, the development cannot happen);
- the fact that an objector is a tenant of land where development is proposed; any consequences between landlord and tenant are unrelated to the application;
- allegations that a proposal might affect private rights, ie restrictive covenants; property maintenance; ownership and private rights of way disputes; boundary disputes; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for Officers of the Council to advise as to such rights);
- arguments of a personal kind in relation to the circumstances of the applicant. It is essential that Elected Members are aware that planning permission goes with the land. The Government inquiry into planning in North Cornwall ('Inquiry into the

Planning System in North Cornwall - DoE 1993') makes it plain that personal preferences are not reasons for granting planning permissions. Personal circumstances may, very exceptionally, have a place in the system. Therefore, information about the applicant should not be material to the consideration of a planning application in the vast majority of cases, and personal circumstances cannot therefore, in general, outweigh planning considerations.

## 6. DUTIES AND ACTIONS

6.1 The Council's Planning Committee exercises the Borough Council's statutory Local Planning Authority functions and is the decision maker for the purpose of determining applications other than those matters falling within the Council's Scheme of delegation (see Part 3 of the Constitution)Decision makers have a very special responsibility and have a number of statutory duties. There are also actions that can be taken against the Council and Elected Members for a failure to properly discharge the Local Planning Authority function. These duties and actions are summarised in Appendix 2.

## 7. THE DECISION MAKING PROCESS

7.1 In reaching a decision on a planning application, Elected Members need to:-

(i) identify the development plan policies which are relevant to the particular development proposal;

(ii) identify any other material considerations;

(iii) if there are other material considerations, the development plan should be taken as a starting point and the other material considerations should be weighed in reaching a decision. Considerable weight should be attached to the relevant policies of an adopted development plan. Some weight can be attached to an emerging plan, dependent on the stage at which a draft plan has reached prior to its formal adoption.

At a fundamental level, Elected Members should go through the following three stage process when making a decision:-

**Stage 1**

(i) Identify the relevant development plan policies and other relevant material considerations (if any) in respect of the application which need to be taken into account in the decision making process.

(ii) Identify irrelevant matters which should not be taken into account in the decision making process. These include the applicant's personal qualities such as having a long term family connection with the area, his or her popularity in the community, the fact he/she is a local farmer, the fact that a son or daughter is just about to marry.

**Stage 2**

(i) Attach sufficient weight to the development plan policies and other material consideration for and against refusal or approval.

(ii) Elected Members must give clear and convincing reasons for any departure from adopted plan policies and other material considerations.

**Stage 3**

Weigh the material considerations in reaching a decision.

A failure to follow the proper decision making procedure can give rise to proceedings for a Judicial Review and/or a finding of maladministration by the Local Government Ombudsman.

- ***In the decision making process, Elected Members should not take into account irrelevant matters, allow them to outweigh important planning considerations and fail to take fully into account Government guidance on the weight to be attached to relevant considerations.***

- ***Elected Members should determine applications in accordance with the advice given to them by their professional Officers unless they have good planning reasons, in the knowledge of all material considerations, to take a decision contrary to the officer's recommendation.***

## 8. LOBBYING OF AND BY ELECTED MEMBERS

It is important to recognise that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a planning decision will often seek to influence it through an approach to their Ward Member or to a Member of the Planning Committee.

8.1 Elected Members need to take account of the general public's (and the Ombudsman's) expectation that a planning application and other applications will be processed and determined in a transparent, open and fair manner, in which Elected Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.; or to the Monitoring Officer that an Elected Member has breached the Code of Conduct.

8.2 An Elected Member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If the Elected Member responds to lobbying by deciding publicly to support a particular outcome - even campaign actively for it – it will be very difficult for that Elected Member to argue convincingly when the Committee comes to take its decision that

he/she has carefully weighed the evidence and arguments presented (perhaps in some respects for the first time) at Committee. Whilst in most circumstances this may not amount to a prejudicial or any pecuniary interest in terms of the Code of Conduct, **the proper course of action for such a Elected Member would be to make an open declaration and not to vote.** This can be seen, however, as a severe restriction on the Elected Member's wish - duty even - to represent the views of the electorate. In most cases it should be possible for an Elected Member to listen to a particular body of opinion, without engaging in lobbying for a particular outcome, and wait until the Planning Committee, to hear all the evidence presented, before making a final decision.

8.3 It is very difficult to find a form of words which covers every nuance of these situations and which gets the balance right between the duty to be an active ward representative and the 'overriding duty as a Elected Member … to the whole local community'. However, the following guidance will be appropriate in most cases.

8.4 Elected Members who are lobbied on a planning matter before the Planning Committee:

- ***may listen to what is being said;***
- ***may give procedural advice ie to write to the Executive Director of Development, Neighbourhoods and Regulatory Services, the name of the Case Officer, the deadline for comments, whether the application is to be determined by the Planning Committee or delegated to Officers how decisions are reached through Officer recommendation /Planning Committee;***
- ***should refer the person and any relevant correspondence to the Case Officer, so that their views can be recorded and, where appropriate, summarised in or attached to the report to the Committee;***
- ***should take great care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments;***
- ***should make it clear that Elected Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee;***
- ***should not openly declare which way they intend to vote in advance of the relevant Committee meeting, or otherwise state a commitment to oppose or support the application;***
- ***should not negotiate detailed planning matters with applicants, agents, objectors, etc;***
- ***should pass relevant correspondence to the Case Officer prior to any Committee meeting;***
- ***should report instances of significant, substantial or persistent lobbying to the Planning and Development Manager or the Executive Director of Development, Neighbourhoods and Regulatory Services.***

8.5 Elected Members who have openly declared their voting intention in advance of the relevant Committee meeting should make an open declaration and leave the meeting, taking no part in debate or voting.

8.6 To avoid impressions of improper influence which lobbying by Elected Members can create:

- ***Elected Members should in general avoid organising support for or opposition to a planning matter to be determined by the Borough Council, and should not lobby other Elected Members - such actions can easily be misunderstood by parties to the application and by the general public;***
- ***Elected Members should not put pressure on Officers for a particular recommendation;***
- ***political group meetings should not be used to decide how Elected Members should vote on planning matters;***
- ***Elected Members should not act as agents or advocates for planning applications or any other applications, enforcement cases or proposals to be determined by the Borough Council. Where an Elected Member is involved in a particular planning matter, she/he should take care not to appear to try to influence other Elected Members, and should declare an interest at the relevant Committee meeting.***
- ***Whenever an Elected Member is approached or lobbied on any particular application Elected Members should consider distributing the draft letter attached as Appendix 3 which makes clear the neutral stance which Elected Members need to adopt to remain impartial pending consideration of all the material facts at the Committee meeting.***
- ***If Elected Members attend private site meetings in their ward at the request of the applicant they should express no opinion on the merits of the application and should normally advise the applicant that the Elected Member may also speak to other interested parties including objectors, again, without expressing any opinion on the merits of the application prior to determination before Planning Committee.***
- ***Elected Members should not normally undertake private site inspections in another Elected Member's ward without prior notice to the Elected Ward Member. Again Elected Members should express no opinion on the merits of the application.***

## 9. PRE-APPLICATION AND PRE-DECISION DISCUSSIONS

9.1 The Council encourages pre-application discussions between Planning Officers and potential applicants. These bring advantages to all parties: they can avoid applications being made which are clearly contrary to policy, and so avoid unnecessary worries for those who could be affected; they can avoid abortive work for the Council and applicants by giving clear information about applicable policies, etc before proposals are designed; and so they can improve the quality of applications and development.

9.2 However, discussions might be seen (especially by objectors) as part of a lobbying process. In order to avoid such problems, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations apply to any discussions which take place before a decision is taken:

- ***The Officer should always make it clear at the outset that the discussions will not bind a Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, neither will formal consultations with interested parties have taken place.***
- ***Advice should be consistent and based upon the development plan and material considerations.***
- ***Where the Executive Director of Development, Neighbourhoods and Regulatory Services is the decision-maker (for delegated matters - see later), he/she should normally not meet the applicant, agent or objectors to discuss a case without another Officer present. A written note should be made of all discussions. A follow up letter is advisable, at least when documentary material has been left with the Council. A note should also be taken of telephone discussions.***
- ***Whilst Elected Members will not normally be involved in pre-application or pre-decision discussions, if an Elected Member is present he/she should be accompanied by an Officer. The Elected Member should be seen to be advised by the Planning Officer on development plan and other material considerations, and the Officer should take a note of the meeting.***

9.3 Applicants and potential applicants sometimes ask for advice on whether planning permission will be granted in particular circumstances. Advice may also be sought on the lawful use of land. For clarity, and to avoid a future decision on a planning application being compromised:

- ***Officers should normally ask someone requesting advice to put the request in writing - so that it is clear on what proposal or circumstances advice is being given.***
- ***Written replies to such requests will contain a caveat that advice cannot bind a future decision of the Council on any subsequent application.***
- ***Persons seeking advice about the lawful use of land should be advised that Parliament has provided a procedure for a Local Planning Authority to certify what a lawful use of land is by means of an application for a Certificate of Lawfulness of Existing Use or Development. Advice from an Officer cannot legally circumvent this procedure.***
- ***Officers may be unable to say what their recommendation is on a particular planning matter until all issues have been considered and the papers published for the relevant Committee.***

9.4 The Planning Advisory Service operated by the Planning and Development Team encourages Elected Member involvement in pre-application discussions on major applications, a ‘Pre Application Development Forum’ has been agreed by the Planning Committee which would allow Elected Members to be presented with development proposals at an early stage. A local protocol is set out below regarding Elected Member involvement. Without this, Elected Member involvement may unnecessarily open any Elected Member on the planning committee, to avoidable risks of challenge on apparent predetermination.

9.5 The local protocol for the ‘Pre Application Development Forum’ is as follows:

- Elected Members are encouraged to promote any community aspirations involving sites, land or community benefits from development, or other planning issues through Local Development Framework & Sustainable Community Strategy preparation at the earliest opportunity (To embed community aspirations in corporate policy and minimise the risks of pre determination in any community championing role);
- Elected Members and the public are invited to any pre application development forum, on significant proposals (To ensure transparency of process & minimise private briefings);
- The relevant officer explains the role of Elected Members present at any pre-application discussion and this is recorded in the note of the meeting;
- The Developer is invited to attend and present their proposals;
- Interested Parties are invited to speak;
- Planning Committee Elected Members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application;
- Officers will note those present, the issues identified at the pre-application discussion meeting or forum, and take appropriate follow up action recording the outcome of the meeting to the developer and on a public file;
- Any planning committee Elected Member who elects to support a view for or against the development being discussed will predetermine their position to the extent they will be advised to declare a prejudicial interest, and be free to present their community views to the committee in the event of the committee considering a subsequent application, but not to participate in the discussion and vote on the application.

## 10. REGISTRATION OF INTERESTS

10.1 The Localism Act 2011 places an obligation on Elected Members to register and declare certain disclosable pecuniary interests and such other interests as set out within the Code of Conduct for Elected Members and Co-opted Members. Further the Code outlines the consequences for the Elected Member's participation in consideration of an issue, in the light of those interests. The attention of Elected Members is also drawn to Council Procedure Rule 21 (which for the avoidance of doubt has application to Council Committees and Sub Committees) on interests of Elected Members in contracts and other matters. These requirements must be followed scrupulously and Elected Members should review their situation regularly. Guidance on the registration and declaration of interests will be issued by the Council's Monitoring Officer. However, ultimate responsibility for fulfilling these requirements rests individually with each Elected Member.

10.2 You must register in the Authority's Register of Elected Members' Interests information about your registerable personal interests. A definition of a registerable personal interest is contained within the Code of Conduct for Elected Members and Co-opted Members. A register of Elected Members' interests will be maintained by the Council's Monitoring Officer, which will be available for public inspection. An Elected Member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Elected Member becoming aware of such changes.

## 11. DECLARATION OF INTERESTS BY ELECTED MEMBERS AT COMMITTEE

11.1 Information regarding 'your registerable and non-registerable personal interests' is contained in the Code of Conduct for Elected Members and Co-opted Members.

11.2 Elected Members of the Planning Committee should consult the Code of Conduct for Elected Members and Co-opted Members to determine their registrable and non-registrable personal interests to determine, what, if any, effect these interests could have at a Planning Committee meeting.

**Pre-determination and Bias**

11.3 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as an Elected Member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

11.4 At all meetings, when making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

11.5 However, if an Elected Member, in advance of the decision-making meeting had taken a firm view on the planning matter (in essence they had 'pre-determined' the matter), either in meetings of the other body or otherwise, they would not be able to demonstrate that, in participating in a decision, all the relevant facts and arguments had been taken into account, they would have fettered their discretion. Were they to participate in a decision in those circumstances, they might place their authority in danger of Judicial Review.

11.6 There will be occasions when Elected Members will wish to press for a particular development which the Elected Member regards as beneficial to the development of the area. Should that Elected Member be able to vote on any planning application relating to that development? The appropriate action is not clear cut, and may depend on the particulars of the case. However, the general advice would be that an Elected Member in such circumstances may well be so committed to a particular development as the result of undertaking the responsibilities of furthering the development of the area, that he or she may well not be able to demonstrate that they are able to take account of counter arguments before a final decision is reached. Indeed, the Elected Member may be seen as an advocate on behalf of the authority for the development in question. In that sense, the Elected Member becomes almost the 'internal applicant'. In such circumstances, the appropriate approach is likely to be that the Elected Member advocating for the development should not vote on the relevant applications.

## 12. PARISH MEMBERSHIP

12.1 The Council consults the relevant Parish or Parish Meeting on every planning application. Planning Officers may, on request, attend a Parish meeting early in the life of an application to explain the facts of the application and any relevant Development Plan policies.

12.2 Difficulties can arise for Elected Members who are members of a Parish Council as well as the Borough Council. By taking part in a Parish Council meeting when their comments on an application are agreed, a Borough Elected Member will be seen to have made up her/his mind in advance of hearing all the issues at the decision making Borough Council Committee. The Elected Member could be considered to have fettered his or her discretion. In those circumstances the Elected Member should not participate at the Borough Council meeting. In such cases the Elected Member has been excluded not because of the code but because the Elected Member's previous actions had fettered his or her discretion and possibly laid the council open to the objection that the planning process had been tainted. So, an Elected Member has to choose whether to form a view at an early stage of the process and campaign for or against the planning applications but be excluded from the final decision-making; or reserve judgment until all views have been considered and only then form a view.

***'Dual' Members should therefore either:***

- ***not take part in the discussion of an application at the Parish Council meeting at which comments are agreed; or***

- ***not take part in the discussion/decision on the application at the Borough Council's Planning Committee;***

Furthermore:

- ***although the consultation response from a Parish Council is a relevant consideration, Elected Members should not automatically defer to the Parish Council view, because Parish Councils do not have the advice of professional Planning Officers in reaching their decision.***

## 13. UNAUTHORISED DEVELOPMENT OR BREACH OF LISTED BUILDING CONTROL

13.1 Elected Members or Officers who are aware of a breach of planning or listed building control on land under their ownership or control should promptly advise the Planning and Development Manager or the Executive Director of Development, Neighbourhoods and Regulatory Services of the breach in writing.

13.2 Breaches of planning or listed building control involving an Elected Member or an Officer should be promptly investigated by the Planning and Development Manager.

13.3 Planning enforcement decisions are taken by the Executive Director of Development, Neighbourhoods and Regulatory Services in consultation with the Chair of the Planning Committee and the Director of Legal, Governance and HR. A written Officer report and decision record will be prepared in advance of any decision being taken. The report and decision record on some enforcement matters may not be available to the public, for example if the Council is considering a prosecution in the courts. Schedule 12A of the Local Government Act 1972 as amended sets out what can be considered in private.

## 14. OFFICER REPORTS TO COMMITTEE

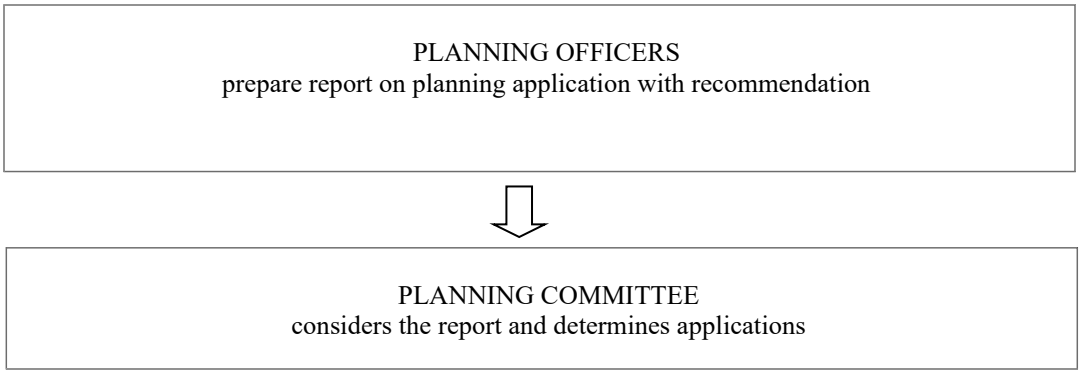
14.1 To ensure that Committees give due consideration to the development plan and other material considerations, all Committee decisions on planning applications, and other proposals will normally be taken only after the Committee has received a written Officer report. Written Officer reports will reflect the collective view of the Department - not the view of the individual author.

14.2 Reports should be accurate and should:

- cover, amongst other things, the substance of objections and the views of people who have been consulted;
- include reference to relevant material and applicable policies and their implications for the case; the site or related history (where relevant) and any other material considerations;
- have a written recommendation of action; oral reporting should be rare and be carefully minuted when it occurs; contain an appraisal of the planning considerations which clearly justifies the recommendation and broadly indicates the weight which can be given to any opposing considerations;
- if the recommendation is contrary to the provisions of the development plan, clearly state the material considerations which justify this;
- describe the purpose and content of any conditions, planning agreement or obligation proposed in association with the planning permission.

## 15. COMMITTEE PROCEDURES

15.1 Decisions relating to planning applications (other than those matters dealt with under the Council's Scheme of Delegation) are taken by the Council's Planning Committee. The procedure for processing planning applications may be summarised as follows:




15.2 Reports are available to the public five working days before the Committee on request. The application files, containing all comments, are also available at that stage. Late letters and other information may be put to Committee and copies of these are normally available for inspection. The public (including applicants and objectors) can attend Committee meetings and may speak under the terms of the Council's public speaking policy.

