Hartlepool
Borough Council

Constitution Committee

Agenda

10 November 2026

Time: 3.00pm

Location: Council Chamber, Civic Centre, Hartlepool

Members: Constitution Committee

Councillors Bailey-Fleet, Dunbar, Gaines, Bruce (C), Holbrook, Little, Male, Napper (VC) and Thompson

1. Apologies for absence

2. To receive any declarations of interest by members

3. Minutes

3.1 To confirm the minutes of the meeting held on 17 September 2026.

4. Items requiring decision

4.1 Implementation of New Governance Arrangements – Revised Constitution - *Monitoring Officer/Director of Legal, Governance and Human Resources*

4.2 Member Champion Review – Revised Constitution - *Monitoring Officer/Director of Legal, Governance and Human Resources*

5. Any other business which the chair considers urgent

For Information

Date of next meeting – 12 January 2027

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Hartlepool Borough Council

Constitution Committee

Minutes and Decision Record

17 September 2026

Meeting commenced

Time: 10am

Location: Council Chamber, Civic Centre, Hartlepool

Present:

Councillor: Dave Bruce (In the Chair)

Councillors: Martin Dunbar, Philip Holbrook, Sue Little, Corinne Male, Amanda Napper (VC), Carole Thompson

Also present: Councillor Scott Gaiety as substitute for Councillor Adam Gaines in accordance with Council Procedure Rule 4.2.

Officers: Hayley Martin, Director of Legal, Governance and HR
Scott Parkes, Assistant Director of Neighbourhood Services
Joan Stevens, Democratic Services and Statutory Scrutiny Manager
Laura Stones, Governance Solicitor
Gemma Jones, Scrutiny and Legal Support Officer

Prior to the commencement of the meeting, a Member sought clarification regarding the arrangements for chairing the meeting and raised a query relating to social media.

11. Apologies for Absence

Apologies were received from Councillor Bailey-Fleet.

12. Declarations of Interest

None.

13. Confirmation of the minutes of the meeting held on 2 July 2026 (reconvened on the 15 July 2026)

Confirmed.

Councillor Bailey Fleet entered the meeting during consideration of minute number 14.

14. Planning Scheme of Delegation – *Director of Legal, Governance and Human Resources*

The Director of Legal, Governance and Human Resources presented to the committee the Planning Scheme of Delegation report. The purpose of the report was to seek approval of the revised Planning Delegation Scheme for officers so that this could be referred to Full Council for adoption. This was to ensure the Council's arrangements comply with the new statutory national scheme of delegation for planning functions.

Members were advised that the new framework intended to provide greater clarity and consistency in the role of planning committees, with more minor and technical applications determined by officers and committee consideration focused on applications of greater local significance.

The Director explained the recommendation contained within the report was necessary to ensure that the Council's planning decision-making arrangements comply with the new statutory national scheme of delegation and provide a clear, lawful and consistent basis for the determination of planning applications.

A Member sought clarification regarding planning applications for replacement windows in conservation areas. The Director of Legal, Governance and HR advised that this matter would be investigated further and that a response would be provided to the Member in due course.

Decision

1. That the revised Planning Delegation Scheme for officers and Members and Planning Code of Practice will be referred to Full Council for final adoption.

15. Progress update on implementation of new governance arrangements – *Monitoring Officer / Director of Legal Governance and Human Resources*

The Director of Legal, Governance and HR provided the Committee with a progress update in the implementation of the Council's transition from a committee system to a Leader and Cabinet model of governance. The progress made against the agreed implementation programme was also outlined within the report.

Decision

1. Members noted the progress made in implementing the Council's transition to a Leader and Cabinet model of governance.

2. Members noted the work undertaken by the Leader and Cabinet Transition Working Group to date.
3. Agreed that further progress reports be presented to future meetings of the Constitution Committee.

16. Any other business which the Chairman considers urgent

None.

The meeting concluded at:

Time: 10:10am

CHAIRMAN

Hartlepool Borough Council

Constitution Committee

10 November 2026

Report of: Monitoring Officer/Director of Legal, Governance and Human Resources

Subject: IMPLEMENTATION OF NEW GOVERNANCE ARRANGEMENTS – REVISED CONSTITUTION

1. Council Plan Priority

Hartlepool will be a place:
with a Council that is ambitious, fit for purpose and reflects its community. (Organisation)

2. Purpose of Report

2.1 To ask the Constitution Committee to review the attached revised Constitution (Appendix 1), developed with the Constitution Committee and the Leader and Cabinet Transition Working Group, and to agree that any matters which cannot be agreed are referred to Full Council on 26 November 2026 for final determination.

3. Background

3.1 At its meeting on 15 October 2026, Council decided to transition from the Committee System to a Leader and Executive (Cabinet) model of governance with effect from 10 December 2026.

3.2 Over recent months, the Constitution Committee and the Leader and Cabinet Transition Working Group have worked with officers to develop the constitutional changes required to support the new governance arrangements. This work has informed the attached revised Constitution.

4. Progress Update

4.1. Following Council's decision on 15 October 2026, the transition programme has moved into its final implementation phase.

4.2. The revised Constitution reflects the governance framework required for the Leader and Executive model, including:

- Cabinet size and composition.
- Allocation of portfolio responsibilities.
- Executive decision-making arrangements.
- Committee structures and appointments.
- Overview and Scrutiny arrangements.
- Constitutional amendments required to support the new governance framework.

4.3. Members are asked to review the attached revised Constitution and agree those provisions which can be settled by the Constitution Committee.

4.4. Any matters which are not agreed by the Constitution Committee will be referred to Full Council on 26 November 2026 for final determination.

4.5. This timetable will enable the statutory notice to be issued and the revised Constitution to be made available to the public before the new governance arrangements take effect on 10 December 2026.

4.6. Subject to the Committee's consideration and Full Council's determination of any outstanding matters, officers will finalise publication and implementation arrangements so that the revised Constitution is in place from 10 December 2026.

5. Other Considerations/Implications

Risk Implications	The principal risk is that the revised Constitution is not approved and published in sufficient time for the new governance arrangements to take effect on 10 December 2026. The proposed referral of any unresolved matters to Full Council on 26 November 2026 is intended to support timely final determination, statutory notification and publication.
Financial Considerations	There are no direct financial implications arising from this progress report. Existing officer resources continue to support the programme, although ongoing implementation activity will require officer and Member commitment throughout the transition period.
Subsidy Control	None
Legal Considerations	The revised Constitution is required to give effect to Council's decision of 15 October 2026 to adopt a Leader and Executive (Cabinet) model of governance from 10 December 2026. Following final determination, the Council must issue the required statutory notice and make the revised Constitution available to the public before the new arrangements take effect.

Single Impact Assessment	Not applicable at this stage.
Staff Considerations	Implementation of the new governance arrangements continues to require officer support across a number of service areas. Appropriate resources are being coordinated through the programme arrangements.
Asset Management Considerations	There are no asset management implications arising from this report.
Environment, Sustainability and Climate Change Considerations	There are no environmental, sustainability or climate change implications arising from this report.
Consultation	The revised Constitution has been developed through engagement with the Constitution Committee and the Leader and Cabinet Transition Working Group over recent months. The Committee is now asked to review the document and identify any matters requiring final determination by Full Council.

6. Recommendations

6.1. It is recommended that Members:

a) Review the attached revised Constitution developed with the Constitution Committee and the Leader and Cabinet Transition Working Group.

b) Agree the provisions of the revised Constitution which are within the Committee's remit and on which agreement can be reached.

c) Agree that the revised Constitution and any matters which are not agreed by the Constitution Committee be referred to Full Council on 26 November 2026 for final determination and approval. This will enable the appropriate statutory notice to be issued and the revised Constitution be made available to the public before it takes effect on 10 December 2026.

d) Authorise the Monitoring Officer to make any necessary minor consequential, typographical, formatting, cross-referencing and legislative updating amendments prior to publication.

7. Reasons for Recommendations

7.1. To enable the revised Constitution to be finalised, approved and published in sufficient time to give effect to Council's decision to implement the Leader and Executive (Cabinet) model of governance from 10 December 2026.

8. Background Papers

Council Minutes – 15 October 2026
Constitution Committee – 2 July 2026 and 17 September 2026
The English Devolution and Community Empowerment Act 2026

9. Contact Officers

Hayley Martin, Director of Legal, Governance and Human Resources
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Hartlepool Borough Council

CONSTITUTION

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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 April 2025, the Authority formally adopted a new Council Plan covering the period up to 2030. Our Vision for the future of Hartlepool in 2030 Hartlepool will be:

a place where people live healthier, safe and independent lives… PEOPLE
a place that is connected, sustainable, clean and green… PLACE
a place that is welcoming with an inclusive and growing economy providing opportunities for all… POTENTIAL
a place with a Council that is ambitious, fit for purpose and reflects its community… ORGANISATION

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).

PART 1

LEGAL BACKGROUND AND ORGANISATION AND GOVERNANCE STRUCTURE

Hartlepool Borough Council (the Council) was established as a unitary authority in April 1996. The Council operated a committee system of governance from May 2013. Following the Council's decision on 15th October 2026, it moved to a Leader and Executive form of governance (often referred to as Leader and Cabinet) with effect from 10th December 2026. This Part provides the legal background to the Council and an overview of its organisation and governance structure.

1. Legal Background

1.1 The Local Government Act 2000 provides the statutory framework for executive arrangements. The Council's Leader and Executive arrangements operate in accordance with that Act, as amended, together with the English Devolution and Community Empowerment Act 2026, which introduced reforms requiring principal councils operating the committee system to move to Leader and Executive governance, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and other relevant legislation. Full Council remains responsible for the functions reserved to it by law and by this Constitution.

2. The Legal Status of Hartlepool Borough Council

2.1 Hartlepool Borough Council is a principal council and local authority for the purposes of the Local Government Act 1972. The present unitary local government arrangements took effect on 1 April 1996 under the Cleveland (Structural Change) Order 1995. The Order provided for Cleveland County Council to be wound up and dissolved and, subject to the other provisions of the Order and associated legislation, transferred its functions relating to the Borough to Hartlepool Borough Council. From that date, the Council assumed responsibility for both district council functions and the former county council functions relating to Hartlepool and has operated as a unitary authority. This is subject to functions conferred by law on other bodies, including parish councils and parish meetings, and to any statutory joint or combined arrangements.

2.2 The Borough contains several civil parishes. Some have an elected parish council, which is a separate local authority with its own statutory powers and responsibilities. Every civil parish has a parish meeting comprising the local government electors for the parish. In a parish without a separate parish council, the parish meeting exercises the functions conferred on it by law. Parish councils and parish meetings are legally distinct from Hartlepool Borough Council but form part of the wider local government arrangements operating within the Borough.

2.3 The parish areas within the Borough are:

Parish councils	Parish meetings
Dalton Piercy	Brierton
Elwick	Claxton
Greatham	Newton Bewley
Hart	
Headland	
Wynyard (Hartlepool)	

3. Wider Context

3.1 The Council works jointly with a range of regional bodies. These include, but are not limited to:

- Tees Valley Combined Authority;
- Cleveland Fire Authority;
- Cleveland Police and Crime Panel;
- Archives Joint Committee;
- Cleveland Emergency Planning Joint Committee;
- Tees Valley Joint Health Scrutiny Committee;
- North East Joint Health Scrutiny Committee;
- North Eastern Inshore Fisheries and Conservation Authority;
- Northumbria Regional Flood and Coastal Committee;
- River Tees Port Health Authority;
- Teesside International Airport Board;
- Teesside Pension Fund and Teesside Pension Board;
- North East Regional Employers Organisation; and
- North East Procurement Organisation Collaborative Procurement Committee.

3.2 Further information is set out in Article 9 *(Joint Arrangements, Committees and Partnerships)* and Part 7 *(Guidance for Elected Members and Officers Serving on Outside Organisations and Other Bodies)*.

4. The Constitution

2.1 The Constitution sets out how the Council operates, how decisions are made and the procedures followed to ensure that decision-making is efficient, transparent and accountable to local people. Some processes are required by law; others are matters for local choice. The Constitution reflects the Local Government Act 1972, the Local Government and Housing Act 1989, the Local Government Act 2000, the Localism Act 2011, the English Devolution and Community Empowerment Act 2026 and other relevant legislation. It is kept under review as legislation, statutory guidance and local arrangements develop.

5. What is in the Constitution?

5.1 The Constitution is divided into 14 Articles which set out the basic rules governing the Council's business. More detailed procedures, rules, codes and protocols are set out elsewhere in the Constitution.

5.2 Article 1 sets out the purpose of the Constitution. Articles 2–14 explain the rights of local people and provide the framework for the Council's principal bodies and decision-making arrangements.

6. Organisation and Governance Structure

6.1 The Council is made up of 36 Elected Members (Councillors). The Borough is divided into 12 wards, with three Elected Members representing each ward. Elections are held by thirds: one seat in each ward is ordinarily contested in each of three years, followed by a year in which there is no ordinary election.

6.2 Elected Members must follow the Code of Conduct for Elected Members and Co-opted Members. The Council has a duty to promote and maintain high standards of conduct by Elected Members and co-opted Members. The Monitoring Officer supports the Council and the Staffing and General Purposes Committee acting as the Council's Standards Committee in discharging their responsibilities for ethical standards.

6.3 When all Elected Members meet formally, this is a meeting of Full Council. Meetings are normally open to the public. Full Council sets the budget and policy framework, elects the Leader, appoints committees and carries out the other functions reserved to it by law or by this Constitution. Further details are set out in Article 4.

7. Leader and Executive Decision-Making

7.1 The Leader is elected by Full Council in accordance with the statutory framework and this Constitution. The Leader appoints the Executive, allocates portfolios and determines arrangements for the discharge of executive functions. Executive decisions may be taken by the Executive, individual Executive Members, committees of the Executive, joint arrangements or Officers where responsibility has been lawfully delegated.

7.2 Executive Portfolios:

- Partnerships, Finance & Transformation
- Policy, Assets & Delivery
- Children, Education & Skills
- Adult Social Care, Public Health & Communications
- Homes, Neighbourhoods & Community Safety
- Prosperity, Investment & Tourism
- Infrastructure, Rural & Sustainability

7.3 The Executive is responsible for proposing the budget and policy framework to Full Council and for carrying out all executive functions that are not reserved to

Full Council or delegated elsewhere. Executive decisions must comply with the approved budget and policy framework, the Executive Procedure Rules, the Access to Information Procedure Rules and the principles of decision-making in this Constitution. Regulatory functions, including planning and licensing, will continue to be discharged by the relevant non-executive committees.

7.4 Further information is set out in Article 7 (*The Role of the Executive and Leaders)* and Part 4 *(Executive Procedure Rules)*.

8. Overview and Scrutiny

2.1 The Council will operate overview and scrutiny arrangements to support policy development, review the performance of the Council and other local public services, and hold the Leader and Executive to account. Overview and scrutiny may review or scrutinise executive decisions, make reports and recommendations, and exercise the Council's statutory scrutiny responsibilities, including those relating to health and crime and disorder.

2.2 Overview and Scrutiny Committees structure:

Corporate Scrutiny Committee
People Scrutiny Committee
Place Scrutiny Committee

2.3 Details of the remit and membership of each of the committees are set out in Article 6 (Overview and Scrutiny Committees). Procedure rules in relation to the operation of the overview and scrutiny function, including 'Call-In', are outlined in Part 4 (Overview and Scrutiny Procedure Rules).

9. Council Officers

2.1 The Council employs Officers to provide professional advice, implement lawful decisions and manage the day-to-day delivery of services. Some Officers hold statutory responsibilities to ensure that the Council acts lawfully, maintains proper financial administration and secures value for money. More information about Officers is set out in Article 10, and the functions delegated to Officers are set out in Part 3. The relationships between Officers and Elected Members are governed by the Member–Officer Protocol in Part 5.

10. Citizens' Rights

10.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some are legal rights, while others depend on the Council's own processes.

10.2 Citizens 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 (subject to payment of a reasonable fee);
- attend (and record or film) meetings of the Full Council and its Committees except where, for example, personal or confidential matters are being discussed;
- participate in the Full Council's question time, present petitions 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, the Executive, its Committees, individual Executive Members or Officers, except where the information is confidential or exempt from disclosure, in accordance with the relevant access to information procedure rules;
- complain to the Council about the way in which services are being delivered;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should normally do this after using the Council'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 Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

11. Summary of the Constitution

11.1 The Council is required under section 37 of the Local Government Act 2000 to have a written constitution comprising specified documents and such other information which it thinks appropriate.

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

11.3 The Constitution comprises 14 Articles which set out the basic rules governing the Council's business, together with more detailed procedures and codes of practice in separate rules and protocols.

11.4 The Constitution is made up of the following parts:

Part 1 – Legal Background and Organisation and Governance Structure

Part 2 – The Articles of the Constitution – these set out the purpose of the Constitution and explain the rights of citizens and how the key parts of the Council operate.

Part 3 – Responsibility for Functions – this sets out who is responsible for making the various decisions in the Council.

Part 4 – Rules of Procedure – this includes the Council's procedure rules and financial regulations.

Part 5 – Codes and Protocols – this includes the Code of Conduct for Elected Members.

Part 6 – Members' Allowances Scheme – this sets out the allowances paid by the Council to Elected Members and co-opted members.

Part 7 – Outside Organisations and Bodies – this contains details about Elected Members' appointments to committees and other bodies.

Part 8 – Management Structure – contains details of the senior management team and responsibilities.

12. Further Information

12.1 The Council welcomes participation by the town's people in its work. For further information about your rights or 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: DemocraticServices1@hartlepool.gov.uk

ARTICLE 1

THE CONSTITUTION

This Article sets out the status, purpose and review arrangements for the Council's Constitution.

1.1 Powers of the Council

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

1.2 The Constitution

This Constitution, including all appendices, is the Constitution of Hartlepool Borough Council.

This Constitution forms part of the Council's wider governance framework and should be read alongside the Council's Code of Corporate Governance and other relevant policies and procedures.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.4 Interpretation and Review of the Constitution

Where this Constitution permits the Council to choose between different courses of action, the Council will choose the option which it considers most closely reflects the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13.

ARTICLE 2

ELECTED MEMBERS OF THE COUNCIL

This Article sets out the composition, role, rights, duties and development expectations of Elected Members of the Council.

2.1 Composition and eligibility

(a) **Composition.** The Council will comprise Elected Members, otherwise called Councillors. The Council is divided into 12 wards, with three Elected Members 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.

(b) **Eligibility.** A person is eligible to be an Elected Member if they meet the statutory qualification requirements, including being a registered local government elector for the area or satisfying the relevant residence, occupation, ownership or employment qualification.

2.2 Election and terms of Elected Members

Election and terms. The ordinary election of one third of Elected Members will be held on the first Thursday in May each year, with no regular election in every fourth year. The term of office of Elected Members will be four years, starting on the fourth day after election and ending on the fourth day after the date of the regular election four years later.

2.3 Roles and functions of all Elected Members

(a) **Key roles**

All Elected Members will:

- Collectively, act as the ultimate policy-makers by determining the budget and agreeing the plans and strategies set out in the Budget and Policy Framework;
- Represent their communities and bring their views into the Council's decision-making process, acting as advocates for their communities while making decisions in the best interests of the Borough as a whole;
- Contribute to the good governance of the area and actively encourage community participation and involvement in decision-making;
- Where they represent a parished area, engage with the parish council and, where possible, attend parish council meetings to support open communication and strengthen relationships;
- Represent the interests of their ward effectively, including by dealing with individual casework and constituents' concerns, while balancing different interests fairly and impartially;

- Be available to represent the Council on other bodies; and
- Maintain the highest standards of conduct and ethics expected of elected representatives, in accordance with the Principles of Public Life and the Code of Conduct for Elected Members and co-opted Members.

(b) **Rights and duties**

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

(ii) Elected Members will not make public any information which is confidential or exempt without the consent of the Council or disclose information given in confidence to anyone other than an Elected Member or officer who is legally entitled to know it.

(iii) For these purposes, "confidential" and "exempt" information is defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

Elected Members will at all times observe the Elected Members' Code of Conduct and the Elected Member/Officer Protocol set out in Part 5 of this Constitution.

2.5 Allowances

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

2.6 Elected Member Development

The Council is committed to supporting Elected Member development by providing learning and development opportunities that enhance the skills and knowledge needed for effective community leadership and the conduct of Council business. The Elected Member Development Programme provides a range of awareness and training opportunities. Elected Members are expected to attend, and may be required to complete, training identified through the Elected Member Development Programme as necessary for their role.

ARTICLE 3

CITIZENS AND THE COUNCIL

This Article sets out the relationship between citizens and the Council, including the rights of citizens to access information, participate in local democracy, make complaints and engage responsibly with the Council. This Article also recognises the Council's commitment to community empowerment, early engagement, transparency and accessible participation in decision making.

Community Participation and Empowerment Principles

The Council will involve residents, communities, Elected Members and stakeholders at the earliest practical stage in policy development and decision making. Engagement should be meaningful, proportionate, transparent and accessible, and should help inform the development of significant proposals before final decisions are taken.

Significant policies, strategies and proposals should, where appropriate, demonstrate evidence of pre-decision engagement, including who was consulted, how engagement was undertaken, what issues were raised, and how the proposal was changed or informed as a result. Reports to the Executive and other decision makers should include appropriate information about community engagement undertaken before the decision is made.

3.1 Citizens' rights

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

(a) **Voting and petitions**. Citizens on the electoral roll for the area have the right to vote in any national or local election.

(b) **Information.** Citizens have the right to:

(i) attend meetings of the Council, the Executive, committees and sub-committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private. Where meetings are held in public, voting, decisions and reasons will be recorded in accordance with the Council's procedure rules;

(ii) find out from the Forward Plan what key decisions will be taken, when they are expected to be taken, and which Executive Member or decision maker is responsible;

(iii) see reports setting out equality implications, financial implications, alternative options considered decision notices and records of decisions made (where appropriate), as well as background papers subject to any lawful restriction on confidential or exempt information; and

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

(c) **Participation.** Citizens have the right to participate in the Council's 'Public Question' time, submit petitions, contribute to consultations and engagement exercises, comment on proposals affecting their local area, and contribute to investigations by overview and scrutiny committees.

The Council's Petition Scheme will provide clear and accessible arrangements for submitting, considering and responding to petitions. The Scheme will set out thresholds for written responses and debate by the Executive or Council, where a petition raises significant strategic, service or community issues.

Where a significant Executive decision specifically affects one or more wards, the Council will, where practicable, notify the relevant Ward Elected Member before the decision is taken.

The Council will support modern and accessible participation by making agendas, reports, decision records, consultation material and other relevant decision-making documents available online where practicable. The Council will also support access to public meetings, recordings, petitions and consultation opportunities where resources, technology and legal requirements allow, including through online consultation tools and digital petition arrangements.

Citizens may access their Ward Elected Member through ward surgeries and other locally advertised engagement opportunities, including opportunities to raise local issues, ask questions and discuss matters affecting their ward.

(d) **Complaints.** Citizens have the right to complain to:

(i) the Council itself under its complaints policies and procedures;

(ii) the Local Government and Social Care Ombudsman after exhausting the Council's own complaints policies and procedures;

(iii) the Monitoring Officer if they believe there is evidence that a Councillor has not followed the Code of Conduct for Elected Members and Co-opted Members.

3.2 Citizens' responsibilities

Citizens must not act in a violent, abusive or threatening manner towards councillors or officers, or deliberately damage Council property or property belonging to councillors or officers. They must also comply with the law, including byelaws, and follow the Council's procedures when engaging with the Council. Such behaviour, or other unreasonable conduct, may result in the Council invoking its Managing Unreasonable Behaviour Policy and the individual being placed on the Employee Protection Register.

ARTICLE 4

FULL COUNCIL

This Article explains the role, functions and reserved responsibilities of Full Council within the Council's executive governance arrangements.

4.1 Introduction

The Council operates an Executive system of governance, often referred to as the Leader and Cabinet model. Its decision-making arrangements are made in accordance with the Local Government Act 2000, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any other relevant legislation.

4.2 Functions of Full Council

Full Council is responsible for approving and adopting the Council's annual budget and the plans and strategies that make up the policy framework.

(a) **Policy Framework.** The policy framework comprises the plans and strategies required by law to form part of the policy framework, together with any additional plans and strategies which the Council has determined shall form part of its local policy framework:

- Community Safety Plan;
- Local Transport Plan;
- Licensing Authority Policy Statement under the Gambling Act 2005;
- Plans and strategies which together comprise the Development Plan; and the
- Youth Justice Plan

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.

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

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

4.3 Reserved Functions of Full Council

Only the Council will exercise the following functions:

(a) adopt and amend the Constitution;

(b) approve or adopt the Policy Framework;

(c) approve and adopt the budget, including the revenue budget and capital programme, the allocation of financial resources to Council services and projects, the setting of Council Tax, the business rates base and Council Tax base, the Council's borrowing limits, loans and investments, the Capital Strategy, Investment Strategy, Reserves Strategy and treasury-management arrangements, and the policy for calculating the minimum revenue provision;

(d) approve Housing Land Transfer, meaning the approval or adoption of applications, whether in draft form or not, to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993, or for consent to such disposals where consent is required under sections 32 or 43 of the Housing Act 1985;

(e) make or revise a Council Tax Reduction Scheme under section 13A(2) of the Local Government Finance Act 1992;

(f) approve the Pay Policy Statement;

(g) appoint the Ceremonial Mayor and Deputy Mayor;

(h) elect the chairs and vice-chairs of committees;

(I) elect and remove the Leader and note the Elected Members appointed to the Executive;

(j) subject to the urgency procedure contained in the Access to Information Procedure Rules, make decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision-maker proposes to act contrary to the Policy Framework, contrary to the budget, or not wholly in accordance with the budget;

(k) agree or amend the terms of reference of committees, determine their composition and make appointments to them;

(l) adopt the Scheme of Elected Members' Allowances;

(m) adopt a Code of Conduct for Elected Members;

(n) determine electoral arrangements, including the Council's electoral cycle, where required by law to be determined by Full Council;

(o) undertake community governance reviews and make any related recommendations or decisions reserved to Full Council;

(p) appoint the Independent Persons under section 28(7) of the Localism Act 2011;

(q) confer the title of Honorary Alderman or the Honorary Freedom of the Borough;

(r) appoint or designate the Head of Paid Service and, where required by law, approve dismissal before notice is given;

(s) appoint or designate the Monitoring Officer and Section 151 Officer and, where required by law, approve dismissal before notice is given;

(t) approve remuneration packages for newly created posts over £100,000, including salary, bonuses, fees, allowances and benefits in kind;

(u) approve severance packages for officers of £100,000 or more, including pay in lieu of notice, redundancy compensation, pension strain, bonuses, fees or allowances. Reports must be submitted to Full Council in advance of any restructure which may result in such payments;

(v) make, amend, revoke, re-enact or adopt byelaws and promote or oppose local legislation or personal Bills;

(w) receive reports and consider recommendations from the Executive, overview and scrutiny committees, the Staffing and General Purposes Committee, the Audit Committee and other committees as appropriate;

(x) make appointments and nominations to Council companies and outside bodies, except where legislation requires another person or body to make the appointment; and

(y) exercise all other functions which by law or this Constitution are reserved to Full Council.

4.4 Council meetings

There are three types of Council meeting: annual meetings, ordinary meetings and extraordinary meetings. These will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.5 Responsibility for functions

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

ARTICLE 5

ROLE OF THE CEREMONIAL MAYOR

This Article explains the appointment, role and functions of the Ceremonial Mayor and Deputy Mayor, including their civic and ceremonial responsibilities and the Ceremonial Mayor's role in chairing meetings of Full Council.

5.1 Ceremonial Mayor

The Ceremonial Mayor is elected at the Annual Council meeting, usually held in May. The Deputy Mayor is appointed at the same meeting.

Any Elected Member is eligible for election to the office of Ceremonial Mayor, or appointment as Deputy Mayor, except for Elected Member who are members of the Executive or a Chair of a Committee. Elected Member who are members of the Executive or Committee Chairs are not eligible for election as Ceremonial Mayor or appointment as Deputy Mayor in order to preserve the independence and political neutrality of the civic role, maintain impartial chairing of Full Council, and ensure a clear separation between the Council's Executive functions and its civic and constitutional functions.

5.2 Role and functions

The Ceremonial Mayor will chair meetings of Full Council. In the Ceremonial Mayor's absence, the Deputy Mayor will chair meetings of Full Council and support the Council's civic and ceremonial roles and functions, including:

(a) to uphold and support the application of the Constitution when chairing meetings of Full Council;
(b) to chair meetings of Full Council so that its business can be carried out efficiently, having regard to the rights of Elected Members and the interests of the community;
(c) to promote public involvement in the Council's activities; and
(d) to act as the First Citizen of Hartlepool and attend civic and ceremonial functions with their consort, including:

- Annual Civic Service
- Annual Memorial Service – Bombardment
- Annual Remembrance Day Service and associated events
- Armed Forces Day
- Charity events to be held at the discretion of the Ceremonial Mayor
- Workers' Memorial Day
- 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

5.3 Deputy Mayor

The Deputy Mayor will:

- support the Ceremonial Mayor in their civic role and carry out civic duties on behalf of the Council; and
- deputise for the Ceremonial Mayor in their absence.

ARTICLE 6

OVERVIEW AND SCRUTINY COMMITTEES

This Article sets out the Council's Overview and Scrutiny arrangements, including the committees established to support transparent decision-making, policy development and accountability.

6.1 Overview and Scrutiny Committee arrangements

The has established three Scrutiny Committees:

- Corporate Scrutiny Committee
- People Scrutiny Committee
- Place Scrutiny Committee

The Council fully supports the role of its Overview and Scrutiny Committees in holding the Executive and others to account in discharging their functions and in policy formulation. In addition to the functions conferred by Part 1A of the Local Government Act 2000, including functions relating to crime and disorder, flood risk management and health scrutiny, together with functions arising under the Health and Social Care Act 2012, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and other relevant legislation.

In carrying out their functions, each Scrutiny Committee shall:

a) Support the development and review of the Council's Policy Framework, Budget and strategic priorities insofar as they relate to the Committee's remit;

b) Review and scrutinise decisions made, actions taken and the performance of the Council, the Executive, Portfolio Holders, Committees, officers and any other body exercising functions on behalf of the Council;

c) Review and scrutinise the effectiveness, quality, value for money and outcomes of Council services, policies, strategies, programmes and projects, including performance, financial and risk management information;

d) Review and scrutinise matters affecting the Borough or its residents which fall within the Committee's remit, including issues raised by local communities, stakeholders and Elected Members;

e) Undertake pre-decision scrutiny of matters included within the Forward Plan and other proposals referred to the Committee by the Executive, Council or other bodies;

f) Review and scrutinise the performance and activities of partner organisations, public bodies and any organisation delivering services in partnership with, or on behalf of, the Council, including the exercise of powers available under section 9F(2) of the Local Government Act 2000;

g) Consider matters referred to the Committee by Full Council, the Executive, another Committee or an Elected Member in accordance with section 9FC of the Local Government Act 2000 (Councillor Call for Action), where the matter falls within the Committee's remit.

h) Require the attendance of Executive Members and senior officers, and invite representatives of partner organisations, public bodies and other persons to attend and provide information, evidence or explanations relevant to matters under consideration, in accordance with the Constitution and applicable legislation;

i) Conduct or commission research, undertake consultation and gather evidence from relevant individuals, communities, organisations and experts, subject to available resources;

j) Make reports and recommendations to Full Council, the Executive, other Committees, partner organisations or any other relevant body arising from the exercise of its scrutiny functions;

k) Consider external inspections, assessments, reviews and other reports relating to matters within the Committee's remit;

l) Determine, manage and co-ordinate its own work programme, having regard to any advice and guidance provided by the Scrutiny Governance Group;

m) Establish sub-committees, task and finish groups or other scrutiny bodies as necessary to support the discharge of its functions; determine their membership and terms of reference; monitor their progress; and receive reports from them;

n) Delegate specific tasks to sub-committees, task and finish groups or individual Elected Members where appropriate and determine arrangements for reporting and the use of resources.

o) Resolve any dispute arising between any sub-committee, task and finish group or other scrutiny body established by the Committee.

p) Make appropriate use of the resources allocated to support the effective discharge of its overview and scrutiny functions

6.2 Terms of Reference

The Council will appoint the Overview and Scrutiny Committees set out in the table below to discharge the functions conferred by Section 21 of the Local Government Act 2000 or other associated in relation to the matters set out in the middle column of the same table.

<table>
<tr><th colspan="4">Corporate Scrutiny Committee</th></tr>
<tr><td>Membership</td><td>11 Elected Members

Chair/Vice Chair - Not to be a member of the largest political group.

Membership will be on a politically proportionate basis.</td><td>Quorum</td><td>5 Elected Members</td></tr>
<tr><td colspan="4">Portfolio responsibility:

• Partnerships, Finance and Transformation
• Policy, Assets and Delivery
• Adult Social Care, Public Health and Communications (for communications only)

Purpose

To discharge the Council's Overview and Scrutiny functions in relation to corporate governance, finance, organisational performance, strategic planning and transformation, including the scrutiny of policies, strategies and performance relating to the Council's corporate functions and cross-cutting priorities.

The Committee's remit shall include:

• Legal, Governance and Democratic Services.
• Human Resources and workforce matters.
• Finance, procurement, revenues and shared services.
• Data, Digital and Technology Services.
• Corporate strategy, corporate performance and transformation.
• Partnership working and cross-cutting corporate priorities.
• Communications and marketing.
• Equality, diversity and inclusion.
• Such other functions as may be allocated by Full Council.</td></tr>
<tr><th>No</th><th colspan="3">Function</th></tr>
<tr><td>1.</td><td colspan="3">To review and scrutinise performance, outcomes and delivery for services within the Committee's remit;</td></tr>
<tr><td>2.</td><td colspan="3">To contribute to the development of, and review and scrutinise, policies, strategies, plans and associated policy framework documents within the Committee's remit.</td></tr>
<tr><td>3.</td><td colspan="3">Provide strategic oversight and leadership of the Council's Overview and Scrutiny function, including the preparation of an annual report to Full Council on scrutiny activity and outcomes.</td></tr>
</table>

4.	Develop, co-ordinate and oversee a risk-based scrutiny work programme designed to support continuous improvement, effective policy development, service transformation and improved outcomes for residents.
5.	Provide challenge and constructive support to the Executive's policy development role and to the Council's long-term strategic direction, including the consideration of emerging issues, policy changes and their potential impact on the Borough.
6.	Support the development, implementation and review of the Council's Budget, Medium Term Financial Strategy and associated financial plans, making recommendations to Executive and Council as appropriate.
7.	Review and scrutinise the Council's strategic approach to service delivery, performance and resource management, undertaking investigations and in-depth reviews where necessary and making recommendations for improvement.
8.	Consider matters included within the Forward Plan and undertake pre-decision scrutiny where appropriate.
9.	Consider and determine requests for the call-in of Executive decisions in accordance with the Overview and Scrutiny Procedure Rules and, where appropriate, refer matters back to Executive or Full Council for reconsideration.
10.	Consider matters which cut across the remit of more than one Scrutiny Committee and co-ordinate scrutiny activity where a corporate or cross-cutting approach is required.
11.	Consider Councillor Calls for Action referred under section 9FC of the Local Government Act 2000 where such matters fall within the Committee's remit.
12.	Review and make recommendations regarding overview and scrutiny arrangements, working practices and constitutional provisions relating to scrutiny.
13.	Oversee and promote the Council's involvement in local, regional and national scrutiny networks and activities, including the nomination of Elected Members to represent the Council where appropriate.
14.	Consider the strategic contribution of partner organisations to the achievement of the Council's objectives and, where appropriate, utilise the powers available to Council's Overview and Scrutiny Committees to obtain information and make recommendations to partner authorities.
15.	Report findings and recommendations arising from scrutiny reviews to Executive, Council or other relevant bodies in accordance with the Constitution.

People Scrutiny Committee			
Membership	9 Elected Members Chair/Vice Chair - Not to be a member of the largest political group Membership will be on a politically proportionate basis (plus appropriate co-option) Plus (non-voting): - One Church of England school diocese representative - One Roman Catholic school diocese representative(s); - Two Parent governor representatives	**Quorum**	5 Elected Members

Portfolio responsibility

- Adult Social Care, Public Health and Communications (excluding communications)
- Children, Education and Skills
- Policy, Assets and Delivery (for relevant policy areas only)

Purpose

To carry out its responsibilities, the Committee shall discharge the Council's Overview and Scrutiny functions in respect of services relating to children, young people, adults, public health and wellbeing, together with health services provided by NHS bodies and other partner organisations.

The Committee's remit shall include:

- Adult Social Care and Public Health.
- Children's Services.
- Health and mental health services.
- Voluntary and community sector engagement.
- Libraries, leisure and cultural services.
- Any other functions or matters referred to the Committee by the Council.

No	Function
1.	To review and scrutinise performance, outcomes and delivery for services within the Committee's remit;
2.	To contribute to the development of, and review and scrutinise, policies, strategies, plans and associated policy framework documents within the Committee's remit.
3.	To develop a scrutiny work programme designed to support continuous improvement, effective policy development, service transformation and improved outcomes for residents;
4.	To report findings and recommendations arising from scrutiny reviews, investigations and other scrutiny activity to the Executive, Full Council and other relevant bodies in accordance with the Constitution.

