

## **Constitution**

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## SECTION 1

### INTRODUCTION TO HOW THE COUNTY COUNCIL WORKS

#### 1. The County Council

- 1.1 The County Council is composed of 62 councillors elected every four years. Councillors are democratically accountable to the residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 1.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit and Standards Committee trains and advises them on the code of conduct.
- 1.3 All councillors meet together as the County Council. Meetings of the County Council are normally open to the public. Here councillors decide the County Council's overall policies and set the budget each year. The County Council is also responsible for electing the Leader of the Council and for appointing Committees, some of which are responsible for overseeing and reviewing the decisions of the Cabinet, while others have responsibilities for taking decisions about specific areas.
- 1.4 The Leader of the Council appoints the members of the Cabinet.

#### 2. How decisions are made

- 2.1 Different parts of the Council are responsible for particular types of decisions and decisions relating to particular areas or functions. A list of the responsibilities of each body or individual can be found in the relevant section of the constitution.
- 2.2 All decisions of the Council will be made in accordance with the following principles:
  - (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations;
  - (b) where appropriate, the realistic evaluation of alternatives;
  - (c) proportionality (ie the action must be proportionate to the desired outcome);
  - (d) due consultation and the taking of professional advice from officers;
  - (e) respect for human rights and equalities;
  - (f) a presumption in favour of openness;
  - (g) clarity of aims and desired outcomes; and
  - (h) reasons being given for the decision.

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

### **3. Decision making by the Cabinet**

3.1 The Cabinet is the part of the County Council which is responsible for most day-to-day decisions. The Cabinet comprises the Leader of the County Council and up to nine councillors who meet together to take decisions. Meetings of the Cabinet are generally open for the public to attend, except where personal or confidential matters are being discussed.

3.2 The Cabinet is responsible for taking 'Key Decisions' which are decisions which are termed significant, either in financial terms or in its effects on communities living or working in an area comprising two or more electoral divisions in the County area.

3.3 The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

3.4 In some instances individual Cabinet Members may have delegated powers to take decisions on behalf of the Cabinet.

### **4. How decisions are scrutinised**

4.1 There are four Select Committees who support the work of the Cabinet and the Council as a whole. Their overview and scrutiny of both planned and taken decisions leads to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Select Committees monitor the decisions of the Cabinet and may be consulted on forthcoming decisions and the development of policy.

4.2 Members of the Council who are not on the Cabinet can 'call-in' a decision which has been made by the Cabinet but not yet implemented. If a matter is 'called-in' it will be considered by the Corporate Review Committee and Members of the relevant Select Committee may be invited to the meeting when the 'call-in' is considered. They may recommend that the Cabinet reconsider the decision or in some circumstances refer it to the Council.

### **5. The Council's Staff**

5.1 The County Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the County Council.

### **6. Citizens' Rights**

6.1 Citizens have a number of rights in their dealings with the Council. Section 4 of this Constitution sets out Citizens' rights to participate in Council's democratic

arrangements by voting, attending meetings and accessing reports and background papers. It also sets out Citizens' right to complain about the Council's actions or proposals.

- 6.2 Some of these are legal rights, whilst others depend on the County Council's own processes. The Local Citizens' Advice Bureau can advise on individual legal rights. Where members of the public use specific Council services, for example as a parent of a school pupil, they may have additional rights. These are not covered in this Constitution.
- 6.3 The County Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Corporate Services.





## SECTION 2

### THE COUNTY COUNCIL'S CONSTITUTION – ROLE AND PURPOSE

#### 1. What is the Constitution?

1.1 The Staffordshire County Council 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 the law, while others are a matter for the Council to choose.

1.2 The Constitution is divided into Sections which explain how the Council makes its decisions by outlining how the different parts of the Council work and the basic rules governing the Council's business. These are:

- Members of the County Council (Section 3)
- Citizens and the County Council (Section 4)
- The County Council (Section 5)
- The Council's Cabinet (Section 6)
- Overview and scrutiny of decisions (Section 7)
- Other Committees (Section 8)
- Joint Arrangements (Section 9)
- Officers (Section 10)
- Procedural Standing Orders (Section 11)
- Access to Information Rules (Section 12)
- Financial Regulations (Section 13)

#### 2. Purpose and Interpretation of the Constitution

2.1 The purpose of the Constitution is to:

- (i) enable the County Council in partnership with citizens, businesses and other organisations, to provide broad leadership to and support for the communities of Staffordshire to improve their economic social and environmental well-being;
- (ii) support the involvement of citizens in the process of local authority decision-making;
- (iii) help councillors represent their constituents more effectively;
- (iv) enable decisions to be taken efficiently and effectively;
- (v) create a rigorous means by which decision-makers can be held to public account;
- (vi) ensure that no one will review or scrutinise a decision in which they have been directly involved;

- (vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
  - (viii) provide a means of improving the delivery of services to the community to meet the County Council's vision, as expressed in the policy themes on which the Council's Corporate Strategy is based.
- 2.2 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 2.3 The ruling of the Chairman of the County Council on the construction or application of this Constitution or on 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 above.

### **3. Review of the Constitution**

- 3.1 The Audit and Standards Committee will review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Where practicable, proposal for changes to the Constitution will be reported for consideration by the Audit and Standards Committee prior to consideration by Full Council.
- 3.2 The Chief Executive and the Director of Corporate Services as Monitoring Officer will monitor and report to the Audit and Standards Committee from time to time on the Constitution adopted by the Council and will make recommendations for ways in which it could be amended in order better to achieve the purposes set out above.
- 3.3 The Director of Corporate Services will have the authority to make minor and consequential amendments to the constitution to keep it up to date with legislative requirements and/or to keep the whole constitution in line with Council decisions made from time to time.
- 3.4 In the event of any proposals for a change in Executive arrangements from a Leader and Cabinet form of Executive to another form of Executive or vice versa, the Council will take reasonable steps to consult local electors and other interested persons in the area when drawing up proposals.
- 3.5 No change to any provision of this Constitution or to any sub-delegation scheme having effect under it shall, unless otherwise specified, invalidate any previous decision or action made or taken under such provisions.
- 3.6 Unless specified by a provision of the Constitution, any decision made by or on behalf of the County Council (including any plan, budget, policy or strategy approved by or on behalf of the County Council) prior to the coming into effect of the Constitution or the making of any change to it shall remain in force until it is amended varied or replaced.

#### **4. Suspension of the Constitution**

- 4.1 Any suspension of any part of the Constitution, in particular, but not exclusively, the Procedure Rules, and Finance and Contract Procedure Rules, shall only take place in accordance with the provisions in the specific rules themselves.

#### **5. Publication of the Constitution**

- 5.1 The Director of Corporate Services will give a printed copy of this Constitution to each member of the authority upon delivery of that individual's declaration of acceptance of office on the member first being elected to the Council.
- 5.2 The Director of Corporate Services will maintain and publish an up to date version of the Constitution on the Council's website and ensure that copies are widely available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.



## SECTION 3

### MEMBERS OF THE COUNTY COUNCIL

#### 1. Composition and eligibility

- 1.1 The Council will be made up of Members, otherwise known as County Councillors, elected by the voters of each electoral division in accordance with legislation. (Currently 62 Members)
- 1.2 Only registered voters of the county area or those living or working there will be eligible to hold the office of County Councillor.
- 1.3 A list of the current County Councillors along with their address and contact details is maintained on the County Council website at <http://moderngov.staffordshire.gov.uk/mgMemberIndex.aspx?bcr=1>.

#### 2. Election and terms of councillors

- 2.1 The regular election of councillors will be held on the first Thursday in May every four years beginning in 2001. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

#### 3. Roles, functions, rights and responsibilities of all councillors

- 3.1 All councillors will:
  - (i) collectively be the ultimate policy-makers and carry out strategic and corporate management functions;
  - (ii) contribute to the good governance of the area and encourage community participation and citizen involvement in decision making;
  - (iii) effectively represent the interests of their electoral divisions and of individual constituents and bring their views into the Council's decision-making process;
  - (iv) respond to constituents' enquiries and representations, fairly and impartially;
  - (v) participate in the governance and management of the Council;
  - (vi) be available to represent the Council on other bodies; and
  - (vii) maintain the highest standards of conduct and ethics, observing the provisions of the constitution, especially the Members Code of Conduct attached to this section.
- 3.2 The County Council has agreed role descriptions for Councillors and the various office holders in the County Council and will keep these under review. Councillors are also encouraged to prepare and publish an accountability statement each year.

- 3.3 Councillors will have such rights of access to such documents and information as are necessary for the proper discharge of their functions and in accordance with the law.
- 3.5 Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- 3.5 For these purposes, “confidential” and “exempt” information are defined in the access to Information Rules in Section 13 of this Constitution.

#### **4. Allowances**

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

#### **5. Staffordshire Local Community Fund**

- 5.1 The County Council operates a Staffordshire Local Community Fund under which Councillors are able to recommend expenditure of up to a prescribed amount each year on initiative(s) in their electoral divisions which are intended to promote the well-being of the division. Details of the Scheme are set out on the County Council’s website <http://www.staffordshire.gov.uk/yourcouncil/slcf/>.

## STAFFORDSHIRE COUNTY COUNCIL

### MEMBERS' CODE OF CONDUCT

#### Principles of the Code

As a member or co-opted member of Staffordshire County Council I have responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

#### General Undertaking

When acting in my role of member of Staffordshire County Council my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents - the whole community and in a special way your constituents, including those that did not vote for you, and put their interests first.
- Dealing with representations and enquiries from residents, members of the community and visitors fairly, appropriately and impartially
- Not allow other pressures, including the financial interest of myself or others connected with me to deter me from pursuing constituents' casework, the interest of Staffordshire County Council or the good governance of the authority in a proper manner
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of the authority
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit
- Being accountable for my decisions and co-operate when scrutinised internally and externally, including by local residents
- Contributing to making the authority's decision making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it (Being aware of the potential for information passed through social networking media to be distributed much more widely than intended by the author)
- Behaving in accordance with all the authority's legal obligations, alongside any requirements within the authority's policies, protocols and procedures, including with regard to confidentiality and on the use of the authority's resources
- Valuing colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government
- Always treating people with respect, including those organisations and members of the public I engage with and those I work alongside
- Providing leadership through behaving in accordance with these principles when championing the interest of the community and other organisations as well as within the authority



## Registration and Disclosure of Interests

1. The interests which you are required to register with the County Council's Monitoring Officer (Director of Corporate Services) are called Disclosable Pecuniary Interests and are defined in section 5 below.
2. Any such interest must be registered within 28 days of the adoption of this Code (19<sup>th</sup> July 2012) or within 28 days of being elected (or re-elected) or appointed (or re-appointed), whichever is relevant.
3. All interests notified to the Monitoring Officer (with the exception of such interests defined in paragraph 6 below) will be included in the register of interests
4. A copy of the register of interests will be available for public inspection and will be published on the County Council's website.
5. A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner, ie your spouse or civil partner, 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, (but only where you are aware that your partner has the interest) within the following descriptions:

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 Staffordshire County Council) made or provided within the relevant period in respect of any expenses incurred by you or your partner in connection with you carrying out duties as a member or towards your 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 which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and Staffordshire County Council- (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of Staffordshire County Council
Licences	Any licence (alone or jointly with others) to occupy land in the area of Staffordshire County Council for a month or longer
Corporate Tenancies	Any tenancy where (to your knowledge) (a) the landlord is Staffordshire County Council and (b) the tenant is a body in which you or your partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where- (a) that body (to your knowledge) has a place of business or land in the area of Staffordshire County 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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class

6. Where you consider that disclosure of the details of any Disclosable Pecuniary Interest could lead you, or a person connected with you, being subject to violence or intimidation if the interest is entered on the register, then, if the Monitoring Officer agrees, copies of the register that are available for public inspection and any published version of the register will exclude details of the interest but may state that you have an interest the details of which are withheld.
7. Where it becomes apparent to you at a meeting of the County Council (or Committee, sub-Committee, Joint Committee or Joint Sub-Committee of the County Council) that you have a Disclosable Pecuniary Interest in a matter which is to be or is being considered at the meeting that is not included on the register of interests then;
- (i) you must disclose the interest to the meeting,
  - (ii) unless the interest is the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

8. Where you are present at a meeting of the County Council (or Committee, sub-Committee, Joint Committee or Joint Sub-Committee of the County Council) and you have a Disclosable Pecuniary Interest in a matter which is to be or is being considered at the meeting then
  - (i) you may not participate in any discussion of the matter at the meeting, and
  - (ii) you may not participate in any vote taken on the matter at the meeting, unless you have a written dispensation from the County Council in respect of either or both (i) or (ii) above.
- 9 The County Council's Standing Orders require that if you have a Disclosable Pecuniary Interest in a matter under discussion at a meeting of the County Council (or Committee, sub-Committee, Joint Committee or Joint Sub-Committee of the County Council) you must notify the Chairman that you have a Disclosable Pecuniary Interest in the matter and the nature of the interest, and leave the meeting room until consideration of the item in question is concluded.
10. Section 34 of the Localism Act sets out a number of offences relating to the notification and disclosure of Disclosable Pecuniary Interests, participating in matters in which you have a Disclosable Pecuniary Interest and knowingly or recklessly providing false or misleading information in relation to your Disclosable Pecuniary Interests. All of these offences are subject to criminal penalties which include a fine of up to £5000 and disqualification from being a Councillor for up to 5 years.

### **Gifts and Hospitality**

11. The acceptance, or offering of, gifts and hospitality by members is not merely an administrative issue; it reflects directly upon the public perception of members and of the authority and may have criminal offence implications.
12. It may be entirely appropriate to accept an offer, or to make one, but you must give consideration to the appropriateness of your actions together with how that action may be perceived by someone looking on.
13. A particular concern to bear in mind is that you should do nothing which might be considered to place yourself – or others within the authority - under any financial or other obligation to outside individuals or organisations.
14. You should note that, in respect of both the giving and receiving of gifts and hospitality, there are possible criminal offences under the Bribery Act 2010 with penalties including imprisonment of up to 10 years.
15. If you receive, or refuse the offer of, any gifts or hospitality worth over £25 in connection with your role as a member of the County Council then you will need to complete the relevant form:

<https://int.staffordshire.gov.uk/scc/giftshospitality/>

16. Should you require it, advice and assistance is available from Member and Democratic Services or the Monitoring Officer.

### **Planning Committee Members' Guidance Protocol**

17. In addition to this Members' Code of Conduct there is further guidance for members of the Planning Committee. The aim of the Guidance Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision of the Planning Committee has been unfair, biased, partial or not well founded in any way.

<http://www.staffordshire.gov.uk/yourcouncil/committeesold/standards/complaining/complaints.aspx>

### **Complaints**

18. If a member of the public is unhappy about the way that a member has behaved, they may complain to the Monitoring Officer of Staffordshire County Council.

<http://www.staffordshire.gov.uk/yourcouncil/committeesold/standards/complaining/complaints.aspx>

## GUIDANCE ON MEMBER/OFFICER RELATIONS

### 1. INTRODUCTION

- 1.1 Councillors and Officers both have important but distinct roles. The relationship between them has to function effectively in order for them to be able to carry out their respective roles. The purpose of this guidance is to offer advice to Councillors and Officers on how to conduct that relationship in a way that allows both to do their jobs and enhances the reputation of the County Council.
- 1.2 Although both councillors and officers depend upon one another to be able to do their respective jobs, councillors, in particular, are reliant upon officers for information and support. Because of this all officers need to be aware of their responsibility when called upon to provide support and assistance to councillors to enable them to do their job effectively. Whenever a councillor raises a question with an officer a response must be given promptly. When promises are made to Councillors they need to be kept.

### 2. THE ROLE OF COUNCILLORS

- 2.1 Councillors may have a number of complex roles including politician, policy maker, representative, constituent advocate and Council/Committee worker. It is not the role of a Councillor to involve themselves in the day to day management of Council services.
- **Councillor** – in this capacity Councillors will usually belong to particular groupings represented on the Council and will express political values and support the policies of the group to which they belong.
  - **Policy Maker** - Members may have personal, individual or collective responsibility depending on their role for the Council and its activities. They set the direction of the Council; are responsible for ensuring that adequate management arrangements are in place; develop and allocate the Council's physical, financial and human resources and monitor the performance, development, continuity and overall well-being of the Council.
  - **Division Member** –in this capacity Councillors interpret and express the wishes of the electorate, advocate on behalf of constituents and seek to account for service priorities, allocation of resources and ultimate performance of the Council. Councillors may also be appointed to outside bodies and the role can vary from representing the views of the Council to acting according to individual judgement.
  - **Members, collectively, therefore Need to:**
    - Determine vision and values and ensure staff commitment;
    - Ensure standards are properly established and monitored;
    - Link service and corporate objectives;
    - Enable local people to resolve problems and issues faced by the community;
    - Ensure community needs are fed into strategy formulation and service provision;
    - Develop and support community leadership.
  - **Cabinet Members and Leader of the Council** - The Leader and Members of the Cabinet have executive power to take decisions. Working closely with the Corporate Management Team, they will develop the policy framework and budget proposal for Council. The Leader and Cabinet are then responsible for

implementing the approved policy framework by collectively and individually making decisions in keeping with the Council's scheme of delegation.

- **Opposition Members** - All Members should be given timely access to information required in their role as Councillors and have the same rights and obligations in their relationship with officers.

### **3. THE ROLE OF OFFICERS**

3.1 Officers of the Council have the following main roles:

- Initiate policy proposals;
- Implement all Council policies;
- Manage the services for which the Council has given them responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and taking decisions, within agreed policy;
- Provide professional advice to the Council, its Committees and Members and the public in respect of their service;
- Ensure that the Council acts in a lawful way.

### **4. RESPECT AND TRUST**

4.1 The relationship between Councillors and Officers should be based on mutual respect and trust. Officers should avoid criticising Councillors, and Councillors should avoid criticising officers, in order to maintain that trust and respect.

4.2 In dealings between Councillors and Officers neither should seek to take unfair advantage of their position. Councillors should not press employees to do things that they are not empowered to do.

4.3 Officers must not press Councillors to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other employees. (The only exception to this rule is where the officer wishes to report possible wrongdoing under the Council's "Whistleblowing" procedure.)

4.4 Reports from officers should be in the name of the relevant Chief Officer. Reports may be discussed with councillors, such as with the relevant Cabinet Portfolio Holder or Chair of the relevant Committee, and the Councillors concerned may make suggestions as to the contents of the report. However, the content remains the responsibility of the Chief Officer and amendments can only be made by him or her. (This does not apply to the recommendations to Cabinet or the front sheet to a Cabinet report on which the Cabinet Member has the final say).

4.5 Officers must deal honestly with members and not attempt to mislead them. Reports and all other communications with members must be clear concise and in plain English.

#### **Familiarity**

4.6 Close personal familiarity between individual Councillors and Officer should be avoided and the relationship maintained on a professional basis.

- 4.7 The holders of office should, in public, always be addressed by their office such as “Chairman”, “Vice-Chairman” etc. At formal meetings it would be usual for officers and members to address each other by their surname and title.
- 4.8 In less formal environments, the use of first names as a means of address is usually acceptable. However, some individual members and officers may feel more comfortable with the more formal mode of address, and allowance should be made for such individual preferences where known.

## **5. INFORMATION FOR COUNCILLORS**

- 5.1 It is vital for Chief Officers and officers to keep councillors informed about the major issues concerning the County Council. Just as importantly, councillors should be informed about proposals that affect their electoral division before they are announced publicly, and should be invited to attend County Council initiated events within their electoral division.
- 5.2 Where an issue affecting a particular division is to be discussed by the Cabinet or a Committee, Sub-Committee or Panel on which the local councillor does not serve, the councillor will be invited to attend and may speak on it if he or she wishes to do so. (This is of course subject to any overriding requirement of the Members Code of Conduct).
- 5.3 Where councillor requests information, the fact of that request, and the information supplied, may be brought to the attention of the Cabinet Member/Chair concerned by the relevant Chief Officer.
- 5.4 Councillors requests for information must always be given high priority and a response given within 2 working days.

### **Access to Papers and other County Council Information**

- 5.5 Councillors have all the rights available to members of the public and may request individual copies of any agendas of the Cabinet and of Committees, Sub-Committees or Panels of which they are not members.
- 5.6 Additionally, if a councillor is able to demonstrate a "need to know" in his or her role as a County Councillor, officers should provide the relevant information, including exempt or confidential information, to that councillor.
- 5.7 Special care needs to be taken when a councillor has a significant personal or business relationship with a constituent about whom he or she is seeking information. In such circumstances councillors are advised to consider their Code of Conduct and consult the Director of Corporate Services as necessary.

### **How can the Information be used?**

- 5.8 Any County Council information provided to a member should only be used by the member for the purpose for which it was provided. Confidential information must remain confidential.

## **6. POLITICAL ACTIVITY**

- 6.1 Senior officers cannot be councillors or MPs, nor can they speak or write publicly as private individuals on party political issues.
- 6.2 Officers are employed by the County Council as a whole and are responsible to the Chief Executive and their respective Chief Officers rather than to individual members of the Council.
- 6.3 Regular contact between senior officers and senior politicians on matters affecting the County Council is essential.
- 6.4 County Council decisions can only be made in accordance with the Constitution. (Decisions by party political groups do not constitute County Council decisions). All information or advice needed to make a decision should be given to the Cabinet or the relevant Committee, Sub-Committee or Panel.

### **Officer advice to party groups**

- 6.5 It is possible that senior officers may be asked to attend a party group meeting whether of the controlling party group or of a minority party group.
- 6.6 Any such request should be made or referred to the Chief Executive. If agreed it will be on the basis that a similar arrangements will be made for the other groups should they so request.
- 6.7 Officer attendance at political group meetings is voluntary.
- 6.8 Officers are entitled to have their political neutrality respected should they agree to attend the group meeting, and to be treated in a fair and proper way. They must not be placed in a position where they feel that their political impartiality or integrity are put at risk, and should leave the meeting having given information on the issue in question, and before the Group decide what view to take on it as a political group.
- 6.9 Officers should not be expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed. Officers should be reminded on each occasion that they should leave a meeting if they are to be asked to comment on matters beyond the brief agreed in advance, or if they feel vulnerable or that their integrity was being put in question.
- 6.10 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting that includes persons who are not members or co-opted members of the County Council. For reasons of confidentiality, officers may not be able to provide the same level of information and advice as they would to a "members-only" meeting.
- 6.11 Officers must respect the confidentiality of any party group discussions by not relaying the content of any such discussion to another party group.



## **Relationships between Officers and Portfolio Holders and Chairs**

- 6.12 It is clearly important that there should be a close working relationship between Portfolio Holders, the Chairs of Committees and the relevant Chief Officer and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to impair the officers' ability to deal impartially with other members and other party groups.
- 6.13 Officers are accountable to their Chief Officer and must not go beyond the bounds of whatever authority they have been given by their Chief Officer.

## **7. REDRESS**

- 7.1 If a councillor feels that an officer has acted contrary to the spirit of this guidance they should raise it with the Officer's line manager or Chief Officer.
- 7.2 If an officer has similar concerns about a councillor, he or she should raise the matter with their Chief Officer who may then raise the matter with the individual member and/or Party Group Leader.
- 7.3 If councillors are having difficulty in obtaining information they need to carry out their duties as a County Councillor, they should contact the Director of Corporate Services.

## **8. SUMMARY**

### **8.1 Officer Commitments to Councillors:**

- We recognise that we are here to support you to do your job as a County Councillor and will provide you with support and assistance when requested
- We will show understanding for your respective roles, workloads and pressures
- We will treat you with respect and deal with you honestly
- We will not use our relationship with you to advance our personal interests or to influence decisions improperly
- We will give your queries priority and answer them quickly (within 2 working days)
- We will ensure that local members are informed about our proposals for their division before we announce them publicly
- If we make a promise to you we will deliver on it on time
- We will make sure that all communications with you whether formal or informal are clear, concise and in plain English.

### **8.2 Member Commitments to Officers:**

- We will provide political leadership and direction
- We treat you with respect, dignity and courtesy
- We will show understanding for your respective roles, workloads and pressures
- We recognise that you must operate with political neutrality and will respect this
- We will not take unfair advantage of our position as a Councillor
- We will not subject you to bullying or undue pressure
- When you give us information in confidence we will respect that confidentiality.



# MEMBERS' ALLOWANCES SCHEME

## Contents

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## 1. Introduction

- 1.1 The purpose of this Section is to give guidance on members' entitlement to allowances and expenses.
- 1.2 It is extremely important, both from the member's personal point of view and for the County Council, that the entitlements under the arrangements are clear and transparent and that the possibility of erroneous claims is avoided.
- 1.3 Set out in Annex 1 is the formal County Council Scheme for the payment of members' allowances.
- 1.4 This Scheme addresses various aspects of allowances payable to members. It replaces all previous guidance issued by the County Council on the subject.
- 1.5 Members can obtain further guidance, if necessary, from the Director of Corporate Services.

## 2. Statutory requirements

- 2.1 One provision in the Local Government Act 1972 remains in force relating to County Councils:-  
  
Sections 3 and 5 respectively authorise the payment of allowances to the Chairman and Vice-Chairman of the County Council.
- 2.2 The primary legislation under which the main allowances are now paid is Section 18 of the Local Government and Housing Act 1989 and Sections 99 and 100 of the

Local Government Act 2000. The Local Authorities (Members' Allowances) (England) Regulations 2003 issued under the Acts, prescribe the detailed controls and require authorities to make a scheme covering the payment of certain allowances to members.

### **3. How the allowances are determined**

- 3.1 The County Council is required, by law, to pay a basic allowance the amount of which is at the Council's discretion. The County Council pays a basic allowance which takes all aspects of the role of a member into account, other than special responsibilities.
- 3.2 In the event that any Member holds more than one position for which a special responsibility allowance is payable he shall be entitled to claim only one of those allowances.
- 3.3 In respect of the payment of allowances covered by the previous paragraph the County Council makes financial provision for these allowances within the estimates, and reviews the allowances annually.

### **4. Different types of allowance**

4.1 The allowances to which members may be entitled are listed below:-

- basic allowance
- special responsibility allowance
- Chairman and Vice- Chairman allowances
- carers'/dependants' allowance
- subsistence and travelling allowances
- meetings allowance

### **5. Basic Allowance**

- 5.1 An elected member is entitled to receive a basic allowance for each year from 1 April to 31 March. By law, the amount of basic allowance has to be the same for each member during that period. A member who is not a member for the whole of the financial year receives an allowance reduced proportionately as provided for in the Scheme.
- 5.2 The County Council has decided that the annual basic allowance will be paid by 12 monthly instalments in arrears on the 28<sup>th</sup> of each month.
- 5.3 In the year of a county council election the basic allowance for the month preceding the election will be adjusted to cover the period ending on the fourth day after the date of the election, this being the date of automatic retirement of councillors.

In the month of the election returning and newly elected members will then receive their basic allowance pro-rata from the fifth day after the election to the end of the month, in accordance with the Scheme already in force for that financial year.

## **6. Special Responsibility Allowance**

- 6.1 The regulations permit the County Council to pay an allowance to certain councillors who have special responsibilities which must be defined in the Scheme. Those special responsibilities have to fall within certain categories defined in the regulations.
- 6.2 The amounts paid to individual councillors can differ and the annual allowance is reduced proportionately for any period during the year when a councillor does not have special responsibilities.
- 6.3 The special responsibility allowance is paid by 12 monthly instalments in arrears on the 28th of each month.
- 6.4 In the year of a county council election the special responsibility allowance will be paid to returning members who will remain in that position until the annual council meeting.

Special responsibility allowances will be pro-rata from the date of the annual council meeting until the end of that month.

## **7. Chairman and Vice-Chairman Allowances**

- 7.1 The allowances paid to the Chairman and Vice-Chairman of the County Council will be increased annually in line with the recommendations made by the Independent Remuneration Panel in respect of the increase in the basic allowance. The level of allowances is shown in Schedule 3. The allowance is paid by 12 monthly instalments in arrears on the 28<sup>th</sup> of each month.

## **8. Carers'/Dependants' Allowance**

- 8.1 A member may claim an allowance of the actual hourly rate of care provision up to a maximum of £15.57 per hour subject to the conditions below:-
- such payments may only be claimed and made in respect of children aged 16 years of age or under and/or other dependants where there is medical or social work evidence that care is required (which should be submitted to the Director of Corporate Services)
  - allowances claimed and paid should be based on actual expenditure and be accompanied by appropriate receipts
  - allowances should not be payable to reimburse a member for payments made to a member of the claimant's household (i.e. a person usually residing with a claimant)

## **9. Subsistence Allowance**

- 9.1 A member (including a co-opted member and/or independent persons consulted as part of the Council's Standards arrangements) is entitled to claim subsistence allowance at the rates adopted by the County Council from time to time following consideration of the recommendations of the Independent Remuneration Panel. The current rates will be available on the Staffordshire Web and the Members'

Intranet. In calculating the period of absence, reasonable time properly spent in travelling to and from the meeting can be taken into account.

- 9.2 To be entitled to claim, members are required to certify that expenditure has actually been incurred by them on subsistence and to claim only for that expenditure up to the maximum amount allowed within the scheme.
- 9.3 There are occasions when members on approved duties need to take a main meal that will be more expensive than the allowance permitted by the scheme such as when attending venues in major cities or on trains. In such circumstances, members can claim the reasonable cost of the meal taken.
- 9.4 Members are advised that all receipts for expenditure claimed for under the scheme should be forwarded to Member and Democratic Services for retention as proof of the claim.
- 9.5 There may be times when a member is required to be away overnight. If accommodation is required then it can be arranged and paid for in advance rather than the member incurring the expense and being reimbursed up to the maximum in schedule 4.
- 9.6 Members may occasionally be required to make overseas visits on County Council business in connection with one or other of the specific functions of the County Council. In those circumstances subsistence costs can be reimbursed provided they are reasonable.
- 9.7 The Director of Corporate Services will supply details of these allowances on request.

## **10. Travelling allowance**

- 10.1 A member is entitled to claim travelling allowance when expenditure is incurred on travelling to attend an approved duty. The rates applicable to this allowance are shown in schedule 5.
- 10.2 If members are using their own transport, the mileage claimed should be the mileage as calculated by Internal Audit and recorded on the on-line expenses claims system. The mileage claimed for must, if necessary, be properly justified, by the member recording the starting point of his route, particularly if additional mileage results from, for example, authorised visits to other sites on the route.
- 10.3 When it is financially advantageous to the County Council to do so, members should use any transport arranged by officers to travel to meetings or site visits, etc.
- 10.4 It is possible for senior citizens to apply for and obtain the appropriate rail card entitling them to concessionary fares at about half the full price. The County Council has agreed, where "senior citizen" members are willing to use this privilege when travelling on County Council business, to reimburse the member on the first occasion used, the cost of the appropriate annual "senior citizen" rail card. The actual cost of travel must be claimed when the facility is used.

10.5 If the member uses public transport facilities then the following rates apply:-

Mode of travel	Maximum rates
<b>Public transport (within county)</b>	Standard rail fare or bus fares
<b>Public transport (outside county)</b>	Standard bus fares Standard or first-class rail fare
	<b>Note 1</b>  Members are asked to use their discretion in travelling first-class. For example, an off-peak journey to London might comfortably be managed in second-class. Travel at peak times or needing confidential discussions on route may suggest first-class as more appropriate.
	<b>Note 2</b>  In the majority of cases member travel should be booked through officers and in advance to ensure the most advantageous rates. However, if urgency dictates that a member purchases tickets himself/herself, the receipt must be kept as proof for reimbursement of actual costs incurred.
<b>Taxi cab or cabs</b>	
<b>(i) In cases of urgency or where no public transport is reasonably available</b>	Actual fare and reasonable gratuity
<b>(ii) In other cases</b>	Not exceeding the amount of the fare for travel by appropriate public transport.  <b>Note:</b> In claims relating to hire of taxis or cabs, members should indicate in writing, the circumstances in which the expenditure was incurred; whether it was incurred on grounds of urgency or because there were no public facilities available.

## 11. Meetings Allowance

11.1 Appointed members (i.e. church and parent representatives on the Prosperous Staffordshire Select Committee, or any Committee (whatever entitled), whose functions include the education function), including a co-opted member and/or independent persons consulted as part of the Council's Standards arrangements, are entitled to receive an annual Meetings Allowance of £607.01.