15.3 A guidance leaflet on public speaking and the process to be followed is made available. In essence, the officer will explain what is proposed and highlight the key planning issues. An individual or Applicant wishing to speak on an application can

ask to address the Committee for a defined time, ordinarily four minutes. Elected Members may than ask questions of that individual if they wish. If the applicant (or agent) wish to speak or respond to points raised, they can then do so. Elected Members will then debate the merits of the case and arrive at a decision.

15.4 It is important that Elected Members are present throughout all the debate on an item**. If any Elected Member has to leave the Committee meeting for any reason, thereby missing any part of the proceedings, he/she should take no further part in the voting arrangements for the item(s) considered during their absence. Similarly if an item is deferred to a future Committee whether for a Site Visit or any other reason when the item is resumed at that Committee any Elected Members who were not present for all the proceedings relating to that item at the original Committee Meeting should also take no part in the discussion or voting on that item.**

15.5 The Planning Committee may agree or disagree with the report and recommendation and having considered all the relevant planning matters, the Committee may:

- grant planning permission (usually with appropriate planning conditions) with justified planning reasons;
- refuse planning permission, with justified planning reason(s);
- defer the application for further consideration.

15.7 Decisions on Local Plan/Local Development Plan proposals are generally within the functions of the Neighbourhood Services Committee, subject to Council approval as part of the Budget and Policy Framework.

15.8 The procedures governing the conduct of meetings are set out in the Council's Constitution. However, the general public who attend these meetings will usually not be familiar with the Council's Constitution, or this Code. It is therefore important that decisions are made on relevant grounds and that this is the impression left with the public who attend. Responsibility for this rests primarily with the Chairperson of the meeting, assisted where appropriate by Officers. To facilitate this:

- ***a briefing for the Chair and Vice-Chair of the Planning Committee will be held after the Officer reports and recommendations have been published. The purposes of these briefings is to inform the Chair and Vice-Chair of the issues, to ensure that the rationale for the Officer recommendation is explained, and to identify any potentially problematic or controversial items;***
- ***one or more Chartered Town Planners will be present at all Planning Committee meetings at which planning matters are considered;***
- ***a Legal Officer will normally also be present.***

**At a briefing and in order to ensure the proper conduct of the Committee meeting and to minimise any inconvenience, the Chair and Vice Chair may agree for an item(s) to be withdrawn if circumstances so require, the Committee being notified at the commencement of their meeting, of such withdrawal of the item(s) from the agenda.**

## 16. COMMITTEE SITE VISITS

16.1 The Planning Committee may sometimes decide to visit a site prior to determining an application. Site visits sometimes result from a request by an Elected Ward Member. It is acknowledged that this is a proper part of the representational role and should normally be acceded to, so long as the Elected Ward Member can justify his/her request in relation to material planning considerations. Site visits should not be employed merely to appease local interest in an application.

16.2 However, site visits cause delay and add costs for the applicant and Council, and should only be used where there are substantial benefits. Therefore:

- ***A site visit is likely to be necessary only if the impact of the proposed development is difficult to understand from the plans and any supporting material, including photographs taken by Officers, or if the proposal is particularly contentious.***
- ***The reasons for a site visit should be clearly stated and minuted.***
- ***All Elected Members of the Planning Committee will be invited and should make every effort to attend, so that they understand the issues when the matter is considered at the following Committee meeting.***

16.3 Site visit meetings will be conducted in a formal manner:

- ***The Chairman should start by explaining the purpose and conduct of the site inspection .***
- ***The Officer will describe the proposal and highlight the issues relevant to the site inspection and other material planning considerations.***
- ***The Officer will be asked to point out relevant features which can be observed. Elected Members may also wish to point out features which can be observed, or to ask factual questions of the Officer.***
- ***To avoid giving an impression of being lobbied, Elected Members should not listen to or talk to any individuals whilst on site, unless being addressed as a group. Any comments should be made to the whole group through the Chair.***
- ***The public, applicant or objector may attend the site inspection and will be invited by the Chair to draw Elected Members' attention to any salient features or to any relevant factual information.***
- ***Other than to draw Elected Elected Members' attention to any salient feature or to clarify a factual point, through the Chair, the public, applicant and objector will not be allowed to speak.***
- ***To avoid Elected Members being spoken to individually, the Chairman should endeavour to keep the Committee together as a group.***
- ***No discussion or decision-making will take place on site.***
- ***No hospitality will be accepted before, on or after site visits.***
- ***Elected Members or Officers who have any declarable interest which means they should not participate at Committee on determining the application should not attend a site inspection.***

## 17. DECISIONS DELEGATED TO OFFICERS

17.1 Decisions on certain types of application can be taken by the Executive Director of Development, Neighbourhoods and Regulatory Services through the Planning and Development Manager or the Assistant Director (Place Management) some in consultation with the Chair of the Planning Committee. These are wide ranging but generally less contentious for example applications where there are two or less objections where approval is proposed, the discharging of planning conditions and breaches of planning conditions. The full list of decisions delegated to the Director of Neighbourhoods and Regulatory Service is set out in Part 3 of the Constitution. The system allows quicker decisions to be taken on straightforward matters.

## 18. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

18.1 Planning decisions must normally be taken in accordance with the Development Plan (see paragraph 5.3).

18.2 ***If Officers are recommending granting planning permission significantly contrary to the development plan:***

- ***The decision will always be taken by Committee, and not as a delegated decision.***
- ***The Officer's report to the Committee must clearly identify the material planning considerations and how they justify overriding the Development Plan.***
- **The application will have been advertised by a site notice and a local newspaper advertisement, in accordance with Part 3 (15) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended.**

18.3 In some circumstances (as defined by Government Direction) the application will be referred - normally after the Planning Committee has agreed a recommendation - to the Secretary of State to enable him/her to decide whether to 'call in' the application to be decided centrally. More details are set out in Appendix 2.

## 19. DECISIONS CONTRARY TO OFFICER ADVICE

19.1 If following debate, the Planning Committee is minded to makes a decision contrary to the Officers' recommendation on a planning application the reasons should be stated in clear terms and based on material planning considerations. Officers may comment on the proposed reasons. Officers will summarise (from the debate) why members are departing from officer recommendation. Where the reasons are unclear to the officer, the officer will seek to clarification from the Members as to why they are departing from the officer recommendation. An amended motion (opposite contrary to the officer recommendation) will then be moved, seconded and a second a vote taken. The drafting of conditions, and as the case may be reasons for refusal, will be delegated to the Executive Director of Development, Neighbourhoods and Regulatory Services.

19.2 Where the Committee is minded to approve an application subject to the entering into of a S106 Agreement the matter shall be delegated to the Executive Director of Development, Neighbourhoods and Regulatory Services to execute the S106 Agreement and issue the permission.

19.3 If a Committee wishes to amend or add conditions to an approval, the detailed drafting of conditions will be delegated to the Executive Director of Development, Neighbourhoods and Regulatory Services

## 20. APPROVING REPEAT APPLICATIONS FOR DEVELOPMENT PREVIOUSLY REFUSED

20.1 One complaint that frequently arises, and has been investigated by the Local Government and Social Care Ombudsman, is the approval of a planning application where an application for substantially the same development has previously been refused, where there has not been a significant change in circumstances.

20.2 The principles which can be distilled from Ombudsman cases are as follows:-

- **there is perversity and maladministration, if a Local Planning Authority approves a planning application, which has previously been refused, where there has not been a significant change in the planning circumstances;**
- **the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and previous decisions;**
- **the perversity of approving a planning application, which has been previously refused, where there has been no significant change in the planning circumstances, is maladministration i**f:-

- insufficient weight has been given to Officers' recommendations and Central Government guidance; and
- there is a failure to give and record reasons for the authority's change of mind.

20.3 Elected Members are advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which there is a history of refusals by the Council and Inspectors appointed by the Secretary of State where there has been no significant change in the planning circumstances.

20.4 Therefore:

- **If a Committee is minded to approve an application for development previously refused, the proposer of the motion for approval or the Chairman should state what the significant change in the planning circumstances justifying approval before a vote is taken.**
- **If there is a history of refusals by the Council and Inspectors appointed by the Secretary of State, the proposer of the motion for approval or the**
- **Chairman should also state why the Inspector's decision should no longer be followed before a vote is taken.**

## 21. DEVELOPMENT PROPOSALS SUBMITTED BY OR AFFECTING COUNCILLORS AND OFFICERS

21.1 Proposals to their own authority by serving Elected Members and Officers and their close friends and relatives can easily give rise to suspicions of impropriety. Proposals can take the form of either planning applications or Development Plan proposals, or may involve planning enforcement. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.

21.2 For planning proposals submitted by Planning Officers and Elected Members they shall proceed to determination before Planning Committee, subject to the following principles:

- **Serving Elected Members and Planning Officers who submit their own proposal to the authority they serve should play no part in the decision-making process for that proposal.**
- **Such proposals should be reported to Committee and not dealt with by the Executive Director of Development, Neighbourhoods and Regulatory Services under delegated powers.**
- **The Council's Monitoring Officer should be informed of such proposals by serving Elected Members, and the Officers report to the Committee will show that the applicant is an Elected Member**
- **Elected Members and Planning Officers should never act as agents for people pursuing a planning matter within the Borough.**
- **The Officer concerned should have no involvement with the determination of the application.**

21.3 For proposals submitted by, or on behalf of, other Council Officers or close relatives and friends of Officers or Elected Members involved with the development management process:

- **The Officer concerned will have no involvement with the determination of the application.**
- **The application, if it accords with the scheme of delegation, shall be determined in consultation with the Chair or Vice Chair of the Planning Committee.**

21.4 Where a planning proposal directly affects the property or personal interests of an Elected Member, she/he should play no part in the decision-making process. This would apply, for example if an Elected Member submitted comments, as a neighbour, on a planning application.

21.5 Similarly, an Officer should have no involvement in processing a planning proposal which directly affects her/his property or personal interests.

## 22. THE COUNCIL'S OWN DEVELOPMENTS

22.1 Proposals for the Council's own development have to be treated in the same way as those by private developers.

- **All applications for the Council's own development will be reported to Committee where the application does not accord with the Scheme of Delegation.**
- **All applications for the Council's own development will be the subject of a written Officer report, as with other applications.**

## 23. THE MEDIA

23.1 The principles of this Code also apply to press contact. Elected Members and Officers when commenting to the media on planning matters should:

- ***have regard to the points made in the section on lobbying (Section 8);***
- ***ensure that they do not give the impression that they have predetermined or pre-judged (as opposed to a pre-disposition) the planning application ;***
- ***and;***
- ***make clear that Elected Members will retain an open mind until such time as the full facts are available and these are debated by the appropriate Committee;***
- ***for delegated applications, make clear that the Executive Director of Development, Neighbourhoods and Regulatory Services or his appointed representative will retain an open mind until such time as the full facts are available and presented for decision.***

23.2 Any Officers can provide facts about a planning matter which are in the public domain and available to the media. However, the media should be referred to the Communications and Marketing Team who will liaise with the appropriate officer for attributable comments.

## 24. RECORD KEEPING AND COMPLAINTS

24.1 The Council has established its own Complaints Procedure. Complaints are first investigated within the Department by an Officer more senior than the Case Officer. If the complaint cannot be resolved within the Department it will be escalated in accordance with the Council's Complaints Procedure.

24.2 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. It is not possible to keep a full note of every meeting and conversation. However, the guiding rule is that every case file should contain an account of the main events throughout its life. It should be possible for someone not involved with that application to understand what the decision was and how and why it was reached.

- ***The main source of this documentation will be the Officer report to Committee and, if the Committee does not agree the recommendation, the Committee minutes.***
- ***For delegated applications, a formal note of the main planning considerations is written and kept on file.***

- ***These principles apply equally to enforcement and Development Plan matters.***
- ***All Committee reports and delegated decision reports will be checked and agreed by the Planning and Development Manager.***
- ***A written note should be kept of all potentially contentious meetings and telephone conversations: this may be in the form of a follow-up letter. Whilst it will be impossible to keep a full note of every meeting, conversation and site visit, a record should be kept of significant events and site visits which have taken place. The extent of the note should be in proportion to the significance of the event.***

## 25. TRAINING

25.1 As section 5 above explains, the planning system is a complex mixture of statute and case law, and of local and national policy, balancing private and public interests. The declaration of interests is also an area which demands the exercise of well-informed judgement.

- A copy of this Code of Practice will be accessible to each Elected Member and Officer in the Regeneration and Neighbourhoods Department, including new Elected Members and employees.
- The Council will provide periodic training events for Elected Members on planning, which all Elected Members should endeavour to attend as part of their personal development.
- Elected Members newly elected to the Council without prior training and those serving upon the Planning Committee who have not attended planning training within a two year period prior (including substitutes) should not vote upon any planning application or the consideration of enforcement and other action until they have attended a recognised training event on planning. The Council will employ a Chartered Town Planner as Planning and Development Manager and will seek to employ trained or Chartered Town Planners to operate its main planning functions.
- The Council will, as far as possible, assist Officers in carrying out training and development activities which enable them to meet the requirements of their post, and enable them to fulfil the 'continuous professional development' requirements placed on Chartered Town Planners.

25.2 **An Elected Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the mandatory training prescribed by the Council. Elected Members of the Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Elected Member on planning law, regulations, procedures, Codes of Practice and Development Plans and generally assist the Elected Member in carrying out their role properly and effectively.**

## 26. LEARNING FROM PAST DECISIONS

26.1 The lessons to be learnt from any complaint against the Planning Service should be considered, recorded, and any necessary changes to procedures implemented.

Planning Officers will review decisions where appropriate in order to learn from experience.

## 27. GIFTS AND HOSPITALITY

27.1 ***Elected Members and Officers are advised to treat with extreme caution any offer or gift, favour or hospitality which is made to them personally.***

27.2 Elected Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any Elected Members receiving any gift or hospitality, **in their capacity as members**, over the value of £25, to provide within 28 days of its receipt written notification of the details to the Monitoring Officer of the Council. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.

27.3 Similarly, Officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. Wherever possible, such offers should be declined politely. If the receipt of hospitality is unavoidable, Officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Declarations of receipt of gifts and hospitality will be reviewed regularly by the Council's Monitoring Officer.

27.4 The presumption should be that any gift is normally refused.

## 28. INAPPROPRIATE AND OFFENSIVE COMMENTS

28.1 When composing a planning representation, we expect comments to comply with the following rules. Comments must not:

a) Contain any personal names, please use words such as applicant, neighbour, etc.
b) Contain any personal information such as you're living on your own, you're on holiday next week etc.
c) Contain any information relating to medical data for yourself or others; this is unlawful for us to process.
d) Contain any material which is defamatory of any person.
e) Contain any material which is obscene, offensive, hateful or inflammatory.
f) Promote sexually explicit material.
g) Promote violence.
h) Promote discrimination based on race, sex, religion, nationality, disability, sexuality orientation, or age.
i) Infringe any copyright, database right or trademark of any other person.
j) Be likely to deceive any person.
k) Be made in breach of any legal duty owed to a third party, such as a contractual duty or a duty of confidence.
l) Promote any illegal activity.
m) Be threatening, abusive, invasive of another's privacy, or cause harassment or needless anxiety.
n) Be used to impersonate anyone, or to misrepresent your identity or affiliation with anyone.

o) Give the impression that they emanate from us, if this is not the case.
p) Advocate, promote or assist any unlawful act such as (by way of example only), copyright infringement or computer misuse.

28.2 Comments that fail to accord with these rules will not be published where moderation prior to publication is in place and will be removed as soon as practicably possible in all other cases. The decision of officers as to whether to remove a comment is final and will not be subject to debate or discussion. Comments will only be moderated once and will not be subsequently re-moderated.

## APPENDIX 1; OTHER GUIDANCE

## FROM HARTLEPOOL BOROUGH COUNCIL

Code of Conduct for Elected Members and Co-opted Members
Code of Conduct for Employees
Council's Constitution
Statement of Community Involvement

## FROM OTHER ORGANISATIONS

'Code of Professional Conduct' The Royal Town Planning Institute (RTPI).

'Openness and transparency on personal interests', Department for Communities and Local Government.'

'Probity in Planning', Local Government Association..

'The Role of Elected Members in Plan Making and Development Control'.

'Planning Authorities and Racist Representations', RTPI.

'Lobby groups', dual-hatted members and the Code of Conduct – Guidance for members, Standards Board for England.

'Positive Engagement' – A Guide for Planning Councillors.

'Model Members Planning Code of Good Practice – ACSeS

Planning Policy Guidance – DCLG (March 2014)

## APPENDIX 2; DUTIES AND ACTIONS

## 1. DUTIES OF ELECTED MEMBERS

In determining applications, Planning Committee are not bound to follow the Officer's recommendation contained in a report. The Committee should form its own views as to whether permission should be granted. However, this should not be interpreted as meaning that there are no possible grounds for challenge in the Courts, by the Ombudsman or some other external agency whatever Elected Members do, for example in approving applications contrary to Officer's recommendations, National and Development Plan Policy.

Elected Members of the Local Planning authority have the following duties:-

(i) Elected Members must at all times act within the law;

(ii) The overriding duty of Elected Members is to the whole community, not to individual applicants. For example, the avoidance of sporadic development in the open countryside is in the interests of the whole community;

(iii) Elected Members have a statutory duty when determining planning applications to have regard to the provisions of the development plan where material to the application and to any other material considerations (Section 70 of the Town & Country Planning Act 1990).

(iv) Elected Members have a statutory duty to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004)

(v) Elected Members have a statutory duty when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses: Section 16 of the Planning (Listed Building and Conservation Area) Act 1990.

(vi) Elected Members have a statutory duty when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(vii) Elected Members have a statutory duty when determining planning applications in respect of buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the special character or appearance of the area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 2. ACTIONS AGAINST LOCAL PLANNING AUTHORITIES AND ELECTED MEMBERS

Actions against Local Planning Authorities and Elected Members are necessary because duties without recourse would be potentially unenforceable. This part of the code briefly examines the remedies available to aggrieved persons who consider that the Council has acted unreasonably or unlawfully in making a planning decision and the implications these actions may have for the Council and Elected Members.

The consequences of an unlawful or unreasonable planning decision are that the Council and Elected Members would become subject to the scrutiny of the following external agencies:-

### (1) THE AUDIT AND GOVERNANCE COMMITTEE

Part III of the Local Government Act 2000 introduced the Ethical Framework for Local Government. This was a statutory framework within which Elected Members should operate. These provisions have now been amended through the Localism Act, 2011, but which still provides for a duty upon local authorities to promote and maintain high standards of conduct.