5.	To consider items included within the Forward Plan which fall within the Committee's remit and, where appropriate, undertake pre-decision scrutiny of proposed Executive decisions, policies, strategies and plans before they are determined by the Executive. Responsibility for the consideration and determination of any subsequent call-in of Executive decisions shall rest with the Corporate Overview and Scrutiny Committee in accordance with the Overview and Scrutiny Procedure Rules.
6.	To undertake and discharge the Council's statutory health scrutiny responsibilities in accordance with the Local Government Act 2000, the National Health Service Act 2006, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and any subsequent legislation, regulations or guidance.
7.	To undertake the Councils Statutory Health Scrutiny responsibilities: i) Review and scrutinise matters relating to the planning, provision and operation of health services affecting the residents of Hartlepool, including the exercise of the Council's powers under section 244 of the National Health Service Act 2006; ii) Review and scrutinise proposals for any substantial development of, or variation in, health services and make reports and recommendations to relevant NHS bodies, health service providers and other appropriate organisations; iii) Consider and respond to consultations from NHS bodies, Integrated Care Boards, NHS trusts, foundation trusts, the Department of Health and Social Care and any organisation providing health services to Hartlepool residents; iv) Receive information, reports and evidence from NHS bodies, Healthwatch, the Care Quality Commission and other relevant organisations and stakeholders in connection with the Committee's health scrutiny functions; v) Consider referrals made through Healthwatch arrangements and discharge the Council's responsibilities in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013; vi) Review and scrutinise the contribution of NHS bodies, public health partners and other relevant organisations to the health and wellbeing of Hartlepool residents, including collaborative working, service commissioning and the integration of health and social care services; vii) Where the statutory tests are met, recommend to Full Council that the Secretary of State be requested to exercise the intervention powers 8available in relation to contested proposals for substantial service reconfiguration in accordance with applicable legislation; viii) Receive and consider reports arising from external inspections, reviews and assessments relating to health, public health, adult social care, children's services and wellbeing function; and.
8.	To consider Councillor Calls for Action referred under section 9FC of the Local Government Act 2000 where such matters fall within the Committee's remit.

Place Scrutiny Committee			
Membership	9 Elected Members Chair/Vice Chair - Not to be a member of the largest political group Membership will be on a politically proportionate basis (plus appropriate co-option) Two Parish Council representatives (non-voting) to be nominated by the Parish Councils on an annual basis and rotated annually.	**Quorum**	5 Elected Members

No	Function
1.	To review and scrutinise performance, outcomes and delivery for services within the Committee's remit;
2.	To contribute to the development of, and review and scrutinise, policies, strategies, plans and associated policy framework documents within the Committee's remit.
3.	The development and delivery of a scrutiny work programme designed to support continuous improvement, effective policy development, service transformation and improved outcomes for residents.

Portfolio responsibility

- Policy, Assets and Delivery (for relevant policy areas only)
- Homes, Neighbourhoods and Community Safety
- Prosperity, Investment and Tourism
- Infrastructure, Rural and Sustainability

Purpose

To discharge the Council's Overview and Scrutiny functions in relation to the physical, economic and environmental development of the Borough, including regeneration, planning, housing, transport, climate change, environmental sustainability and economic growth, with a view to promoting thriving, sustainable and inclusive communities.

The Committee's remit shall include:

- Environmental services, waste management and environmental sustainability.
- Highways, transport, infrastructure, flood and coastal risk management.
- Planning, development management and building control.
- Regeneration, strategic development, climate change and net zero.
- Estates, asset management and housing regeneration.
- Community safety, crime and disorder, anti-social behaviour and public protection.

• Emergency planning, resilience, health and safety and risk management. • Housing, homelessness, welfare support and inclusion. • Community hubs, libraries, learning, skills and volunteering. • Leisure, culture, heritage, countryside and open spaces. • Economic growth, business support, inward investment, tourism and the visitor economy. • Community cohesion, equality and inclusion. • Such other functions, responsibilities or matters as may be allocated to the Committee by Full Council.	
4.	Exercise the Council's functions as the Crime and Disorder Committee in accordance with sections 19 to 21 of the Police and Justice Act 2006, including the scrutiny of crime and disorder functions exercised by responsible authorities and community safety partners.
5.	The reporting of findings and recommendations arising from scrutiny reviews, investigations and other scrutiny activity to the Executive, Full Council and other relevant bodies in accordance with the Constitution.
6.	Consideration of matters included within the Forward Plan that fall within the Committee's remit and, where appropriate, the undertaking of pre-decision scrutiny of proposed Executive decisions, policies, strategies and plans before determination by the Executive. Responsibility for the consideration and determination of any subsequent call-in of Executive decisions shall rest with the Corporate Scrutiny Committee in accordance with the Overview and Scrutiny Procedure Rules.
7.	Undertake Crime and Disorder Councillor Calls for Action in accordance with the Police and Justice Act 2006 and associated legislation.
8.	Undertake Councillor Calls for Action referred under section 9FC of the Local Government Act 2000 where such matters fall within the Committee's remit.
9.	Exercise the Council's functions as Lead Local Flood Authority under the Flood and Water Management Act 2010 and associated legislation.
10.	Receive and consider reports, inspections, reviews and assessments from external regulators, inspectorates and partner organisations relating to matters within the Committee's remit.

6.3 General role of Overview and Scrutiny Committees

Overview and Scrutiny Committees will:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Councils functions;
- make reports and/or recommendations to the Full Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- consider any matter affecting the area or its inhabitants; and

- exercise the right to call-in, for reconsideration, Executive key decisions made but not yet implemented.

6.4 Specific functions

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

Overview and Scrutiny Committees may:

- assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Executive and/or committees and chief officers about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny.**

Overview and Scrutiny Committees may:

- review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;
- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- question Members of the Executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Executive, and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
- question and gather evidence from any person (with their consent).

(c) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.

(d) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

(e) **Officers.** Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.

6.4 Proceedings of Overview and Scrutiny Committees

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

ARTICLE 7

THE ROLE OF THE EXECUTIVE AND LEADER

This Article sets out the role, composition and operation of the Executive, which is often referred to as Cabinet. The Executive is made up of the Leader of the Council and individual Elected Members appointed by the Leader as 'Portfolio Holders.' This Article also covers the appointment of the Leader and Portfolio Holders, responsibility for Executive functions and the rules governing Executive membership.

7.1. Role of the Executive

The Executive will be responsible for the Council's Executive functions, except where responsibility for those functions' rests with another part of the Council, whether by law or under this Constitution.

7.2 Form and composition

The Executive will consist of the Leader together with at least two, but not more than nine, Elected Members appointed by the Leader as Portfolio Holders.

7.3 Leader of the Council

The Leader is elected by the Full Council at its post-election annual meeting (or if the Council fails to elect a Leader at that meeting, at a subsequent meeting of the Council). The term of office of the Leader starts on the day of his or her election as Leader, and ends on the day of the next post-election annual meeting or the day when the Council holds its first annual meeting after the normal day of retirement as an Elected Member unless they:

- They resign from office;
- They are removed from office by a resolution of Full Council;
- They are disqualified from being an Elected Member; or
- They otherwise cease to be an Elected Member.

Following ordinary elections, the existing Leader and Deputy Leader will continue in office until the post-election annual meeting, unless they leave office on one of the grounds listed above or are otherwise disqualified from holding office. If the Council fails to elect a Leader at the post-election annual meeting, the office of Leader will remain vacant until a Leader is elected by Full Council at a subsequent meeting. During that period, no Elected Member shall act as Leader unless and until elected to that office by Full Council.

The Leader may be removed by a resolution by simple majority of the Council. If the Council passes a resolution to remove the Leader, a new Leader is to be elected:

(a) at the meeting at which the leader is removed from office, or
(b) at a subsequent meeting.

The Leader shall determine how the Council's Executive Functions are to be discharged, including which functions are to be exercised by the Executive collectively, individual Portfolio Holders, Officers, or through joint arrangements. Such arrangements shall be recorded in the Scheme of Delegation in Part 3 of this Constitution.

The Leader shall provide political and strategic leadership for the Council and the borough, promoting the Council's priorities and representing the interests of the borough. The Leader shall hold a State of the Borough event annually in July to review the borough's position, key achievements and challenges, and the Council's priorities for the year ahead. The format and manner in which the State of the Borough debate is conducted shall be determined by the Leader.

7.4 Portfolio Holders

Portfolio Holders are members of the Executive appointed by the Leader. The Leader allocates areas of responsibility, known as portfolios, to Portfolio Holders and may remove them from the Executive or change their areas of responsibility. Portfolio Holders, other than the Leader, shall hold office until:

- In the case of the Deputy Leader, the end of the term of office of the Leader;
- The Leader makes changes to the roles of members of the Executive;
- They are removed from office by the Leader;
- They resign from office;
- They are disqualified from being Elected Members; and
- They are no longer Elected Members.

7.5 Proceedings of the Executive

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution.

7.6 Membership exclusions

The following exclusions apply to Executive membership:

- Executive membership must not include co-optees, deputies or substitute Elected Members.
- Executive membership must not include the Ceremonial Mayor or Deputy Mayor of the Council.
- Executive membership must not include any Elected Member who is a member of the Audit Committee,
- Executive membership must not include the Chair of Planning or Licensing Committee.
- Executive membership must not include any Elected Member who is a member of an Overview and Scrutiny Committee.

7.7 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out the Executive functions delegated to individual Executive Members, officers or joint arrangements.

ARTICLE 8

REGULATORY AND OTHER COMMITTEES

This Article sets out the Council's regulatory and other committees. Further details are contained in Part 3 Responsibility for Functions.

8.1 Regulatory and other committees

The Council will appoint the committees set out below:

Regulatory:

Planning Committee

Licensing Committee

Licensing and Regulatory Sub-Committee

Other Committees:

Overview and Scrutiny Committees *(Corporate Scrutiny Committee, People Scrutiny Committee and Place Scrutiny Committee)*

Staffing and General Purposes Committee *(operates as the Council's Standards Committee, Appointments Panel, Constitution Committee, Civic Honours Committee)*

Appeals Committee (Statutory Officers)

Independent Panel

Audit Committee

Health and Wellbeing Board

ARTICLE 9

JOINT ARRANGEMENTS, COMMITTEES AND PARTNERSHIPS

This Article sets out the Council's arrangements for working with other Councils, public bodies, statutory partners and other organisations through joint committees, partnership boards and other collaborative arrangements.

9.1 Arrangements to Promote Wellbeing

In exercising the general power of competence, promoting the economic, social or environmental wellbeing of the area, and securing the efficient discharge of any 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.

The establishment, membership, terms of reference, functions and delegations of joint committees, partnership boards and other joint or collaborative arrangements are set out in Part 3 of this Constitution, unless otherwise provided by law or by a specific decision of the Council.

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 joint 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 and performance in line with its annual plan, and to receive feedback on 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.

9.3 Partnership Boards

(a) Health and Wellbeing Board

Following the transfer of public health duties to the Council under the Health and Social Care Act 2012, the Health and Wellbeing Board was set up to advise the Council, 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 Council, the National Health Service and a range of public and voluntary partner organisations.

(b) Other partnership arrangements – further details are contained in Part 7

May be established or recognised by the Council where they support the discharge of Council functions, statutory duties or agreed strategic priorities. Any formal Council representation, delegation or reporting requirement for those arrangements shall be recorded in the relevant part of this Constitution or in the decision establishing the arrangement.

(c) Safer Hartlepool Partnership

The Safer Hartlepool Partnership is a partnership of the Council 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. The statutory partners are responsible for providing public updates on their work during the previous year; informing residents of future plans, priorities and challenges; consulting and engaging with residents on the development of key partner strategies and plans for the Borough; and receiving and responding to questions from those attending on their work.

(d) Hartlepool Education Partnership (HEP)

The Hartlepool Education Partnership (HEP) is a partnership between the Local Council and education and multi-agency representatives, including schools, academies, higher education and further education college representatives, 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 of providing a first-class education for every Hartlepool learner.

9.4 Appointment to outside bodies and partnership arrangements

Appointments to outside bodies, partnership boards and other collaborative arrangements shall be made in accordance with the responsibility for functions set out in Part 3 of this Constitution and any relevant statutory requirements.

9.5 Reporting and accountability

Where the Council appoints representatives to joint committees, partnership boards or other collaborative arrangements, those representatives shall act within the terms of the appointment and any relevant Council decision, delegation or protocol.

9.6 Joint arrangements

Full Council may establish joint arrangements with one or more local authorities to exercise non-executive functions of the Council, or to advise the Council. Such arrangements may involve the appointment of a joint committee with those other local authorities. The Leader or Executive may establish joint arrangements with one or more local authorities to exercise executive functions. Such arrangements may involve the appointment of a joint committee with those other local authorities. Except where legislation permits otherwise, appointments to a joint committee exercising executive functions shall be made from Members of the Executive and shall not be subject to political balance requirements. Where a joint committee exercising executive functions has functions relating only to part of the Borough, and the statutory conditions are met, the Leader or Executive may appoint to that joint committee an Elected Member for a ward wholly or partly within that area. Political balance requirements do not apply to such appointments. Information about any joint arrangements, including any delegations to joint committees, is contained in the Council'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 to the Council's decision-making arrangements. The access to information rules in Part VA of the Local Government Act 1972 apply to joint committees where required by law.

9.8 Delegation to and from other local authorities

Full Council may delegate functions to another local Council or, in certain circumstances, the Head of Paid Service of another local Council. The decision whether or not to accept such a delegation from another local Council shall be reserved to Full Council.

9.9 Contracting out

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

9.10 Joint arrangements with other public bodies

Under section 75 of the National Health Service Act 2006, section 10 of the Children 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

This Article sets out the Council's officer management structure, statutory officer designations and key officer functions.

10.1 Management structure

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

(b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated chief officers:

- Chief Executive
- Executive Director of Adult and Public Health Services
- Executive Director of Children's Services
- Director of Neighbourhoods and Regulatory Services
- Director of Housing, Growth and Community Services
- Director of Finance, IT and Digital
- Director of Legal, Governance and Human Resources
- Director of Public Health
- Assistant Director Regulatory Services
- Assistant Director Neighbourhood Services
- Assistant Director Adult Services
- Assistant Director Housing and Community
- Assistant Director Inclusive Growth
- Assistant Director Children and Families
- Assistant Director Education, Aspirations and Achievement
- Assistant Director Early Intervention, Performance and Commissioning
- Assistant Director Digital, Data and Technology
- Assistant Director Finance
- Assistant Director Legal and Governance

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer)**.

Full Council will designate the following posts as shown below:

Post	**Designation**	**Responsibility**	**Deputy**
Chief Executive	Head of Paid Service	Overall corporate management and operational responsibility (including overall management responsibility for all officers)	Executive Directors

		Provision of professional advice to all parties in the decision-making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council).	
Director of Legal, Governance and Human Resources	Monitoring Officer	Responsible for maintaining the Constitution; advising the Council, Executive, committees, Elected Members and officers on the lawfulness, fairness and propriety of decision-making; promoting and maintaining high standards of member conduct; supporting good governance; and, where necessary, issuing statutory reports in accordance with the Monitoring Officer's duties.	Assistant Director Legal and Governance
Director of Finance, IT and Digital	Chief Finance Officer (Section 151 Officer)	Responsible for the proper administration of the Council's financial affairs; providing professional financial advice to the Council, Executive, committees, Elected Members and officers; supporting sound financial management, prudence and probity in decision-making; and, where necessary, issuing statutory reports in accordance with the Chief Finance Officer's duties.	Assistant Director Finance

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

(e) **Changes in Structure**. For the avoidance of doubt, changes to officer titles, management structure and consequential updates to Part 3 arising from organisational restructuring shall not constitute

amendments to the Constitution for the purposes of Article 13, except where they relate to or affect the designation, role or responsibilities of the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Section 151 Officer).

10.2 Functions of the Head of Paid Service

(a) **Discharge of functions by the Council**. The Head of Paid Service will report to full Council on the way the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) **Restrictions on functions**. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer (Section 151 Officer) if suitably qualified.

10.3 Functions of the Monitoring Officer

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

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

(c) **Promoting and maintaining high standards of conduct.** The Monitoring Officer will promote and maintain high standards of conduct by Elected Members and co-opted members, including by advising on the Elected Members' Code of Conduct and assisting with the operation of the Council's arrangements for dealing with standards complaints.

(d) **Receiving and assessing complaints.** The Monitoring Officer will receive and assess complaints about Elected Members conduct in accordance with the Council's arrangements for dealing with standards complaints.

(e) **Conducting or arranging investigations.** The Monitoring Officer will conduct or arrange investigations into member conduct matters where appropriate and report findings or recommendations in accordance with the Council's adopted standards arrangements.

(f) **Proper Officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those

decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising whether Executive decisions are within the budget and policy framework**. The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Elected Members.

(i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer (Section 151 Officer) or the Head of Paid Service.

10.4 Functions of the Chief Finance Officer (Section 151 Officer)

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

(b) **Administration of financial affairs.** The Chief Finance Officer (Section 151 Officer) will have responsibility for the administration of the financial affairs of the Council.

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

(d) **Providing advice.** The Chief Finance Officer (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.

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

10.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer (Section 151 Officer)

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

10.6 Conduct

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

10.7 Employment

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

ARTICLE 11

DECISION MAKING

This Article explains how decisions are made by the Council, including who is responsible for different types of decisions, the principles that apply to decision making, and the procedures to be followed by Full Council, the Executive, committees and other decision-making bodies.

11.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution. This record is set out in Part 3 of this Constitution.

11.2 Principles of decision making

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

(a) proportionality (i.e. the action must be proportionate to the desired outcome);
(b) due consultation and the taking of professional advice from officers;
(c) respect of human rights;
(d) a presumption in favour of openness;
(e) clarity of aims and desired outcomes (including performance review); and
(f) an explanation of what options have been considered and giving the reasons for decisions.

11.3 Types of decision

(a) **Decisions reserved to Full Council.** Decisions reserved to Full Council are set out in Article 4 and Part 3 of this Constitution and will be made by the Full Council and not delegated.

(b) **Key decisions**.

A Key Decision is an Executive decision which falls within one or both of the following categories:

(a) a decision which is financially significant because it will result in revenue expenditure or savings of £250,000 or more, or capital expenditure of £1,000,000 or more; or

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

A decision taker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

Any Executive decision taken in connection with the development of proposals to amend the Policy Framework, or exercising delegated authority to amend the Policy Framework, shall be treated as a Key Decision. This is a local constitutional requirement and applies regardless of whether the decision would otherwise meet the financial or community impact thresholds for a Key Decision.

11.4 Decision making by the Full Council

Subject to Article 11.8, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

11.5 Decision making by Executive

Subject to Article 11.8, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

11.6 Decision making by Overview and Scrutiny committees

Overview and Scrutiny committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

11.7 Decision making by other committees and sub-committees established by Full Council

Subject to Article 11.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

11.8 Decision making by Council bodies acting as tribunals

The Council, 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.

ARTICLE 12

FINANCE, CONTRACTS AND LEGAL MATTERS

This Article sets out the arrangements for managing the Council's financial affairs, contracts, legal proceedings, formal documents and use of the Common Seal.

12.1 Financial management

The management of the Council's financial affairs must 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 Council must comply with the Contract Procedure Rules set out in Part 4 of this Constitution. Where a contract is required to be in writing, signed or sealed, this must be done in accordance with those Rules and any applicable legal requirements. Where a contract is required to be in writing, signed or sealed, this must be done in accordance with those Rules and any applicable legal requirements.

12.3 Legal proceedings

The Monitoring Officer is authorised to institute, defend, settle or participate in any legal proceedings where such action is necessary to give effect to a decision of the Council, the Executive, a committee, sub-committee or an officer acting under delegated authority, or where they consider such action necessary to protect the Council's interests.

12.4 Authentication of documents

Where any document is necessary for legal proceedings, any other legal process, or the exercise of any legal function on behalf of the Council, it will be signed by the Monitoring Officer or another person authorised by them, unless legislation requires or permits another form of authorisation.

12.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, the Executive, a committee, sub-committee or an officer acting under delegated authority will be sufficient authority for sealing any document necessary to give effect to that decision. The Seal will be affixed to documents which, in the opinion of the Monitoring Officer, should be sealed, and the affixing of the Seal will be attested by the Monitoring Officer or another person authorised by them.

ARTICLE 13

REVIEW AND REVISION OF THE CONSTITUTION

This Article sets out how the Constitution will be kept under review and the process for approving any changes to ensure it remains effective, up to date and fit for purpose.

13.1 Duty to monitor and review the constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of constitution by Monitoring Officer

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

In undertaking this task, the Monitoring Officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with them by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

13.2 Changes to the Constitution

(a) **Approval**. Changes to the Constitution will only be approved by Full Council, following consideration of the proposal by the Staffing and General Purposes Committee in its capacity as the Council's constitution review body

(b) **Legal and statutory updates**. The Monitoring Officer may make such updates to the Constitution as are necessary to reflect changes in legislation, statutory guidance, legal requirements or terminology, where the change is required by law or does not alter the substance of the Council's governance arrangements. Any substantive change to the Constitution will continue to require approval in accordance with paragraph 13.2(a).

ARTICLE 14

SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

This Article explains how the Constitution may be suspended in limited circumstances, how it is to be interpreted, and how it must be published and made available.

14.1 Suspension of the Constitution

(a) **Limit to suspension**. The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

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

(c) **Rules capable of suspension**. The Council Procedure Rules in Part 4 of this Constitution set the specific procedural rules which may be suspended and the circumstances in which suspension mat take place.

14.2 Interpretation

The ruling of the Ceremonial Mayor as Chair of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

14.3 Publication

(a) The Monitoring Officer will provide access to a copy of this Constitution to each member of the authority upon delivery to them of that individual's declaration of acceptance of office when the member is first elected to the Council.

(b) The Monitoring Officer will ensure that copies are available for inspection on the Council's website, 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.

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

ACCESS TO INFORMATION PROCEDURE RULES

For the purpose of the Access to Information Procedure Rules, the Proper Officer is the Monitoring Officer.

1. Scope

1.1 These rules apply to all meetings of the Council, Overview and Scrutiny Committees and other Committee's and regulatory committees and public meetings of the Executive (together called meetings).

2. Additional Rights to Information

2.1 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

3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.

3.2 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, the Executive and 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

4.1 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

5.1 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.

5.2 All agendas, reports and minutes (which do not contain exempt information) of Council, Executive 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

6.1 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 Councillors 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

7.1 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

8.1 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 their 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 Rule 11).

9. Public inspection of background papers

9.1 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

10.1 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. Exclusion of Access by the Public to Meetings

11.1 Confidential information

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.

11.2 Exempt information

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.

11.3 Attendance during consideration of confidential or exempt information

Where the Executive, a Committee, or other Council body is considering confidential or exempt information, members of the public shall withdraw from the meeting.

Elected Members who are not members of the body may remain in attendance.

Relevant officers and any other authorised attendees may also remain in attendance where necessary for the conduct of the business.

Any person authorised to remain in attendance shall be granted access to the relevant confidential or exempt papers to the extent necessary to follow the debate and discussion. Such persons may, at the discretion of the Chair, speak or ask questions on the matter under consideration, but shall not be entitled to vote on any decision.

11.4 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.

11.5 **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.

12. Exclusion of access by the public to reports

12.1 If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 11, 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.

13. Application of rules to Executive

13.1 Rules 13 to 24 apply to the Executive. If the Executive meet in public to take a Key Decision, then it must also comply with Rules 1 to 11 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. A Key Decision is defined in Article 11.

14. Procedure before taking Key Decisions

14.1 Subject to Rule 16 (general exception) and Rule 17 (special urgency), a Key Decision may not be taken unless:

(a) a notice has been published on the Forward Plan in connection with the matter in question and at least 28 clear working days have elapsed since the publication of the forward plan; and

(b) where the decision is to be taken at a public meeting of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

15. The Forward Plan

15.1 Period of Forward Plan

The Forward Plan will cover a four-month period and will identify proposed decisions as well as Budget and Policy Framework and other Non-Key decisions. Notice of each proposed decision will be published at least 28 clear days before the decision is taken, subject to the general exception and special urgency procedures set out in these Rules.

15.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive, individual members of the Executive, officers or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

(a) the matter in respect of which the decision is to be made;
(b) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
(d) the date on which, or the period within which, the decision is to be made;
(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the Key Decision is to be made;
(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
(g) that other documents relevant to those matters may be submitted to the decision maker; and
(h) the procedure for requesting details of those documents (if any) as they become available.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

16. General Exception

16.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rule 17 (special urgency), the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates

(b) the Proper Officer has informed the Chair of a relevant Overview and Scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;

(c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and

(d) at least five clear working days have elapsed since the Proper Officer complied with (b) and (c).

16.2 Where such a decision is taken collectively, it must be taken in public unless it relates to a matter that is confidential or exempt.

17. Special urgency

17.1 If by virtue of the date by which a decision must be taken Rule 16 (general exception) cannot be followed, then the decision can only be taken if the decision maker obtains the agreement of the Chair of a relevant Overview and Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice Chair will suffice.

17.2 As soon as reasonably practicable after agreement has been obtained, the decision maker must make available at the Civic Centre a notice setting out the reasons for urgency and publish the notice on the Council's website.

18. Report to Council

18.1 **When an Overview and Scrutiny Committee can require a report**

If an Overview and Scrutiny Committee thinks that a Key Decision has been taken which was not:

(a) included in the Forward Plan; or

(b) the subject of the General Exception procedure; or

(c) the subject of an agreement with a relevant Overview and Scrutiny Committee Chair, or the Chair/Vice Chair of the Council under Rule 17;

the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rest with the committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the committee when so requested by (the Chair or any 5 members of the relevant scrutiny committee). Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

18.2 **Executive's report to Full Council**

The Executive will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of the Full Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Full Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion.

18.3 **Quarterly reports on Special Urgency decisions**

In any event the Leader will submit quarterly reports to Full Council on the Executive decisions taken in the circumstances set out in Rule 17 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

19. Record of decisions

19.1 After any meeting of the Executive whether held in public or private, the Proper Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include the date the decision was made, a statement of the reasons for each decision and any alternative options considered and rejected at that meeting and any conflicts of interest declared and a note of any dispensation granted.

20. Attendance at private meetings of the Executive

20.1 For the purposes of this Rule, a private meeting of the Executive includes a meeting, or part of a meeting, from which the public are excluded in accordance with Regulation 4(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Rule 11.3 applies to attendance during consideration of confidential or exempt information, together with the additional provisions of this Rule.

Overview and Scrutiny Committee members

a) Notice of private meetings of the Executive and its committees will be served on the Chairs of all Overview and Scrutiny Committees, at the same time as notice is served on members of the Executive. Where an Overview and Scrutiny Committee does not have a Chair, the notice will be served on all the members of that committee.

b) Where a matter under consideration at a private meeting of the Executive is within the remit of an Overview and Scrutiny Committee, the Chair of that committee or, in their absence, the Vice Chair may attend that private meeting with the consent of the person presiding, unless they may remain in attendance under Rule 11.3, in which case that consent is not required. They may speak at the discretion of the Chair.

Officers

a) The Head of the Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive. The Executive may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.

b) A private executive meeting may only take place in the presence of the Proper Officer or their nominee with responsibility for recording and publicising the decisions

21. Decisions by individual members of the Executive and decisions by officers

21.1 Reports intended to be taken into account

Where an individual member of the Executive receives a report which they intend to take into account in making any Key Decision, then they will not make the decision until at least five clear working days after receipt of that report.

21.2 Provision of copies of reports to Overview and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Overview and Scrutiny Committee as soon as reasonably practicable and make it publicly available at the same time.

21.3 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or a Key Decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information.

22. Overview and Scrutiny Committees access to documents

22.1 Rights to copies

Subject to Rule 22.2 below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to

(a) any business transacted at a public or private meeting of the Executive; or

(b) any decision taken by an individual member of the Executive or officer.

22.2 **Limit on rights**

An Overview and Scrutiny Committee will not be entitled to:

(a) any document that is in draft form; or

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

23. Additional rights of access for Elected Members

23.1 **Material relating to previous business**

All Elected Members will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a private meeting, except where it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information.

23.2 **Material relating to Key Decisions**

All Elected Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive which relates to any Key Decision unless paragraph (a) above applies.

24. Nature of rights

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

25. Application to Health Scrutiny

25.1 **Categories of Exempt Information**

When a Scrutiny Committee is dealing with matters relating to the health service, the categories of exempt information are those set out in Schedule 17 to the National Health Service Act 2006 in place of those contained in Schedule 12A of the Local Government Act 1972 (as set out in Rule 11.5 above). Some of these categories (marked **) are subject to qualifications which are also explained below.

1) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, a relevant body.**

2) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of a relevant body.**

3) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by a relevant body.**

4) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by a relevant body.**

5) The amount of any expenditure proposed to be incurred by a relevant body under any particular contract for the acquisition of property or the supply of goods and services.**

6) Any terms proposed or to be proposed by or to a relevant body in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.**

7) The identity of a relevant body (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.

8) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between a relevant body or a Minister of the Crown and employees of, or office-holders under, a relevant body.**

9) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with

   (a) any legal proceedings by or against a relevant body, or
   (b) the determination of any matter affecting a relevant body, (whether, in either case, proceedings have been commenced or are in contemplation).

10) Information relating to a particular person who was included in a list of persons undertaking to provide services under Part 2 of the National Health Service Act 1977.**

11) Information relating to a particular person who is, or was formerly, included in, or is an applicant for inclusion in, a pharmaceutical list.**

12) Information relating to a particular person who (a) provided primary medical services, primary dental services or primary ophthalmic services under a contract under section 28K, 28Q or 28WA of the National Health Service Act 1977, or (b) was included in a list under section 28X of that Act.**

13) Information relating to a particular person who

   (a) is, or was formerly, providing primary medical services, primary dental services or primary ophthalmic services under a contract under section 84, 100 or 117 of the National Health Service Act 2006, or

(b) is, or was formerly, included in, or is an applicant for inclusion in, a list under section 91, 106, 123 or 146 of that Act.

14) Information relating to any particular employee, former employee, or applicant to become an employee, of a person referred to in paragraph 10, 11, 12 or 13.**

15) Information relating to the physical or mental health of a particular individual.

"Relevant body" means a body in respect of which the scrutiny committee exercises functions under section 244 of the National Health Service Act 2006.

Qualifications

(i) Information relating to a person of a description specified in categories 1-4 and 10-14 is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.

ii) Information under category 5 is only exempt information if and so long as disclosure to the public of the amount referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with a relevant body in respect of the property, goods or services, whether the advantage would arise as against that body or as against other such persons.

iii) Information under category 6 is only exempt information if and so long as disclosure to the public of the terms would prejudice a relevant body in those or any other negotiations concerning the property or goods or services.

iv) Information under category 8 is only exempt information if and so long as disclosure to the public of the information would prejudice a relevant body in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned.

26. Application to Licensing Committee and Licensing and Regulatory Sub-Committees

26.1 Application of Access to Information Rules

These Rules apply to the Licensing Committee and the Licensing and Regulatory Sub-Committees subject to any statutory provisions governing the particular function being exercised. Hearings under the Licensing Act 2003 must be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, which take precedence over these Rules where there is any inconsistency. Such hearings must take place in public unless the public is excluded in accordance with Regulation 14. When exercising other licensing or regulatory functions, the Committee or Sub-Committee must comply with the access-to-information requirements applicable to those functions. This Rule does not create a blanket exemption from public access to meetings or documents.

BUDGET AND POLICY PROCEDURE RULES

1. The Framework for Executive Decisions

1.1 The Council will be responsible for the adoption of its Budget and Policy Famework as set out in the Articles. Once the budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

1.2 In these Rules, “Executive” and “Leader” have the same meanings as “Executive” and “Executive Leader” in Part II of the Local Government Act 2000, and “plan or strategy” and “working day” have the same meanings as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. The Process for the Development of the Budget

2.1 Before the publication of any draft budget proposals, the Executive shall agree a timetable for consideration of the budget. The timetable shall accord with these Rules and statutory requirements, shall detail the process for consultation with local stakeholders and others, and should normally enable the Executive to submit its final estimates and amounts to the Full Council before 8 February. It must allow sufficient time for the minimum five-working-day reconsideration period in paragraph 4.4.3 and for the Full Council to make the statutory calculations and set council tax before the applicable statutory deadline.

2.2 The Executive shall then arrange appropriate consultation on these draft budget proposals with local stakeholders and others. Details of the consultation process shall be included in the Forward Plan.

3. Reference to the Corporate Scrutiny Committee

3.1 The draft budget proposals of the Executive shall also be referred to the Corporate Scrutiny Committee for advice and consideration. A copy of the proposals shall be sent as soon as available to all members of that Committee.

3.2 The Corporate Scrutiny Committee may conduct further consultation as it considers appropriate except that this should not duplicate any consultation already carried out or proposed to be carried out by the Executive and should not delay the timetable set out by the Executive.

3.3 The Corporate Scrutiny Committee shall report to the Executive on the outcome of their consideration of the draft budget proposals and may make such recommendations, as it considers appropriate. The Executive must consider any report or recommendations made by the Corporate Scrutiny Committee before it submits its budget to the Full Council for approval. When making its report to the meeting of the Council on the budget, the Executive must state how it has taken into account any recommendations from the Corporate Scrutiny Committee.

4. Consideration of the budget by the Council

4.1 Subject to paragraph 4.4, the Full Council may:

4.1.1 adopt the budget proposals of the Executive;
4.1.2 amend them;
4.1.3 refer them back to the Executive for further consideration.

4.2 A decision by Council to adopt the proposals comes into effect immediately. Any substantive amendment to the Executive's budget proposals must be submitted in writing to the Proper Officer no later than three clear working days before the relevant Full Council meeting. The amendment must identify its financial implications and proposed source of funding and must be circulated to members together with the advice of the Section 151 Officer and Monitoring Officer.

4.3 A substantive amendment may not be introduced orally at the meeting. The Chair may permit a late amendment only where it is technical, responds to information which could not reasonably have been known before the deadline, or is otherwise necessary to enable Full Council to take a lawful decision, provided that the Section 151 Officer and Monitoring Officer confirm that sufficient advice can be given.

4.4 **Statutory budget calculations and precepts: proposals submitted before 8 February**

4.4.1 Where, before 8 February in any financial year, the Executive submits to the Council for consideration, in relation to the following financial year, estimates of amounts to be aggregated or otherwise used in making a calculation, whether originally or by way of substitute, under any applicable provision of sections 31A, 31B, 34 to 36A, 42A, 42B and 45 to 49 of the Local Government Finance Act 1992, estimates of such a calculation, or amounts required to be stated in a precept under Chapter 4 of Part 1 of that Act, and the Council has objections to those estimates or amounts, the Council must follow paragraphs 4.4.2 to 4.4.4.

4.4.2 Before making the calculation or issuing the precept, the Council must inform the Leader of every objection to the Executive's estimates or amounts, give reasons for each objection, and instruct the Executive to reconsider the estimates or amounts in the light of those objections and in accordance with the Council's requirements.

4.4.3 The Council must specify a period of at least five working days, beginning on the day after the Leader receives the instructions on behalf of the Executive, within which the Leader may submit revised estimates or amounts, together with the Executive's reasons for any amendments, or inform the Council of any disagreement with the Council's objections and the Executive's reasons for that disagreement. The day on which the Leader receives the instructions is not counted. The Council cannot finally determine the objections at the same meeting or on the following working day.

4.4.4 The Council must not make the relevant calculation or issue the precept until the period specified under paragraph 4.4.3 has expired. After expiry, the Council must take into account any amendments included in revised estimates or amounts, the Executive's reasons for those amendments, any disagreement with the Council's objections

and the Executive's reasons for that disagreement, where the Leader submitted or communicated them within the specified period.

4.4.5 Paragraphs 4.4.1 to 4.4.4 do not apply to calculations, substitute calculations or precepts to which paragraph 10 of Part II of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 applies.

4.4.6 For the avoidance of doubt, "before 8 February" does not include 8 February. Where the Executive submits the relevant estimates or amounts on or after 8 February, the statutory reconsideration procedure in paragraphs 4.4.1 to 4.4.4 does not apply. Subject to paragraphs 4.2 and 4.3, the Council may determine the budget and make the required calculations at that meeting. The Monitoring Officer and Section 151 Officer shall advise the Council on the lawfulness and financial robustness of the proposals and amendments and on the timetable for setting council tax.

5. Budget variation

5.1 When approving the budget, the Council shall also specify the extent of controls (if any) on the use of contingencies and reserves which may be undertaken by the Executive in accordance with paragraph 15 of these Rules. The Executive may not make any other changes to the budget determined by the Council.

6. After setting the budget

6.1 As soon as practicable after the determination of the budget the Executive shall publish and make available to the public information on the budget determined for the following Financial Year.

7. The Process for the Development of the Policy Framework

7.1 Timetable and consultation

7.1.1 The plans and strategies which comprise the policy framework are set out in Article 4.

7.1.1.1 At the start of each Municipal Year, the Executive will determine a timetable for the preparation and consideration of the plans and strategies referred to in Article 4 that are required to be made in that year. The timetable will identify the meeting of the Executive at which the plan or strategy is expected to be agreed for recommendation to Council, the meeting of the relevant Overview and Scrutiny Committee to which the matter is to be referred (see paragraph 8 below), and the date of the Council meeting at which the recommendation will be considered.

7.1.1.2 The Executive shall arrange appropriate consultation on the proposed plans and strategies with local stakeholders and others as determined by the Executive. Details of the consultation process shall be included in the Forward Plan of the Authority.

8. Reference to the relevant Overview and Scrutiny Committee

8.1 A copy of any proposed plan or strategy which is part of the policy framework shall also be referred to the relevant Overview and Scrutiny Committee in sufficient time for the proposals to be included in the agenda for a scheduled meeting of the Committee, and for the Committee to make a report or recommendations to the meeting of the Council that is to consider the plan or strategy concerned. The Council shall not agree a plan or strategy until the relevant Overview and Scrutiny Committee has had the opportunity to consider the proposals, subject to the need for statutory deadlines to be met.

9. Consideration by the Council

9.1 The Council may:

9.1.1 adopt the proposals of the Executive;

9.1.2 amend them;

9.1.3 refer them back to the Executive for further consideration; or

9.1.4 substitute its own proposals in their place.

9.2 Where the Council adopts the Executive's proposals without objection or modification, its decision takes effect immediately. Where paragraphs 9.3 and 9.4 apply, the Council's decision takes effect when made following completion of that procedure.