## 12. Pensions

12.1 As of 1 April 2014 new councillors will not be able to join the Local Government Pension Scheme.

### **13. Calculating the time allowed**

- 13.1 Reasonable travelling time is allowed for in calculating the period of absence for the purpose of claiming subsistence allowances.
- 13.2 It occasionally happens that a member of the County Council moves home to somewhere outside the county but remains as a councillor until the next County Council election. Additionally, a member may be required to work outside the county area on a temporary basis. In either of these circumstances the councillor is requested to discuss the arrangements for travelling and subsistence claims with his Group Leader and the Director of Corporate Services.

### **14. Submission and payment of claims**

- 14.1 The County Council's scheme requires members to submit all claims for allowances within two months of the end of the month to which the claim relates. Allowances will be forfeit if not promptly claimed.

### **15. Approved Duties**

- 15.1 Members may only claim for travel, subsistence and other allowances for attendance at approved duties detailed below:
- Attendance at calendared meetings of the Council or any of its Executive, Committees, Sub-Committees, Panels, Policy Advisory Groups etc
  - Attendance at visits of inspection of sites and buildings arranged by any of the bodies listed above (including children's home)
  - Attendance at meetings of any Outside Body or bodies to which the member has been appointed at the Annual Council meeting
  - The doing of anything as Chairman or Vice-Chairman of an outside body on which the member is representing the Council.
  - Authorised briefings for Committees/Panels/Executive meetings including all meetings which are called by officers of the Council e.g. Pre Agenda meetings.
  - Authorised attendance at Conferences/Seminars.
  - Duties undertaken by a Chairman/Executive Member in connection with his/her role.
  - Member Learning and Development Events, including Member Self Appraisal meetings.
  - Attendance at Staffordshire County Council Local Democracy Events (including briefings)



- Attendance at any event that the County Council invites you to represent the Council (but not to other events to which you may be invited as a county councillor)
- Attendance at Parish Council meetings where you are representing the County Council (but not where you are also a member of the Parish Council or representing the Parish or District)
- Attendance at governor meetings at which you are representing the County Council
- Invitations to any publicity events for schemes supported under the Staffordshire Local Community Fund (including photo shoots, project launches etc.)

15.2 The lists of outside bodies at which attendance is authorised by the County Council are maintained by the Director of Corporate Services and are varied by him from time to time after consultation with the Leader of the Council. Copies of the current lists are available from the Director of Corporate Services.

15.3 If, as an appointee, or nominee, of the County Council, a member is asked to attend a meeting of a body which is not on the County Council's lists of authorised outside bodies then travelling and subsistence allowances can only be claimed if attendance has been approved beforehand for this purpose, which requires the use of the Gold Form<sup>1</sup>. Such approvals must be given before attendance, otherwise any allowance may not be payable.

15.4 If a member has been appointed to serve on an outside body for which attendance is not regarded by the County Council as an approved duty for the purpose of the payment of a member's allowance i.e. a body which is not included in the lists of bodies referred to, or approved under 15.3 above, the member may, in some cases, claim direct from the outside body concerned. In such cases the member may wish to consult the body concerned.

## **16. Tax, national insurance, sickness and pensions**

16.1 Basic and special responsibility allowances and the allowances paid to the Chairman and Vice-Chairman of the County Council, are all liable to tax under Schedule E. The allowances are paid by the Director of Finance and Resources through a payroll which accounts for the tax on the PAYE system using a code number issued by the Inland Revenue. In arriving at the code number it is a matter for the individual member to agree direct with the Inland Revenue any allowances which may help to reduce the tax liability. Subsistence claims for meetings in County Buildings are also taxable. More detailed guidance on Inland Revenue practice is available from the Director of Finance and Resources.

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<sup>1</sup> *Form (not part of the Constitution) to be signed by members for approval, in advance, of a claim for travelling and subsistence allowances for attendance at an event, function, meeting, outside body, conference or course which is not included in the County Council's approved lists of such events, functions, meetings, bodies, conferences and courses.*

- 16.2 The same allowances are liable for National Insurance Class I contributions notwithstanding that the member may be employed elsewhere or be self-employed, unless:-
- (a) the allowances due for the month are less than an amount prescribed from time to time by the Inland Revenue, or
  - (b) the member reaches state pension age.
- 16.3 It is understood that the Benefits Agency may regard a member's basic and special responsibility allowances as affecting, for social security purposes, that members' entitlement to benefits. Claiming such allowance(s) could, therefore, affect a member's entitlement to benefits. In these circumstances, they should seek advice from the Benefits Agency.
- 16.4 Under self-assessment regulations members are required to declare to the Inland Revenue any taxable benefits they receive. Such benefits may arise if members are deemed to have made a profit on mileage allowances, or if they are provided with certain other facilities, for example with a computer, fax or telephone answering machine at less than the full cost of provision. Any member who has received a taxable benefit will be provided with a form P11E by the Director of Finance and Resources, which will provide the information to be declared to the Inland Revenue, and from whom further advice is available on request.
- 16.5 It is also possible that the payment of basic or special responsibility allowance(s) or an allowance to the Chairman or Vice-Chairman of the County Council could affect a member's entitlement to an occupational pension or other financial arrangements with previous employers.
- 16.6 Members who are unable to perform duties in that capacity as a result of sickness in some circumstances may be eligible for statutory sick pay.

## **17. What if a member does not wish to be paid allowances?**

- 17.1 A member who wishes to forego the right to be paid any of the allowances covered by the County Council's scheme may do so in writing to the Director of Corporate Services specifying which allowance(s) the member elects to forego and the date(s) upon which the election is to become effective. Such an election may not be revoked until the following 1 April.

## **18. Members' responsibilities**

- 18.1 It is the personal responsibility of members to ensure the accuracy of all information entered on their claim forms relating to duties performed. Processes arranged by the Director of Corporate Services are designed to ensure that all claims relate to properly approved duties. The Director of Corporate Services will ensure that the correct financial limits on the various allowances are complied with. In all other respects members are accountable for the accuracy and reasonableness of their claims.

## **Annex 1 – The County Council’s Scheme for the Payment of Members’ Basic, Special Responsibility and other Allowances**

The Staffordshire County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby make the following scheme.

1. This scheme, may be cited as the Staffordshire County Council Members' Allowances scheme and shall have effect from 1 April 2007.

2. In this scheme:-

"councillor" means a member of the Staffordshire County Council who is a councillor;

"year" means the 12 months ending with 31 March;

"County Council election" means an election for the appointment of all councillors and does not include by-elections.

### **3. Basic allowance**

3.1 Subject to paragraph 10, the total amount payable to each councillor for a year is set out in Schedule 1. The basic allowance is payable, in a year in which there is no County Council election, monthly in arrears on the 28<sup>th</sup> of each month.

3.2 In the year of a county council election the basic allowance for the month preceding the election will be adjusted to cover the period ending on the fourth day after the date of the election, this being the date of automatic retirement of councillors.

Returning and newly elected members will then receive their basic allowance pro-rata from the fifth day after the election to the end of the month, in accordance with the Scheme already in force for that financial year.

### **4. Special responsibility allowance**

4.1 For each year a special responsibility allowance shall be paid to those councillors who hold special responsibilities in relation to the authority as fall within the categories defined in paragraph 9 of the Regulations and as specified in the Schedule to this scheme.

4.2 (a) The special responsibility allowances shall be payable:-

(i) In a year in which there is no County Council election, by monthly instalments in arrears on the 28<sup>th</sup> of each month, and

(ii) In the year of a county council election the special responsibility allowance will be paid to returning members who will remain in that position until the annual council meeting. Special responsibility allowances will be paid pro-rata from the date of the annual council meeting until the end of that month.

- (b) Subject to paragraph 10, the amount of each such allowance paid in the year shall be the amount specified against that special responsibility in Schedule 2 to this scheme.

## **5. Carers/Dependants' Allowance**

- 5.1 An allowance of the actual hourly rate of care provision up to a maximum of £15.57 per hour is payable to any member subject as follows:-
- (i) such payments may only be claimed and made in respect of children aged 16 years of age or under and/or other dependants where there is medical or social work evidence that care is required (such evidence to be submitted to the Director of Corporate Services;
  - (ii) allowances claimed and paid must be based on actual expenditure (up to the maximum hourly rate) and be accompanied by appropriate receipts;
  - (iii) allowances will not be paid to reimburse the claimant for payments made to a member of the claimants' household.

## **6. Subsistence Allowances**

- 6.1 Subsistence allowances are payable to any member (including a co-opted member and/or an appointed member (see paragraph 8 below) and/or an independent persons consulted as part of the Council's Standards arrangements) at the rates set out in Schedule 4 subject to the member certifying that expenditure has actually been incurred by the member on subsistence. The actual expenditure may be more or less than the amount claimed.
- 6.2 The appropriate charge for all meals taken at premises owned or administered by the County Council should be paid. However, if a meal is made available free of charge from any source during the period to which the allowance relates, then the appropriate amount must be deducted from the claim.
- 6.3 Where main meals (ie breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to a subsistence allowance, the reasonable cost of the meals (including VAT) may be reimbursed in full, provided the time on duty meets the conditions set out in Schedule 4. In such circumstances, reimbursement of the reasonable cost of a meal would replace the entitlement to the subsistence rate for the appropriate period.
- 6.4 Special allowances apply if a member is required to be away overnight or to undertake duties abroad. The overnight allowances are set out in Schedule 4. The Director of Corporate Services will, on request, supply details of the allowances payable for duties undertaken abroad.

## **7. Travelling Allowance**

- 7.1 Travelling allowances are payable to any member (including a co-opted member and/or an appointed member (see paragraph 8 below) and/or independent

persons consulted as part of the Council's Standards arrangements) in accordance with the rates set out in Schedule 5.

## **8. Co-optees/Independent Persons Allowance**

- 8.1 Subject to paragraph 10 below, an annual co-optees/independents allowance of and £607.01 is payable to appointed members (ie church and parent representatives on the Prosperous Staffordshire Select Committee or on any Committee (whatever entitled) whose functions include the education function); including a co-opted member and/or independent persons consulted as part of the Council's Standards arrangements. In either case such amount shall be paid monthly in arrears on the 28th of each month.
- 8.2 The amount of co-optees allowance payable to any member who presides at a meeting of a Scrutiny Panel where the functions of that Committee under Section 21 of the Local Government Act 2000 relate wholly or partly to any education functions which are the responsibility of the Council's Executive, shall not be less than the minimum amount of any special responsibility allowance payable under this scheme to a person who presides at meetings of any other of the Council's Committees or Sub-Committees.

## **9. Pensions**

- 9.1 As of 1 April 2014 elected members are not eligible to join the Local Government Pension Scheme.

## **10. Renunciation**

- 10.1 A councillor may, by notice given to the Director of Corporate Services, elect to forego any part of his or her entitlement to an allowance under paragraphs 3 or 4 of this scheme.
- 10.2 An appointed member (see paragraph 8 above) or independent persons consulted as part of the Council's Standards arrangements may, by notice given to the Director of Corporate Services, elect to forego any part of his or her entitlement to an allowance under paragraph 8 of this scheme.
- 10.3 Any such notice shall specify the effective date of renunciation and once given the notice may not be revoked otherwise than with effect from 1 April in any year.

## **11. Part-year entitlement**

- 11.1 The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic allowance, special responsibility allowance, and to the entitlements of appointed members (see paragraph 8 above) and independent persons consulted as part of the Council's Standards arrangements, to a co-optees allowance where, in the course of a year:-
- (a) this scheme is amended; or
  - (b) that person becomes or ceases to be a councillor or an appointed or independent member; or

- (c) that councillor accepts or relinquishes a special responsibility for which a special responsibility allowance is payable.

11.2 In relation to basic allowances and special responsibility allowances:-

- (a) if an amendment to this scheme changes the amount to which a councillor is entitled; or
- (b) where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year; or
- (c) where the special responsibilities of a councillor do not subsist throughout the year; or
- (d) where the scheme is amended as referred to in (a) above and the term of office and/or the special responsibilities of the councillor do not subsist throughout any part of the periods within the year distinguished by the payment of different amounts for these allowances; then

the entitlement to the allowances shall be calculated by reference to the proportion the number of days in each such period bears to the number of days in that year.

11.3 In relation to the Co-optees/Independent Persons allowance:-

- (a) if an amendment to this scheme changes the amount to which an appointed member (see paragraph 8 above) or an independent person consulted as part of the Council's Standards arrangements is entitled; or
- (b) where the term of office of an appointed member or an independent person begins otherwise than at the beginning or end of a year; or
- (c) where the scheme is amended as referred to in (a) above and the term of office of the appointed or independent member does not subsist throughout any parts of the periods within the year distinguished by the payment of different amounts for this allowance, then

the entitlement to the allowance shall be calculated by reference to the proportion the number of days in each such period bears to the number of days in that year.

## **12. Administration**

12.1 All claims for the payment of:

- (a) dependants' carers' allowance;
- (b) travelling and subsistence allowance; and
- (c) co-optees' allowance;

must be submitted to the Director of Corporate Services for payment within two months of the meeting taking place. Failure to comply with this timescale will result in the allowance being forfeit.

12.2 Where a member of the County Council is also a member of another authority, that member may not receive an allowance from more than one authority in respect of the same duty.

12.3 The Director of Corporate Services shall maintain on behalf of the authority a record of all payments made under this scheme which shall:-

- (a) specify in relation to each payment the name of the recipient and the amount and nature of the payment;
- (b) be kept available, at all reasonable times, for inspection (free of charge) by any local government elector for the area of the authority.

12.4 A person entitled to inspect the record may make a copy of any part of it.

### **13. Review of allowances**

13.1 The allowances payable under this scheme shall be reviewed annually based on the National Joint Council for Local Government Services annual review, and any percentage increase applied automatically.

### **14. Suspension or partial suspension of a member**

14.1 Where a member of the County Council is suspended or partially suspended from his or her responsibilities or duties as such member in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of all, or any, of the following allowances payable to him or her in respect of the period for which he or she is suspended, or partially suspended, may be withheld:-

- Basic allowance
- Special responsibility allowance
- Travelling and subsistence allowances
- Co-optees allowance
- Chairman and Vice-Chairman of the County Council allowances

### **15. Revision or revocation of the scheme**

15.1 This scheme may only be amended or revoked in accordance with the provisions of Section 10 of Part 3 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

## SCHEDULE 1

	1 April 2018 To 31 March 2019 £
Basic Allowance	£9,406.34

## SCHEDULE 2

### Special Responsibility Allowances

Special Responsibility Allowance	1 April 2018 To 31 March 2019
Leader of the Council	£36,488.98
Deputy Leader of the Council	£27,367.24
Cabinet Member (7)	£18,244.49
Cabinet Support Members (1)	£12,041.26
All Party Member Groups Cabinet Support Members (4) (50% of Cabinet Support Member SRA)	£6,020.63
Community Cabinet Support Members (8) (25% of Cabinet Support Member SRA)	£3,010.32
Leader of the Principal Opposition	£18,244.49
Leader of the Minority Opposition (n/a)	
Chair of Healthy Staffordshire Select Committee	£7,636.47
Vice Chair of Healthy Staffordshire Select Committee	£2,777.73
Chair of Corporate Review Committee	£6,940.76
Vice Chair of Corporate Review Committee	£2,429.88
Chair of Select Committee (3)	£6,940.76
Vice Chair of Select Committee (3)	£2,429.88
Chair of Planning Committee	£6,940.76
Vice Chair of Planning Committee	£2,429.88
Chair of Audit and Standards Committee	£4,166.09
Vice Chair of Audit and Standards Committee	£1,388.36
Chair of Pensions Committee	£4,166.09
Vice Chair of Pensions Committee	£1,388.36
Shadow Cabinet (Deputy Leader of the Principal Opposition)	£6,203.23
Shadow Cabinet Members (no more than 3) the single SRA may be subdivided to create SRAs for up to 3 Shadow Cabinet Members	£1,824.62
Chair of the Police and Crime Panel	£2,777.73

Members may only claim one Special Responsibility Allowance

Note – These amounts follow the recommendations of the County Council's Independent Remuneration Panel.



### SCHEDULE 3

#### Chairman and Vice-Chairman of the County Council

	1 April 2018 To 31 March 2019 £
Chairman of the County Council	£17,530.42
Vice-Chairman of the County Council	£8,761.75

The allowance above is paid under Sections 3 and 5 of the Local Government Act 1972 and does not affect members entitlement to a Special Responsibility Allowance

### SCHEDULE 4

#### Subsistence Allowances

	Up to a maximum of £
Breakfast	
A duty of four hours – three of which should be before 11 am	£5
Lunch	
A duty of four hours including 12 noon to 2 pm	£7
Tea	
A duty of four hours including 3 pm to 6 pm	£3
Dinner	
A duty of four hours ending after 7 pm	£12
Overnight	
London allowance for overnight accommodation	£92
All other for overnight accommodation	£80
	£
Overseas allowance per day	£10.89

### SCHEDULE 5

#### Mileage Allowances – Cars, Motorcycles and Bicycles

	Rate per mile
All motor cars including electric and hybrid vehicles	45 p (from 1 September 2014)
All motorcycles	24 p
Bicycle allowance	20 p
Passenger rate	5p per passenger



## SECTION 4

### CITIZENS AND THE COUNTY COUNCIL

#### 1. Citizens' rights

- 1.1 Citizens have a number of rights under this Constitution. These rights set out the ways in which Citizens can participate in the County Council's decision making arrangements.
- 1.2 A Summary of Citizens rights is given below and they are covered in more detail in the relevant parts of Procedural Standing Orders in Section 11 and the Access to Information Rules in Section 13.

#### 2. Voting and petitions

- 2.1 Citizens on the electoral roll for the County area have the right to vote in any election or referendum organised by the County Council. They may also sign a petition to request a referendum for an elected mayor form of Constitution. If the number of signatures on the petition reaches the prescribed number (currently 5% of the Electoral Roll), the County Council will hold a referendum.
- 2.2 Citizens also have a right to submit or sign petitions to the County Council including electronic petitions which can be submitted via <http://moderngov.staffordshire.gov.uk/mgEPetitionListDisplay.aspx?bcr=1>. Petitions submitted to the County Council will be dealt with under the petition scheme appended to this section.
- 2.3 Further details on how petitions are dealt with can also be found in **Section 12** Procedural Standing Orders.

#### 3. Information

- 3.1 Full details of Citizen's rights of access to information and the County Council's decision making arrangements are given in **Section 13 of the Constitution** – Access to Information Procedure rules.
- 3.2 In Summary, Citizens have the right to:
  - Attend meetings of the County Council and its Committees and Panels except where it is likely that confidential or exempt information will be disclosed during the meeting. Where this is the case, the meeting will be held in private and any reports containing confidential or exempt information will not be published;
  - Attend meetings of the Cabinet when key decisions are being considered;
  - Find out what key decisions will be taken by the Cabinet and when from the Council's Notice of Intended Key Decisions;
  - See reports and background papers, and any records of decisions made by the Council and the Cabinet; and
  - Inspect the Council's accounts and make their views known to the external auditor.

- Record, report or film formal meetings (including by the use of electronic methods such as Twitter, Blogs and Facebook).

#### **4. Complaints**

- 4.1 Citizens have the right to complain to the Council under its complaints scheme which can be found on the Council's website at <http://www.staffordshire.gov.uk/yourcouncil/consultationandfeedback/complimentscommentscomplaints>.
- 4.2 If Citizens are not satisfied by the response from the Council after using the Council's own complaints scheme they can then complain to the Local Government and Social Care Ombudsman, details of how to complain to the Ombudsman are given as part of Council's complaints scheme.
- 4.3 Citizens can also complain about the conduct of elected Members of the County Council to the County Council's Monitoring Officer who will investigate and determine if a breach of the Councillors' Code of Conduct has occurred. Further details about the Councillors' Code of Conduct can be found in Section 3 – Members of the County Council.

#### **5. Overview and Scrutiny**

- 5.1 Citizens have the right to participate in the Council's Overview and Scrutiny arrangements by suggesting topics for the Overview and Scrutiny Committees to review. More details can be found at <http://www.staffordshire.gov.uk/yourcouncil/decisionmakingcouncil/scrutinygetinvolved/>.
- 5.2 Citizens also have the right to attend meetings of the Council's overview and Scrutiny Committees and members of the public may be invited to participate in scrutiny activity at appropriate points.

#### **6. Citizens' responsibilities**

- 6.1 Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the County Council, councillors or officers.

## Petitions

Staffordshire County Council wants to hear from people who live, work and study in the area about the things that matter to them. We welcome petitions which are one way for people to let us know their concerns. We will acknowledge all petitions sent or presented to the council within 10 working days of receipt. This acknowledgement will set out what we plan to do in response to the petition. We will treat something as a petition if it says it is a petition, or if it seems to us that it is meant to be one.

You can send paper petitions to:

Mike Bradbury, Democracy Manager  
Member and Democratic Services  
Staffordshire County Council  
Wedgwood Building  
Tipping Street  
Stafford  
ST16 2DH

Or create, sign and submit a petition online by following this link  
<http://www.staffordshire.gov.uk/doitonline/haveyoursay/> .

Or contact Mike Bradbury, Democracy Manager – Scrutiny and Governance, on 01785 276133 to make arrangements to hand a petition in.

Petitions can also be presented to a meeting of the full council. These meetings take place at least six times a year, dates and times can be found here <http://moderngov.staffordshire.gov.uk/mgCommitteeDetails.aspx?ID=124> . If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Mike Bradbury, Democracy Manager, on 01785 276133 at least 10 working days before the meeting and an officer will talk you through the process.

### **What are the guidelines for submitting a petition?**

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition - it should state what action the petitioners wish the council to take (or stop taking)
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain what we will do in

response to the petition. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Please tell us if the petition has been sent to anyone else as well as the County Council.

Petitions which we consider to be vexatious, abusive or otherwise inappropriate are not acceptable.

## **What will the council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will explain what we plan to do in response to the petition and if and when they can expect to hear from us again. The acknowledgement will also be published on our website. The contact details of the petition organiser will not be published.

If we can do what your petition asks for, the acknowledgement may confirm our response that we will do this and the petition will be closed.

If the subject raised by the petition needs more investigation, we will tell you the steps we plan to take to do this, how you may be involved and when you can expect a final response.

If the petition has enough signatures to trigger a council debate (5,000 signatures), or a senior officer giving evidence (2,500 signatures), then the acknowledgement will confirm this and tell you when and where the meeting will take place and how you may be involved.

If the petition applies to a planning application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, other procedures apply. Further information on all these procedures and how you can express your views is available on the council's website.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines, the council may decide not to do anything further with it. In this case, we will write to you to explain the reasons.

So that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, together with the acknowledgement and notification of the response, except in

cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

## **How will the council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but the steps we take in response may include one or more of the following:

- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee\*
- calling a referendum

leading to writing to the petition organiser:

- setting out our views about the request in the petition
- explaining that we will take the action requested in the petition
- explaining why we will not take the action requested in the petition
- explaining what action we will take, if any, in response to the subject raised by the petition
- giving advice about how the subject raised by the petition might be pursued.

\*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council and some partners – in other words, the overview and scrutiny committee has the power to hold the council's decision makers and some partners to account. You can find out more about our decision making and scrutiny arrangements by following this link <http://www.staffordshire.gov.uk/yourcouncil/decisionmakingcouncil/> .

The council will consider all the specific actions it could take on the subject raised by a petition. If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason, then we will explain this to you. You can find more information on the services for which the council is responsible on our website.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event, we will always notify you of the action we have taken.

## **Full council debates**

If a petition contains more than 5,000 signatures it will be debated by the full council (unless it is a petition asking for a senior council officer to give evidence at a public meeting). This means that the subject raised in the petition will be discussed at a meeting which all County Councillors can attend. The council will usually consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. We will let you know about the specific arrangements for the debate and how you may be involved. The council may decide the response to the petition at this meeting or suggest what other steps should be taken. Where the council executive has to make the final decision on the response to the petition, the council may make recommendations to inform this decision.

The petition organiser will be notified of the council's resolutions.

This notification will also be published on our website.

## **Officer evidence**

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 2,500 signatures, the relevant senior officer will give evidence at a public meeting of the relevant overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here [see annex]. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but we will let you know the specific arrangements for the meeting and how you may be involved. The overview and scrutiny committee will make a report on its findings which may include recommendations for action.

The petition organiser will be sent a copy of the overview and scrutiny committee's report. The report will also be published on our website.



## **E-petitions**

The council welcomes e-petitions which are created and submitted through our website [<http://www.staffordshire.gov.uk/doitonline/haveyoursay/>]. E-petitions must follow the same guidelines as paper petitions.

The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted unless you would like to present it to a meeting of the council. If you would like to present your e-petition please contact Mike Bradbury, Democracy Manager, on 01785 276133 in advance of the closure date. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

### **How do I 'sign' an e-petition?**

You can see all the e-petitions currently available for signature on the council's website.

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

## **What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request a review of the steps that the council has taken in response to your petition. This will be undertaken by the Council's Corporate Review Committee, unless it has previously been involved in considering the petition in which case it will nominate another of the council's overview and scrutiny committees to undertake the review. It is helpful to everyone if the petition organiser gives a short explanation of the reasons why the steps the council has taken are not considered to be adequate.

The committee will usually consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

### **Annex**

#### **List of the senior staff that can be called to give evidence**

Chief Executive  
Director for Economy, Infrastructure and Skills  
Director for Families and Communities  
Director of Corporate Services  
Director of Health and Care

## SECTION 5

### THE FULL COUNCIL

#### 1. Purpose of Full Council

- 1.1 The Full Council is the County Council's primary democratic body. All 62 County Councillors meet together to debate matters of importance and fulfil the functions set out for full Council.

#### 2. Functions of Full Council

- 2.1 The Full Council's primary responsibility is to adopt and approve the County Council's Budget and Policy Framework. The way in which changes to the Budget and Policy Framework are made is governed by the Budget and Policy Framework Rules appended to this section.

- 2.2 The County Council's policy framework sets out the major policies governing the Council's work and includes the following plans and strategies:-

- Annual Library Plan
- Best Value Performance Plan
- Children and Young People's Plan
- Corporate Strategy
- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Development Plan documents contained in the Minerals and Waste Development Framework
- Youth Justice Plan
- Local Transport Plan

- 2.3 The Full Council is also responsible for setting the County Council's budget on an annual basis. This includes the allocation of financial resources to different services, proposed contingency funds, setting the level of Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

- 2.4 The Full Council will also exercise the following functions, some of which may be delegated to Officers of the Authority under the Scheme of Delegation in Section 11 of this Constitution (These functions are indicated by an asterisk):
- Adopting and changing the Constitution on the recommendation of the Audit and Standards Committee.
  - Subject to the urgency procedure contained in the Access to Information Rules in Section 13 of this Constitution, making 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 is minded to make it in a manner which would not be in line with the policy framework or the budget.
  - Appointing and removing the Leader of the Council.
  - Setting the maximum number of Support Members.

- Agreeing and/or amending the terms of reference for Committees and Panels, deciding on their composition and making appointments to them.
- Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council.
- Adopting a Members Allowances Scheme on the recommendation of the Independent Panel.
- Changing the name of the area.
- Conferring the title of honorary alderman.
- Confirming the appointment of, and dismissing, the Head of Paid Service.
- Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local or personal Bills in Parliament.
- All local choice functions set out in the table below which the Council decides should be undertaken by itself rather than the Cabinet (if any).
- Adopting or changing the Members' Code of Conduct.
- The approval, for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan.
- Agreeing to confer additional functions on a joint committee agreed by the Planning Committee for the purposes of Part 2 to the Planning and Compulsory Purchase Act 2004 to be a local planning authority.
- Agreeing to request the dissolution of a joint committee agreed to by the Planning Committee for the purposes of Part 2 to the Planning and Compulsory Purchase Act 2004 to be a local planning authority.
- Appointing the Returning Officer for Local Government Elections.\*
- Dividing electoral divisions into polling districts at Local Government elections.
- Submitting proposals to the Secretary of State for an order under section 11 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.
- To make standing orders.
- To appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).\*
- To make arrangements for proper administration of financial affairs etc.
- To designate an officer as the head of the authority's paid service, and to provide staff, etc.
- To designate an officer as the monitoring officer, and to provide staff, etc.
- All other matters which, by law, must be reserved to the Council.

### **3. Local Choice Functions**

- 3.1 The County Council is responsible for determining responsibility for Matters which are termed 'local choice' functions under Section 13 of the Local Government Act 2000.
- 3.2 A list of those Local Choice Matters which Full Council has determined should be the responsibility of the Cabinet can be found in Section 6 – The Cabinet.

- 3.3 The Full Council is responsible for the following Local Choice Functions:
- The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of the Staffordshire Police Authority.
  - The Full Council has also determined that the Audit and Standards Committee will be responsible for the determination of an appeal against a decision made by or on behalf of the authority.

#### **4. Council Meetings**

- 4.1 There are three types of County Council meeting:
- The Annual meeting;
  - Ordinary meetings;
  - Extraordinary meetings.
- 4.2 Meetings of the County Council will be conducted in accordance with the Procedural Standing Orders in Section 12 of this Constitution.

#### **5. Chairing County Council Meetings.**

- 5.1 The Chairman and Vice-Chairman of the County Council will be elected by the Council at its annual meeting and The Chairman of the County Council, and in his absence, the Vice-Chairman, will have the following roles and functions:
- 5.1.1 To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary.
- 5.1.2 To plan for and to preside over meetings of the Council, ensuring that its business is carried out efficiently, having regard to the rights of councillors and the interests of the community.
- 5.1.3 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which members who are not on the Cabinet are able to hold the Cabinet and Committee and Panel Chairmen to account.
- 5.1.4 To promote public involvement in the Council's activities.
- 5.1.5 To attend or to be represented at such civic and ceremonial functions as he may determine.
- 5.1.6 To determine any matter referred to him under the urgency provisions in the Access to Information Rules in Section 2 or the Budget and Policy Framework Rules appended to this section.
- 5.1.7 To respond to any consultations where consultation with the Chairman of the County Council is required under this Constitution.



## **Appendix BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1. The framework for Cabinet decisions**

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in Section 5 of the Constitution. Once a budget or a policy referred to in the policy framework is in place, it will be the responsibility of the Cabinet to implement it.

### **2. Process for developing the framework**

- 2.1 After appropriate consultation with stakeholders, the Cabinet will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. Once drawn up the Proper Officer will serve copies of them on the Chairman of the relevant Select Committee(s) together with dates when the Cabinet will consider them further, which shall allow a reasonable period for the Select Committee(s) to consider the proposals.
- 2.2 The relevant Select Committee will consider whether to respond to the Cabinet's initial proposals and whether any further consultation is appropriate. If so the Committee will conduct such consultation, and will reflect any representations made to it, in its response to the Cabinet prior to the decision being made by the Cabinet.
- 2.3 The Cabinet will finalise its proposals for the Council to consider having taken into account the comments from the relevant Select Committee. The report to Council will show the Cabinet's response to those comments.
- 2.4 The Council will consider the proposals of the Cabinet and if the Council has no objection to those proposals it may adopt them.
- 2.5 If the Council has any objections to a draft plan or strategy proposed by the Cabinet, then before the Council:-
- (a) amends the draft plan or strategy; or
  - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
  - (c) adopts (with or without modification) the plan or strategy,
- it shall inform the Leader of the Council of those objections and shall give the Leader of the Council instructions requiring the Cabinet to reconsider, in the light of those objections, the draft submitted to it.
- 2.6 Where the Council gives instructions in accordance with paragraph 2.5 it shall specify a period of at least five working days, beginning on the day after the date on which the Leader of the Council receives the Council's instructions in writing on behalf of the Cabinet, within which the Cabinet may:-

- (a) submit a revision of the draft plan or strategy as amended by them (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration: and/or
- (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

2.7 When the period specified by the Council under paragraph 2.6 has expired, the Council shall, when:-

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy; or
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted: or
- (c) adopting (without or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which in each case have been notified to the Council within that period.

2.8 Subject to paragraph 2.12, where, before 8 February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:-

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 43 to 49 of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it shall take the action set out in paragraph 2.9.

2.9 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 2.8 (a) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it shall inform the Leader of the Council of any objections which it has to the Cabinet's estimates or amounts and shall give to the Leader of the Council instructions



requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

- 2.10 Where the Council gives instructions in accordance with paragraph 2.9, it shall specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the Council's instructions in writing on behalf of the Cabinet within which the Cabinet may:-
- (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; and/or
  - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 2.11 When the period specified by the Council under paragraph 2.10 has expired, the Council shall, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 2.8(a) or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account any amendments to the estimate or amounts that are included in any revised estimates or amounts; the Cabinet's reasons for those amendments; any disagreement that the Cabinet has with any of the Council's objections; and the Council's reasons for that disagreement which in each case have been notified to the Council within that period.
- 2.12 Paragraphs 6 to 9 shall not apply in relation to :-
- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52J or 52U of the Local Government Finance Act 1992; and
  - (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52 U of that Act.
- 2.13 In approving the policy and budgetary framework the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

### **3. Decisions outside the Budget or Policy framework**

- 3.1 Subject to the provisions of paragraph 5 below (virement), the Cabinet, and any officers discharging Cabinet functions, may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is not in line with the policy framework or the budget approved by the full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.