The Ethical Framework has the following key elements:

(1) Codes of Conduct;
(2) Register of Interests
(3) Arrangements to deal with complaints received by the Council, with reports and possible hearings through the Audit and Governance Committee (see generally Article 8 and Part 3 of the Council's Constitution).
(4) A criminal offence provision under Section 34 of the Localism Act, 2011..

The framework is concerned with the proper behaviour of politicians in public life, namely:

(1) the way in which politicians conduct themselves in decision making;
(2) their relationships with constituents, officials and outside interests; and
(3) how conflicts of interest are declared and handled in the decision making environment of a Council.

### (2) EXTERNAL AUDITOR

Each year the Council publishes an Annual Governance Statement to comply with the Accounts and Audit Regulations. This document is part of the Council's corporate governance framework as is the Annual Statement of Accounts as audited through the Council's external auditors. .The Annual Statement of Accounts therefore contains the opinion of the external auditor on the legality and prudence of the Council's financial affairs.

Extraordinary headings of expenditure which could be raised by the external auditor from decisions of the Planning Committee are:

(a) an ombudsman finding of maladministration and injustice giving rise to recommendations for remedial action and financial recompense;

(b) costs of litigation and award of costs following an application for Judicial Review;

(c) costs of local public inquiries, including possible award of applicants' costs including the possible substantial compensation payments following actions by the Secretary of State for the revocation, modification or discontinuance of a permission granted by the Council .

## (3) LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

Aggrieved individuals who consider that they have been unfairly treated by the Council may refer their complaint to the Local Ombudsman for investigation to see if they have suffered injustice caused by maladministration.

Examples of maladministration would include:-

(a) failure to follow a Council's agreed policies, rules or procedure;

(b) failure to have proper procedures; bias or unfair discrimination;

(c) failure to give due weight to Officer's recommendations and National Policy coupled with a failure to give and record clear and convincing planning reasons for approving a planning application where a planning application for substantially the same development has previously been refused;

(d) taking into account irrelevant matters, allowing them to outweigh important planning considerations and failing to take fully into account Government guidance on personal circumstances.

If, after investigation, it is found that injustice has been caused by maladministration, the Ombudsman's report will contain recommendations as to what action the Council ought to take, which may include the payment of compensation.

The powers of the Local Government Ombudsman are contained in the Local Government Act 1974, as amended.

## (4) JUDICIAL REVIEW

If an aggrieved individual or group of individuals believe that the Council's planning decision is wrong in law, they can make application to the High Court for Judicial Review of the decision, which might result in the planning decision being quashed.

In considering an application for Judicial Review the Court has regard to the following factors:-

(a) whether the Council determined the planning application in accordance with the Development Plan or other material considerations;

(b) whether the Council has taken into account an irrelevant consideration;

(c) whether the Council has failed to take into account a relevant consideration;

(d) whether there is evidence to suggest that if the Council has taken into account all relevant considerations it could not reasonably have taken the decision it arrived at;

(e) whether all required procedures had been followed or there had been any procedural unfairness.

If the claimant succeeds on an application for Judicial Review, the planning decision may be quashed. In such circumstances it would be normal for the costs of the claimant's action to be awarded against the Council.

## (5) THE "CALL IN" POWERS TO THE SECRETARY OF STATE

The Secretary of State has call in powers which can be exercised where a Council appears to be making inconsistent decisions which are seriously in conflict with National and Development Plan Policy. Planning applications called in by the Secretary of State, usually require a local public inquiry to be held, a part of the costs of which may be incurred by the Local Planning Authority. This power is contained in Section 77 of the Town & Country Planning Act 1990, as amended. The Town and Country Planning (Consultation) (England) Direction 2021 should now be read in conjunction with this power. There are broad categories of development a Local Planning Authority must refer, in relevant circumstances, if it does not propose to refuse the development. These are Green Belt development, large office retail and leisure developments outside town centres, world heritage development, playing field development, flood risk development and commemorative object development. Referral to the Secretary of State may also be required in certain cases involving heritage development and the Health & Safety Executive.

## (6) THE POWERS OF THE SECRETARY OF STATE TO REVOKE OR MODIFY A PLANNING PERMISSION

Where planning permission has already been granted by the Council, the Secretary of State has powers to revoke or modify planning permission, or to require a discontinuance of a land use. This power is used if the original decision is judged to be grossly wrong. Cases giving rise to intervention include those where some important wider planning objective is at stake, such as protection of fine countryside.

Cases involving revocation and modification almost invariably require a local public inquiry before the Secretary of State's decision is confirmed. In addition to costs falling on the Council for the inquiry, where a planning permission is revoked or modified, there would be a liability for compensation to those with an interest in the land to be paid by the Local Authority.

**APPENDIX 3;**

**DRAFT LETTER FOR LOBBYISTS**

Dear Sir/Madam

**The Role of an Elected Member in a Planning Application**

Thank you for seeking my advice as an Elected Member on a planning application. I will do all that I can to see that the matter is dealt with as fairly and as quickly as possible. My role as an Elected Member is to listen and assist you and others through the planning process. The process is complex and involves consulting a number of different people. The views of various people will not always coincide.

The Council has adopted policies on certain planning matters and it is important that applications are dealt with firmly in accordance with those policies, and relevant national guidance, so that decisions are consistent throughout the Borough.
A large number of applications are dealt with directly by Planning Officers under powers delegated to them. Other applications are dealt with by Planning Committee. If I am a Elected Member of the Committee I will have a vote on this application. If not, I may be able to attend the Committee if the application is within my Ward, but not vote. It is not possible for me to provide any commitment or support for an application or objection until I have heard all the facts presented at Committee. I may also be approached by others who will take a different point of view to you and I will therefore need to weigh up all the conflicting considerations.

Any views that you have on an application should be sent directly to the Council's Director of Neighbourhoods and Regulatory Services and any correspondence or information that I have received will also be passed on to the appropriate officer.

I am required by the Council's Planning Code of Practice to maintain my impartiality and integrity and not to attempt or be seen as attempting to influence Planning Officers or fellow Elected Members. I therefore cannot act as an advocate or agent on your behalf.

If I am an Elected Member of Planning Committee I may refer you to another Elected Member who will help you make out your case.

If I am involved in making a decision on an application I cannot accept any gifts or hospitality from you or be seen to meet you or to meet you on or off site or otherwise give the impression of influence or bias.
I hope this clarifies my role as an Elected Member in the planning process.

# GUIDE TO PRE-APPLICATION DEVELOPER FORUMS

## 1. FOREWORD

This guide illustrates the structured approach to the way that Hartlepool Borough Council intends to operate its Pre Application Developer Forum.

Constructive pre-application discussions between potential applicants and planning officers have long been recognised as a means of helping to ensure all relevant considerations are addressed when an application is submitted in order to enable determination of the application in a timely manner bringing more certainty into the process.

The document ‘Positive Engagement – A Guide for Planning Councillors' promotes the involvement of Councillors in pre-application discussion stating 'The engagement of local Councillors as leaders and representatives of the community is vital in the delivery of positive outcomes from the planning process.'

Officers can benefit from Councillors being more fully informed as this may well be able to assuage any unfounded fears their local communities may have for pre-application developer forums as a proposal emerges.

This forum along with any pre-application advice is given in good faith, however any advice given will not fetter the discretion of the Local Planning Authority in the actual determination of any planning application.

This guide has been prepared to set out the Council’s procedures to ensure the process is transparent and consistent.

## 2. WHAT ARE PRE-APPLICATION DEVELOPER FORUMS?

Pre-Application Developer Forums are part of the Council’s One Stop Shop, pre-application advisory service which provides advice on planning matters prior to the submission of a formal planning application.

The forums will be open meetings to allow potential developers to present their planning proposals prior to the submission of a formal planning application.

These forums provide a clear context for Councillors to listen to proposals and offer views as to what issues need to be dealt with in any formal submission of a planning applications. They are arranged, publicised and chaired by the authority.

## 3. WHO CAN ATTEND?

The developer/applicant for a significant planning proposal is invited to attend and present their proposal.

The public can attend but not to speak to keep the meeting focused on issues to be considered.

Interested parties such as consultees, parishes, amenity societies, and public representatives (such as a representative of a residents group as outlined in the Council's Statement of Community Involvement 2010) are invited to speak, following an officer introduction and developer explanation of the emerging proposals.

## 4. WHEN WILL A PRE-APPLICATION DEVELOPER FORUM BE HELD?

A guiding principle to development which would be the subject of a 'Pre Application Development Forum' should be that the proposals are of a significant scale and complexity to necessitate such an event.

## 5. WHAT IS THE PROCESS FOR THE FORUM?

The Chair of the Pre-Application Developer Forum (who is also the Chair of the Planning Committee) will introduce the applicant/developer to the forum. Councillors will be reminded that this is an information gathering exercise and is not an opportunity to express their support or otherwise for a proposal. If Elected Members do express a view either for or against a proposal, this may automatically exclude them from voting on the application when it comes before the Planning Committee formally.

The applicant/developer will present the proposal for a maximum of 15 minutes to the forum. Powerpoint will be available for use by the applicant/developer.

Councillors will be given an opportunity to seek clarification on a proposed submission, however this is not a forum to express their views.

Interested parties will also be given the opportunity to seek clarification or raise issues. A time limit of 4 minutes is attached to this which is inline with the Planning Committee procedures. It should be noted that this is not a forum for objecting to a proposal it is to seek clarification or raise planning issues which should be considered in any formal planning submission. Any interested party wishing to participate in the forum should declare their interest to the Planning Technician, Gill Scanlon (contact details contained at the end of this guidance) in advance of the forum.

Minutes of the meeting will be taken by an officer present and these will be made publicly available on the Council's website.

Applicants/Developers of significant proposals are encouraged to consult publicly on any proposal separate to this process.

In order to keep the event focused the forum will run for approximately 45minutes to 1 hour.

## 6. WHAT ARE THE BENEFITS OF A PRE-APPLICATION DEVELOPER FORUM?

Early discussions between applicants/ developers and planning officers will provide the opportunity to steer projects in the right form that will be attractive to the community and acceptable to the Local Planning Authority. They can be of great benefit to the applicant by identifying the key planning issues, avoiding abortive work and speeding up the statutory process.

There are tangible benefits from well managed engagement prior to the submission of a planning application. These include:

- improved quality of the proposed development;
- opportunities for better co-ordination of investment in an area;
- improved efficiency for all users by re-ducing wasted time and money spent on abortive work or going over old ground;
- avoidance of incomplete/invalid applications;
- identification of who should be involved from the early stages and opportunities cre-ated for them to be heard in an effective way;
- additional clarity and certainty for both applicants and the community;
- reinforcing Elected Members' roles in their communities.

Pre-application discussions are not a substitute for the formal consultation and the processing of an application and they are not held to conduct negotiations in public, or to allow objectors to frustrate the process

## 7. ADVICE TO COUNCILLORS

Councillor engagement in pre-application discussions is not intended to bring forward their views on the proposal as such.

Planning Committee Elected Members' role in pre-application discussions is to learn about the emerging proposal, identify issues to be dealt with in any further submissions, but not to express any initial view on the proposal as to pre-determine their view on any formal application.

Any Planning Committee Elected Member who elects to support a view for or against the development being discussed will pre-determine their position to the extent they will be advised to declare a prejudicial interest, and be free to represent their community views to the planning committee in the event of the committee considering a subsequent application, but not to engage in the debate or vote on the application.

## 8. DISCLAIMER

As part of the One Stop Shop service the Council offers any advice given by Council officers at pre-application developer forums is not a formal planning decision by the Council as Local Planning Authority. Officers will provide the best advice possible based on the information available. This advice will be offered in good faith and to the best of officers ability, without prejudice to any formal consideration of any planning application following statutory consultation and the evaluation of all available information.

Officers cannot guarantee that any application subsequently received will be made valid or approved. However, pre-application advice should assist in helping applicants ensure that all necessary information, including the correct fee is provided. This will reduce the risk of any subsequent application being declared not valid and it should assist applicants by increasing their awareness of the relevant planning issues which will inform any subsequent decision as to whether or not an application will be approved.

## 9. SERVICE COMPLAINTS

The Local Planning Authority is committed to providing an effective and efficient pre-application planning service. If you are not satisfied with the service provided by officers you should write to or discuss any concerns with the Planning and Development Manager. If the concerns are not addressed to your satisfaction the Council has a formal complaints procedure, details of which are on the Council's website or can be produced on request.

## 10. CONTACTS

If you have any queries or comments on this Guide or any other aspect of the Pre-Application Developer Forum or the One Stop Shop process please contact:

Gill Scanlon
Planning Technician
Planning Services
Hartlepool Borough Council
Regeneration and Neighbourhoods
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523741
Email:developmentcontrol@hartlepool.gov.uk

Finally if you have any complaints about the service please contact:

Jim Ferguson
Planning & Development Manager
Hartlepool Borough Council
Regeneration and Neighbourhoods
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523274
Email: jim.ferguson@hartlepool.gov.uk

# CODE OF CORPORATE GOVERNANCE

## 1. INTRODUCTION

1.1 Hartlepool Borough Council recognises that good governance leads to good management, attainment of good performance and overall proper stewardship of public monies. Additionally, through public engagement and empowerment this should ultimately lead to beneficial outcomes for citizens and service users. Good governance enables local authorities to pursue their visions in an effective and responsive manner, as well as underpinning their visions through appropriate mechanisms for control and effective management of risk.

1.2 All public authorities should aim to meet the standards of the best possible governance arrangements which should not only be sound but also seen to be properly robust and effective. Governance is about how local government bodies ensure that they are doing things right for the community they serve, in a timely, inclusive, open, honest and accountable manner and it comprises the systems and processes as well as cultures and values by which local government is directed and controlled and through which it is publicly accountable. Of primary importance, is the way any public body engages with and where appropriate, provides leadership and direction to their communities.

1.3 Hartlepool Borough Council is committed to being at the forefront of those local authorities that are able to demonstrate that they have the necessary Corporate Governance to excel in the Public Sector. This Code is a public statement that sets out the way in which the Council will meet that commitment.

## 2. CODE OF GOVERNANCE FRAMEWORK

2.1 Hartlepool Borough Council is committed to applying the core principles as set out in the SOLACE-CIPFA Good Governance Framework which comprises the following key elements;

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

- Members and officers act in the public interest, leading by example, protecting the reputation of the Authority.

**Ensuring openness and comprehensive stakeholder engagement.**

- Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes, engaging with local people and other stakeholders to ensure robust public accountability.

**Defining outcomes in terms of sustainable economic, social and environmental benefits.**

- Focussing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.

**Determining the interventions necessary to optimise the achievement of the intended outcomes.**

- Taking informed and transparent decisions which are subject to effective scrutiny and management of risk;

**Developing the Authorities capacity, including the capability of its leadership and the individuals within it.**

- Continuously developing appropriate skills and capacity of Members and Officers to achieve desired outcomes.

**Managing risks and performance through robust internal control and strong public financial management.**

- Implementing robust risk and performance management arrangements, ensuring they work effectively.

**Implementing good practices in transparency, reporting, and audit to deliver effective accountability.**

- Communicating to the public and stakeholders in an understandable and transparent manner.

2.2 Each of these Principles is an important part of Hartlepool Borough Council's Corporate Governance arrangements. This statement describes how the Council will meet and demonstrate its commitment to good Corporate Governance. Also described in this document is how and by whom the Council's Corporate Governance arrangements will be monitored and reviewed.

## 3. THE COUNCIL'S CORPORATE GOVERNANCE PRINCIPLES

### 3.1 Behaving with integrity, demonstrating strong commitment to ethical views, and respecting the rule of law.

The Council will ensure a culture exists where members and officers behave with integrity, establishing specific standard operating principles for the Authority that are communicated and understood. Members and Statutory Officers fulfil their responsibilities in accordance with legislative and regulatory requirements.

The Council will do this by establishing and keeping under review:

- The Council's values;
- A Member Code of Conduct;

- An Officer Code of Conduct;
- A Protocol governing Member/Officer relations;
- A Protocol detailing the roles of Members and officers in decision-making (Part 3, Responsibility for Functions);
- Systems for reporting and dealing with any incidents of fraud and corruption, for example, through 'Whistle-blowing' procedures and anti-fraud policies and procedures including a policy relating to combating money laundering.
- Ensure that systems and processes for financial administration, financial control and protection of the authority's resources and assets are designed in conformity with appropriate ethical standards and monitor their continuing effectiveness in practice.

**3.2 Ensuring openness and comprehensive stakeholder engagement.**

The Council will seek and respond to the views of stakeholders and the community. The Council will do this by:

- Forming and maintaining relationships with the leaders of other organisations;
- Having a policy on consultation and providing access to a range of consultation methods, particularly to those groups not yet reached;
- Encouraging and supporting the public in submitting requests for the review of services and recommendations for improvement;
- Providing and supporting ways for Citizens to present community concerns to the Full Council
- Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice;
- Directing resources to those that need services most;

**3.3 Defining outcomes in terms of sustainable economic, social and environmental benefits.**

The Council will explain and report regularly on activities, performance and the Council's financial position. Timely, objective and understandable information about the Council's activities, achievements, performance and financial position will be provided.

The Council will do this by publishing:
- A Council Plan every three years;
- Externally audited accounts;
- Robust performance information reported regularly to Policy Committees.

The Council will foster a culture of behaviour based on shared values, ethical principles and good conduct. The Council will do this by establishing and keeping under review:

- The Council's values;
- A Member Code of Conduct;
- An Officer Code of Conduct;
- A Protocol governing Member/Officer relations;

- A Protocol detailing the roles of Members and officers in decision-making (Part 3, Responsibility for Functions);
- Systems for reporting and dealing with any incidents of fraud and corruption, for example, through 'Whistle-blowing' procedures and anti-fraud policies and procedures including a policy relating to combating money laundering.
- Ensure that systems and processes for financial administration, financial control and protection of the authority's resources and assets are designed in conformity with appropriate ethical standards and monitor their continuing effectiveness in practice.

**3.4 Determining the interventions necessary to optimise the achievement of the intended outcomes.**

The Council will ensure that appropriate legal, financial and other professional advice is considered as part of the decision-making process.

The Council will be transparent about how decisions are taken and recorded.

The Council will do this by:

- Ensuring that all 'Key Decisions' are made in public and that information relating to those decisions is made available to the public[1];
- Ensuring that all decisions of Policy and Regulatory Committees (including those discharging statutory responsibilities) of the Council are made in Public and that information relating to those decisions is made available to the public[2];
- Recording all decisions that are made by other committees and officers[3] and making the details publicly available;
- Having rules and procedures which govern how decisions are made.