9.3 Before the Council amends a draft plan or strategy, approves any plan or strategy for submission to the Secretary of State or any Minister of the Crown where any part requires such approval, or adopts a plan or strategy with or without modification, it must inform the Leader of every objection it has to the draft plan or strategy and instruct the Executive to reconsider the draft plan or strategy in the light of those objections. The Council must specify a period of at least five working days, beginning on the day after the Leader receives the instructions on behalf of the Executive, within which the Leader may submit to the Council a revised draft plan or strategy, together with the Executive's reasons for any amendments, or inform the Council of any disagreement with the Council's objections and the Executive's reasons for that disagreement.

9.4 When the period specified under paragraph 9.3 has expired, the Council must, when amending the draft plan or strategy or any revised draft plan or strategy, approving any plan or strategy for submission to the Secretary of State or any Minister of the Crown where any part requires such approval, or adopting the plan or strategy with or without modification, take into account any amendments included in a revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with the Council's objections, and the Executive's reasons for that disagreement, where the Leader submitted or communicated them within the specified period.

9.5 The Council's decision on the plan or strategy takes effect when it is made after completion of the procedure in paragraphs 9.3 and 9.4.

10. Variation

10.1 When approving any plan or strategy, the Council shall also specify the extent of variation within the plan or strategy that may be undertaken by the Executive in accordance with paragraph 15 of these Rules. The Executive may only make such other changes to a plan or strategy as have been agreed by the Council.

11. After Council determination

11.1 After the plan or strategy has been determined by the Council, the Executive shall publish and make available to the public information on the contents of the plan or strategy. The plan or strategy shall also be made available for public inspection and included on the Council website, and copies made available at reasonable cost.

12. Decisions Outside the Budget or Policy Framework

12.1 Subject to the provisions of paragraph 14 (Virement), the Executive, individual members of the Executive, and any officers or joint arrangements discharging executive functions, may only take decisions, which are in accordance with the budget or policy framework. If any of these bodies or persons wishes to take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council.

12.2 For the purposes of this Rule, compliance with the budget shall be assessed by reference to the budget adopted by the Council, including the allocations, purposes, limits and conditions approved by it, and any variations authorised under these Rules and the Financial Procedure Rules. An operational decision taken within those requirements and within the decision-taker's delegated powers does not require referral to the Council merely because it concerns the detailed management of resources within a directorate or service. This paragraph does not authorise a change to a Council-approved allocation or restriction, or a departure from the policy framework, otherwise than through the procedures permitted by the Constitution.

12.3 Any member of the Council or a Committee of the Council wishing to raise a question as to whether any decision made or likely to be made by the Executive is contrary to the policy framework or contrary to or not wholly in accordance with the budget, shall refer the question to the Monitoring Officer and/or the Section 151 Officer as appropriate. If either of these officers, having regard to paragraph 12.2, considers that the decision made or likely to be made is contrary to the policy framework or contrary to or not wholly in accordance with the budget they shall immediately inform the Chair of the body making the decision or the individual making the decision. The decision may not then be implemented and must be referred to the Council for decision. Detailed management or deployment of resources within an approved budget envelope does not constitute a departure from the budget where it is authorised and complies with the Financial Procedure Rules.

12.4 Applying paragraph 12.2, the Monitoring Officer or Section 151 Officer may conclude that a decision made or likely to be made is contrary to the policy framework, or contrary to or not wholly in accordance with the budget, without the matter first being raised by a Councillor or a Committee. The

officer concerned must then inform the relevant Chair or individual decision-taker. The decision may not then be implemented and must be referred to the Council for decision.

12.5 This Rule shall not apply where a decision has been taken within the exception permitted by paragraph 13 below.

13. Urgent Decisions Outside the Budget or Policy Framework

13.1 The Executive, individual member of the Executive or officers or joint arrangements discharging Executive functions may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget, if the decision is a matter of urgency.

13.2 Such a decision on grounds of urgency may, however, only be taken:

13.2.1 if it is not practical to convene a quorate meeting of the full Council; and

13.2.2 if the Chair of the relevant Overview and Scrutiny Committee or, in their absence, the Chair of Council or, in the absence of both, the Vice-Chair of Council agrees in writing that the decision is a matter of urgency.

13.2.3 The reasons why it is not practical to convene a quorate meeting of the Council and the consent of the Chair of the relevant Overview and Scrutiny Committee or Chair/Vice-Chair of Council must be noted on the record of the decision.

13.2.4 Following the decision, the body or person taking the decision will report to the next meeting of the Council, explaining the decision, the reasons for it, and why it was treated as a matter of urgency.

14. Virement

14.1 The Virement Policy is contained within the Financial Procedure Rules.

15. In-year Changes to the Budget and Policy Framework

15.1 No changes may be made to the budget or policy framework by the Executive, individual members of the Executive, or officers, or joint arrangements discharging Executive functions except those:

15.1.1 which are necessary to ensure compliance with the law, ministerial direction or government guidance;

15.1.2 in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

15.1.3 permitted under the Financial Procedure Rules

16. Call-In Decisions Outside the Budget or Policy Framework

16.1 Where the relevant Overview and Scrutiny Committee is of the opinion that an Executive decision would be, or if made is, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Section 151 Officer.

16.2 In respect of functions, which are the responsibility of the Executive, the Monitoring Officer's report and/or Section 151 Officer's report shall be sent to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must determine what action to take in respect of the officer's report and prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure from the Budget and Policy Framework, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure from the Budget and Policy Framework.

16.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is, or would be contrary to, the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting the Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer.

The Council may:

16.3.1 endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Elected Members in the normal way; or

16.3.2 amend the Council's financial rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Elected Members in the normal way; or

16.3.3 where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget and does not amend the existing framework to accommodate it, the Executive is required to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Section 151 Officer or both.

CONTRACT PROCEDURE RULES

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INTRODUCTION

Relationship with the Constitution

These Rules do not allocate responsibility for functions or confer authority to make a decision. Authority to commence a procurement, make a direct award, approve an exemption, award or modify a contract, enter into a contract or authorise expenditure must derive from Part 3 of the Constitution or another lawful authority.

Where a decision is a key decision, is outside the approved budget or policy framework, concerns a non-executive function or is reserved to a particular decision-maker, the applicable provisions of the Constitution prevail.

The financial bands in these Rules determine minimum procurement procedure and documentation. They do not by themselves determine whether a decision is a key decision or who may take it.

A substantive amendment to these Rules requires approval by Full Council in accordance with Article 13. A statutory threshold change takes effect from its statutory commencement date, and the Monitoring Officer may make the corresponding technical amendment were permitted by Article 13.

1. Contracts covered by the rules

i) These Contract Procedure Rules form part of Part 4 of the Constitution and constitute the Council's standing orders as to contracts for the purposes of section 135 of the Local Government Act 1972. They apply to contracts for the acquisition of goods, materials, or services and for the execution of works, subject to the exclusions and exemptions expressly set out in these Rules.

ii) Professional and consultancy services, including legal, financial, architectural, engineering, technical and management consultancy services, are subject to these Rules unless a statutory exclusion, lawful direct award, compliant framework, or approved exemption applies.

A direct package of care and support for an individual child or vulnerable person may be commissioned outside the ordinary competition requirements were justified by assessed need, best interests and applicable care legislation, provided that the decision, authority, budget and value-for-money assessment are recorded.

- 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)

Note: Procurement thresholds quoted in these rules are correct at the time of writing, but it must be checked that they remain the relevant statutory procurement threshold in force at the date any procurement is commenced.

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 a suitable central purchasing contract, framework agreement, dynamic market or other compliant collaborative arrangement is available, it may be used only where the Council is entitled to participate, the proposed requirement falls within its scope and the stated award or call-off procedure is followed. Use of such an arrangement does not disapply requirements concerning authority, budget, conflicts of interest, record keeping, contract award, transparency, or contract management.

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) A selected or approved list must not be used to restrict access to a procurement unless its use is lawful under the Procurement Act 2023 or the applicable transitional regime. Any supplier list used for market intelligence or below-threshold sourcing must be operated transparently, proportionately and without unlawful local preference.

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 regarding 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 if the Executive or other authorised decision-maker 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

Responsibility for decisions and actions under these Rules, and for monitoring compliance, is allocated between Full Council, the Leader, Executive, individual Executive Members and Officers in accordance with the Constitution, the Leader's arrangements for the discharge of executive functions and the Officer Delegation Scheme.

Authority to approve a procurement strategy, make an award decision, enter into a contract, sign a contract, and affix the Council's seal are distinct functions. Each function may be exercised only by Full Council, Executive, an individual Executive Member, or an Officer where responsibility has been allocated or delegated to that person or body under the Constitution. No councillor may bind the Council merely by virtue of being an elected member.

The role of Council, the Executive, Executive Members and Officers

ii) Most contracts will relate to executive functions. Subject to the Budget and Policy Framework and the allocation of responsibilities in the Constitution, those functions may be discharged by Executive, an individual Executive Member, or a relevant Officer, as applicable. Executive will exercise the following responsibilities where they have not been delegated to an individual Executive Member or Officer:

- 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 approve an exemption from the Council's local procedural requirements only where Executive is the authorised decision-maker under Part 3 or the Leader's arrangements. This Rule does not confer a delegation. Any statutory direct award must separately satisfy the Procurement Act 2023 or the applicable transitional regime.

The Executive

iii) To ensure executive oversight of contract awards, the Executive will receive quarterly monitoring reports following completion of a tender or quotation procedure with a value in excess of £60,000 (Goods and Services) or £100,000 (Works). The relevant Overview and Scrutiny Committee may review procurement outcomes and performance in accordance with the Overview and Scrutiny Procedure Rules. In respect of any tender, the Executive will have responsibility:

- Executive shall exercise those executive procurement functions which have not been allocated or delegated by the Leader to an individual Executive Member or officer.

- 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 Committee**

The Audit Committee may consider the adequacy and effectiveness of the governance, risk management and internal control arrangements relating to procurement and contracts but shall not exercise an executive procurement function.

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 contract award only where the Officer is the Authorised Decision-Maker under Part 3 or the Officer Delegation Scheme. Otherwise, the Officer must submit the evaluation report and recommendation to the Authorised Decision-Maker.

- To ensure, with Corporate Procurement, that all applicable publication and transparency requirements are met, including publication of notices on the Central Digital Platform. Procedural assurance by Corporate Procurement does not constitute authority to award or enter into a contract.

vi) The Corporate Procurement Officer must: -

- Open all quotations / tenders more than £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

The above information shall be reported to the Executive on a quarterly basis and made available to the relevant Overview and Scrutiny Committee in accordance with the Constitution.

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 Councillors. Where an Officer is given power to act (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 Executive applies to contracts undertaken by an Officer under delegated powers, and the information shall be available to the relevant Overview and Scrutiny Committee in accordance with the Constitution. The responsible Officer rather than the Monitoring Officer 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 Monitoring Officer 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 several 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, provided that any requirement or criterion is relevant and proportionate to the subject matter of the proposed contract and complies with applicable procurement legislation;

- 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 Force Majeure clause in these terms and conditions, the Council may terminate this contract with immediate effect by written notice if the Contractor or Supplier, or any subsidiary, is convicted of an offence under the Employment Relations Act 1999 (Blacklists) Regulations 2010.’

13. General

i) In the event of any conflict between these Contract Procedure Rules, the Council’s Constitution and applicable national procurement legislation, applicable legislation shall prevail and the Constitution shall determine the allocation of decision-making responsibility within the Council.

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 these Rules may be granted except by the body, Member or Officer authorised under Part 3 of the Constitution. In a case of urgency, an exemption may be approved by the Chief Officer after consultation with the Monitoring Officer, where permitted by the Officer Delegation Scheme.

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 Monitoring Officer or representative
- the Director of the Department requesting the exemption or representative
  and
- the Section 151 Officer or representative
- the Commissioning Officer requesting the exemption

If the exemption is requested on behalf of the Finance, IT and Digital Department, the request is to be reviewed by Chief Executive.

A record of any granted exemption from any of the provisions of these procedure rules shall be reported to the Executive on a quarterly basis, made available to the relevant Overview and Scrutiny Committee in accordance with the Constitution, and shall specify the case of urgency or other justification for which the exemption was granted.

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) A reference in these Rules to a decision or approval means a decision or approval by the body, Member or officer authorised under Part 3 of the Constitution or another lawful authority.

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 Chief Executive's nominee (being satisfied that they have adequate Health and Safety arrangements) and the Section 151 Officer (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 or 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 Executive on a quarterly basis and made available to the relevant Overview and Scrutiny Committee in accordance with the Constitution.

PART C - PROCUREMENT PROCEDURES

4. SCOPE OF PART C:

Part C applies to every procurement unless a specific statutory exclusion, lawful direct award, compliant framework or dynamic market, or approved exemption from the Council's local procedural requirements applies. The existence of urgency, technical exclusivity, compatibility requirements, warranty considerations, a limited market, controlled prices, second-hand goods, or purchase by auction does not of itself disapply these, Rules.
Circumstances which may support a statutory direct award or an exemption from the Council's local procedural requirements include:

a. purchase by auction;
b. genuine and unforeseeable urgency;
c. compatibility with existing plant, equipment, or systems;
d. an objectively limited supplier market;
e. patented or proprietary goods or services;
f. externally controlled prices;
g. absence of competition for technical reasons;
h. preservation of an existing warranty; and
i. unique or specialist second-hand goods.

The existence of one of these circumstances does not automatically disapply these, Rules. The responsible Officer must record the facts, legal and procurement route, market evidence, total value, value for money, budget, conflicts of interest, notice requirements and decision-making authority.

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 - £5,193,000.00 (inclusive of VAT) Goods materials or Services Contracts £1,000 - £207,720.00 (inclusive of VAT)**

In respect of contracts:

- for the execution of works over £5,000 and up to £5,193,000.00 (inclusive of VAT)
- for the supply of goods materials or services over £5,000 and up to £207,720.00 (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:

<table>
<tr><td></td><td></td><td>Goods Materials and Services (excluding Social and other specific Services)</td><td>Social and other specific services</td><td>Works</td></tr>
<tr><td></td><td>Anticipated Contract Value</td><td>Rules</td><td>Rules</td><td>Rules</td></tr>
<tr><td rowspan="2">Departmental</td><td>£0-£5,000</td><td colspan="3">At least 2 quotations (use of Open is optional)

At least 2 Quotations (minimum of 1 Local where possible).</td></tr>
<tr><td>£5,000-£30,000</td><td colspan="3">At Least 3 quotations using Open

Officers Should invite a minimum of 2 local companies to quote (where available</td></tr>
<tr><td rowspan="2">Corporate Procurement</td><td rowspan="2">£30,000 - £60,000</td><td colspan="2">At Least 3 quotations using Open

Officers should invite a minimum of 2 local companies to quote (where available)</td><td>At least 3 quotations using Open</td></tr>
<tr></tr>
</table>

	£100,000	**At least 4 quotations using Open (minimum 3 local where possible)**	**At least 4 quotations using Open (minimum 3 local where possible)**	Officers should invite a minimum of 2 local companies to quote (were available)
	£207,720.00 (inclusive of VAT)	Officers should invite a minimum of 3 local companies to quote (where available)	Officers should invite a minimum of 3 local companies to quote (where available)	**At least 4 quotations using Open**
	£663,540 (inclusive of VAT)	Tender Procedure		Officers should invite a minimum of 3 local companies to quote (were available)
	£5,193,000.00 (inclusive of VAT)	Procurement Act 2023 Regulations apply	Tender Procedure	
			Procurement Act 2023 Regulations apply	Procurement Act 2023 Regulations apply

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.

Total estimated value including VAT	Minimum procedure
Below £5,000	One written quotation, catalogue comparison, or documented value-for-money check
£5,000 to £29,999	At least three written quotations were reasonably practicable
£30,000 to below the applicable statutory threshold	Advertised competitive process through the approved e-procurement system, unless a lawful targeted process, framework, direct award, or exemption applies
At or above the applicable statutory threshold	Procurement compliant with the Procurement Act 2023 and applicable regulations

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 £5,193,000.00 (inclusive of VAT)**
Goods materials or Services Contracts over £207,720.00 (inclusive of VAT)
(In-house bid contracts over £100,000)

All contracts which exceed £5,193,000.00 in value or amount for the execution of any works, or £207,720.00 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) Where advertising is required, the opportunity must be published through the Council's approved e-procurement system and on any statutory publication platform required by procurement legislation. For a notifiable below-threshold contract, the below-threshold tender notice must be published on the Central Digital Platform before advertising elsewhere. The submission period must be reasonable, proportionate and the same for all suppliers.

ii) Participation must not be restricted by reference to a closed selected list unless lawful under the applicable procurement regime. Any conditions of participation and shortlisting methodology must be proportionate, published in advance and applied consistently.

Publication of Contract Award notices

All contract awards must be notified to Corporate Procurement in sufficient time to publish every notice required by the Procurement Act 2023, the applicable transitional regime and the Council's local transparency arrangements. Statutory publication thresholds and internal reporting thresholds must not be treated as interchangeable.

9. Selected tenderers provisions

i) A supplier list may be used only were lawful. It must not be used to avoid an advertisement, notice or competitive procedure that would otherwise be required. Where a below-threshold quotation exercise is sourced from a list, suppliers must be selected objectively and the selection rationale recorded. Any reservation or targeting of a competition to local suppliers must be expressly authorised by applicable legislation and guidance and recorded in the procurement strategy.

10. Acceptance of tenders / quotations

i) A contract must be awarded to the supplier whose tender is the most advantageous tender by reference to the published assessment methodology and award criteria. The evaluation outcome, reasons, award decision, and source of authority must be recorded.

PART E - PRICE/QUALITY CONTRACTS

11. Price/Quality Contracts Provisions

i) Before publication, the Authorised Decision-Maker or an Officer acting under an appropriate delegation must approve proportionate award criteria and an assessment methodology linked to the subject matter of the contract. The criteria must be published, applied consistently and not changed after receipt of tenders.

(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:

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 more than £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 Executive, with the report also made available to the relevant Overview and Scrutiny Committee in accordance with the Constitution, 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 Section 151 Officer 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 Chief Executive and once received shall remain in the custody of the Chief Executive or his/her nominee until the time appointed for their openings.

iii) The Chief Executive 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 Monitoring Officer 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) A contract may be signed on behalf of the Council only by an Officer authorised under the Officer Delegation Scheme or an authorised-signatory arrangement approved by the Monitoring Officer. Authority to sign is distinct from authority to approve the award and authority to enter into the contract.

b) A document must be executed as a deed where required by law, where necessary to secure the intended legal effect or limitation period, or where the Monitoring Officer considers execution as a deed appropriate having regard to its nature, duration, risk or value. The Common Seal must be affixed and attested in accordance with Article 12 of the Constitution. Contract value alone does not determine whether sealing is required but any contract with a value in excess of £100,000 must be referred to legal services for review and approval in advance of signing.

19. Tenderers withdrawal

i) Withdrawal of a tender, refusal to enter into a contract or supplier misconduct must be considered under the exclusion and debarment provisions of the Procurement Act 2023 or the applicable transitional regime. A supplier must not be automatically barred for a fixed period without a lawful ground, proportionate assessment, procedural fairness, and a reasoned decision by the Authorised Decision-Maker.

20. Post contract variations and negotiations

i) A contract may be modified only where the modification is permitted by an express, clear, and precise review clause or another lawful modification ground under the Procurement Act 2023 or the applicable transitional regime. Before approval, the responsible Officer must record the applicable regime, legal basis, original and modified values, cumulative modifications, effect on the overall nature of the contract, budget, value for money, delegated authority, and any notice requirement.
A contract must not depart materially from the works, goods, materials, or services for which the quotation or tender was received unless the modification is lawful and approved by the Authorised Decision-Maker. Where no lawful modification ground applies, a new procurement must be undertaken.

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 Section 151 Officer and the Monitoring Officer 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 contemporaneous written record, signed by the Council Officers in attendance and retained on the procurement file. Any approval must be given by the authorised decision-maker under Part 3 or the Officer Delegation Scheme, not merely by reason of an officer's advisory procurement role.

21. Extensions to contracts

i) An extension expressly provided for in the original contract and procurement documents may be exercised where budget is available, supplier performance is satisfactory, the extension remains within the approved scope and value, and the authorised decision-maker approves it under Part 3 or the Officer Delegation Scheme. Corporate Procurement and Legal Services must be consulted where required by the applicable assurance thresholds.

Requests to exercise an extension must be documented using the approved template before the extension is exercised. The record must confirm the contractual basis, value, duration, supplier performance, available budget, value for money, decision-maker and source of authority, and must be retained by Corporate Procurement. The request will be checked for completeness and passed for review to:

- the Monitoring Officer or representative, where legal or constitutional advice is required;
- the responsible Chief Officer or representative;
- the Section 151 Officer or representative, where financial approval or advice is required; and
- the responsible Commissioning Officer or Contract Manager.

Where an extension concerns a service for which the normal reviewing Officer has a conflict of interest, the review must be undertaken by an alternative Officer identified under the Officer Delegation Scheme.

ii) An extension not expressly provided for in the original contract is a contract modification and must not be approved unless a lawful modification ground applies under the Procurement Act 2023 or the applicable transitional regime. The responsible Officer must record the legal basis, cumulative change in value, budget, value-for-money assessment, delegated authority, and any notice requirement. If no lawful ground applies, a new procurement is required. An extension must not be approved retrospectively after the contract has expired.

PART H - GLOSSARY

22. Interpretation

Unless the context otherwise indicates, the following terms used in these rules have the meanings stated: -

"Authorised decision-maker" means the body, Member or officer authorised under Part 3 of the Constitution or another lawful authority.

"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.

“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)’ establishes the principal public procurement regime for procurements commenced on or after 24 February 2025. Procurements commenced before that date, and contracts and frameworks awarded under them, remain subject to the applicable transitional arrangements.

“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, provided that any requirement or criterion is relevant and proportionate to the subject matter of the proposed contract and complies with applicable procurement legislation;

– 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.

COUNCIL PROCEDURE RULES

1. Annual meeting of the council

1.1 Timing and business

In a year when there is an ordinary election of Elected Members, the annual meeting 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.

1.2 Order of Business of Annual Meetings

The Annual meeting of Full Council is a formal procedural meeting and the order of business at any Annual meeting will be to:

(i) to elect a person to preside if the Ceremonial Mayor/Chair of Council is not present;

(ii) to receive apologies for absent Elected Members

(iii) to elect the Chair of Council (Ceremonial Mayor);

(iv) to elect the Vice Chair of Council (Deputy Ceremonial Mayor);

(v) to receive any announcements from the Chair and/or Head of the Paid Service;

(vi) to elect the Leader of the Council;

(vii) to receive notification from the Leader of the Council of the name of the Elected Member appointed as their Deputy Leader

(viii) to receive notification from the Leader of the Council of the number of Elected Members they are appointing to the Executive, their names and their portfolios

(ix) to appoint to committees and other bodies as required by the Constitution including the appointment of Chairs and Vice Chairs.

(x) to appoint to joint committees and other outside bodies where appointments reserved to Council

(xi) to approve a programme of ordinary meetings of the Council for the year; and

(xii) 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 Business**

Items (i) to (iv) in rule 1.2 must be dealt with in that order. The Ceremonial Mayor, acting as Chair, may change the order of the remaining business. In these procedure rules, the Ceremonial Mayor is referred to as the 'Chair'.

1.4 **Election of the Leader**

In a year when there is an ordinary election of Elected Members, the Council shall appoint a Leader at its Annual Meeting, which shall be the first meeting of the Council after an election.

The Leader shall:

(i) Appoint at least two but no more than nine Elected Members to the Executive and allocate Portfolio Holder responsibilities to them.

(ii) Appoint one of the Executive as Deputy Leader.

The Leader shall hold office as Leader until one of the following circumstances applies:

(i) The Council holds its first meeting after elections following their election as Leader; or

(ii) They resign from office; or

(iii) They are disqualified from being an Elected Member; or

(iv) They are removed from office by resolution of the Council

(v) They are no longer an Elected Member.

If the circumstances in (i) apply, the Council shall appoint a new Leader at the same meeting of the Council. In all other cases, the first meeting of the Council held after the circumstances arise.

Elected Members who are appointed to the Executive by the Leader shall continue in their roles on the Executive until one of the following circumstances applies:

(i) In the case of the Deputy Leader, the Leader ceases to hold office, whether as a result of resignation, removal from office, ceasing to be an Elected Member or otherwise;

(ii) The Leader makes changes to the roles of members of the Executive;

(iii) They are removed from office by the Leader;

(iv) They resign from office;

(v) They are disqualified from being Elected Members;

(vi) They are no longer Elected Members.

Following ordinary elections, the existing Leader and Deputy Leader will continue in office until the post-election annual meeting, unless they cease to be Elected Members, resign, are removed from office by Council resolution, or are otherwise disqualified from holding office. If the Council fails to elect a Leader at the post-election annual meeting, the office of Leader will remain vacant until a Leader is elected by Full Council at a subsequent meeting. During that period, no Elected Member shall act as Leader unless and until elected to that office by Full Council.

1.5 **Replacement of Elected Members on Committees, Sub-Committees and other bodies**

This Rule shall apply only to those committees or sub-committees or other bodies constituted in accordance with the political balance rules

Before a replacement of an Elected Member appointed to a body may take effect, written notice shall be given to the Monitoring Officer by a Group Leader (or their nominated representative) of the replacement of one Elected Member from their Group for another Elected Member from their Group to serve on any committee, sub-committee, advisory panel etc.

A replacement shall continue in force until further notice as a permanent change unless a further written notice is received in accordance with the above.

At the beginning of the relevant meeting to which the replacement applies, the Chair shall advise of the details of any replacements. Details of replacements will be minuted. The new appointment will be reported to the next meeting of Council.

2. Ordinary meetings

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Councils annual meeting. Ordinary meetings will:

(i) elect a person to preside if the Chair and vice chair are not present;
(ii) receive apologies for absent Elected Members;
(iii) 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) approve the minutes of the last meeting as a correct record;
(vi) To answer questions from Elected Members on the minutes of the last meeting of Full Council;
(vii) receive any announcements from the Chair or the Head of Paid Service;
(viii) receive any announcements from the Leader and/or members of the Executive;
(ix) deal with any business remaining from the last Council meeting;
(x) receive reports from the Executive and the Council's committees and receive questions and answers on any of those reports;
(xi) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate;
(xii) Receive petitions from members of the public in accordance with the Council's Petition Protocol;

(xiii) Receive questions and provide answers to public questions in accordance with the rules set out below on public questions received on notice;
(xiv) consider motions; and
(xv) Receive reports and questions about joint arrangements and external organisations.

2.2 **Leader and Executive Member Announcements**

Announcements by the Leader and Executive Members will be dealt with at ordinary meetings of the Council in the following way:

An item will appear on the Council's order of business paper as a separate item and the Leader and / or Executive Member may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council;

The Leader and Executive Members' Announcements will last not more than 10 minutes.

2.3 **Variation of Order of Business**

Items (i) to (vi) in rule 2.1 must be dealt with in the order shown. The order of the remaining business may be changed either:

(i) by the Chair or;

(ii) by a motion that is proposed and seconded. The motion does not need to be in writing and must be put to the vote without discussion.

3. Extraordinary meetings

3.1 **Calling extraordinary meetings.**

Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:

(i) the Council by resolution; or

(ii) the Chair of Council; or

(iii) If the Section 151 Officer makes a report under section 114 of the Local Government Finance Act 1988 or the Monitoring Officer makes a report under section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall call a meeting of the Council for the purpose of considering that report within the period specified by the relevant statute.; and

(iv) any five Elected Members if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

At other times the Head of Paid Service may call a meeting of Full Council whenever they consider it necessary and/or appropriate to do so.

A request for an Extraordinary Meeting of the Council under (iv) must explain why the meeting is needed and set out any motion to be debated.

An Extraordinary Meeting should only be called to deal with urgent business that cannot reasonably wait until the next ordinary meeting of Full Council

3.2 **Business**

Business at Extraordinary meetings of the Council shall be restricted to:

(i) the election of a person to preside if the Chair or Vice Chair of Council are absent; and

(ii) any item of business specified by the Council, Chair, Head of Paid Service, Section 151 Officer or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Elected Members.

4. Appointment of substitute Elected Members to committees and sub-committees

4.1 **Allocation**

As well as allocating seats on committees and sub-committees, Full Council will allocate seats in the same manner for substitute Elected Members.

4.2 **Powers and duties**

Substitutes will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.3 **Substitution**

Substitutes may attend meetings in that capacity only:

(i) to take the place of the ordinary member for whom they are the designated substitute;
(ii) where the ordinary member will be absent for the whole of the meeting; and
(iii) after notifying Democratic Services of the intended substitution.

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 be held at the Civic Centre, Hartlepool, commencing at 6.30 pm

5.2 **Ordinary meetings**

The Ordinary meetings of Full Council shall, unless otherwise directed be held at the Civic Centre, Hartlepool commencing at 6.30 pm.

5.3 **Cancellation of ordinary meetings**

In exceptional circumstances after consulting the Chair of Council and/or the Monitoring Officer may cancel an ordinary meeting of the Council either before or after the summons for the meeting has been issued provided that reasons for the cancellation are given.

6. Notice of and summons to meetings

The Head of Paid Service 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, the Head of Paid Service will send a summons signed by them by post or email to every Elected Member or leave it at their usual place of residence. 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. Chair of meeting

The person presiding at the meeting may exercise any power or duty of the Chair.

8. Quorum

The quorum of a meeting will be one quarter of the whole number of Elected Members.

If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Ceremonial Mayor may announce the date and time that the meeting will be reconvened.

During any meeting if the Chair counts the number of Elected Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Duration of meeting

Meetings of the Council will commence at the time set on the agenda and continue for three hours, except as determined below or where the Council is:

(i) considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer, or

(ii) considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Appeals Committee (Statutory Officers)

A meeting of the Council shall terminate as above unless:

(i) the business of the meeting has been completed before three hours have expired; or

(ii) by resolution passed before the closure time, the Council resolves to extend the meeting for a further 30 minutes.

For the avoidance of doubt, a meeting may use the provisions within (ii) above more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.

In considering whether (i) and (ii) above are expedient, the Council will have regard to not prejudicing third party rights or interests affected by the remaining business on the summons.

10. Public Questions and Petitions

10.1 General

Members of the public may ask questions of members of the Executive and Chairs of Committees at ordinary meetings of the Council.

There will be a time limit of 30 minutes for the asking and answering of public questions.

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by email to the Monitoring Officer no later than midday seven clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Elected Member to whom it is to be put.

The Elected Member to whom any question is put may arrange for another Elected Member to answer on their behalf.

10.4 Number of questions

At any one meeting no person may submit more than two questions.

10.5 Scope of questions

The Chair of Council in consultation with the Monitoring Officer may reject a question if it:

(i) would risk defamation of an individual or is frivolous or offensive; or otherwise improper

(ii) does not relate to a matter for which the Council has powers or duties; or

(iii) does not relate to a matter which affects the Council; or

(iv) would require the disclosure of confidential or exempt information; or

(v) is substantially the same as a question which has been put at any meeting of the Council in the last six months.

Invalid questions will not be circulated.

10.6 **Record of questions**

The Monitoring Officer 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.

Copies of all valid questions will be circulated to all Elected Members and will be made available to the public attending the meeting.

10.7 **Asking the question at the meeting**

The Chair will invite the questioner to put the question to the Elected Member named in the notice.

If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf unless they have a substitute. The Chair may either:

(i) ask the question on the questioner's behalf; or

(ii) indicate that a written reply will be given; or

(iii) decide that, in the absence of the questioner, that the question will not be dealt with.

Once the question has been asked, the Elected Member named in the notice will have 5 minutes to respond to the question.

10.8 **Supplementary questions**

A questioner will be allowed to ask up to two supplementary questions for clarification directly relating to the content of the answer given to the written question.

The Ceremonial Mayor may reject a supplemental question if it falls within any of the categories in paragraph 'Scope of questions.'

10.9 **Written answers**

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 to whom it was to be put, will be dealt with by a written answer.

10.10 **Reference of question to the Executive or a Committee**

Unless the Chair decides otherwise, questions will not be debated.

However, an Elected Member may propose that a matter raised by a question be referred to the Executive or the relevant committee or sub-committee. If the proposal is seconded, it will be put to the vote without discussion. If the matter is referred, Full Council may also require a report on it to be made to Full Council or another appropriate body.

10.11 **Petitions**

Petitions may be presented to and considered by Full Council in accordance with the Council's Petition Protocol. The protocol sets out the requirements for submitting a petition and the arrangements for its presentation, any debate and the Council's response.

Where a petition received over 1001 signatures and is considered by the Executive and referred to Full Council the petition organiser may submit written representations in advance of the meeting by noon seven clear working days before the meeting.

(i) The organizer of the petition is allowed 5 minutes to present the petition (and they should have provided the full text of their presentation by noon seven clear working days prior to the Council meeting).

(ii) The organizer of the petition is allowed no further opportunity to participate in the debate.

(iii) The relevant Executive Member shall reply to the petition and propose a motion as to what action Council should decide to take.

(iv) Another Elected Member may second that motion.

(v) Elected Members can then debate.

(vi) The Executive Member (i.e. the mover of the original motion as to what decision Council should take) can respond to the debate.

(vii) Council shall then vote on the motion (provided that if any amendment has been proposed and seconded, then it shall be voted on first).

(viii) Each of the speeches mentioned in sub paras will be limited to 3 minutes.

If the organiser (or their representative) of a petition is unwilling or unable to present the petition, then it will not trigger a debate at Council.

For the avoidance of doubt, petitions which are received and contain less than 1,001 signatures from people who live, work, study, own businesses or use services in the Borough will not trigger a debate at Council and will be dealt with in accordance with the Petition Protocol.

11. Questions by Elected Members

11.1 **On reports of the Executive or Committees**

An Elected Member may ask the Leader or the Chair of a committee any question without notice upon an item of the report of the Executive or a

committee when that item is being received or under consideration by the Council.

11.2 **Questions on notice at full Council**

Subject to the notice requirements set out below, An Elected Member may ask:

- the Chair;
- a member of the Executive; or
- the Chair of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

A period of no more than 30 minutes will be allocated at a meeting of Full Council to answer questions on notice from Elected Members.

11.3 **Scope of Questions**

The Chief Executive in consultation with the Chair of the Council, may reject a question if:-

(i) would risk defamation of an individual or is frivolous or offensive; or otherwise improper

(ii) does not relate to a matter for which the Council has powers or duties; or

(iii) does not relate to a matter which affects the Council; or

(iv) would require the disclosure of confidential or exempt information; or

(v) is substantially the same as a question which has been put at any meeting of the Council in the last six months.

11.4 **Notice of questions**

An Elected Member may only ask a question at Council on notice if either:

a) it has been sent in writing or by email to the Head of Paid Service by noon seven clear working days before the meeting; or

b) the question relates to urgent matters, they have the consent of the Elected Member to whom the question is to be put and the content of the question is given to the Head of Paid Service by 4pm on the day of the meeting.

An Elected Member submitting more than one question must number them in order of priority. They must also state whether any question not reached at that meeting should be carried forward to the next ordinary meeting of Full Council or answered in writing.

Questions will be asked in the order in which notice of them was received and will have a time limit of one minute to ask each question.

11.5 **Response**

An answer may take the form of:

a) a direct oral answer with a five-minute time limit;

b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Questions will not give rise to a debate.

11.6 **Reference of question to the Executive or a Committee**

An Elected Member may propose that a matter raised by a question be referred to the Executive or the relevant committee. If the proposal is seconded, it will be put to the vote without debate. If the proposal is agreed, Council may also require a report on the matter to be submitted to Council or another appropriate body.

12. Motions on notice

12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least five Elected Members, must be delivered to Head of Paid Service not later than noon at least seven clear working days before the date of the meeting.

The notice of valid motions will be entered in a book open to public inspection.

Up to three motions can be discussed at each Council meeting, unless the Chair agrees to include more because they are considered urgent.

Motions will be set out on the agenda in the order in which they were received.

Any remaining Motions on Notice received shall be dealt with at the next ordinary meeting of Full Council.

12.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Elected Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 **Scope**

Motions must be about matters for which the Council has a responsibility, or which affect the Borough.

The Chair of Council, in consultation with the Monitoring Officer, will rule out of order motions which in their opinion:

(i) would risk defamation of an individual or are frivolous or offensive or otherwise improper

(ii) do not relate to a matter for which the Council (as local authority) has powers or does not affect the Council; or

(iii) would require the disclosure of confidential or exempt information; or

(iv) are substantially the same as a motion which has been put at any meeting of the Full Council in the last six months.

No invalid motions will appear on the Full Council agenda or be otherwise circulated.

12.4 **Motions Relating to Reports and Recommendations on the agenda**

Where the Chair of Council considers it appropriate, any motion for which notice has been duly given and which relates to any recommendation of the Executive or a Committee or a statutory officer to be considered at the same meeting, may be treated as an amendment to such recommendation and shall be considered at the same time as the recommendation is considered.

12.5 **Motions Relating to a Matter Delegated to the Executive or a Committee**

If the Chair, in consultation with the Monitoring Officer, considers that any motion made under this Rule refers to matters within the powers of the Executive or a Committee of the Council, then it shall be indicated on the Council summons, supported by reasons, that the motion shall stand referred to the next meeting of the Executive or to a Committee. Any Elected Member may move that any such referral should not apply to a motion but shall be dealt with.

12.6 **Motions Stand referred to the Executive under Rule 12.5**

If a motion is marked on the Summons as to stand referred to the Executive under Rule 12.5 then where Council decides to disapply the referral and allow the matter to be debated, the Council can make no decision on the matter but may make a recommendation or pass comments to the Executive.

The Executive shall not be bound to accept any such recommendation or act on any such comments.

12.7 **Motions calling for a Report**

A motion which calls for a report on a given matter, and which has been signed by five Elected Members shall be referred without discussion to the next meeting of the Executive or appropriate Committee, or to an Executive Member.

A report from the Executive, Executive Member or Committee shall be submitted to the Full Council within a maximum of three months unless the Full Council agrees to a longer period.

12.8 **Mover of motion may attend meeting of the Executive or Committee or Sub-Committee to which it is referred**

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. They 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.