3.2 If the Cabinet, or any officer discharging Cabinet functions, want to make such a decision, they shall take advice from the Monitoring Officer and/or the Director of Finance and Resources as to whether the decision they want to make is not in line with the policy framework or the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that officer to the Cabinet and by the Cabinet to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 below (urgent decisions outside the budget and policy framework) shall apply.

#### **4. Urgent decisions outside the Budget or Policy framework**

4.1 The Cabinet, or the Chief Executive or a Chief Officer may take a decision which is not in line with the Council's policy framework or the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- (a) if it is not practical to convene a quorate meeting of the full Council; and
- (b) if the Chairman of the relevant Select Committee agrees that the decision is a matter of urgency.

4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chairman of the relevant Select Committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the relevant Select Committee the consent of the Chairman of the Council or in the absence of both, the Vice-Chairman will be sufficient.

4.3 Following the decision, the Cabinet will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### **5. Virement**

5.1 Steps taken by the Cabinet, or any Sub-Committee or Portfolio Holder or officer, discharging executive functions to implement Council policy shall not exceed the allocated budget for the service in question.

5.2 The Financial Regulations in Section 14 of this Constitution set out the rules for the operation of virement across the budgets allocated for particular functions of the Council.

5.3 Virement in excess of the limits from time to time prescribed for the purposes of the Financial Regulations shall require the approval of the full Council.

## **6. In-year changes to the Budget and Policy Framework**

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, or any Sub-Committee or Portfolio Holder or any officer, discharging executive functions must be in line with it.
- 6.2 No changes to any policy and strategy which make up the policy framework may be made by any officer and no such changes may be made by the Cabinet except those changes:-
- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
  - (b) which are necessary to ensure compliance with the law, ministerial direction, guidance issued by Government or a Government Agency, or guidance issued by the Audit Commission or the Council's external Auditor.
  - (c) in relation to the policy framework, in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
  - (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.
  - (e) for which the budget or policy specifically provides for in-year change.

## **7. Call-in of decisions outside the Budget or Policy Framework**

- 7.1 Where a Select Committee is of the opinion that an Cabinet decision is, or if made would be, not in line with the policy framework or the Council's budget, then it shall seek advice in the form of a report from the Monitoring Officer and/or Director of Finance and Resources.
- 7.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Director of Finance and Resources's report shall be submitted to the Cabinet and copied to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Director of Finance and Resources conclude that the decision was not in line with the policy framework and/or budget, and to the relevant Select Committee if the Monitoring Officer or the Director of Finance and Resources conclude that the decision was in line with the policy framework and/or budget.
- 7.3 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 Director of Finance and Resources is that the decision is or would be not in line with the policy framework or the budget, the Select Committee may refer the matter to the Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 20 working days of

the request by the Select Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Director of Finance and Resources. The Council may either:

- (a) endorse a decision or proposal of the Cabinet as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- (b) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Director of Finance and Resources.

## **SECTION 6**

### **THE CABINET**

#### **1. Executive Arrangements**

- 1.1 The role of the Council's Executive is to lead the preparation of the Council's policies and budget, to lead the community planning process and the attainment of best value, to implement the Council's policies and budget, to take in-year decisions on such and to be the focus for Local Strategic Partnerships.
- 1.2 The County Council's Executive comprises the Leader of the Council and a Cabinet of other Members appointed by the Leader. The Leader of the Council and the Cabinet are collectively described as "The Cabinet". The Cabinet is not a Committee of the County Council.

#### **2. Leader of the Council**

- 2.1 The County Council shall appoint a Member of the Council as the Leader of the Council at its annual meeting in the year of elections for County Councillors.
- 2.2 The Leader will serve for a four year term unless:-
- They resign from the office;
  - They are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
  - They are no longer a Councillor; or
  - They are removed from office by resolution of the Council.
- 2.3 If the serving Leader ceases to be Leader for one of the above reasons, the Council will elect a new Leader who will serve until the next election for County Councillors.

#### **3. The Cabinet**

- 3.1 The Leader shall specify the number of Members in addition to himself who comprise the Cabinet being not less than two and not more than nine. The Cabinet shall not be a Committee of the Council.
- 3.2 The Leader of the Council shall appoint Members of the Council to serve on the Cabinet as Cabinet Members. Only Councillors may be appointed to the Cabinet and there may be no Deputies or Substitutes for Cabinet Members.
- 3.3 The Chairman and Vice-Chairman of the County Council may not be Members of the Cabinet and Cabinet Members may not be Members of any of the Scrutiny Committees.
- 3.4 Cabinet Members will serve for a four year term of office unless:-
- They resign from office;
  - They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);

- They are no longer a Councillor;
- They are removed from office by the Leader of the Council; or
- The Leader of the Council resigns or is removed from office.

3.5 The Leader of the Council shall allocate to each Cabinet Member responsibilities relating to the executive functions of the Council as he shall decide. The Director of Corporate Services shall maintain a list of these responsibilities and include it in the Constitution.

#### **4. The Deputy Leader**

4.1 The Leader of the Council shall designate one Cabinet Member as Deputy Leader who may, in any circumstances that Leader of the Council is unable to act, exercise the powers, duties and responsibilities of the Leader of the Council under the Constitution.

4.2 If the Leader of the Council ceases to hold the office, the Deputy Leader will act as Leader until a new Leader is appointed by the Council. Under these circumstances, the provisions of Paragraph 3.4 above shall not apply.

4.3 The Deputy Leader will hold office until the end of the Leader's term of office unless removed from the office by the Leader or they cease to be a Cabinet Member under Paragraphs 3.4 above.

#### **5. The Lead Member for Children's Services (LMCS)**

5.1 The Leader shall designate one Cabinet Member as the LMCS with responsibility for children's services.

5.2 The LMCS shall

- have political responsibility for the strong, strategic leadership and effectiveness of children's services.
- have regard to the General Principles of the United Nations Convention on the Rights of the Child.
- perform a key role in defining the local vision and setting political priorities for children's services within the broader political context of the Council.
- support and challenge the Director of Children's Services and relevant members of their senior team, other Directors and local partners to ensure that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed.
- Ensure that children and young people's views are taken into account in the development and delivery of local services which improve their outcomes and well-being.

#### **6. Cabinet Support Members**

##### **6.1 Cabinet Support Members with a specific portfolio**

There will be one Cabinet Support Members with the portfolio as follows:-

- Adult Safeguarding

## 6.2 **All Party Member Group (APMG) Cabinet Support Members**

There will be four APMG Cabinet Support Members who will chair and lead the All Party Member Groups.

## 6.3 **Community Cabinet Support Members**

There will be eight Community Cabinet Support Members to support the Cabinet Member for Communities, provide leadership on matters relating to a particular district and co-ordinate the activity of the elected members in that district.

## 7. **Role of the Cabinet**

7.1 The Council's Cabinet will operate as the strategic policy and decision making body of the County Council carrying out such of the County Council's functions which are not the responsibility of any other part of the Council and which are allocated to the Cabinet by the Leader of the Council.

7.2 In support of those roles the Cabinet will consider and manage the exercise of all the functions and powers of the Council which are delegated to the Cabinet by the Leader and:-

- After consulting with the appropriate Scrutiny Committee, consider and make recommendations to the full Council on any matters which it is the responsibility of the full Council to determine, (other than on matters which are by law not the responsibility of the Leader and Cabinet);
- Determine an annual programme for the preparation of reports and recommendations to the Council on such matters;
- Consult as the Cabinet thinks fit on any matter.
- Conduct reviews in respect of any service or function within the scope of the role of the Leader and/or Cabinet, subject to consultation with the appropriate Scrutiny Committee and to the participation of members of the appropriate Scrutiny Committee in individual reviews; and receive reports on reviews undertaken.
- Refer such matters as the Cabinet may decide to any Scrutiny Committee for consideration and/or report and/or recommendation.
- Consider and respond to reports and recommendations from any Scrutiny Committee.

7.3 The Cabinet shall appoint Members to serve on the various bodies upon which the County Council is entitled to appoint representatives subject to any relevant statutory provision relating to political balance. The Cabinet may also remove an appointee from the office if and when required.

7.4 No member of the Council other than the Cabinet Member in question shall be appointed to or serve on any Body advising or being consulted by that Portfolio Holder.

7.5 The Cabinet will as appropriate or necessary in the circumstances seek the advice of the Chief Executive, the Director of Corporate Services the relevant Chief Officer and/or the Director of Finance and Resources on any matter and shall have regard to any advice so given.

## **8. Cabinet Decisions and Cabinet Member Decisions**

- 8.1 The Cabinet may collectively take any decision on any matter delegated to the Cabinet by the Leader or has been referred to the Cabinet by a Cabinet Member, the Chief Executive or any Chief Officer or is one which the Cabinet have specifically reserved for decision to them.
- 8.2 The Cabinet have no power to take decisions on matters reserved to the full Council or matters which may not by law be determined by the Cabinet or change the delegation of any Local choice Function.
- 8.3 The Leader may establish one or more Cabinet Sub-Committees on a task and finish basis. They shall appoint the Chairman and members of the Sub-Committee from amongst the Members of the Cabinet and may delegate powers to it. The details of any Sub-Committee and the powers delegated to it shall be recorded in this Constitution.
- 8.4 The Leader of the Council may also delegate specific decision making powers to a specified Cabinet Member. All such allocations are to be recorded by the Director of Corporate Services in the Constitution on the written notification by the Leader of the Council.
- 8.5 Cabinet Members may only take decisions within the approved budget and may not have delegated power to take key decisions, decisions that are by law not the responsibility of the Council's Executive or decisions that are reserved by the Leader to the Cabinet as a whole. No decision shall be made by a Cabinet Member who has a conflict of interest or where such action would be contrary to a Code of Conduct in any other way or would be unlawful.
- 8.6 The exercise of delegated powers by a Cabinet Member is always subject to the County Council's Budget and Policy Framework rules, the Call-in provisions in Section 7 (Select Committees), the Access to Information Rules (Section 13), and Financial Regulations (Section 14).
- 8.7 Delegated powers can only be exercised once the Cabinet Member has considered a written report from the Chief Officer concerned. Where appropriate, such written report shall include confirmation that the Chief Officer has received and considered advice from the relevant Statutory Officer.
- 8.8 The decision of the Portfolio Holder must be in writing, signed by him/her and by the Chief Officer concerned and include a record of the reasons for the decision, details of any alternative options considered and rejected at the time by the Portfolio Holder, a record of any conflict of interest declared by any other Cabinet Member who is consulted in relation to the decision and a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest. A copy of such decision must be given within 24 hours to the Director of Corporate Services.
- 8.9 The Leader may delegate to a Chief Officer any power or responsibility or function which it is in law the responsibility of the Cabinet to discharge and will maintain a scheme of such delegations in Section 11 of the Constitution.



- 8.10 Chief Officers may in turn delegate any responsibilities that have been allocated to them to an officer in accordance with a scheme to be approved by the Leader. The Leader will keep such schemes under review and may from time to time add to, vary or delete any such delegations.
- 8.11 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.

## **9. Cabinet Meetings**

- 9.1 Cabinet decisions which are taken by the Cabinet as a whole will be taken at meetings convened in accordance with the Access to Information Rules in Section 13 of the Constitution. The Cabinet will normally meet at monthly intervals and at other times to be agreed by the Leader of the Council.
- 9.2 The quorum for a meeting of the Cabinet shall be three including the Leader of the Council, or if he is absent, the Deputy Leader. If the Leader of the Council is present he will preside and if he is absent the Deputy Leader will preside.
- 9.3 At each meeting of the Cabinet the following business will be conducted:-
- Confirmation of the minutes of the last meeting.
  - Declarations of interest, if any.
  - Any matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution.
  - Consideration of reports from Scrutiny Committees; and
  - Any matters set out in the agenda for the meeting, and which shall indicate those which are key decisions and those which are not in accordance with the Access to Information Procedure rules set out in Section 13 of this Constitution.
- 9.4 The Cabinet may require any Cabinet Member or the Leader of the Council or Chief Officer to report to the Cabinet on any matter which the Cabinet specify and which is within its or his/her purview.
- 9.5 Any Cabinet Member may request the Leader of the Council to arrange for an item to be placed on the agenda of the next available meeting of the Cabinet for consideration.
- 9.6 The Monitoring Officer and/or the Finance Officer may require the Proper Officer to include an item for consideration on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.
- 9.5 The Director of Corporate Services will be the Proper Officer for matters relating to the membership and meetings of the Cabinet, including summoning meetings, circulating the Agenda and papers for such meetings, and recording every decision taken by the Cabinet itself. Such record shall include the reasons for such decision and any alternative options considered and rejected.

## **10. Conflicts of Interest**

- 10.1 Where the Leader and/or a Cabinet Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.
- 10.2 If the exercise of an executive function has been delegated to an officer and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Officers' Code of Conduct in Section 11 of this Constitution.

## **11. Rights of attendance at Meetings of the Cabinet**

- 11.1 Any person entitled to do so by the Access to Information Rules in Section 13 of this Constitution may attend a Cabinet Meeting. A Councillor may attend a Cabinet meeting in accordance with the 'Local Member' provisions in Section 12 of this Constitution.
- 11.2 The Cabinet or the Leader of the Council may invite any individual to attend a meeting of the Cabinet to assist or advise the Cabinet but such individual shall not be a member of the Cabinet and shall not have any voting rights.
- 11.3 Up to two representatives nominated by the Corporate Review Committee shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers any reference back of a called-in decision.

## **12. Consultation**

- 12.1 Reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the budget and policy framework must contain details of consultation with stakeholders and relevant Scrutiny Committee, and the outcome of that consultation.
- 12.2 Reports about other matters will set out the details and outcome of consultation as appropriate.
- 12.3 Each Cabinet Member may from time to time make arrangements for consultation with persons or bodies who are not members of the Council about any matter within the portfolio of that Cabinet Member. These arrangements shall not lead to any delegated powers being vested in any person or body so consulted or asked to advise.
- 12.4 The Leader may also establish (and disestablish) Boards comprising Members and officers to oversee specific projects, functions or services or to undertake reviews.
- 12.5 Boards do not have the power to take decisions on behalf of the Council and are informal structures not subject to the provisions regarding Access to Meetings and Information (except the additional rights of Access for Members).
- 12.6 A list of boards currently established, along with their terms of reference and Membership shall be maintained by the Director of Corporate Services and included in the Constitution.

## Delegations to all Cabinet Members

1. Subject to Paragraph 2 below, to take a decision on any matter which is the responsibility of Cabinet under the Council's constitution and which falls within the Cabinet Member's portfolio (**see table below for details of Cabinet Members' portfolio responsibilities**) and which is not delegated to an officer(s) in the Council's Scheme of Delegation to Officers.

2. This delegation does not extend to decisions of the following nature:

- Key Decisions i.e. decisions which are significant either in financial terms or in their effects on communities living or working in an area comprising two or more electoral divisions in the county area.
- Decisions affecting more than one portfolio.
- Decisions which the portfolio holder considers more appropriate for a full Cabinet Decision.
- Decisions which are outside the Council's Budget or Policy Framework (if the Cabinet Member is in any doubt as to whether a decision is outside the Council's Budget or Policy Framework they should seek the advice of the Director of Corporate Services).
- Decisions in relation to which the Cabinet Members has a Disclosable Pecuniary Interest or the taking of which by the Cabinet Member would otherwise involve a breach of the Council's Code of Conduct for Members.
- Decisions which are unlawful or would lead to the Council acting unlawfully.

3. For the avoidance of doubt this delegation replaces and supersedes any previous delegations to Cabinet Members where there is any inconsistency between the two.

**Leader of the Council**

<p><b>Role Purpose</b></p> <p><b>Prosperity, Wellbeing and Safer Communities</b></p>	<ul style="list-style-type: none"> <li>• To be responsible for the Council’s overall vision, strategy and budget setting and monitoring.</li> <li>• To provide clear political leadership both within and outside the County Council to help advance all of the County Council’s key outcomes.</li> <li>• To create effective internal and external relationships with key organisations both within Staffordshire, nationally and internationally.</li> <li>• To win new resources for Staffordshire to deliver the vision of a connected Staffordshire, where everyone has the opportunity to prosper, be healthy and happy</li> <li>• To be accountable for the development and delivery of the county council strategies and to ensure that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• To appoint and hold Cabinet colleagues to account as they ensure accountability within their commissioning/service areas including that financial and operational performance in those areas meets the requirements of the Council’s Strategic Plan, Business Plan and the Medium Term Financial Strategy (MTFS).</li> <li>• To hold Cabinet colleagues accountable for the delivery of the appropriate key projects/programmes including the delivery on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To Chair meetings of the Cabinet</li> <li>• To represent, or appoint a representative of, the County Council on a range of outside bodies both within and outside of Staffordshire.</li> <li>• To be the County Council’s representative on the Local Enterprise Partnership (LEP)</li> <li>• In consultation with the Chief Executive, to appoint (and/or remove) officers and members (as appropriate) to act as Directors on Boards of companies of which the County Council is a member or is to be a member.</li> </ul>	
<p><b>Key External Relationships</b></p>	<ul style="list-style-type: none"> <li>• Public sector bodies locally, nationally and internationally as appropriate including the LEP, Staffordshire Strategic Partnership, County Council’s Network, Midlands Engine, Midlands Connects Board, Constellation Partnership, criminal justice partners, HM Treasury and the Department for Communities &amp; Local Government</li> <li>• Business locally, nationally and internationally as appropriate</li> </ul>	
<p><b>Key Internal Relationships</b></p>	<ul style="list-style-type: none"> <li>• Cabinet</li> <li>• Shadow Cabinet</li> </ul>	<ul style="list-style-type: none"> <li>• Senior Leadership Team</li> <li>• Appropriate Scrutiny Committees</li> </ul>
<p><b>Strategic Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Development and implementation of Council’s Strategic Plan</li> <li>• To lead on Public Sector reform</li> </ul>	<ul style="list-style-type: none"> <li>• Overall Property Strategy</li> <li>• District and Town deals (strategy)</li> <li>• Strategic HR</li> </ul>

<b>Operational Responsibilities</b>	<ul style="list-style-type: none"><li>• Comms</li></ul>	
<b>Project Responsibilities</b>	<ul style="list-style-type: none"><li>• Overseeing all key projects through Cabinet Members</li></ul>	

<b>Deputy Leader and Cabinet Member for Health, Care and Wellbeing</b>		
<b>Role Purpose</b>  <b>Wellbeing</b>	<ul style="list-style-type: none"> <li>• To deputise for the Leader in his absence and to assist him at other times as agreed with the Leader.</li> <li>• To provide clear political leadership both within and outside the County Council to help advance all of the County Council's key outcomes.</li> <li>• To assist in creating effective internal and external relationships with the organisations listed below to help advance the outcomes.</li> <li>• To provide clear political leadership both within and outside the County Council to help advance the County Council's key outcome of developing a Staffordshire where everyone can benefit from improved Health &amp; Wellbeing.</li> <li>• To be accountable for the development and delivery of the strategies listed below and to ensure that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• Working with the Cabinet Support Member for Adult Safeguarding, to be accountable for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be accountable for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be the co-chair of the Staffordshire Health &amp; Wellbeing Board and ensure that the views of the County Council are influential in the work of the Board.</li> </ul> <p>In order to effectively discharge the Wellbeing agenda, this Cabinet Member will lead and work with the Cabinet Support Member for Adult Safeguarding</p>	
<b>Key External Relationships</b>	<ul style="list-style-type: none"> <li>• Department of Health</li> <li>• NHS England</li> <li>• Public Health England</li> <li>• National Health Improvement (NHS(1))</li> <li>• Monitor</li> <li>• Care Quality Commission, and Principle Social Worker</li> </ul>	<ul style="list-style-type: none"> <li>• Staffordshire Health and Wellbeing Board Members</li> <li>• Health Commissioners &amp; Providers across Staffordshire</li> <li>• Care Providers</li> <li>• District &amp; Borough Councils in particular re: housing</li> </ul>
<b>Key Internal Relationships</b>	<ul style="list-style-type: none"> <li>• Director of Health and Care</li> <li>• Deputy Chief Executive and Director of Families and Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Cabinet Support Member for Adult Safeguarding</li> <li>• Appropriate Shadow Cabinet member(s)</li> <li>• Appropriate scrutiny committees</li> </ul>
<b>Strategic Responsibilities</b>	<ul style="list-style-type: none"> <li>• Development and implementation of Health &amp; Wellbeing strategy</li> <li>• Development of the Sustainability and Transformation Plan for Staffordshire and Stoke on Trent</li> <li>• Development of strategy to foster closer integration with NHS commissioners.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Development and implementation of Public Health strategies (including active Staffordshire)</li> <li>• All age Mental Health Strategy</li> <li>• Development and implementation of all age disability strategy</li> <li>• Long Term Care Strategy</li> <li>• Contributing to the development of Building Resilient Families and Communities and Families First strategies in partnership with the Cabinet member for Children and Young People</li> <li>• Adult Safeguarding Board (delegated to Cabinet support member)</li> </ul>
<b>Operational Responsibilities</b>	<ul style="list-style-type: none"> <li>• Delivery of Better Care Fund and integrated commissioning</li> <li>• Health visiting (jointly with Cabinet member for Children and Young People)</li> <li>• School nursing (jointly with Cabinet member for Children and Young People)</li> <li>• Drugs &amp; Alcohol services</li> <li>• Sexual health services</li> <li>• Health improvement services and activities</li> <li>• Reablement and rehabilitation services</li> <li>• Housing related support</li> <li>• Adult social care assessment and case management (SSOTP, LD and MH)</li> <li>• Occupational therapy</li> <li>• Brokerage</li> <li>• Long term care</li> </ul>
<b>Project Responsibilities</b>	<ul style="list-style-type: none"> <li>• Health and Care Transformation Programme</li> <li>• Sustainable Transformation Plan</li> </ul>

<b>Cabinet Support Member for Adult Safeguarding</b>		
<b>Role Purpose</b>  <b>Wellbeing – Operational Oversight and Performance</b>	<ul style="list-style-type: none"> <li>• To support the Cabinet Lead Member for Health and Adult Care to provide clear political leadership both within and outside the County Council to help advance the County Council’s key outcome of developing a Staffordshire where everyone can benefit from improved Health &amp; Wellbeing.</li> <li>• To create effective internal and external relationships with the organisations listed below to help advance the outcome.</li> <li>• To be accountable to the Cabinet Lead Member for the development and delivery of the functions and services listed below and to ensure that those functions and services contribute effectively in meeting the outcomes required by the Council and Cabinet.</li> <li>• To be accountable to the Cabinet Lead Member for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFs.</li> <li>• To be accountable to the Cabinet Lead Member for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFs.</li> </ul> <p>The Cabinet Support Member for Adult Safeguarding will assist the Health, Care and Wellbeing Cabinet Member, to effectively discharge the Wellbeing agenda. The Cabinet Support Member has no decision-making powers.</p>	
<b>Key External Relationships</b>	<ul style="list-style-type: none"> <li>• Safeguarding Adults Board</li> <li>• Healthwatch Staffordshire</li> <li>• Care Quality Commission local leads</li> </ul>	<ul style="list-style-type: none"> <li>• Providers of Domiciliary and Residential Care across Staffordshire</li> <li>• Health Commissioners and Providers across Staffordshire</li> </ul>
<b>Key Internal Relationships</b>	<ul style="list-style-type: none"> <li>• Director of Health and Care</li> <li>• SCC Lead for Adult Social Care and Safeguarding</li> <li>• SCC Safeguarding Lead</li> <li>• Adult Safeguarding Manager</li> </ul>	<ul style="list-style-type: none"> <li>• SCC Lead for Care Commissioning</li> <li>• SCC Quality Assurance team leader</li> <li>• Appropriate Shadow Cabinet member(s)</li> <li>• Appropriate Scrutiny Committees</li> </ul>
<b>Strategic Responsibilities</b>	<ul style="list-style-type: none"> <li>• Ensuring that arrangements within Staffordshire for adult safeguarding and quality assurance of long term care providers are adequate</li> </ul>	
<b>Operational Responsibilities</b>	<ul style="list-style-type: none"> <li>• Governance arrangements for safeguarding adults through the Safeguarding Adults Board</li> <li>• Operational arrangements for safeguarding adults and the associated activity and outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Arrangements to discharge the Council’s responsibilities under the Mental Health act in respect of the function of Approved Mental Health Professionals</li> </ul>



	<ul style="list-style-type: none"> <li>• Arrangements to discharge the Council's responsibilities under the Deprivation of Liberty Safeguards</li> </ul>	<ul style="list-style-type: none"> <li>• Arrangements for quality assurance of long term care providers, ongoing issues and how these are being resolved</li> </ul>
<b>Project Responsibilities</b>	<ul style="list-style-type: none"> <li>• Health and Care Transformation Programme</li> <li>• Sustainable Transformation Plan</li> </ul>	

**Cabinet Member for Economic Growth**

<p><b>Role Purpose</b></p> <p><b>Prosperity</b></p>	<ul style="list-style-type: none"> <li>• To provide clear political leadership both within and outside the County Council to help advance the County Council's key outcome of developing a Staffordshire where everyone can benefit from improved Prosperity.</li> <li>• To create effective internal and external relationships with the organisations listed below to help advance the outcome.</li> <li>• To be accountable for the development and delivery of the strategies listed below and to ensure that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• To be accountable for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be accountable for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be the County Council's representative on the Midlands Connect Steering Group</li> <li>• To be the County Council's Principal Director to the Board of West Midlands Rail Limited (The Leader of the Council to be the substitute Board member)</li> </ul>	
<p><b>Key External Relationships</b></p>	<ul style="list-style-type: none"> <li>• Stoke on Trent and Staffordshire Local Enterprise Partnership and other surrounding LEPs and economic partnerships (e.g. Sector Groups, Combined Authorities etc.)</li> <li>• Department for Business, Energy and Industrial Strategy Department for Works and Pensions</li> <li>• Schools, colleges and universities</li> <li>• National Careers Service</li> <li>• HS2 Ltd</li> </ul>	<ul style="list-style-type: none"> <li>• BT</li> <li>• Chambers of Commerce</li> <li>• Federation of Small Businesses</li> <li>• Businesses across Staffordshire</li> <li>• Stoke on Trent City Council</li> <li>• District &amp; Borough Councils</li> </ul>
<p><b>Key Internal Relationships</b></p>	<ul style="list-style-type: none"> <li>• Director for Economy, Infrastructure and Skills</li> <li>• Cabinet Member for Learning and Employability</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate Shadow Cabinet member/s</li> <li>• Appropriate scrutiny committee/s</li> </ul>
<p><b>Strategic Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Development and implementation of Council's Economic Development</li> <li>• Tourism strategy</li> <li>• Strategic Planning</li> <li>• Delivery of countryside review decisions</li> </ul>	<ul style="list-style-type: none"> <li>• HS2</li> <li>• West Midlands Rail devolution</li> <li>• County Farms</li> <li>• Development and implementation of the roll out and utilisation strategies for rural broadband.</li> </ul>

<b>Operational Responsibilities</b>	<ul style="list-style-type: none"> <li>• Economic Development</li> <li>• Inward Investment</li> <li>• Delivery of major infrastructure projects (SWAR)</li> </ul>	<ul style="list-style-type: none"> <li>• Tourism</li> <li>• County Farms</li> <li>• Cannock Chase AONB</li> </ul>
<b>Project Responsibilities</b>	<ul style="list-style-type: none"> <li>• Economic Growth</li> </ul>	

**Cabinet Member for Commercial Matters**

<p><b>Role Purpose</b></p> <p><b>Prosperity</b></p>	<ul style="list-style-type: none"> <li>• To provide clear political leadership both within and outside the County Council ensure that the County Council's commercial arrangements and relationships deliver maximum benefit to Staffordshire and its communities.</li> <li>• To create effective internal and external relationships with the organisations listed below to help advance the outcome.</li> <li>• To be accountable for the development and delivery of the strategies listed below and to ensure that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• To be accountable for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To ensure that the Council has effective contract management arrangements in place and to oversee the performance and delivery by the Council's major contractors</li> <li>• To develop Commercial Strategies to generate new income streams for the County Council</li> <li>• To be accountable for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To ensure the management of the Council's property portfolio to generate the necessary capital receipts and revenue returns to support the Council's MTFS and that it contributes effectively to the delivery of the Council's outcomes.</li> </ul>	
<p><b>Key External Relationships</b></p>	<ul style="list-style-type: none"> <li>• Department for Transport</li> <li>• Highways Agency</li> <li>• Environment Agency</li> <li>• HS2 Ltd</li> <li>• Network Rail</li> <li>• Bus operating companies</li> <li>• Train operating companies</li> <li>• District Town &amp; Parish Councils</li> <li>• Providers such as Veolia, Biffa, FCC</li> </ul>	<ul style="list-style-type: none"> <li>• Providers such as Veolia, Biffa FCC</li> <li>• Amey</li> <li>• Staffordshire and Stoke on Trent Safer Roads Partnership</li> <li>• Penda (contractual)</li> <li>• Entrust (contractual)</li> <li>• Veolia</li> <li>• Joint Waste Management Board</li> </ul>
<p><b>Key Internal Relationships</b></p>	<ul style="list-style-type: none"> <li>• Director for Economy, Infrastructure and Skills</li> <li>• Director of Finance and Resources</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate Shadow Cabinet member/s</li> <li>• Appropriate scrutiny committee/s</li> </ul>
<p><b>Strategic Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Highways</li> <li>• Transport</li> <li>• Procurement</li> </ul>	<ul style="list-style-type: none"> <li>• Nexus</li> <li>• Waste, sustainability (including carbon reduction) and rural strategies</li> </ul>
<p><b>Operational Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Procurement</li> </ul>	<ul style="list-style-type: none"> <li>• Delivery of Waste Management</li> </ul>

<b>Project Responsibilities</b>	<ul style="list-style-type: none"><li>• Commercialism</li></ul>
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### Cabinet Member for Highways and Transport

<p><b>Role Purpose</b></p> <p><b>Prosperity</b></p>	<ul style="list-style-type: none"> <li>• To provide clear political leadership both within and outside the County Council to help advance the County Council's key outcome of developing a Staffordshire where everyone can benefit from improved Prosperity.</li> <li>• To create effective internal and external relationships with the organisations listed below to help advance the outcome.</li> <li>• To be accountable for the development and delivery of the strategies listed below and to ensure that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• To be accountable for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be accountable for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> </ul>	
<p><b>Key External Relationships</b></p>	<ul style="list-style-type: none"> <li>• Department for Transport</li> <li>• Highways Agency</li> <li>• Environment Agency</li> <li>• Flood Alleviation Group</li> <li>• HS2 Ltd</li> <li>• Network Rail</li> </ul>	<ul style="list-style-type: none"> <li>• Train operating companies</li> <li>• District, Town &amp; Parish Councils</li> <li>• Amey</li> <li>• Staffordshire and Stoke on Trent Safer Roads Partnership</li> <li>• Bus operating companies</li> </ul>
<p><b>Key Internal Relationships</b></p>	<ul style="list-style-type: none"> <li>• Director for Economy, Infrastructure and Skills</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate Shadow Cabinet member/s</li> <li>• Appropriate scrutiny committee/s</li> </ul>
<p><b>Strategic Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Development and implementation of Council's Transport Strategies including working with Cabinet Member for Economic Growth on HS2</li> </ul>	
<p><b>Operational Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• All Highways &amp; Transport operational issues, including Infrastructure+ partnership</li> </ul>	
<p><b>Project Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Securing &amp; Delivering Infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Transport</li> </ul>