[1] Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council.

[2] Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council.

[3] For Officers this relates to Key, Major and significant operational decisions only.

The Council will ensure that the necessary roles and responsibilities for the Governance of the Council are identified and allocated so that it is clear who is accountable for decisions that are made.

The Council will:

- Appoint Committees to discharge the Council's Policy responsibilities;
- Appoint Committees to discharge the Council's Regulatory and Statutory responsibilities;
- Appoint Committees to discharge joint responsibilities with other Authorities;
- Have in place a scheme of delegated Council responsibilities to Officers;
- Have in place effective and comprehensive arrangements for the review and overseeing of services;
- Ensure that the Director of Finance, IT and Digital (as the designated Section 151 Officer) reports directly to the Managing Director (designated as the Head of Paid Service) and is a member of the Executive Management Team;

- Ensure that the authority's governance arrangements allow the Director of Finance, IT and Digital and the Councils Monitoring Officer direct access to the Managing Director and to other members of the Executive Management Team.
- Ensure that the Director of Finance, IT and Digital leads the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively;
- Ensure that budget calculations are robust and reserves adequate, in line with statutory requirements;
- Ensure that appropriate management accounting systems, functions and controls are in place so that finances are kept under review on a regular basis. These systems, functions and controls will apply consistently to all activities including partnership arrangements, outsourcing or where the authority is acting in an enabling role.

**3.5 Developing the Authorities capacity, including the capability of its leadership and the individuals within it.**

The Council will ensure that those charged with the governance of the Council have the skills, knowledge and experience they need to perform well. The Council will do this by:

- Implementing a Workforce Strategy including Member Development;
- Cascading regular information to Members and staff.

**3.6 Managing risks and performance through robust internal control and strong public financial management.**

The Council will ensure;

- An effective internal audit function is resourced and maintained and that the authority's governance arrangements allow the Head of Audit and Governance and Director of Finance, IT and Digital direct access to the audit and governance committee and external audit;
- Ensuring the authority's arrangements for financial and internal control and for managing risk are addressed in annual governance reports and the authority puts in place effective internal financial controls covering codified guidance, budgetary systems, supervision, management review and monitoring, physical safeguards, segregation of duties, accounting procedures, information systems and authorisation and approval processes;
- Ensuring the provision of clear, well presented, timely, complete and accurate information and reports to budget managers and senior officers on the budgetary and financial performance of the Authority and the delivery of services.

The Council will operate a risk management system that aids the achievement of its strategic objectives, protects the Council's reputation and other assets and is compliant with statutory and regulatory obligations. The Council will ensure that the risk management system:

- Formally identifies and manages risks;
- Involves elected members in the risk management process;
- Maps risks to financial and other key internal controls;
- Incorporates service continuity planning; and
- Reviews and, if necessary, updates its risk management processes at least annually.

3.7 **Implementing good practices in transparency, reporting, and audit to deliver effective accountability.**

- Communicating to the public and stakeholders in an understandable and transparent manner.

The Council will do this by:

- Ensure that timely, accurate and impartial financial advice and information is provided to assist in decision making and to ensure that the authority meets its policy and service objectives and provides effective stewardship of public money and value for money in its use;
- Ensure that the authority maintains a prudential financial framework; keeps its commitments in balance with available resources; monitors income and expenditure levels to ensure that this balance is maintained and takes corrective action when necessary;
- Ensure compliance with CIPFA's Code on a Prudential Framework for Local Authority Capital Finance and CIPFA's Treasury Management Code;
- Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors, and consider outsourcing where it is efficient and effective to do so;
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions;
- Comparing information about our services with services provided by similar organisations and assessing why levels of efficiency, effectiveness and quality are different elsewhere.

## 4. MONITORING AND REVIEW

The Council has Committees that are responsible for monitoring and reviewing the Council's Corporate Governance arrangements. These Committees and their functions are set out below. In addition, the Council has an Independent Remuneration Panel to advise and make recommendations to the Council on the scheme of allowances.

4.1 The Audit and Governance Committee is responsible for the Council's arrangements relating to:

- Approving the Council's Accounts;
- External audit;
- Policies and practices that ensure compliance with statutory and other guidance;
- Internal audit.

The Committee also has responsibility for the following roles and functions:

(i) Promoting and maintaining high standards of conduct by Elected Members and co-opted members of the Authority;
(ii) Assisting the Elected Members and, co-opted members to observe the Members' Code of Conduct;
(iii) Advising and offering guidance to the Council on the adoption or revision of the Members' Code of Conduct;
(iv) Granting dispensations (unless otherwise delegated to the Council's Director of Legal, Governance and Human Resources, acting as Monitoring Officer) to Elected Members and, co-opted members from requirements relating to prejudicial or pecuniary interests set out in the Members' Code of Conduct;
(v) Dealing with any reports from Monitoring Officer on any matter which is referred for investigation under 'arrangements' to deal with complaints under the Localism Act, 2011.
(vi) The exercise of (i) to (v) above in relation to the Parish Councils wholly or mainly in its area and the members of those parish councils.

Through this Committee, the Council will ensure that these arrangements are kept under continual review by:-

- The work of internal audit;
- Reports prepared by Officers with responsibility for aspects of this Code;
- External Audit opinion;
- Other review agencies and Inspectorates;
- Opinion from the Council's statutory Officers.

The Audit and Governance Committee will also have responsibility for the discharge of all statutory scrutiny functions relating to health and wellbeing under the Health and Social Care Act 2012 and Crime and Disorder for the purposes of the Police and Justices Act 2006.

The Monitoring Officer is responsible for the review and monitoring of the Council's Constitution, and able to make recommendations for changes, where reviewing the Constitution to Full Council (Article 13 of the Council's Constitution refers).

4.2 The Finance and Corporate Affairs Committee has responsibility for the financial and other resources of the Authority including the formulation, development and implementation of the Authority's plans and strategies under the Budget and Policy Framework. The role and remit of this Committee is referenced within Article 7 (Policy Committees) and Part 3 (Responsibilities for Functions) of the Council's Constitution.

All Policy Committee Chairs will be represented on Finance and Corporate Affairs Committee.

## 5. THE CORPORATE GOVERNANCE STATEMENT

5.1 Each year the Council will publish an Annual Governance Statement. This will provide an overall assessment of the Council's Corporate Governance

arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks. The Statement will also provide details of where improvements need to be made[4].

5.2 The Annual Governance Statement will be published as part of the Council's Annual Statement of Accounts and will be audited by our External Auditors.

[4] Incorporating the Council's duties to publish an Annual Governance Statement in accordance with the Accounts and Audit Regulations 2015 (Amended).

## 6. CONTACT

The underlying purpose of this "Code of Governance" is ostensibly to provide a statement of the Borough Council's commitment to proper and effective governance and to reference a variety of documents relating to governance within the Borough Council the same being documented below and available for public access at www.hartlepool.gov.uk.

For any further information on the Borough Council's good governance arrangements, contact should be initiated with the following Council Officers;

Hayley Martin,
Director of Legal, Governance and Human Resources and Monitoring Officer of Hartlepool Borough Council, Civic Centre, Hartlepool TS24 8AY

James Magog,
Director of Finance, IT and Digital, Hartlepool Borough Council, Civic Centre, Hartlepool TS24 8AY

# KEY DOCUMENTS

## A - The Constitution

Part 1 – Summary and Explanation
Part 2 – Articles of the Constitution
Part 3 – Responsibilities for Functions
Part 4 – Rules of Procedure
Part 5 – Codes and Protocols
Part 6 – Members' Allowances Scheme
Part 7 – Appointment to Outside Organisations and other bodies
Part 8 – Management Structure

## B - Essential Documents supporting the Council's Constitution

- Budget and Policy framework, plans and strategies *(including published minutes of meetings)*
- Code of Conduct for Members
- Code of Conduct for Employees
- Whistleblowing Policy and Procedure Document
- Planning Code of Practice
- Anti Money Laundering Policy
- Code of Corporate Governance

## C - Key Policy Documents

- Council Plan
- Sustainable Community Strategy
- Statement of Community Involvement

## D - Key Budget and Risk Management Documents

- Council's Annual Budget
- Medium Term Financial Strategy
- Annual Statement of Accounts
- External Auditor's Annual Report
- Council's Risk Management Framework
- Council's Anti-Fraud and Corruption Policy
- Annual Governance Statement

## E - Key Member, Officer Decision Making

- Responsibility for Functions (Part 3 of the Council's Constitution)

## F - Miscellaneous Documents

- Corporate Complaints Procedures
- Members Training and Development Programme
- Register of Members' Interests
- Members' Gifts and Hospitality Register

- Officers' Gifts and Hospitality Register
- Hartlepool Borough Council Performance Reports

**Statement on Modern Slavery and Human Trafficking**

**2018**

## 1. Introduction

Modern slavery and human trafficking is a crime and a violation of fundamental human rights. It takes various forms, such as slavery, servitude, forced and compulsory labour and human trafficking, all of which have in common the deprivation of a person's liberty by another in order to exploit them for personal or commercial gain.

## 2. Our Commitment

Hartlepool BC is committed to the highest level of ethical standards and governance. It will act with integrity in all its business relationships to ensure compliance with the Modern Slavery Act 2015 in ensuring that there is no modern slavery or human trafficking in its supply chains or in any part of its business and will take all reasonable and practical steps to so comply.

Hartlepool BC has a zero tolerance approach to slavery and human trafficking and all forms of corruption and bribery and will not deal with any business knowingly involved in modern slavery practices in any part of its operations.

- If you have any concerns about Modern Slavery or Human Trafficking taking place within the Council's business (or supply chain) please contact the Council's Monitoring Officer.

## 3. Definition of the Act

Modern Slavery is a term used to encapsulate offences in the Act such as slavery; servitude; forced or compulsory labour; and human trafficking

The Modern Slavery Act 2015 gives law enforcement the tools to fight modern slavery, ensuring perpetrators can receive suitably severe punishments and enhance support and protection for victims.

Section 54 of the Modern Slavery Act 2015 requires specified organisations to develop an annual slavery and human trafficking statement, which sets out what steps the organisation have taken to ensure modern slavery is not taking place in their business or supply chains (see duty to notify).

Further details of the types of offences are set out in section 1 and section 2 of the Act, which can be found at: http://www.legislation.gov.uk/ukpga/2015/30 . The Government have also produced a guidance document which can be found at *https://www.gov.uk/government/.../transparency-in-supply-chains-a-practical-guide*

## 4. Duty to Notify

From 1 November 2015, under Schedule 3, Section 43 of the Act, the following specified public authorities have a duty to notify the Secretary of State of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking.

a) A chief officer of police for a police area
b) The chief constable of the British Transport Police Force
c) The National Crime Agency
d) A county council
e) A borough council
f) A district council
g) A London borough council
h) The Greater London Authority
i) The Common Council of the City of London
j) The Council of the Isles of Scilly
k) The Gangmasters Licensing Authority

Home Office staff with UK Visas and Immigration, Border Force and Immigration Enforcement are also required, as a matter of Home Office policy, to comply with the duty to notify. Additional public authorities can be added through regulations. This duty is intended to gather statistics and help build a more comprehensive picture of the nature and scale of modern slavery.

Organisations which do not meet the requirements in Section 43 can still choose to voluntarily produce a 'slavery and human trafficking statement'. These organisations are asked to be open and transparent about their recruitment practices, policies and procedures in relation to modern slavery and may be asked by their suppliers to provide a statement or policy. The statement or policy should be consistent and proportionate with their sector, size and operational reach, setting out their approach to tackling modern slavery, whilst also demonstrating a level of assurance to customers.

## 5. Supplier Contracts

It is proposed to include in the Council's supplier contracts or other terms, a clause specifying "the Supplier shall comply with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes including but not limited to the Modern Slavery Act 2015 and maintain throughout the term of the agreement its own policies and procedures to ensure its compliance".

Hartlepool BC expects its suppliers to implement due diligence procedures for its permitted direct subcontractors, and suppliers and other participants in its supply chains, to ensure that there is no slavery or human trafficking in its supply chains. The clause enables the firm to undertake audits of suppliers' records and any other information and to meet with suppliers' personnel to review their compliance with its

obligations under this clause. The clause also gives the firm the right to terminate the agreement with immediate effect if the supplier commits a breach of the anti-slavery policy or this clause or applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

## 6. Recruitment

Our workforce is mainly employed on a permanent or temporary contract basis. Our recruitment processes include direct advertising via North East Jobs, A Casual Staff Register and using reputable agencies. All employees are subject to checks, including the verification of identity, references and evidence of qualifications where appropriate.

## 7. Whistleblowing

Hartlepool BC staff and suppliers are encouraged to report any concerns they may have in relation to fraud, corruption or any other wrongdoing. The Council's Anti-Fraud and Anti- Corruption Strategy and Whistle Blowing Policy and Procedure detail how people can make disclosures without fear of retaliation.

## 8. Our Commitments

- To ensure that The Act and its implications are embedded within all relevant governance and policy frameworks to ensure compliance and reduce potential risk (eg Transparency, Procurement, Recruitment/ Selection, Code of Conduct, Anti-Fraud and Anti-Corruption, Whistleblowing, and the Corporate Risk Register
- Strengthen the effectiveness of the policy framework in identifying and tackling modern slavery issues
- Add "compliance with the Modern Slavery Act 2015" to the Corporate Risk Register and relevant Council Policies and Procedures ensuring appropriate reporting procedures are in place to report non compliance
- The Procurement Team will implement and enforce effective governance systems and controls to minimise the risk of modern slavery taking place by:
  - ✓ strengthening the process from sourcing to contract award
  - ✓ review our existing supplier contracts/agreements and assess the risk associated with those suppliers
- To act ethically and with integrity in all of its business relationships.
- To encourage our staff, partners and suppliers to report any malpractice or wrongdoing in line with our Anti-Fraud and Anti-Corruption Strategy (whistleblowing)
- To promote and further increase staff awareness through training to enable them to recognise and identify victims within the community and what actions they need to take if they suspect people are being exploited.
- Ensure appropriate reporting procedures are in place for non- compliance.
- To ensure our recruitment processes and new starter and contractor documentation is checked and verified
- Ensure our organisational values reflect the principles of the Act
- To notify the Chief Officer of Police of any suspected victims of slavery or human trafficking under the agreed procedure

# GUIDANCE FOR ELECTED MEMBERS AND OFFICERS SERVING ON OUTSIDE ORGANISATIONS AND OTHER BODIES

## 1. INTRODUCTION

This guide is intended to give a general overview of the issues which affect Elected Members and Officers who are appointed to outside organisations and other bodies (see also Part 7 of the Council's Constitution). The Council's Monitoring Officer will be able to provide further advice to expand upon any of the issues raised.

Elected Members are appointed by Council to a range of outside bodies. In addition, Elected Members may be appointed directly by the outside body itself to serve in a private capacity (for instance as a member of the community) rather than as an Elected Member of the Council, or they may be a serving member of that body before being elected as a Member of the Borough Council.

The roles of Elected Members or Officers on outside bodies will depend upon the legal nature of that organisation and the capacity in which they are appointed to act. It may, for example, involve acting as a company director, the trustee of a charity, or a member on a management committee.

In participating in outside bodies, Elected Members and Officers may take account of the Council's wishes but they must ultimately make independent judgements in line with their duty of care to the outside body. They must also act according to the framework set by the outside body and take an active and informed role in the management of the outside body's affairs. This involves attending meetings on a regular basis and carrying out their duties to the best of their abilities. In addition, they must follow as far as applicable the Council's Code of Conduct and such other codes and protocols that might apply.

Elected Members should be aware that they will have to disclose membership of the outside body in their dealings with the Council and where a conflict of interest arises it is likely (see Council Procedure Rule 21) that they will have to withdraw from any consideration by the Council of any matter affecting the outside body. Elected Members should bear this in mind when deciding whether or not to accept a particular nomination. In the case of Officers, arrangements should be made to refer the matter to another officer to deal with whenever a conflict of interest arises.

1.6 The most common types of outside bodies in which Elected Members or Officers may become involved are considered in more detail below and include:-

(a) Limited Liability Companies
(b) Charities
(c) Unincorporated Associations

Indemnities and Insurance.

The primary responsibility for providing proper indemnities and insurance cover to protect Elected Members and Officers when acting for outside bodies lies with those

bodies. However, a form of indemnity from the Council may exist to provide protection to the Council's appointee or nominee.

An indemnity will only be provided by the Council to those Officers or Elected Members whom the Council has appointed or nominated to an outside body. Where an Elected Member or Officer is serving on an outside body having been nominated by the body itself, or where the Elected Member/Officer was already serving on the body when elected an Elected Member of the Council/employed by the Council, an indemnity would apply only where that Elected Member or Officer was acting at the request of, or with the approval of, the Council.

## 2. COMPANIES

The obligations imposed by company law are onerous and there are severe penalties for non-compliance with many of the duties imposed on directors. It is important for Elected Members and Officers appointed to act as company directors to ensure that they understand the duties and obligations which the law imposes on them.

A company is a separate legal entity which can hold property in its own right, enter into contracts, employ staff and sue and be sued in its own name. A company is distinct from its members, who may be either shareholders or guarantors.

Whether a company is limited by shares or by guarantee, the day to day management of the company is usually vested in the directors. The members ultimately control the company by electing the directors and deciding the major issues at general meetings. The main differences are as follows:-

- in a company limited by shares the shareholders share the ownership of the company and its profits and if the company is wound up each shareholder is liable to pay an amount equivalent to the nominal value of his or her shareholding;

- a company limited by guarantee does not normally seek to make a profit and in the event of the company being wound up, the members guarantee to make a payment to the level of their guarantee (usually a nominal figure of £1.00). Hence companies limited by guarantee are more commonly used for voluntary and public bodies, especially where charitable status is sought.

A company is controlled by reference to its 'constitution', which is contained in the Memorandum and Articles of Association. These documents will set out the powers of the company, and the rules by which it is to be managed. Any act carried out by the company that is outside the powers set out in the Memorandum will be unlawful, and a director involved in such an act **may be personally liable** for any resulting losses.