13. Motions without notice

The following motions may be moved without notice:

a) if the Ceremonial Mayor and Deputy Ceremonial Mayor are absent, to appoint another Elected Member to chair the meeting;
b) in relation to the accuracy of the minutes;
c) to change the order of business on the agenda;
d) to refer a matter to an appropriate body or individual;
e) to appoint a committee or an Elected Member where the appointment arises from an item on the agenda;
f) to receive reports or recommendations from the Executive, an Executive Member, a committee or an officer, and to pass any resolution arising from them;
g) to withdraw a motion;
h) to proceed to the next item of business;
i) that the question be put immediately;
j) to adjourn a debate;
k) to adjourn the meeting;
l) that the meeting continues beyond three hours;
m) to suspend a particular Council Procedure Rule;
n) to exclude the press and public in accordance with the Access to Information Procedure Rules;
o) that a named Elected Member be not heard further under Rule 20.3 or be required to leave the meeting under Rule 20.4; and
p) to give the Council's consent where that consent is required by this Constitution.

14. Rules of debate

14.1 **No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed.

14.3 **Seconders speech**

When seconding a motion or amendment, An Elected Member may reserve their speech until later in the debate.

14.4 **Content and length of speeches**

An Elected Members' speech shall be relevant to the matter under discussion or to a point of order or personal explanation.

The mover of a motion may speak for up to five minutes.

Any other speech, including the mover's right of reply, shall not exceed three minutes.

14.5 **Order of Speeches**

When more than one Elected Member indicates a wish to speak, the Chair shall decide the order of speakers. An Elected Member shall address the meeting through the Chair.

14.6 **When an Elected Member may speak again**

An Elected Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

a) to speak once on an amendment moved by another Elected Member;

b) to move a further amendment, subject to the requirements of Rule 14.7, if the motion has been amended since they last spoke;

c) if their first speech was on an amendment moved by another Elected Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);

d) in exercise of a right of reply;

e) on a point of order; and

f) by way of personal explanation.

14.7 **Amendments to motions**

An amendment must be submitted in writing to the Head of Paid Service by noon on the day of the meeting.

An amendment must be relevant to the motion. It may omit words, omit words and insert others, or add words, but must not negate the motion or introduce a substantially new proposal.

Only one amendment shall be moved and debated at a time. Subject to the written-submission deadline in this Rule, if carried, the amended motion shall become the substantive motion and may be amended further. If not carried, another amendment to the original motion may be moved, subject to the same deadline.

14.8 **Withdrawal of motion**

An Elected Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meetings 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.

14.9 **Right of reply**

The following provisions explain who has a right of reply at the end of a debate on a motion or amendment.

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on their amendment.

14.10 **Procedural Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;
(b) to amend a motion (subject to rule 14.7);
(c) to proceed to the next business;
(d) that the question be now put;
(e) to adjourn a debate;
(f) to adjourn a meeting;
(g) that the meeting continues beyond three hours in duration;
(h) to exclude the public and press in accordance with the Access to Information Rules; and
(i) to not hear further An Elected Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

14.11 **Closure motions**

a) An Elected Member may move, without comment, the following motions at the end of a speech of another Elected Member:

(i) to proceed to the next business;
(ii) that the question be now put;
(iii) to adjourn a debate; or
(iv) to adjourn a meeting.

b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural

motion to the vote. If it is passed, they will give the mover of the original motion a right of reply before putting their motion to the vote.

d) 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 **Chair's Control of Debate**

The Chair may require An Elected Member to stop speaking where their speech is irrelevant, repetitive or exceeds the permitted time, and may rule on the order in which motions, amendments and speakers are taken. The Chairs ruling on the conduct of the debate is final.

14.13 **Point of order**

An Elected Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Elected Member must indicate the rule or law and the way in which they consider has been broken. The ruling of the Chair on the matter will be final.

14.14 **Personal explanation**

An Elected Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Elected Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

15. Previous decisions and motions

15.1 **Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved.

16. Voting

16.1 **Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

16.2 **Chair 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.

16.3 **Show of hands**

Unless a recorded vote is required or demanded, the Chair shall take a vote by a show of hands or by where there is no dissent by affirmation of the meeting.

16.4 **Recorded Vote**

Where a recorded vote is required or demanded, the Monitoring Officer shall call the name of each Elected Member and record whether they voted for or against the motion or amendment or abstained. Each Elected Member's vote or abstention shall be recorded in the minutes.

16.5 **Right to require individual vote to be recorded**

Immediately after a vote by show of hands, any Elected Member may require the minutes to record whether they voted for or against the motion or amendment or abstained.

16.6 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

16.7 **Voting on Budget Decisions**

Immediately after any vote is taken at a budget decision meeting of the Full Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

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.

This 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.

17. Minutes

17.1 **Signing the minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

17.2 **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.

17.3 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

18. 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.

19. 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 22 (Disturbance by Public).

20. Elected Members' conduct

20.1 **Standing to speak**

When an Elected Member speaks at Full Council they must stand 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.

20.2 **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.

20.3 **Elected Member not to be heard further**

If an Elected Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Elected Member be not heard further. If seconded, the motion will be voted on without discussion.

20.4 **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.

20.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

21. Disturbance by public

21.1 **Removal of member of the public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

21.2 **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.

22. Suspension and amendment of council procedure rules

22.1 **Suspension**

All of these Council Rules of Procedure except Rule 17.2 No requirement to sign minutes of a previous extraordinary meeting, recorded vote on budget decision and request recorded vote may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

22.2 **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23. The Executive

For the rules that apply to the Executive see ‘Executive procedure Rules’

24. Procedure Rules - Committees and sub-committees

24.1 **Appointment of sub-committees**

Every Committee of the Council may appoint Sub-Committees for purposes to be specified by the Committee and may appoint substitutes for any Sub-Committees in the manner provided by the Council Procedure Rules.

24.2 **Special Meetings of Council Committees and Sub-Committees**

i) 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.

24.3 **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

24.4 **Questions on notice at committees and sub-committees**

Subject to the notice of questions requirements, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that committee or sub-committee.

EXECUTIVE PROCEDURE RULES

These Rules explain how the Executive operates and how Executive decisions are taken. They cover the delegation of Executive functions, the conduct of Executive meetings, agenda arrangements and decisions taken by individual Executive members. They should be read alongside Article 7, which sets out the role, composition and responsibilities of the Executive, Part 3, which contains the arrangements for the delegation of Executive functions, and the Access to Information Procedure Rules in Part 4.

1. How does the Executive Operate?

1.1 Who may make Executive decisions?

The arrangements for the discharge of Executive functions are set out in the Executive arrangements adopted by the Council. The arrangements provide for Executive functions to be discharged by:

a) the Leader; or

b) any of the following to whom the Leader has delegated Executive functions:

i) the Executive as a whole;
ii) an individual member of the Executive;
iii) an officer;
iv) joint arrangements; or
v) another Council.

1.2 Sub-delegation of Executive functions

(a) Where the Executive is responsible for an Executive function, it may further delegate that function to joint arrangements or an officer, unless the Leader has directed otherwise.

(b) Where an individual Executive member is responsible for an Executive function, unless the Leader has directed otherwise, they may delegate further to an officer.

(c) Delegating or sub-delegating an Executive function does not prevent the person or body making the delegation from exercising that function.

1.3 Scheme of delegation for Executive functions

The Leader will approve the scheme of delegation for Executive functions and any amendments to it. The scheme will contain the details required by Article 7 and will be set out in Part 3 of this Constitution.

1.4 **Conflicts of interest**

(a) Executive members must deal with conflicts of interest in accordance with the Council's Code of Conduct for Elected Members in Part 4 of this Constitution.

(b) Where an Executive function has been delegated to an individual Executive member and a conflict of interest arises, the function may be exercised by the Leader or Deputy Leader.

(c) Where an officer cannot take a delegated decision because of a conflict of interest, and no departmental scheme allows referral to another appropriate officer, the decision will be referred to the relevant Executive member, the Leader or the Deputy Leader.

(d) Where the Leader or Deputy Leader has a conflict of interest in a decision referred to them, the decision may be referred to the Executive.

1.5 **Executive meetings – location and timing**

The Leader will determine how frequently the Executive meets. Meetings will be held at the Civic Centre or another location agreed by the Leader.

1.6 **Quorum**

The quorum for an Executive meeting is three including either the Leader or the Deputy Leader.

1.7 **How are decisions to be taken by the Executive?**

Decisions on Executive functions delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

2. How are Executive Meetings Conducted?

2.1 Who chairs Executive meetings?

The Leader will chair Executive meetings. In the Leader's absence, the Deputy Leader will chair. If both are absent, the Executive members present will appoint one of their number to chair the meeting.

2.2 **Who may attend?**

All meetings of the Executive will be held in public. These meetings will be governed by the Access to Information Procedure Rules in Part 4 of this Constitution. Where the Executive is considering reports on matters which contain confidential or exempt information it may pass a resolution to exclude the press and public in accordance with the Access to Information Procedure Rules, having given 28 clear calendar days' notice of the intention to hold a private meeting (or part private).

Attendance at an Executive meeting does not confer a right to speak. A person who is not an Executive member may speak only with the consent of the Leader (or in their absence the Deputy Leader).

2.3 **Order of business**

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

i) Approval of the minutes of the previous meeting;

ii) Declarations of interests by Executive members;

iii) Matters referred by a scrutiny committee or Full Council for reconsideration by the Executive under the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution;

iv) Consideration of reports from scrutiny committees;

v) Consideration of budget and policy framework proposals, including recommendations to Full Council where its approval is required;

vi) Consideration of the business listed on the agenda, which must identify which items are key decisions in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution;

vii) Reports of statutory officers, where applicable;

viii) Consideration of petitions received; and

ix) Delegated decision schedule (for information).

2.4 **Consultation**

All reports to the Executive from any member of the Executive or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 **Who may place items on the Executive agenda?**

The Leader will determine the schedule of Executive meetings. The Leader may place any matter on an Executive meeting agenda, whether or not authority for that matter has been delegated to the Executive, an Executive member or an officer. The Monitoring Officer will comply with the Leader’s requests.

The Monitoring Officer will place an item on the agenda of the next available Executive meeting where a relevant scrutiny committee or Full Council has resolved that the Executive should consider it.

The Monitoring Officer or Section 151 Officer may place an item on an Executive meeting agenda and may require such a meeting to be called in pursuance of their statutory duties.

In other circumstances, any two of the Head of Paid Service, Section 151 Officer and Monitoring Officer may jointly place an item on an Executive meeting agenda where they consider that a meeting is needed to decide the matter. If no Executive meeting is scheduled soon enough, the person or persons entitled to place the item on the agenda may require a meeting to be convened to consider it.

2.6 **Late and Urgent Items of Business**

An item of business added to the agenda after the normal publication deadline may be considered at an Executive meeting only where the Chair considers that special circumstances justify its consideration as a matter of urgency. The special circumstances and reasons for urgency must be recorded in the minutes. Before agreeing to its consideration, the Chair will consult the Monitoring Officer and the relevant Director, and other statutory officers as appropriate. Nothing in this rule limits the statutory rights and duties of statutory officers referred to in Rule 2.5.

The revised agenda and any report relating to a late item that is open to public inspection must be made available for public inspection at the Council's offices and on its website when the item is added to the agenda, in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution. Any report completed subsequently must be made available to the public as soon as it is made available to Executive members, subject to the lawful exclusion of confidential or exempt information.

The Chair's agreement under this rule does not dispense with any statutory notice, publication or approval requirement. Where a late item involves a key decision, the applicable key decision requirements, including the general exception or special urgency procedure where relevant, must be complied with. Where consideration of the item requires a private meeting or private part of a meeting, the applicable notice requirements or statutory urgency procedure must also be complied with. These procedures are set out in the Access to Information Procedure Rules in Part 4 of this Constitution. Consultation under this rule is not a substitute for any agreement required under those procedures.

3. Individual Executive Member Decision-Making

3.1 Individual Executive members may take decisions within their allocated portfolios only to the extent authorised by the Executive scheme of delegation in Part 3 of this Constitution. Any proposed decision must be identified in the Forward Plan, subject to paragraph 3.3 below.

3.2 If there is uncertainty about which Executive member is responsible for a matter, for example because it cuts across portfolios, the matter will be referred to the Leader for determination.

3.3 Exceptionally, where an Executive member needs to take an urgent decision on a matter not included in the Forward Plan, they will first consult the Leader or, in the Leader's absence, the Deputy Leader, and the relevant Scrutiny Committee Chair. Where the proposed decision is a key decision, the applicable general exception or special urgency procedure in the Access to Information Procedure Rules in Part 4 of this Constitution must be complied with before the decision is taken, including obtaining any required agreement. Any required notices and reasons must be published in accordance with those Rules. Consultation under this paragraph is not a substitute for the agreement required under the statutory special urgency procedure and does not dispense with any statutory notice, publication or approval requirement.

3.4 Executive members are not expected to take decisions on operational or administrative matters that have no wider public or member interest or policy impact. Such decisions will be taken by an officer acting under delegated authority, without formal consultation with the Executive member.

3.5 These provisions apply equally to the Leader as an Executive member, although the Leader's decision-making discretion potentially extends across all portfolios.

3.6 The 'Executive Member Decision Record' template must be used when an individual Executive member takes a decision. Executive Member Decision Records will be published on the Council's website.

COMMITTEE PROCEDURE RULES

1. Application of these Rules

1.1 These Rules are applicable to all Committee's and sub-committee's of the Council.

1.2 These Rules do not apply to the procedure of Council or the Executive, which have their own Procedure Rules.

2. Establishment of Committees

2.1 The Council at its Annual Meeting will:

i) decide which Committees and Sub-Committees to establish for the Municipal Year;

ii) decide the size and terms of reference of these Committees and Sub-Committees; and

iii) decide the allocation of seats on these Committees and Sub-Committees to the political groups in accordance with the rules on political proportionality apply to those committees.

2.2 The number of Elected Members, Independent Members Independent Persons and co-optees appointed to each Committee and the details of any sub-committees established by Committees can be found in Part 3 Responsibilities for Functions.

3. Appointment of Substitutes to Committees and Sub-Committees

3.1 Allocation

The Council will allocate seats on Committees, sub-committees and boards for Elected Members and substitutes.

3.2 Number

For each Committee and sub-committee, the Council will normally appoint substitutes in accordance with the wishes of the respective group leaders.

4. Powers and Duties

Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

4.1 Substitution

Where a meeting attended by a Substitute Member is adjourned to another day, the reconvened meeting shall be treated as a new meeting for the purposes of substitution. The ordinary Member or a Substitute Member may attend and act as the voting Member at the reconvened meeting, subject to fresh notice of any substitution being given in accordance with the applicable notification requirements. However, where the meeting was adjourned during consideration of an item, only an Elected Member who was present throughout the consideration of that item before the adjournment may take part in its further consideration and vote on it.

5. Attendance of Members at Committees and Sub-Committees

5.1 Members' rights to attend and speak at committees or sub-committees when they are not a Member of the Committee.

Elected Members may attend any Council Committee or Sub-Committee of which they are not a member but shall not be entitled to vote.

Except in relation to the Planning Committee and Licensing Committees, a Elected Member who is not a member of the Committee or Sub-Committee may speak at the meeting if they give notice to the Chair before the meeting begins and the Chair consents. Speaking rights at Licensing Sub-Committees are governed by the Licensing Policy. A Elected Member attending under this Rule shall not be entitled to vote.

An Elected Member permitted to speak under Rule 5.1.2 may address the Committee or Sub-Committee for up to three minutes.

Members may remain for the private part of any committee meeting. Any person authorised to remain in attendance shall be granted access to the relevant confidential or exempt papers to the extent necessary to follow the debate and discussion. Such persons may, at the discretion of the Chair, speak or ask questions on the matter under consideration, but shall not be entitled to vote on any decision.

5.2 Right to Speak (Planning Committee)

Elected Member's Requests to Speak at the Planning Committee

Elected Members may address the Planning Committee on any application unless they have a pecuniary interest that precludes them from doing so. Elected Members must give notice to the Chair before the start of the meeting of their intention to speak. The total time allowed for Elected Members to address the Committee on an application shall be four minutes. Where more than one Elected Member wishes to speak, the four minutes shall be shared between all such Elected Members.

6. Chairing Committees and Sub-Committees

6.1 Election of a Chair and Vice Chair of a Committee or Sub Committee

The Chairs and Vice Chairs of Committees and Sub Committees of the Council will be appointed by the Council under the Council Procedure Rules. If the Council fails to appoint a Chair for any Committee, then that Committee shall appoint a Chair as the first item of business at its first meeting following the Annual Council.

6.2 Absence of Chair at Meetings of Committees and Sub-Committees

In the absence of the Chair, the Vice-Chair shall preside.

If after 15 minutes since the identified start time of the Committee or Sub-Committee neither the Chair nor Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business.

Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned above, the first order of business shall be to elect a Chair for the meeting.

7. Business not on the Agenda

7.1 **Business not on the agenda may only be considered where:**

i) the Access to Information Procedure Rules of this Constitution have been complied with; or

ii) a member of the Committee or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency and the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

8. Late and Urgent Items of Business

8.1 An item of business that has not been open to public inspection within the statutory period may be considered only where, by reason of special circumstances, the Chair is of the opinion that the item should be considered at the meeting as a matter of urgency. The special circumstances shall be specified in the minutes of the meeting. The Chair will consult the relevant Director and/or the Statutory Officers where required, in advance of the meeting.

9. Time and Place of Meetings

9.1 Meetings of Committees and sub-committees shall take place at the place and time stated on the agenda.

9.2 Following consultation with the nominated Members and subject to compliance with the Access to Information Rules, the Chair shall have the power to alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Committee, sub-committee.

9.3 For those sub-committees not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair and all Members of the sub-committee.

10. Cancellation or Postponement of Meetings

10.1 Before a meeting is formally convened, the Chair, or in their absence the Vice-Chair, may, in exceptional circumstances that make it impracticable or inappropriate for the meeting to proceed as scheduled, propose that the date, time or venue be changed, or that the meeting be cancelled or postponed. Any change, cancellation or postponement must comply with all applicable statutory and constitutional requirements. Members and the public shall be notified as soon as reasonably practicable, and any revised notice, summons or agenda shall be issued within the period required by law. Nothing in this Rule affects the power of the Committee or its Chair to adjourn a meeting after it has commenced.

11. Calling of Special Meetings

11.1 Calling Special Meetings

Those listed below may request the Monitoring Officer to call Committee or sub-committee meetings in addition to ordinary scheduled meetings:

- the Committee or sub-committee by resolution; and
- the Chair of the Committee or sub-committee.

11.2 Business

Business at special meetings of Committees and sub-committees shall be restricted to the items notified in the published agenda.

12. Notice of and Summons to Meetings

12.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in this Constitution. At least five clear working days before a meeting, an agenda will be published. The agenda will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by all relevant reports.

13. Quorum

13.1 The quorum for committees is set out in Part 3.

13.2 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.

13.3 During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee or sub-Committee.

14. Closure of Meetings

14.1 Time of Closure

No business at any meeting of a Committee or Sub-Committee shall be transacted after three hours after the start time of the meeting and any business transacted after that time shall be null and void except for business transacted under this Closure Rule where after three hours and without further debate the Chair shall immediately put to the vote any officer recommendation, motion or amendment, which has been formally moved and seconded.

15. Confidential Business

15.1 All reports, other documents, information, discussions and proceedings of a Committee or sub-committee which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members of the Committee or sub-committee. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the Committee or sub-committee meeting following a resolution to exclude the press and public.

16. Voting

16.1 Majority

Unless Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Elected Members voting and seated in the room at the time the question was put. Voting shall be by a show of hands.

16.2 Chair's Casting Vote

If there is an equal number 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.

16.1 Individual Recorded Vote and Explanation for Vote

If, immediately before the vote is taken, any Elected Member present at the meeting requests that their vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

16.4 Recorded Vote by Individual Recorded Vote

If immediately before an ordinary vote is taken an Elected Member present at the meeting demands it, the names of Elected Members voting for or against the recommendation or amendment, or abstaining from voting, will be taken down in writing and entered into the minutes.

17. Minutes

17.1 Signing the Minutes of Committees or Sub-Committees

The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.

17.2 **Minutes of Decisions of Committees or Sub-Committees**

Minutes of Committees or sub-committees shall be published on the Council's website.

17.3 **Production of Minutes**

Minutes of the meetings of Committees or sub-committees will normally be published within five clear working days of the date of the meeting.

18. Record of Attendance

18.1 All Elected Members present during the whole or part of a meeting will be recorded in the minutes. If a member leaves during a meeting or joins a meeting part way through this will be recorded in the minutes.

19. Exclusion of the Public

19.1 Members of the public and press may only be excluded either in accordance with Access to Information Procedure Rules.

20. Members' Conduct

20.1 **Precedence of Chair**

When the Chair speaks during a debate, any Member speaking at the time must stop speaking. The meeting must be silent.

20.2 **Member not to be heard further**

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

20.3 **Member to leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

20.4 **General Disturbance**

If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as they think necessary.

21. Disturbance by the Public

21.1 **Removal of Member of the Public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

21.2 **Clearance of Part of a 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.

22. Adjournment

22.1 Following an order by the Chair for one or more members of the public to leave the meeting room, if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as they think necessary.

22.2 If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

23. Ruling of the Chair on Interpretation of these Rules

23.1 Within the meeting, the Chair's ruling on the interpretation or application of any of the Committee Procedure Rules is final.

24. Special Rules for Planning Committee, Licensing, Staffing and General Purposes Committee and Licensing and Regulatory Sub-Committees

24.1 **Training Requirements**

The requirements set out in this Procedural Rule shall apply to Elected Members and substitute or replacement Elected Members serving on the Planning and/or Licensing & Staffing and General Purposes Committees.

In nominating Elected Members to serve on the Planning and/or Licensing & Staffing and General Purposes Committee the Political Groups will have regard to those Elected Members of Council who have received the relevant training in the statutory roles of the Committee. A register of those Elected Members who have completed training shall be retained and updated periodically by them as future Elected Members are trained.

Elected Members who are not trained may not serve on the Planning and/or Licensing & Staffing and General Purposes Committee.

25. Additional Rules for Overview and Scrutiny

25.1 The rules below are specific to the Overview and Scrutiny Committee's and Sub-Committees.

26. Membership of the Overview and Scrutiny Committee

26.1 All Elected Members except members of the Executive may be Members of the Overview and Scrutiny Committee's and any Overview and Scrutiny sub-committees.

26.2 No Elected Member may participate in the scrutiny of a decision in which they were directly involved.

26.3 The Overview and Scrutiny Committee's will comprise such members as the Council shall determine.

26.4 Elected Members of the Overview and Scrutiny Committee's will be appointed by Council in accordance with the rules on political proportionality.

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.

The Section 151 Officer 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 the responsibilities, accountabilities and powers of individuals, named Officers, the Executive and Executive Members in relation to financial administration. The Financial Procedure Rules form part of, and must be read with, the Council's Constitution, including the Budget and Policy Framework Procedure Rules, Executive Procedure Rules, Responsibility for Functions, Scheme of Delegation, Contract Procedure Rules and the Elected Member/Officer 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 (Section 151 Officer) 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 maintained 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 Section 151 Officer 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 relating specifically to financial management controls.

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 Section 151 Officer and other Directors and Chief Officers.

1.2.3 Whilst these rules apply to all Officers and Elected Members, they must be applied consistently with the allocation of responsibility between Full Council, the Executive, Executive Members, Overview and Scrutiny and Officers set out in the Constitution. Directors and Chief Officers have overall responsibility for ensuring that 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 Where the Executive, an Executive Member, the Chief Executive, a Director or a Chief Officer delegates a financial decision, the delegation and any financial or other limits must be recorded in writing and maintained in accordance with the Constitution. A person exercising delegated authority must act within the scope of that delegation and must comply with all applicable requirements for decision records, publication, access to information, call-in and urgency.

2.1.2 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.

2.1.3 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; and
iii) there is compliance with laws and regulations.

2.1.4 Managerial control systems exist to define policies, set objectives and plans, monitor financial and other performance indicators and to take appropriate action.

2.1.5 Financial and operational control systems and procedures include physical safeguards for assets, segregation of duties, authorisation and approval arrangements.

2.1.6 Internal Audit is responsible for independently evaluating organisational systems of internal control and undertaking effective reviews of systems and procedures on a regular basis.

2.1.7 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.

2.1.8 Section 151 Officer'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; and
iv) Provide guidance on the development of the Medium-Term Financial Plan, Local Council Tax Support Scheme and Treasury Management Strategy.

2.1.9 Responsibilities of Directors and Chief Officers:

i) Ensure new systems for maintaining financial records are agreed with the Section 151 Officer:
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 Section 151 Officer;
iii) Ensure that Financial Procedure Rules are known to all staff; and
iv) Secure compliance with Financial Procedure Rules and promote financial management standards set by the Section 151 Officer.

2.2 Internal Audit

2.2.1 The Section 151 Officer 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 Global Internal Audit Standards (GIAS) and any other relevant guidance.

2.2.4 In carrying out the internal audit function the Section 151 Officer, 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 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; and
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 Section 151 Officer's responsibilities:

i) Maintain a Strategy and Annual Audit plans taking account of relative risk and in consultation with the Chief Executive, 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 Committee any occasions where the Chief Executive, Directors and Chief Officers have formally stated they will not implement an action to mitigate risk exposure identified in an audit report.
iv) Where appropriate report to the Audit Committee on any audit actions agreed by the Chief Executive, Directors and Chief Officers that have not been implemented by their due date
v) Report annually to the Audit Committee on the main issues raised by Internal Audit during the year; and
vi) 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; and
iii) Notify the Section 151 Officer 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 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 in order to provide a Value for Money opinion.

2.3.2 External auditors are responsible for following the Code of 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 Section 151 Officer'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; and
iii) Follow up on recommendations made by external audit to ensure their implementation and report to Audit Committee 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; and

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 Section 151 Officer. The Section 151 Officer or their 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 Section 151 Officer may issue;
iv) All cheques should be held securely; and
v) All expenditure payments to be made via Direct Debit or Standing Order must be agreed by the Section 151 Officer prior to their establishment.

2.4.3 Section 151 Officer's responsibilities:-

i) To make all overall arrangements to secure the Council's Banking needs.

2.4.4 Responsibilities of Directors and Chief Officers :-

i) 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;

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

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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 Section 151 Officer;
ii) all monies received must be acknowledged, recorded and banked in the Council's name without delay;
iii) All receipts forms will be ordered and controlled by the Section 151 Officer and only official receipts will be issued for monies received on behalf of the Council;
v) Cash and receipt forms will at all times be kept in a safe place;
vi) Only official receipts will be issued for money received on behalf of the Council;
vii) Personal cheques may not be cashed, nor payments made, out of money held on behalf of the Council;

viii) Every transfer of official monies from one Officer to another must be evidenced by the signature of the receiving officer; and
ix) 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 Section 151 Officer's responsibilities:

i) Approve all arrangements, procedures and systems for the collection of income; and
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; and
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 Section 151 Officer. 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, the Executive 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 Executive. The Section 151 Officer 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; and
vi) appropriate credit checks should be carried out in accordance with guidance to be issued by the Section 151 Officer.

2.6.3 Section 151 Officer'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 Executive for approval to write-off;
v) Set a corporate framework within the Medium-Term Financial Plan for charging policies of the Council;
vi) Ensure appropriate accounting adjustments are made in relation to write-off action; and
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 Section 151 Officer 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 Section 151 Officer; and
vi) Review and maintain, in consultation with the Section 151 Officer, an adequate departmental Bad Debt provision where appropriate.

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) Ordering must be undertaken using official purchase orders in advance of committing the expenditure, except where alternative approved arrangements apply;
iii) Budget provision confers authority to spend within that budget;
iv) All payments other than from payment cards, petty cash or specifically approved bank accounts (primarily Schools) must be made by the Section 151 Officer from the Council's Bank Account in the manner deemed most appropriate by the Section 151 Officer;
v) 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;
vi) Payments in advance can only be made in exceptional circumstances, and prior approval must be obtained from the Section 151 Officer; and
vii) Expenditure must be allocated to the correct heading.

2.7.2 Responsibilities of the Section 151 Officer:

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; and
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; and
ii) To ensure that the Section 151 Officer 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 Section 151 Officer (or their representative) 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; and
vi) The Chief Executive authorises all changes in Chief Officer pay.

2.8.2 Responsibilities of the Section 151 Officer:

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; and
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 Section 151 Officer is informed of all budget holders and their nominees entitled to authorise expenditure; and
iii) To inform the Section 151 Officer 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 requirement 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 Section 151 Officer'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; and
iv) Ensure compliance with the "Failure to prevent fraud" legal duty.

2.9.6 Responsibilities of Directors and Chief Officers:

i) Ensure all staff are aware of the Council's Anti-Fraud and Corruption Strategy; and
ii) Ensure that all suspected irregularities are reported to the Section 151 Officer 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 their 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); and
v) location of asset.

2.10.4 The disposal of surplus or obsolete items will be undertaken in accordance with the relevant guidelines. If in doubt, the Section 151 Officer should be consulted. 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 Director of 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.

2.10.6 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.

2.10.7 All stock received, transferred, issued or returned must be recorded in a manner approved by the Section 151 Officer. 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.

2.10.8 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.

2.10.9 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 Section 151 Officer.

2.10.10 Adjustments of deficiencies or surpluses on stocks or disposal of surplus, obsolete or damaged stock should not be made without the agreement of the Section 151 Officer with whom the method of disposal must also be agreed <u>prior</u> to disposal.

2.10.11 Section 151 Officer's responsibilities:

i) Ensure inventories and asset registers are maintained in accordance with good practice and these procedure rules; and
ii) Advise on best practice for the disposal of assets, stocks and stores.

2.10.12 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 Section 151 Officer;
v) Pass all title deeds to the Director of Legal, Governance and Human Resources; and
vi) Carry out regular stock checks and supply stockholding certificates as required by the Section 151 Officer.

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; and
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.

3.1.2 Overview and Scrutiny may review and scrutinise executive financial decisions and the implementation of the approved budget and policy framework in accordance with the Constitution. It may make reports or recommendations to the Executive or Full Council, but it may not exercise an executive function. Any call-in of an executive financial decision must be dealt with under the Overview and Scrutiny Procedure Rules.

3.2 Revenue Financial Plans

3.2.1 Each year the Council must set an annual budget for the coming year. The Executive is responsible for developing and recommending budget proposals to Full Council in accordance with the Budget and Policy Framework Procedure Rules. Full Council is responsible for adopting the annual budget and the associated council tax requirement. The annual budget must be considered as part of a wider Medium Term Financial Plan covering the following three/four years, taking account of the resources available to the Council, its expenditure requirements, the level of Council Tax and the Council's corporate objectives.

3.2.2 Section 151 Officer's responsibilities:

i) Preparation of multi-year forecasts of resources and expenditure for the consideration of Executive;
ii) Identification of risks inherent in the forecasts;
iii) Development of a medium-term financial plan; and
iv) Development, in conjunction with the Executive, of an appropriate annual budget within the Medium-Term Plan compliant with all relevant legislation for submission to Council.

3.2.3 Responsibilities of Directors and Chief Officers:

i) Provision of information to the Section 151 Officer 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 Plan to nominated budget holders; and
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 actual income and expenditure against

those budgets. This is a continuous process to ensure that resources are used to best effect, that all income is accounted for and that expenditure variances are identified, explained and addressed. Budget holders must take appropriate action to bring budgets back on track. Where this cannot be achieved within the financial year, the relevant Assistant Director and Director must consider transfers from other budgets within their control in accordance with these Rules. Material variances, emerging risks and proposed corrective action must be reported promptly to the Section 151 Officer and through the Council's financial monitoring arrangements to the Executive, so that the Executive can oversee implementation of the approved budget.

3.3.2 Responsibilities of the Section 151 Officer:

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 Executive;
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; and
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 Section 151 Officer with a schedule of nominated budget holders;
iii) To monitor budgets within their service areas;
iv) Where the approved budget for a service area under a single Director's control is forecast to be insufficient to meet commitments, to identify corrective action and, where permitted, transfer resources in accordance with section 4.5. Transfers requiring Executive approval must be submitted to the Executive for decision. Transfers made under delegated authority must be reported through the quarterly financial monitoring process to ensure transparency; and
v) To inform the Section 151 Officer of any major differences of actual or forecast income or expenditure 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 Borough. 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; and

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 Section 151 Officer:

i) To prepare a detailed annual statement of likely commitments and resources for both revenue and capital within a three/four year medium term framework for consideration by Executive;
ii) To submit details of potential schemes to the Executive for consideration and, where required by the Budget and Policy Framework Procedure Rules, recommendation to Full Council for inclusion in the Capital Programme;
iii) To determine the format of project appraisals for inclusion within the Capital Programme in conjunction with relevant Director.
iv) To agree any external funding bid submissions in excess of £100,000 to funding bodies.

3.4.3 Responsibilities of Directors and Chief Officers:

i) With the Director of Neighbourhoods and Regulatory Services, or their 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 or officers, prepare costings and project appraisals for submission to the Executive and, where required by the Budget and Policy Framework Procedure Rules, to Full Council;
iii) To ensure that no contracts are entered into for which budget provision within the Capital Programme has not been made; and
iv) In conjunction the Executive Member and, when in excess of £100,000 the Section 151 Officer prepare external funding bid submissions to 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 spend 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 Assistant Director and subsequently Director will need to consider transfers to or from other budgets within their control. The Section 151 Officer should be informed to enable the programme to be rebalanced or reconsidered.

3.5.2 Responsibilities of the Section 151 Officer:

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; and
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 Executive to ensure transparency; and
v) To inform the Section 151 Officer of any major differences of actual or forecast income or expenditure from planned income or expenditure.

3.5.4 Responsibilities of Director of 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; and
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 Plan.

3.6 Treasury Management

3.6.1 The Council is responsible for very significant cash flows arising from its capital and revenue activity. 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 Section 151 Officer:

i) To ensure that the CIPFA Code of Practice is adopted and maintained;
ii) To propose to the Audit 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; and
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 Section 151 Officer:

i) To adequately manage Financial Risk across the organisation consistent with professional standards.
ii) To develop and maintain an Insurance Strategy;
iii) To implement the Insurance Strategy and make administrative decisions within the Strategy.

3.7.4 Responsibilities of Directors and Chief Officers:

i) To identify and take action to minimise financial risks within their service areas;
ii) To inform the Section 151 Officer of new financial risks;
iii) To investigate incidents that arise that may have a material financial consequence; and
iv) To deal with any insurance claims that arise with the Section 151 Officer 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 Section 151 Officer:

i) To operate and maintain a corporate financial accounting system; and
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 Section 151 Officer; and
ii) To maintain adequate supporting information where applicable within their service area.

4.2.4 All financial systems, including corporate, subsidiary and service-specific systems, must provide effective controls over the completeness, accuracy, security and availability of financial information and Council data.

4.2.5 Directors and Chief Officers must ensure that:

i) access is restricted to authorised users and is reviewed regularly, including when responsibilities change or employment ends;
ii) duties are segregated so far as practicable and no person controls all stages of a material transaction;
iii) transactions and changes to standing data are properly authorised, recorded and supported by an adequate audit trail;
iv) interfaces, reconciliations and exception reports are completed promptly and independently reviewed;
v) financial records and data are retained, protected and disposed of in accordance with legal requirements and Council policies;
vi) appropriate business continuity, backup and recovery arrangements are maintained and tested; and
vii) suspected loss, misuse, corruption or unauthorised disclosure of financial information or Council data is reported immediately under the Council's incident, fraud and information-governance arrangements.

4.2.6 No new financial system, or material change to an existing financial system, may be implemented without prior consultation with and approval by the Section 151 Officer. Appropriate advice must also be obtained on information governance, cyber security, records management and internal control.

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 Section 151 Officer:

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; and
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 Section 151 Officer with information sufficient to enable him to prepare the accounts and submit grant claims within the appropriate timescales; and
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 Section 151 Officer:

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; and
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:

i) To ensure the Section 151 Officer 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 Section 151 Officer 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 and not affect the sustainability of the service in future financial years.

4.5.2 These rules should be interpreted for both budget, contingency and reserve transfers and cover:

i) Detailed transfers between service areas within a Director's/Chief Officer's control;
ii) Transfers between Directorates;
iii) Transfers between corporate contingency budgets and Directorates;
iv) Transfers from Revenue to Capital;
v) Transfers of managed revenue underspends to the following financial year; and
vi) Transfers of resources into and from Specific Reserves;

4.5.3 For Capital these rules cover:

i) Transfers between projects; and
ii) Transfers from Capital to Revenue, which are subject to specific rules.

4.5.4 Revenue and Capital Budget 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, and Section 151 Officer and must be wholly sustainable;
ii) The Chief Executive and Directors may approve budget transfers up to £100,000. Executive approval must be sought for transfers over this limit; and

ii) Transfers between directorates require approval by the Executive unless expressly authorised under the officer scheme of delegation. A transfer that would be contrary to, or not wholly in accordance with, the approved budget or policy framework must be dealt with under the Budget and Policy Framework Procedure Rules.

4.5.5 Transfers from Revenue to Capital are allowed subject to the approval of the Section 151 Officer and continued service delivery as determined in 4.5.1.

4.5.6 Transfers to and from contingencies require approval by the Executive unless expressly authorised under the officer scheme of delegation. A transfer that would be contrary to, or not wholly in accordance with, the approved budget or policy framework must be dealt with under the Budget and Policy Framework Procedure Rules.

4.5.7 Transfers of managed revenue underspends from one year to the following are allowed subject to approval of the Section 151 Officer, cognisant of the overall financial position of the council. Revenue underspends transferred must be for known and outstanding commitments.

4.5.8 Transfer into and from Specific Reserves are also allowed subject to approval of the Section 151 Officer, cognisant of the overall financial position of the council. Any new material specific reserves to be reported to Executive.

4.5.9 Transfers between capital and revenue are allowed subject to the continued delivery of the capital programme and compliance with capital accounting regulations and specific funding arrangements and approved by the Section 151 Officer.

4.5.10 Any additional favorable outturn must be allocated to the Council's General Fund.

4.5.11 Responsibilities of the Section 151 Officer:

i) To maintain and administer the scheme of budget transfers and contingencies.