**Cabinet Member for Finance**

<p><b>Role Purpose</b></p> <p><b>Prosperity, Wellbeing and Safer Communities</b></p> <p><b>Well Run Council</b></p>	<ul style="list-style-type: none"> <li>• To be accountable for the development and delivery of the strategies listed below and to ensure that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• To be accountable for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be accountable for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To assist the Leader in holding Cabinet colleagues to account as they ensure accountability within their commissioning/service areas in respect of financial performance, meeting the requirements of the Strategic Plan, Business Plan and the Medium Term Financial Strategy (MTFS).</li> <li>• To assist the Leader in holding Cabinet colleagues accountable for the delivery of the appropriate key projects/programmes including delivery on time and within budget to meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To lead the development of the Council's approach to the Digital agenda</li> </ul>	
<p><b>Key External Relationships</b></p>	<ul style="list-style-type: none"> <li>• District &amp; Borough Councils [finance and corporate matters]</li> <li>• HM Treasury, Department for Communities &amp; Local Government</li> </ul>	<ul style="list-style-type: none"> <li>• Entrust (shareholder)</li> <li>• Penda (shareholder)</li> </ul>
<p><b>Key Internal Relationships</b></p>	<ul style="list-style-type: none"> <li>• Director of Corporate Services</li> <li>• Section 151 Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate Shadow Cabinet member/s</li> <li>• Appropriate scrutiny committee/s</li> </ul>
<p><b>Strategic Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Assist with the development and implementation of the Strategic Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Business Plan and MTFS</li> </ul>
<p><b>Operational Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Strategy, Governance and Change (other than Comms)</li> </ul>	<ul style="list-style-type: none"> <li>• Finance and Resources (other than Procurement and HR)</li> </ul>
<p><b>Project Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Well-Run Council</li> <li>• Digital</li> </ul>	<ul style="list-style-type: none"> <li>• Demand Management</li> </ul>

<b>Cabinet Member for Communities</b>		
<b>Role Purpose</b>  <b>Safer Communities</b>	<ul style="list-style-type: none"> <li>• To provide clear political leadership both within and outside the County Council to develop the Council's approach to community empowerment through People Helping People help thereby advancing the County Council's key outcome of developing a Staffordshire where everyone can benefit from improved Prosperity</li> <li>• To create effective internal and external relationships with the organisations listed below to help advance the outcome.</li> <li>• To be accountable for the development and delivery of the strategies listed below and to ensure that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• To be accountable for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be accountable for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be the main Cabinet link between the County Council and the Safer Staffordshire Board</li> </ul> <p>In order to effectively discharge the Safer Communities agenda, this Cabinet Member will work, as appropriate, with the Cabinet Support Member who chairs the Community All Party Member Group and with the eight Community Cabinet Support Members. These Cabinet Support Members have no decision making powers.</p>	
<b>Key External Relationships</b>	<ul style="list-style-type: none"> <li>• Department for Environment, Food and Rural Affairs</li> <li>• Department for Culture, Media and Sport</li> <li>• Natural England</li> <li>• Rural special interest groups</li> <li>• Staffordshire and Stoke-on-Trent Archive Service</li> <li>• Flood Alleviation Group</li> <li>• District and Town deals (People Helping People element)</li> </ul>	<ul style="list-style-type: none"> <li>• Stoke on Trent City Council , District &amp; Borough Council [community and rural matters]</li> <li>• Town &amp; Parish Councils</li> <li>• Community Council for Staffordshire</li> <li>• Other voluntary sector organisations</li> <li>• Police, Fire and Crime Commissioner (working with the Cabinet Member for Children and Young People) ; Staffordshire Police; Fire &amp; Rescue Service; Probation and Courts' Service</li> </ul>
<b>Key Internal Relationships</b>	<ul style="list-style-type: none"> <li>• Director for Families and Communities</li> <li>• Director for Economy, Infrastructure and Skills</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate shadow cabinet member/s</li> <li>• Appropriate scrutiny committee/s</li> </ul>
<b>Strategic Responsibilities</b>	<ul style="list-style-type: none"> <li>• Communities</li> <li>• Culture and heritage including libraries</li> </ul>	<ul style="list-style-type: none"> <li>• Sports strategy</li> <li>• Arts and Archives</li> </ul>



	<ul style="list-style-type: none"> <li>• Voluntary, Community and Social Enterprise contract</li> </ul>	<ul style="list-style-type: none"> <li>• Community safety (working with the Cabinet Member for Children and Young People)</li> <li>• Flooding</li> </ul>
<b>Operational Responsibilities</b>	<ul style="list-style-type: none"> <li>• Community leadership, engagement and development</li> <li>• Community safety</li> <li>• Culture and Heritage including Libraries, Arts and Museums</li> <li>• Country Parks</li> </ul>	<ul style="list-style-type: none"> <li>• Trading Standards</li> <li>• Scientific Services</li> <li>• Energy and Climate Change</li> <li>• Voluntary, Community and Social Enterprise contracts</li> </ul>
<b>Project Responsibilities</b>	<ul style="list-style-type: none"> <li>• People Helping People</li> </ul>	

### Cabinet Member for Children and Young People

<p><b>Role Purpose</b></p> <p><b>Safer Communities</b></p> <p><b>Prosperity</b></p>	<ul style="list-style-type: none"> <li>• To be the statutory Lead Member for Children and to have overall responsibility and oversight for all matters relating to Children and Young People</li> <li>• To provide clear political leadership both within and outside the County Council to help advance the County Council's key outcome of developing a Staffordshire where everyone can benefit from improved Safety and to support the needs of children in relation to this and the Council's other key outcomes.</li> <li>• To create effective internal and external relationships with the organisations listed below to help advance the outcome.</li> <li>• To be accountable for the development and delivery of the strategies listed below and to ensure that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• To be accountable for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be accountable for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• To be the Council's main representative on the Local Safeguarding Children Board, to chair the Corporate Parenting Panel, to Chair of the Children's Improvement Board, to represent the needs of children on the Health &amp; Wellbeing Board, and to be the principal lead on discussions between the County Council and the Police &amp; Crime Commissioner in respect of children's safety</li> </ul> <p>In order to effectively discharge the Safer Communities and Prosperity agenda, this Cabinet Member will work with the Cabinet Member for Learning and Employability</p>	
<b>Key External Relationships</b>	<ul style="list-style-type: none"> <li>• Department for Education</li> <li>• OfSTED</li> <li>• Safer Staffordshire Board</li> </ul>	<ul style="list-style-type: none"> <li>• Child care providers</li> <li>• Voluntary sector organisations</li> <li>• The Education Trust Board</li> </ul>
<b>Key Internal Relationships</b>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive and Director of Family and Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate Shadow Cabinet member/s</li> <li>• Appropriate scrutiny committee/s</li> </ul>
<b>Strategic Responsibilities</b>	<ul style="list-style-type: none"> <li>• Development and implementation of Council's Children's &amp; Youth Strategies</li> <li>• Education</li> </ul>	<ul style="list-style-type: none"> <li>• Children with Learning Difficulties</li> <li>• Children with Physical Disabilities</li> <li>• Special Educational Needs and Disabilities [SEND]</li> </ul>
<b>Operational Responsibilities</b>	<ul style="list-style-type: none"> <li>• All Children's Services including Families First</li> <li>• Safeguarding</li> <li>• Looked After Children</li> </ul>	<ul style="list-style-type: none"> <li>• Corporate Parenting</li> <li>• Children's Centres</li> </ul>

		<ul style="list-style-type: none"> <li>• Statutory duties for Early Education and Childcare, including sufficiency</li> </ul>
<b>Project Responsibilities</b>	<ul style="list-style-type: none"> <li>• Families and Children’s System</li> </ul>	<ul style="list-style-type: none"> <li>• SEND Transformation</li> </ul>

### Cabinet Member for Learning and Employability

<p><b>Role Purpose</b></p> <p><b>Safer Communities</b></p> <p><b>Prosperity</b></p>	<ul style="list-style-type: none"> <li>• To support the Cabinet Member for Children and Young People in</li> <li>• Providing clear political leadership both within and outside the County Council to help advance the County Council's key outcome of developing a Staffordshire where everyone can benefit from improved Learning &amp; Skills in support of the Council's key outcomes.</li> <li>• Creating effective internal and external relationships with the organisations listed below to help advance the outcome.</li> <li>• Developing and Delivering the strategies listed below and ensuring that those strategies are able to meet the outcomes required by the Council and Cabinet.</li> <li>• Being accountable for the commissioning/service areas listed below and to ensure that financial and operational performance in those areas meets the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• Being accountable for the delivery of the key projects/programmes listed below and to ensure that these are delivered on time and budget and meet the requirements of the Strategic Plan, Business Plan and the MTFS.</li> <li>• Being the Council's main representative on the Education Trust Board.</li> </ul> <p>The Cabinet Member for Learning and Employability will work with the Cabinet Member for Children and Young People to effectively discharge the Safer Communities/Prosperity agenda .</p>	
<p><b>Key External Relationships</b></p>	<ul style="list-style-type: none"> <li>• Department for Education</li> <li>• OfSTED</li> <li>• National Careers Service</li> <li>• Skills Funding Agency</li> <li>• Education Funding Agency</li> <li>• Department for Business Innovation and Skills</li> </ul>	<ul style="list-style-type: none"> <li>• Local enterprise Partnership and the Staffordshire Education Trust</li> <li>• Schools,</li> <li>• Private &amp; Voluntary sector education providers</li> <li>• Entrust [attainment and improvement]</li> <li>• Regional Schools Commissioner</li> <li>• Further Education Colleges</li> <li>• Universities</li> </ul>
<p><b>Key Internal Relationships</b></p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive &amp; Director for Families and Communities</li> <li>• Director for Economy, Infrastructure and Skills</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate Shadow Cabinet member/s</li> <li>• Appropriate scrutiny committee/s</li> </ul>
<p><b>Strategic Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Development and implementation of Council's Learning and Skills strategies</li> </ul>	
<p><b>Operational Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• All Learning related functions, including LEA responsibilities</li> <li>• Education &amp; School Improvement</li> <li>• SEND</li> </ul>	<ul style="list-style-type: none"> <li>• Statutory duties for the commissioning of careers guidance for Staffordshire's young people and ensuring 16-18 year olds get a place in education and training</li> </ul>

	<ul style="list-style-type: none"> <li>• Statutory duties for Adult and Community Learning</li> </ul>	<ul style="list-style-type: none"> <li>• Commissioning of Entrust.</li> <li>• Human Resources</li> </ul>
<b>Project Responsibilities</b>	<ul style="list-style-type: none"> <li>• Free Childcare Scheme</li> </ul>	<ul style="list-style-type: none"> <li>• Work with the Cabinet Member for Children and Young People with SEND Transformation</li> </ul>

## **LOCAL CHOICE FUNCTIONS WHICH ARE THE RESPONSIBILITY OF CABINET**

1. Any function under a local Act other than a function specified elsewhere in this Appendix.
2. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools
3. The making of arrangements pursuant to Section 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admission appeals)
4. The making of arrangements pursuant to Section 95(2) of the 1998 Act (Children to whom Section 87 applies: appeals by governing bodies).
5. The making of appointments to the Joint Appointments Committee under paragraphs 2 to 4 (appointment of members by relevant Councils) of Schedule 2 (Police Authorities established under Section 3) to the Police Act 1996
6. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999.
7. Any function relating to contaminated land.
8. The discharge of any function relating to the control of pollution or the management of air quality.
9. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests of land.
10. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
11. The making of agreements for the execution of highways works.
12. The appointment of any individual:-
  - a. to any office other than an office in which he is employed by the authority;
  - b. to any body other than –
    - i. the authority
    - ii. a joint Committee of two or more authorities; or
  - c. to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.
13. The making of agreements with other Local Authorities for the placing of staff at the disposal of those other Authorities.
14. Power and duties in respect of Local Development Documents which are not Development Plan Documents.







## **Property Sub-Committee**

### **Membership and Terms of Reference**

#### **Purpose:**

1. To exercise full delegated executive powers to consider and make decisions on all land and property transactions where the County Council has an interest and the value of that transaction is between £200,000 and £2 million as defined in the schedule of decision making authority appended to these Terms of Reference.
2. To advise the Cabinet on the contents of the property strategy for the use of land and property in which the County Council has an interest, including Economic Regeneration Sites, County Farms and Enterprise Centres

#### **Meetings Arrangements**

The Sub-Committee will be convened in accordance with the Access to Information Rules and will meet at monthly intervals on dates published in advance in the County Council's calendar of meetings

The Director of Corporate Services, as Monitoring Officer, shall be the Proper Officer for the purpose of administering the Sub-Committee

The provision for County Councillors to attend Cabinet meetings in accordance with the 'Local Member' provisions in the Constitution will be extended to permit attendance at Sub-Committee meetings.

#### **Membership**

The Sub- Committee will comprise:

- The Leader of the Council
- The Deputy Leader of the Council
- Cabinet Member for Commercial
- Cabinet Member for Economic Growth
- Cabinet Member for Learning and Employability

#### **Chairman**

The Sub-Committee will be chaired by the Leader of the Council

#### **Quorum**

No business shall be considered or transacted unless either the Leader or Deputy Leader of the Council are present. In circumstances where both the Leader and Deputy Leader are unable to participate in discussions on an item (eg. due to non-attendance or the need to declare an interest), that item will be referred to Cabinet for determination.

The meeting will be adjourned if, having been quorate at the start, the Leader and/or Deputy Leader leave the meeting resulting in the meeting no longer being quorate and a reconvened meeting will be arranged or the remaining business will be carried over to the next scheduled meeting.

Any business which cannot wait until the reconvened or next meeting will be forwarded to cabinet for consideration if a meeting of the cabinet is scheduled prior to the reconvened or next scheduled Sub-Committee meeting.

### **Voting**

Decisions will be made by majority vote. Where the votes cast are equal the chairman shall have a second or, casting vote.

### **Sub-Committee Decisions**

The Sub-Committee may consider items referred to it from other levels in the decision making structure appended to these Terms of Reference and may also refer to full Cabinet any issue within the Sub-Committees remit, on which it requires a wider view.

The Proper Officer shall decide whether a matter should be submitted to the Sub-Committee.

Any reports on which a member of the Sub-Committee has a conflict of interest shall be referred to full Cabinet for consideration

Decisions made by the Sub-Committee shall relate to the responsibilities of the Executive only and are subject to the County Council's Budget and Policy Framework Rules, Call-in provisions, Access to Information Rules and Financial Regulations.

All decisions shall be taken on the basis of detailed written reports from the Cabinet Member and Lead Officer for Property Matters, such reports shall include relevant advice from other County Council Officers including, where appropriate, the Head of Scrutiny.

All decisions of the Sub-Committee shall be formally recorded and submitted to the next meeting of the Cabinet for information.

Appendix 1

**SCHEDULE OF DECISION MAKING LEVELS FOR PROPERTY MATTERS (December 2017)**

<b>TRANSACTION</b>	<b>CABINET</b>	<b>PROPERTY SUB CTTEE</b>	<b>OFFICERS</b>  <b>Director of Finance and Resources</b>  <b>(see note 1 below)</b>
<b>Acquisitions</b>	<p>All acquisitions at market value of £2m or above.</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	<p>All acquisitions at market value of between £200,000 and £2m Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p>	<p>All acquisitions at market value of up to £200,000, and all Terms for those transactions</p>
<p><b>Disposals</b></p> <p>1 Freehold –<b>at best consideration</b></p> <p>2 Freehold –<b>at undervalue</b></p>	<p>All disposals for best consideration at a market value of £2m or above.</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p> <p>Any disposal of a freehold at an undervalue, where the undervalue</p>	<p>All disposals for best consideration, at a market value between £200,000 and below £2m</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p> <p>Any disposal of a freehold at an undervalue, where the undervalue</p>	<p>All disposals for best consideration, at a market value of below £200,000, and all Terms for those transactions</p>

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS  Director of Finance and Resources  (see note 1 below)
<p>3 Leasehold <b>at best consideration</b>(Granting or surrendering (including farm business tenancies)</p> <p>4 Leasehold <b>at undervalue</b></p>	<p>value is £2M or more</p> <p><b>NB:</b> For an undervalue of £2m or more approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p> <p>All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of £2m or above.</p> <p>Final Terms and any variation in Terms, <i>including Right of Renewal</i>, for all transactions to be approved by the relevant Portfolio Holder</p> <p>Any disposal of a leasehold interest</p>	<p>value is £2m or less</p> <p>Final Terms and any variation in Terms for ALL transactions to be approved by relevant Portfolio Holder</p> <p>All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of between £200,000 and below £2m</p> <p>Final Terms and any variation in Terms, <i>including Right of Renewal</i>, for all transactions to be approved by the relevant Portfolio Holder</p> <p>Any disposal of a leasehold interest in</p>	<p>All leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of below £200,000, and all Terms for those transactions,</p>

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS  Director of Finance and Resources  (see note 1 below)
	<p>in land for a term of 7 years or more where the undervalue value is £2M or more.</p> <p><b>NB:</b> For an undervalue of £2m or more approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003. However, disposals by way of a <b>short tenancy</b> (which is granted for seven years or less, or the assignment of a term, which has not more than seven years to run) do not need consent.</p> <p>Final Terms and any variation in Terms, <i>including Right of Renewal</i>, for all transactions to be approved by the relevant Portfolio Holder</p> <p>Any disposal of a leasehold interest in land for a term of 7 years or more where the undervalue value is £2M</p>	<p>land for a term of 7 years or more where the undervalue value is £2m or less</p> <p>Final Terms and any variation in Terms, <i>including Right of Renewal</i>, for all transactions to be approved by the relevant Portfolio Holder</p>	<p>including <i>Right of Renewal</i></p>

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS  Director of Finance and Resources  (see note 1 below)
	<p>or more.</p> <p><b>NB:</b> For an undervalue of £2m or more approval by the Secretary of State is required under Section 123 of the Local Government Act 1972 and General Disposal Consent 2003. However, disposals by way of a <b>short tenancy</b> (which is granted for seven years or less, or the assignment of a term, which has not more than seven years to run) do not need consent.</p> <p>Final Terms and any variation in Terms, <i>including Right of Renewal</i>, for all transactions to be approved by the relevant Portfolio Holder</p>		
<b>Easements and Wayleaves</b>	Any Easement or Wayleave where the total premium, consideration and/or rent over the term is £2m or more	Any Easement or Wayleave where the total premium, consideration and/or rent over the term is between £200,000 and below £2m	Any Easement or Wayleave where the total premium, consideration

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS
			<b>Director of Finance and Resources</b>  <b>(see note 1 below)</b>
<b>Charges</b> – to be granted to SCC over land disposed of with payments by instalments	Where land is disposed of with payment of a consideration in instalments in the future with a <i>total</i> value of £2m or more	Where land is disposed of with payment of the consideration in instalments in the future with a <i>total</i> value of below £2m	and/or rent over the term is below £200,000
<b>Leases(where SCC is the Tenant) - Taking or surrendering</b>	Any lease where the total rent over the term or a premium plus the total rent is £2m or more	Any lease where the total rent over the term or a premium plus the total rent is between £200,000 and below £2m	Any lease entered into where the total rent over the term or a premium plus the total rent is below £200,000
<b>Licences (and tenancies at will) – Taking or granting</b>	Any licence where the total licence fee over the licence period is £2m or more	Any licence where the total licence fee over the licence period is between £200,000 and below £2m	Any licence where the total licence fee over the licence period is below £200,000.
<b>Appropriations of Land</b>	All Appropriations as authorised under section 122 of the Local		

TRANSACTION	CABINET	PROPERTY SUB CTTEE	OFFICERS
	Government Act 1972 (or any subsequent re-enactment thereof) including land for planning purposes as defined in section 246(i) of the Town and Country Planning Act 1990 (or any subsequent re-enactment thereof)		<b>Director of Finance and Resources</b>  <b>(see note 1 below)</b>
<b>Other Transactions</b>	Any disposal of land by Staffordshire County Council which contains overage or clawback should be reported to Property Sub-Committee but escalated to Cabinet if required.		
<b>Notices to Terminate a Lease</b>	) )To be covered by general delegations to Director of Finance and Resources (Head of Property) and Director of Economy Infrastructure and Skills		
<b>Rent Review</b>	) )		
<b>Authorised Guarantee Agreements (where SCC is the tenant)</b>	Any departure from the policy of SCC of not entering into Authorised Guarantee Agreements in the capacity of Tenant – to be reported to Property Sub-Committee for initial consideration.		
<b>Dilapidations- Settling of claims where SCC has been the tenant</b>	Any claim totalling £2m or above	Any claim totalling between £200,000 and below£2m	Any claim totalling below £200,000
<b>Acquisition of land by private treaty in connection with a Compulsory Purchase</b>	Acquisitions made in furtherance of a compulsory purchase order to be delegated to the relevant Director in accordance with the original cabinet authority for the compulsory purchase order		



<b>TRANSACTION</b>	<b>CABINET</b>	<b>PROPERTY SUB CTTEE</b>	<b>OFFICERS</b>  <b>Director of Finance and Resources</b>  <b>(see note 1 below)</b>
<b>Order</b>			
<b>Development Agreements</b>	-	All <i>[but escalated to Cabinet if required]</i>	-
<b>Joint Use Agreements</b>	Covered in main Scheme of Delegation to SLT members		
<b>Removal of Restrictive Covenants</b>	Any removal where the payment is £2m or more	Any removal where the total payment is between £200,000 and below £2m	Any removal where the total payment is below £200,000
<b>Exclusivity/Lock out Agreements</b>	-	All <i>[but escalated to Cabinet if required]</i>	-
<b>Memorandum of Understanding</b>	Covered in main Scheme of Delegation to SLT members		
<b>Pre-emptions and Options</b>	Where the total value of the property is £2m or above	Where the total value of the property is between £200,000 and below £2m	Where the total value of the property is below £200,000

## Notes

1 Officers are reminded that before exercising any of the delegated powers below consideration should be given to whether there are any wider issues which should be taken into account which make it more appropriate for the decision to be made at member level.

To assist the following criteria is provided as a guide (although not exhaustive):

Officer Decision	Uncontroversial
	Covered by the sub scheme of delegation
	In accordance with agreed policy and budget provision
	Related to current/existing service provision
Member Level Decision	Controversial
	Direct impact on 'Customers'
	Politically Sensitive
	Not covered by policy or budget provision
	Related to new service provision/innovation

2. All decisions can be referred to a higher tier in the decision making structure

**TERMS OF REFERENCE FOR BOARDS (To be Completed)**

**Strategic Property Board  
Innovation and Efficiency Board  
Service Review Board  
W2R Board  
BSF Project Board  
Procurement Board**



## **THE SHADOW CABINET**

### **Composition**

The Leader of the Major Minority Group may choose to form a Shadow Cabinet by his/her nomination from amongst the members of the Council. The Leader of the Major Minority Group shall notify the Council and the Chief Executive of the names of the members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time.

### **Role**

The Shadow Cabinet will have collective responsibility for providing an effective challenge to the controlling Executive (Cabinet) and for contributing constructively to the achievement of the County Council's corporate and service objectives and priorities. These responsibilities should be undertaken in a positive manner, maintaining respect at all times.

### **Number of members**

The Shadow Cabinet shall comprise of the Leader of the Opposition, Shadow Deputy Leader and no more than three of the Shadow Cabinet Members.

### **Functions**

(a) Effectively to call to account or challenge the Majority Group on the County Council at meetings of the County Council, Committees, Panels and on other occasions as appropriate.

(b) To meet regularly, and ensure good communications with, other members to inform the effective performance of the Shadow Cabinet's role.

(c) To maintain effective relationships with the Cabinet and their Support Members, the Corporate Directors and other relevant senior officers, and to meet them, as required, to ensure that members of the Shadow Cabinet are sufficiently and effectively briefed on service and relevant corporate areas and any other relevant issues pertaining to the County Council.

(d) To assist in ensuring effective arrangements for overview and scrutiny.

(e) To ensure effective contact with community representatives and other local stakeholders, as appropriate, and to represent their views in the performance of the Shadow Cabinet's role.



## SECTION 7

### SELECT COMMITTEES

#### 1. General Role of Select Committees

- 1.1 Select Committees are appointed as the County Council's Overview and Scrutiny Committees under section 21 of the Local Government Act 2000 (and retained in the Localism Act 2011) to review, and scrutinise the Council and its partners in delivering the Council's Vision and priorities and to monitor performance against relevant plans and strategies.
- 1.2 To undertake this role each Select Committee will:
- Assist and advise on the development of new policy or reviewing current policy;
  - Review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's or relevant partners functions;
  - Make reports and/or recommendations to the full Council, the Cabinet and/or relevant partners in connection with the discharge of any functions;
  - Consider any matter affecting the area or its inhabitants including any matters raised by a Councillor Call for Action;
  - Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet/ Cabinet Member; and
  - Respond to direct requests from Council or the Cabinet when appropriate.
- 1.3 By law, neither a Select Committee nor any Sub-Committee of a Select Committee has any power to take any decisions on behalf of the Council and therefore there are no delegations to them.

#### 2. Specific functions

- 2.1 A Select Committee may within the scope of its allocated terms of reference:-
- Assist the Council and the Cabinet 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 Cabinet and/or Committees and Directors about their views on issues and proposals affecting the County Council's area; or 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;
  - 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;
  - Review and scrutinise the decisions made by, and performance of, the Cabinet and/or Committees and Directors both in relation to individual decisions and over time;
  - Review and scrutinise the decisions made by, and performance of, relevant partner organisations (as defined in legislation) in the area;
  - Review the performance of relevant external organisations which impact on the County Council's functions or services and to submit reports thereon to the

Council subject to such reports being first submitted to the Cabinet and the appropriate Portfolio Holder and the external organisation in question for comment;

- Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Select Committee and local people about their activities and performance;
- Question and gather evidence from any person (with their consent);
- Make recommendations to the Cabinet, appropriate Committees, Council or Relevant Partner Organisation as appropriate arising from the outcome of the scrutiny process;
- Scrutinise policies strategies procedures and performance in respect of any function which is the responsibility of the County Council;

### 3. Terms of Reference of Select Committees

3.1 The Council currently has four Select Committees, which have the following terms of reference:-

3.2 The **Corporate Review Committee** is the Council's Principal Scrutiny Committee. It is responsible for leading on the overall management and co-ordination of Select Committee work programmes as well as:

- Holding the Leader and Deputy Leader of the Council to account for their leadership and performance.
- Scrutiny of the Council's overall performance and approach to managing performance and Strategic Corporate Planning
- Scrutiny of the Council's ongoing programme of improvement and transformation.
- Scrutiny of the Local Enterprise Partnership
- Dealing with any Executive decisions that have been called in.
- Scrutiny of the Council's support services including Finance, ICT, Human Resources, Organisational Development, Legal and Member Services
- Building community capacity

3.2.1 Corporate Review will also establish an MTFs Working Group on an annual basis. The Working Group will be responsible for the scrutiny of the development of the Council's Medium Term Financial Strategy, Annual Budget and Council Tax setting process.

3.3 The **Healthy Staffordshire Select Committee** is responsible for scrutiny of matters relating to the planning, provision and operation of health services in the Authority's area, including public health, in accordance with regulations made under the Health and Social Care Act 2001 and subsequent guidance including the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. In accordance with these Regulations the County Council has agreed for these regulations to be discharged through the designated Overview and Scrutiny Committee.

The Healthy Staffordshire Select Committee has the power to make reports and recommendations to NHS bodies conferred by the Health and Social Care Act 2001.



The Healthy Staffordshire Select Committee may, within the scope of its allocated roles and responsibilities, respond independently to health related consultations from Government and external agencies.

The Committee will take the lead in scrutinising the work of the Health and Wellbeing Board and developing a working relationship to enable this to be undertaken effectively and constructively.

3.3.1 Appropriate members of the Healthy Staffordshire Select Committee shall comprise the County Council's representation at any Joint Committee formed under Regulation 30 of the Local Authority (Public Health, Health and Well Being Boards and Health Scrutiny) Regulations 2013; such Joint Committees being constituted to comment on substantial reconfiguration proposals by a local NHS body or service provider where those proposals would need to be consulted upon with other local authority health scrutiny bodies in addition to the County Council (see constitution section 10 re Joint Arrangements).

3.4 The **Prosperous Staffordshire Select Committee** is responsible for scrutiny of achievement against the Council's strategic ambitions for promoting prosperity and economic growth. The committee is also responsible for the scrutiny of highways infrastructure and connectivity.

In addition the committee will be responsible for priorities around education, learning and skills. As such the statutory education co-optees will sit on this committee.

3.5 The **Safe and Strong Communities Select Committee** is responsible for scrutiny of safeguarding vulnerable children and adults and community safety. In particular it will include priorities around:

- Safeguarding children
- Safeguarding vulnerable adults
- The Council's responsibilities regarding reducing crime and the fear of crime and wider Community Safety priorities (referring matters as appropriate to the Police and Crime Panel where responsibility sits with the Police and Crime Commissioner).

There will be occasions when the committee will undertake joint working with the Healthy Staffordshire Select Committee especially in regard to safeguarding issues and the Corporate Parenting Panel in respect of safeguarding children.

#### **4. Membership of Select Committee**

4.1 All Councillors, except members of the Cabinet, may be members of a Select Committee.

4.2 The County Council Members of the Select Committees will be appointed, in accordance with the relevant political balance provisions, at the Annual meeting of the County Council as follows:-

- Corporate Review Committee (13 Members)
- Healthy Staffordshire Select Committee (13 Members + 8 District and Borough Members)

- Prosperous, Staffordshire Select Committee (10 Members)
- Safe and Strong Communities Select Committee (10 Members)

## **5. Co-optees**

- 5.1 The Prosperous Staffordshire Select Committee will include in its membership the following co-optees who shall have voting rights when the Committee considers education matters:
- At least one Church of England diocese representative;
  - One Roman Catholic diocese representative; and
  - Three parent governor representatives.
- 5.2 If the Prosperous Staffordshire Select Committee deals with non-education matters, the co-optees shall not vote on those other matters, though they may stay in the meeting and speak.
- 5.3 The Healthy Staffordshire Select Committee shall have 8 co-opted members (1 per District /Borough Council, each having full voting rights).
- 5.3.1 Each District/Borough Council shall be entitled to nominate a substitute member for their co-opted representative on the Healthy Staffordshire Select Committee; such substitute member to have full voting rights.
- 5.4 In its capacity as the Council's designated crime and disorder Committee, the Safe and Strong Staffordshire Select Committee may co-opt additional members who, unless the Committee decides otherwise, shall not be entitled to vote. Such a co-opted member can only be a person who is an employee, officer or non-Executive member of a responsible authority or a co-operating body or a co-operating person.
- 5.5 The other Select Committees do not have any statutory arrangements for co-optees, but may appoint non-voting co-optees at any time to assist them in the completion of their work programme.

## **6. Meetings of the Select Committees**

- 6.1 Each Select Committee shall meet at such intervals as the Council may decide and at other times as may be appropriate.
- 6.2 A special meeting of a Select Committee may also be called by the Chairman of the Committee (See Standing Order 24.2 of Section 12).
- 6.3 Meetings of the Select Committees shall be conducted in accordance with the Procedural Standing Orders in Section 12, although where appropriate a more informal style may be adopted for a particular meeting, to suit the subject matter of the meeting. In such cases, the Chairman's word shall be final in matters of running the meeting.
- 6.4 The order of business for meetings of Select Committee will be determined by the Chairman, and will include the following business:-
- Minutes of the last meeting;
  - Any declarations of interest by Members (including the declaration of any party whip);

- Community engagement, as appropriate
- The work programme and items for future meetings of the Committee;
- The business otherwise set out on the agenda for the meeting.

6.5 No Member may be involved in scrutinising a decision they were involved in making (i.e. an executive decision taken when they were a Member of the Cabinet or a decision by a non-scrutiny committee they were a Member of). If such a decision is scrutinised by a Select Committee the Member must inform the Chairman of their involvement and withdraw from the room while the item is considered.

## **7. Agenda items**

7.1 County Councillors, officers, partners and members of the public shall be entitled to propose issues for Select Committees to consider. In order to put forward an issue for consideration the person or body must submit their request to the Director of Corporate Services in writing or by email using the prescribed form.

7.2 If the matter has been proposed by a County Councillor then on receipt of such a request the Director of Corporate Services will ensure that the proposal is included on the next available agenda of the appropriate Committee. A councillor can submit a request to any Select Committee not just those on which he or she sits. Should the matter have been raised by an officer, partner or member of the public then the Committee will consider the issue when prioritising their work programme. The person or body making the request for scrutiny may be invited to attend the Committee meeting to explain the reasons for the request. The Select Committee Chair will decide how much time will be given to the person or body for addressing the Committee.

7.3 All proposals for scrutiny will be considered by the appropriate Committee taking into account agreed criteria. Where a Select Committee decides not to undertake a piece of work the reasons for the decision shall be minuted. Where the person or body who made the request is not in attendance at the meeting the Director of Corporate Services will inform them of the Committee's decision.