In general Elected Members and Officers should avoid taking executive or managerial responsibility for the company's activities because the duties of executive or managing directors can be particularly onerous. This is because executive directors are directly responsible for particular aspects of the company's affairs. For example, a finance director will have responsibility for the company's financial position, which could give rise to liability for allowing the company to trade while insolvent if the company goes into liquidation. However, all directors, including part-time and non-

executive directors, are required to make themselves fully aware of the company's financial position and should attend Board meetings regularly. Ignorance of transactions entered into by the company through a failure to make proper enquiries may not be an adequate defence to a charge of negligence brought against such a director.

In some situations, the Council may nominate Elected Members or Officers to act as "observers" on the board of directors of a company. Although such observers have no specific legal status, Elected Members and Officers should be aware that if an observer's involvement increases to such an extent that it could be said that there is an active engagement in the management of the company, he or she may be deemed to be a "shadow or defacto director" which may entail liabilities. Any person appointed to this role should, therefore, ensure that the extent of their role as an observer is clearly defined and agreed to avoid involvement in managing or directing the management of the company.

Under the Companies Act 2006 ('the Act'), directors owe a number of legal and fiduciary duties to their company. These are duties to:

- Act within powers (section 171 of the Act)
- Promote the success of the company (section 172)
- Exercise independent judgement (section 173). Although it is permissible to take account of the interests of a third party (in this case the Council), a director cannot vote simply in accordance with the Council's instructions.
- Exercise reasonable skill, care and diligence (section 174)
- Avoid conflicts of interest (section 175). There may be actual or potential conflicts between the interests of the company and those of the Council. A Member or Officer cannot waive their statutory responsibilities as a director; hence they may have to cease to act as a Elected Member or officer in relation to the particular matter. In extreme cases, the only proper way for the conflict to be resolved may be for the Elected Member or Officer to resign either from the company or from the Council.
- Not accept benefits from third parties (section 176)
- Declare interest in a proposed transaction or arrangement with the company (section 177). Directors must therefore disclose any interests they or their family may have in relation to the company's contracts. Whether they are then allowed to vote will depend on the company's Articles of Association. Equally, Officers are not allowed under cover of their office to take any more than their proper remuneration so they must obtain the consent of the Council if they are to receive any remuneration from a company to which they have been appointed by the Council.

Elected Members acting as directors should be aware of these duties, particularly those which could lead to:

- A conflict with their role as Elected Member of the Local Authority (for example, the duties to promote the success of the company, to exercise independent judgement, and to avoid conflicts of interest).
- Personal liability for the debts of the company.

The fact that a director is appointed to a company board as a representative of the council does not diminish these duties.

Liabilities and Indemnities

Directors cannot be indemnified by a company against liability arising out of negligence, fraud or breach of duty or trust. The company's Articles of Association may however allow for directors to be indemnified by the company in respect of the cost of defending such proceedings, where the director concerned is granted relief by the court or acquitted.

The Council does have limited powers to provide indemnities for Elected Members or Officers when appointing them to act as directors. It is also appropriate for a company to purchase insurance to protect its directors against claims of negligence, breach of trust or duty, or other default. Before taking up an appointment, directors should ensure that such insurance is in place and that the provision of the insurance is within the powers of the company.

## 3. CHARITIES

Many outside bodies with which Elected Members or Officers will be involved will be charities. A charity is not a separate form of legal entity rather it is a legal status and may take the form of an unincorporated association, company or Charitable incorporated Organisation.

A charitable organisation is one which is formed for one or more of the following charitable purposes:

- the relief of poverty and human suffering
- the advancement of education
- the advancement of religion
- another purpose for the benefit of the community.

It must operate for the public benefit and have exclusively charitable purposes. When required by law it must be registered with the Charity Commission. The Charity Commission oversee the operations of all charities and grant consent to various transactions involving charities where the law requires this.

The law relating to charities imposes a number of duties and liabilities on those controlling the organisation. They are normally referred to as 'trustees' which will include the directors (of a company limited by guarantee) and the management committee of an unincorporated association.

### 3.1 Trustees' Duties

Trustees have the following duties:

(1) A duty to act in accordance with the charities governing instrument and to protect the charity's assets.
(2) A duty to comply with the Charities Acts and other legislation affecting the charity including having regard to guidance issued by the Charity Commission.

(3) A duty not to make a private profit from their position (unless authorised by law).
(4) A duty to act with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.
(5) A duty to ensure that the information relating to the trust and trustees is registered with the Charity Commissioners and that annual accounts and returns are completed and sent.
(6) Where charitable income exceeds £10,000, a duty to ensure that letters, adverts, cheques etc. bear a statement that the organisation is a registered charity.
(7) A duty not to put themselves in a position where their interests, whether personal or as a fiduciary, conflict (or may conflict) with their duties as trustee.

### 3.2 Trustees' Liabilities and Indemnities

Trustees have the following liabilities:

(1) To make good any deficiency where trust property has been used for the trustee's own purposes, or for purposes not in accordance with the purposes of the trust.
(2) Personal liability for losses or claims where the trustee has acted outside the scope of the trust deed.
(3) Personal liability where the trustee has not shown the required standard of care.

An indemnity may be given from the trust fund provided the trustee has acted properly and within his/her powers. Trustees may take out insurance to protect themselves against personal liability but not for criminal acts. If premiums are to be paid out of the charitable funds the trustees will need the consent of the Charity Commissioners unless the trust deed allows it.

Further guidance and advice can be obtained from the Charities Commission. A trustee who seeks advice from the Charity Commissioners in a particular situation and acts on that advice will generally avoid personal liability.

## 4. UNINCORPORATED ASSOCIATIONS

An unincorporated association is an informal organisation which may arise whenever several people join together, with the intention of creating legal relations, to carry out a mutual purpose otherwise than for profit.

The rules governing the members' duties and liabilities will usually be set out in a written constitution, which is simply an agreement between the members as to how the organisation will operate. Usually the Constitution will provide for the election by the members of a management committee, which will be responsible for the everyday running of the organisation. The Constitution may also provide for members to have annual general meetings, to deal with business such as the accounts and the appointment of the management committee.

As the association is not a separate legal entity from its members, it cannot hold property in its own name. Any property which it controls will therefore have to be vested in an individual, or individuals, who are usually called the trustees of the

association. They will hold the asset, subject to the direction of the members, or (more usually) the management committee.

Where an unincorporated association is a registered charity the members of the management committee may also be charity trustees. As such their role and responsibilities will be determined not only by the association's Constitution but also by the general law relating to trusts and charities as referred to above.

**Duties**

The members of the management committee, and the trustees appointed to hold any assets for the association, must act within the Constitution, and must take reasonable care in exercising their powers.

**Liabilities and Indemnities**

Generally management committee members are liable for the acts or omissions of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the committee members are personally liable for the shortfall.

Management committee members will have personal liability if they act outside the authority given to them or if they do not comply with the law.

It is possible (subject to the rules in the constitution) for insurance to be taken out, to cover trustees and members of the management committee for their potential liabilities. As with other outside bodies, Elected Members and Officers should satisfy themselves that the organisation has adequate insurance cover in this respect.

## 5. REGISTRATION AND DISCLOSURE OF OUTSIDE INTERESTS FOR ELECTED MEMBERS

5.1 In accordance with Chapter 7 of the Localism Act, 2011, the Council has adopted a Code of Conduct for Elected Members. The Code of Conduct for Elected Members is set out in full in the Council's Constitution (Part 5). The provisions of the Code will continue to apply to Elected Members in respect of their appointments to outside bodies. In addition through an appointment to another public body, an Elected Member will also need to adhere to that authority's Code of Conduct.

**Registration of Interests**

5.2 The Code of Conduct for Elected Members requires every Elected Member to notify the Monitoring Officer of any disclosable pecuniary or other interest which he/she holds, within 28 days of election or appointment. In addition, the Elected Member must notify the Monitoring Officer of any change in his/her registerable interests within 28 days of becoming aware of that change.

**Disclosure of Interests**

5.3 There are a number of rules which Elected Members must be aware of, which may limit the extent to which they are able to take part in debates or votes on issues. These rules extend to matters involving outside bodies. The rules require that, in

certain situations, Elected Members should disclose the fact that they have an interest in the matter under discussion. They may also be required not to take part in any debate or discussion on the matter, and may have to leave the meeting during the item.

**Registerable Personal Interests**

5.4 An Elected Member appointed to an outside body will have a registerable personal interest in that body and the interest, therefore, must be registered in the Register of Elected Member's Interests. See the Elected Members Code of Conduct, in Part 5 of the Constitution for the definition of a registerable personal interest.

**Non Registerable Personal Interests**

5.5 Elected Members will have a non-registerable personal interest when they attend a meeting of the Council, or one of their committees or sub-committees, and they are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting their well being or financial position, or the well being or financial position of a person, as described below, to a greater extent than most inhabitants of the area affected by the decision.

**The persons referred to above are:**

(a) a member of their family;
(b) any person with whom they have a close association;
(c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

5.6 When a Member attends a meeting of the Council or one of their committees or sub-committees and they are aware that they have a non-registerable interest in an item of business they must disclose that interest to the meeting before consideration of that item begins or (if later) when they become aware of the interest.

**Non-participation in Authority Business**

5.7 When a Member attends a meeting of the Council, or one of their committees or sub-committees, and they are aware that the criteria set out are satisfied in relation to any matter to be considered, or being considered at that meeting, they must:

(a) Declare that fact to the meeting;
(b) Not participate (or further participate) in any discussion of the matter at the meeting;
(c) Not participate in any vote (or further vote) taken on the matter at the meeting; and
(d) Leave the room whilst the matter is being discussed.

5.8. The criteria for the purposes of the above are that:

(a) they have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would

reasonably think it so significant that it is likely to prejudice their judgement of the public interest; and either

(i) The matter will affect the financial position of themselves or one of the persons or bodies referred to under paragraph Non Registerable Personal Interests above or in any of their register entries; or
(ii) The matter concerns a request for any permission, licence, consent or registration sought by themselves or any of the persons referred to under paragraph Non Registerable Personal Interests above or in any of their register entries.

**Bias/Prejudice**

5.9 Where there is no prejudicial interest in a matter, a Member's duties as a director or trustee or a member of a management committee may still mean that he/she should not participate in a decision because of a legitimate fear of lack of impartiality, or bias, which could potentially invalidate the decision.

5.10 Bias will not be assumed by mere membership of an outside body. However, where the outside body has a line which is being advocated by the Member, it is likely that the Court would find bias on that issue and therefore the Member should not take part in a discussion or decision at a Council meeting on that issue. In such circumstances, it would be appropriate to seek advice from the Council's Monitoring Officer.

## 6. DISCLOSURE OF OUTSIDE INTERESTS FOR OFFICERS

**Declaration of Interests**

6.1 Section 117(1) of the Local Government Act 1972 requires that if it comes to the knowledge of any Officer of a Local Authority that the Authority has entered or proposes to enter into any contract in which he/she has a pecuniary interest, whether or not he/she would actually be a party to the contract, he/she must give notice in writing to the Authority. A pecuniary interest should be interpreted as any circumstance in which he/she or a member of his/her immediate family stand to gain or lose financially as a result of the contract.

**Conflicts of interest**

6.2 Where an Officer has been appointed to an outside body by the Council and a conflict of interest arises, this should always be disclosed to the Officer's immediate manager who should, in appropriate cases, seek advice from the Council's Monitoring Officer. Such conflicts may be dealt with in a number of different ways, depending on the nature and seriousness of the conflict. If the conflict is insubstantial then it should simply be recorded and no further action need be taken. Where there is a discrete conflict this may preclude the officer from undertaking a particular discrete task, such as dealing with the administration of a planning application, but would not be incompatible with the general performance of their job. In the case of a more serious incompatible conflict it may be determined that the nature of the conflict of interest is such that the officer must resign their position on the outside body and/or re-arrange their duties in a manner which avoids the conflict.

## 7. GIFTS AND HOSPITALITY

7.1 Elected Members and Officers must never accept any gift or consideration as an inducement for doing or forbearing to do anything in their roles as Councillors or Officers of the Authority. In the case of Officers accepting any such gift or consideration from anyone who has or is seeking a contract with the Authority, the gift or consideration is deemed to have been accepted corruptly unless the officer can prove the contrary. It is therefore very important to be completely open about any significant gift or hospitality to avoid the suspicion of misconduct.

7.2 Elected Members are required by the Elected Members Code of Conduct to register in the Register of Members' Interests:-

Any person from whom they have received within the previous three years a gift or hospitality with an estimated value of more than £25 which is attributable to their position as an elected or co-opted member of the Authority.

7.3 Officers are required to disclose offers and receipts of gifts and hospitality which must be appropriately recorded in a Register of Gifts and Hospitality.

7.4 A particular issue arises for Officers seconded to work on outside bodies, as section 117(2) of the Local Government Act 1972 provides that an Officer shall not, through his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration. Where an Officer is to be seconded and might be in receipt of any remuneration, bonus or allowances from the Authority to which he/she is to be seconded, the seconding Authority must agree that his/her proper remuneration shall henceforth include any remuneration, bonus or allowances paid to the officer by the body to which he/she is seconded.

## 8. BRIBERY ACT, 2010

8.1 Elected Members and Officers appointed to outside bodies need also to be aware of their potential liability under the Bribery Act 2010. This Act created a number of new criminal offences, of which the most relevant in the context of this guidance are:

- bribing another person
- receiving a bribe
- failure by a commercial organisation to prevent bribery

The Act defines bribery as offering, promising or giving someone a financial or other advantage either –

to encourage that person to perform their functions or activities improperly or to reward that person for having already done so; or in the knowledge or belief that the acceptance of the advantage would itself constitute the improper performance of the recipient's functions or activities.

8.2 Personal liability. Where any of the offences referred to in paragraph 8.1 are committed by a company, a senior officer of that company is liable to be prosecuted for the same offence if it is proved to have been committed with their consent or

connivance. **No indemnity or insurance is available to Elected Members or Officers found guilty in this situation**

8.3 As regards the offence of a commercial organisation failing to prevent bribery, Elected Members and Officers should note the following (taken from Ministry of Justice guidance): so long as the organisation is incorporated (by whatever means), or is a partnership, it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in **commercial activities**, irrespective of the purpose for which profits are made.

8.4 Elected Members and Officers should also refer to the Council's anti-fraud policies for further details.

# PUBLIC QUESTIONS TO FULL COUNCIL MEETINGS

## 1. INTRODUCTION

Members of the public are welcome to attend meetings of Full Council, and its Committees, except when the meetings are considering items classed as 'confidential' or 'exempt'. Those matters that may be considered as confidential or exempt are set out in the Access to Information Procedure Rules in the Council's Constitution. If you would like to attend a meeting, or would like further details of a meeting, you are advised to contact our Democratic Services Team (democratic.services@hartlepool.gov.uk or 01429 523568) to confirm details of the meeting.

## 2. FULL COUNCIL MEETINGS

The Council's Constitution states that during a period of 30 minutes, or a longer period at the discretion of the Chair, residents of Hartlepool may ask questions of Chairs of Committees at ordinary meetings of Full Council in accordance with the Council's Procedure Rules.

You can ask a question by completing a Public Question Time form attached to this guide (Appendix 1). The form must be delivered in writing or by electronic mail to the Managing Director no later than noon on the Thursday of the week before the meeting (or in the case of a meeting held otherwise than on a Thursday, on the expiry of the fifth clear working day before the meeting). Alternatively, if you would prefer to send your question by e-mail, send it to democratic.services@hartlepool.gov.uk, you must include the name and address of the questioner.

If the questioner is under 16 years of age, the notice must include the name, address and signature of the parent or guardian of the questioner.

At any one meeting no person may submit no more than 2 questions but a question may consist of a number of parts.

A question should fulfil the following criteria:-

i) The question should be concise (both in length and number of parts), direct and should be about a matter that the Local Authority has a responsibility or which affects the Borough;

ii) The question should not be the same as one asked at Full Council in the last six months (unless there has been a significant change in circumstances)

The Managing Director, in consultation with the Chair of the Council, may reject a question if it is considered to be

- defamatory, frivolous or offensive,
- seeks the disclosure of confidential or exempt information,
- is substantially the same as a question which has been put at a meeting of the Council in the past six months and since when there has been no change of circumstances justifying the resubmission of the question,
- is unreasonably excessive because of its length or its number of parts,

Copies of all questions will be circulated to all Elected Members and will be made available at the meeting.

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Chair to whom it was to be put, will be dealt with by way of a written answer.

Full Council meetings are usually held at 7.00 pm in the Council Chamber, Civic Centre, Victoria Road, Hartlepool. Dates of Council Meetings and any further information can be obtained from the Democratic Services Team, telephone 523568 or from the Council's website www.hartlepool.gov.uk.

## 3. COMMITTEES AND SUB COMMITTEES

All meetings of the Council's committees are open to the public to attend except when the meetings are considering items classed as 'confidential' or 'exempt'. These meetings may consider issues that will be of interest to residents who may wish to ask questions or express their views on the matters being considered. On such occasions anyone wishing to speak at a committee meeting should seek the permission of the Chair in advance of the meeting. This can be done directly with the Chair or via the Democratic Services Team (democratic.services@hartlepool.gov.uk or 01429 523568).

## 4. PLANNING COMMITTEE

There are different rules applying to public speaking at Planning and Licensing Committee. "A Guide to Public Speaking at Planning Committee" is available on the Council's website. Essentially, only applicants and registered objectors to planning applications can speak at those meetings. For more guidance contact the Development Control Team (developmentcontrol@hartlepool.gov.uk or 01429 523280).

## 5. LICENSING COMMITTEE

Licensing Committee considers licensing and other applications in accordance with the Licensing Act 2003 and other matters, i.e. gambling etc.. Individual licensing applications are dealt with by the Licensing Act Sub Committee and if you wish to speak at a meeting of the sub committee in relation to an application that affects you, you should contact the Public Protection Team (licensing@hartlepool.gov.uk or 01429 523354).

## PUBLIC QUESTION TIME AT COUNCIL MEETINGS APPENDIX 1

(Before completing this form please read the accompanying note carefully)

## Hartlepool Borough Council

| |
|---|
| Your question (Please continue on a separate sheet if necessary) |
| Please indicate the Council meeting date that the question is to be considered<br><br>..... |
| This question will be put to the Chair of the Committee which is responsible for the particular function as set out in Part 3 of the Council's Constitution. |
| Name .....<br><br>Address .....<br><br>.....<br><br>Postcode Contact telephone number |
| E-mail address .....<br><br>Signed ..... Date .....<br><br>*If under 16 years of age:*<br>*Name .....*<br><br>*Address .....*<br><br>*Signature of Parent or Guardian .....* |
| For office use only |
| Date received Checking in by Accepted Y / N<br>PW |
| Accepted<br>Attended Council Y / N Written response sent<br>Check by ☐ |
| Rejected<br><br>Reasons:<br><br>Written response sent Checked by |

# PROTOCOL FOR REFERRAL OF PUBLIC QUESTIONS TO A POLICY COMMITTEE MEETING

1. Where notice of a question from a member of the public is received in accordance with Rule 9.2 of the Council Procedure Rules and has not been rejected under Rule 9.5, the Managing Director may in consultation with the Chair of Council refer the question to the relevant Policy Committee for answer.