4.5.12 Responsibilities of Directors and Chief Officers:

i) To ensure the Section 151 Officer is informed of any changes which require a budget transfer.

4.5.13 The Section 151 Officer may issue detailed guidance for the administration and recording of budget transfers, reserve transfers and contingencies.

4.6 Partnerships and Joint Arrangements

4.6.1 Before entering into a partnership, joint arrangement, shared service or arrangement under which the Council acts as accountable body, the responsible Director or Chief Officer must ensure that the proposal has been subject to proportionate financial, legal, governance, procurement, taxation and risk appraisal.

4.6.2 The arrangement must be approved in accordance with the Constitution and must be recorded in a written agreement which, as appropriate, identifies:

i) the purpose, duration, legal status and respective responsibilities of the parties;
ii) the financial contributions, ownership of assets and liabilities, treatment of income and expenditure, and arrangements for deficits, surpluses and taxation;
iii) decision-making, budgetary control, performance reporting, records management and arrangements for managing conflicts of interest;
iv) risk allocation, insurance, indemnities and arrangements for fraud, loss or financial failure;
v) rights of access for the Council, the Section 151 Officer, Internal Audit and External Audit to relevant premises, systems, information and records;
vi) arrangements for variation, dispute resolution, review, termination and an orderly exit, including the treatment of staff, assets, liabilities, data and outstanding commitments; and
vii) compliance with subsidy control, procurement, data protection, information governance and any conditions attached to funding.

4.6.3 Where the Council is the accountable body, the responsible Director or Chief Officer must ensure that funds are held and applied only for the approved purpose, adequate records and controls are maintained, claims and reports are accurate and timely, and any potential liability, overspend, clawback or failure by a partner is reported promptly to the Section 151 Officer.

4.6.4 The Section 151 Officer may issue financial conditions or require additional assurance before the Council enters into, varies or continues a partnership or joint arrangement.

4.6.5 Partnership arrangements must be reviewed periodically by the responsible Director or Chief Officer to confirm that they remain lawful, financially sustainable, properly controlled and capable of delivering their intended outcomes.

4.7 External Funding

4.7.1 External funding includes grants, contributions, sponsorship, donations and other resources provided by a third party for a specified purpose. No application, offer or agreement may be made or accepted unless the responsible Director or Chief Officer has confirmed that the proposal is lawful, consistent with Council priorities, affordable and approved under the Constitution.

4.7.2 Before an application or acceptance, the responsible Director or Chief Officer must identify and assess:

i) all grant or funding conditions, including eligible expenditure, delivery milestones, match funding, subsidy control and procurement requirements;
ii) the full revenue and capital costs, including staffing, support, maintenance, taxation and any commitments continuing after the funding ends;
iii) the risk of non-delivery, withdrawal, repayment or clawback and the budget from which any resulting liability would be met;
iv) the required governance, monitoring, record-retention, audit and reporting arrangements; and
v) an exit or sustainability plan where the activity may continue beyond the funding period.

4.7.3 The Section 151 Officer's prior approval must be obtained where required by the Scheme of Delegation, where the application is in excess of £100,000, where Council is proposed to act as accountable body, or where the arrangement may create a material financial commitment, contingent liability or clawback risk.

4.7.4 Once funding is awarded, the responsible Director or Chief Officer must appoint a named budget holder who must ensure that income and expenditure are separately identified, expenditure is eligible and properly authorised, conditions and deadlines are met, evidence is retained and claims and monitoring returns are complete, accurate and submitted on time.

4.7.5 Any proposed variation, transfer between funding headings, change of purpose or extension must be approved by the funder where required and agreed with the Section 151 Officer before it is implemented.

4.7.6 Actual or potential underspend, overspend, loss of funding, breach of condition, repayment or clawback must be reported immediately to the Section 151 Officer. No commitment may be entered into in anticipation of external funding unless the Council has authorised an alternative funding source.

4.7.7 On completion, the responsible Director or Chief Officer must ensure that final claims and reports are submitted, balances and assets are dealt with in accordance with the funding conditions, records are retained for the required period and any continuing liabilities are identified and funded.

4.7.8 Technical budget adjustments necessary to allocate specific revenue or capital funding may be made with the agreement of the Section 151 Officer, provided they comply with the funding conditions and do not create an unfunded or unsustainable commitment.

OFFICER EMPLOYMENT PROCEDURE RULES

1. Purpose

1.1 These Rules explain the constitutional and employment provisions that apply to officer employment.

1.2 These Rules should be read alongside Part 3, Responsibility for Functions, the Officer Delegation Scheme and the Council's employment policies.

2. Human Resources Policies, Procedures and Practices

2.1 The Council's intranet contains its human resources policies, procedures and guidance on officer employment.

3. Committee and Officer Delegations

3.1 The Staffing and General Purposes Committee is responsible for employment matters under these Rules, except where a matter is reserved to Full Council, the Head of Paid Service, another officer or another body by law or by this Constitution. The relationship between committee and officer delegations is explained in Part 3, Responsibility for Functions.

4. Pay Policy

4.1 The Council'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 guidance issued by the Secretary of State under section 40 of the Act.

5. Declarations and Canvassing

5.1 The Council requires every candidate for employment to state in writing whether they have a close personal relationship with a Elected Member or Council manager.

5.2 A candidate who declares such a relationship may be appointed only if the relevant Chief Officer, or an officer nominated by that Chief Officer, approves the appointment.

6. Seeking support for appointment

6.1 The Council will disqualify an applicant who directly or indirectly seeks to influence recruitment decisions leading to their appointment via a Elected Member, Council employee, Council representative or anyone else involved in the recruitment decision.

6.2 No person involved in the recruitment decision may lobby other officers involved in the recruitment process to appoint someone they know.

6.3 These Rules do not prevent a person involved in the recruitment process from providing a written reference for a candidate applying for a position outside the Council.

6.4 The remainder of these Rules is arranged in seven sections: A. Recruitment of the Head of Paid Service and Chief Officers; B. Appointment of the Head of Paid Service, Monitoring Officer and Section 151 Officer; C. Appointment of other Chief Officers; D. Other Appointments; E. Disciplinary Action; F. Dismissal; and G. Political Assistants. Appendix 1 sets out disciplinary action relating to the Head of Paid Service, Monitoring Officer and Section 151 Officer. Appendix 2 sets out staffing provisions under Executive arrangements, including the appointment and dismissal processes.

A. Recruitment of the Head of Paid Service and Chief Officers

If the Council proposes to appoint a Chief Officer and the post is open to external candidates, it will follow the “Procedure for appointment of Chief Officers”.

B. Appointment of the Head of Paid Service, Monitoring Officer and Section 151 Officer

(a) Full Council will approve the appointment of the Head of Paid Service, Monitoring Officer or Section 151 Officer following a recommendation from the Staffing and General Purposes Committee or one of its sub-committees. At least one Executive member must sit on the committee or sub-committee.

(b) Full Council may approve the appointment only after the statutory notification process in paragraph 5 of Appendix 2 has been completed. It may proceed if the Leader, on behalf of the Executive, raises no objection, or if the person or body making the appointment decides that an objection is not material or is not well founded.

C. Appointment of other Chief Officers

(a) The Staffing and General Purposes Committee, or one of its sub-committees, will appoint other Chief Officers. At least one Executive member must sit on the committee or sub-committee.

(b) An appointment offer may be made only after the statutory notification process in paragraph 5 of Appendix 2 has been completed. It may proceed if the Leader, on behalf of the Executive, raises no objection, or if the person or body making the appointment decides that an objection is not material or is not well founded.

Appointment of the Director of Public Health

The Staffing and General Purposes Committee will recommend the appointment of the Director of Public Health. As appropriate, the following people will either sit on the Committee or advise it:

- an External Health Professional Assessor;
- a Local Council Chief Executive (or nominee);
- a Senior Local NHS Representative; and
- an Office for Health Improvement and Disparities Regional Director (or nominee).

The appointment of the Director of Public Health must be agreed by the Office for Health Improvement and Disparities and Full Council.

Procedure for appointment of Chief Officers

1. If the Council proposes to appoint a Chief Officer and the post is open to external candidates, the Council will:

   (a) prepare a statement setting out:

      (i) the duties of the post; and
      (ii) the qualifications and qualities required for the post;

   (b) advertise the post in a way likely to bring it to the attention of qualified candidates; and

   (c) provide a copy of the statement in paragraph 1(a) to anyone who requests it.

2. After advertising the post under paragraph 1(b), the Council will:

   (a) interview every qualified applicant; or

   (b) draw up a shortlist of qualified applicants and interview everyone on that shortlist.

   If no qualified person applies, the Council will advertise the post again in accordance with paragraph 1(b).

3. (a) The Staffing and General Purposes Committee, an ad hoc sub-committee of that Committee, or a Chief Officer acting under delegated powers may carry out the steps required by paragraphs 1 and 2.

   (b) The Staffing and General Purposes Committee or an ad hoc sub-committee may appoint a Chief Officer other than the Head of Paid Service, Monitoring Officer, Section 151 Officer or Director of Public Health.

D. Other Appointments

(a) Officers below Chief Officer level

The Head of Paid Service, or an officer they nominate, is responsible for appointing officers below Chief Officer level. Elected Members may not make these appointments.

(b) Assistants to Political Groups

An Assistant to a Political Group must be appointed in accordance with that Political Group's wishes. The allocation restrictions are set out below and in Section G, Political Assistants.

No appointment may be made to a post established under section 9 of the Local Government and Housing Act 1989 until the Council has allocated a political assistant post to each political group that qualifies for one under that section. The Council must not allocate a political assistant post to a political group that does not qualify for one, and no political group may be allocated more than one political assistant.

E. Disciplinary Action

Elected Members will not take part in disciplinary action against an officer below Chief Officer level unless their involvement is needed for an investigation or inquiry into alleged misconduct. The Council's disciplinary procedures may provide a right of appeal to Elected Members.

For the Director of Public Health, the Council will comply with any direction issued by the Secretary of State under section 73A of the National Health Service Act 2006.

F. Dismissal

The dismissal process set out below is subject to the additional rules in Appendix 1. The provisions in paragraphs 4 and 6 of Appendix 2 also apply to the officers specified there.

(a) Full Council must approve the dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer. Before deciding, the Council must invite at least two Independent Persons to be considered for appointment to a committee ("the Panel") that will advise on the proposed dismissal.

(b) Independent Person.

An Independent Person is a person appointed under section 28(7) of the Localism Act 2011.

(c) The Panel must be appointed at least 20 working days before the Full Council meeting at which the proposed dismissal will be considered.

(d) Before voting on the proposed dismissal, Full Council must consider:

(i) any advice, views or recommendations of the Panel;
(ii) the conclusions of any investigation; and
(iii) any representations from the relevant officer.

(e) Elected Members will not take part in dismissing an officer below Chief Officer level unless their involvement is needed for an investigation or inquiry into alleged misconduct. The Council's disciplinary procedures may provide a right of appeal to Elected Members.

In relation to the Director of Public Health, the Council must consult the Secretary of State before terminating the appointment.

G. Political Assistants

(a) The Council will not make any appointment to a political assistant post until it has allocated a political assistant post to each of the political groups which qualify for one.

(b) The Council will not allocate a political assistant post to a political group which does not qualify for one.

(c) Section 9 of the Local Government and Housing Act 1989 defines the circumstances in which a Political Group qualifies for a political assistant post. No political group shall be allocated more than one political assistant.

Disciplinary action relating to the Head of Paid Service, Monitoring Officer and Section 151 Officer

Statutory source: Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384), as substituted by regulation 2(6) and the Schedule to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881).

1. In this Appendix:

   (a) "the 2011 Act" means the Localism Act 2011;

   (b) "Chief Finance Officer", "disciplinary action", "Head of the authority's Paid Service" and "Monitoring Officer" have the same meanings 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 for the authority's area under 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 to advise the authority on matters relating to the dismissal of relevant officers;

   (f) "relevant meeting" means a meeting of the authority to consider whether to approve a proposal to dismiss a relevant officer; and

   (g) "relevant officer" means the Chief Finance Officer, Head of the Council's Paid Service or Monitoring Officer, as the case may be.

2. The authority may dismiss a relevant officer only by following the procedure in the paragraphs below.

3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with the aim of appointing at least two.

4. In paragraph 3, a "relevant independent person" is an independent person appointed by the authority. If the authority has appointed fewer than two, it may also invite independent persons appointed by other authorities whom it considers appropriate.

5. Subject to paragraph 6, the authority must appoint the relevant independent persons who accept an invitation under paragraph 3 in the following priority order:

   (a) a relevant independent person appointed by the authority who is a local government elector;

(b) any other relevant independent person appointed by the authority; and

(c) a relevant independent person appointed by another authority or authorities.

6. The authority need not appoint more than two relevant independent persons under paragraph 5, but it may do so.

7. The authority must appoint the Panel at least 20 working days before the relevant meeting.

8. Before voting on whether to approve the dismissal, the authority must consider in particular:

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

9. Any payment, allowance or fee paid to an independent person for serving on the Panel must not exceed the amount payable to that person for their role as an independent person under the 2011 Act.

Staffing under Executive arrangements

Statutory source: Schedule 1, Part II to the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384), as amended.

1. In this Appendix:

   (a) "the 1989 Act" means the Local Government and Housing Act 1989;

   (b) "the 2000 Act" means the Local Government Act 2000;

   (c) "disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

   (d) "Executive" and "Leader" have the same meanings as in Part II of the 2000 Act;

   (e) "member of staff" means a person appointed to or holding a paid office or employment under the authority; and

   (f) "proper officer" means an officer appointed by the authority for the purposes of this Appendix.

2. Subject to paragraphs 3 and 7, the Head of Paid Service, or an officer nominated by them, must exercise the authority's functions of appointing, dismissing and taking disciplinary action against members of staff.

3. Paragraph 2 does not apply to the appointment or dismissal of, or disciplinary action against:

   (a) the officer designated as the Head of Paid Service;

   (b) a statutory Chief Officer within the meaning of section 2(6) of the 1989 Act;

   (c) a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;

   (d) a deputy Chief Officer within the meaning of section 2(8) of the 1989 Act; or

   (e) a person appointed under section 9 of the 1989 Act (an assistant to a political group).

4. (1) If a committee, sub-committee or officer is carrying out the function of appointing the Head of Paid Service on behalf of the authority, Full Council must approve the appointment before an offer is made.

   (1A) If a committee, sub-committee or officer is carrying out the function of dismissing the Head of Paid Service, Section 151 Officer or Monitoring Officer on behalf of the Council, Full Council must approve the dismissal before notice is given.

(2) If a committee or sub-committee is carrying out the appointment or dismissal of an officer listed in paragraph 3(a) to (d), at least one Executive member must sit on that committee or sub-committee.

5. (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.

(2) The appointor must not make an offer of appointment to an officer referred to in paragraph 3(a), (b), (c) or (d) until:

(a) the appointor has notified the proper officer of the name of the person to whom it wishes to make the offer and any other information it considers relevant to the appointment;

(b) the proper officer has notified every member of the Executive of:

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other information relevant to the appointment that the appointor has notified to the proper officer; and

(iii) the period within which the Leader, on behalf of the Executive, may object to the offer by notifying the proper officer; and

(c) either:

(i) within the period stated in the notice under paragraph (b)(iii), the Leader has told the appointor that neither the Leader nor any other Executive member objects to the offer;

(ii) the proper officer has told the appointor that no objection was received from the Leader within that period; or

(iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well founded.

6. (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.

(2) The dismissor must not give notice of dismissal to an officer referred to in paragraph 3(a), (b), (c) or (d) until:

(a) the dismissor has notified the proper officer of the name of the person it wishes to dismiss and any other information it considers relevant to the dismissal;

(b) the proper officer has notified every member of the Executive of:

(i) the name of the person whom the dismissor wishes to dismiss;

(ii) any other information relevant to the dismissal that the dismissor has notified to the proper officer; and

(iii) the period within which the Leader, on behalf of the Executive, may object to the dismissal by notifying the proper officer; and

(c) either:

(i) within the period stated in the notice under paragraph (b)(iii), the Leader has told the dismissor that neither the Leader nor any other Executive member objects to the dismissal;

(ii) the proper officer has told the dismissor that no objection was received from the Leader within that period; or

(iii) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well founded.

7. Paragraph 2 does not prevent a person from serving on a committee or sub-committee established by the Council to consider an appeal by:

(a) a person against a decision relating to their appointment as a member of staff; or

(b) a member of staff against a decision relating to their dismissal or disciplinary action taken against them.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Overview and Scrutiny Procedure Rules

1.1 The Local Government Act 2000 requires that the Council must have at least one Overview and Scrutiny Committee to:

a) Review and scrutinise decisions made and actions taken in connection with the discharge of any Council function.
b) Assist the Council and the Executive in the development of the Budget and Policy Framework.
c) Review performance against strategic objectives and priorities.
d) Investigate matters affecting the Borough and the wellbeing of its residents.
e) Make reports and recommendations to the Executive, Council and partner organisations as appropriate.
f) Exercise the right of call-in in accordance with these Procedure Rules.
g) Provide constructive challenge and act as a "critical friend" to the Executive whilst contributing to the improvement of policy and service delivery.

2. What will be the number and arrangements for Overview and Scrutiny Committees

2.1 **1a – Overview and Scrutiny Committees**

The Council will have three scrutiny committees:

- Corporate Scrutiny Committee, with a remit as set out below in Article 6.
- People Scrutiny Committee, with a remit as set out below in Article 6.
- Place Scrutiny Committee, with a remit as set out below in Article 6.

2.2 **1b - Scrutiny Sub-Committees**

Any scrutiny committee may appoint sub-committees to help it carry out the Council's scrutiny functions. It will set out the delegations and terms of reference of these sub-committees when and if it decides to appoint them.

2.3 **1c – Scrutiny Standing and task and finish groups**

Any scrutiny committee may appoint standing and task and finish groups, either on a permanent basis or for a fixed period to carry out scrutiny work as follows:

- **Task and finish groups** may be appointed to carry out a review or specific piece of work. The relevant scrutiny committee will agree the remit and set a timescale for the work to be completed. The remit and timescale

shall not be significantly altered except by agreement of the relevant scrutiny committee.

- **Standing groups** may be set up to look at issues which need to be reviewed or considered on a regular basis.

- **Small groups** of members may be tasked to carry out specific, one-off pieces of work related to the work of a committee or a sub-committee's approved work programme, and report back. e.g. interviewing people or making a site visit.

2.4 In considering whether to set up a standing or task and finish group the relevant scrutiny committee should be mindful of the need to ensure the work of the proposed group is clearly scoped and that there are adequate resources available to support it.

2.5 The relevant scrutiny committee should monitor and manage the work of any standing and task and finish groups it appoints. It should ensure that standing and task and finish groups make good progress with the work they have been set up to do. Standing and task and finish groups should be ended if they fail to make progress or if they are no longer considered a priority.

2.6 At their first meeting in each municipal year scrutiny committees should review any existing standing and task and finish groups and decide whether they are still required. They may wish to consult with other scrutiny committees, members of the group or of the relevant scrutiny sub-committee(s) before making a decision on the future of any working group.

2.7 Standing and task and finish groups will normally carry out their work informally in order to allow them flexibility in their working methods.

3. Who may sit on Scrutiny Committees?

3.1 Any councillor except members of the Executive and Deputy Executive Members if any have been appointed by the Leader may be appointed to be members of a scrutiny committee or any sub-committees, standing or task and finish groups the scrutiny committees may establish. However, no member may be involved in scrutinising a decision which he/she has been directly involved with

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4. Advisors

4.1 Scrutiny committees may appoint advisers to assist the committee, sub-committee, standing or task and finish group with their work. The role of the advisers will be defined by the committee, but they will not be voting members and will not count toward the quorum of the sub-committee or working group.

5. Co-optees

5.1 Each Overview and Scrutiny Committee or sub-committee shall be entitled to recommend to Council the appointment a number of people as non-voting co-optees.

5.2 In making such recommendations to the Council the Committee will specify the term of office to be applied in each case identify the reasons why it needs such assistance and the credentials of the person(s) it seeks to co-opt.

5.3 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. Education representatives

6.1 In accordance with the requirements of the Local Government Act 2000, the People Scrutiny Committee is the committee that principally deals with education matters which are the responsibility of the Council's Executive. The committee shall, when considering education matters, include in its membership the following voting representatives:

(a) one Church of England School Diocese representative (statutory requirement: at least one).
(b) one Roman Catholic School Diocese representative (statutory requirement: at least one); and
(c) two parent governor representatives (statutory requirement: between 2 and 5).

6.2 These representatives will only be able to vote on education matters although they may attend and speak on other matters. They will be notified when education matters are to be discussed by the committee. The People Scrutiny Committee may appoint these representatives to serve on any sub-committees, standing or task and finish groups it appoints.

7. Meetings of the Scrutiny Committees

7.1 There shall be at least 6 ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate.

7.2 An Overview and Scrutiny Committee meeting may be called by the chair of the relevant Overview and Scrutiny Committee (or in their absence the Vice-Chair), by any 5 members of the committee or by the Proper Officer if they considers it necessary or appropriate

8. Quorum

8.1 The quorum for each Overview and Scrutiny Committee shall be five members, excluding co-opted members. Where the People Scrutiny Committee, or any sub-committee to which education representatives have been appointed, is considering an education matter, the statutory education representatives shall be treated as members of the committee for the purpose of determining whether a meeting is quorate and counted towards the quorum of five.

9. Who chairs Scrutiny Committee meetings?

9.1 Overview and Scrutiny Committees/sub-committees will be chaired by a councillor who is not a member of the largest political group on the Council, unless there is no such person serving on the committee/sub-committee. In such cases, the committee/sub-committee may appoint such person to chair it from amongst the councillors sitting on it.

9.2 The Council shall appoint a chair and a vice-chair for each scrutiny committee. In the case of sub-committees, the chair and vice-chair shall be appointed by the relevant scrutiny committee from its own membership.

9.3 The Chair of standing and task and finish groups shall be appointed by the relevant scrutiny committee and will be drawn from membership of its own scrutiny committee. The committee may, if it chooses to allow standing and task and finish groups to appoint their own Vice-Chairs.

10. Work Programme

10.1 The Overview and Scrutiny Committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council. These will be shared jointly between all Scrutiny Committees.

10.2 The relevant scrutiny committee will discuss work programmes on a regular basis to ensure that they remain timely avoid duplication and that Council resources are available and directed appropriately.

11. Scrutiny Governance Group (informal)

Membership and Quorum
Membership will include the Chairs and Vice-Chairs of the three scrutiny committees and the Executive Member and director with responsibility for governances.

Purpose
The Group will provide leadership, advice and guidance to the Council's scrutiny committees, and:

- Provide insight and guidance to inform scrutiny committee work programmes.

- Provide assurance on the implementation of the revised Scrutiny arrangements and to give feedback to Constitutional Committee, via the Corporate Scrutiny Committee.

In addition, the Scrutiny Governance Group will provide advice and guidance to the scrutiny committees that will:

a) Help promote an active and effective scrutiny function which provides "critical friend" challenge, adds value to the council's policy and decision-making process and helps deliver efficient, value-for money services.

b) Help scrutiny committees determine the necessity for the appointment of any sub-committees, standing or task and finish groups.

c) Help resolve any disputes between scrutiny committees.

d) Encourage all Non-Executive Members in the scrutiny pool to actively participate in all aspects of the scrutiny process including the work of sub committees, standing and task and finish groups, relevant seminars and conferences, regional meetings and training courses.

e) Identify members' scrutiny training, development and general support needs and to consider, in conjunction with officers, the different ways in which they might be met.

12. Agenda items

12.1 Any member of a scrutiny committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of that committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Proper Officer will ensure that it is included for consideration or discussion on the next available agenda.

The scrutiny committees shall consider any requests from Full Council, or Executive to review particular areas of Council activity. If they decide to carry out the work requested, the committee's findings and any recommendations should be reported back to the Executive and/or Council. The Council and/or the Executive shall consider their report.

12.2 Under section 9FC of the Local Government Act 2000, any member of Council may refer for consideration by a relevant scrutiny committee:

- Any local government matter which affects all or part of their ward; or
- Any local crime and disorder matter.

12.3 This process is known as the Councillor Call for Action. The procedure and guidance for making and considering Councillor Calls for Action is set out in Appendix 2 to Part 4.

13. Policy Review and Development

13.1 Policy review and development is a key role for scrutiny.

(a) The role of scrutiny in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees and any sub-committees, may make proposals to the Executive on any issues that fall within their terms of reference, subject to the procedure for reporting set out above. Standing or task and finish groups must refer any final reports or recommendations to the relevant scrutiny committee for approval.

(c) Scrutiny committees may hold inquiries and investigate the available options for future directions in policy development and may appoint advisers to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay advisers or witnesses a reasonable fee and expenses for doing so.

(d) Members and officers giving account shall do so in accordance with these rules of procedure and the Protocol on Overview and Scrutiny Committee/ Executive Member relations which is set out in Part 5 of this Constitution.

14. Reports and recommendations from the Scrutiny Committees

(a) Scrutiny committees may submit comments on reports or decisions that are to be considered by Executive, committees or sub-committees of Executive, Executive members or officers acting under delegation. In the case of Executive, committees and sub-committees such comments may be incorporated into the report or circulated as an appendix or as a separate report. In the case of Executive members or officers taking decisions comments may be submitted to them by e mail or letter.

(b) Where a scrutiny committee, sub-committee, standing or task and finish group is contributing to ongoing work, for example policy development or commenting on a draft report, comments may be made to the appropriate officers or members at the committee, sub-committee or task and finish group meeting or submitted in writing as appropriate. The final report should acknowledge scrutiny's input and outline whether or not their comments have been accepted and if not, why not.

(c) In the case of recommendations which do not relate specifically to a report that is on the Executive agenda for consideration, scrutiny committees, sub committees, standing or task and finish groups should prepare a formal report and submit it to the Proper Officer for consideration by the Executive in accordance with the reporting arrangements set out above (if the proposals are consistent with the existing budgetary and policy framework), or to Council (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework), or Staffing and General Purposes Committee or any other committee or body, as appropriate.

(d) If a committee cannot agree on one single final report to the Council or Executive (or other appropriate committee or body) then one minority report may be prepared and submitted for consideration by the Council or Executive alongside the majority report. Alternatively, a single report may be submitted offering a range of options for consideration.

(e) The Council or Executive (or other appropriate committee or body) shall consider the report or recommendations of the committee, sub-committee, standing or task and finish group as soon as reasonably practicable, and in any case within two months of written notice being given to the Proper Officer requiring Council or Executive (or a committee or sub-committee of the Executive) to consider the report or recommendations and respond unless the Chair of the relevant scrutiny committee and the relevant Executive Member agree to defer it.

(f) In the case of reports or recommendations on crime and disorder matters from the statutory crime and disorder committee (the Place Committee), a written response must be submitted to the committee within 28 days of the date of the report or recommendations or if this is not possible, as soon as reasonably possible thereafter.

(g) In the case of scrutiny review reports, the report will normally be accompanied by a response from the relevant Executive Member, which will be considered alongside the scrutiny report. The Executive Member's response may, at their discretion, include comments from appropriate officers. The response may be an interim response setting out what steps will be taken to respond fully and the timescale for preparing a final response, which is required by section 9FE of the Local Government Act 2000, to be provided and published within two months.

(h) The same rules will apply to the reports of any sub-committees or standing, and task and finish groups appointed by any scrutiny committee.

15. Rights of Scrutiny Members to documents

(a) In addition to their rights as councillors, members of the scrutiny committees have the additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4B of this Constitution (See Part 4 Section 21).

(b) Nothing in this paragraph prevents more detailed liaison between the Executive and Scrutiny Committees as appropriate depending on the particular matter under consideration.

16. Elected Members and officers giving account

Scrutiny of decisions made by the Council's Executive is the responsibility of the relevant Scrutiny Committee.

(a) Scrutiny Committees any sub-committee, standing or task and finish group appointed by the relevant Scrutiny Committee may scrutinise and review decisions made, or actions taken in connection with the discharge of any Council and certain responsible organisations functions falling within its remit. As well as reviewing documentation it may require any member of the Executive, a Deputy Executive Member if any have been appointed by the Leader, the Head of Paid Service and/or any senior officer (Head of Service and above) to attend before it, to explain matters relating to their remit, including:

i) any particular decision or series of decisions;

ii) the extent to which the actions taken implement Council policy; and/or

iii) their performance.

It is the duty of those persons to attend if so required.

(b) Where any member or officer is required to attend a committee under this provision, the Chair of that committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 7 working days' notice of the meeting at which he/she is required to attend.

The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account requires the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that.

Members and officers giving account shall do so in accordance with these rules of procedure and the Protocol for Overview and Scrutiny Committee/ Executive Member relations, which is set out in Part 5 of this Constitution.

(c) If, in exceptional circumstances, the member or officer is unable to attend on the required date, the committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

17. Attendance by others

17.1 An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to address it, discuss and/or answer questions on any issues that fall within the committee's remit. It may for example wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend as it sees fit. Attendance is entirely optional.

18. Call-in

18.1 Call-in should only be used in exceptional circumstances where members have evidence which suggests that the Executive Key Decision was not taken in accordance with the principles set out in Article 11 (Decision Making). A maximum of 12 call-ins may be made in each municipal year.

a) The power of call-in enables 5 Non-Executive members to request that an Executive Key Decision (about which they have reasonable concerns) be discussed by the Corporate Scrutiny Committee and, if the committee agrees, referred back to the decision-maker for reconsideration. However, it is important that the call-in mechanism is not abused or used unduly to delay decisions or slow down the process of decision-making.

b) The power of call-in applies to the following Executive Key Decisions ("decisions subject to call-in"):

(i) Decisions of the Executive.
(ii) Decisions made by Executive members acting under delegation.
(iii) Executive decisions under joint arrangements.
(iv) Decisions made by Delegated Officers.

Notes:

Guidance on Key Decisions can be found in Article 11 part 11.3.

i. Call-in does not apply to certain types of decisions, as set out in paragraph f (procedures for dealing with urgent decisions).

ii. Decisions subject to call-in shall not be implemented except in accordance with these provisions, as set out in paragraph 17.

c) The Proper Officer will publish details of all decisions subject to call-In. They will normally be published by sending details to all Council members electronically.

The notices under paragraphs (b) shall identify:
(i) Those decisions that are not subject to call-in (specifying the reason).
(ii) The deadline for requesting call-in. This is 10am on the fifth working day after the date of publication (not counting the day of publication).
(iii) The date and time on which a call-in meeting would take place if the decision were called in (see Para (e) below).

d) The process for Call-in is:

(i) A request shall be made in writing on the agreed call-in request form to the Proper Officer before the deadline expires. Electronic versions of the form submitted by email will be acceptable for this purpose.

The completed call-in request form must indicate on what basis the decision is being called in. If this is not provided, the request will not be valid, and the Proper Officer will notify the members making the request and inform them that they must indicate on what basis the decision is being called in before the deadline expires. If they fail to do so the request will not be valid. The Proper Officer after consulting the Monitoring Officer, will determine whether the call-in request is valid.

(ii) If a valid request is not made in respect of any decision, the decision may be implemented after the deadline expires. If a valid request for call-in is made, the implementation of the decision shall be further

delayed (unless the request is withdrawn by all the members who made the request).

(iii) Where a valid request for call-in is made, a meeting of the Corporate Scrutiny Committee shall be convened by the Proper Officer. The meeting will be held at 5:00 pm on the 7th working day after the call-in deadline (the first day is the first working day after the call-in deadline).

iv) The date and time of the meeting may be altered by mutual agreement between the Chair(s) (or in his/her absence, the Vice-Chair) of the relevant committee(s) and the relevant Executive Member(s) (or in his/her absence the Leader of the Council or any other Executive Member). The agreement will specify the date and time at which the meeting must take place. If they are unable to agree an alternative date the meeting must go ahead at 5:00 pm on the 7th working day after the call-in deadline.

v) If the Corporate Scrutiny Committee holds a quorate meeting to consider the call in within the deadline, the meeting may be adjourned to allow additional information to be obtained or for additional witnesses to attend, provided that the Chair presiding at the meeting and the relevant Executive Member agree. This should only happen in exceptional circumstances; every effort should be made to deal with the call-in in one meeting. If a meeting is adjourned a date for the meeting to continue must be specified and if the committee does not hold a quorate meeting on that date the call-in will be ended on that day and the decision may be implemented on the following day.

(vi) The responsibility for consideration of call-ins will rest with the Corporate Scrutiny Committee. They may consider call-ins themselves or delegate the responsibility for considering call-ins to a sub-committee appointed for that purpose or to a sub-committee with the relevant remit. If the Corporate Scrutiny Committee decides to delegate consideration of call-ins they must take a formal decision to put in place delegations to delegate them to one or more formal sub committees with fixed memberships.

(vii) Call-ins may not be dealt with on an ad-hoc basis. In the absence of such a decision any call-ins will be considered by a special meeting of the Corporate Scrutiny Committee, convened for that purpose. If responsibility for consideration of call-ins is delegated the whole process must be delegated.

(ix) The members making the call-in request will be invited to attend the meeting which considers the call-in.

(x) The decision maker shall be given the opportunity to provide additional written information to the committee in advance of the meeting, in response to the points raised in the call-in request.

The procedure to be followed by any committee considering a call-in is set out in Appendix 1A.

e) The matter shall proceed as follows:

(i) If the Corporate Scrutiny Committee fails to hold a quorate meeting on the 7th working day after the call-in deadline, or by such later date as may have been agreed in accordance with paragraph (f) above, the decision may be implemented on the following day.

(ii) If the Corporate Scrutiny Committee meets and decides not to request the decision-maker to reconsider the decision, the decision may be implemented on the day after the meeting. The Corporate Scrutiny Committee may ask Executive (or a committee or officer) to consider issues arising from their consideration of the call in.

(iii) If the Corporate Scrutiny Committee meets within the period of 7 working days (or within any longer period of time agreed) and decides to request the decision-maker to reconsider the decision, the decision-maker shall reconsider the decision taking into account the views expressed by the committee. The decision-maker may then implement, not implement or vary the decision as he/she decides. The decision shall not be subject to further call-in. The decision-maker shall report to the next convenient meeting of the Corporate Scrutiny Committee the outcome of their reconsideration.

(iv) If the Corporate Scrutiny Committee meets within the period of 7 working days (or within the period of time specified) and decides to ask full Council to consider whether to request the decision maker to reconsider the decision, the implementation of the decision shall be further delayed allowing Full Council to consider the matter.

(v) The matter will then proceed as follows:

- The matter will be considered at the next ordinary meeting of the Full Council summoned after the meeting of the Corporate Scrutiny Committee (or if two members of the Executive require, at an earlier or an extraordinary meeting of the Council). The procedure to be followed at the Council meeting when the matter is considered is set out in Appendix 1B.
- If Full Council decides not to request the decision-maker to reconsider the decision, the decision may be implemented on the day after the meeting.
- If Full Council decides to request the decision-maker to reconsider the decision, the decision-maker shall reconsider the decision

taking into account the views expressed by Full Council. The decision-maker may then implement or not implement or vary the decision as it/he/she decides. The decision shall not be subject to further call-in. The decision-maker shall report to the next convenient meeting of the committee the outcome of its/his/her reconsideration.

Call-in Exceptions

f) Call-in will not apply to the following decisions:

(i) Non-Executive decisions, e.g. individual planning decisions.
(ii) Executive decisions made by Appeal Committees.
(iii) decisions already called-in once.
(iv) Non-Key Decisions.
(v) urgent decisions made in accordance with paragraph 16 of the Access to Information Rules (special urgency in respect of matters not included in the Forward Plan). This should be indicated in the record of the decision. Details will be reported to Council in accordance with the requirements of the Access to Information Procedure Rules.
(vi) decisions where the decision-maker (or if the decision is to be made by the Executive or a committee, a senior officer) indicates either before or when the decision is made that either:
a) the decision is urgent because any delay likely to be caused by a call-in would seriously prejudice the Council's or the public's interest; or
b) there is substantial risk of significant prejudice to the Council because of the increased risk of public disclosure of highly sensitive confidential information arising from the call-in process.

g) The decision-maker must, before making the decision, obtain the agreement of the Corporate Scrutiny Committee Chair (or in their absence the Vice-Chair), to the matter being exempt from call-in for one of those two reasons. If the Chair or Vice-Chair is not available, agreement must be obtained from two members a scrutiny committee. If none of those are available agreement must be obtained from the Chair, or in their absence the Vice-Chair, of the Council (i.e. the Mayor).

h) When a request to exempt a decision from call-in is considered the following questions should be considered:

- What would actually happen, or fail to happen, as a result of the delay that would occur if the decision was called in?
- Would the effect of the delay caused by the call-in process be detrimental to the Council's or the public's interest and if so, how?
- Is the potential detriment to the Council's or the public's interest sufficient to justify exempting the matter from call-in?

i) If the decision maker believes that the refusal of the Chair to exempt a matter from call-in is likely to seriously prejudice the Council's or the public's interests they may ask the Chair, or in their absence the Vice-Chair, of the Council, to review such refusal.

j) The reviewer should consult with relevant members and senior officers before taking a decision. The reviewer will decide who should be consulted and in taking this decision they should be mindful of the need to deal with the matter without undue delay. The officer(s) asking for the exemption and the scrutiny chair (or members) who refused the exemption should be given an opportunity to put their cases (if they fail to respond the decision should not be delayed). The reviewer should also consider taking advice from other appropriate sources, including the following:

- The Leader of Council
- Relevant Executive member(s)
- Chief Executive
- Director of Finance
- Monitoring Officer
- Other senior officers.

k) If, after review, the reviewer is satisfied that the delay, which may be caused by a call-in, would be seriously prejudicial to the Council's or the public's interests, they may override the decision not to exempt the matter from call-in, in which case it will be exempt from call-in.

l) The decision maker's reasons for requesting an exemption from call-in, together with the Chair's reasons for agreeing or refusing to agree to the exemption from call-in, must be stated in the record of the decision. Details of any such decisions exempt from call-in will be notified to the Leader of the Opposition and will be reported to the next convenient meeting of the Corporate Scrutiny Committee.

m) Detailed guidance on the call-in process for both members and officers, including how exemptions from call-in should be sought has been issued. A copy of that guidance can be found on the intranet and is also available from the Proper Officer.