7.4 In addition, all elected Members of the Council have a statutory right to ask for a local government matter affecting their constituents to be considered by overview and scrutiny as a Councillor Call for Action.

7.5 The Leader of the largest Minority Group may on up to 2 occasions per year require the Director of Corporate Services to include an item on the agenda of a Select Committee. They will inform the Director of Corporate Services of the request, who will make arrangements for the matter to be included on the agenda at the next available meeting of that Select Committee.

7.6 Where a Select Committee is proposing to scrutinise a matter which also falls (whether in whole or in part) within the remit of another Committee, then it shall seek clearance from the Chairman of the Corporate Review Committee to carrying out that work, and will, if requested by the Chairman of the Corporate Review Committee, invite members of the other committee to attend and speak but not vote at meetings when it is undertaking that work.

## **8. Work Programme and Budget**

- 8.1 Each Select Committee will be responsible for preparing its own work programme and in doing so it shall take into account the wishes of the Committee as a whole. These work programmes will then be submitted to the Corporate Review committee for approval to ensure that the overall programme of Scrutiny activity is consistent, coherent and free of duplication and can be properly resourced and supported by the Council.
- 8.2 The Corporate Review Committee may also identify issues which it wishes a Select Committee to review. Select Committees must undertake any work which is identified by Corporate Review and will be expected to amend their work programmes to accommodate such items.
- 8.3 The lead Director and/ or senior officer(s) supporting a relevant Committee will be consulted on a regular basis about the contents and upcoming issues on the work programme. Directors and Wider Leadership Team officers will be notified of forthcoming issues to enable officers' time to prepare reports and presentations on the subject under consideration.
- 8.4 The Council will allocate and make available to each Select Committee a budget for reasonable expenses to be incurred by the Select Committee in the discharge of its work programme. Such budget shall not be exceeded.

## **9. Members or officers giving account**

- 9.1 A Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions and will normally do so through the consideration of written reports. In addition the Select Committee may ask for the detail of any Community Impact Assessment, public consultation or financial implications pertaining to the decision or action under scrutiny.
- 9.2 A Select Committee may not scrutinise a decision of a Director acting under delegated powers. The only exception is where the Committee can evidence that the decision has wider implications on County Council policy and service delivery or has a specific impact upon particular communities or relates to a function of the Council and falls outside the day to day administration of the service for which the Director is responsible.
- 9.3 As well as reviewing documentation, Committees may also require the Leader of the Council, Cabinet Members, the Chief Executive and/or any senior officer<sup>1</sup> to attend before it to explain in relation to matters within their remit:-
- A particular decision or series of decisions;
  - The extent to which the actions taken implement Council policy; and/or
  - Their performance.
- 9.4 Senior officers will also be required to attend Committee meetings to give account of themselves following the receipt of a petition with the prescribed number of signatures under the Council's petition scheme.

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1. The term 'senior officer' means any officer who is employed upon the Conditions of Service of the JNC for Chief Officers.

9.5 Officers or other invited guests that are asked to give evidence will be given a minimum of 15 working days notice. In practice additional notice will normally be given. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Select Committee shall arrange an alternative date to attend and give evidence. This would normally be the next scheduled meeting of the Committee unless urgency requires a special meeting to be organised.

## **10. Cabinet Member Accountability Sessions**

10.1 The Leader and each Cabinet Member shall be required to attend, a minimum of twice a year, a meeting of the relevant Select Committee to report on their activities, the performance of services they are responsible for and to answer any questions on their work and responsibilities.

10.2 When the Leader or Cabinet Member attends the Select Committee for an accountability session, they shall be given 10 minutes to present the report before answering questions for a period of 1 hour, which may be extended by the Chairman.

10.3 Members may, but shall not be required to, submit questions for the Cabinet Member in writing prior to the meeting and the Chairman will deal with any written questions immediately after the Cabinet Member has presented their report.

10.4 The Chairman will have absolute discretion to determine the order of questions, any supplementary questions and their ruling on such matters will be final.

## **11. Attendance by others**

11.1 A Select Committee may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and other agencies and bodies and shall invite such people to attend.

11.2 Attendance by such invitees will normally be obtained by mutual agreement. Overview and Scrutiny does however have the right to require information from partner organisations in respect of delivery against local improvement targets. The organisations listed in legislation include:-

- Any district council which is not a responsible local authority;
- The fire and rescue authority;
- The National Park authority;
- The Broads Authority;
- A joint waste authority established under section 207(1);
- The waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
- The metropolitan county passenger transport authority established by section 28 of the Local Government Act 1985 (joint arrangements);
- Transport for London;
- Primary Care Trusts;
- Development agency established by section 1 of the Regional Development Agencies Act [1998 \(c. 45\)](#);

- The local probation board established by section 4 of the Criminal Justice and Court Services Act [2000 \(c. 43\)](#);
- The youth offending team established under section 39 of the Crime and Disorder Act [1998 \(c. 37\)](#);
- The National Health Service trust;
- An NHS foundation trust;
- The Arts Council of England;
- The English Sports Council;
- The Environment Agency;
- The Health and Safety Executive;
- The Historic Buildings and Monuments Commission;
- The Learning and Skills Council for England;
- The Museums, Libraries and Archives Council and Natural England.

In addition to their requirement to provide evidence for the purposes of an Overview and Scrutiny investigations, the above named bodies are also required to give consideration to any recommendations arising from such investigation.

- 11.3 When a witness attends a meeting regard will be had to the following principles:-
- 11.3.1 That the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak.
- 11.3.2 That those assisting the Committee by giving evidence be treated with respect and courtesy; and
- 11.3.3 That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

## **12. Select Committee Working Groups**

- 12.1 The Corporate Review Committee may establish Select Committee Working Groups as and when required to advise the Cabinet on the development of Policy for the Council.
- 12.2 The membership of these groups will not be fixed and will be determined by the relevant Committee from the non-Executive Members of the Council, depending on the skills and experience required for the particular policy work in question.
- 12.3 Each Working Group will have clearly defined aims and terms of reference and agreed start and end dates. Working Groups will report their findings and recommendations to the Cabinet, Cabinet Member(s) or relevant partners. The person or body to whom the report is submitted shall consider it within two months. The work of the Working Groups will be monitored by Corporate Review and the implementation of recommendations will be monitored by the relevant Select Committees.

## **13. Policy review, development and investigations**

- 13.1 The role of the Select Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

- 13.2 In relation to the development of the Council's approach to other matters of policy not forming part of its budget and policy framework a Select Committee may make proposals to the Cabinet for the development of policy so far as they relate to matters within its scope.
- 13.3 A Select Committee may hold enquiries and investigate the available options for future direction in policy development and may invite advisers and assessors to assist it in this process. The Committee may undertake site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may, subject to paragraph 8.4 above, pay advisers, assessors and witnesses a reasonable fee and expenses for doing so.

#### **14. Reports from Select Committees**

- 14.1 Once it has formed recommendations on proposals for policy development above, the Select Committee will prepare a formal report and submit it to the Director of Corporate Services for consideration by the Cabinet or the Council as appropriate.
- 14.2 If a Select Committee cannot agree on one single final report to the Council or the Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration.
- 14.3 The Council or Cabinet shall consider the report of the Select Committee within two months of it being submitted to the Director of Corporate Services.

#### **15. Making sure that Scrutiny reports are considered by the Cabinet**

- 15.1 Once a Select Committee or Working Group reports on any County Council matter it will forward a copy of its report to the Proper Officer (Director of Corporate Services) who will allocate it to the Council, Cabinet or Cabinet Member as appropriate for consideration.
- 15.2 The process for the involvement of the Select Committees in the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 5 of the Constitution. Where the Council considers a scrutiny report, it shall have regard to the response of the Executive to the recommendations.
- 15.3 For reports allocated to the Cabinet as a whole, the report shall be included on a Cabinet meeting agenda to enable a response to be produced within two months. The Cabinet will respond in writing to the appropriate Committee. The response will be reported to the next meeting of the Committee.
- 15.4 For reports allocated to a portfolio holder, the portfolio holder will consider the report and respond in writing to the Committee within two months of receiving the report. The response will be reported to the next meeting of the Committee.
- 15.5 If for any reason the Cabinet or portfolio holder does not respond to the Scrutiny Committee report within two months, then the matter will be referred to the Council for review.

- 15.6 Select Committees will have access to the Cabinet's Forward Plan of Key Decisions and timetable for decisions and intentions for consultation. They will use the Forward Plan of Key Decisions to identify potential items for scrutiny when work programme planning. However, even where an item is not the subject of detailed scrutiny/proposals from a Select Committee the Committee will nonetheless be able to respond in the course of the Cabinet's consultation process in relation to any key decision.
- 15.7 Where scrutiny recommendations are agreed by the Cabinet or Cabinet Member then an action plan for their implementation will be included with the response. The appropriate Select Committee shall monitor their implementation accordingly. Any issues with the implementation of scrutiny recommendations shall be brought to the attention of Cabinet for resolution.
- 15.8 Once a Select Committee report on any matter relating to the functions of another body, it will forward a copy of the report to that body requesting a response. Where appropriate, notice will be given of any applicable requirement for the body to respond and/or have regard to the report.
- 15.9 The Council shall publish scrutiny reports and responses in accordance with the Access to Information Rules.

## **16. Rights of Select Committee members to documents**

- 16.1 In addition to their rights as councillors, members of Scrutiny have the additional right to documents, and to notice of meetings as set out in the Access to Information Rules in Section 14 of this Constitution.
- 16.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and a Select Committee as appropriate depending on the particular matter under consideration.

## **17. Call-in of Executive Decisions**

- 17.1 Executive decisions made by the Cabinet, by Cabinet Members under delegated powers or by other bodies with executive powers may be 'called in' for reconsideration by the Corporate Review Committee. If they deem it appropriate, the Chairman of Corporate Review may delegate consideration of a Call In to the relevant select committee. Should the matter be delegated to a different committee then only the County Councillors on that Committee would be able to vote on the matter. The Committee can either agree that the decision be implemented or refer the decision back, with recommendations, to Cabinet or the relevant decision maker.
- 17.2 Executive decisions will be published electronically by the Director of Corporate Services and shall be available for inspection at the County Buildings, Stafford as soon as practicable, normally within three working days of being made. The published record of the decision will state the date of publication and whether the decision is urgent and cannot be called in. If the decision is not urgent, it will be implemented on the fourth working day after the publication of the decision, unless it is called in.
- 17.4 During the period between the publication and implementation of a decision not less than four voting members of the relevant Scrutiny Committee, eight



members of the Council who are not members of the Cabinet or a Group Leader with a group of eight or more members (excluding members of the Cabinet) and who is not a Cabinet Member may call the decision in either in writing or by e-mail. The call in will then be considered at the next meeting of the Corporate Review Committee (or the relevant Committee if delegated) and the decision shall not be implemented until the relevant Committee have dealt with it.

- 17.5 The call-in notice shall specify a 'Lead Member' who will speak at the Committee meeting to explain the reasons for calling the decision in and answer any questions from Committee Members. The Cabinet Member responsible for the decision will also be invited to explain the reasons behind the decision and answer questions. The remaining members who have called the decision in who are neither members of the Corporate Review Committee nor "local members" shall be entitled to attend and may answer questions from Committee Members.
- 17.6 If the Committee decides to refer the decision back for reconsideration then the decision shall not be implemented until the Cabinet have reconsidered the matter, having regard to the Committee's views. The Committee may nominate up to two representatives, who may be from the relevant Select Committee, for the purpose of attending and speaking (but not voting) on the matter at the Cabinet meeting. The decision of the Cabinet on such reconsideration shall be final.
- 17.7 If the Committee decides that a proposed decision relates to a matter which by law cannot be determined by the Council's Cabinet or must be determined by the full Council (and the Monitoring Officer confirms this) then unless the proposal is withdrawn the Committee shall refer the matter to the full Council for a decision.
- 17.8 If the Committee consider that the decision is one which raises issues of such exceptional significance and public interest as to justify consideration by the full Council before the decision is implemented the Committee may refer the decision to the full Council for consideration and the decision shall not be implemented until after the meeting of the Council to which it has been referred and the Cabinet have reconsidered the matter having regard to the Council's views on the decision.
- 17.9 If the Committee (or the Council) decides not to refer the decision back then it may be implemented on or after the first working day following the meeting of the Committee or Council.
- 17.10 Whichever course of action the Committee decides to take the reasons for taking that action and the concerns of the Committee about the decision shall be recorded in the minutes and reported to Cabinet.
- 17.11 If the Committee do not consider the call-in at their next meeting after expiry of the appropriate period the decision may be taken or implemented on or after the first working day after the meeting of the Committee at which the matter should have been considered.

## **18. Call-in and urgency**

- 18.1 The call-in procedure set out above shall not apply where the decision being taken by or on behalf of the Cabinet is urgent and any delay likely to be caused

by the call-in process would seriously prejudice the Council's or the public's interests or the interests of any person(s) to whom the decision relates.

- 18.2 The record of the decision, and notice by which it is made public shall state, with reasons, whether in the opinion of the Cabinet the decision is an urgent one and therefore should not be subject to call-in.
- 18.3 The Chairman of the Corporate Review Committee must agree that the decision is urgent and cannot reasonably be deferred. If they are unwilling or unable to act, the Chairman of the County Council or in their absence the Vice-Chairman of the County Council may agree that the decision is urgent but the reasons for the Chairman of Corporate Review failing to agree must be recorded.
- 18.4 The operation of the provisions relating to call-in and urgency shall be monitored, and a report submitted to Council on the use of the procedure on a quarterly basis.

## SECTION 8

### OTHER COMMITTEES

#### 1. Committees

1.1 The County Council will appoint the Committees listed below to perform functions which cannot be dealt with by the Executive. The Committees will be appointed at the Annual Meeting of the County Council under Standing Order 24 of the Procedural Standing Orders in Section 12 of this Constitution.

1.2 The responsibilities and powers of each Committee are listed below and any of their powers that are delegated to officers of the Council are recorded in the Scheme of Delegation to Officers in Section 11 of this Constitution.

#### 2. Planning Committee

2.1 The Planning Committee will be responsible for the discharging the following functions and delegated powers:-

- Deciding applications for planning permission and whether to impose any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted and deciding any other terms to which any such approval, consent, licence, permission or registration is subject.
- Revoking, amending, modifying or varying any approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject.
- Deciding applications to develop land without compliance with conditions previously attached.
- Deciding to grant planning permission for developments already carried out.
- Declining to decide applications for planning permission
- Deciding applications for planning permission made by a local authority, alone or jointly with another person.
- Deciding, giving approvals and agreeing certain other matters relating to the exercise of permitted development rights.
- Deciding to enter into agreement regulating development or use of land.
- Granting consent for the display of advertisements.
- Power to determine applications for hazardous substances consent, and related powers
- Deciding conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
- Deciding applications for listed building consent, and exercising the related powers and duties.
- Deciding applications for conservation area consent, and exercising the related powers and duties.
- Executing urgent works
- Making limestone pavement orders.
- Exercising the County Council's powers relating to the preservation of trees.
- Deciding whether, and how, to enforce any failure to comply with an approval, consent, licence, permission or registration; or a condition, limitation or term to which such approval, consent, licence, permission or registration is subject; and any other contravention in relation to a matter with regard to which the function

of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Cabinet. This includes the following powers:-

- To issue a planning contravention notice, breach of condition notice, stop notice (full) or temporary stop notice and to serve a completion notice.
- To require the discontinuance of a use of land.
- To issue or withdraw an enforcement notice and to waive or relax any requirement of the notice
- To apply for an injunction restraining a breach of planning control
- Exercising the County Council's powers and duties relating to Local Development Documents which are Development Plan Documents.
- Agreeing to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.
- To determine objections to proposed Traffic Regulation Orders received from local member(s) of the County Council affected thereby.

2.2 Where the Planning Committee are minded to refuse an application for planning permission which has been submitted on behalf of the Cabinet in respect of a County Council service, the application shall not be determined by the Planning Committee but shall be referred to a Special Ad Hoc Panel comprising five members of the Audit and Standards Committee who are not members of the Cabinet, the relevant Scrutiny Committee, or the Planning Committee.

2.3 Meetings of the Planning Committee will be subject to the Procedural Standing Orders in Section 10 of this Constitution and, in addition the Committee has agreed a protocol for Members of the public who have made representations to speak at meetings of the Committee. The operation of this protocol is regularly reviewed and the up to date version can be found at <http://www.staffordshire.gov.uk/yourcouncil/committeesold/planningcommittee/default.htm>.

2.4 In addition the Planning Committee will establish a **Countryside and Rights of Way Panel** and **Licensing Panel** of five members of the Committee with full delegated powers to deal with the following matters detailed below.

## 2.5 **Countryside and Rights of Way Panel**

2.5.1 The Countryside and Rights of Way Panel will be appointed at the first meeting of the Planning Committee in each municipal year. In addition to the five Members of the Panel, five additional Members will be appointed as substitutes to serve on the Panel in circumstances referred to in paragraph 2.5.4 below.

2.5.2 The functions and responsibilities of the Countryside and Rights of Way Panel shall be as follows:-

- Registering common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to – (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. C 118)
- Registering variation of rights of common
- Authorising erection of stiles etc. on footpaths or bridleways
- The creation of footpaths or bridleways, including by agreement.

- Keeping a register of information with respect to maps, statements and declarations.
- Stopping up footpaths and bridleways.
- Deciding applications for public path extinguishment orders.
- Making rail crossing extinguishment orders.
- Making special extinguishment orders.
- Diverting footpaths and bridleways.
- Making public path diversion orders.
- Making rail crossing diversion orders.
- Making special diversion orders.
- Requiring applicants for orders to enter into agreements.
- Making an Site of Special Scientific Interest diversion order.
- Keeping a register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- Deciding to decline to determine certain applications.
- Exercising the duty to assert and protect the rights of the public to use and enjoyment of highways.
- Exercising the duty to serve notice of proposed action in relation to obstruction.
- Applying for variation of orders under section 130B of the Highways Act 1980.
- Authorising temporary diversions of surface of footpath or bridleway.
- Divert footpaths or bridleways temporarily.
- Exercising functions relating to the making good of damage and the removal of obstructions.
- Exercising powers relating to the removal of things deposited on highways causing a nuisance.
- Extinguishing certain public rights of way.
- Keeping the definitive map and statement under review.
- Including modifications in other orders.
- Keep a register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.
- Reclassifying roads used as public paths.
- Preparing a map and statement by way of consolidation of definitive map and statement.
- Designating footpaths as cycle tracks.
- Authorising stopping up or diversion of highway under Section 247 of the Town and Country Planning Act 1980.
- Authorising stopping-up or diversion of footpath or bridleway under Town and Country Planning Act.
- Extinguishing public rights of way over land held for planning purposes.
- Deciding to enter into agreements with respect to means of access.
- Exercising the power to provide access in absence of agreement.
- Exercising powers relating to the protection of important hedgerows.

2.5.3 Meetings of the Countryside and Rights of Way Panel will be conducted in accordance with the Procedural Standing Orders in Section 12 of this Constitution.

2.5.4 For consideration of reports on applications for the registration of common land, or town or village greens and Section 53 items the Panel shall operate a formal substitute member system in cases where a full member of the Panel is the local member for the division in which the land is situated.

## **2.6 Licensing Panel**

2.6.1 A Licensing Panel will be appointed by Planning Committee when necessary to deal with matters in respect of the following functions and responsibilities:-

- Keeping a list of persons entitled to sell non-medicinal poisons
- Registering animal trainers and exhibitors
- Licencing the employment of children
- Approving premises for the solemnisation of marriages
- Granting a street works licence
- Licencing agencies for the supply of nurses
- Issuing licences for the sale or movement of pigs and licencing collecting centres for the movement of pigs.
- Issuing licences to move cattle from a market.
- Granting permission for the provision etc. of services, amenities, recreation and refreshment facilities on highway, and related powers
- Publishing notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980
- Permitting deposit of builder's skip on highway
- Licencing planting, retention and maintenance of trees etc in part of highway
- Licencing works in relation to buildings etc. which obstruct the highway
- Consenting to temporary deposits or excavations in streets
- Dispensing with obligation to erect hoarding or fence
- Restricting the placing of rails, beams etc over highways
- Consenting to the construction of cellars etc under street.
- Consenting to the making of openings into cellars etc under streets, and pavement lights and ventilators.
- Sanctioning the use of parts of buildings for storage of celluloid.
- To conduct a public hearing for objections received to applications for licences to manufacture and/or store explosives and to decide whether to assent to the application.

## **3. Audit and Standards Committee**

3.1 The purpose of our audit committee is to provide independent assurance on the adequacy of the risk management framework and the internal control environment. It provides independent review of Staffordshire County Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. It also oversees the Council's democratic processes and the content and application of the Code of Conduct for Councillors and Co-opted members.

3.2 The Audit and Standards Committee has the following functions and responsibilities:

### **Audit Matters**

### **Governance and Risk Control**

- To approve, monitor, review and amend from time to time the Council's Code of Corporate Governance including the ethical framework to ensure that it is adequate and effective.

- To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- To monitor the adequacy and effectiveness of the Authority's risk management processes and to:-
  - Approve the Risk Management Policy Statement and monitor its implementation
  - Approve the content of the Corporate Risk Register and proposed Risk Mitigation Action Plan and monitor its implementation
- To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To monitor the Counter Fraud Strategy, actions and resources and review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.
- To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements
- To consider the governance and assurance arrangements for significant partnerships and/or collaborations, where required to do so in delivering the Internal Audit Plan.

### **Internal Audit**

- To work with and advise the Director of Finance and Resources in ensuring arrangements for the provision of an adequate and effective Internal Audit.
- To monitor the adequacy and effectiveness of the Internal Audit service and Chief Officers' responsibilities for ensuring an adequate control environment including:-
  - Approving the Internal Audit Charter
  - Receiving an annual risk based internal audit plan from the Head of Internal Audit;
  - Monitoring progress against the plan through the receipt of periodic progress performance reports and an annual Internal Audit report;
  - Receiving and considering major Internal Audit findings and recommendations;
  - Monitoring the response to major findings and the implementation of key recommendations;
  - Considering the Head of Internal Audit's annual Internal Audit report:-
    - The statement of the level of conformance with the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN) and the results of the Quality Assurance and Improvement Programme (QAIP) that support the statement – these will indicate the reliability of the conclusions of internal audit.
    - The effectiveness of Internal Audit to support the AGS.
    - The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- To contribute to the QAIP and in particular, the periodic external quality assessment of Internal Audit.

- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.
- To review any issue referred to it by the chief executive or a director, or any council body.
- To provide free and unfettered access to the Audit and Standards Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

### **External Audit**

- To determine the procurement process to be taken by Staffordshire County Council for the appointment of external Auditors either via means of an auditor panel or through Public Sector Audit Appointments (PSAA) and to express an opinion on their selection and rotation.
- To monitor the independence, adequacy and effectiveness of the External Audit service and respond to its findings. This will include:-
  - Discussing the nature and scope of the audit of Staffordshire County Council services and functions, and considering the external audit fee and terms of engagement;
  - Receiving and considering the external auditor's annual letter, relevant reports and the report to those charged with governance and advising the Council as appropriate;
  - Commenting on the scope and depth of external audit work and to ensure it gives value for money.
  - Monitoring the County Council's response to the external auditors findings and the implementation of external audit recommendations.
  - To support the independence of external auditor's findings and the implementation of external audit recommendations.
  - To support the independence of external audit through consideration of the external auditors annual assessment of its independence and review of any issues raised by PSAA or the auditor panel, as appropriate.

### **Financial Reporting**

- To approve authority's statement of accounts.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.

### **Accountability Arrangements**

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions, where required.
- To publish an annual report on the work of the committee including its performance in relation to the terms of reference and its effectiveness in meeting its purpose.



## **Standards Matters**

- To make recommendations to Full Council on the Code of Conduct (including associated Protocols) for Councillors and Co-opted members and to monitor its application and effectiveness including overseeing training for Councillors and Co-opted members.
- To oversee the Register of Members' Interests.
- To oversee the effectiveness of the Council's procedures for investigating and responding to complaints about Councillors and Co-opted members (as approved by Full Council on 19 July 2012).
- To appoint a Panel of five members of the Committee to:
  - Interview and make recommendations to Council on the appointment of Independent Persons in accordance with the Localism Act 2011 and an Independent Person to serve on the Audit and Standards Committee should CIPFA's Practical Guidance for Local Authorities (2018 Edition) on Committee membership be adopted.
  - Consider alleged breaches of the Code of Conduct.
- To consider and, where applicable, make recommendations to Full Council on decisions of the Standards Panel on breaches of the Code of Conduct considered by that Panel.
- To oversee the maintenance of the List of Politically Restricted Posts.

## **Elections**

- To oversee the actions of the Returning Officer with regard to the delivery and conduct of the County Council elections and casual vacancies, and any peripheral responsibilities.

## **Governance and Decision-Making**

- To oversee, review and make any recommendations on, the effectiveness and operation of the Constitution and any of the provisions of it.
- To monitor the adequacy and effectiveness of the County Council's Information Governance arrangements.
- To establish Panels of five members of the Committee, as and when required, with delegated powers to deal with:
  - Appeals by officers against disciplinary, grading or employment related action (including in respect of the List of Politically Restricted Posts)
  - Appeals against dismissal from teachers employed in Education Support Units.
  - Appeals against any Executive decision where the law requires that a person shall have a right of appeal within the Council against that decision and for which no other provision is made under this Constitution.
  - Planning Applications referred to in paragraph 2.2 of Section 8 of this Constitution (ie where the Planning Committee is minded to refuse an application for planning permission submitted on behalf of the Cabinet in respect of a County Council service (membership of this Panel shall not include members of the Cabinet, relevant Scrutiny Committee or Planning Committee).

## Miscellaneous

- For functions which are not a function of the Executive – to authorise, or revoke the authority of, a person to exercise a function to which Section 70 of the Deregulation and Contracting Out Act 1994 applies.
- To deal with any other matter (regulatory, judicial, quasi-judicial or licensing) which by law cannot be the responsibility of the Executive for which no other provision exists in this Constitution.
- To make payments or other benefits in cases of maladministration etc.

## Health and Safety

- To monitor the adequacy and effectiveness of the County Council's Corporate Health and Safety policies and to approve the annual Action Plan and key priorities.

## 4. Pensions Committee

### **Bold Text**

Terms of Reference to be gradually phased out, with effect from 1 April 2017, to co-incide with the establishment of LGPS Central Limited, the transfer of Pension Fund investment management activity to that company and the establishment of associated revised governance arrangements

### *Red (Italic) Text*

Terms of Reference to be to gradually phased in, with effect from 1 April 2017, to co-incide with the establishment of LGPS Central Limited, the transfer of Pension Fund investment management activity to that company and the establishment of associated revised governance arrangements.

4.1 The Pensions Committee will have full delegated powers to deal with all Functions relating to Local Government Pensions on behalf of the County Council.

4.2 The Committee shall comprise nine elected members and six non-voting co-opted members representing the following categories:-

- Local Authorities/Staffordshire Police Authority/ Combined Fire Authority (1 seat)
- Contractors (1 seat)
- Other Scheduled Bodies (1 seat)
- Trades Unions (2 seats)
- Pension Recipients (1 seat)

4.3 The terms of reference of the Pensions Committee will be:-

- To decide and set from time to time:-
  - The strategic asset allocation and objectives of the Staffordshire Pension Fund (“the Pension Fund”);
  - The strategic benchmarks for the performance of the Pension Fund against which the actual performance is to be measured;

- The strategic targets against which the performance of the Pensions Panel **and Fund Managers** is to be measured;
- The arrangements for consultation with the stakeholders that have an interest in the affairs of the Pension Fund.
- To review at not more than yearly intervals the performance of the Pension Fund and the Pensions Panel against the strategic objectives, benchmarks and targets set by them and to consider if, and to what extent, any change may be necessary to ensure the efficient and effective performance of the Pension Fund;
- *Selection, appointment and dismissal of an investment pooling operator to manage the assets of the Fund.*
- *Determining what the administering authority requires the pool to provide to enable it to execute its local investment strategy effectively.*
- *Receiving and considering reports and recommendations from the Joint Committee and Practitioners Advisory Forum, established to oversee the pool, to ensure that the Fund's investor rights and views are represented effectively.*
- *Identifying and managing the risk associated with investment pooling.*
- *Ensuring that appropriate measures are in place to monitor and report on the ongoing costs of investment pooling.*
- *Ensuring the responsible investment, corporate governance and voting policies of the Fund are delivered effectively.*
- To approve and keep under review the Investment Strategy Statement and Funding Strategy Statement.
- To maintain a Communication Strategy.
- To approve the Pension Fund Annual Report and Accounts.
- To receive a report at least annually on pensions administration activities.
- To approve and keep under review the Fund's Additional Voluntary Contribution (AVC) arrangements.
- To approve the formal Actuarial Valuation.
- To approve the admission of employing organizations to the Fund where there is discretion to do so.
- To have due regard to the advice of the Director of Finance and Resources and to the advice of Consultants appointed by the Committee for the purpose (the appointment of whom may be made by the Committee on such terms and conditions and for such duration as the Committee may consider appropriate) with expertise in either or both of the following fields:-
  - Actuarial matters and Risk/Liability assessment
  - Investment Strategy and Allocation;
- To monitor from time to time the advice received from Consultants.
- To have regard to the advice of the Pensions Panel on matters referred to the Committee for consideration by the Panel and to call for advice from any Adviser or Manager who could have been asked by the Pensions Panel to give the Panel advice.
- If the Pensions Committee shall disregard the advice of Consultants their reasons for so doing shall be recorded in the minutes of the Committee.

- To deal with any other matters arising in respect of Local Government Pensions.
- To appoint a Pensions Panel of five Members of the Committee.
- To appoint a Pensions Board of a maximum of seven members (comprising two employer representatives, two employee representatives and a maximum of three 'independent' members).

#### 4.4 The Pensions Panel

4.4.1 The Pensions Committee will constitute a Pensions Panel of five members of the Committee with full delegated powers to deal as and when appropriate with the following matters:-

- The structure of the management arrangements necessary to achieve the effective management of the Pension Fund to meet the objectives set by the Pensions Committee;
- **The selection, appointment and dismissal of, and the monitoring of the performance of, the Managers of the Pension Fund**
- The allocation of the assets of the Pension Fund and the generic selection of asset portfolios in order to meet the objectives set by the Pensions Committee;
- The monitoring of the performance of the Pension Fund **and its portfolios** on a regular and routine basis across all sectors of investment and management and the reporting arrangements to Panel *that may be* required from time to time for this purpose;
- *The monitoring of the performance and effectiveness of the investment pooling operator to ensure it is providing an effective means of delivering the investment strategy (e.g. types of assets and style of investment management) and it is meeting the objectives that have been set (including requirements in relation to responsible investment).*
- **To agree from time to time any restrictions to be placed on any one or more Managers of the Pension Fund as to particular classes of authorised investment or decisions they may take on behalf of the Pension Fund or as to the exercise of voting rights.**

4.4.2 The Pensions Panel will review regularly and make recommendations to the Pensions Committee on the following matters:-

- Strategic Asset Allocation.
- Strategic Benchmarks.
- Strategic Performance Targets.
- **The performance of Investment Fund Managers**
- The Investment Strategy Statement and the Funding Strategy statement.
- Legislative, financial and economic changes which impact on the investment activity of the Fund.
- The advice from advisers appointed by the Panel.

4.4.3 The Pensions Panel shall have regard to the advice of the Chief Finance Officer and to the advice of Independent Advisers appointed by the Panel for the purpose (the appointment of whom may be made by the Panel on such terms and conditions and for such duration as the Panel may consider appropriate) with expertise in any one or more of the following fields:-

- Tactical Asset Allocation/Investment Strategy Implementation;
- Equities/Stocks/Shares/Securities (whether in UK or Overseas)

- Property
- Bonds and Gilt-edged Investments
- **Manager Selection and Performance Monitoring**

and to the advice of any one or more Managers of the Pension Fund as the Panel may request.

4.4.4 The Pensions Panel may make recommendations to the Pensions Committee on any other matter whether or not it falls within the delegated powers available to the Pensions Panel.

#### 4.5 **The Pensions Board**

4.5.1 The Pensions Board will be established under the provisions of Regulation 106(5) of the Pension Local Government Pension Scheme Governance Regulations 2014 and will comprise three representatives of employers and three representatives of employees. Upon receipt of written approval from the Scheme Manager, the Pension Board may appoint a non-voting independent advisor to the Pension Board

4.5.2 The Pensions Board will be constituted and conduct its business in compliance with its formal constitution as approved by the Pensions Committee on 24 October 2014 (and any formally approved subsequent version thereof).