2. A list of the questions of which notice has been given shall be circulated to Elected Members of the relevant Policy Committee at, or before, the meeting at which they are to be asked.

3. Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

4. The question will be answered by the Chair of the Policy Committee without discussion and the answer may take the form of:-

   (a) a direct oral answer; or

   (b) where the desired information is contained in a publication of the Authority, a reference to that publication; or

   (c) where the reply to the question cannot conveniently be given orally, a written answer given to the member of the public submitting the question and circulated to the Policy Committee.

5. The questioner may ask one relevant supplementary question for clarification purposes only which shall be put and answered without discussion. A supplementary question must arise directly from the original question or reply

6. The Chair to whom a question, or supplementary question, has been put may decline to answer it. (See note 1 below.)

Notes:

1. It will not be appropriate for a Chair to answer questions under this Protocol about:-

(a) matters which are subject to processes such as particular applications for planning permission, licences, registration, consents or other permissions, or

(b) matters for which there are other processes under the Council's Constitution, such as individual complaints or cases, personnel or disciplinary matters, ethical matters or allegations of fraud.

# FILMING, RECORDING AND PHOTOGRAPHING AT COUNCIL MEETINGS

## 1. INTRODUCTION

The Council is committed to being open and transparent in the way it conducts its decision making.

Filming, recording and photography at Council meetings will therefore be allowed subject to certain restrictions and conditions.

## 2. BACKGROUND

Section 100A(7) of the Local Government Act, 1972 (as amended) allows the Council to *'permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place'*. This provision to allow reasonable facilities for the reporting of Council proceedings is also noted in guidance issued through the Department for Communities and Local Government (June 2013). Further that '*Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting.'*

## 3. PROCEDURE

### 3.1 Prior to a Meeting

If a member of the public or media representative wishes to film, record or photograph proceedings, they should inform a member of the Council's Democratic Services Team prior to the start of the meeting.

Any audio/visual recording/ photography must take place from a designated position in the meeting room approved by the Chair. No zooming or panning is permitted. Setting up must be done before the meeting starts to ensure the view of Elected Members of the public is not obstructed.

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Democratic Services Team in advance of the meeting. The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting the proceedings.

The Council asks those recording proceedings or taking photographs not to edit the footage or photographs in a way that could lead to any misinterpretation of Council proceedings.

The Chair will announce at the beginning of the meeting the request for the meeting to be recorded. The Chair will ask those members of the public present whether they agree to be filmed/recorded/photographed. If a member of the public is unwilling to be filmed/recorded/photographed then the Chair will comply with this request. Objections

can be raised with the Chair at any point in the meeting if this is conducive to the conduct of the meeting, where a member of the public is being filmed/recorded/photographed.

The Chair of the meeting will have absolute discretion to terminate or suspend any filming, recording and photography if any of these activities are, in their opinion, prejudicing or disrupting proceedings in any way.

The circumstances in which termination or suspension would occur could include:

- Public disturbance or suspension of the meeting. The Council's Procedure Rules provide that '*if a member of the public interrupts proceedings, the Chair will warn the person concerned. If that person continues to interrupt, the Chair will order his/her removal from the meeting room.'*
- Information of a confidential nature. Under Schedule 12A of the Local Government Act 1972, (as amended), the Council has the right to exclude the press and the public in considering items of a confidential nature and may be excluded from items that fall within a category of 'exempt' information, and
- Where it is considered that continued filming/recording/photography might infringe the rights of an individual

Any decision taken by the Chair on the interpretation of this protocol is final.

### 3.2 After the Meeting

Any member of the public who wishes to make comment on the filming and recording of a Council meeting should contact the Democratic Services Team on (01429) 523013 or e-mail democratic.services@hartlepool.gov.uk.

## 4. DATA PROTECTION

The Data Protection Act 2018, does not prohibit the overt filming and recording of council meetings, where participants have given their consent to be so filmed or recorded. However, under no circumstances will filming, recording or photographs of children (under 18) be allowed without the expressed written consent of a parent or guardian.

If an individual films or in any way records or uses personal data from a Council meeting for a commercial purpose then they should be registered as the Data Controller for that information. It will be the responsibility of the individual concerned to ensure that they are appropriately registered and are fully compliant with applicable laws and procedures.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation.

**For further information/clarification, contact the Democratic Services Team on (01429) 523013 or e-mail democratic.services@hartlepool.gov.uk.**

**END**
**July 2018**

# GUIDANCE NOTE – POLITICAL BALANCE

## 1. BACKGROUND

The Local Government and Housing Act 1989, placed a duty on a relevant authority to review the representations of the different political groups on that body. Such a review should generally take place:

- at, or as soon as practicable after, the Annual Meeting of the relevant authority, or;

- as soon as practicable, where notice is received of a change in the composition of political groups.

Further, there is a duty on that authority *"as soon as practicable after the review, to determine the allocation of the different political groups into which the Members of the authority are divided of all the seats which fail to be filled by appointment made from time to time by that authority or committee"*. It is therefore incumbent upon the Authority to "review" and "determine" the allocation of seats to political groups. There is no strict requirement on the Authority to consult the political groups as to which Committee seats should be allocated to which group, as this only applies to the actual appointment of Elected Members to particular seats once they are allocated to political groups. However, the Authority over a number of years have held, what is termed as "Round Table" discussions amongst Elected Members on the allocation of seats to Committees, provided these allocations do not conflict with the Authority's duty "to make only such determinations as give effect, as far as reasonably practicable" with the principles outlined in Section 15(5) of the 1989 Act.

## 2. THE "PRINCIPLES"

The legislation specifies certain principles in achieving political balance through the allocation as seats, as follows;

*(a) That not all the seats on the body are allocated to the same political group;*

*(b) That the majority of the seats on the body is allocated to a particular group if the number of persons belonging to that group is the majority of the Authority's membership;*

*(c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary Committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that authority, as is borne by the number of Elected Members of that group to the membership of the Authority; and*

*(d) Subject to paragraph (a) to (c) above, that the number of the seats upon a body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the Authority.*

As indicated the 1989 Act requires, **as far as reasonably practicable** that decisions are made which conform with the above principles. The First Schedule to the 1989 Act also stipulates that in relation to certain appointments to "prescribed bodies" where "at least three seats" have to be filled by the Authority, the allocation of seats should be in the same proportion as that in which Full Council is itself divided as specified under principle (d) above. In addition, where an Elected Member(s) has been appointed to an "outside body" for a fixed term by Full Council previously, that appointment continues (unless the Elected Member chooses to resign from that position) and is therefore unaffected by the proportionality requirements.

## 3. POLITICAL GROUPS

Under the 1989 Act, a 'Political Group is treated as being properly constituted when there is delivered to the 'proper officer' (the Monitoring Officer) a notice in writing which;

- is signed by two or more Elected Members of the Authority who wish to be treated as a political group; and
- the notice states that the Elected Members of the Authority who have signed it wish to be treated as a political group, the name of the group and the name of one Elected Member of the group who has signed the notice and who is to act as Leader of the group.

A copy of the requisite notice is appended to this Guidance Note. A notice may also specify the name of one other Elected Member of the group who has signed the notice and who is authorised to act in place of the leader when the Leader is unable to act (the Deputy Leader). The name of the group or the name of the Leader or Deputy Leader may also be changed by a further notice in writing duly signed and delivered to the proper officer;

- in the case of a change in the name of the group or the Deputy Leader, by the Leader of the group or a majority of the members of the group;
- in the case of a change in the Leader of the group, by a majority of the members of the Group.

For the avoidance of any doubt, a political group shall cease to be constituted if the number of persons who are to be treated as Members of that group is less than two. An Elected Member of the Authority will be treated as a Member of a political group if;

- he/she has signed a notice in the form attached, or
- he/she has delivered to the proper officer a notice in writing to be signed by him/her and by the Leader and Deputy Leader of the group or by a majority of the Members of the group, that he/she wishes to join the group. Conversely, a person will be treated as having ceased to be a member of that group when that Elected Member(s) has notified the proper officer in writing that they no longer wish to be treated as a Member of the group. Further, this would be evidenced where the Member concerned has delivered to the proper officer a notice that the Member has joined a new political group as constituted or joined another established political group or they have delivered to the proper officer a notice in writing signed by the majority of the Members of the group that they no longer wish the Elected Member to be treated as a Member of that political group.

## 4. REVIEW AND ALLOCATION OF SEATS

The duty under Section 15 of the 1989 Act is to 'review' the representation of the different political groups on the Authority, at certain times as prescribed through legislation. However, where a request is made through a change in the composition of the political groups through formal notice being delivered to the proper officer, such notification should be at least one month after the last review carried out in accordance with the legislation.

Under the Local Government (Committees and Political Groups) Regulations 1990, where a political group fails to express a wish in relation to an appointment to such a seat within a period of three weeks beginning with the date on which notice was given, the Authority or Committee may make such appointment to that seat as they think fit.

## 5. EXCEPTIONS TO REQUIREMENTS FOR COMMITTEES TO REVIEW ARRANGEMENTS FOR ALLOCATION OF SEATS

There are certain exceptions which apply wherein the rules on proportionality do not apply. These cases are limited and are referred to below;

- Area Committees which consist of all Elected Members living in the area which the Committee covers. If it does not, then allocations must be proportionate to the whole Council.
- Any Working Party/Group, Advisory Panel etc. where powers have been delegated to it by a Committee of the Council, not the Council itself.
- A Health and Wellbeing Board as established under the Health and Social Care Act, 2012 (the Board is a 'Committee' of the Authority but the 2012 does not apply the 1989 Act provisions).
- Proportionality also does not apply to outside bodies where Full Council simply appoints representatives such as to local voluntary organisations unless statutory criteria apply.

## 6. CALCULATING PROPORTIONALITY

The "principles" covering proportionality should be satisfied as is reasonably practicable to do so. Consequently the "principles" are applied as follows;

1. There should be no Committees made up of a single political group, unless every Member on the Council is in the same political group.

2. Where one political group has a majority, that group should have a majority on all Committees.

3. The proportion of Elected Members to Committees should be allocated in proportion to each political group operating within the Authority.

4. Places on an individual Committee should be allocated in proportion to each political group on Full Council.

Allocations should therefore be proportionate to the number of seats that each political group has on Full Council, for example if there are 15 Members of a political group on the Full Council which has 36 elected representatives, then 15 seats should be allocated to that political group in every 36. i.e. the number of Elected Members in a political group divided by the number of Elected Members on Full Council. Independent Members who are not aligned to a political group will be 'grouped' together for the purposes of the calculations.

No political group should be over represented under point 4 above. Once the principles have been applied, then as stated, each Committee then has to be as proportionate as possible, to ensure that as far as practicable, Committees are representative of the overall makeup of Full Council.

However, the calculations are never in reality exact and so there will always be some negotiation amongst Elected Members, particularly where a group is under represented on one Committee but is over represented on another. This allows the opportunity for agreement through the 'Round Table' discussions, or alternatively, through a formal decision to be made through to Full Council.

In accordance with the Council Procedure Rules, appointments to Committee's will be made at the Annual Meeting of Full Council. The appointment of the Chair and Vice Chair positions (Ceremonial Mayor and Deputy Ceremonial Mayor respectively) which by legislation are appointments reserved to the Annual Meeting will also take place. Any appointments that are contested will be determined at the Annual Meeting applying the voting procedures as set out in the Council Procedure Rules.

HARTLEPOOL BOROUGH COUNCIL

LOCAL GOVERNMENT AND HOUSING ACT 1989

LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGS 1990
{REGULATION 8}

NOTICE OF CONSTITUTION OF POLITICAL GROUP

1. The members of the Council whose signatures appear in the schedule wish to be treated as a political group for the purposes of sections 9, 15 and 16 of the above Act

2 The name of the group hereby constituted shall be
{ *1}

3. The member of the group who is to act as the leader of the group is { *2}

4. The member of the group who is to act as the deputy leader of the group is { *3}

Schedule *4

| | Name | Signature |
|---|---|---|
| 1 | Councillor _____ | _____ |
| 2 | Councillor _____ | _____ |
| 3 | Councillor _____ | _____ |
| 4 | Councillor _____ | _____ |
| 5 | Councillor _____ | _____ |
| 6 | Councillor _____ | _____ |
| 7 | Councillor _____ | _____ |
| 8 | Councillor _____ | _____ |
| 9 | Councillor _____ | _____ |
| 10 | Councillor _____ | _____ |

Date: (Date of delivery of Proper Officer)

*1 Insert name of group
*2 Insert name of Leader of group
*3 If desired, insert name of deputy leader of group
*4 Insert names of members of group each of whom should sign

| | Name | Signature |
|---|---|---|
| 11 Councillor | | |
| 12 Councillor | | |
| 13 Councillor | | |
| 14 Councillor | | |
| 15 Councillor | | |
| 16 Councillor | | |
| 17 Councillor | | |
| 18 Councillor | | |
| 19 Councillor | | |
| 20 Councillor | | |
| 21 Councillor | | |
| 22 Councillor | | |
| 23 Councillor | | |
| 24 Councillor | | |
| 25 Councillor | | |
| 26 Councillor | | |
| 27 Councillor | | |
| 28 Councillor | | |
| 29 Councillor | | |
| 30 Councillor | | |

# GUIDANCE NOTE – PETITIONS

## 1. INTRODUCTION AND BACKGROUND

Previously there was a statutory requirement for principal local authorities to adopt a petition scheme with a duty to respond to those petitions.

This duty was subsequently revoked under the Localism Act 2011. However, the Council still receives petitions and this guidance is intended to assist Officers in dealing with petitions through a defined process. In earlier statutory guidance it had been stated;

*"Government believe that local authorities should approach their petition scheme from a starting point of responding to all the petitions they receive. Petitions are an important tool for local people to raise concerns with their locally elected representatives and we expect petitions to trigger action where appropriate".*

Further, it was indicated that certain "key principles", should be followed;

- Ensuring that local people know how to express their views
- Local authorities will take appropriate action to respond to petitions
- Local people know that their views have been listened to
- Keeping prescribed requirements on Councils to a minimum, and
- Building on local authority best practice

## 2. RECEIPT OF A PETITION

Petitions submitted to the Authority should ideally include;

- a clear concise statement covering the subject of the petition.
- what action the petitioners wish the Authority to take.
- the name and address and signature of any person supporting the petition.
- the name of the 'petition organiser' as a point of contact.

A petition should also relate to a "relevant matter" and which is not in the opinion of the authority, vexatious, abusive or otherwise inappropriate to be dealt with.

A "relevant matter" entails;

- a matter which relates to the functions of the Authority, or
- a matter of legitimate public concern or interest within the Authority's area.

Among the many possible steps that the Authority may choose to take in response to a petition are the following;

- A written response to the petition organiser setting out the Authority's views on the request in the petition
- Taking the action requested in the petition
- Considering the petition at a meeting of the authority

## 3. VEXATIOUS, ABUSIVE OR OTHERWISE INAPPROPRIATE PETITIONS

The Authority should approach the petitions they receive in a positive manner. In making their response to a petition organiser the authority will provide reasons of why they consider that they will not be taking action through a petition being vexatious, abusive or otherwise inappropriate.

The Monitoring Officer (or in his/her absence the Deputy Monitoring Officer), in consultation with the Managing Director will advise whether or not a petition is vexatious, abusive or otherwise inappropriate.

As a starting point, guidance as to whether a petition is vexatious indicates;

*"….it is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause".*

## 4. PETITION PROCESS

A flow chart is appended herewith (**Appendix 1**) which details how a petition should be dealt with by the Authority. It will be noted that there is a distinction between a matter viewed as being a 'Ward' issue or a 'Town' issue. Initially a petition should be recorded by the PAs in the relevant Department and an acknowledgement of receipt provided to the 'petition organiser'. This should be done timely and within the scope of 5 working days. Thereafter the 'petition' should be considered by the relevant DMT with any guidance from the Monitoring Officer.

Ward Issues

A matter considered as being a 'Ward' issue should be raised with the respective Ward Councillors and their views as to the appropriate action to be taken should be sought. A response should ideally be made within 15 working days from the period in which the 'petition' was acknowledged.