19. The party whip

19.1 If a member of a scrutiny committee is subject to a party whip in respect of an issue to be considered by the committee the member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

20. Procedure at scrutiny meetings

(a) Scrutiny committees shall consider the following business:

i) minutes of the last meeting.
ii) declarations of interest (including whipping declarations).
iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision.
iv) responses of the Executive to reports of the committee.
v) the business otherwise set out on the agenda for the meeting.

(b) A committee, sub-committee, standing or task and finish group may ask people to attend to give evidence or answer questions about any items on the agenda. Meetings should be conducted in accordance with the following principles:

i) that the business be conducted fairly, and all members of the committee, sub-committee, or group be given the opportunity to ask questions of attendees, and to contribute and speak.
ii) that those assisting the committee, sub-committee or group by giving evidence be treated with respect and courtesy.
iii) that the meeting be conducted as efficiently as possible.

(c) A committee, sub-committee, standing or task and finish group may make comments or recommendations to Officers, Executive Members or other people present at the meeting, or they may do so in writing either in the form of a letter or email, or in the form of a report, for submission to the Executive or Full Council or any other committee or body or officer(s). Comments made at the meeting will be recorded in the minutes of the meeting. Written reports and recommendations will be made public.

21. Matters within the remit of more than one scrutiny committee

21.1 Where a matter for scrutiny consideration falls within the remit of more than one scrutiny committee, the decision as to which committee will consider it will be resolved by agreement between the respective chairs. Where the chairs are unable to resolve the matter, they will consult the Scrutiny Governance Group.

Appendix 1A to Part 4

Procedure for the Consideration of Call-in Requests by Scrutiny Committees.

Once a valid call-in request has been received, a meeting of the appropriate committee must be held to consider the matter. The procedure shall be as follows:

Agenda:

1) The agenda for the meeting shall include a report, or a set of reports, which will include the following:

   a) The procedure to be followed, including an explanation of the courses of action open to the committee.

   b) A copy of the valid call-in request form and any additional written material the members making the call-in wish to submit for consideration.

   c) Details of the decision, which shall include:
      - A copy of the original report or other papers considered by the Executive (or other decision maker) when the decision was made.
      - A clear explanation of what decision was made.
      - Any additional information which the call-in signatories or committee members have requested.

   d) A copy of any written information provided by the decision maker, in response to the points raised in the call-in request.

Procedure to be followed in the meeting:

1) Once the Chair has opened the meeting, a note will be taken of the members present at the meeting. Any member who arrives after the call-in signatories have started their presentation may not vote on the call-in, although they may take part in the discussion. If there is a very low turnout, or if the Chair has been made aware that other members are on their way but have been delayed, they may, at their discretion, delay the start of the meeting to allow time for members to arrive.

2) It should be noted that no party whip should be applied to call-in meetings and any member who has been subject to a party whip in respect of the matters being considered must declare it in accordance with Paragraph 18 of the Scrutiny Procedure Rules.

3) The members who called-in the decision will then be asked to explain why they have done so and what they feel should be reviewed. The members making the call-in shall be allowed up to 10 minutes in total to present their case. It shall be up to them to determine how they wish to use their time; they

may ask one speaker to speak or share the time among several speakers as they see fit. After their presentation the committee shall be allowed up to 15 minutes in total to discuss the points raised and ask questions of clarification.

4) 10 minutes shall be allowed to respond on behalf of the decision maker(s). A relevant Executive Member must speak first (unless the decision that has been called in was made by an officer under delegation); The Executive Member may then call on officers to deal with matters of detail. After their presentation the committee shall be allowed up to 15 minutes in total, to discuss the points raised and ask questions of clarification.

5) Once both sides have given their presentations the Chair may allow members of the public, or other people who are not members of the committee to give short presentations of up to 5 minutes each. Requests to speak should be made to the Chair before the meeting. It shall be up to the Chair to decide whether to allow people to speak and how many speakers will be allowed.

6) The decision maker will then be given up to 5 minutes in total to make any final comments.

7) After all of the presentations have concluded, the call-in signatories will be given up to 5 minutes in total to make any final comments on the matter.

8) The Chair should then clearly indicate that the floor is open for debate and invite members to discuss and examine the main issues. Members may ask further questions of the members making the call-in or the decision makers, or any other people present at the meeting, during the debate. The members making the call-in and the decision maker will not normally speak during the debate, except to answer questions, unless they are also members of the committee.

9) When the Chair considers that the matter has been debated for a reasonable length of time, the Chair will invite the committee members to vote on whether the decision should be referred back and what the reasons for this are. The committee may also agree any comments or recommendations it would like the decision maker (or Full Council) to consider.

    a) If members vote not to refer the decision back at this stage, the call-in is ended. The matter will not be referred back and the original decision may be implemented. Even though members have decided not to refer the decision back for reconsideration they may still decide to refer issues of concern arising from the call-in to the Executive, officers, a committee, or Full Council, or any other body they consider appropriate, for consideration.

b) If, having considered the matter, the Committee is satisfied that no further action is required, the call-in shall be terminated and the decision may be implemented.

Call-in shall be used only in exceptional circumstances where the Committee considers that there is evidence that the decision may not have been taken in accordance with the principles of decision-making set out in the Constitution, including where relevant information was not taken into account, appropriate consultation was not undertaken, material considerations were overlooked, or there are concerns regarding the legal, financial, equality or other implications of the decision.

If, having considered the matter, the Committee remains concerned about the decision, it may refer the matter back to the decision-maker for reconsideration, setting out in writing the nature of its concerns and any recommendations.

The decision-maker shall reconsider the decision having regard to the views of the Committee and shall determine whether to confirm, amend or withdraw the decision. Following reconsideration, the decision shall be final and shall not be subject to a further call-in.

Where the Committee considers that the decision is, or may be, contrary to the Council's Budget or Policy Framework, it shall refer the matter to Full Council for determination in accordance with the Budget and Policy Framework Procedure Rules.

The Chair shall invite Members to vote on one of the following options:

i) That no further action be taken and the decision be implemented;
ii) That the decision be referred back to the decision-maker for reconsideration, together with the Committee's reasons and any recommendations; or
iii) Where the Committee considers that the decision is, or may be, contrary to the Budget or Policy Framework, that the matter be referred to Full Council in accordance with the Budget and Policy Framework Procedure Rules.
iv) If the Committee does not resolve to refer the matter back to the decision-maker or to Full Council under the Budget and Policy Framework Procedure Rules, the call-in shall be concluded and the decision may be implemented

Procedure for Consideration of Call-ins at Full Council Meetings

Agenda:

1) The Council agenda should contain a report or set of reports which shall include the following:

a) A description of the procedure to be followed.
b) The scrutiny committee's reasons for referring the call-in to Full Council and any recommendations or issues the committee has asked Full Council to consider.
c) A copy of the minute of the committee's consideration of the call-in.
d) A copy of the original report or other papers considered by the decision maker when the decision was made.
e) A clear explanation of what decision was made including any relevant minute.
f) A list of the signatories to the original call-in request.
g) A written response to the issues raised from the relevant senior officer(s) or Executive Member(s), if they wish to make a written submission.

2) The report may also include the following if the scrutiny committee referring the call-in to Council considers it appropriate:

a) A recommendation that Council considers whether to resolve itself into a committee in accordance with Standing Order 27 so that members may speak more than once during the consideration of the report.

b) A request from the committee for senior officers or other relevant persons to be present for questioning and a request that Council pass the appropriate resolution in accordance with Standing Order 30(b) to allow these people to be heard.

Procedure at the Council Meeting:

1) The report will be moved and seconded by the members nominated to do so by the committee sending the report. If they have not nominated members to move the report, it will be moved by the Chair or Vice-Chair of the committee in the usual way.

2) If the committee has requested that Council resolve itself into committee for the consideration of their report the mover and seconder of the report should move a motion that the Council resolve itself into committee, which should be voted on once the report has been moved and seconded.

Council may put a time limit on the overall period for which it will sit as a committee. If Council does not resolve into committee, the matter will proceed in accordance with the normal rules for dealing with Council business.

3) If the committee requested that officers (or other persons) should be available for questioning a motion that they be allowed to speak in accordance with Standing Order 30(b) must be moved and seconded and agreed in order to allow this to happen.

4) Officers will not be questioned unless prior notice has been given. Officers below the level of Head of Service shall not be questioned.

5) When the time allowed for the debate has elapsed, or if no time limit was set, when the Mayor considers that the matter has been adequately debated or when an appropriate closure motion has been carried, Council will reconvene, and the matter will move to decision.

6) The Mayor will invite the mover of the report to respond to the debate.

7) Members may propose amendments to the report in accordance with the normal rules of debate. Any motion or amendment should clearly state whether the matter will be referred back to the decision maker or not if the motion is carried.

8) Once any amendments have been disposed of, the Mayor will ask the meeting to vote on the motion before them.

9) If the matter is not referred to the decision maker for reconsideration, the call-in procedure ends, and the original decision may be implemented on the day after the meeting.

Appendix 2 to Part 4

Councillor Call for Action (CCfA) – Procedure and Guidance

1. The powers and duties relating to CCfA derive from two separate pieces of legislation: (a) the Local Government Act 2000 (section 9FC) and (b) the Police and Justice Act 2006 (section 19). The Calls for Action under the Police and Justice Act 2006 relate to local crime and disorder matters, other local government issues come under the 2000 Act. The provisions of the two Acts are similar and the procedure below will cover both types of Councillors Call for Action (except that under the 2006 Act there are no 'excluded matters' in the same way as there are under section 9FC of the 2000 Act).

What is a Councillor Call for Action (CCfA)?

2. The CCfA is a process designed to help councillors resolve issues and problems on behalf of residents. It is part of the range of tools available to Councillors to help them in their role as local representatives and community leaders.

3. Government guidance suggests that CCfA should be used as a last resort to try to resolve issues which have not been resolved by other methods.

4. Most of the issues ward councillors deal with can be dealt with by other means, as they have been in the past. What the CCfA offers, is an additional step to be used once those other methods are exhausted. It offers the opportunity to raise the profile of a problem and enlist the help of Overview and Scrutiny in seeking to resolve it.

5. Once a CCfA is made and accepted, the relevant scrutiny committee will look into the CCfA and decide how the matter should be progressed to try and identify a solution. It should be borne in mind that the purpose of the CCfA is to try to resolve problems. Thus, any opportunities to resolve the problem during the process should be pursued. A CCfA can be ended at any stage of the process if a satisfactory solution is found. What type of issues can be dealt with through a CCfA?

6. Any "matter which is relevant to the functions" of a scrutiny committee and is not an "excluded matter" may be the subject of a call for action.

7. CCfA's may also be made in respect of "any local crime and disorder matter" which is defined as a matter concerning: a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or b) the misuse of drugs, alcohol or other substances which affects all or part of the electoral area for which the member is elected (i.e. their ward) or anyone who lives or works there. If the Children, Families and Communities Scrutiny Committee delegate the role of Crime and Disorder Committee to a sub-committee consideration of crime and

disorder calls for action will also be delegated to that sub-committee. 20 Excluded Matters

8. The following matters are specifically excluded by legislation:

a) "Any matter relating to a planning decision".

b) "Any matter relating to a licensing decision".

c) "Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review, or a right of appeal conferred by or under any enactment".

The above exclusions however do not apply if the matter "consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis".

b) Matters that are "vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee"–

- Vexatious - This is a matter of judgement - the key question to be considered is whether the request is likely to cause distress, disruption or irritation without proper or justified cause. This is not intended to exclude issues which are politically contentious. It is important to focus on the content of the request, not the manner in which it is made, in deciding if a request is vexatious.

- Discriminatory requests – The relevant definitions of discrimination are those contained in the Equality Act 2006 and other anti discrimination legislation. A discriminatory request might be one that calls for one group of people to be treated better or worse than others on the grounds of their race, sex, gender, sexual orientation or religion, or that calls for the Council or other agencies to breach their statutory obligations or equal opportunities policies.

- Matters that are "not reasonable to be included in the agenda for, or to be discussed at a meeting of" a scrutiny committee, sub committee, standing or task and finish group – this is a matter for judgment - a matter may be considered to be not reasonable because it is vexatious or discriminatory. Other reasons may include an issue that is being raised repeatedly or that has recently been considered or one where there is little or no prospect of consideration being able to achieve a result.

Note: Strictly, these exclusions do not apply to 'crime and disorder matters' which are referred under the CCfA powers.

Other Issues for Consideration

9. In considering how to deal with a CCfA, committees may wish to consider the following issues which are taken from the statutory guidance issued by Government:

    a) CCfA's must relate to "Local Government matters" or "Crime and Disorder" matters. The Guidance suggests that this should be given a broad interpretation which includes issues relating to partner organisations, so it may for example include community safety, health services and other public services. In considering whether to look at some of these issues committees should consider whether consideration by an Overview and Scrutiny Committee, sub-committee, standing or task and finish group is likely to be able to help resolve the problem.

    b) The Guidance suggests that CCfA's should focus on genuine community concerns (i.e. not individual complaints which can be pursued through the complaints procedure). Issues may be raised with a Councillor by an individual, but to be pursued as a CCfA they should be issues of concern to a significant number of people in the affected community. If complaints are received from several different people this would suggest that there may be a community concern, as may a petition. If an issue is raised by one person, the councillor may wish to talk to other people in the area to see if they share the concern. The Councillor might also raise it at a ward committee meeting to see whether other local people agree that the issue is of concern to them. They might talk to officers or other agencies working in the area to see if they have also received similar complaints. In considering this scrutiny committees should bear in mind their role in voicing and championing community concerns and the need to focus on issues where they can make a difference.

    c) Whether other methods of resolving the problem have been fully explored. Before a CCfA is considered by a scrutiny committee the member or members bringing the CCfA should generally be able to demonstrate that they have tried to resolve the issue by other means. If a committee believes that there are other steps that should be tried, they may wish to refer the matter back to the Councillor who made it requesting that they explore those avenues and only bring the matter back to the committee if they fail to resolve it. The appropriate steps will vary depending on the type of issue, but examples include:

    - Discussing the matter with officers, other agencies, other members (e.g. Executive Members or Scrutiny Chairs).
    - Writing to relevant agencies on behalf of constituents.
    - Discussing the matter at a ward committee.
    - Holding a public meeting in the area.

- Submitting a motion to full Council. • Raising questions at Council or appropriate committees.
- Communicating with MPs.
- Making a complaint through the complaint's procedure.
- Submitting a petition to Full Council.

d) Town wide policy issues such as Council Tax or strategy issues. This is not to say that CCfA cannot be used to address the impact of a policy on a particular area. For example, looking at the impact of parking restrictions on residents and businesses in a particular area. Although they are not necessarily suitable issues for a CCfA, town wide policies are legitimate matters for scrutiny and Councillors can suggest them as possible work programme topics for the relevant scrutiny committees.

e) Individual complaints – these should be addressed through the complaint's procedure. The fact that a complaint has been made about a matter should not prevent it being pursued as a CCfA as long as it is a matter of community concern and not just an individual complaint. If a complaint has been made, the complaints process should be allowed an opportunity to try to resolve the matter before the CCfA proceeds.

f) Issues where the available avenues for addressing the problem have not yet been tried or where there has not yet been sufficient opportunity to address the problem. The Guidance emphasises the nature of CCfA as a "last resort" to be employed "after other avenues have been exhausted".

Councillor Call for Action – the Process

10. The CCfA process starts at the point where a Councillor has pursued a solution to a problem through the various channels available to them and has not been able to achieve a satisfactory solution. The main stages of the CCfA process are:

a) Logging and validating the CCfA.
b) Exploring any further opportunities for resolution that have not yet been tried.
c) Deciding whether to take the matter forward to a scrutiny committee.
d) The committee deciding whether and how the matter should be considered.
e) Considering the matter.
f) Issuing findings and recommendations.
g) Follow up.

Logging and validating the CCfA

11. The first stage is for the Councillor to log the potential CCfA with the Statutory Scrutiny Officer who will discuss the issue with them and obtain the information necessary to determine:

a) The exact nature of the problem.

b) Whether the matter is an “excluded matter” which cannot be pursued as a CCfA. If so, officers may still be able to suggest other ways in which a Councillor may seek to resolve a problem.

c) What steps have been taken to resolve the problem so far – Officers may be able to suggest other avenues which should be explored before the CCfA proceeds. It may be useful to involve other relevant officers in this discussion.

d) What a satisfactory outcome would look like and whether it could be achieved without the need to pursue a CCfA – for example would an apology, an explanation or an assurance that a problem will not be repeated be sufficient to resolve the issue? If so, it should be possible to resolve the matter without the need for formal consideration.

12. Once it has been determined that the subject matter meets the criteria for a CCfA and that the other methods available to resolve the issue have been explored, the next stage will be for the member, in consultation with the Statutory Scrutiny Officer, to complete a form setting out:

    a) The nature of the issue.

    b) The steps that have been taken so far to resolve the issue.

    c) What the Councillor would see as an acceptable outcome.

    d) Any other background information which may assist in considering the matter.

    At this stage the relevant senior officers and /or Executive Members will be notified that a potential CCfA has been received so that they can make a final attempt to explore whether the issue can be resolved without the need to take the CCfA to the Scrutiny Committee.

13. A form with guidance notes is held by Democratic Services and the Statutory Scrutiny Officer.

Deciding whether to take the CCfA forward

14. Once the form has been completed it will be submitted to the Proper Officer (Service Manager Democratic Services) who will decide: -

    a) whether or not it is an “excluded matter” which cannot be the subject of a CCfA. The Proper Officer should examine the CCfA and determine whether it deals with an “excluded matter”. The Proper Officer should consult with the Chair and/or Vice-Chair of the relevant scrutiny committee on this if minded concluding that it is an excluded matter.

b) which scrutiny committee should consider the CCfA. If there is any doubt or overlap, the Chairs and /or Vice-Chairs of the relevant committees should be consulted on the issue.

15. Appeal – If the Proper Officer decides that a CCfA is an “excluded matter” on the grounds that it is “vexatious”, “discriminatory” or “not reasonable to be included on the agenda”, the member(s) making the CCfA may ask for that decision to be reconsidered. Reconsideration shall be made by an appeal panel consisting of 3 non-Executive Elected Member who have not previously been involved with the CCfA in question. The decision of the appeal panel will be final. The Member making the appeal will be offered the opportunity to attend the meeting where the appeal is considered to state their case.

16. When a CCfA is referred to a scrutiny committee, they must decide whether it should proceed any further and if so, what the most appropriate way to proceed might be. In considering this the committee may wish to consider:

a) Whether adequate resources are available to carry out a review.

b) Whether the matter fits with issues already in the work programme of the committee in which case it may be wanting to incorporate the CCfA into that piece of work.

c) Whether a review is likely to produce a useful outcome.

d) Whether the issue raised justifies the use of the committee’s resources to carry out a review or investigation.

17. Options open to the committee include:

a) To decide to incorporate the matter into the committee’s work programme, either as a part of a piece of planned work or as a new topic. The committee must decide when it intends to consider the matter and whether any delay is acceptable.

b) To decide not to consider the matter in which case the committee must explain in writing to the referring member the reasons why it does not intend to consider the matter.

c) To set up, or if the matter is being considered by a sub-committee ask the relevant scrutiny committee to set up a task and finish group to consider the matter. If a group is established consideration should be given to:

- Whether the group should be drawn exclusively from the committee itself or whether members of other committees should be invited to participate – the latter may be especially appropriate in the case of cross-cutting issues.

- Whether membership should be opened up to include any Non-Executive Members.
- Whether adequate resources are available to support the group both in terms of members' time and officers' time.
- Appointing a Chair and Vice-Chair to guide the work of the group.
- Setting a timescale for the review being carried out – CCfA reviews should be short, sharp and focussed.
- What the arrangements shall be for finalising the group's report and recommendations.

18. If a task and finish group is appointed to carry out a review into a CCfA it: -

    a) Will not include the member or members championing the CCfA amongst its membership.

    b) May invite the member(s) championing the CCfA to attend meetings and give evidence. They may also invite members of a relevant scrutiny committee or Executive Members to attend either as witnesses or advisors.

    c) May ask officers, partners or any other people it sees fit to take part in its work as either witnesses or advisers.

Carrying out the review

19. The Chair and Vice-Chair of a committee, sub-committee or task and finish group that considers a CCfA may wish to meet with the member(s) making the CCfA, the Statutory Scrutiny Officer and other officers or partners to plan for the meeting. This is to be encouraged so that when it meets it can begin looking at the issue straight away rather than spending time scoping the work and deciding who to talk to.

20. In carrying out a review a committee, sub-committee or task and finish group may wish to:

    a) Make a site visit.

    b) Speak to local residents and members.

    c) Look at examples of good practice from elsewhere.

    d) Talk to partners and other agencies who may be able to help resolve the problem.

21. If a site visit would be beneficial, it may be best to arrange it before the meeting. Consideration should also be given to whether the meeting should be held in the ward and whether it should be widely publicised. If there are particular people, the Chair and Vice-Chair would like invited to the meeting or information they want to help the group consider the CCfA every effort should be made to make the necessary arrangements for the first meeting.

22. During this stage further avenues for a possible solution may be identified. The scrutiny Chair may also be able to help move the matter forward by facilitating meetings or getting responses from officers or other partners. Any possibilities identified to resolve the problem at this stage should be explored before moving on to considering the matter at a meeting. Once the review progresses to the meeting, the following outline procedure should be followed:

    a) At the first meeting, the member(s) making the CCfA should be allotted time to speak and outline the nature of the problem and what they would like the committee or working group to do (5-10 minutes might be appropriate). Officers and other agencies should be allotted a similar amount of time to respond.

    b) The Panel should then go on to ask questions and discuss the issues raised in the CCfA submission, and any reports in response to it, and the opening presentations.

    c) Once they have done this, they should consider whether there is any further work they want to do before arriving at their conclusions (e.g. any additional witnesses they want to hear from or any further information or evidence they would like to request).

Arriving at conclusions and recommendations

23. Once the committee, sub-committee or task and finish group are satisfied that they have obtained all of the necessary information they should move on to consider their conclusions and recommendations.

24. There are two different types of recommendations group may like to consider making:

    a) Recommendations about resolving the specific problem raised by the CCfA.
    b) Recommendations for improvements to help avoid similar problems arising in future.

25. When the committee, sub-committee or task and finish group have decided on their recommendations they should decide where they want to send the report for consideration. In some cases, it may be appropriate to make recommendations directly to officers, in other cases a report may need to go to Executive, a committee of the Executive or of the Full Council or to another agency such as the Police. If a report needs to go to more than one place for consideration it should be made clear which recommendations each partner is being asked to consider. If possible, the Chair or Vice-Chair should attend meetings where the report is considered to introduce it and speak on behalf of the committee or working group.

26. The report must be finalised in accordance with the arrangements agreed by the committee when it agreed to proceed with the matter. The report should then go to Executive and partners for consideration. Copies should also be sent to:

    a) The member(s) who made the CCfA.

    b) The Chief Executive and relevant Chief Officer(s).

    c) Any other officers who have been involved in the process. d) Any outside bodies, partners or individuals who have been involved in the process.

28. If there is a report or recommendation made to the Council in response to a CCfA on a local crime and disorder matter, a copy of that report must under section 19 of the 2006 Act also be sent to each of the responsible bodies and co-operating persons and bodies as defined in section 5 of the Crime and Disorder Act 1998.

29. Note: Consideration should be given to whether the contents of any report are of an exempt or confidential nature requiring the report not to be made available to the press and public.

Follow Up

30. Reports should ask Executive (or any other bodies or persons asked to consider the report) to respond in writing setting out their decisions in respect of the recommendations. The responses should be submitted to the committee which originally considered the matter. If the recommendations were made by a working group, any members of the working group who are not members of the committee should receive a copy of the response. The member(s) who made the CCfA should also be sent a copy. The response should also be reported to the scrutiny Chairs and Vice-Chairs. If an issue is resolved before it reaches the stage of having a working group meeting or recommendation/report, the outcome of the process should be reported to the relevant committee and the Chairs and Vice Chairs.

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 Elected Members and co-opted Members of the Council.

This Code of Conduct is based on the Local Government Association Model Elected Member Code of Conduct, which was developed in 2020 and approved by Full Council on 30 September 2021.

This Code reflects the Council's current local standards arrangements and should be read together with the Council's Arrangements for dealing with Code of Conduct Complaints, the Elected Member - Officer Protocol, and any related guidance issued by the Monitoring Officer.

Any person may make a written complaint to the Monitoring Officer that an Elected Member or Co-opted Member has breached the Code.

Details about how to make a complaint, and how complaints are dealt with, can be found on the Council's website.

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 Elected Members across all tiers of local government is a vital part of our country's system of democracy. It is important that as Elected Members we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual Elected Member affects the reputation of all Elected Members. We want the role of Elected Member 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 Elected Members.

As Elected Members, 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, engaging respectfully with residents and demonstrating good

conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a Elected Member 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 Elected Member 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 Elected Member Code of Conduct. The Code of Conduct is provided to all prospective Elected Members when they complete and return their nomination pack. This ensures that, when elected Elected Members sign their declaration of acceptance of office, they have had the opportunity to read and understand the Code. All Elected Members are also required to sign a further declaration at induction training to confirm that they have read and understood the Code.

The LGA may review its Model Elected Member Code of Conduct from time to time to ensure that it remains fit for purpose, including in response to advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and Elected Members on the application of the Code, and the National Association of Local Councils (NALC) and 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 "Elected Member" means a member or Co-opted Member of a Council 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 Council but who

a) is a member of any committee or sub-committee of the Council, or;
b) is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "Council" 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 Elected Member, 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 Elected Members, Council officers and the reputation of local government. It sets out general principles of conduct expected of all Elected Members 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 Elected Member and local government.

General principles of Elected Member conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Elected Members and Council 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 Elected Member.

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 Elected Member.

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 Council'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 Elected Member or attend your first meeting as a Co-opted Member and continues to apply to you until you cease to be a Elected Member.

This Code of Conduct applies to you when you are acting in your capacity as a Elected Member which may include when:

- you misuse your position as a Elected Member
- 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 Elected Member;

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 (see Social Media Guidance Note).

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Elected Member.

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 Elected Members are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Elected Member conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Elected Member. 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 Elected Member:

1.1 I treat other Elected Members and members of the public with respect.

1.2 I treat Council employees, employees and representatives of partner organisations and those volunteering for the Council 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 Elected Member, 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 people politely and courteously and engage with them respectfully. Rude and offensive behaviour lowers public expectations and confidence in Elected Members.

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 Council, the relevant social media provider or the police. This also applies to fellow Elected Members, where action could then be taken under the Elected Member Code of Conduct, and Council employees, where concerns should be raised in line with the Council's Elected Member- officer protocol.

2. Bullying, harassment and discrimination

As a Elected Member:

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. As a Elected Member you can raise legitimate scrutiny concerns in an environment free from intimidation, harassment or victimisation.

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. Elected Members have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Appropriate advice and support is available to Elected Members where required, including access to the Council's relevant support services.

3. Impartiality of officers of the council

As a Elected Member:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local Council.

Officers work for the Council 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 Elected Member:

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 Council; 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 Elected Member 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 Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Elected Member:

5.1 I do not bring my role or Council into disrepute.

As a Elected Member, 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 Elected Members and/or your Council and may lower the public's confidence in your or your Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Council into disrepute.

You are able to hold the Council and fellow Elected Members 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 Elected Member:

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 Council 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 Council resources and facilities

As a Elected Member:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local Council or authorising their use by others:

a. act in accordance with the Council'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 Council or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a Elected Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Council buildings and rooms.

These are given to you to help you carry out your role as a Elected Member 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 Council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Elected Member:

8.1 I undertake Code of Conduct training provided by my local Council.

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 Elected Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about the Council's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the Council

9. Interests

As a Elected Member:

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 Council.

You need to register your interests so that the public, Council employees and fellow Elected Members 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 Elected Members 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 Elected Member:

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 Council or from persons who may apply to the Council 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.

To protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are, or which you reasonably believe are, offered to you because you are a Elected Member. The presumption should always be that significant gifts or hospitality should not be accepted. However, there may be times when refusal would be difficult because it could be perceived as rude. In those circumstances, you may accept the gift or hospitality but must ensure that it is publicly registered where required. You do not need to register gifts and hospitality which are not related to your role as a Elected Member, such as Christmas gifts from friends and family. It is also appropriate to accept normal expenses and hospitality associated with your duties as a Elected Member. If you are unsure, you should 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 Elected Member, or a person connected with the Elected Member, 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 in a matter that is to be considered, or is being considered, by you as a Member in the exercise of an executive or non-executive function, you must notify the Monitoring Officer of the interest and must not take any steps, or any 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

   Where a matter referred to in paragraph 8 above affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision, and 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.

9. 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 Elected Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Elected Member, or towards his/her election expenses. 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 Elected Member or his/her spouse or civil partner or the person with whom the Elected Member 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 — (a) under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Elected Member or his/her spouse or civil partner or the person with whom the Elected Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	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 Elected Member’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Elected Member, or his/her spouse or civil partner or the person with whom the Elected Member 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— (a) that body (to the Elected Member's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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 Elected Member, or his/ her spouse or civil partner or the person with whom the Elected Member 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

where the Code refers to national best practice or national guidance, Elected Members should apply it alongside the Council's own local procedures and any advice issued by the Monitoring Officer.

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review while the Government continues to consider the recommendations made by the Committee on Standards in Public Life in its 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 Elected Members to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Elected Members.

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 Council's code should be readily accessible to both Elected Members 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 Council 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 Council 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 Elected Member 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 Council. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A Council 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 Council 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.

Hartlepool Borough Council

Code of Conduct for Employees

Version:2

Date: August 2026

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.

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.

DECLARATION FORMS

Declaration forms 1-5 are to be completed as detailed in this Code. Once considered by the appropriate Director, non MyView users should forward completed declaration forms onto HR@hartlepool.gov.uk. Forms will be acknowledged and recorded on Resourcelink whether approved or declined.

MyView users should complete and submit any declaration forms for consideration via the My Form section.

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.

Elected Members

Mutual respect between employees and Elected Members is essential to good local governance. Inappropriate relationships between employees 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 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 Taxpayer, 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 Elected Members, 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, Elected Members 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 2018.

- 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 Elected Members and not just those of the controlling group. They must also ensure that the individual rights of all Elected Members are respected.

Employees should never compromise their political neutrality.

You must:

- give appropriate and impartial advice to any Elected Member 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 Elected Members.

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 Elected Members 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 number 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 Elected Members, 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 Act2018 and UK General Data Protection Regulations. 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 2018 and the Council's Data Protection Policy set out key requirements for the handling of personal data. In addition, all employees should be aware of and comply 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 **'Whistleblowing' 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 2018.

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.

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 or fax messages in the Council relating 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 **Whistleblowing 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 media platforms, 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, Councilors, customers, contractors, service users 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, Elected Member 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 the Director of Finance, IT & Digital Services within 14 calendar days of the decision being given by the Director. In the case of the Director of Finance, IT and Digital Services refusing a request for their department, the Chief Executive 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)
- complete another Form 3 if there are any changes relating to your outside work.
- 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.

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 an 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 Elected Members. If you feel that you have been unfairly treated or been discriminated 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, an Elected Member or any other person, you must report the matter to your line manager. You must also not lobby an Elected Member 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 “Pre-election 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. Where an employee reasonably believes that wrongdoing has occurred, is occurring, or is likely to occur, and that disclosure would be in the public interest, this should be raised in accordance with the Council’s **Whistleblowing Policy and Procedure**, which is available on the Council’s intranet and reflects the statutory framework for protected disclosures under 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 ELECTED MEMBER'S

As a member of the public you are entitled to raise with an Elected Member 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 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 your concerns relate to a potential allegation of fraud, corruption, safeguarding or other serious concern these can be raised through the Council's **'Whistleblowing' 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 Elected Members 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, dangerous or a breach of the Code to your line manager or through the Council's **Whistleblowing 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, reports, 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.

ELECTED MEMBER AND OFFICER PROTOCOL

1. Principles Underlying Elected Member / Officer Relations

1.1 This Protocol sets out the standards expected in working relationships between Elected Members and Officers. It explains their respective roles, the limits of those roles, and the arrangements for advice, information sharing, ward work, communications and handling concerns.

1.2 Hartlepool Borough Council expects Elected Members and Officers to maintain high standards of conduct. This Protocol explains how Elected Members and Officers should work together and forms part of the Council's Constitution. It should be read alongside the Codes of Conduct in Part 5, particularly the Code of Conduct for Elected Members and Co-opted Members and the Code of Conduct for Employees.

1.3 The statutory framework requires this Protocol to cover the matters listed below.

- Principles underlying Elected Members /Officer relations.
- Roles of Elected Members.
- Roles of Officers.
- Relationships between Elected Members and Officers.
- Officer relationships with party groups.
- Elected Members in their ward role and Officers.
- Elected Members 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.

1.4 This Protocol should be read with the Constitution, particularly the Articles in Part 2, Responsibility for Functions in Part 3, the Rules of Procedure in Part 4, and the Codes of Conduct in Part 5. It gives guidance on common issues and applies, where relevant, to co-opted members.

2. Roles of Elected Members

2.1 All Elected Members will:

i) Collectively determine and approve the Council's Budget and Policy Framework and exercise those functions reserved to Full Council by

law or under this Constitution, whilst providing strategic oversight and accountability for decisions taken by the Leader and Executive, in accordance with the principles of decision-making set out in Article 11 of the Constitution.

ii) To monitor and review the implementation of Council policies and the quality and performance of services, holding decision-makers to account where appropriate and representing the interests of their communities.

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 casework and represent 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.

2.2 Elected Members have a role that is distinct from Officers. They make decisions through Council, Executive, Committees or Sub-Committees, and represent their wards and constituents. Officers will support Elected Members in that role, but individual Elected Members cannot instruct Officers unless a delegation or decision-making process expressly allows it.

3. Roles Of Officers

3.1 The Council's Senior Management Team 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, Portfolio Holders, 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 Council's policies.

xii) Ensure the Council acts lawfully.

xiii) Represent the Council on external organisations.

3.2 Officers are responsible for operational management and day-to-day decisions within their areas of responsibility. They exercise delegated powers under Part 3 of the Constitution and may support Elected Members subject to legal requirements, resources and confidentiality.

4. Relationship Between Elected Members and Officers

4.1 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’.

4.2 The following principles underpin the detail contained in individual sections which deal with specific aspects of Elected Members /Officer relations.

i) Elected Members and Officers will always treat each other with courtesy and respect in both formal and informal situations.

ii) Council Officers will give impartial advice to the whole Council, including all political groups, Executive and non-Executive 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, for example to secure an improper advantage for themselves or any other person.

iv) Elected Members and Officers will always observe the requirements of the Council’s Constitution.

4.3 This includes avoiding shouting, aggression, threats and remarks that could reasonably be perceived as insulting. It applies in formal meetings, informal contact, telephone calls, emails, letters and media comments. Elected Members and Officers may disagree but must do so courteously.

4.4 Elected Members should respect Officers’ expertise and professional advice. Advice may be questioned or tested but should not be rejected arbitrarily or for reasons unrelated to the decision. Where professional advice is not followed, there should be a valid and evidence-based reason.

4.5 A decision should not depart from professional advice simply because a different outcome would satisfy a constituent or group. The decision must be based on the relevant issues, with public approval carrying weight only where the merits are finely balanced.

4.6 Elected Members and Officers both have an important role in creating and maintaining a good reputation for the Council. They should:

a) protect and promote the legitimacy of democratic local government;

b) promote a positive relationship between Elected 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 Elected Members and Officers is avoided.

5. Undue Influence

5.1 In any dealings between Elected Members and Officers, neither should try to take advantage of their position.

5.2 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 Council.

5.3 Elected Members must not attempt to influence any Officer to do things they have no power to do, or to work outside normal duties.

5.4 Officers should normally implement lawful decisions of Executive, Portfolio Holders and Council. They must not be instructed to act unlawfully. Where illegality or maladministration may arise, Officers must raise their concerns and the Monitoring Officer or Section 151 Officer may need to intervene. If a Elected Members believes an Executive or Council decision is not being implemented, they should raise this with the Chief Executive.

5.5 Officers should not use undue influence to pressure an individual Elected Members 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 Elected Members.

5.6 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.

5.7 The Council has adopted separate Codes of Conduct for Elected Members and Officers. A shared aim of those codes is to protect and maintain the Council's reputation, and both codes require high standards of conduct.

5.8 Under the Elected Members Code of Conduct, Elected Members must promote equality, treat others with respect and avoid doing anything that compromises the impartiality of Officers. Elected Members should never act in a way that an independent observer might consider to be bullying, harassment or an attempt to secure special treatment.

6. Relationships Between Executive Members, Committee Chairs and Officers

6.1 Relationships between Executive Members, Committee Chairs and Officers will operate in line with the relevant codes of conduct and the principles set out in this Protocol.

6.2 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.

Executive

6.3 In making their decisions, members of the Executive must seek and have regard to the professional advice given by Officers. Elected Members must always pay due regard to the advice given by Statutory Officers and be aware of, and take account of, their statutory responsibilities.

6.4 Elected Members should respect the principle that Officers serve the full Council and therefore have responsibilities to the Executive, Regulatory and other Committees.

6.5 Elected Members should at all times take full responsibility for their political decisions within the Council and as representatives on other agencies or bodies.

6.6 Elected Members must follow all of the statutory and constitutional requirements governing the decision-making process.

6.7 Elected Members, Officers and representatives of outside bodies providing information to the Executive will be always treated courteously 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 relevant Procedure Rules. It will be the responsibility of the Chair to ensure that members of the public and other non-Council attendees behave appropriately.

6.8 Directors and Chief Officers may be required to attend meetings of the Executive to explain policies, decisions or professional advice. They must remain politically neutral and cannot be held accountable for decisions taken by Elected Members. The Executive must not be used to address individual employee performance; such matters should be managed through the Council's normal management, appraisal or disciplinary arrangements.