4.5.3 The main purpose and role of the Board will be to:

a) Assist the Administering Authority, as Scheme Manager:

- To secure compliance with the LGPS Regulations and any other legislation relating to governance and administration of the LGPS
- To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator including but not limited to the regulatory strategy of public service pension schemes (as amended);
- In such matters as the LGPS regulations may specify

b) Secure the effective and efficient governance and administration of the LGPS for the Staffordshire Pension Fund.

c) Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.

d) To ensure the Staffordshire Pension Fund effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

e) Help ensure that the Staffordshire Pension Fund is managed and administered effectively and efficiently in terms of administration and governance including investments and funding and complies with the Code of Practice on the governance and administration of public service pension schemes issued by the Pensions Regulator.

f) Meet sufficiently regularly to discharge its duties and responsibilities effectively.

## **4.6 LGPS Central Joint Committee**

4.6.1 *The LGPS Central Joint Committee will be the forum for discussing common investor / customer issues relating to LGPS Central Limited.*

4.6.2 *The Staffordshire Pension Fund will be represented on the Joint Committee by the Chairman of the Staffordshire Pension Panel, or their nominated representative.*

4.6.3 *The Joint Committee's role is to support and provide assistance and guidance and recommendations to the 8 participating Council's in connection with common investor issues such as:*

- (a) Operator service delivery and KPIs; and*
- (b) Other Pool related investment issues, for example adopting common approaches to investment policies (for example common social, environmental and corporate governance policies or policies on voting rights).*

4.6.4 *The Joint Committee shall with the support of the Practitioners Advisory Forum act as the initial forum for LGPS Central to engage with, in connection with general service and performance issues applicable to the wider LGPS Central Pool. This will not preclude LGPS Central engaging directly with Councils in relation to specific matters relating to individual Councils only.*

4.6.5 *It is expected the Joint Committee will meet twice a year.*

## **5. Charities and Trust Committee**

5.1 The purpose of a Charities and Trusts Committee is:

- To exercise those powers and duties held by the County Council in its capacity as a Trustee for Charities and Trusts registered with the Charity Commission and recording the County Council as a Trustee.

5.2 The Charities and Trusts Committee has the following functions and responsibilities

- to approve annual reports and accounts
- to approve Charity Commission returns and other regulatory documents
- to respond to enquiries from auditors and independent examiners
- to make decisions on the use/disposal of charity property and assets
- to oversee the management of any Charity and Trust for which the County Council is a Trustee
- to act as the accountable manager for, and take all necessary administrative decisions on any Charity and Trust for which the County Council is the a Trustee
- To compile and maintain an up to date list of Charities and Trusts for which the County Council is a Trustee
- to take any other action required to ensure the proper management and administration of Charities and Trusts for which the County Council is a Trustee.
- to report annually to the full County Council on decision made on its behalf.

## **5.3 Membership**

- The Committee shall comprise 5 members (Cabinet members shall not be eligible for appointment to this Committee).

#### **5.4 Frequency of Meetings**

- The Committee shall hold a minimum of 2 meetings per municipal year. Additional meetings to be held as and when required.





## **SECTION 9**

### **All Party Working Groups**

#### **1. Role and Purpose of All Party Member Groups (APWGs)**

- 1.1 Elected Members are at the heart of driving forward the Council's responsiveness to addressing the needs of the County Council's customers and the citizens of Staffordshire. Members have a significant knowledge of their local communities and are a conduit for bringing that knowledge into public service organisations and communicating the actions taken in response to this information back out into communities.
- 1.2 The APWGs have been established to provide a forum to drive the debate around the long term issues that affect the communities of Staffordshire and how public services, working with the private and voluntary and community sector can plan for and address these issues.
- 1.3 The APWGs will produce policy options and recommendations to address the long term needs of the communities of Staffordshire. Their recommendations will be considered by Cabinet or the relevant Cabinet Member or presented to partner organisations as appropriate.

#### **2. Membership**

- 2.1 The APWGs are not Committees of the County Council and therefore are not subject to the formal political balance requirements. Two APWGs will be established.

Political Group Leaders to agree membership (up to a maximum of ten members APWG)

The two Groups will be jointly chaired and led by the APWG Cabinet Support Member (4).

#### **3. Meetings**

- 3.1 The APWGs will meet at least 3-4 times a year. These meetings will take a rigorous focus on developing new ideas and potential solutions to key challenges. This will include an opportunity to consider new issues within the remit of the Group, identify potential work programme priorities and review progress against previous recommendations or proposals.
- 3.2 The APWGs will also be able to establish specific investigations for the purpose of developing policy proposals for the County Council and/or partner organisations. Each APWG will be able to establish 1 investigation at a time. Each investigation will need to be effectively scoped prior to the investigation commencing.
- 3.3 It will be for the Joint Chairs and Group to scope the specific question that is to be answered and the timescale in which the investigation will take place. The Group

will move onto its next focus, in agreement with Cabinet, once the previous investigation has been concluded and recommendations drawn up.

- 3.4 In addition Cabinet may commission an APWG to undertake an investigation into a particular issue.
- 3.5 Some meetings may be held in private depending on the nature of the evidence being gathered. All investigations will however result in a final report which will be published.

#### **4. Agenda items and Work Programmes**

- 4.1 The Joint Chairs will be responsible for drawing up the work programme in discussion with the membership of the Group and Cabinet. The work programme will reflect community priorities over the medium to long term, with Community and Digital First as the key design principle.
- 4.2 Any Member may request that a particular item be considered for investigation but these will be prioritised in terms of the impact the investigation will deliver
- 4.3 The Group can undertake its investigation in whichever way it deems appropriate and may wish to seek evidence from a range of sources including national best practice and the views of service users to inform its findings and recommendations.

#### **5. The Relationship between the APWGs and Select Committees**

- 5.1 The simplest way of describing the difference between the APWGs and the Select Committees are that the All Party Groups are forward looking investigating the issues that will be facing the communities of Staffordshire over the next 10 to 15 years and beyond.
- 5.2 The Select Committees will be focussing on the here and now and be backward looking in challenging whether the County Council and its partners are delivering the outcomes for local communities that it has made a commitment to deliver against. The core role of scrutiny is around answering the question of has the Council and its partners delivered positive impact for local communities and what have the unintended consequences been.
- 5.3 The APWGs may use evidence collected by the Select Committees as part of the evidence base as a starting point for their investigations.

## SECTION 10

### JOINT ARRANGEMENTS

- 1. Arrangements to promote well being**
  - 1.1 The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may enter into arrangements or agreements with any person or body, co-operate with, or facilitate or co-ordinate the activities of, any person or body; and exercise on behalf of that person or body any functions of that person or body.
- 2. Joint arrangements**
  - 2.1 The Council may establish joint arrangements with one or more local authorities and/or their Scrutiny Committees to exercise functions which are not executive functions in any of the participating authorities, or advise the Council.
  - 2.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of Joint Committees with those other local authorities.
  - 2.3 The Cabinet may only appoint Cabinet members to a joint Committee unless:-
    - 2.3.1 The Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area; or
    - 2.3.2 The Joint Committee is between a County Council and a single District Council and relates to executive functions of the County Council. In such cases, the Cabinet of the County Council may appoint to the Joint Committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area.
    - 2.3.3 In both cases the political balance requirements do not apply to such appointments.
  - 2.4 The Council may establish a Joint Overview and Scrutiny Committee where the subject of the Joint Committee relates to the attainment of any local improvement target set out in the Local Area Agreement or relates to a matter of health service variation that impacts upon the communities of the local authority concerned.
  - 2.5 The Joint Committee will be constituted from elected representatives from the local authorities concerned. For a crime and disorder issue the Police Authority and Chief Officer of Police would be accountable to a crime and disorder committee rather than a Joint Committee.
  - 2.6 Agreement to instigating or participating in an Overview and Scrutiny Joint Committee will be made through discussion with the relevant Scrutiny Chair and Vice Chair and the Director of Corporate Services. Where the investigation

relates to a Local Area Agreement target the Strategic Board will be notified in advance of the commencement of the Joint Committee.

### **3. Access to Information**

- 3.1 The Access to Information Rules in Section 13 of this Constitution apply.
- 3.2 If all the members of a Joint Committee are members of the Cabinet or Executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- 3.3 If the Joint Committee contains members who are not on the Cabinet or Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### **4. Delegation to and from other local authorities**

- 4.1 A Committee responsible for a non-executive function may delegate it to another local authority or, in certain circumstances, the Executive of another local authority.
- 4.2 The Cabinet may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- 4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Cabinet or the Committee by which the functions in question would be exercised on behalf of the Council.

### **5. Current Joint Arrangements with Delegated Powers**

- 5.1 The County Council currently has the following joint arrangements in place which exercise delegated powers.

#### **5.2 *Staffordshire and Stoke-on-Trent Joint Archives Committee***

<b>Membership</b>	2 County Council (Members of the County Council's Cabinet) with substitutes 1 County Council Observer 1 Stoke on Trent City Council (Member of the City Council's Cabinet)
<b>Terms of Reference</b>	To deal with all matters pertaining to archives and archive services in the County and the City of Stoke-on-Trent.
<b>Delegated Powers</b>	To act within the Joint Committee's terms of reference.

### **6. Previous Joint Arrangements – January 2016**

- 6.1 As part of an interim update to the Constitution details of the following previous joint arrangements have been deleted.

- Wedgwood Memorial College Joint Management Committee
- Staffordshire Connects Joint Committee
- Cannock Chase AONB Joint Committee
- Joint Staffordshire Parking Board

- Joint Appointments Committee re: Staffordshire Police Authority
- Staffordshire Supporting People Commissioning Body Members' Board
- Joint Local Parking Committees (East Staffordshire, Lichfield, Newcastle-under-Lyme, South Staffordshire, Stafford and Staffordshire Moorlands Districts)

## 7. Statutory Joint Arrangements

7.1 The County Council participates in the following Joint Arrangements.

### 7.2 Police and Crime Panel

7.2.1 Established under the provisions of Section 28 of the Police Reform and Social Responsibility Act 2011. Constituted in accordance with Section 102 of the Local Government Act 1972.

7.2.2 Staffordshire County Council shall be the host authority for the Police and Crime Panel and shall be responsible for the associated administration.

### 7.2.3 Membership

There shall be 10 council members, together with 2 lay co-opted members. The Panel may appoint up to an additional 8 co-opted members. These may or may not be council members. The Panel will only exercise its powers to appoint additional co-opted members with the agreement of the 10 constituent local authorities, and the appointment of each additional co-optee must be approved by all 10 constituent local authorities to be effective.

Council members:

Councillors to be appointed as follows:

<b>Authority</b>	<b>Core members</b>
Staffordshire County Council	1
Stoke-on-Trent City Council	1
Cannock Chase District Council	1
East Staffs District Council	1
Lichfield District Council	1
Newcastle under Lyme Borough Council	1
Stafford Borough Council	1
Staffordshire Moorlands District Council	1
South Staffs District Council	1
Tamworth Borough Council	1
<b>TOTAL</b>	<b>10</b>

Appointments shall be made on an annual basis

The appointment of core council members shall be the responsibility of the individual Authority on the basis of political control of that Authority.

In the event of a council member resigning or otherwise ceasing to be eligible to serve on the Panel, the appointment of a replacement shall be the responsibility of the Authority concerned and will be taken from the same political group (or controlling group) as the member being replaced.

### **Lay Co-opted members**

Appointments shall be made by the Panel for a 4 year term of office and shall be made on the basis of skills, knowledge and experience.

#### **7.2.4 Terms of Reference**

- 1) To review and make a report or recommendation to the Police and Crime Commissioner on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments (ie Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner) made by the Police and Crime Commissioner.
- 4) To review and make a report to the Police and Crime Commissioner on the proposed appointment of the Chief Constable.
- 5) To review and make a report and recommendation to the Police and Crime Commissioner (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions, including holding the Chief Constable to account, setting the police precept and budget, appointing (and removing) the Chief Constable and publishing a Police and Crime Plan setting out the strategic policing objectives.
- 7) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 8) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 9) To ensure that, when formulating the Police and Crime Plan, the Police and Crime Commissioner gives due regard to the priorities of local Community Safety Partnerships and the residents they serve.
- 10) To record and investigate complaints about the Police and Crime Commissioner or other office holders that relate to non-criminal behaviour (Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011)
- 11) To appoint an Acting Police and Crime Commissioner if necessary.

- 12) To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

### **7.3 Health and Wellbeing Board**

7.3.1 Established under the provisions of the Health and Social Care Act 2012 as an executive body of the County Council

7.3.2 Staffordshire County Council shall be the host authority for the Health and Wellbeing Board and shall be responsible for the associated administration

#### **7.3.3 Membership**

- Cabinet Member for Adults' Wellbeing, Staffordshire County Council
- Cabinet Member for Children's Wellbeing, Staffordshire County Council
- Cabinet Member for Public Health and Community Safety, Staffordshire County Council
- District & Borough Council Representative (North)
- District & Borough Council Representative (South)
- Representative of North Staffordshire Clinical Commissioning Group
- Representative of South East Staffordshire and Seisdon Peninsula Clinical Commissioning Group
- Representative of East Staffordshire Clinical Commissioning Group
- Representative of Stafford and Surrounds Clinical Commissioning Group
- Representative of Cannock Chase Clinical Commissioning Group
- NHS Commissioning Board Local Area Team
- Chief Constable of Staffordshire Police
- Deputy Chief Executive and Director of People, Staffordshire County Council
- Director of Public Health Staffordshire
- A designated representative from HealthWatch

Additional membership will be considered by the Shadow Health and Wellbeing Board as appropriate. The overall size of the Board will, however, be kept at a level which is manageable and able to support efficient and effective decision-making.

The Board intends to ensure effective engagement and dialogue with wider stakeholders through the development of a Health and Wellbeing Provider Forum. The views of the Provider Forum will be fed back into the Board to inform its decision making.

7.3.4 The Health and Wellbeing Board has a set of core duties as laid out in the 2012 Health and Social Care Act, these are:

1. To jointly prepare and publish a Staffordshire Joint Strategic Needs Assessment, ensuring that it engages with and captures the voice of the community, and is used to inform collective and individual strategic decisions of the Board and the individual bodies that make up the Board.

2. To jointly agree and publish a Staffordshire Joint Health and Wellbeing Strategy (JHWS), setting out ambitious outcomes for improved health and wellbeing across Staffordshire.
3. To encourage health and care commissioners to work together and to coordinate commissioning decisions to advance the health and wellbeing of the people of Staffordshire.
4. To consider the partnership arrangements under the Section 75 of the 2006 NHS Act (such as joint commissioning and pooled budgets where appropriate).
5. To encourage integrated working.
6. To ensure patient and public voice is heard as part of the Health and Wellbeing Boards decision making, receiving and considering patient and public feedback through the statutory board membership and regular reports of Staffordshire Health-watch.
7. To receive and consider the plans of the Clinical Commissioning Groups, NHS Commissioning Board LAT and Local Authority, providing assurance and endorsement that they have regard to the Staffordshire Joint Health and Wellbeing Strategy
8. A duty to work in partnership.
9. Increase local democratic legitimacy in the commissioning of health and care services.

In addition to the duties of the Board as set out in the Health and Social Care Act, the Staffordshire Health and Wellbeing Board has also agreed additional functions relevant to achieving outcomes for Staffordshire and the wider Staffordshire partnership environment:

10. To oversee the effective delivery of the Staffordshire strategic priority outcomes
11. To ensure continuous improvements in quality; encompassing dignity, safety and effectiveness.
12. To work with the Local Safeguarding Children and Adult Boards to ensure all partners promote the safety and welfare of children and young people and vulnerable adults.
13. To establish the basis of collaboration with Stoke City Health and Wellbeing Board
14. To represent the needs and issues for Staffordshire at local, regional, national and international level.
15. To monitor, review and evaluate progress and impact against the outcomes and actions agreed in the Staffordshire JHWS and ensure action is taken where appropriate to improve outcomes.
16. Evaluate performance against locally agreed priorities.
17. Evaluate performance against nationally set outcomes frameworks for the NHS, public health and social care.

7.3.5 The Key principles upon which the Board will function are as follows:



- The Board will link closely with the Staffordshire Strategic Partnership (SSP) to ensure co-ordination around common priorities to the benefit of local communities.
- There will be sovereignty around decision making processes. Core members will be accountable through their own organisation's decision making processes for the decisions they take. It is expected that Members of the Board will have delegated authority from their organisations to take decisions within the terms of reference.
- Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner organisations (provided that at least 10 days notice of forthcoming decisions had been given). However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies.
- It is expected that decisions will be reached by consensus.
- From April 2013 the decisions and agendas for the Board will be publically available, except where exemption criteria apply, via the website. The Board will actively provide information to the public through publications, local media, wider public activities and an annual report.
- Core members have a responsibility to feed back to their respective organisations the deliberations and decisions of the Board as appropriate.
- The terms of reference will be reviewed annually in light of learning from the experience of Board members.

7.3.6 The Board may establish themed sub-groups from time to time comprising a range of stakeholders to ensure that these functions are undertaken effectively. These groups will be accountable to the Board for the delivery of their stated aims and outcomes within agreed timescales.

7.3.7 The Health and Wellbeing Board is an executive function of Staffordshire County Council. The Staffordshire Health Select Committee will be the key means of scrutiny of the Board's activity. This will generally involve an invitation to the Chair to attend relevant meetings of the Select Committee, linked to an agreed work programme

### **7.3.8 Board Leadership**

In terms of providing leadership and driving forward with pace the agenda for health and wellbeing in Staffordshire Board Members will need to be committed to:

- Placing the patient and public at the heart of decision making
- Provide strategic leadership based on evidence with a focus on areas where the Board can make the biggest difference
- Act with courage and conviction when making decisions that will have long term benefits to local communities
- Working in partnership to deliver impact

- Communicate effectively and consistently across Board Members and across stakeholders.

### **7.3.9 Chairing of Meetings**

The Health and Wellbeing Board has established the following arrangement for the Chairmanship of meetings:

- The Chairman of the Health and Wellbeing Board will be the County Council's Cabinet Member for Adults Wellbeing.
- The Co-Chair will be selected from the Clinical Commissioning Group representatives on the Board.

These positions do not attract an additional special responsibility allowance.

### **7.3.10 Meeting Arrangements**

The Board will meet publically 6 times a year on an eight week cycle. Additional meetings of the Board may be convened with agreement of the Chairman/ Co Chair. Board Members will also be asked to attend development sessions as appropriate which will be specifically structured to provide time for reflection, development and training to ensure continued focus upon effective leadership and outcomes.

The Board will establish its own Forward Programme of activity which will be reviewed regularly to ensure it remains both strategic and timely. The Forward Plan will be considered at every meeting to facilitate discussion as to priority areas, new items and agenda timetabling. Any reports for a meeting of the Board should be submitted to the County Council's Member and Democratic Services team no later than eight working days in advance of the meeting. No business will be conducted that is not on the agenda.

Agendas and papers for Board meetings will be made publically available via the website (post April 2013) unless covered by exempt information procedures. Agendas and reports will be circulated and published seven days prior to the meeting.

### **7.3.11 Quorum**

The quorum for a meeting shall be a quarter of the membership including at least one elected member from the County Council and one representative of the GP commissioning consortia.

### **7.3.12 Substitution Arrangements**

Each Core Member has the power to nominate a single named substitute. Should a substitute member be required, advance notice of not less than 2 working days should be given to the Council, via the Member and Democratic Services Team. The substitute member shall have the same powers and responsibilities as the Core Members including the ability to vote of matters before the Board.

### 7.3.14 Voting

All Core Members, and their named substitute, will have the right to vote on matters before the Board. A decision will be passed on the basis of a simple majority vote. In the event of a majority vote not being possible the Chairman shall have the casting vote.

### 7.3.15 Expenses

The partnership organisations are responsible for meeting the expenses of their own representatives.

### 7.3.16 Conflicts of Interests

The Localism Act 2011 sets out matters relating to the Code of Conduct and the Registration of Interests which will apply to Health and Wellbeing Board members (subject to the publication of regulations).

These require Board Members to abide by Code of Conduct based on the 7 Nolan principles of Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership). Under this code, Health and Wellbeing Board Members, and their substitutes are required to register defined 'Disclosable Pecuniary Interests' (DPIs) that they are aware of relating to both themselves and their partner. The Council is also required to publish the Register of Interests on its website as well as having it available for public inspection.

## 7.3 Joint Health Scrutiny Committee (JHSC) for Staffordshire and Stoke-on-Trent – re: Consultation on future of Local Health Services in Northern Staffordshire

7.3.1 Established in accordance Regulation 30 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Constituted in accordance with Section 102 of the Local Government Act 1972

### 7.3.2 Purpose

To operate as a mandatory Committee solely for the purpose of considering and formally responding to formal consultation by the relevant NHS body or health service provider on The Future of Local Health Services in Northern Staffordshire.

### 7.3.3 Membership

18 members comprised:

Staffordshire County Council (9)	Stoke-on-Trent City Council (9)
Healthy Staffordshire Select Committee:  Chairman – J McMahon Vice-Chairman – P. Northcott Labour Member – C. Atkins	Adults and Neighbourhood Scrutiny Committee (with responsibility for Health scrutiny matters):  Chairman – J. Bell

<p>C. Trowbridge J. Pert R. Ward</p> <p>And representatives of the following District/Borough Councils with co-opted, full voting status:</p> <p>Stafford BC Newcastle-under-Lyme BC Staffordshire Moorlands DC</p>	<p>Vice-Chairman – D Evans</p> <p>7 members</p>
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- Appointments by each Authority shall reflect the political balance of that Authority.
- Changes in membership shall be at the behest of the relevant Authority provided the total number of seats allocated to each Authority does not exceed 9.
- Substitute members will not be permitted
- Co-opted members (with the exception of those formally appointed as core members to represent the Healthy Staffordshire Select Committee) will not be permitted

#### 7.3.4 Terms of Reference

To operate as a Mandatory Committee to:-

1. Jointly respond to consultation by the relevant NHS body or health service provider on the Future of Local Health Services.
2. Jointly exercise the power to require the provision of information by the relevant NHS body or health service provider about the proposal.
3. Jointly exercise the power to require members or employees of the relevant NHS body or health service provider to attend before it to answer questions in connection with the consultation.
4. Make recommendations, as necessary, to Staffordshire County Council and Stoke-on-Trent City Council on any referral to the Secretary of State.

#### 7.3.5 Procedural Rules

- a) The Joint Committee shall be in existence from the point at which the relevant NHS body or health service provider notifies the Joint Committee of the formal consultation timetable for the Future of Local Health Services consultation until the point at which a formal joint response is submitted and any subsequent dialogue on its contents completed.
- b) The Adults and Neighbourhoods Overview and Scrutiny Committee and the Healthy Staffordshire Select Committee will continue to operate as two separate scrutiny committees to scrutinise health and social care issues relevant to their respective areas and remits, including the referral of matters to the Secretary of State.

c) No matter to be discussed by the Joint Health Scrutiny Committee shall be considered to be confidential or exempt without the agreement of both Authorities and subject to the requirements of Schedule 12A of the Local Government Act 1972.

d) The quorum for the meeting shall be 8 members comprising 4 members from each authority (to include the Chairman or Vice-Chairman of that Authority).

e) The relevant Cabinet member for each Authority may attend meetings as a witness in order to provide information but not to participate in questioning.

f) Outside witnesses shall be invited to present information to the Joint Committee as and when deemed by members to be appropriate.

g) Meeting venues shall alternate between the offices of Staffordshire County Council and Stoke-on-Trent City Council, with costs borne by the host Authority.

h) Responsibility for chairing meetings will alternate between the Chairmen of the Healthy Staffordshire Select Committee and the Adults and Neighbourhood Scrutiny Committee. The chairman of the Host Authority's Committee to chair the Joint meeting.

i) In the absence of the host Chairman, the order of appointment of substitute Chairman shall be:

- 'Visiting' Chairman
- Host Vice-Chairman
- 'Visiting' Vice- Chairman

### **7.3.6 Support Arrangements**

Responsibility for administrative support and clerking arrangements will alternate between the two authorities with associated home costs borne by the respective authorities. Support will include, but not restricted to, overall co-ordination, setting up and clerking meetings and underpinning policy support and administrative arrangements. Specific tasks include:

- Liaising with health colleagues ahead of the meeting
- Producing and issuing agendas
- Production of formal minutes
- Drafting and securing final approval to the formal response to the consultation. This will be responsibility of the host authority for the final meeting.



## **SECTION 11**

### **OFFICERS**

#### **1. Management structure**

- 1.1 The County Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- 1.2 The County Council may engage such Chief Officers with departmental or service responsibilities as it considers necessary.
- 1.3 The County Council may from time to time add to, vary or reduce the number, designation and areas of responsibility of posts of Chief Officer.
- 1.4 The following officers are the current Chief Officers of the County Council:-
- Chief Executive and Head of Paid Service
  - Director for Families and Communities and Deputy Chief Executive
  - Director for Economy, Infrastructure and Skills
  - Director of Corporate Services
  - Director of Health and Care
- 1.5 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 appended as appendix 4.

#### **2. Statutory Officers**

- 2.1 The County Council must designate certain officers to discharge the statutory responsibilities of the Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer), Director of Children's Services, Director of Adult Social Care, Scrutiny Officer and Director of Public Health.
- 2.2 In the event that any of the designated posts of Statutory Officer are vacant, or the post holder is absent (and in the case of the Monitoring Officer, no Deputy Monitoring Officer is appointed) the Chief Executive, or in his absence the Chief Finance Officer and the Monitoring Officer acting together, shall, in consultation with the Chairman of the County Council, the Leaders of the Political Groups, and the other Statutory Officers (where relevant), designate another officer as an Interim Statutory Officer pending a new appointment to the Statutory Officer post by the Council. In the event that any of the designated posts of Statutory Officer are vacant, or the post holder is absent (and in the case of the Monitoring Officer, no Deputy Monitoring Officer is appointed) the Chief Executive, or in his absence the Chief Finance Officer and the Monitoring Officer acting together, shall, in consultation with the Chairman of the County Council, the Leaders of the Political Groups, and the other Statutory Officers (where relevant), designate another officer as an Interim Statutory Officer pending a new appointment to the Statutory Officer post by the Council. This does not apply to the Statutory Officer post of Director of Public Health. The rules governing the appointment of an Interim Statutory Officer pending the new appointment of the Director of Public Health

are set out in the Officer Employment Procedure Rules at Appendix 3, paragraph 6 of the Constitution

2.3 The County Council's Chief Executive is currently designated as the **Head of Paid Service**. The functions of the Head of the Paid Service are as follows:-

- The Head of Paid Service will report to full Council on the way in which the discharge of the County Council's functions is managed, the number and grades of officers required for the discharge of these functions and the way in which the officers are structured into departments.
- The Head of Paid Service may not be the Monitoring Officer.

2.4 The County Council's Director of Strategy, Law and Transformation is currently designated as the **Monitoring Officer**. The functions of the Monitoring Officer are as follows:-

- Maintaining an up-to-date version of the Constitution and ensuring it is widely available for consultation by members, staff and the public.
- Ensuring that the Council's decision making is lawful and fair. After consulting the Head of Paid Service and the Director of Finance and Resources, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- Contributing to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee, monitoring adherence to the County Council's Members' Code of Conduct and dealing with any allegations of breaches of the code.
- Maintaining and publishing a register of Members' Disclosable Pecuniary Interests (and any other interests defined by the County Council), including deciding on the publication of 'sensitive interests'.
- Ensuring that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- Advising whether decisions of the Cabinet are in accordance with the budget and policy framework.
- Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

2.5 The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

2.6 The County Council's Deputy Director of Finance is currently designated as the **Chief Financial Officer (Section 151 Officer)**. The functions of the Chief Financial Officer are as follows:-

- Ensuring that the County Council's decision making is lawful and financially prudent. After consulting the Head of Paid Service and the Monitoring Officer, the Director of Finance and Resources will report to the full Council (or to the Cabinet in relation to an executive function) and the Council's



external auditor if he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- Responsibility for the proper administration of the financial affairs of the Council, under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.
- Responsibility for conducting a continuous internal audit of the financial affairs of the Council as required by the relevant Regulations from time to time in force and for maintaining an adequate and effective system of internal audit as required by those Regulations.
- Contributing to the corporate management of the County Council, in particular through the provision of professional financial advice.
- Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- Providing financial information to the media, the public and the community.
- Promoting arrangements to identify and maintain key business risks, including safeguarding assets, risk management and insurance.

2.7 The County Council will provide the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources required to allow their duties to be performed. Those general delegations (listed as Table 1) to all Senior Leadership Team members which relate to staffing and resources will also apply to the Chief Financial Officer to ensure that his statutory duties are discharged effectively.

2.8 Section 18 (1) of the Children Act 2004 requires the Council to appoint a **Director of Children's Services** who is tasked with improving the well-being of all children and young people in the local area across all five Every Child Matters outcomes, and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced. The County Council's Director for Families and Communities and Deputy Chief Executive is currently designated as the Director of Children's Services and the functions of the Director of Children's Services are as follows:-

- Functions conferred on or exercisable by the LA in its capacity as a local education authority;
- Social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
- Functions relating to persons leaving care;
- Functions in respect to the co-operation to improve well-being with partner agencies ;multi agency arrangements to safeguard and promote welfare; information databases ;children and young people's plans;
- Functions under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children;
- Functions in respect to the improvement of young children's well-being; provision of child care; information ,advice and assistance, and training to child care providers;
- Such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.

- To promote the importance of improving outcomes for all children and young people;
- To encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships;
- Working with local head teachers collectively to drive up standards in schools and improve children's wellbeing
- Championing children and young people and their families within the local area;
- Management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
- Safeguarding and promoting the welfare of children;
- Supporting looked after children;
- Ensuring there are effective arrangements for school improvement in the area;
- Ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;
- Promoting early intervention and prevention in delivering services for children, young people and families
- Emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the area.

2.9 Section 6 of the Local Authority Social Services Act 1970 (as amended by the Children's Act 2004) requires the Council to appoint a **Director of Adult Social Services** who is accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the DCS is responsible, in respect of adults. The Director for Health and Care is currently designated as the Director of Adult Social Services and they are responsible for the County Council's functions in respect to adult social services including:-

- Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
- Professional leadership, including workforce planning;
- Leading the implementation of standards;
- Safeguarding vulnerable adults;
- Promoting local access and ownership and driving partnership working;
- Promoting social inclusion and wellbeing.

2.10 Under Section 31 of the Local Democracy, Economic Development and Construction Act 2009 requires the Council to appoint a **Scrutiny Officer**. The Scrutiny and Support Officers are currently designated as the Scrutiny Officer and the functions of the Scrutiny Officer are as follows:-

- To promote the role of the authority's scrutiny function and committees;
- To provide support to the scrutiny committees and members of those committees.
- To provide support and guidance to Members, Cabinet Members and Officers of the authority in relation to the functions of the authority's scrutiny committees.

- 2.11 The Scrutiny Officer post cannot be held by the Head of Paid Service, Chief Financial Officer or Monitoring Officer.
- 2.12 Section 30 of the Health and Social Care Act 2012 requires the Council to appoint a Director of Public Health who will be accountable for the delivery of the authority's duties. This is a joint appointment between the authority and the Secretary of State.

The Director for Health and Care is the principal adviser on all health related matters and this role covers all three domains of public health: health improvement, health protection and healthcare public health. The Director of Public Health will also play a key role in reducing health inequalities.

The key statutory functions and responsibilities of the Director for Health and Care are:-

- All of the local authority's duties to take appropriate steps to improve public health of the people who live in the area (this is known as the Public Health Improvement duty)
- Any of the Secretary of State's public health protection or health improvement functions that are delegated to the local authority, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the NHS Act 2006, inserted by section 18 of the Health and Social Care Act 2012
- Exercising the local authority's functions in planning for and responding to emergencies that present a risk to public health
- The local authority's role in co-operating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders
- To sit as a statutory member of the local authority's Health and Wellbeing board
- To write an annual report on the health of the local population
- To have responsibility for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications<sup>1</sup>
- Responsibility for providing Healthy Start Vitamins if the local authority provides (or commissions) a maternity or child health clinic
- Such other public health functions as the Secretary of State specifies in regulations

### **3. Conduct**

- 3.1 Officers will comply with the Officers' Code of Conduct in Appendix 2 and the Protocol on Officer/Member Relations in Section 4.