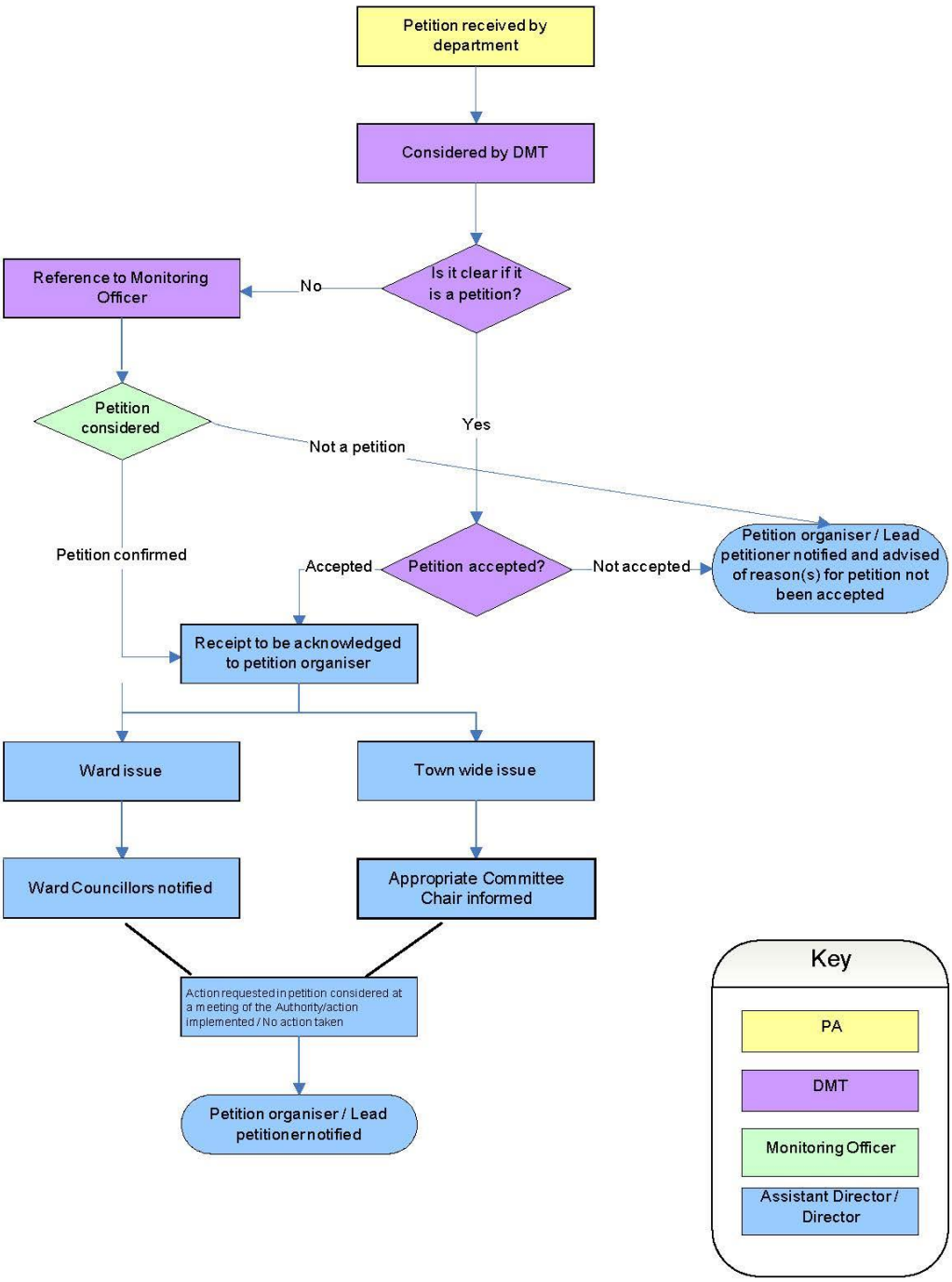
Borough wide Issues

If the matter raised relates to a 'Town' wide issue then the views of the relevant Committee Chair, for the service area or function to which the petition relates, should be obtained and a decision made to the appropriate step to be taken.

The PAs are requested to collate details of petitions received, so that the process outlined herein can be monitored and reviewed as required.

**Appendix 1**

# Petition process



# ELECTED MEMBERS' ALLOWANCES SCHEME

**Contents**

**Page**

**A - General Guidance**


1. Introduction ..... 1

2. Claiming allowances ..... 1

3. Co-opted Members ..... 2

4. Enquiries and disputes about allowances and expenses ..... 2

5. Basic Allowance ..... 3

6. Special Responsibility Allowance ..... 3

7. Payment of Basic and Special Responsibility Allowance ..... 4

8. Dependant Carers Allowance ..... 4

9. Travel and Subsistence Allowance ..... 5

10. Making Travel Arrangements ..... 6

11. Telephone Allowance ..... 9

12. Out of pocket expenses ..... 9

13. Financial Loss Allowance ..... 10

14. Records and publicity ..... 10

15. With-holding of Allowances ..... 11

16. Tax, National Insurance and the production of receipts.....11

17. Elected Members working or living outside Hartlepool .....11

# ELECTED MEMBERS' ALLOWANCES SCHEME

## General Guidance

### 1. Introduction

1.1 Elected Members are entitled to claim certain allowances in recognition of the time devoted by them to their work and are also entitled to claim allowances for travel and subsistence costs. The Council in exercise of powers conferred under the Local Authorities (Members' Allowance) Regulations 2003 are able to make provision for the payment of allowances to Elected Members and co-opted members. The Allowances Scheme will operate from the 1st April through to the 31st March of the following year and the Council have a duty to have regard to the recommendations made by an Independent Remuneration Panel.

1.2 The Independent Remuneration Panel has been established by the Council under the provisions of the Local Government Act 2000 Act and applicable regulations with the selection of the Panel being made by the Council's Audit and Governance Committee.

1.3 The Panel's job is to make recommendation to Council on a range of issues.

The responsibilities of the Panel are:-

- To recommend the level of basic allowance payable to all Elected Members of the Council to cover their normal duties as a Councillor.
- To consider whether a Dependant Carer's allowance should be payable to relevant Elected Members and if so at what level.
- To recommend the assignment of an appropriate special responsibility allowance for each carrying additional responsibilities.
- To make recommendations to the Council on travelling and subsistence allowances to be paid to all Elected Members.

1.4 Whilst the Council is not obliged to accept these recommendations it is strongly influenced by them and must give them due consideration. The Council cannot set allowances which exceed those recommended by the IRP.

### 2. Claiming Allowances

2.1 The first point of contact for any issue concerning allowances should be the Members' Services Team in the Members' Office at the Civic Centre. All queries should be directed to them. If they are not able to adequately address an issue, then they will pursue the query with the relevant Officers on behalf of the Elected Member.

2.2 All Basic and Special responsibility allowances are paid directly into Elected Member's bank accounts. There is no need for any claim forms to be completed.

2.3 Other allowances, such as Dependant Carer's allowance or travel allowance, should be claimed using the appropriate claim form. These are available from the Members' Services Team. Details of the allowances and expenses that Elected Members are entitled to are outlined in the following paragraphs. In addition, Elected Members should be aware of the following general principles:

- Claims for expenses should be made on a regular basis that the duration of any claim for travel or subsistence allowances should be no more than one month - subject to the final claim in any financial year being submitted within two weeks of the year end.

- Elected Members are responsible for the accuracy of their expenses claims.

- Elected Members should allow adequate time for the processing of claims.

- Claim forms must not be completed on behalf of Elected Members by other Elected Members or by Officers.

- An Elected Member may give written notice to the Director of Finance, IT and Digital and to forgo all of his/her entitlement or any part of his/her entitlement to an allowance under this scheme.

## 3. Co-Opted Members

3.1 Co-opted members of the Authority are entitled to claim the following allowances and expenses. The same rules that apply to Elected Members for the claiming and receipt of allowances and expenses apply to co-opted members.

3.2 The allowances that they are eligible to claim for are as follows:

Travel and subsistence
Financial loss

## 4. Enquiries and Disputes about Allowances and Expenses

4.1 In the first instance Elected Members should approach staff in the Members' Services Team with any queries about claims for allowances and expenses.

4.2 If a dispute arises about a specific claim it should be referred to the Principal Registration and Members' Services Officer. The Officer will be able to advise Elected Members on the operation of the scheme for allowances and expenses and, as the Officer responsible for its day to day operation, is able to adjudicate in such circumstances.

4.3 If an Elected Member continues to be unhappy with a specific claim, the Director of Finance, IT and Digital should then be approached for a final resolution of the dispute.

## 5. Basic Allowance

5.1 This allowance is payable to all Elected Members and the following activities fall within its scope:

- All formal meetings of the Authority, a Committee of the Authority, and all other duties undertaken on behalf of the Authority;
- Meetings with Officers;
- Meetings with constituents;
- Personal research;
- Informal meetings with other Elected Members;
- Meetings of organisations outside the approved list (Part 7 of the Constitution refers);
- Political group meetings;
- Ward Surgeries.

**Rate**

5.2 The current rate of Basic Allowance is £8,330 per annum.

## 6. Special Responsibility Allowance

6.1 This allowance is payable to Councillors who undertake specified additional duties as part of their role as a Councillor. No more than one special responsibility allowance can be claimed by any one Elected Member.

**Rates**

6.2 The rates of allowance payable to various post holders are:-

| Position | SRA - £ |
|---|---|
| Leader of Council/Chair of Finance and Corporate Affairs Committee | 24,990 |
| Chair of Council | 8,330 |
| Chair of Children's Services Committee | 8,330 |
| Chair of Adult Services Committee | 8,330 |

| | |
|---|---|
| Chair of Economic Growth and Regeneration Committee | 8,330 |
| Chair of Neighbourhood Services Committee | 8,330 |
| Chair of Planning Committee | 8,330 |
| Chair of Audit and Governance Committee | 8,330 |
| Chair of Licensing Committee | 4,998 |
| *Group Leader | 4,998 |

*this SRA is allocated in proportion with number of Councillors in each political group.
SRAs suspended from 1 April.

## 7. Payment of Basic and Special Responsibility Allowance

7.1 This is payable by BACS payment.

**Tax and National Insurance**

7.2 Basic and Special Responsibility allowances are subject to both tax and national insurance deductions.

## 8. Dependant Carers' Allowance

8.1 The Council has accepted the recommendations of the Independent Remuneration Panel in regard to the payment of a Dependant Carers' Allowance in specific circumstances.

8.2 The allowance is only payable, under the Regulations in respect of such expenses of arranging for the care of their children or dependents as are necessarily incurred in;

a) Attending a meeting of the Authority; or a Committee or Sub-Committee of the Authority;

b) A meeting of any body to which the Authority makes appointments or nominations, or a meeting of a Committee or Sub-Committee of such a body;

c) Attending a meeting which has been both authorised by the Authority, a Committee or Sub-committee of the Authority or a Joint Committee of the Authority, or Sub-Committee and to which representatives of more than one political group have been invited (or where the Authority is not divided into political groups two or more Elected Members have been invited);

d) Attending a meeting of a Local Authority Association of which the Authority is a member;

e) The performance of any duties undertaken on behalf of the Authority in connection with the discharge of any function of the Authority conferred by

or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

f) The performance of any duties undertaken on behalf of the Authority in connection with arrangements made by the Authority for the attendance of pupils at a school approved for the purposes of Section 342 of the Education Act 1996 (approval of non-maintained special schools);

g) The carrying out of any other duty approved by the Authority, for the purposes of, or in connection with the discharge of the functions of the Authority or any of its Committees or Sub-Committees.

8.3 This is a discretionary allowance which the Council has determined it is right and just to pay in appropriate circumstances. The following rates and rules apply to claims for this allowance.

8.4 The allowance applies to Elected Members who incur expenditure for the care of children or dependant relations whilst undertaking the above duties. Claims are subject to:-

- The maximum hourly rate claimable, be the national minimum wage and that this be increased annually as the national minimum wage increases;

- Payment is claimable in respect of children aged 15 or under or in respect of other related dependants where there are medical or social care needs;

- The scheme be limited to 2 claims per week with each claim being no longer than 7 hours each, except in special circumstances to be judged by the Council's Managing Director in consultation with the Director of Finance, IT and Digital;

- The allowance is paid as a reimbursement of incurred expenditure against receipts;

- The allowance will not be payable for care provided by a member of the claimant's own household or immediate family;

- No payment will be made in respect of any dependant person for whom an attendance allowance is already payable.

**Tax and National Insurance**

8.5 This allowance, on the advice of the Inland Revenue is subject to tax and national insurance.

## 9. Travel and Subsistence Allowance

9.1 The Authority does not pay an allowance in respect of travelling within the Borough. Travel allowance can be claimed for the whole journey where the end destination is outside the Borough and the Elected Member is representing the

Council, including attendance at approved conferences and in relation to the duties specified within paragraph 8.2 (a) – (g) .

9.2 The Authority does not pay subsistence allowance in respect of attendance at any events within the Borough. Subsistence allowance can be claimed in respect of attendance at approved conferences.

9.3 Some restrictions are placed on eligibility for subsistence allowance, for example where an Elected Member is attending an event where meals are provided.

**Mode of transport**

9.4 When using a car or local public transport, Elected Members would be expected to make their own arrangements. Use of public transport for longer journeys must be made through the Members' Services Team. Details of the regulations for each mode of transport can be found in Table A.

**Rates and conditions that apply to claims for travel allowance**

9.5 These are outlined in Table A.

**Payment of travel allowance**

9.6 This will be made in arrears and claims should be made within a month of the event.

**Tax and National Insurance**

9.7 This allowance may be subject to tax and national insurance where receipts covering the actual costs incurred are not provided.

## 10. Making Travel Arrangements

**Approved Conferences**

10.1 Elected Members would be expected to use public transport or their car.

10.2 If using their own car, Elected Members are requested to offer transport to colleagues attending the same meeting or event.

10.3 Elected Members are more likely to use public transport for such journeys. Where public transport is to be used, travel arrangements should be made through the Members' Services Team in order to obtain the discounts that are available through the Council's authorised travel agent. Any Officer accompanying an Elected Member(s) to an approved conference would be expected to transport the Elected Member(s) involved in their vehicle.

**TABLE A: Travel Allowances**

| MODE OF TRANSPORT | RATES | CONDITIONS FOR USE |
|---|---|---|
| CAR<br><br>APPROVED CONFERENCE | The appropriate mileage rate 45.0p or the equivalent of 2nd class rail fare* per official passenger – whichever is the cheaper.<br><br>*or any cheap rail fare available at the time of the journey | • Wherever possible Elected Members are expected to share transportation with colleagues attending the same meeting or event. |
| HIRED CAR/ MOTOR VEHICLE | The actual cost of the hire of the vehicle and fuel or reimbursement to the equivalent of the cost of public transport for each official passenger – whichever is the lesser. | • Overall cost should not exceed the rate applied if vehicle belonged to the Elected Member;<br>• The vehicle should be hired via Neighbourhood Services Division;<br>• Receipts are required for any claims. |

| MODE OF TRANSPORT | RATES | CONDITIONS FOR USE |
|---|---|---|
| TRAIN<br>COACH<br>PLANE<br>FERRY | Elected Members are entitled to travel Standard, Second or Economy Class.<br><br>Where an Elected Member is eligible for a Railcard this will be purchased for him/her by the Members' Services Team at a time when travel takes place. | • All travel tickets will be ordered and obtained by the Members' Services Team who will, as a matter of course, seek the most competitive rates. |
| TAXI | Elected Members may claim the actual cost of the journey plus a reasonable gratuity on production of a detailed receipt incorporating the amount paid, the date of the journey and the journey undertaken. | • Where no public transport is reasonably available;<br>• In cases of extreme emergency;<br>• Early morning/late evening journeys to and from the main-line rail station (Darlington);<br>• In the event of illness or where the Elected Member has a long-term medical problem. |
| OTHER(s)<br>Tube/Underground, bus, parking costs | Elected Members may claim the actual cost of incidental journeys/expenditure as incurred | • Wherever possible a detailed receipt should be obtained. |

**Rates of subsistence allowance**

10.4 These vary depending on whether or not an overnight stay is involved.

10.5 Absence not involving an overnight stay:

| | |
|---|---|
| **Breakfast Allowance**<br>More than 4 hours away from normal place of residence before 11am | £7.21 |
| **Lunch Allowance**<br>More than 4 hours away from normal place of residence including the period 12 noon to 2pm | £9.94 |
| **Tea Allowance**<br>More than 4 hours away from normal place of residence including the period 3pm and 6pm | £3.91 |
| **Evening Meal Allowance**<br>More than 4 hours away from normal place of residence and ending after 7pm | £12.30 |

10.6 Overnight (24 hour) absence from usual place of residence:

| | |
|---|---|
| Outside London | £79.82 |
| London | £91.04 |

**Payment of Subsistence Allowance**

10.7 This will be made in arrears and claims should be made within a month of the event.

**Tax and National Insurance**

10.8 This allowance may be subject to tax and national insurance where receipts covering the actual costs incurred are not provided.

## 11. Telephone Allowance

The Council does not pay any telephone allowance, as these costs are covered by the Basic Allowance.

## 12. Out of Pocket Expenses

12.1 Elected Members may claim “out of pocket expenses” whilst staying in residential accommodation where meals are provided for in the overall fee.

**Rates for out of pocket expenses**

12.2 £3.63 per 24 hour period up to a maximum of £14.55 per week.

**Payment of out of pocket expenses**

12.3 This will be made in arrears and claims should be made on a regular basis, within 14 days of the event and at the latest within two weeks of every month end.

**Tax and National Insurance**

12.4 This is **not** subject to tax or national insurance.

## 13. Financial Loss Allowance (Only Payable to Co-Opted Members)

13.1 Co-opted members who are not Councillors (ie Co-opted or "added" members) may claim financial loss allowance for performance of approved duties.

**Rates of Financial Loss Allowance**

13.2 The actual loss suffered or expense incurred may be claimed, subject to the following maximum for the performance of an approved duty:

| | |
|---|---|
| Not exceeding 4 hours | £27.65 |
| | |
| More than 4 hours but less than 24 hours | £52.49 |
| | |
| For periods over 24 hours, for each complete 24 hours | £52.49 |

(plus the appropriate rate for the remainder of the period)

**Payment of Financial Loss Allowances**

13.3 This will be made in arrears and claims should be made on a regular basis, within 14 days of the event and at the latest within two weeks of every month end. Evidence to substantiate the claim will be required.

**Tax and National Insurance**

13.4 This is subject to both tax and National Insurance deductions.

## 14. Records and Publicity

The Council is required to keep a record of payments made to Elected Members in accordance with the Members Allowances and Expenses Scheme. The record is available for public inspection by local electors and it must give details of the amount and nature of payments to each Member. These details will be published on an annual basis within the Council's Statutory Financial Accounts and will detail the total paid to each Member in respect of basic allowance,

special responsibility allowance and any travel and subsistence allowances paid in accordance with paragraphs 9.1 and 9.2.

## 15. Withholding of Allowances

All allowances will be withheld where a Member:

- ceases to be a Member of the Authority;
- is otherwise unable (except for cases of illness as notified to the Authority) to discharge the duties of a Councillor; and the Managing Director, in consultation with the Director of Finance, IT and Digital is of the opinion that the withholding of an allowance is reasonable;
- In the event of withholding of an allowance, the Managing Director shall report to the next available ordinary meeting of Council his/her decision and the reasons for that determination. The Member affected by such a decision may request a review before the Council's Audit and Governance Committee or a Sub-Committee of that Committee, with 14 days of that determination.

## 16. Tax, National Insurance and the Production of Receipts

16.1 The previous paragraphs have, where possible, identified the tax and national insurance positions for each allowance. Taxation and National Insurance regulations are very complex and the position could vary depending on an individual Councillor's own position. The payment of allowances may also have an impact on any social security benefits an individual Member receives. Any queries should be directed to the Payroll Manager.

16.2 Wherever possible Elected Member should include receipts for travel and subsistence allowance claims for approved conferences. This is not obligatory*, however it is in Elected Member' interests to do so for two reasons:

- it is good practice in the administration of an expenses system;
- failure to include receipts may lead to claims for travel and subsistence allowance being subject to tax and national insurance.