6.9 Members of the Executive may commission external or independent advice where relevant expertise is not available in-house, where the matter is within or sufficiently connected to the Council's responsibilities, where the advice is required or advisable, and where budgetary provision exists.

6.10 At the request of Scrutiny, members of the Executive may attend meetings to explain the objectives of policies and the reasons for their decisions, relevant to their remit.

6.11 Members of the Executive may invite, but not require, the attendance of representatives from other Councils or agencies.

Regulatory and Other Committees

(i) **Audit**

6.12 The Audit Committee may require a variety of information and advice to carry out their work effectively and mechanisms to ensure this is achieved are addressed in detail in other sections of the Constitution. However, in planning their work the Audit 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**

6.13 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.

6.14 When acting in a quasi-judicial capacity (for example in relation to licensing), Elected Members will pay regard to the requirements of natural justice and the procedural advice issued by the Monitoring Officer.

6.15 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.

6.16 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.

6.17 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.

Overview and Scrutiny Committees

6.18 Scrutiny committees should seek advice from the Monitoring Officer or the Chief Finance Officer, as appropriate, if there is any doubt about whether a decision is, or may be, contrary to the Council's policy framework, budget or the law. Elected Members should also refer to the Scrutiny Committee Procedure Rules in Part 4 of the Constitution.

6.19 Scrutiny committees should direct requests for Officer attendance to the relevant Director or Assistant Director and should not normally request junior Officers. Questions should focus, so far as possible, on facts and professional advice relating to policies and decisions. Officers must respond openly and must not mislead the committee. Elected Members must treat Officers with respect and avoid hostile questioning. Private or confidential matters must be dealt with appropriately. Committees should remain aware of resource implications, as some requests for research or support may have to be refused because of cost or time.

7. Officer Advice to Elected Members

7.1 Elected Members are entitled to ask Officers for advice and information that they reasonably need to discharge their role as Elected Members. This may

range from general information about Council activity to specific information sought on behalf of a constituent.

7.2 Similarly, the Leader is entitled to receive the advice and support reasonably required to fulfil their role as the political leader of the Authority and its principal public spokesperson.

7.3 The Chief Executive, Directors and Assistant Directors should keep Elected Members informed about major issues affecting the Authority and relevant matters affecting their wards. Where an issue has wider impact, other affected Elected Members should also be informed.

7.4 Advice or information sought by Elected Members should be provided as promptly as reasonably practicable, having regard to the urgency, complexity and resource implications of the request. It should be provided by the relevant service provided it is within the service's resources. Resources are finite and Elected Members should act reasonably in the number and content of the requests they make.

7.5 Requests by Elected 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.

7.6 Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the Executive, Council and other Committees, and when implementing the lawful decisions of Executive 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.

7.7 If Elected Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the Chief Executive or relevant Director, or in the case of the Chief Executive, the Leader. Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

7.8 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.

7.9 Officers can usually provide information confidentially unless doing so would not be in the Council's best interests, for example because it would undermine the Council's legal or financial position. Information received confidentially by a Elected Members in one capacity, such as a Executive Member or scrutiny member, must not be used when acting in another capacity, such as when representing a ward. Confidential information must only be shared with those entitled to receive it. Elected Members should check with the Officer providing the information before passing it to anyone else.

7.10 Elected Members should ensure that, when seeking help or advice from Officers, they ask only for information to which they are properly entitled. Elected Members rights to inspect documents are contained partly in legislation and partly at common law, and are described in the Access to Information Rules in the Constitution.

7.11 If an Elected 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 Executive Member or Committee Chair should be advised about the information provided.

7.12 Any Elected Member can seek advice or assistance in confidence from the Chief Officers to address a ward issue.

7.13 Officers are required to serve the Authority as a whole. They are responsible to the Chief Officers and not to individual Elected Members whatever office they may hold.

8. Officer Relationships with Party Groups

8.1 No Officer may attend a party-political group meeting as a Council employee without the Chief Executive's agreement. Party-political groups may not require the attendance of individual Officers unless the Chief Executive agrees.

8.2 Officers attending any group meetings, shall not divulge to other groups the contents of any discussion or debate which takes place.

8.3 No reports should be produced by Officers specifically for party groups without the express permission of the Chief Executive and Officers shall not conduct research for party political purposes.

8.4 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 Elected Members concerned. Elected Members will always be notified that such information is being provided.

8.5 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.

8.6 An Officer may raise a service complaint with their Elected Members as a member of the public, but should do so in their own time. Work-related concerns should be raised with the line manager in the first instance or through the appropriate HR procedure. Serious concerns such as fraud, corruption or safeguarding may be raised under the Council's Whistleblowing Policy.

9. Elected Members in Their Ward Role and Officers

9.1 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. The Elected Members Enquiry Protocol provides guidance in order to facilitate an appropriate response to such enquiries. A Elected Members should raise their concern or matter using the Elected Members Portal.

9.2 Officers do not need to obtain a resident's explicit consent before sharing personal information with a Elected Members where:

- The Elected Members represents the ward in which the resident lives;
- The Elected Members is acting on behalf of, or representing, the resident in relation to the enquiry; and
- The information shared is necessary for the Council to investigate and respond to the matter raised.

9.3 However, where an enquiry involves the disclosure of special category personal data, such as information relating to a resident's health, social care needs, or other sensitive personal circumstances, Officers should consider whether the resident's explicit consent (normally in writing) is required before any information is disclosed to the Elected Members.

9.4 Elected Members will receive advice and assistance on local matters where this is consistent with their role and the Council's resources. Individual Elected Members must not make disproportionate demands on Officer time. If a Director or Chief Officer considers a request unreasonable and the matter cannot be resolved informally, they will give written reasons and proposals for resolution. If agreement cannot be reached, the Chief Executive will determine the matter.

9.5 Where Officers arrange public meetings about local issues, relevant ward Elected Members and others with a reasonable interest, such as the Executive member, should be advised and invited. Where Elected Members or residents arrange local meetings, Officer attendance is at the discretion of the relevant Director or Chief Officer. Elected Members should not commit the Authority to public meetings without agreement from Chief Officers.

9.6 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.

9.7 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.

9.8 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.

9.9 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.

10. Personal and Business Relationships

10.1 Elected Members and Officers must work together closely to effectively undertake the Council's work. This inevitably leads to a degree of familiarity. However, close personal relationships between individual Elected Members and Officers can be damaging to mutual respect. It is fundamental that relationships remain professional and do not give rise to actual, potential or perceived conflicts of interest.

10.2 It is important not to allow any personal or business connection or relationship with any other Elected 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.

10.3 Elected Members and Officers should always consider how any relationship or connection could be interpreted by anyone outside the Authority, or by any other Elected Member or Officer, and avoid creating any impression of unfairness or favouritism.

10.4 Elected Members should take account of any relationship or connection they have with any other Elected Member or Officer when considering whether or not they need to register or declare a personal interest.

10.5 It would usually be inappropriate for a Elected Member to have special responsibilities in an area where someone with whom they have a close personal or business relationship is a senior officer. If this arises, the Elected Member should take appropriate action to avoid a potential conflict of interest.

11. Elected Member Access to Documents and Information

11.1 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.

11.2 Elected Members will also be provided with non-statutory information in accordance with the agreed policy.

11.3 Where there is uncertainty as to the statutory position, the matter will be referred to the Council's Monitoring Officer for determination.

11.4 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 Chief Executive (or Monitoring Officer).

11.5 Elected Members have access to a wide range of information, but not to everything they may wish to see. They have statutory rights to inspect documents relating to business transacted at Council, Executive, Committees and other Council bodies. Those rights do not require Officers to carry out research or extract information, although Officers may do so where that is the most efficient approach. Access beyond those statutory rights depends on the role being performed. An Executive Member may have different access rights from a non-decision-making Elected Member, particularly where information is exempt or confidential.

11.6 Officers may need to take advice, particularly from the Monitoring Officer, before deciding whether a Elected Member is entitled to information. If a

Elected Member is not automatically entitled to the information, it may only be provided where there is a valid justification and disclosure would not breach the law, Council policy or confidentiality. If a Elected Member disagrees with the response, they may refer the matter to the Monitoring Officer for determination.

12. Elected Members and Officers Who Are Members of Outside Organisations and Other Bodies

12.1 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.

13. Politically Restricted Posts

13.1 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.

14. Publicity Material, Media Relations and Press Releases

14.1 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.

14.2 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.

14.3 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.

14.4 Communications and Marketing Officers will, however, offer informal advice to all Elected Members on media relations.

14.5 In accordance with the general provisions on confidentiality, both Officers and Elected Members will refrain from making confidential information available to the media.

14.6 Draft press releases will be finalised following consultation with any Elected Member who is to be quoted.

14.7 Photographic services will be available for major civic events and at other events where budgetary provision has been identified.

14.8 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.

15. Correspondence

14.1 Correspondence between an individual Elected Member and an Officer should not normally be copied by the Officer to another Elected Member. If the Elected Member has copied other Elected Members into the correspondence, the Officer may copy the response to those same Elected Members. Correspondence between Elected Members and Officers must not be shared on social media, websites, blogs or third-party platforms without the prior agreement of all parties involved.

14.2 Where copies of correspondence are sent to other Elected Members, this should be made clear to the original Elected Member. In other words, a system of “silent” or “blind” copies should not be used.

14.3 In all matters relating to the copying of correspondence, access to information legislation and the Council policy on access will be observed.

14.4 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Elected Member. In some circumstances, such as correspondence with a Government Minister, it may be appropriate for a Elected Member to sign a letter, but this should be the exception rather than the norm. Letters that create obligations, give instructions or otherwise commit the Council should be sent by the relevant Officer.

14.5 Elected 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.

16. Internet and Social Networking Use

14.1 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.

Key principles include:

- Not sharing unverified information or speculation.
- Not publishing personal information without a lawful basis to do so.
- Not relying on disclaimers such as “All views are my own”.
- Not publishing confidential or exempt information.
- Maintaining respectful online communications.
- Only posting information you would be comfortable saying in a public meeting or seeing reported in the local press.

17. Breaches of the Protocol

Potential breaches of this Protocol may be raised by Elected Members, Officers, non-Council officials, groups or members of the public.

17.1 Alleged Breaches of the Protocol by Officers

The matter should be raised with the relevant member of the Council’s Executive Leadership 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 Chief Executive for consideration, who will in any event be advised of all alleged breaches of the code.

17.2 **Alleged Breaches of the Protocol by Elected Members or Co-optees**

Details of the allegation should be reported to the Chief Executive.

The Chief Executive will consider what, if any further action is appropriate in the circumstances, having regard to any existing procedures.

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.

18. Concluding Comments

18.1 This Protocol cannot cover every situation, but it provides guidance on the main issues that may arise. Elected Members are responsible for strategic decision-making, and Officers are responsible for day-to-day implementation and operational decisions. Maintaining constructive relationships based on mutual respect, clear roles and a shared commitment to Hartlepool is a joint responsibility.

PLANNING CODE OF PRACTICE

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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 Councillors 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 Housing, Communities and Local Government (DHCLG), 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 Councillors 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 Councillors 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 Councillors on planning matters.

3.2 It applies to both Councillors and Officers who are involved in operating the planning system - it is not, therefore restricted to professional town planners or to Councillors 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 Councillors 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 Councillors. 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. Councillors 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 Councillors and Officers have different, but complementary, roles. Both serve the public. Councillors 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 Councillors, 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

Councillors 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 Councillors 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 Councillors 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 Councillors 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 Councillors, staff and the public, which will impact on the way in which Councillors participate in the planning process. Of particular relevance to Councillors 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 Councillors 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. Councillors 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. Councillors 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 Councillors 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 Councillors, and in advising Committees, to identify the material planning considerations and to ensure Councillors 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 Councillors 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 Councillors 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 Councillors 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, Councillors 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, Councillors 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) Councillors 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, Councillors 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.***

- ***Councillors 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 Councillors 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 Councillors 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 Councillors 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 Director of 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 Director of Neighbourhoods and Regulatory Services.***

8.5 Councillors 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 Councillors can create:

- ***Councillors 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 Councillors - such actions can easily be misunderstood by parties to the application and by the general public;***

- ***Councillors should not put pressure on Officers for a particular recommendation;***

- ***political group meetings should not be used to decide how Councillors should vote on planning matters;***

- ***Councillors 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 Councillors, and should declare an interest at the relevant Committee meeting.***
- ***Whenever an Elected Member is approached or lobbied on any particular application Councillors should consider distributing the draft letter attached as Appendix 3 which makes clear the neutral stance which Councillors need to adopt to remain impartial pending consideration of all the material facts at the Committee meeting.***

- ***If Councillors 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.***

- ***Councillors should not normally undertake private site inspections in another Elected Member's ward without prior notice to the Elected Ward Member. Again Councillors 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 Director of 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 Councillors 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 Councillors 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:

- Councillors 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);

- Councillors 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 Councillors 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 Councillors' 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 Councillors to register and declare certain disclosable pecuniary interests and such other interests as set out within the Code of Conduct for Councillors 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 Councillors 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 Councillors in contracts and other matters. These requirements must be followed scrupulously and Councillors 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 Councillors' Interests information about your registerable personal interests. A definition of a registerable personal interest is contained within the Code of Conduct for Councillors and Co-opted Members. A register of Councillors' 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 Councillors at Committee

11.1 Information regarding 'your registerable and non-registerable personal interests' is contained in the Code of Conduct for Councillors and Co-opted Members.

11.2 Councillors of the Planning Committee should consult the Code of Conduct for Councillors 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 Councillors 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 Councillors 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, Councillors 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 Councillors 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 Director of 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 Director of 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

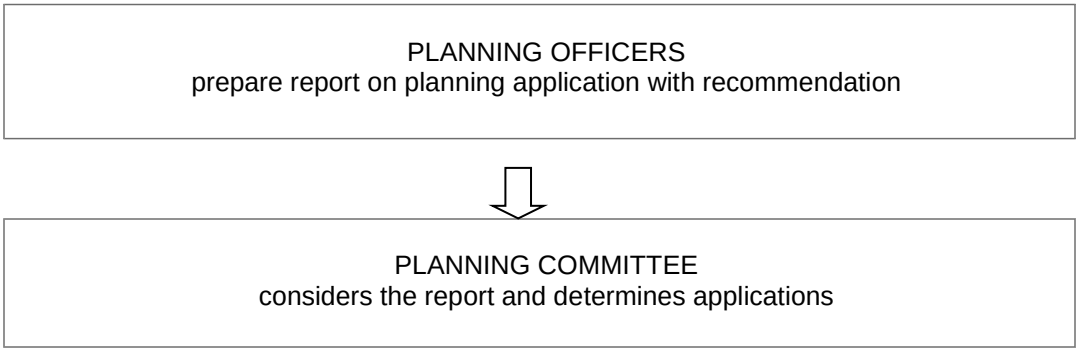
14.1 To ensure that Committees give due consideration to the development plan and other material considerations, all Committee decisions on planning applications, and other proposals will normally be taken only after the Committee has received a written Officer report. Written Officer reports will reflect 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. Councillors 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. Councillors will then debate the merits of the case and arrive at a decision.

15.4 It is important that Councillors 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 Councillors 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 Neighbourhoods and Regulatory 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 Councillors 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. Councillors 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, Councillors 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 Councillors' attention to any salient features or to any relevant factual information.***
- ***Other than to draw Elected Councillors' 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 Councillors 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.***

- ***Councillors 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 Director of 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 Services 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 Director of 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 Director of 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 Director of 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 Councillors 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 Councillors 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 Councillors they shall proceed to determination before Planning Committee, subject to the following principles:

- **Serving Councillors 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 Director of Neighbourhoods and Regulatory Services under delegated powers.**

- **The Council's Monitoring Officer should be informed of such proposals by serving Councillors, and the Officers report to the Committee will show that the applicant is an Elected Member**

- **Councillors 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 Councillors 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. Councillors 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 Councillors 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 Director of 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 Neighbourhoods and Regulatory Services Department, including new Councillors and employees.

- The Council will provide periodic training events for Councillors on planning, which all Councillors should endeavour to attend as part of their personal development.

- Councillors 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. Councillors 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 ***Councillors and Officers are advised to treat with extreme caution any offer or gift, favour or hospitality which is made to them personally.***

27.2 Councillors should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any Councillors 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 Councillors 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 Housing, Communities and Local Government.'

'Probity in Planning', Local Government Association..

'The Role of Councillors 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 COUNCILLORS

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 Councillors do, for example in approving applications contrary to Officer's recommendations, National and Development Plan Policy.

Councillors of the Local Planning authority have the following duties:-

(i) Councillors must at all times act within the law;

(ii) The overriding duty of Councillors 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) Councillors 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) Councillors 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) Councillors 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) Councillors 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) Councillors 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 COUNCILLORS

Actions against Local Planning Authorities and Councillors 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 Councillors.

The consequences of an unlawful or unreasonable planning decision are that the Council and Councillors 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 Councillors 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 Councillors. 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 Councillors 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 com-munity 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 Councillors' 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 Councillors' 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 Councillor 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:

Planning Services
Hartlepool Borough Council
Neighbourhoods and Regulatory Services
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
Neighbourhoods and Regulatory Services Department
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523274
Email: jim.ferguson@hartlepool.gov.uk

PUBLIC PARTICIPATION AND ENGAGEMENT PROTOCOL

1. INTRODUCTION

This guide explains how members of the public may ask questions at Full Council meetings, when questions may be referred to Executive, and where different rules apply to Planning and Licensing Committee meetings.

Members of the public are welcome to attend meetings of Full Council, Executive and Committees, except where the meeting is considering confidential or exempt business. Confidential and exempt matters are explained in the Access to Information Procedure Rules in the Council's Constitution. If you would like to attend a meeting, or need further details, contact the Democratic Services Team at DemocraticServices1@hartlepool.gov.uk or on 01429 284307 to confirm the meeting arrangements.

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 the Leader, Portfolio Holders and Chairs of Committees at ordinary meetings of Full Council in accordance with the Council's Procedure Rules.

You can ask a question by completing the Public Question Time form attached to this guide at Appendix 1. The form must be delivered in writing or by email to the Chief Executive no later than noon, at least seven clear working days before the date of the meeting. If you send your question by email to DemocraticServices1@hartlepool.gov.uk you must include the name and address of the person asking the question.

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 more than two questions, although a question may consist of a number of parts.

A question should meet 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 Chief Executive, 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 Councillors 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 Leader, Portfolio Holder or 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 6.30 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 01429 284307 or from the Council's website www.hartlepool.gov.uk.

3. EXECUTIVE, COMMITTEES AND SUB COMMITTEES

Meetings of the Council's Executive and other Committees are generally open to the public, unless the meeting is considering confidential or exempt business. These meetings may consider issues of interest to residents, community groups and other local stakeholders.

Different rules apply to public speaking at Planning Committee and Licensing Committee because those meetings deal with regulatory matters and applications where separate procedure rules apply. Anyone wishing to speak at either committee should refer to the relevant guidance below and contact the appropriate service team in advance of the meeting, so that any eligibility requirements, deadlines and speaking arrangements can be confirmed.

PLANNING COMMITTEE

A Guide to Public Speaking at Planning Committee is available on the Council's website. In general, only applicants and registered objectors to planning applications may speak at Planning Committee meetings. For more guidance, contact the Development Control Team at DemocraticServices1@hartlepool.gov.uk or on 01429 523280.

LICENSING COMMITTEE

Licensing Committee considers licensing and other applications in accordance with the Licensing Act 2003 and other matters, such as gambling. Individual licensing applications are dealt with by the Licensing Act Sub-Committee. If you wish to speak at a meeting of the Sub-Committee in relation to an application that affects you, contact the Public Protection Team at licensing@hartlepool.gov.uk or on 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

.....

This question will be put to the Leader / Portfolio Holder / Chair of the Committee which is responsible for the particular function as set out in Part 3 of the Council's Constitution.

Name .....

Address .....

.....

Postcode Contact telephone number

E-mail address .....

Signed ..... Date .....

If under 16 years of age:
Name .....

Address .....

Signature of Parent or Guardian .....

For office use only

Date received Checking in by Accepted Y / N

PW

Accepted

Attended Council Y / N Written response sent

Check by ☐

Rejected

Reasons:

Written response sent Checked by

PROTOCOL FOR REFERRAL OF PUBLIC QUESTIONS TO AN EXECUTIVE 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 Chief Executive may in consultation with the Chair of Council refer the question to Executive for answer.

2. A list of the questions of which notice has been given shall be circulated to Executive Members 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 Portfolio Holder without discussion and the answer may take the form of:-

   (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 Executive.

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 Portfolio Holder 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 Portfolio Holder 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.

PROTOCOL FOR FILMING, RECORDING AND PHOTOGRAPHY AT COUNCIL MEETINGS

1. INTRODUCTION

1.1 This protocol forms part of the Council's Constitution and applies to the filming, recording and photographing of public Council, Executive, committee and sub-committee meetings. Operational contact details and any practical guidance for attendees may be updated by Democratic Services without changing the constitutional status of the protocol.

1.2 Meetings of Full Council are recorded by the Council and published online on the Council's website. These recordings are made to support openness and transparency and to enable members of the public to view proceedings after the meeting. The recording and publication of Full Council meetings is managed by the Council and is separate from any filming, recording or photography undertaken by members of the public, media representatives or other attendees under this protocol.

2. BACKGROUND

2.1 Section 100A(7) of the Local Government Act 1972 allows the Council to permit the taking of photographs of proceedings, the use of facilities which enable people not present to see or hear proceedings at the time or later, and the making of oral reports as proceedings take place. The Council will provide reasonable facilities for reporting its public meetings, subject to arrangements needed to avoid disruption, protect confidential or exempt information, and preserve the good order of the meeting.

3. PROCEDURE

3.1 Prior to a Meeting

Anyone wishing to film, record or photograph proceedings is encouraged to inform Democratic Services before the meeting starts so that practical arrangements can be made. Advance notice is requested to support the orderly conduct of the meeting, but it is not a pre-condition to lawful reporting of a public meeting.

Any audio or visual recording or photography should normally take place from a designated position in the meeting room approved by the Chair. Setting up must be completed before the meeting starts so that the view of Councillors, officers and members of the public is not obstructed. Recording, movement, zooming or panning must not disrupt proceedings or distract from the conduct of the meeting.

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 that filming, recording or photography is taking place. Anyone who does not wish to be filmed, recorded or photographed should make this known to the Chair, who will consider what reasonable steps can be taken to accommodate the objection without preventing lawful and non-disruptive reporting of the public meeting.

The Chair may require filming, recording or photography to stop or be suspended where, in the Chair's opinion, it is disrupting proceedings, prejudicing the good order of the meeting, infringing legal rights, or affecting the consideration of confidential or exempt business.

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 their removal from the meeting room.

- Confidential or exempt information. The Council may exclude the press and public where permitted or required under the Local Government Act 1972, including where confidential information is to be considered or where the relevant legal test for exempt information is met.

- Where continued filming, recording or photography may infringe the legal rights of an individual.

Any decision taken by the Chair on the interpretation of this protocol for the purposes of managing the meeting is final.

3.2 **After the Meeting**

Any member of the public who wishes to comment on the filming or recording of a Council meeting should contact the Democratic Services Team on 01429 284307 or email DemocraticServices1@hartlepool.gov.uk.

4. DATA PROTECTION

4.1 The Data Protection Act 2018 and UK GDPR do not, of themselves, prohibit overt filming, recording or photography at public Council meetings. Those recording or using personal data from a meeting are responsible for ensuring that their own use of that material complies with applicable law.

4.2 If an individual films, records or uses personal data from a Council meeting for a commercial purpose, it is their responsibility to ensure that their use of that

information complies with applicable data protection law, including any registration or fee requirements that may apply.

4.3 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 or clarification, contact the Democratic Services Team using the contact details given above.

GUIDANCE NOTE – POLITICAL BALANCE UNDER EXECUTIVE ARRANGEMENTS

1. BACKGROUND

1.1 The Local Government and Housing Act 1989 places a duty on a relevant authority to review the representation of different political groups on bodies to which the political balance requirements apply. In a Leader and Executive model, those requirements continue to apply to relevant non-executive committees, sub-committees and certain Council-appointed bodies, but they do not apply to the appointment of the Leader, Executive/Executive members, or bodies exercising executive functions under executive arrangements.

1.2 Executive arrangements create a separation between executive decision-making and the scrutiny of those decisions. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 help determine which functions are executive functions and which functions are not the responsibility of the executive. This guidance should therefore be read as applying to the allocation of seats on relevant non-executive committees and bodies only. It should not be read as requiring political balance in the composition of the Executive or other executive decision-making arrangements.

1.3 References in this guidance to “committees” should therefore be read as references to ordinary committees, sub-committees and other relevant bodies to which the political balance regime applies. They do not include Executive or any Executive body exercising executive functions.

2. THE “PRINCIPLES”

2.1 The legislation specifies the principles to be applied when allocating seats on relevant non-executive committees and bodies. These principles apply as far as reasonably practicable and should be applied only to bodies within the political balance regime.

(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 Council’s membership;

(c) Subject to paragraphs (a) and (b) above, the number of seats on the ordinary non-executive committees of the Council which are allocated to each political group should bear the same proportion to the total number of seats on those committees as is borne by the number of Councillors in that group to the membership of the Council; 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 Council.

2.2 The 1989 Act requires decisions to give effect to the above principles, **as far as reasonably practicable**. Schedule 1 to the 1989 Act also makes provision in relation to certain appointments to prescribed bodies where at least three seats fall to be filled by the Council. These provisions should be applied only where the body is within the political balance regime. They do not affect the Leader's responsibility for appointing Executive members or any executive arrangements lawfully made for the discharge of executive functions.

3. POLITICAL GROUPS

3.1 Under the 1989 Act, a political group is treated as being properly constituted when a written notice is delivered to the proper officer, who for this purpose is the Monitoring Officer. The notice must:

- be signed by two or more Councillors of the Council who wish to be treated as a political group; and

- state that the members who have signed it wish to be treated as a political group, confirm the name of the group, and identify one member of the group who is to act as group leader.

3.2 A copy of the notice is appended to this guidance note. The notice may also identify one other Councillor of the group who is authorised to act in place of the group leader when the leader is unable to act. The name of the group, the group leader or the deputy group leader may be changed by a further written notice 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.

3.3 For the avoidance of doubt, a political group will cease to be constituted if the number of members treated as members of that political group falls below two. An Councillor will be treated as a member of a political group if:

- they have signed the notice establishing the group; or

- they have delivered to the proper officer a written notice, signed by them and by the group leader or representative, or by a majority of the members of the group, stating that they wish to join the group. A member will cease to be treated as a member of a political group if they notify the proper officer in writing that they no longer wish to be treated as a member of that group, if they join another political group, or if the proper officer receives a notice signed by a majority of the group stating that the member is no longer to be treated as a member of that political group.

4. REVIEW AND ALLOCATION OF SEATS

4.1 The duty under section 15 of the 1989 Act is to review the representation of different political groups on bodies to which the political balance rules apply. For Council operating executive arrangements, this will usually mean relevant non-executive committees, sub-committees, overview and scrutiny arrangements and certain Council-appointed bodies. A further review may be required where there is a relevant change in the composition of political groups and formal notice has been delivered to the proper officer. The timing of any further review should be checked against the statutory provisions and the 1990 Regulations in the circumstances applying at the time.

4.2 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 Council or Committee may make such appointment to that seat as they think fit.

5. EXCEPTIONS AND EXECUTIVE ARRANGEMENTS

5.1 There are certain bodies and arrangements to which the political balance requirements do not apply, or do not apply in the usual way. In a Leader and Executive system, the main distinction is between executive arrangements and non-executive committees. The following should be noted:

- The Leader and Executive are not subject to the political balance requirements. Executive membership is determined under the executive arrangements, not by the proportionality rules which apply to ordinary committees.

- Overview and scrutiny committees form part of the accountability framework under executive arrangements. They are not part of the executive and should normally be treated as relevant non-executive committees for political balance purposes.

- A Health and Wellbeing Board established under the Health and Social Care Act 2012 is not subject to the political balance requirements under the 1989 Act.

- Appointments to outside bodies should be considered on a case-by-case basis. Political balance will not normally apply where the Council is simply nominating representatives to external organisations, unless the statutory political balance provisions are engaged.

6. CALCULATING PROPORTIONALITY

6.1 The proportionality principles should be applied, as far as reasonably practicable, to the total number of seats on relevant non-executive committees and bodies. They should not be applied to Executive, Executive committees or executive bodies exercising executive functions.

1. There should be no relevant non-executive committee made up of a single political group, unless every member of the Council is in the same political group.

2. Where one political group has a majority on the Council, that group should have a majority on each relevant non-executive committee, so far as reasonably practicable.

3. Across the total number of seats on relevant non-executive committees, seats should be allocated in proportion to the political composition of the Council.

4. Seats on each individual relevant non-executive committee should be allocated in proportion to the political composition of the Council, subject to the preceding principles and to practical rounding.

6.2 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 a Council of 36 Councillors, that group's overall entitlement would broadly be 15 seats in every 36 relevant non-executive committee seats, subject to practical rounding and the need to satisfy the statutory principles as a whole. Councillors who are not members of a political group are not treated as a political group for the purposes of the calculation. Their position should be considered separately when allocating any remaining seats.

6.3 No political group should be over-represented when the principles are applied to the relevant non-executive committees as a whole. Each individual committee should then be made as proportionate as possible, so that, so far as reasonably practicable, the committee structure reflects the political make-up of Full Council. This principle does not constrain the composition of Executive or executive bodies.

6.4 In practice, the calculations will rarely be exact. There may therefore need to be discussion between political groups, particularly where a group is under-represented on one committee and slightly over-represented on another. Informal “Round Table” discussions can assist in reaching a workable allocation, but the final allocation must either comply with the statutory principles as far as reasonably practicable or be approved by Full Council in accordance with the legislation.

6.5 In accordance with the Council Procedure Rules, appointments to relevant non-executive committees will normally be made at the Annual Meeting of Full Council. The appointment of the Chair and Vice Chair positions, including the Ceremonial Mayor and Deputy Ceremonial Mayor are reserved to the Annual Meeting and will take place in accordance with the relevant statutory and constitutional requirements. Appointments to Executive are dealt with separately under the executive arrangements and are not part of the political balance calculation.

Hartlepool
Borough Council

NOTICE OF CONSTITUTION OF A POLITICAL GROUP

Local Government and Housing Act 1989
Local Government (Committees and Political Groups) Regulations 1990
(Regulation 8)

1. Purpose of this Notice

This notice is submitted to inform the Proper Officer that the undersigned Members wish to be treated as a political group for the purposes of sections 9, 15 and 16 of the Local Government and Housing Act 1989.

2. Details of the Political Group

Name of Political Group: ……

Group Leader: ……

Deputy Group Leader (if applicable): ……

Group Secretary: ……

2. Confirmation

By signing this notice, the below-named Members confirm that they wish to be treated as a political group in accordance with the legislation cited above.

Date of delivery to Proper Officer: ……

3. Group Membership

All Members listed below confirm that they are members of the political group named above.

No.	Member Name (print name)	Signature
1	Councillor	
2	Councillor	
3	Councillor	
4	Councillor	
5	Councillor	
6	Councillor	
7	Councillor	
8	Councillor	
9	Councillor	
10	Councillor	
11	Councillor	
12	Councillor	
13	Councillor	
14	Councillor	
15	Councillor	

Guidance (for completion)

- The notice should be signed by the members who wish to be treated as members of the political group, in accordance with the 1990 Regulations.

- Any change to group name, leadership, or membership must be notified using a revised notice.

- The notice takes effect from the date it is delivered to the Proper Officer, unless otherwise required by law.

PETITION PROTOCOL

1. Petitions

1.1 Petitions must have a minimum of 25 valid signatures and be relevant to the functions of the authority. The petition will be presented to the Monitoring Officer, who will refer it to the relevant Director, Executive Member and/or Committee Chair for information.

1.2 Submissions with fewer than 25 valid signatories will not be treated as petitions under this Protocol. They may be referred to the relevant Director, service area or Executive Member to be considered as correspondence, a request for service, a consultation response or a representation, as appropriate.

1.3 Petitions can either be submitted in hard copy to the Monitoring Officer or by email to DemocraticServices1@hartlepool.gov.uk. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions is the same.

1.4 Hard copies should be sent to the address below:

Monitoring Officer
Hartlepool Borough Council
Victoria Road
Hartlepool
TS24 8AY

1.5 E-petitions submitted on external websites can be accepted by the Council. However, petitions hosted on external websites must be submitted by the lead petitioner to the Democratic Services and Statutory Scrutiny Manager before they can be accepted.

1.6 A petition must identify a petition organiser, and the petition organiser and signatures must be from Hartlepool citizens, otherwise they will not count towards the overall signature total. Petition signatories must provide their road and postcode to enable their signatures to be verified.

1.7 A petition will not be accepted if:

- it is vexatious or abusive;
- it relates to any enactment or statutory provision;
- it relates to a safeguarding matter;
- it does not contain the road and postcode of signatories;
- it relates to a named individual or could reveal the identity of a person;
- it does not relate to the functions of the council;
- it is not clear what it is asking the council to do;
- it deals with an issue that has previously been resolved;
- it is repetitive or requires action which is unlawful or for which another Council procedure is available.

1.8 The Monitoring Officer will make a ruling on whether to accept a petition, taking into consideration grounds for rejection as laid out above.

1.9 Where a petition is rejected, the Monitoring Officer, or their representative, will write to the lead petitioner and explain the reasons for rejection.

1.10 Petitions relating to planning or licensing applications, appeals or reviews will be treated as letters of representation and will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. For petitions falling within these categories, the reporting procedures below will not apply.

1.11 Petitions which have been submitted in response to a consultation process initiated by a specific committee should be reported back to that committee.

1.12 Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.

2. **Petitions will be reported as follows:**

Signatories	Action

25 - 1000	Writing to the petition organiser within 20 working days of the petition being received by the Monitoring Officer, setting out the Council's response to the request in the petition. The response may be from the relevant Executive Member or Director.
	
	Action could include:
	• Take the action requested in the petition: or
	• Take no action;
	• Undertaking research into the matter; or
	  • holding a consultation; or
	  • holding a meeting with the petitioners; or
	  • referring the petition to other partner organisations; or
	• Considering the petition at a meeting of Executive.

1 or more	Petition reported to Executive. The petition organiser will be given 5 minutes to present the petition, and they should have provided the full text of their presentation by 12 noon on the Monday before the meeting. If the organiser (or their representative) of a petition is unwilling or unable to present the petition, then it will not trigger a debate at the Executive meeting. After debate, Executive will decide to either: • Take the action requested in the petition; or • Take no action; or • Instruct a Director to prepare a report for a future meeting of Executive on the issue(s) raised, with a recommended course of action; or • Refer the petition to another relevant Committee or Full Council for further consideration. If the petition is referred to a relevant committee or Full Council, the petition organiser may submit written representations in advance of the meeting by 12 noon seven clear working days before the meeting. If the organiser (or their representative) of a petition is unwilling or unable to present the petition, then it will not trigger a debate at a relevant Committee or Council.

EXECUTIVE SCRUTINY PROTOCOL

1. Introduction

1.1 Scrutiny must be located at the strategic heart of the authority and is a key element of the decision-making process acting as a 'critical friend'.

1.2 This Protocol applies to all members of Scrutiny Committees, any Member who may sit on a Scrutiny Committee and all Members of the Executive.

2. Trust

2.1 All Elected Members should promote an atmosphere of openness at scrutiny committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust.

2.2 Scrutiny Members need to trust that Executive Members are being open and honest.

2.3 Executive Members need to trust Scrutiny Members with information and to trust in their views.

3. Policy Development and Pre-Decision Scrutiny

3.1 The importance of early input from Scrutiny into policy development is recognised. Scrutiny can act as a sounding board and a think tank in investigating issues coming up on the horizon, bringing in added value. Executive Members and Officers should draw to the attention of the relevant scrutiny committee any key policy that is being developed or is due for review to ensure timely input.

3.2 All policy development will be carried out in an informal setting with a report submitted to the relevant Scrutiny Committee for consideration. The Executive and relevant Director will consider the views of scrutiny members in the development of the policy and provide a response to the recommendations of scrutiny within 28 days or earlier should the report of the Executive require publication. The detail of the scrutiny involvement shall also be included within the body of the Executive report. The Executive/Full Council will continue to be responsible for approving and adopting policy.

3.3 Executive Members may wish to request views from Scrutiny Members on a decision before it is taken. The Executive Member will be responsible for circulating the details to the relevant Committee Members, through the Scrutiny Manager. Utilising this as an option does not exclude the decision from being subject to call-in, however, it will give the Executive Member the ability to

consider different views and perspectives of a decision to be taken before it is taken.

4. Holding the Executive to Account

4.1 A key role of scrutiny is in holding the Executive to account for decisions taken and performance of services. In holding the Executive to account Scrutiny Members will:

- Consider decisions taken by the Executive, individually and collectively and items on the Forward Plan through formal Scrutiny Committee meetings;
- Review service performance and performance against policy and targets;
- Be prepared to ask searching questions that provide a constructive challenge;
- Be positive and respectful in their interactions with Executive Members;
- Represent the voice of the public;
- Listen to the responses provided and to assist the Executive in identifying areas for further consideration and improvement.

4.2 In return, Executive Members will:

- Be willing to be open, honest and engaged in providing a response to constructive challenge;
- Value the importance of scrutiny;
- Be supportive of the scrutiny process and invite and seek opinion from Scrutiny Members on decisions to be taken, where appropriate;
- Provide a positive contribution to scrutiny meetings;
- Attend meetings when invited to do so to answer questions and present information:
- By way of a direct answer
- By reference to published publications
- By referring a matter to an officer in attendance, if they are not able to respond
- If an answer cannot immediately be given, by providing a written answer within five working days unless it is not reasonable to do so. If considered unreasonable, an explanation as to why will be given.
- A combination of the above four options.