### **4. Employment**

- 4.1 Subject to Paragraph 4.3 below, The recruitment and selection, dismissal of and the taking of disciplinary action against, an officer of the Council shall be discharged by the Chief Executive as Head of the Paid Service or by a Chief

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<sup>1</sup> This function is given to local authorities by s5(3), 13(4) 69(4) and 172(B) of the Licensing Act, as amended by Schedule 5 of the 2012 Act

Officer or other officer nominated by the Chief Executive exercising delegated powers in accordance with, and subject to, the Officer Employment Procedure Rules in Appendix 3.

- 4.2 The taking of personnel decisions will comply with the Officer Employment Procedure Rules.
- 4.3 The recruitment and selection, dismissal of and taking of disciplinary action against, the following officers will be undertaken in accordance with, and subject to the specific provisions in the Officer Employment Procedure Rules:-
- The officer designated as the Head of the Paid Service.
  - The Officer designated as the Monitoring officer
  - The officer designated as the Chief Financial Officer
  - The Officer designated as the Director of Children's Services
  - The Officer designated as the Director of Adult Social Care
  - Other Officers included in the Senior Leadership Team
  - Officers included in the Wider Leadership Team
  - A person appointed in pursuance of section 9 of the Local Government and Housing Act 1989 (assistants to political groups)
  - Director of Public Health
- 4.4 The recruitment, selection and dismissal procedure outlined at paragraph 4.1 above, does not apply to the Officer designated as the Director of Public Health. However, the taking of disciplinary action against the Director of Public Health will be in accordance with Section 11 (Officers) paragraphs 4.1, 4.2 and 4.3 of the Constitution.

Specific provisions in respect of recruitment, selection and dismissal apply to the Director of Public Health and are set out in the Officer Employment Procedure Rules at Appendix 3, Paragraph 6 of the Constitution.

## **5. Powers Exercisable by Officers**

- 5.1 Officers may exercise functions of the Council, the Cabinet and committees of the Council to the extent and subject to the conditions specified in the Scheme of Delegation to Officers set out in Appendix 1.
- 5.2 The Chief Executive's, Directors' and other officers' powers conferred by this Section and its Appendices, including any proper officer functions, may be exercised by other officers designated in writing by the Chief Executive, relevant Director or other officer, either generally or in specific circumstances.

## **6. Financial management**

- 6.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Section 14 of this Constitution.

## **7. Contracts**

- 7.1 Every contract made by the Council will comply with the Procurement Policy and Contract Standing Orders set out in Section 14 of this Constitution.

## **8. Legal proceedings**

- 8.1 A Chief Officer is authorised to institute, defend or participate in or withdraw from any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where such Chief Officer considers that such action is necessary to protect the Council's interests.

## **9. Authentication of documents**

- 9.1 Where any document is necessary to any legal procedure or proceedings on behalf of the County Council, it will be signed by the Director of Transformation, Law and Democracy or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given delegated authority to some other person.

## **10. Entry on to land or premises**

- 10.1 A Chief Officer may exercise any statutory power conferred on the County Council to enter land or premises for purposes connected with the service or function for which the Chief Officer is responsible and may authorise named officers to do so on the Chief Officer's behalf.

## **11. Information about interests in land**

- 11.1 A Chief Officer may exercise any statutory power conferred on the County Council to require information as to interests in land and may authorise named officers to do so on the Chief Officer's behalf.

## **12. Common Seal of the County Council**

- 12.1 The affixation of a Common Seal of the County Council shall be attested by the Authorised Signatory who shall be the Chief Executive or the Director of Democracy, Law and Transformation or an appropriate officer or officers nominated in writing by the Director of Strategy, Governance and Change.
- 12.2 Both Common Seals of the County Council shall be kept in the custody of the Director of Director of Strategy, Governance and Change and secured by lock and key.
- 12.3 Any resolution or decision of the Council (or of the Cabinet in respect of the discharge of executive functions, or of a Committee or Sub-Committee or Officer acting under powers delegated in accordance with this Constitution) authorising the acceptance of any tender; the purchase, sale, letting or taking of any property; the issue of any stock; the presentation of any petition, memorial, or address; the making of any contract; or the doing of any other thing, shall be sufficient authority for sealing any documents necessary to give effect to that resolution or decision.
- 12.4 Details of every deed and other document to which the Common Seal is to be affixed shall be entered prior to the time of its sealing or as soon as practicable thereafter by the Director of Strategy, Governance and Change in a book to be

provided for that purpose and the book shall be signed by the person attesting the affixation of the Common Seal.

## SCHEME OF DELEGATION TO OFFICERS

### INTRODUCTION

1. In order to support the day to day running of the County Council and its services, Senior Leadership Team members have been given delegated powers to exercise some of the County Council's functions and services. Powers are delegated by the Council under the provisions of the Local Government Act 1972 (Section 101) and by the Executive under the Local Government Act 2000 (section 15)
2. Subject to certain conditions\* Cabinet members have delegated powers to take decisions on any matter which falls within their portfolio and which is not delegated to officers under this scheme of delegation.

Because this scheme of delegation does not itemise every type of decision which officers can take there will be occasions when responsibility for decision making could rest with either the cabinet member or the officer.

The following criteria are suggested to help distinguish between cabinet member and officer level decisions.

**NOTE** this criteria is intended to provide a guide and is not exhaustive:

Officer Decision	Uncontroversial
	Related to 'internal' matter
	Covered by Scheme of Delegation to officers
	In accordance with agreed policy and budget provision
	Related to current/existing service provision
Cabinet Member Decision	Controversial
	Direct impact on 'Customers'
	Politically Sensitive
	Not covered by policy or budget provision
	Related to new service provision/innovation

3. Table 1 of this Appendix sets out the general powers delegated to all Senior Leadership Team members.
4. Tables 2 to 7 set out the specific delegations to individual Senior Leadership Team members relating to their areas of responsibility
5. The following matters may not be delegated to a Senior Leadership Team member:-
  - Any matter reserved to the full Council;

- Any matter which by law may not be delegated to an officer;
  - Any matter reserved to the Cabinet or a Committee or Panel;
  - Any matter which constitutes a key decision;
  - Any power to make a formal response on behalf of the County Council to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive without reference first to the relevant Cabinet Member, Leader of the Council or the Chairman of the Committee concerned, except where timescales do not allow it, when the Chief Executive is authorised to respond after discussion with them.
6. All Senior Leadership Team members (or any successors appointed under any re-organisation) are authorised to exercise the powers of the Council (both Executive and Non-Executive) relating to their areas of responsibility including professional and managerial functions relating to his/her service subject to the limitations and reservations of the scheme.
  7. In the event of the relevant Senior Leadership Team member not being available for any reason his/her Deputy or the next most appropriate senior officer included in the Wider Leadership Team shall be authorised to exercise the delegated powers.
  8. Every Senior Leadership Team member may authorise officers in his/her department/service area to exercise on his/her behalf functions delegated to him/her, *provided the delegatee holds any qualifications necessary for the exercise of the power*. The Senior Leadership Team member shall remain accountable and responsible for any decisions taken in his/her name. All Sub-Delegation schemes shall be in writing, with copies deposited with the Monitoring Officer.
  9. At the total discretion of the relevant Senior Leadership Team member any officer may have the delegated authority suspended, reviewed or limited in specific circumstances (ie a specific exclusion) (*NB this is not to be considered as a disciplinary matter*).
  10. When exercising delegated powers, Senior Leadership Team members must ensure that any actions are in accordance with the policies and decisions of the County Council, this Constitution, Financial Regulations and Procurement Regulations and not outside the powers and duties of the Council under law.
  11. When exercising delegated powers, Senior Leadership Team members are delegated to consult such other officers and/or the Chief Executive, the Director of Strategy, Governance and Change and the Director of Finance and Resources as may be appropriate in the circumstances and shall have regard to any advice given.
  12. Senior Leadership Team members may consult the appropriate Cabinet Member, Cabinet or a Committee before exercising delegated powers and, following this consultation, elect not to exercise their delegated powers.



13. Senior Leadership Team members must consult the Local Member(s) for an area affected by a proposed decision prior to making that decision
14. Senior Leadership Team members must keep Local Members informed of events being organised in their area in connection with the exercise of their delegated powers (eg Public meetings, meetings with campaign groups)
15. Before taking any decisions Officers are under a duty to satisfy themselves that they have delegated power to do so and that they have undertaken appropriate consultation
16. The Cabinet and Committees and Panels of the Council reserve the right to take decisions on any matter delegated to an officer, provided that the subject matter is within their area of responsibility
17. The advice of the Director of Strategy, Governance and Change and the Director of Finance and Resources must be sought when a Senior Leadership Team member proposes to exercise delegated powers on behalf of the Cabinet if there is doubt as to whether the proposed exercise is contrary to the policy framework or contrary to or not wholly in accordance with the budget.
18. Where a Senior Leadership Team member is of the opinion that any matter delegated to him/her may involve the payment of compensation for which no specific budgetary provision has been made no decision shall be made without reference to, and approval by, the Cabinet or a Committee (as appropriate)
19. The Senior Leadership Team member must ensure that decisions made under this Scheme are supported by relevant documentation and evidence
20. Where the delegated power specifies whether the function is an Executive responsibility, Non-Executive (ie Council) or a Local Choice function; any misattribution of a function shall not prevent the exercise of the delegated power.
21. In addition to the delegations set out in this scheme, the Council or Cabinet can arrange for specific delegations on a particular matter

**\*For a detailed explanation of Cabinet Member delegated powers see Section 6 of this Constitution**



**TABLE 1**

**DELEGATIONS TO ALL SENIOR LEADERSHIP TEAM MEMBERS**

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
1.	<p>To exercise, within the approved budget, the day to day administrative and operational management of those services, staff and resources placed under the control of the Senior Leadership Team member. Any decisions made as part of this delegation:</p> <ul style="list-style-type: none"> <li>• Shall not be key decisions</li> <li>• Shall relate to maintaining the operation or effectiveness of those services or incidental to the discharge of the Council's functions</li> <li>• Shall comply with the Council's Policy Framework or a policy decision taken by Council</li> </ul>	COUNCIL/ CABINET
2.	<p>To take all steps to implement any decisions taken by the Council or under delegation.</p>	COUNCIL/ CABINET
3.	<p>To take all steps as may be required to maintain the operation and effectiveness of services; such steps to include:</p> <ul style="list-style-type: none"> <li>• The institution, defence, withdrawal or compromise of claims or legal proceedings (civil or criminal) connected with any function or service for which the Senior Leadership Team member is responsible</li> <li>• The commencement of criminal proceedings for any breach of any law/by-law within the services and functions for which the Senior Leadership Team member is responsible</li> <li>• The pursuance of the recovery of costs incurred by the County Council as part of any legal proceedings</li> <li>• The exercise of statutory powers to enter land or premises and/or carry out inspections for the purposes connected with the services or functions for which the Senior Leadership Team member is responsible</li> <li>• To exercise the County Council's statutory powers to require information as to the ownership, occupation or use of land or premises or otherwise</li> <li>• To incur expenditure on repairs and maintenance within the limits established via the Council's Strategic Property Board.</li> <li>• To select applicants for inclusion, or vary the terms of approval for, and suspend firms from,</li> </ul>	COUNCIL/ CABINET

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	any list of approved contractors for the maintenance of which that Senior Leadership Team member is responsible (Any proposal to delete a firm from a list of approved contractors must be the subject of consultation with the Director of Corporate Services).	
4.	To appoint staff below Wider Leadership Team level within structures and budgets approved by the Council and to take decisions relating to staffing and personnel matters in accordance with the Council's agreed policies and personnel procedures <i>(Senior Leadership Team members' involvement in specific Wider Leadership Team appointments is as specified at section 11 of this Constitution)</i>	COUNCIL
5.	To implement, in the areas for which they are responsible, corporate personnel policies and nationally and locally determined conditions of service adopted by the Council	COUNCIL
5a	To approve and implement Settlement Agreements, the terms of which have been negotiated and recommended by the Director of Corporate Services	COUNCIL
6.	Following consultation with the relevant cabinet member to enter into agreement for the provision of services to a third party and make charges therefore subject to confirmation by the Director of Corporate Services that the activity is not ultra vires	COUNCIL/ CABINET
7.	Following advice from the Head of Human Resources, to enter into agreements with other local authorities for the placing of staff at the disposal of other authorities	COUNCIL
8.	To authorise the acquisition of assets or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by a cabinet member for which a budget has been approved	CABINET
9.	To determine adjustments to annual fees and charges in line with the provisions of Financial Regulations	COUNCIL
10.	To maintain record of all complaints made in respect of the services for which the Senior Leadership Team member is responsible and deal with them in accordance with the complaints procedure approved by the County Council or as required by specific legislation	CABINET
11.	To incur expenditure of up to £3000 in making an ex-gratia payment in order to resolve a complaint made against the County Council; any proposal to pay an sum in excess of that amount to be reported to Cabinet or Committee as appropriate.	CABINET
12.	To prepare and maintain plans to give effect to the	COUNCIL

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	provisions of any County or District Emergency Plan	
13.	To implement decisions made by or on behalf of the County Council in its capacity as trustee of any charity or trust.	COUNCIL
14.	To determine Politically Restricted Posts within their organisational structure.	COUNCIL



**TABLE 2****DELEGATIONS TO THE CHIEF EXECUTIVE**

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
1.	To be the Council's Head of Paid Service.	COUNCIL
2.	Notwithstanding any other provision of this Constitution, after discussion, if practicable, with the Leader of the Council or the relevant Portfolio Holder and/or Chairman, as the case may be, to take action not involving a key decision as he deems to be necessary in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot wait for the next following meeting of the Council, the Cabinet or Committee, as the case may be. Any action taken under this delegation shall be reported to the next meeting of the Council, Cabinet or Committee as necessary.	COUNCIL/CABINET
3.	To appoint from time to time, for such duration and in such circumstances and subject to such conditions as the Chief Executive may specify, a Chief Officer to act as Deputy to the Chief Executive, such Deputy to have (when authorised to act) all the powers, duties and responsibilities of the Chief Executive as the County Council's Head of Paid Service. Notification of such appointment and its applicable duration, circumstances and conditions shall be given in writing by the Chief Executive to the Leader of the Council, Monitoring Officer and Director of Finance and Resources.	COUNCIL
4.	To be the Proper Officer and the County Council's Returning Officer for the purpose of the election of County Councillors and to undertake all the duties of those offices pursuant to the Representation of the People Act 1983, and the Local Government Act 1972.	COUNCIL
5.	To give public notice of any vacancy in the office of Councillor pursuant to Sections 86 and 87 of the Local Government Act 1972.	COUNCIL
6.	To approve and implement national and provincial pay awards, after consultation with the Director of Finance and Resources, as soon as possible after agreement and notification from the appropriate body, subject to any element of discretion being referred to the Cabinet for consideration.	COUNCIL
7.	To decide exceptional cases and any question about the interpretation or administration of the County Council's Long Service Awards Scheme.	COUNCIL
8.	In consultation with the Leader of the Council, to appoint (and/or remove) an officer(s) to act as the shareholder(s) and member of any company on behalf of the County Council.	COUNCIL





**TABLE 3****DELEGATIONS TO THE DIRECTOR OF CORPORATE SERVICES**

	<b>DELEGATED POWER</b>	<b>OVERALL RESPONSIBLE BODY</b>
1.	To be the Council's Monitoring Officer	COUNCIL
	<b>LEGAL SERVICES</b>	
2.	To be the County Council's Solicitor and Head of Legal Services and to take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning the County Council.	COUNCIL
3.	To be the Proper Officer for any purpose for which the County Council has not designated another officer to be Proper Officer.	COUNCIL
4.	In consultation with the relevant Director(s), to make amendments to the Scheme of Sub-Delegations to reflect future changes in organisational structures, working practices, and future changes in relevant legislation and regulations.	COUNCIL
5	To be (along with the Chief Financial Officer) the County Council's authorised officer for the purpose of giving certificates under the Local Government(Contracts) Act 1997. * The County Council has indemnified the Director of Corporate Services and the Chief Financial Officer against any claims made against them (including costs incurred by and awarded against them) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to their officers under any policy of insurance taken out by the officer) occasioned by neglect, act, error or omission committed by such officer in the course of or in connection with signing a certificate within the meaning of the Local Government (Contracts) Act 1997. This indemnity will not apply where the loss or damage results directly or indirectly from the commission of a criminal offence of which the officer is convicted or results directly or indirectly from the fraud or dishonesty of the officer, or where the officer disregards a decision by the County Council that the certificate should not be given.	COUNCIL
6.	To sign any documentation or take appropriate steps to implement or effect compliance with any Council, Cabinet or Committee resolution or an	COUNCIL

	<b>DELEGATED POWER</b>	<b>OVERALL RESPONSIBLE BODY</b>
	elected member or officer acting under delegated powers.	
7.	To be the Authorised Signatory for the purpose of attesting the affixation of the Common Seal of the County Council.	COUNCIL
8.	To prosecute, withdraw, defend, compromise, appeal and appear in proceedings on behalf of the County Council in any Court of Law, whether criminal or civil, tribunal, inquiry, chamber or other hearing or before any Judge, Registrar, Recorder, Magistrate, Coroner, Inspector, Arbitrator, Mediator, or Expert (subject to prior consultation with the Director for Health and Care in any case where court proceedings are to be instituted in respect of the alleged abandonment of assets in the context of the assessment of charges for residential care) and to authorise officers to exercise any such powers.	COUNCIL
8 (a)	To negotiate and recommend to the appropriate Senior Leadership Team member for approval, the terms of Settlement Agreements with County Council employees	COUNCIL
9.	To consider and decide upon individual cases relating to the alleged abandonment of assets in the context of an assessment of charges for residential care where it is inappropriate for the Director for Health and Care and/or the Cabinet Member for Health, Care and Wellbeing to deal with the matter (for example by reason of a potential conflict of interest).	COUNCIL
10.	To designate officers of the County Council as being authorised under Section 223 of the Local Government Act 1972 to institute, prosecute, defend or appear on the County Council's behalf in proceedings before a Magistrates Court and to conduct such proceedings notwithstanding that the officer concerned may not be a solicitor holding a current practising certificate	COUNCIL
11.	To appoint officers to represent the County Council at the County Court in proceedings in chambers generally or in the small claims court under the provisions of section 19 of the Legal Services Act, 2007, and to represent the County Council at such other court venues including the High Court sitting in chambers, where permitted, and at Tribunals	COUNCIL
	<b>COMPLIANCE</b>	

	<b>DELEGATED POWER</b>	<b>OVERALL RESPONSIBLE BODY</b>
12.	To exercise the Council's powers under the Regulation of Investigatory Powers Act 2000 including authorising a council officer to act as the Senior Responsible Officer whose responsibilities will include approving and authorising officers to act as: a) An Authorising Officer in relation to the Regulation of Investigatory Powers Act 2000 b) A designated person and single point of contact in relation to the Regulation of Investigatory Powers Act 2000	COUNCIL
13.	To be responsible for the Councils Information Governance function, ensuring that all legal, regulatory and ethical requirements are complied with in relation to information collected, received, used and managed by the Council.	COUNCIL
	<b>MEMBERS' SERVICES</b>	
14.	To maintain the registers of:- <ul style="list-style-type: none"> <li>• The financial and other interests of members and co-opted members of the County Council as required by the Local Government Act 2000</li> <li>• Officers' declarations of interest in contracts and other pecuniary interests</li> <li>• Any other matter relating to the interests of members and co-opted members which the County Council from time to time establish.</li> </ul>	COUNCIL
15.	To approve (but not refuse) applications from members submitted under the Staffordshire Local Community Fund	COUNCIL
16.	To approve in consultation with the Chairman of the County Council and the Leader of the Council amendments to the Council's list of events, functions, meetings, outside bodies, conferences and courses at which attendance is authorised as an approved duty; or as within Section 175 of the Local Government Act 1972 for the purpose of payment of travelling and subsistence allowance to that member	COUNCIL
17.	To approve in consultation with the Chairman of the County Council and the Leader of the Council a member's application for attendance at an event, function, meeting, outside body, conference or course not on the County Council's lists referred to in item 9 above as an approved duty or as within Section 175 of the Local Government Act 1972 for	COUNCIL

	<b>DELEGATED POWER</b>	<b>OVERALL RESPONSIBLE BODY</b>
	the purpose of payment of travelling and subsistence allowance to that member	
18.	To authorise, after consultation with the Chairman of the County Council and the Group Leaders, the payment of members' expenses claims made more than two months after the date of a meeting	COUNCIL
19.	To authorise, on the nomination of the Group Leaders, the filling of vacancies, or the interchange of members on Committees	COUNCIL
20.	To agree changes to appointments to outside bodies arising from changes in Cabinet, members or group nominations	COUNCIL
21.	To deal with alleged breaches of the Members' Code of Conduct in line with the Council's published arrangements.	COUNCIL
	<b>APPEALS</b>	
22.	To support Complaints Review Panels comprising three independent persons (ie not elected members) with expert knowledge of Children's Services to consider complaints under the Children's Services Act 1989 and the Local Authority Act 1970 which Panel is to make recommendations to the County Council on the course of action to be taken about any such complaint	COUNCIL
23.	To make arrangements for dealing with the following kinds of appeal under the School Standards and Framework Act 1998:- <ul style="list-style-type: none"> <li>• Admission appeals</li> <li>• Appeals against exclusions</li> <li>• Appeals by Governing Bodies</li> </ul>	CABINET/LOCAL CHOICE
	<b>PLANNING AND HIGHWAYS</b>	
24.	To submit all planning and planning related applications, including those for the County Council's own operational development and highway schemes; for the disposal of surplus land/property; for Conservation Area consent; and for Listed Building consent	COUNCIL
25.	In consultation with the Chairman of the Planning Committee and Director for Economy, Infrastructure and Skills to decide the final form of the conditions which the County Council would wish to be attached to, and the framework of, any section 106 Agreement, if the Secretary of State for the Environment was minded to grant permission for a particular development following an appeal in relation thereto	COUNCIL

	<b>DELEGATED POWER</b>	<b>OVERALL RESPONSIBLE BODY</b>
26.	In consultation with the Director for Economy, Infrastructure and Skills, to enter into agreements for the execution of highway works under the Highways Act, 1980	CABINET (LOCAL CHOICE)
27.	To exercise the powers and duties of the Council in connection with Common Land and Town/Village Greens (with the exception of the determination of applications – less contentious applications to be delegated to Team Leader (Property and Development) and the remainder and appeals against a decision of the Team Leader (Property and Development) to be referred to the Countryside and Rights of Way Panel	COUNCIL
28.	On behalf of the County Council to appoint or ratify, as appropriate, all members of the Joint Local Access Forum	COUNCIL
29	To determine claims made under section 36(6) of the Highways Act 1980 for the addition of alleged public highways to the list of publicly maintainable highways kept by the County Council under that section	COUNCIL
30.	To determine claims made under Section 56 of the Highways Act 1980 for the admission by the County Council of liability to maintain a highway	COUNCIL
31.	To determine applications for Modification Orders under the Wildlife and Countryside Act 1981 unless, after consultation with the local County Councillor(s) for the area concerned and the Director for Families and Communities, they decide that the matter in question ought properly to be determined by the Countryside and Rights of Way Panel	COUNCIL
32.	The power to determine whether an applicant's details should be removed from the Register of Applications made under Paragraph 2(3) of the Public Rights of Way (Register of Applications under Section 53(5) of the Wildlife and Countryside Act 1981)(England) Regulations 2005	COUNCIL
	<b>FINANCE/PENSIONS</b>	
33.	To take and implement any decision which he is empowered to take in accordance with Financial Regulations in his capacity as Director of Corporate Services	COUNCIL
34 (a)	To take any decision relating to the investment or management of the Pension Fund which is within the framework of the strategic or policy decisions of the Pensions Committee or the Pensions Panel.	COUNCIL

	<b>DELEGATED POWER</b>	<b>OVERALL RESPONSIBLE BODY</b>
34 (b)	After taking advice from Independent Advisers appointed by the Pensions Panel, to take any decisions relating to the investment and management of the Pension Fund which cannot reasonably await the next meeting of the Pensions Committee or the Pensions Panel.	COUNCIL
	<b>HUMAN RESOURCES</b>	
35.	To take and implement any decision he/she is empowered to take in accordance with County Council HR policy in his/her capacity of Director of Corporate Services.	COUNCIL
36.	To take and implement any decision on employment legislative matters in his/her capacity as Director of Corporate Services	COUNCIL
37.	To maintain the List of Politically Restricted Posts within the County Council (To be delegated to the Head of Human Resources and Organisational Development)	COUNCIL
	<b>PROPERTY</b>	
38.	To represent Staffordshire County Council as a Director of Penda Property Joint Venture Company	COUNCIL
39.	To take all steps to administer and manage the Council's property estate	COUNCIL/CABINET
40.	To approve all acquisitions at market value of up to £200,000 and all terms for those transactions.	COUNCIL/CABINET
41.	To approve the terms of all disposals for best consideration at a market value of below £200,000 and all terms of those transactions	COUNCIL/CABINET
42.	To approve all leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of below £200,000, and all Terms of those transactions including Right of Renewal.	COUNCIL/CABINET
43.	To approve any Easement of Wayleave where the total premium, consideration and/or rent over the term is below £200,000	COUNCIL/CABINET
44.	To approve any lease entered into where the total rent over the term or a premium plus the total rent is below £200,000	COUNCIL/CABINET
45.	To approve any licence where the total licence fee over the licence period is below £200,000.	COUNCIL/CABINET
46.	To settle any claim for dilapidations totalling less than £200,000 where the County Council has been the tenant	COUNCIL/CABINET
47.	To approve the removal of Restrictive Covenants where the total payment is below £200,000	COUNCIL/CABINET

	<b>DELEGATED POWER</b>	<b>OVERALL RESPONSIBLE BODY</b>
48.	To approve Pre-emptions and Options where the total value of the property is below £200,000	COUNCIL/CABINET
49.	The granting of consent for alterations in the property or its use for Economic Regeneration Properties, including Physical Regeneration Schemes, County Farms and Enterprise Centres	COUNCIL/CABINET
50.	Jointly with the Director of Economy, Infrastructure and Skills, the approval of short term licences (up to three months) for car parking	COUNCIL/CABINET
	<b>HEALTH AND SAFETY</b>	
51.	To be responsible for the preparation, maintenance and review of the County Council's Corporate Health and Safety policies.	COUNCIL
52.	In the role of Health and Safety 'Champion' for the County Council, to be responsible for the monitoring of the County Council's Corporate Health and Safety policies.	COUNCIL
	<b>ICT</b>	
53.	To take and implement any decision which he/she is empowered to take in accordance with the ICT Strategy in his/her capacity as Director of Finance and Resources	COUNCIL/CABINET
	<b>CUSTOMER SERVICES</b>	
54.	To be responsible for the delivery of effective customer services.	COUNCIL
55	To approve premises as a venue for marriage in pursuance of Section 26 (1)bb of the Marriage Act 1949 as a venue for Civil Partnerships in pursuance of Section 6 (3A) (a) of the Civil Partnership Act 2004	COUNCIL
56	To carry out the County Council's duties under the Marriage Act 1949 and the Civil Partnership Act 2004 (other than those relating to fees and appeals)	COUNCIL
	<b>MISCELLANEOUS</b>	
57.	To enter into all necessary agreements for the provision of vehicles required by the Council including those under the corporate staff car leasing scheme	CABINET
58.	To be the Proper Officer for the purpose of the List of Politically Restricted Posts.	COUNCIL
59.	In consultation with the relevant Chairman, to take a decision on any matter within the purview of the Regulatory Committee or any of the Panels or the Planning Committee which is not delegated to him if that matter cannot for good reason await	COUNCIL

	<b>DELEGATED POWER</b>	<b>OVERALL RESPONSIBLE BODY</b>
	consideration at the next meeting of the County Council, Cabinet or appropriate Committee.	