*with the exception of rail tickets, where the normal procedures for purchasing tickets have not been used, and taxi journeys - in both instances receipts must accompany claims.

## 17. Elected Member Working or Living Outside Hartlepool

No subsistence and travel expenses will be paid where a Member temporarily or permanently works or lives outside the boundaries of Hartlepool.

# APPOINTMENTS TO OUTSIDE ORGANISATIONS AND OTHER BODIES

**Contents**


**Page**

**Introduction and Explanation** ..... 1

**(i) Joint Committees** ..... 3
**(ii) Leadership Bodies and Partnerships** ..... 4
**(iii) Advisory** ..... 7
**(iv) Council in the Community** ..... 8
**(v) Other Decision Making Bodies** ..... 10
**(vi) Working Groups** ..... 11

**List of outside Organisations and Other Bodies**

**Adoption Tees Valley Board** ..... 8
**Age UK Teesside** ..... 8
**Archives Joint Committee** ..... 3
**Armed Forces Champion** ..... 8
**Association of North East Councils** ..... 4

**Cleveland Emergency Planning Joint Committee** ..... 3
**Cleveland Fire Authority** ..... 8
**Cleveland Police & Crime Panel** ..... 3
**Crustacean Deaths Working Group** ..... 11

**Domestic Abuse Strategy Partnership** ..... 6
**Durham, Darlington and Teesside, Hambleton, Richmondshire and Whitby STPJoint Health Scrutiny Committee** ..... 3
**Durham Heritage Coast Partnership Steering Group** ..... 4

**Education, Employment and Skills Partnership Board** ..... 6

**Fairtrade Town Steering Group** ..... 8
**Fostering Panel** ..... 8
**Furness Seaman's Pension Fund** ..... 10

**Page**

**Hartlepool and District Sports Council** ..... 4
**Hartlepool Power Station** ..... 4
**Hartlepool War Memorial and Crosby Homes** ..... 8
**Henry Smith Educational Charity** ..... 8
**Heritage Champion** ..... 9

**Local Government Association** ..... 4
**Local Government Association Coastal Special Interest Group** ..... 4
**Local Joint Consultative Committee** ..... 7
**Children in our care Champion** ..... 10

**Mental Health Champion** ..... 9

**National Association of Councillors** ..... 10
**National Museum of Royal Navy Hartlepool Charitable Trust** ..... 5
**North East Migration Partnership Member Forum** ..... 5
**North East Regional Employers Organisation** ..... 10
**North Eastern Inshore Fisheries and Conservation Authority** ..... 3
**North East and North Cumbria Integrated Care Board (ICB)** ..... 6
**North Tees and Hartlepool NHS Foundation Trust** ..... 5
**Northern Consortium of Housing Authorities** ..... 5
**Northern Studios (Hartlepool) Limited** ..... 6
**Northumbria Regional Flood and Coastal Committee** ..... 3

**Older Persons Champion (Chair of Adult and Community Based Services Committee)** ..... 9

**Patrol (Parking and Traffic Regulations Outside London) Adjudication Joint Committee** ..... 3
**Preston Simpson Scholarship in Music** ..... 8

**River Tees Port Health Authority** ..... 8
**Regional Health Joint Scrutiny Committee** ..... 3
**Refugee Champion** ..... 9

**Safer Hartlepool Partnership** ..... 5
**Schools Admission Forum** ..... 7
**Standing Advisory Council for Religious Education** ..... 5

**Page**

**Tees Esk and Wear Valley NHS Trust** ..... 5
**Tees Valley Combined Authority Board** ..... 5
**Tees Valley Joint Health Scrutiny Committee** ..... 3
**Tees Valley Leaders and Chief Executives' Meeting** ..... 4
**Tees Valley Leaders and Elected Mayors' Group** ..... 4
**Teesmouth Field Centre** ..... 8
**Teesside Environmental Trust** ..... 10
**Teesside International Airport Board** ..... 8
**Teesside International Consultative Committee** ..... 8
**Teesside Pension Fund** ..... 10
**Tees Port Welfare Committee** ..... 6

**Veterans Champion** ..... 9
**Victoria and Jubilee Homes** ..... 8

# APPOINTMENTS TO OUTSIDE ORGANISATIONS AND OTHER BODIES

## 1. Introduction and explanation

The attached schedules show the categorisation of the currently recognised outside organisations and other bodies. There are five main categories as follows:

(i) Joint Committees
(ii) Leadership Bodies and Partnerships
(iii) Advisory
(iv) Council in the Community
(v) Other Decision Making Bodies

It will be open to the Council to make Officer nominations where appropriate in respect of most bodies, the main exception being formal Joint Committees where Member attendance is a statutory requirement. In some cases it may be possible and appropriate to make nominations of persons from outside of Council.

These sub categories have been determined as follows:

### (i) Joint Committees

Part IV of the Local Government Act 1972 and other specific legislation provides that the arrangements for the discharge of functions may be through a joint Committee of two or more Local Authorities.

### (ii) Leadership Bodies and Partnerships

Involvement in such bodies and partnerships will cover the following roles:

- to represent the interests of Hartlepool
- to lead the community planning process
- to be the focus for forming partnerships with other public, private, voluntary and community sector organisations to address local needs.

### (iii) Advisory

Bodies which relate to the Council's functions in an advisory or influencing capacity.

### (iv) Council in the community

These are bodies which do not discharge functions of the Council and where the principal role of Elected Members who are nominated will be to represent constituency interests, whether at the Ward or Borough level.

### (v) Other decision making bodies

These are decision making bodies other than Joint Committees.

## (i) JOINT COMMITTEES

| | **Organisation** | **2025/26 Membership** |
|---|---|---|
| 3 | **Archives Joint Committee** | (1) Cllr Allen<br>Designated Sub: Cllr Male |
| 5 | **Cleveland Emergency Planning Joint Committee** | (1) Cllr Oliver (Chair of Neighbourhood Services Committee)<br>Designated Sub: Cllr C Wallace |
| 7 | **Cleveland Police and Crime Panel**<br>(Statutory Guidance applies)<br>**(Politically balanced across Cleveland area – 1 Lab, 1 Con)** | (1) Cllr Oliver<br>Designated Sub: Cllr Male<br>(2) Cllr Darby<br>Designated Sub: Cllr Napper |
| 30 | **North Eastern Inshore Fisheries and Conservation Authority** | (1) Cllr Creevy |
| 33 | **Northumbria Regional Flood and Coastal Committee** | (1) Cllr Napper |
| 48 | **Tees Valley Joint Health Scrutiny Committee**<br>(2025/26 Redcar and Cleveland BC to Chair) | (1) Cllr Moore (Chair of Audit and Governance Committee)<br>(2) Cllr Boddy (Member of A and G Committee)<br>(3) Cllr Roy (Member of A and G Committee) |
| 36 | **Regional Health Scrutiny Joint Committee (now North East Joint Health Scrutiny Committee)**<br>(South Tyneside Chair) | (1) Cllr Moore (Chair of Audit and Governance Committee) |
| 10 | **Durham, Darlington and Teesside, Hambleton, Richmondshire and Whitby Sustainability and Transformation Plans (STP) Joint Health Scrutiny Committee** | (1) Cllr Moore (Chair of Audit and Governance Committee)*<br>(2) * refer to Audit and Governance Committee<br>(3) * refer to Audit and Governance Committee<br>(*Member of Audit and Governance Cttee) |
| 34 | **Patrol (Parking and Traffic Regulations Outside London) Adjudication Joint Committee** | (1) Cllr Clayton |

## (ii) LEADERSHIP BODIES & PARTNERSHIPS

| | **Organisation** | **2025/26 Membership** |
|---|---|---|
| 4 | **Association of North East Councils**<br>Sub-groups of ANEC as noted below: | No nominations required – appointments are no longer required for the full association |
| | Leaders and Elected Mayor's Group | (1) Leader, Cllr Harrison<br>(2) Managing Director (Advisory capacity) |
| | Collaborative ncpc Sub- Group (replaces NEPO appointment) | (1) Cllr Harrison (Chair of Finance and Corporate Affairs Committee) |
| | North East Culture Partnership Board | (1) Cllr Hargreaves |
| 11 | **Durham Heritage Coast Partnership Steering Group** | (1) Cllr Male |
| 17 | **Hartlepool and District Sports Council** | (1) Cllr Roy<br>(2) Cllr Jorgeson<br>(3) Cllr Holbrook |
| 19 | **Hartlepool Power Station** | |
| | **(i) Community Liaison Committee** | (1) Cllr Dodds<br>(2) Cllr C Wallace<br>(3) Asst Director, Preventative and Community Based Services |
| | **(ii) Emergency Planning Committee** | (1) Chief Emergency Planning Officer |
| 50 | **Tees Valley Leaders and Elected Mayor's Group** | (1) Leader – Cllr Harrison (Sub Deputy Leader – Cllr Scarborough)<br>(2) Managing Director |
| 49 | **Tees Valley Leaders & Chief Executive's Meeting** | (1) Leader – Cllr Harrison (Sub Deputy Leader - Cllr Scarborough)<br>(2) Managing Director |
| 22 | **Local Government Association** | (1) Cllr Harrison (Leader)<br>(2) Cllr Scarborough (Deputy Leader) |
| 22 | **Local Government Association Coastal Special Interest Group** | (1) Cllr Riddle |

| | **Organisation** | **2025/26 Membership** |
|---|---|---|
| 28 | **North East Migration Partnership Member Forum** | (1) Cllr Harrison (Chair of Finance and Corporate Affairs Committee) |
| 31 | **North Tees and Hartlepool NHS Foundation Trust** | (1) Cllr Roy |
| 32 | **Northern Consortium of Housing Authorities** | (1) Cllr Harrison(Chair of Finance and Corporate Affairs Committee)<br>(2) Cllr Scarborough (Vice-Chair of Finance and Corporate Affairs Committee) |
| 38 | **Safer Hartlepool Partnership** | (1) Cllr Harrison (Leader)<br>(2) Cllr Oliver (Chair of Neighbourhood Services Committee) |
| 41 | **Standing Advisory Council for Religious Education**<br>(Term of office 2024-2028) | (1) Cllr Harrison<br>(2) Vacancy |
| 42 | **Tees Esk and Wear Valley NHS Trust** | Cllr Boddy |
| 47 | **Tees Valley Combined Authority Board**<br><br>**(i) Transport Committee** | (1) Cllr Harrison (Leader)<br>(Sub – Cllr Hargreaves)<br><br>(1) Cllr Oliver (Chair of Neighbourhood Services Committee)<br>(Sub – Cllr Dodds) |
| | **(ii) Audit and Governance Committee**<br><br>**Politically balanced (Lab– 1)** | (1) Cllr Boddy (Member of Audit and Governance Committee)<br>Sub – Cllr Roy |
| | **(iii) Overview and Scrutiny Committee**<br>**Politically balanced (Lab – 2 / Cons – 1) -** Membership of Overview and Scrutiny not to include the TVCA Audit and Governance Member or Transport Committee Member. | (1) Cllr Creevy (Sub – Cllr Allen)<br>(2) Cllr Nelson (Sub – Cllr Dodds)<br>(3) Cllr Young (Sub – Cllr Darby) |
| | **(iv) Independent Remuneration Panel**<br><br>**(v) Education, Employment and Skills Partnership Board** | (1) Martin Slimings (Independent Member)<br><br>(1) Cllr Hargreaves<br>(Sub – Cllr Dodds) |
| 25 | **National Museum of Royal Navy Hartlepool (NMRN Hartlepool) Charitable Trust** | (1) Cllr C Wallace<br>(2) Managing Director*<br><br>*Board Members are both company directors and trustees. |

| | **Organisation** | **2025/26 Membership** |
|---|---|---|
| 55 | **The Northern Studios (Hartlepool) Limited** | (1) Managing Director*<br>*Board Member is Company Director |
| 26 | **North East and North Cumbria Integrated Care Board (ICB)**<br>(Term of office 2025-2027) | (1) No appointment required – appointed by ANEC |
| 27 | **North East and North Cumbria Integrated Care Partnership** | (1) Cllr Harrison (Leader)<br>(2) Director of Public Health |
| 18 | **Hartlepool Mayoral Development Corporation** (Mayoral Appointment) | (1) Board Member – Mayoral Appointment<br>(2) Denise McGuckin (Associate Member/Non-voting) |
| 43 | **Tees Port Welfare Committee** | (1) Cllr Dodds |
| 9 | **Domestic Abuse Strategic Partnership** | (1) Cllr Oliver |

## (iii) ADVISORY

| | **Organisation** | **2025/26 Membership** |
|---|---|---|
| 23 | **Local Joint Consultative Committee**<br>*Politically balanced (Lab – 2, Con – 1, Indep – 1)<br><br>** Dependent on subject matter to be considered | (1) Cllr Boddy*<br>(2) Cllr Dunbar*<br>(3) Cllr Holbrook*<br>(4) Cllr Feeney*<br>(5) S Williams (Union rep)<br>(6) E Jeffries (Union rep)<br>(7) T Harvey (Union rep)<br>(8) Anthony Kelly (Union rep)<br>(9) Managing Director<br>(10) Chief Solicitor<br>(11) A N Other Officer**<br>(12) A N Other Officer**<br><br>Plus: Leader, Deputy Leader, Leader of Majority Group (non-voting) |
| 39 | **Schools Admission Forum** | (1) Cllr Boddy (Vice -Chair of Children's Services Committee)<br>(2) Cllr Harrison<br>(3) Cllr Bailey-Fleet |

## (iv) COUNCIL IN THE COMMUNITY

| | **Organisation** | **2025/26 Membership** |
|---|---|---|
| 2 | **Age UK Teesside** | (1) Cllr Napper |
| 6 | **Cleveland Fire Authority**<br>Politically balanced (Lab – 2, Con / Ind – 1)<br><br>**Executive** | (1) Cllr C Wallace<br>(2) Cllr Allen<br>(3) Cllr Buchan<br><br>(1) Fire Authority appoint to Executive |
| 44 | **Teesside International Airport Board** | (1) Cllr Roy |
| 45 | **Teesside International Airport Consultative Committee** | (1) Cllr Male |
| 14 | **Fairtrade Town Steering Group** | (1) Cllr Harrison |
| 15 | **Fostering Panel**<br>(3 year term ends 2026) | (1) Cllr Harrison |
| 1 | **Adoption Tees Valley Board**<br>(3 year term ends 2028) | (1) Cllr Harrison |
| 20 | **Hartlepool War Memorial and Crosby Homes** (4 year term of office – 2023 to 2026) | (1) Ex-officio Chair of Council<br>(2) Cllr C Wallace |
| 21 | **Henry Smith Educational Charity**<br>(i) Nominated trustees – Term of office 1 year | (1) Cllr Morley (Chair of Children's Services Committee)<br>(2) Cllr Nelson<br>(3) Cllr Jorgeson |
| 35 | **Preston Simpson Scholarship in Music**<br>(Term of Office 2025 - 2029) | (1) Cllr Harrison<br>(2) Cllr Creevy<br>(3) Mr Chris Simmons |
| 37 | **River Tees Port Health Authority**<br>**(HBC - Chair 2025/26)** | (1) Cllr Allen (Chair)<br>(2) Cllr Dodds |
| 52 | **Teesmouth Field Centre** | (1) Cllr Boddy<br>(2) Appropriate Officer |
| 56 | **Victoria and Jubilee Homes**<br>(Term of Office 2022-2026) | (1) Cllr Hall<br>(2) Cllr Allen<br>(3) Cllr Male<br>(4) Cllr Riddle |
| | **Champions** | |
| | **Armed Forces Champion** | (1) Cllr C Wallace |

| | Organisation | 2025/26 Membership |
|---|---|---|
| | **Veterans Champion** | (1) Nomination from Armed Forces Liaison Group – Mr Terence Phillips |
| | **Heritage Champion (Member of Planning Committee)** | (1) Cllr Jorgeson |
| | **Mental Health Champion** | (1) Cllr Boddy |
| | **Older Persons Champion (Chair of Adult and Community Based Services Committee)** | (1) Cllr Allen |
| | **Refugee Champion** | (1) Cllr Thompson |
| | **Children in our care Champion** | (1) Cllr Morley (Chair Children's Services Cttee) |

*Other than the Armed Forces Champion, there is no requirement for a Member to present an Annual report to a meeting of Full Council. However, if a Member Champion would like to present an Annual Report, arrangements will be made to facilitate that presentation. There shall be no more than one presentation by a Member Champion at any meeting of Full Council.*

## (v) OTHER DECISION MAKING BODIES

| | **Organisation** | **2025/26 Membership** |
|---|---|---|
| 24 | **National Association of Councillors:** | |
| | **English Region** | (1) Cllr Harrison (Leader) (Voting)<br>(2) Cllr Scarborough (Deputy Leader) (Voting)<br>(3) Vacancy<br>Only 2 voting elected Members/ to be specified |
| | **General Management Committee** | (1) Cllr Harrison (Leader) (Voting)<br>(2) Cllr Scarborough (Deputy Leader) (Voting)<br>(3) Vacancy<br>Only 2 voting Elected Members/ to be specified |
| 29 | **North East Regional Employers Organisation** | (1) Cllr Hargreaves (Chair of Economic Growth and Regeneration Committee)<br>(2) Cllr Boddy<br>(3) Cllr Nelson |
| | **Executive** | (1) Cllr Hargreaves (Chair of Economic Growth and Regeneration Committee) |
| 54 | **Teesside Pension Fund** | (1) Cllr Scarborough |
| | **Teesside Pension Board (4 year Term of office 2023 – 2027)****** | (1) Cllr Young |
| 16 | **Furness Seaman's Pension Fund*** (4 year Term of office until 2029)** | (1) Vacancy<br>(2) Vacancy |
| 53 | **Teesside Environmental Trust** | (1) Cllr Dodds |

## (vi) WORKING GROUPS

| | **Organisation** | **2025/26 Membership** |
|---|---|---|
| 8 | **Crustacean Deaths Working Group** | (1) Cllr Creevy(Mover of Motion)<br>(2) Cllr Feeney<br>(3) Cllr Hargreaves (Economic Growth and Regeneration Committee Member)<br>(4) Statutory Scrutiny Manager |

***The persons nominated do not have to be Elected Members of the Council.
******** 2 appointments from Members of Tees Valley Local Authorities .

**APPROVED CONFERENCES:**
Local Government Association Centre for Public Scrutiny
National Association of Councillors (3 delegates to attend)

# MANAGEMENT STRUCTURE