5. Scrutiny Work planning

5.1 At the start of each Municipal Year, the Scrutiny Committees will hold a work planning workshop. As part of this workshop the views of the relevant Executive Member(s) will be inputted. The advice of the Executive Member(s) will be sought regarding the priorities of the Council, areas of planned policy development and they will be asked to highlight any areas of conflict and instances where scrutiny may be invited to assist in work.

5.2 The Scrutiny Leadership Board will meet regularly with representatives of the Executive in order to ensure ongoing Executive input into workplans, liaison between Scrutiny Leaders and the Executive over Council priorities and targets

and performance and to continue to build on the positive working relationship between the two functions.

5.3 Informal meetings will be held between the Leader, Chairs/Vice Chairs of Scrutiny Committees and relevant Executive Members to discuss upcoming issues, consider items for scrutiny and to ensure engagement and communication of ongoing work from both the Executive and Scrutiny.

6. Scrutiny Recommendations to the Executive

6.1 Scrutiny Committees may make recommendations to the Executive on functions the Council is responsible for through a formal committee meeting or by way of a Scrutiny Panel Review Final Report.

6.2 Upon receipt of a recommendation from Scrutiny, Executive Members will:

- Give due consideration to any recommendations or views expressed;
- Provide an explanation for the reasons why recommendations made by scrutiny have not been pursued.

6.3 Once approved by the relevant Scrutiny Committee, the views of the Executive Member on any recommendations will be sought within 10 working days and included within the report. The Chair of the Scrutiny Review will have the opportunity to meet with the relevant Executive Member(s) to discuss the recommendations and the response to those recommendations. The Final Report will then be submitted to the Executive for consideration. Should any of the recommendations not be approved or be only partially supported, the Executive will provide details of the reason why. Following approval of recommendations, the relevant Scrutiny Committee will monitor the implementation and impact of the recommendations.

7. Call-in

7.1 Executive Members will be expected to attend any meetings of Scrutiny Committees at which a call-in request in relation to their area of responsibility is being considered. If the relevant Executive Member cannot attend the Leader or a Deputy Leader should attend in their absence. The purpose of their attendance will be to answer questions of fact not to present the item. The following procedure will take place where call-ins are being considered:

1. The Member who called in the decision will speak first.
2. The Chair will invite the Executive Member (decision maker) to respond.
3. The Committee will then ask questions of the decision maker, who may ask a relevant officer to supply further information if necessary.
4. The Committee debates the issue and votes on the outcome.

8. Scrutiny Consideration of Confidential Decisions

8.1 Scrutiny Committee Members have a right to access exempt information pertaining to decisions that have been taken in order to allow effective scrutiny. Should a Scrutiny Member wish to ask questions around an exempt decision at a public Committee meeting, the press and public will be excluded as per the Council's Constitution and the Executive Member will be expected to answer in an open and transparent manner. The exempt information will remain confidential and all elected members and officers who receive that information shall maintain that confidentiality in line with the codes of conduct for Elected Members and Officers.

9. Ensuring Compliance with the Protocol

9.1 The Scrutiny Manager (in their role as Statutory Scrutiny Officer) and the Monitoring Officer will be responsible for overseeing compliance with the Executive/Scrutiny Protocol which should be used by Members to support the wider aim of supporting and promoting a culture of scrutiny. The success of the protocol will be determined by:

- Recognition of the value of scrutiny;
- A clear record of constructive challenge;
- Valuable scrutiny reviews that achieve outcomes;
- An open and accountable decision making process.

9.2 An Annual Report will be submitted to Full Council each year with the aim of demonstrating the impact of Scrutiny and effectiveness of the Protocol.

ELECTED MEMBERS' ALLOWANCES SCHEME

General Guidance

1. Introduction

1.1 Elected Members are entitled to claim certain allowances for the time they spend carrying out Council duties. They may also claim travel and subsistence costs where this scheme allows. The Council may pay these allowances under the Local Authorities (Members' Allowances) Regulations 2003. The scheme runs from 1 April to 31 March each year. When setting allowances, the Council must take account of the recommendations made by the Independent Remuneration Panel.

1.2 The Independent Remuneration Panel has been established by the Council under the Local Government Act 2000 and applicable regulations. The Panel is selected by the Council's Staffing and General Purposes Committee and approved by Full Council.

1.3 The Panel's role is to make recommendations to Council on a range of issues.

The Panel is responsible for:

- To recommend the level of basic allowance payable to all Elected Members of the Council to cover their normal duties as an Elected Member.

- To consider whether a Dependant Carer's allowance should be payable to relevant Elected Members and if so at what level.

- To recommend an appropriate special responsibility allowance for each Elected Member who carries out 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 Panel.

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 Members' 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:

In summary, Basic and Special Responsibility Allowances are paid automatically. All other claims must be made using the relevant claim form and submitted with any required receipts or supporting evidence.

- Claims for expenses should be made regularly. Claims for travel or subsistence allowances should cover no more than one month, except that the final claim in any financial year must be 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 Section 151 Officer that they wish to give up all or part of their entitlement to an allowance under this scheme.

3. Co-opted Members

3.1 Co-opted members of the Council 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 there is a dispute about a specific claim, it should be referred to the Electoral and Members' Services Manager. That officer can advise Elected Members on how the scheme operates and, as the officer responsible for its day-to-day operation, can decide the matter.

4.3 If an Elected Member continues to be unhappy with a specific claim, the Section 151 Officer 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 Council, including meetings of the Executive and other Committees of the Council, and all other duties undertaken on behalf of the Council;
- 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; and
- 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 Elected Members who undertake specified additional duties as part of their role as an Elected Member. 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 / Partnerships, Finance & Transformation Portfolio	**Special Responsibility allowances suspended**
Policy, Assets & Delivery Portfolio	
Children, Education & Skills Portfolio	
Adult Social Care, Public Health & Communications Portfolio	
Homes, Neighbourhoods & Community Safety Portfolio	
Prosperity, Investment & Tourism Portfolio	
Infrastructure, Rural & Sustainability Portfolio	
Chair of Planning Committee	
Chair of Corporate Scrutiny Committee	
Chair of People Scrutiny Committee	
Chair of Place Scrutiny Committee	
Chair of Audit Committee	
Chair of Staffing and General Purposed Committee	
Chair of Licensing Committee	
*Group Leader	

*this SRA is allocated in proportion with number of Elected Members in each political group.

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 Independent Remuneration Panel's recommendation that a Dependant Carers' Allowance should be paid in specific circumstances.

8.2 The allowance is only payable where an Elected Member necessarily incurs costs to arrange care for their children or dependants while carrying out one of the approved duties listed below:

a) Attending a meeting of the Council; the Executive or a Committee or Sub-Committee of the Council;

b) A meeting of anybody to which the Council 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 Council, the Executive or a Committee or Sub-committee of the Council or a Joint Committee of the Council, or Sub-Committee and to which representatives of more than one political group have been invited (or where the Council is not divided into political groups two or more Elected Members have been invited);

d) Attending a meeting of a Local Government Association;

e) The performance of any duties undertaken on behalf of the Council in connection with the discharge of any function of the Council 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 Council in connection with arrangements made by the Council 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); and

g) The carrying out of any other duty approved by the Council, for the purposes of, or in connection with the discharge of the functions of the Council, the Executive 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, will be the national minimum wage;
- 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 is limited to two claims per week, with each claim lasting no more than seven hours. Exceptions may be made in special circumstances, to be decided by the Chief Executive in consultation with the Section 151 Officer.
- 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; and
- 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 is subject to tax and National Insurance, based on advice from HM Revenue and Customs.

9. Travel and Subsistence Allowance

9.1 The Council does not pay travel allowance for journeys within the Borough. Travel allowance may be claimed for the whole journey where the destination is outside the Borough and the Elected Member is representing the Council, including attendance at approved conferences and duties listed in paragraph 8.2(a) to (g).

9.2 The Council 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 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 APPROVED CONFERENCE	The appropriate mileage rate 45.0p or the equivalent of 2nd class rail fare* per official passenger – whichever is the cheaper. *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; • The vehicle should be hired via Neighbourhoods and Regulatory Services Department; • Receipts are required for any claims.

MODE OF TRANSPORT	RATES	CONDITIONS FOR USE
TRAIN COACH PLANE FERRY	Elected Members are entitled to travel Standard, Second or Economy Class. Where an Elected Member is eligible for a Railcard, the Members' Services Team will purchase it for them 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; • In cases of extreme emergency; • Early morning/late evening journeys to and from the main-line rail station (Darlington); • In the event of illness or where the Elected Member has a long-term medical problem.
OTHER(s) 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 More than 4 hours away from normal place of residence before 11am	£7.21
Lunch Allowance More than 4 hours away from normal place of residence including the period 12 noon to 2pm	£9.94
Tea Allowance More than 4 hours away from normal place of residence including the period 3pm and 6pm	£3.91
Evening Meal Allowance 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

11.1 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 Elected Members (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

14.1 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

15.1 All allowances will be withheld where an Elected Member:

- ceases to be a Member of the Council;

- is otherwise unable (except for cases of illness as notified to the Council) to discharge the duties of an Elected Member; and the Chief Executive, in consultation with the Section 151 Officer is of the opinion that the withholding of an allowance is reasonable;

- In the event of withholding an allowance, the Chief Executive must report the decision and the reasons for it to the next available ordinary meeting of Council. The affected Member may request a review by the Council's Audit Committee within 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 Elected Members 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 Members should include receipts for travel and subsistence allowance claims for approved conferences. This is not obligatory*, however it is in Elected Members 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

17.1 No subsistence and travel expenses will be paid where a Member temporarily or permanently works or lives outside the boundaries of Hartlepool.

18. Local Government Pension Scheme (LGPS)

18.1 Elected Members are eligible to join the LGPS if they are under the age of 75. Further information is available at www.lgpsmember.org. Any queries should be directed to the Payroll Manager.

18.2 If an Elected Members wishes to join the LGPS, they must opt in by writing to the Payroll Manager.

ELECTED MEMBERS AND OFFICERS SERVING ON OUTSIDE ORGANISATIONS AND OTHER BODIES

1. Introduction

1.1 This guide gives a general overview of the issues which affect Elected Members and Officers who are appointed, nominated or otherwise asked to serve on outside organisations and other bodies. It should be read alongside the schedules below, which list the Council's current outside body appointments. The Council's Monitoring Officer will be able to provide further advice on any of the issues raised.

1.2 For the purposes of this guidance, an outside organisation or other body is any organisation, partnership, board, committee, trust, charity, company, forum or similar arrangement which is not part of the Council itself but on which the Council may appoint, nominate or request an Elected Members or Officer to serve. The appointment may be to represent the Council's interests, contribute to partnership working, fulfil a statutory or constitutional requirement, or maintain links with the wider community. The Council's current outside bodies are listed in the schedules below and are grouped by category.

1.3 The schedules below should be read alongside this guidance. They identify the currently recognised outside organisations and other bodies for 2026/27, show the category into which each body has been placed, and record the relevant Elected Member or Officer nominations. The list may change during the municipal year as appointments are reviewed, vacancies arise, bodies change their terms of reference, or new partnership arrangements are created.

1.4 Elected Members are appointed by the Council to a range of outside bodies. In addition, an Elected Member may be appointed directly by the outside body itself, may serve in a private capacity, or may already be a member of that body before being elected to the Council. The capacity in which the person serves is important because it can affect duties, conflicts of interest, indemnity arrangements and the extent to which the person may properly be regarded as representing the Council.

1.5 The roles of Elected Member 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.

1.6 When participating in an outside body, Elected Members and Officers may take account of the Council's views, but they must ultimately exercise their own judgement in accordance with the duties they owe to that outside body and the capacity in which they have been appointed. They should understand the body's legal status, constitution and decision-making framework, take an active and informed role, attend meetings regularly, and carry out their duties to the best of their abilities. They must also comply, so far as applicable, with the Council's Code of Conduct and any other relevant codes, protocols or requirements of the outside body.

1.7 Elected Members should be aware that membership of an outside body may need to be registered and disclosed in their dealings with the Council. Where a conflict of interest arises, it is likely that Council Procedure Rule 20 and the Elected Members' Code of Conduct will require the Member to withdraw from consideration of any matter affecting the outside body. Elected Members should bear this in mind before accepting a nomination. In the case of Officers, arrangements should be made for the matter to be referred to another officer whenever a conflict of interest arises.

1.8 Before accepting any appointment or nomination, Elected Members and Officers should satisfy themselves that they understand the nature of the body, the capacity in which they are being asked to serve, the expected time commitment, any decision-making or voting rights, the body's insurance and indemnity arrangements, and any potential conflict with their Council role.

1.9 The most common types of outside body in which Elected Members or Officers may become involved are considered below. These include limited liability companies, charities and unincorporated associations. The schedules later in this document also include joint committees, leadership bodies and partnerships, advisory bodies, community bodies and other decision-making bodies.

Indemnities and Insurance

1.10 The primary responsibility for providing proper indemnities and insurance cover for Elected Members and Officers when acting for an outside body lies with that body. The Council may provide a form of indemnity for its appointees or nominees, but that protection should not be assumed and will depend on the circumstances of the appointment and the terms of any applicable Council indemnity.

1.11 An indemnity will only be provided by the Council to Officers or Elected Members where the appointment or nomination falls within the scope of the Council's indemnity arrangements. Where an Elected Member or Officer is serving because the outside body has appointed them directly, or because they were already serving on the body before becoming an Elected Members or Officer of the Council, Council indemnity would apply only where they were acting at the request of, or with the approval of, the Council.

2. Companies

2.1 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.

2.2 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.

2.3 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.

2.4 In general, Elected Members and Officers should avoid taking executive or managerial responsibility for the company's activities because the duties of executive or Chief Executives 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.

2.5 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.

2.6 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. An Elected Member or Officer cannot waive their statutory responsibilities as a director; hence they may have to cease to act as am 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.

2.7 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.

2.8 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

2.9 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.

2.10 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

3.1 Many outside bodies with which Elected Members or Officers will be involved will be charities. A charity is not a separate legal form in itself; it is a legal status. A charity may, for example, be an unincorporated association, a company limited by guarantee or a charitable incorporated organisation.

3.2 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.

3.3 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.

3.4 **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.

3.5 **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.

3.6 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.

3.7 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

4.1 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.

4.2 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.

4.3 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.

4.4 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

4.5 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

4.6 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.

4.7 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.

4.8 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 Members 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 Members 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 an Elected Member attends a meeting of Full Council, Executive or a committee 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 an Elected Member attends a meeting of Full Council, Executive or a committee, 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, Executive or committee 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 Elected Members 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.

APPOINTMENTS TO OUTSIDE ORGANISATIONS AND OTHER BODIES

1. Introduction and explanation

The attached schedules show the currently recognised outside organisations and other bodies, grouped into the following categories:

(i) Joint Committees
(ii) Leadership Bodies and Partnerships
(iii) Advisory
(iv) Council in the Community
(v) Other Decision Making Bodies

The inclusion of a body in the schedules does not, of itself, determine the legal duties owed by the person appointed. Those duties will depend on the body's legal status, its own governing documents, the terms of the appointment and whether the person is acting as a Council representative, company director, charity trustee, management committee member, observer or in another capacity.

The Council may make Officer nominations where appropriate for most bodies. The main exception is a formal joint committee where Elected Members attendance is required by statute or by the relevant constitutional arrangements. In some cases it may also be possible and appropriate to nominate a person who is not an Elected Member or Officer of the Council, depending on the body's own rules and the purpose of the appointment.

These categories are intended to help identify the nature of the Council's involvement with each body. They do not override the legal status, constitution or terms of reference of the outside body itself, and they should not be treated as a substitute for checking the body's governing documents where duties, voting rights, indemnity or conflicts of interest are relevant.

(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 nominated Elected Member is to represent local constituency interests, whether at ward or borough level, and to maintain a link between the body and the Council.

(v) Other decision-making bodies

These are decision-making bodies other than formal joint committees. Appointees should check the body's constitution, terms of reference or governing documents to understand whether they have voting rights, fiduciary duties, trustee responsibilities or any other legal obligations arising from the appointment.

(i) JOINT COMMITTEES

Organisation	Role and Remit	2026/27 Memberships
Archives Joint Committee	A joint service of the four former Cleveland County Boroughs to preserve archives relating to the area and make them available for consultation.	Cllr Stevenson (R) Designated Sub: Cllr Napper (R)
Cleveland Emergency Planning Joint Committee	Oversees emergency planning arrangements across Cleveland authorities. Supports discharge of emergency planning duties through joint arrangements.	Portfolio Holder for Homes, Neighbourhoods & Community Safety Designated Sub: Cllr Buglass
Cleveland Police and Crime Panel (Statutory Guidance applies) Politically balanced across Cleveland area – 1 Labour, 1 Reform – Subs also to be politically balanced	The Police Reform and Social Responsibility Act, 2011, provides for the specific function of scrutinising the actions and decisions of the Police and Crime Commissioner for the police area.	(1) Cllr Dunbar (L) Sub: Cllr Jorgeson (L) (2) Cllr Darby (R) Sub: Cllr Hughes (R)
North Eastern Inshore Fisheries and Conservation Authority	To manage, regulate, develop and protect the fisheries within the area with a view to ensuring the sustainability of the marine environment.	Cllr Buglass (R)
Northumbria Regional Flood and Coastal Committee	Oversees flood and coastal risk management and is part of the statutory flood and coastal risk management framework.	Cllr Little (I)
Tees Valley Joint Health Scrutiny Committee (2026/27 Middlesbrough BC to Chair)	To share information on planned health scrutiny work and the outcomes of local reviews, coordinate scrutiny of regional and specialist health services, and undertake reviews of services or health issues affecting local residents.	(1) Chair of the People Scrutiny Committee (2) Anderson* (R) (3) Vacancy* (R) *will be representatives from the People Scrutiny Committee
Regional Health Scrutiny Joint Committee (now North East Joint Health Scrutiny Committee) (South Tyneside Chair)	Established in accordance with section 244 and 245 of the National Health Service Act 2006 (“NHS Act 2006”) to scrutinise issues around the planning, provision and operation of health services in and across the North-East region.	Chair of the People Scrutiny Committee

Organisation	Role and Remit	2026/27 Memberships
Patrol (Parking and Traffic Regulations Outside London) Adjudication Joint Committee	This is a statutory requirement for all councils undertaking civil enforcement or bus land enforcement to make provision for independent adjudication and this is delivered through the Traffic Penalty Tribunal	Cllr Napper (R)
North East Regional Joint Scrutiny Members Officers Network *Member of the People Scrutiny Committee	To consider, discuss and exchange information on national and regional issues affecting local authorities/combined authorities in the North East region. To work with the Centre for Governance and Scrutiny to share information on national policy developments.	*Cllr Anderson (R) * will be representative from the People Scrutiny Committee

ii) LEADERSHIP BODIES & PARTNERSHIPS

Organisation	Role and Remit	2026/27 Membership Nominations
Association of North East Councils 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	Works to promote and represent the region's interests on issues such as funding, health, environment, community safety, housing, tourism and economic development.	Leader of the Council Chief Executive (Advisory capacity)
NEPO Collaborative Procurement Committee	Co-ordinate local authority purchasing to effect public expenditure savings and facilitate the making of contracts for supply of agreed items.	Portfolio Holder for Partnerships, Finance & Transformation Sub – Cllr Young
North East Culture Partnership Board	To work with local authorities, arts and cultural organisation, businesses and educational organisations, sport and tourism, to harness the power of culture to promote health and wellbeing and a successful economy.	Cllr Roy (I) Sub - TBC
Durham Heritage Coast Partnership Steering Group	A forum for local authorities, stakeholders to act jointly to conserve, protect and enhance the natural beauty of our coast, including the terrestrial, littoral and marine flora and fauna, geological interest, and our heritage features of architectural, historical and archaeological interest.	Cllr Gaiety (R)
Hartlepool and District Sports Council (Organisation request - 1 Majority party, 1 Opposition, 1 Independent)	Provision of support for the deaf, deafened and hard of hearing. Supports sport, leisure and community participation.	(1) Cllr Storey (R) (2) Cllr Jorgeson (L) (3) Cllr Roy (I)
Hartlepool Board	To lead on the Pride in Place programme and bring together community representatives, businesses, strategic partners work collaboratively to drive growth by improving the physical and social infrastructure of the local community and deliver tangible improvements.	Leader of Hartlepool Borough Council Portfolio holder for Homes, Neighbourhoods & Community Safety Councillor Roy (I) (Councillor from Non-

Organisation	Role and Remit	2026/27 Membership Nominations
		majority Group of Hartlepool Borough Council) Chief Executive
Hartlepool Power Station **(i) Community Liaison Committee** **(ii) Emergency Planning Committee**	To act as a means of liaison with local organisations and members of the local community. To oversee emergency planning arrangements.	Cllr Napper (R) Cllr Wiley (R) Asst Director, Housing & Community Chief Emergency Planning Officer
Hartlepool Town Deal Board	Leads the development and delivery of the Town Investment Plan, helping to secure government funding. The plan focuses on Hartlepool's strengths, opportunities, and challenges.	Deputy Leader of the Council Chief Executive
Tees Valley Leaders and Elected Mayor's Group	A strategic cross-authority leadership forum to discuss common issues. Group also feeds into Regional leaders and Chief Executive's meetings.	Leader of the Council (Sub - Deputy Leader) Chief Executive
Tees Valley Leaders & Chief Executive's Meeting	A strategic forum for Tees Valley councils, related to Tees Valley Unlimited and feeds into discussions at TVU.	Leader of the Council (Sub - Deputy Leader) Chief Executive
Local Government Association	Represents and supports local authorities, promotes effective and democratic local government, provides services and information, and enables councils to work together and influence policy.	Leader of the Council Deputy Leader
Local Government Association Coastal Special Interest Group	To represent the interests of coastal, estuarine and maritime communities by increasing awareness and debate on environmental, economic and social issues at all levels in relation to the coast.	Cllr Gaiety (R)
North East Migration Partnership Member Forum	To provide a forum for organisations involved in asylum, refugee and migration issues to share information, discuss policy and service changes, support partnership working, identify emerging priorities, monitor progress, and contribute to regional and national discussions on asylum and migration matters.	Portfolio Holder for Homes, Neighbourhoods & Community Safety

Organisation	Role and Remit	2026/27 Membership Nominations
North Tees and Hartlepool NHS Foundation Trust	The overall aim is working to enhance services and continue to improve the care provided for the population served.	Cllr Roy (I)
Northern Housing Consortium *(formerly Northern Consortium of Housing Authorities)* *(*Can be any Member – does not have to be designated Chair / VC)*	The consortium supports housing organisations across the North by providing services, promoting collaboration and good practice, influencing housing policy, advocating for investment, and representing members' interests at regional and national levels.	1) Portfolio Holder for Homes, Neighbourhoods & Community Safety 2) Portfolio holder for Partnerships, Finance & Transformation
Safer Hartlepool Partnership *Chair appointed by SHP.*	The partnership works to reduce crime, substance misuse and reoffending, while supporting the development of safer, stronger and more cohesive communities.	1) Portfolio Holder for Homes, Neighbourhoods & Community Safety 2) *had been Chair of Housing, Growth and Communities Committee
Tees Esk and Wear Valley NHS Trust	Holds the Trust Board to account and represents members' interests.	Cllr Roy (I)

Tees Valley Combined Authority	**Tees Valley Combined Authority Board**	Drives economic growth, regeneration and transport improvements across the Tees Valley through regional investment, strategy and partnership working.	Leader of the Council Sub – Cllr Gaiety
	Transport Committee	Provides strategic oversight of transport planning, infrastructure investment and funding across the Tees Valley, supporting collaboration between constituent authorities and regional transport partners.	Portfolio Holder for Homes, Neighbourhoods & Community Safety Sub – Cllr Buglass (R)
	Audit and Governance Committee *Politically balanced across Tees Valley Area **– 1 (L)**	Provides independent oversight of governance, risk management, internal audit, fraud prevention and standards of conduct, ensuring accountability and ethical behaviour across the TVCA.	Cllr B Harrison (L) Sub – Cllr Dunbar *Member of HBC Audit Committee

Tees Valley Combined Authority	**Overview and Scrutiny Committee** * Politically balanced across Tees Valley Area – **1 (L), 2 (R)** *Not to include the TVCA Audit and Governance or Transport Committee Members.*	Reviews the TVCA's strategic priorities and major decisions to ensure they align with agreed policies and objectives.	*Cllr Nelson (L) *Sub – Cllr Scarborough (L) *Cllr Anderson (R) *Sub – Cllr Hughes (R) *Cllr Storey (R) *Sub Cllr Gaiety (R)
	Independent Remuneration Panel	An independent body that reviews and makes recommendations on allowances payable to the Tees Valley Mayor and, where applicable, other TVCA members. Its purpose is to ensure that remuneration is set transparently, objectively and in accordance with relevant legislation.	Martin Slimings (Independent Member)
	Education, Employment and Skills Partnership Board	To make sure individuals, employers and policy makers in the Tees Valley have access to labour market.	Cllr Wiley (R) Sub – Cllr Stevenson (R)
	Investment Committee *Members may not be a Member or Substitute Member of the Combined Authority's Cabinet*	Supports the effective appraisal, management and oversight of the TVCA's investment programme, ensuring funding decisions deliver strategic priorities, economic growth, job creation and increased productivity across the Tees Valley.	Cllr Young (R) Cllr G Harrison (R)
Royal Navy Museums Charitable Trust *Board Members are both company directors and trustees		The NMRN promotes and preserves naval heritage, raising awareness of the Royal Navy's history and impact while providing engaging learning experiences and visitor attractions.	*Cllr Cowie (R) *Director of Housing, Growth and Communities
The Northern Studios (Hartlepool) Limited		A strategic partnership with The Northern Studios, supporting the development of the film and	Director of Housing, Growth and Communities*

*Board Member is Company Director	television industry in Hartlepool and the wider Tees Valley.	
North East and North Cumbria Integrated Care Board (ICB) (Term of office 2025-2027)	The Integrated Care System aims to improve health outcomes, reduce inequalities, deliver value for money, and support wider social and economic development.	No appointment required – appointed by ANEC
North East and North Cumbria Integrated Care Partnership	Working with the NHS, local authorities and the voluntary sector to improve health and wellbeing through collaboration, innovation and a shared vision for health and care services.	Portfolio Holder for Adult Social Care, Public Health & Communications Director of Public Health
Hartlepool Mayoral Development Corporation (Mayoral Appointment)	Works to drive growth and regeneration in Hartlepool and the wider Tees Valley by supporting investment, business growth, sustainability, connectivity, heritage, the screen industries, and community engagement.	Board Member – Leader of the Council (Mayoral Appointment) Matt Wilton (Associate Member/Non-voting)
Tees Port Welfare Committee	Port Welfare Committees coordinate and promote welfare services for seafarers, bringing together key maritime partners to support the wellbeing of the maritime community.	Cllr Buglass (R)
Domestic Abuse Strategic Partnership	Provides a collaborative, victim-centred approach to tackling domestic abuse, ensuring effective safeguarding, support for diverse needs, focus on perpetrators, and partnership-working to improve awareness and outcomes.	Cllr Little (I)

(iii) ADVISORY

Organisation	**Role and Remit**	**2026/27 Memberships**
Local Joint Consultative Committee ***Politically balanced*** ***Cannot be Members of the Finance and Corporate Affairs Committee or Appeals Committee** *(Part 2 pg. 18 of Constitution)* ** Dependent on subject matter to be considered	A consultation forum with recognised trade unions to provide an appropriate forum for raising issues affecting the employment and welfare of employees of the Council	Cllr Anderson (R) Cllr Cowie (R) (Chair) Cllr Dunbar (L) Cllr Holbrook (L) S Williams (Union rep – HJTUC / UNISON) M Boddy (Union rep - UNISON) **Vacancy** (Union rep - UNITE) Anthony Kelly (Union rep - UNISON) Chief Executive Director of Legal, Governance and Human Resources A N Other Officer** A N Other Officer** Plus: Leader of the Council Deputy Leader of the Council Cllr Scarborough (Leader of largest opposition group (non-voting))
Schools Admission Forum	A statutory local body charged with co-ordinating the effectiveness and equity of local admission arrangements with a statutory right of objection to these. It consists of representatives of admission authorities, dioceses, the local community, parent governors and academies.	Portfolio Holder for Children, Education & Skills Cllr Wiley (R) Cllr G Harrison (R)

(iv) COUNCIL IN THE COMMUNITY

Organisation	Role and Remit	2026/27 Memberships
Age UK Teesside	Supports older people across Hartlepool and the wider Tees Valley through advice, wellbeing, and support services.	Cllr Stevenson (R)
Cleveland Fire Authority Politically balanced – HBC proportionality **Executive**	To provide a high-performing, adaptable service that prevents fires and other risks while supporting safer, stronger communities.	Cllr Wallace (L) Cllr Smith (I) Cllr Wiley (R) Cllr Wiley (Fire Authority appoint to Executive)
Teesside International Airport Board	Provides strategic oversight and governance of Teesside International Airport, supporting its commercial development, financial sustainability, connectivity, and economic contribution to Hartlepool, the Tees Valley and the wider region.	Cllr Roy (I)
Teesside International Airport Consultative Committee	Provides a forum for local communities to raise issues, offer advice and suggestions to the Airport, and promote public awareness of its activities and achievements.	Cllr Gaiety (R)
Fairtrade Town Steering Group	Promotes Fairtrade by supporting the use and availability of Fairtrade products, raising public awareness, and maintaining the town's Fairtrade status through a local steering group.	Cllr Bailey-Fleet (I)
Fostering Panel (3 year term ends 2029)	To provide recommendations on the approval of potential foster carers and the placement of children in the care system.	Cllr B Harrison (L) (3 year term ends 2029)
Adoption Tees Valley Board year term - 2025 to 2028)	To provide recommendations on the approval of adoptive parents and the placement of children in the care system.	Cllr B Harrison
Hartlepool Financial Inclusion Panel	To support and promote Fairtrade products, awareness and the town's Fairtrade status.	Cllr Stevenson

Organisation	**Role and Remit**	**2026/27 Memberships**
Hartlepool War Memorial and Crosby Homes (4 year term of office – 2026 to 2030)	The provision of housing accommodation for beneficiaries and such charitable for the benefit of the residents as the trustees decide.	Ex-officio Chair of Council *Cllr Cowie (R) *4 year term of office – 2026 to 2030
Henry Smith Educational Charity *Nominated trustees – Term of office 1 year* *One member to be Portfolio Holder for Children, Education & Skills (last year had just been a member of the Children's Committee)*	The Non-Educational Charity provides and assists in the provision of facilities in the interests of social welfare, for recreation or other leisure time occupation of individuals who are resident in the area of benefit.	Cllr Nelson (L) Cllr Jorgeson (L) Cllr Napper (R)
Preston Simpson Scholarship in Music (Term of Office 2025 - 2029)	The Preston Simpson Scholarship aims to assist persons between the age of 15 - 25 by the provision of grants towards the cost of instruments, music, lessons, etc.	Cllr B Harrison (L) Cllr Gaiety (R) Mr Chris Simmons
River Tees Port Health Authority (HBC – Chaired in 2025/26)	The Authority has a statutory responsibility to enforce environmental health legislation to shipping related activity on the River Tees, within the area defined in the River Tees Port Health Authority Order, 1982.	Cllr Buglass (R) Cllr Napper (R)
Teesmouth Field Centre	Promotes the study and appreciation of Teesmouth, encourages understanding and conservation of the natural environment, and provides a forum for sharing information and ideas	Cllr Little (I) Scott Parkes (Assistant Director (Neighbourhood Services))
Victoria and Jubilee Homes *(Term of Office ran out May 2026 -* *New Term of Office 2026-2030)*	Almshouses founded in 1901 - for elderly needs persons who have lived in Hartlepool for a minimum of 25 years.	Cllr Cowie (R) Cllr Stevenson (R) Cllr Buglass (R) Cllr Napper (R)
Champions		
Armed Forces Champion		Cllr Cowie (R)
Veterans Champion		Mr Paul Hodgson (nomination from Armed Forces Liaison Group)

Organisation	**Role and Remit**	**2026/27 Memberships**
Heritage Champion* ***Member of Planning Committee**		Cllr Gaiety (R)
Mental Health Champion		Cllr Little (I)
Older Persons Champion **(Chair of Adult and Community Based Services Committee)**		Cllr Wiley (R)
Refugee Champion		Cllr Dunbar (L)
Children in our care Champion		Portfolio holder for Children, Education & Skills

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		Role and Remit	2026/27 Memberships
National Association of Councillors	**English Region** *Only 2 voting Councillors to be specified*	Represents and supports councillors across the UK by promoting their interests, providing development opportunities, and strengthening the role of Councillors.	Leader of the Council - Voting Member Deputy Leader of Council - Voting Member Cllr Roy (I) - Non-voting Member
	General Management Committee *Only 2 voting Councillors/ to be specified*	The main policy-making body providing strategic direction for the association and represents the interests of member authorities and regional representatives.	Leader of the Council - Voting Member Deputy Leader of the Council - Voting Member Roy (I) - Non-voting Member
North East Regional Employers Organisation **Executive**		To advise, support and represent member authorities in the broad fields of human resource management, management practice and industrial relations.	Portfolio Holder for Homes, Neighbourhoods & Community Safety Cllr Roy (I) Cllr Anderson (R) Portfolio Holder for Homes, Neighbourhoods & Community Safety
Teesside Pension Fund ***Teesside Pension Board (*4 year Term of office 2023 – 2027)**		Acts as trustee of the Pension Fund, overseeing its investment management and ensuring the Fund is administered in accordance with relevant regulations and governance arrangements. to assist the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme.	Councillor Anderson No Vacancy for an employer representative until 2027
Teesside Environmental Trust		Creates and manages the Saltholme nature reserve, promoting wildlife conservation,	Cllr Napper (R)

Organisation	Role and Remit	2026/27 Memberships
	environmental education and community involvement in the protection of the Teesside environment.	

(vi) WORKING GROUPS

Organisation	Role and Remit	2026/27 Memberships
Crustacean Deaths Working Group	A joint local authority group established to investigate crustacean mortality events on the Tees coast, with Hartlepool Borough Council appointing representatives to support investigations and collaborative responses to environmental issues	Cllr Buglass (R) Cllr Gaiety (R) Portfolio Holder for Homes, Neighbourhoods & Community Safety Sub Cllr Roy (I) Statutory Scrutiny Manager

***The persons nominated do not have to be Councillors 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)

Hartlepool Borough Council

CONSTITUTION COMMITTEE

10th November 2026

Report of: Monitoring Officer/Director of Legal, Governance and Human Resources

Subject: MEMBER CHAMPION REVIEW

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1. COUNCIL PLAN PRIORITY

Hartlepool will be a place:
with a Council that is ambitious, fit for purpose and reflects its community. (Organisation)

2. PURPOSE OF REPORT

2.1 To review the list of Member Champions.

2. BACKGROUND

2.1 Council on the 21st May 2026 referred to the Constitution Committee, consideration of the inclusion of the position of Refugee Champion in the Council's Constitution.

2.2 Following consideration of the referral, the Constitution Committee agreed that rather than looking solely at the position of Refugee Champion, a review of the full list of Hartlepool Borough Council's Member Champions should be undertaken.

2.3 A report was submitted to the Constitution Committee held on17th September where it was agreed the review of the list of Member Champions be deferred and considered as part of the development of a new council constitution. With the new Constitution now being developed, it is an appropriate opportunity to undertake this review, ensuring the Champion roles remain fit for purpose and fully aligns with the Council's future governance arrangements.

3. ISSUES FOR CONSIDERATION

3.1 As previously reported the Council currently appoints seven Member Champions, as detailed below. The Champion appointments are discretionary roles rather than statutory positions. However, it should be noted some roles support the Council in discharging statutory responsibilities, most notably Corporate Parenting duties under the Children and Social Work Act 2017 and duties relating to the Armed Forces Covenant.

3.2 It has also been identified that a number of outside body appointments to which the council appoints, have remits that align to some Member Champion roles. The duplication of remits should also be considered as part of the review.

Champion Role	Status of position	Outside Bodies with similar remits to whom we also appoint	Details
Armed Forces Champion	Prescribed position		Required as part of the Armed Forces Covenant with an annual report to Full Council.
Veterans Champion	Prescribed position		Established to work alongside the prescribed Armed Forces Champion, as part of Hartlepool's Armed Forces Community Covenant.
Heritage Champion	Non-statutory position	Durham Heritage Coast Partnership Steering Group Role - A forum for local authorities, stakeholders and others to conserve, protect and enhance the natural beauty of our coast (including heritage features of architectural, historical and archaeological interest).	Historic England encourages councils to appoint Heritage Champions, but the role is appointed at the council's discretion.
Mental Health Champion	Non-statutory position	Tees, Esk and Wear Valleys NHS Foundation Trust Role – Provision of mental health services	There is no legislation requiring councils to appoint a Councillor Mental Health Champion.

Older Persons Champion	Non-statutory position	Age UK Teesside Role - Promotion and welfare of older people	No statutory requirement. Commonly appointed as a local advocacy role.
Refugee Champion	Non-statutory position	Northeast Migration Partnership Member Forum Role – To: - Share information; - Facilitate collaboration - Further the aims and objectives of the Partnership; - feedback developments and achievements; - Help identify emerging issues and priorities - Co-ordinate and contribute to regional and national discussions.	No statutory requirement. Councils may appoint one to support refugee and asylum-related work.
Children in Our Care Champion (Corporate Parenting Champion)	Non-statutory position		All Councillors have corporate parenting responsibilities, but there is no legal requirement to appoint a specific "Children in Care Champion" or "Corporate Parenting Champion".

3.3 As part of the review of Member Champion roles, Directors were consulted to seek their views on the continued need for each position, the value they provide to the Council and the community, and whether their responsibilities are already reflected elsewhere within the Council's governance arrangements.

4. RECOMMENDATIONS

4.1 It is recommended that Members review the current list of Member Champions and determine whether these roles continue to be appointed to.

5. REASONS FOR RECOMMENDATIONS

5.1 To respond to the Council referral (21 May 2026).

5. BACKGROUND PAPERS

5.1 HBC Constitution
5.2 Constitution Committee (2 July 2026,

6. CONTACT OFFICERS

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