**TABLE 3A**

**DELEGATIONS TO THE CHIEF FINANCIAL OFFICER (SECTION 151 OFFICER)**

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
1.	To be the responsible officer for the management of the Council's financial affairs in accordance with Section 151 of the Local Government Act 1972	COUNCIL.
2.	To carry out all Treasury Management activities within the Treasury Management Statement and Annual Treasury Management Strategy approved from time to time by the Cabinet and in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities and Financial regulations.	COUNCIL/ CABINET
3.	To take and implement any decision which he/she is empowered to take in accordance with Financial Regulations and Procurement Regulations in his/her capacity of Chief Financial Officer	COUNCIL/ CABINET
4.	To maintain and direct an adequate and effective system for internal audit of the Councils' accounting records and control systems	COUNCIL
5.	To maintain and direct an adequate and effective system of financial risk management, including policies on the insurance of the Council's assets.	COUNCIL
6.	To administer the car loans scheme and approve the grant and amount of car loans where the requirements of the County Council's scheme are not fully met	COUNCIL/ CABINET
7.	<p>To be (along with the Director of Corporate Services) the County Council's authorised officer for the purpose of giving certificates under the Local Government(Contracts) Act 1997.</p> <p><i>* The County Council has indemnified the Director of Corporate Services and the Chief Financial Officer made against them (including costs incurred by and awarded against them) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to their officers under any policy of insurance taken out by the officer) occasioned by neglect, act, error or omission committed by such officer in the course of or in connection with signing a certificate within the meaning of the Local Government (Contracts) Act 1997. This indemnity will not apply where the loss or damage results directly or indirectly from the commission of a criminal offence of which the officer is convicted or results directly or indirectly from the fraud or dishonesty of the officer, or where the officer disregards a decision by the County Council that the certificate should not be given.</i></p>	COUNCIL
8.	To make decisions on the management of all funds held by charities and trusts for which the County Council is a trustee.	COUNCIL



**TABLE 5**

**DELEGATIONS TO THE DIRECTOR FOR ECONOMY, INFRASTRUCTURE AND SKILLS**

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	<b>HIGHWAYS</b>	
1	To exercise all the powers and duties of the County Council under the Highways Act 1980 (other than Sections 90A to 90i), the Countryside and Rights of Way Act 2000, the Rights of Way Act 1990 and the Traffic Management Act 2004 in relation to roads, highways, linked footpaths and byways open to all traffic and to serve all notices and take all steps as the Acts may require in connection with the exercise of such powers and duties	COUNCIL
2	After seeking the views in each case of the local member(s) of the County Council affected thereby and the relevant District Council and Parish Council, and provided the local member(s) of the County Council so consulted do not object thereto, to exercise, the powers and duties of the County Council under Sections 90A to 90i of the Highways Act 1980 (Road Humps and other Traffic Calming Works); and under the Road Traffic Regulation Act 1984 (as amended) or any subsequent re-enactment thereof	COUNCIL
3	To determine objections to proposed Traffic Regulation Orders under paragraph 2 above (other than those made by the local members of the County Council affected thereby) <i>Objections made by Local Members of the County Council which cannot be resolved to be referred to the Planning Committee for consideration</i>	COUNCIL
4	After seeking the views in each case of the local member(s) of the County Council affected thereby and provided the local member(s) so consulted do not object thereto, to authorise:  (a) Neighbouring Authority to discharge the County Council's Highway functions and powers on 'cross boundary' contiguous sections of road  (b) To authorise the County Council to discharge a neighbouring Authority's Highways functions and powers on 'cross boundary' contiguous sections of road	COUNCIL
5	In consultation with the Chief Constable, District Councils, County Teachers (and other representatives of organisations concerned with road safety) to maintain, monitor, review and implement a road safety strategy within the County Council's	COUNCIL

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	road safety policies	
6	To approve District Councils' proposals under Sections 23 (market places) and 38 (cycling in pedestrian areas) of the Staffordshire Act 1983	COUNCIL
7	To approve District Councils' applications for Orders to amend charges for parking places in accordance with the powers contained in Section 35 of the Road Traffic Regulation Act 1984	COUNCIL
8	To take action on behalf of the County Council, after consultation where appropriate with District Councils, under Sections 5 (traffic signs), 6 (damage to footways), 7 (plans of new streets), 8 (vesting of former highway land) & 10 (grass verges etc) of the Staffordshire Act 1983	COUNCIL
9	To grant street works licences under the New Roads and Street Works Act 1991	COUNCIL
10	To issue charges and Fixed Penalty Notices under Section 95 of the New Roads and Street Works Act as amended by Section 41 of the Traffic Management Act 2004 including waiver of fines and charges against agreed guidelines	
11	To deal with individual cases where an altered highway produces a significant and obvious hardship either by the alteration directly or by a substantial increase in traffic which has been triggered by the alteration and where the total cost of providing discretionary noise insulation does not exceed the current cost of £5,000 per scheme (index linked in subsequent years by the national GDP)	COUNCIL
12	To take and implement any decisions necessary to fulfil the obligations of the County Council pursuant to, and in accordance with, a Service Level Agreement relating to the Council's participation in the Staffordshire Road Safety Partnership, including approving the annual operational plan for the Partnership.	COUNCIL
13	To adopt new streets and private streets as highways maintainable at public expense, subject to public record being kept of the date of the adoption	COUNCIL
14	To make temporary closure orders for public paths under Section 14 of the Road Traffic Regulation Act 1984 because of works on, or near, the path or because of the likelihood of danger or damage	COUNCIL
15	To authorise the stopping up of parts of the highway network under the provisions of Section 247 of the Town and Country Planning Act 1990	COUNCIL
16	To exercise all the powers and duties of the County Council under the <ul style="list-style-type: none"> <li>• Flood and Water Management Act 2010</li> <li>• Flood Risk Regulations 2009</li> </ul>	COUNCIL

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	<ul style="list-style-type: none"> <li>Land Drainage Act 1991</li> </ul> Or any subsequent re-enactment thereof.	
	<b>PLANNING</b>	
17	Unless the observations which the Director for Economy, Infrastructure and Skills proposes to give would represent a material departure from a planning policy for which the County Council is responsible:- <ul style="list-style-type: none"> <li>To give the County Council's observations to District Councils, adjoining authorities, Government Departments and Statutory Undertakers/Public Utilities in response to consultations on planning, planning-related or environmental applications or policy documents</li> <li>To give the County Council's observations to District Councils on highway and highway-related matters</li> <li>To give the County Council's observations to the Environment Agency in response to consultations on Environmental Permits and policy documents.</li> </ul>	COUNCIL/ CABINET (LOCAL CHOICE)
18	To refer to the Secretary of State for Communities and Local Government any District Council's proposal for its own development which would be detrimental to the County Council's interests or which would be contrary to the County Council's views	COUNCIL
19	To authorise the Peak Park Authority to discharge the County Council's powers and functions under the Ancient Monuments and Archaeological Areas Act 1979 in respect of that part of the Peak District National Park which is within Staffordshire, without prejudice to the exercise concurrently by the County Council within that area of their powers under the Act.	COUNCIL
20	Where there is no objection to the application or matter in question from: <ul style="list-style-type: none"> <li>The Chairman of the Planning Committee or the nominated opposition spokesperson; or</li> <li>The relevant District Council or Parish Council; or</li> <li>The Local Member of the County Council; or</li> <li>A statutory consultee other than Sport England and no more than four representations raising objections on material planning grounds have been received, then the Director may (subject to the director's discretion to consult with the Chairman or Vice-Chairman of the Planning Committee) decide to:               <ul style="list-style-type: none"> <li>Grant planning permission for the County Council's own development</li> <li>Grant planning permission for minerals and waste developments, including the approval of Schemes of Conditions under the Environment Act which do not</li> </ul> </li> </ul>	COUNCIL/ CABINET (LOCAL CHOICE)

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	<p>involve the development of a substantial new site or the significant extension of an existing site</p> <ul style="list-style-type: none"> <li>• Refer applications to the Secretary of State when necessary in accordance with the relevant regulations where the application involves Green Belt development, development outside town centres, world heritage sites development, playing fields development or flood risk area development in accordance with the relevant statutory consultation arrangements</li> <li>• To refuse planning permission or not approve the matter in question, except in the case of a substantial new site. The significant extension of an existing site</li> </ul>	
21	<p>Subject to first consulting the Director of Corporate Services:</p> <ul style="list-style-type: none"> <li>• To grant or refuse a Certificate of Lawfulness (CLU) for minerals and/or waste development.</li> <li>• To determine whether or not to take formal action</li> <li>• To issue or withdraw an Enforcement Notice, or waive or relax any requirements of the Notice</li> <li>• To serve a Planning Contravention Notice</li> <li>• To serve a Breach of Condition Notice</li> <li>• To seek an Injunction in respect of an actual breach or an apprehended breach of planning control</li> <li>• To serve a Notice relating to replacement of trees</li> <li>• To serve a Temporary Stop Notice</li> <li>• To issue notices seeking details of the ownership of a site</li> <li>• To approve the commencement of legal proceedings for non-compliance with any notice</li> </ul>	COUNCIL
22	To sign decision notices following the decision of the Planning Committee or (as authorised) by officers.	COUNCIL
23	To authorise the serving of a Stop Notice in conjunction with an Enforcement Notice, subject to the approval of the Chairman or (in his absence) the Vice-Chairman of Planning Committee and to consultation with the Director of Corporate Services and the Local Member. Sub delegated only to the Commissioner for the Sustainable County.	COUNCIL
24	To consider any representations or offers received from any person upon whom a Planning Contravention Notice has been served and to make decisions as to what action should be taken in response to those representations.	COUNCIL
25	<p>In relation to County Council planning permissions, to approve,</p> <p>subject to the limitations referred to in 19 above:</p> <ul style="list-style-type: none"> <li>• Reserved Matters following the grant of outline planning Permission</li> </ul>	COUNCIL

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	<ul style="list-style-type: none"> <li>• Details submitted pursuant to conditions imposed by the planning permissions</li> <li>• Minor material amendments and non-material amendments to planning permissions</li> </ul>	
26	To approve submissions by mineral undertakers and the Coal Authority under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and subsequent orders and applications for prior notification under Parts 6, 19, 20 21, 22, 23 and 31 of that order, and to determine applications for prior approval	COUNCIL
27	In relation to a particular application/scheme of conditions/planning or enforcement appeal to <ul style="list-style-type: none"> <li>• Issue a 'screening opinion' on the need for an environmental impact assessment</li> <li>• Issue a 'scoping opinion' on the range of matters to be addressed in the Environmental Impact Assessment</li> </ul>	COUNCIL
28	In the case of extreme urgency and in consultation with the Chairman of the Planning Committee to issue directions under the Town and Country Planning (General Permitted Development) Order 1995 with regard to a restriction of permitted development	COUNCIL
29	To give, in consultation with the Chairman of the Planning Committee, a Direction that a Tree Preservation Order shall have immediate effect without previous confirmation, subject to and under Section 201 of the Town and Country Planning Act 1990	COUNCIL
30	To arrange for a site visit to be held in connection with any development control matter where in the opinion of the Director for Economy, Infrastructure and Skills the consideration of that matter would be facilitated or enhanced by such visit; and on any such site visit to arrange for the attendance of the Chairman of the Planning Committee and such Members of the Planning Committee as may be appropriate, and the local member(s) of the County Council affected by the matter, and where the Director for Economy, Infrastructure and Skills considers it appropriate, for the relevant District Council and/or Parish Council to be represented, provided that no decision in relation to that matter shall be taken on the site visit	COUNCIL
31	In relation to Schemes of Conditions under the Environment Act 1995, in accordance with government guidance, to: <ul style="list-style-type: none"> <li>• Agree to requests to postpone the date for the submission of Schemes of Conditions; or</li> <li>• Make requests to extend the date for determination of Schemes of Conditions</li> </ul>	COUNCIL

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	<b>TRANSPORT</b>	
32	To exercise all the powers and duties of the County Council under the Transport Acts 1985 and 2000, Local Transport Act 2008 and Competition Act 1998, and any subsequent re-enactment thereof, in the provision of transport services within the county.	
	<b>RESERVOIRS AND WATER BODIES</b>	
33	To exercise all the powers and duties of the County Council under the Reservoirs Act 1975 and the Mines and Quarries Act 1954 in relation to the management of the Reservoirs and water bodies on its country parks and public access lands	CABINET
	<b>W2R</b>	
34	To make any decisions classified as “Authority Representative Matters” on behalf of Staffordshire County Council and the Contract Management Board in connection with the operation of Project W2R except where such matters have been specifically reserved for Cabinet decision	CABINET
35	The Director for Economy, Infrastructure and Skills and the Contract Manager be authorised to make any decisions on “Contract Board Matters” on behalf of Staffordshire County Council in connection with the operation of Project W2R except where such matters are reserved for Cabinet decision	CABINET
	<b>LAND AND PROPERTY</b>	
36	Jointly with the Director for Finance and Resources, the approval of short term licences (up to three months) for car parking	Council/Cabinet
37	To authorise the Peak Park Authority to discharge the County Council’s functions, as contained in the Countryside Act 1968, in relation to land at the former Waterhouses Railway Station	Council/Cabinet
<b>Delegation Nos. 38 - 48 below refer to Economic Regeneration Properties including Physical Regeneration Schemes, County Farms and Enterprise Centres ONLY</b>		
38.	To take all steps to administer and manage the Council’s property estate	
39	To approve all acquisitions at market value of up to £200,000 and all terms for those transactions	
40	To approve the terms of all disposals for best consideration at a market value of below £200,000 and all terms for those transactions	
41.	To approve all leasehold disposals for best consideration at a total rent over the term or a premium plus the total rent of below £200,000, and all Terms for those transactions including Right of Renewal	
42	To approve any Easement or Wayleave where the total premium, consideration and/or rent over the term is below £200,000	
43	To approve any lease/tenancy entered into where the total rent	



	over the term or a premium plus the total rent is below £200,000	
44	To approve any licence where the total licence fee over the licence period is below £200,000	
45.	To settle any claim for dilapidations totalling less than £200,000 where the County Council has been the tenant	
46.	To approve the removal of Restrictive Covenants where the total payment is below £200,000	
47.	To approve Pre-emptions and Options where the total value of the property is below £200,000	
48.	the granting of consent for alterations in the property or its use	
<b>GENERAL</b>		
49	To be authorised by the Director of Corporate Services to attest the affixation of the Common Seal of the County Council.	COUNCIL



**TABLE 6**

**DELEGATIONS TO THE DIRECTOR FOR FAMILIES AND COMMUNITIES**

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	<b>CHILDREN'S AND EDUCATION SERVICES</b>	
1	To be the Council's appointed Director of Children's Services in accordance with Section 18(1) of the Children's Act 2004, with responsibility for the discharge of the local authority's education and children's social services functions as set out in section 18(2) of that Act.	CABINET
2	To be responsible for functions exercisable on behalf of an NHS body so far as it relates to children and young people.	CABINET
3	To be responsible for safeguarding vulnerable children	CABINET
4	To set and vary rates for providers of all forms of children's social care in consultation with the Director of Finance and Resources	CABINET
5	To provide, operate, commission and vary payments to external providers in respect of services arranged for children's social care	CABINET
6	To meet the requirements as set down by regulatory bodies in relation to the operation of Children's Services.	CABINET
7	In conjunction with the Director for Health and Care, to protect and promote the welfare of vulnerable young adults including vulnerable young people moving into adulthood and gypsies and travellers.	CABINET
8	In conjunction with the Director for Health and Care, to co-ordinate the transition of service provision for children who will require services in adulthood.	CABINET
9	In conjunction with the Director for Health and Care, to meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registerable staff.	CABINET
10	To lead and co-ordinate the Staffordshire Safeguarding Children's Board in accordance with legislation and guidance	CABINET
11	To appoint Proper Officers for children's social services functions	CABINET
12	To be responsible for the functions conferred on or exercisable by the Local Authority in its capacity as a local education authority particularly: (1) its strategic duties under the Education and Inspections Act 2006 to promote: <ul style="list-style-type: none"> <li>• Choice</li> <li>• Diversity</li> <li>• High standards</li> <li>• The fulfilment of every child's educational potential</li> </ul> (2) its responsibilities under the Education Act 1996 to: <ul style="list-style-type: none"> <li>• Secure School Places</li> <li>• Secure excellence in education, promoting high</li> </ul>	CABINET

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	standards and fulfilment of potential (3) its responsibilities under the Education Act 1996 or any subsequent legislation in relation to the provision of education for children and young people with Special Educational Needs	
13	To be the Lead Strategic Commissioner for EnTrust and any other partnership or joint working relationships entered into by the local authority in relation to the provision of education services (Authority to be delegated to the Commissioner for Learning and Skills)	CABINET
14	To ensure compliance with the local authority's statutory responsibilities in relation to Raising the Participation Age (RPA)	CABINET
15	To ensure compliance with the requirements of the Department for Education In relation to the preparation and submission of budgetary and other data in relation to education, children's social services and youth service functions; the format of such data to be compliant with the Department for Education CCIS (Client caseload Information System).	CABINET
16	To licence the employment of children under Part II of the Children and Young Persons Act 1933 and Bylaws made under that part, and Part II of the Children and Young Persons Act 1963.	COUNCIL
17	To be responsible for social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970.	CABINET
18	To be responsible for functions relating to persons leaving care	CABINET
19	In conjunction with the Director for Health and Care, to be responsible for functions in respect of: <ul style="list-style-type: none"> <li>• co-operation to improve well-being with partner agencies;</li> <li>• multi agency arrangements to safeguard and promote welfare;</li> <li>• information databases;</li> </ul>	CABINET
20	To be responsible for functions in respect of the Staffordshire Families Strategic Partnership Board	CABINET
21	To be responsible for functions in respect of the improvement of young people's well-being; provision of childcare ; information, advice, and assistance and training to child care providers	CABINET
22	To be responsible for such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.	CABINET
23	To manage the local authority's children's services with professional responsibility and accountability for their effectiveness, availability and value for money.	CABINET

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
24	In conjunction with the Director for Health and Care, to lead and coordinate the Staffordshire and Stoke-on-Trent Safeguarding Vulnerable Adults Partnership and the Staffordshire Safeguarding Children's Board in accordance with legislation and guidance.	CABINET
25	To safeguard and promote the welfare of children	CABINET
26	To meet all requirements set down for the provision of Youth Offending Services in Staffordshire	CABINET
27	To exercise the Council's duties and responsibilities under the Crime and Disorder Act 1998 and ensure that any crime and disorder implications of the council's decisions are properly considered	CABINET
28	In conjunction with the Office of the Police and Crime Commissioner for Staffordshire to support and develop the County's Police and Crime Plan	CABINET
29	To ensure that the Council effectively fulfils its roles and responsibilities under the Civil Contingencies Act 2004 including acting as Chairman of Staffordshire's Prevent Group	CABINET
30	To fulfil the Council's duty to cooperate with Multi Agency Public Protection Arrangements (MAPPA)	CABINET
	<b>RURAL</b>	
31	To exercise all the powers and duties of the County Council under the Wildlife and Countryside Act 1981, Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 in relation to the operation and management of its country parks and public access lands	COUNCIL
32	To designate a footpath as a cycle track under the Cycle Tracks Act 1984	COUNCIL
33	To keep the register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981	COUNCIL
34	To enter into agreements with respect to means of access to any access land under Section 35 of the Countryside and Rights of Way Act 2000 and to provide access in the absence of such agreement under Section 37 of that Act	COUNCIL
35	Subject to consultation with the local member(s), to determine non-contentious applications and applications initiated by the County Council itself, for Public Path Orders to create, stop or divert footpaths and bridleways under: <ul style="list-style-type: none"> <li>• Sections 25, 26, 118, 118A, 119 and 119A of the Highways Act 1980</li> <li>• Sections 257 and 258 of the Town and Country Planning Act 1990</li> <li>• De-Regulation Act 2015</li> </ul> Applications which are, or become, contentious to be referred to the Countryside and Rights of Way Panel for decision.	COUNCIL

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
35 (a)	To exercise all the powers and duties of the County Council under the Highways Act 1980, the Countryside and Rights of Way Act 2000, the Rights of Way Act 1990, and the Wildlife and Countryside Act 1981 in relation to public footpaths and bridleways, and to serve all notices and take all steps as the Acts may require in connection with the exercise of such powers and duties.	COUNCIL
	<b>COMMUNITY SAFETY: PUBLIC PROTECTION</b>	
36	To appoint qualified person(s) to hold the following statutory offices:- <ul style="list-style-type: none"> <li>• Public Analyst for the purposes of the Food Safety Act 1990 and Agricultural Analyst for the purposes of the Agriculture Act 1970</li> <li>• Deputy Public Analyst for the purposes of the Food Safety Act 1990</li> <li>• Deputy Agricultural Analyst for the purposes of the Agriculture Act 1970</li> </ul> Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985	COUNCIL
37	To be the Proper Officer to undertake the council's function under Section 23 of the Coroners and Justice Act 2009, with regard to the appointment of senior, area (deputy) and assistant coroners and to have responsibility for financial expenditure by the Coroner Service.	COUNCIL
38	To designate staff of the service as Inspector, Authorised Officer and/or Sampling Officer, as the case may be, for all purposes under legislation conferring powers or duties on the County Council in respect of the protection of the public, consumers, animals both wild and domestic, or the environment, and the enforcement of which the County Council are empowered to undertake; and to confer on them all powers which the County Council may confer for the purposes of determining whether or not the provisions of such legislation and any Orders and Regulations are being complied with and all powers of enforcing the same in accordance with the relevant legal provisions for doing so	COUNCIL
39	By virtue of section 19 of the Health and Safety at Work Act 1974, to appoint as inspectors such persons having suitable qualifications as necessary for carrying into effect the relevant statutory provisions, and may terminate any appointment under this section. (Every appointment of a person as an inspector under this section shall be made by an instrument in writing specifying which of the powers conferred on inspectors by the relevant statutory provision shall be exercisable by the person appointed)	COUNCIL
40	To designate staff of the service as being authorised, after receipt of the necessary information, to issue or where so authorised to refuse or to revoke any licences or to register any persons or premises or to issue certificates and collect	COUNCIL

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	any fees pursuant to legislation referred to in paragraph 43 above upon such terms and conditions as may be appropriate in each case	
41	To refuse to renew licences where licensees have failed to submit the appropriate petroleum spirit storage tank test certificate and/or the appropriate petroleum spirit store electrical installation test certificate by the due date	COUNCIL
42	To authorise, in cases of urgency and subject to consultation with the Chairman of the Planning Committee <ul style="list-style-type: none"> <li>• An application to a court under the Safety of Sports Grounds Act 1975 to prohibit or restrict the admission of spectators;</li> <li>• The issue of a prohibition notice under the Fire Safety and Safety of places of Sport Act 1987 when the risk to spectators at a ground is so great that until steps have been taken to reduce it to a reasonable level, the admission of spectators ought to be restricted or prohibited</li> </ul> The serving of a preliminary notice to enforce safety at outdoor sports grounds where it is confirmed that a stand provides cover for more than 500 people	COUNCIL
42 (a)	To authorise, in cases of urgency and subject to consultation with the Chairman of the Planning Committee (or in his /her absence, the Vice-Chairman of the Planning Committee), an application to the court under the Safety of Sports Grounds Act 1975 to prohibit or restrict the admission of spectators;	COUNCIL
42 (b)	In cases of urgency, to issue a prohibition notice under section 10 of the Safety of Sports Grounds Act 1975 as amended by the Fire Safety and Safety of Places of Sport Act 1987 when the delegated officer is of the opinion that the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted, such action to subsequently be reported as soon as practically possible to the Chairman of the Planning Committee (or in his/her absence, the Vice-Chairman of the Planning Committee).	COUNCIL
43	To make technical amendments to Safety Certificates	COUNCIL
44	To commence as a Responsible Authority a review of a premise licence where the circumstances reveal that there has been a breach of Licensing Objectives	COUNCIL
45	To make an application to a court for a warrant pursuant to legislation referred to in paragraph 39 above	COUNCIL
46	To approve information sharing protocols in relation to enforcement data with other agencies	COUNCIL
47	To authorise officers and persons appointed by the Proper Officer from outside the authority to act under Trading	COUNCIL

	<b>DELEGATION</b>	<b>OVERALL RESPONSIBLE BODY</b>
	Standards legislation as specified in any formal joint working arrangements	
	<b>CULTURE AND PHYSICAL ACTIVITY</b>	
48	To take decisions on the allocation of grants from the County Council's Arts Grants Scheme	CABINET
49	To authorise the disposal of artefacts from the County Museum collection	CABINET
50	To sign off grant applications for grants over £50,000	CABINET
	<b>MISCELLANEOUS</b>	
51	To be the host Chief Executive for West Midlands Employers	COUNCIL



**TABLE 7**

**DELEGATIONS TO THE DIRECTOR FOR HEALTH AND CARE**

<b>No.</b>	<b>Delegation</b>	
1	Under Section 6 of the Local Authority Social Services Act 1970 to be the Council's appointed Director of Adult Social Services and to be accountable for the delivery of local authority services functions listed in Schedule 1 of that Act (as amended).	CABINET
2	In accordance with the provisions of the National Health Service Act 2006 to undertake joint collaborative action, as appropriate, with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the County Council's area, including the development of Co-operation Agreements and Partnership Agreements for joint working arrangements.	CABINET
3	To be responsible for functions exercisable on behalf of an NHS body so far as it relates to adults	CABINET
4	To be accountable for assessing local needs and ensuring availability and delivery of a full range of adult social services.	CABINET
5	To be responsible for safeguarding vulnerable adults	CABINET
6	To implement or determine, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including acceptance and exercise of guardianships and receivership under the Mental Health Act 2007.	CABINET
7	To implement or determine, subject to any right of review or appeal which may apply, all matters concerning the provision of services provided under the Mental Capacity Act 2005.	CABINET
8	To formally approve and authorise Mental Health Professionals who are eligible and qualified to be considered as Approved Mental Health Practitioners.	CABINET
9	To set and vary rates for providers of all forms of adult social care in consultation with the Director of Finance and Resources.	CABINET
10	To provide, operate, commission and vary payments to external providers in respect of services arranged for Adult's care.	CABINET

11	To meet the requirements as set down by regulatory bodies in relation to the operation Adult's Services.	CABINET
12	In conjunction with the Director for Families and Communities, to protect and promote the welfare of vulnerable young adults including vulnerable young people moving into adulthood and gypsies and travellers.	CABINET
13	In conjunction with the Director for Families and Communities, to co-ordinate the transition of service provision for children who will require services in adulthood.	CABINET
14	To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registerable staff.	CABINET
15	To produce the Joint Strategic Needs Assessment pursuant to the Council's responsibilities set out in Section 116 Local Government and Public Involvement in Health Act 2007 for Health and Social Care needs.	CABINET
16	To develop with partners a Joint Health and Wellbeing Strategy for the Council's area	CABINET
17	To lead and coordinate the Staffordshire and Stoke-on-Trent Safeguarding Vulnerable Adults Partnership in accordance with legislation and guidance.	CABINET
18	To appoint Proper Officers for Adult Social Services functions.	CABINET
19	In conjunction with the Director for Families and Communities, to be responsible for functions in respect of: <ul style="list-style-type: none"> <li>• co-operation to improve well-being with partner agencies;</li> <li>• multi agency arrangements to safeguard and promote welfare;</li> <li>• information databases;</li> </ul>	CABINET
20	To be responsible for such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.	CABINET
<b>PUBLIC HEALTH</b>		
21	Under Section 30 of the Health and Social Care Act 2012, to be the officer responsible for improving public health and ensuring that the local authority discharges and thereby performs its public health duties appropriately and in accordance with the national objectives	COUNCIL
22	To be the principal/lead adviser on all health related matters to elected members and officers	COUNCIL

	of the local authority, covering all three domains of public health namely: health improvement, health protection and healthcare public health whilst also playing a key role in the reduction of health inequalities	
23	To have day to day responsibility for the ring fenced public health grant along with overall responsibility for ensuring that it is invested in order to improve health locally	COUNCIL
24	To be accountable for the strategic development of, and appropriate use of resources in connection with, public health programmes for: <ul style="list-style-type: none"> <li>• children’s services</li> <li>• health visiting (for 0-5 year olds)</li> <li>• the child health and wellbeing programme (formerly school nursing) (for 5-19 year olds)</li> </ul> such programmes to be in accordance with the national legal framework and drawn up in agreement with Director of Families and Communities as the operational manager of services	COUNCIL
25	To be responsible under Section 73A(1) of the National Health Service Act 2006, inserted by Section 30 of the Health and Social Care Act 2012 for all of the local authority’s duties to take appropriate steps to improve the public health of people in their area. including directly or indirectly : <ul style="list-style-type: none"> <li>• Providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment</li> <li>• Providing training for persons working or seeking to work in the field of health improvement</li> <li>• Discharging any of the Secretary of State’s public health protection or health improvement functions that are delegated to the local authorities, either by arrangement or under regulations</li> <li>• Discharging the Secretary of State’s public health functions exercised by local authorities in pursuance of arrangements under section 7A of the 2006 Act.</li> <li>• Exercising of the local authority’s functions in planning for and responding to emergencies that present a risk to public health.</li> </ul>	COUNCIL

	<ul style="list-style-type: none"> <li>• Fulfilling the local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.</li> <li>• Discharging such other public health functions as the Secretary of State specifies in regulations.</li> <li>• Preparing the annual report on the health of the population in the local area</li> </ul>	
26	To provide leadership, expertise and advice to the elected members and senior officers on a range of issues, including outbreaks of disease and emergency preparedness to improving local people's health and concerns around access to health services	COUNCIL
27	To work with the Police and Crime Commissioner for Staffordshire to promote safer communities and to work to influence the work of NHS commissioners	COUNCIL
28	To provide the local authority's public health response as a responsible authority under the Licensing Act 2003 such as making representations about licensing applications	COUNCIL
29	Where the local authority provides or commissions a maternity or child health clinic, to be responsible for providing Healthy Start Vitamins	COUNCIL
30	To be responsible for the following <b>mandatory</b> services <ul style="list-style-type: none"> <li>• NHS Health Check assessments</li> <li>• Delivery of the National Child Measurement Programme (weighing and measuring)</li> <li>• Securing the provision of appropriate access to sexual health services</li> <li>• Ensuring that NHS Commissioners/Clinical Commissioning Groups receive the public health advice they need</li> </ul>	COUNCIL
31	To be responsible for the following <b>non-mandatory</b> public health services, the commissioning and delivery of which to be based on local need: <ul style="list-style-type: none"> <li>• Tobacco control and smoking cessation programmes</li> <li>• Alcohol and drug misuse services</li> <li>• Interventions to tackle obesity and community nutrition initiatives</li> </ul>	COUNCIL

	<ul style="list-style-type: none"><li>• Increased levels of physical activity in the local population</li><li>• Public mental health services</li><li>• Dental public health services</li><li>• Accidental injury prevention</li><li>• Population interventions to reduce and prevent birth defects</li><li>• Behavioural and lifestyle campaigns to prevent cancer and long-term conditions</li><li>• Local initiatives to reduce excess deaths as a result of seasonal mortality</li><li>• Local initiatives on workplace health</li><li>• Public health aspects of promotion of community safety, violence prevention and response</li><li>• Public health aspects of local initiatives to tackle social exclusion</li><li>• Local initiatives that reduce public health impacts of environmental risks</li></ul>	
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## APPENDIX 2 – OFFICERS’ CODE OF CONDUCT

### 1. Introduction

- 1.1 The Government intend to publish an Officers’ Code of Conduct which the County Council will consider once it is available.
- 1.2 Under section 82(7) of the Local Government Act 2000 the terms of appointment or conditions of employment of every officer to whom the section applies are to be deemed to incorporate the Officers’ Code of Conduct for the time being in force.
- 1.3 The County Council has put in place a Local Code of Conduct (what the Council expects of its employees) and guidance to support them. This Code of Conduct is supported by the [Whistle-Blowing Policy](#), which sets standards for employees and those with whom the Council deals to bring to attention concerns they may have about the Council's conduct in the performance of its business and the Anti-Fraud, Bribery and Theft Policy which sets the public standards with which the Council and its employees will comply.

## LOCAL CODE OF CONDUCT FOR EMPLOYEES

### INTRODUCTION

1. All employees must, as a matter of law, declare their interests in contracts with which the County Council (or a Governing Body) is concerned. This includes where the County Council is acting in partnership or as the Authorising Body for another organisation or body such as DAAT. Details of this obligation appear in the “Standards of Conduct – Guidance for Employees”. Nothing in this document detracts from the need to comply with that legal obligation.
2. As a Condition of Service, all employees are expected to maintain conduct of the highest standard such that public confidence in their integrity is maintained (see, for example, the NJC for Local Government Services Conditions of Service). This employment obligation is also reinforced, in relation to certain posts, by a duty to comply with other external standards – as applies, for example, to Social Workers under the BASW Code of Ethics, or the requirements of professional bodies such as the Law Society. The NJC standard is also to be supported by Local Codes of Practice to cover the official conduct and the obligations of employees and employer.
3. The County Council has put in place three policies to give public confidence in the Council’s ethical arrangements and to support its employees in meeting those standards:
  - 3.1 Anti-Fraud, Bribery and Theft Policy (to set the public standards with which the Council and its employees will comply).
  - 3.2 [Whistle-Blowing Policy](#) (to set standards for public and employees and those with whom the Council deals (such as agency staff, contractors and partners) to bring to attention concerns they may have about the probity of the Council’s conduct in the performance of its business).
  - 3.3 This Local Code of Conduct (what the Council expects of its employees) and Guidance to support them.
4. This Local Code sets out the Council’s expectation of the way in which its employees will notify interests of theirs which could – however, inadvertently – be seen by the public as affecting the integrity of the Council’s employees and the arrangements for the Council’s business to be carried out.
5. Employees whose salary grade is PO Special 1 of above, and those employees identified by Chief Officers as exercising delegated powers to take decisions for and on behalf of the County Council, are required to submit a completed declaration of interest (including a ‘nil’ return where appropriate) within one month of appointment to post (or being identified by the Chief Officer as exercising such delegated powers). Thereafter such



employees shall submit a fresh declaration annually, and shall update their declaration as soon as practicable after a change of circumstances occurs which requires the declaration to be updated.

6. Employees taking decisions for or on behalf of the County Council would include those:
  - Procuring contracts, and/or placing orders for works, goods or services with outside suppliers or playing a significant part in the procurement, such as tender evaluation.
  - Securing the provision of places for education, for care or for social or other personal support.
  - Involved in the provision disposal or design of land, buildings and infrastructure schemes (such as roads).
7. Where the Code of Conduct is mandatory in relation to a particular post, reference to this will be included in the job description when recruitment to the post is being undertaken.
8. For other employees the Code is voluntary, though the Council encourages all employees to register as a matter of good public sector practice.
9. The Code requires employees to register their own personal interest. Where a close associated person of the employee e.g. spouse, partner or family and friends or those living with the employee has an interest in a company or organization which may be affected by a decision of the County Council (award of a contract etc) the employee may wish to discuss with them and register that there is an interest of a close associated person. e.g. if the answer would be 'yes' to the question 'Could an independent person who did not know me, but knew about the interest think that my decision or the decision of the County Council may have been influenced by the fact a close associated person had this interest?'
10. The Code is supported by the Council's Guidance "Standards of Conduct – Guidance for Employees" referred to above.
11. It is not intended that the register will be subject to public scrutiny, as it will contain personal data protected under the Data Protection Act.
12. The Government have said that they will introduce a Mandatory Officer Code of Conduct. This Code – and related documents such as the supporting guidance – will need to be reviewed when they do.
13. Declarations (including 'nil' returns) must be registered with the Monitoring Officer.
14. Access to the database of registered interests is restricted to senior officers authorised by Chief Officers for that purpose, on a need to know basis, and information will only be made available for County Council purposes, subject to any overriding legal obligation with which the Council are

required to comply. Data entry will be undertaken by officers of the Resources Directorate on a confidential basis.

## **STANDARDS OF CONDUCT – GUIDANCE FOR EMPLOYEES**

### **1. INTRODUCTION**

- 1.1 The public is entitled to expect of local government employees conduct of the highest standard. Public confidence in the integrity of the County Council would be undermined if there were the least suspicion, however ill-founded, that those who work for it could be influenced in any way by improper motives. Employees should also be protected against unjustified allegations or wrongdoing.
- 1.2 It is important therefore that employees should know the standards of conduct expected of them. This booklet is designed to help to bring together a number of existing provisions and guidelines. It also includes clarification of some areas where there may have previously been some doubt.
- 1.3 It is impossible to cover every eventuality in a document such as this and there will always be some room for interpretation. It is not a definitive statement of the law nor does it take away the requirement for individuals to comply with the law. It is intended as a guide which will assist employees to reach a decision in any particular case. Rules or Codes of Conduct do not of themselves create the standards but they are an indispensable factor in achieving the standards required.

#### **Application to Schools**

- 1.4 The Education Reform Act requires the governors of schools with delegated powers to establish the disciplinary rules which apply to the employees of the school. This has the effect of transferring an obligation which exists in general employment law from the County Council, as the employer, to the governors. However, Staffordshire County Council remains the employer of all staff of schools. The standards which are set out in this document are commended for adoption by governors. If this is done (and unless otherwise stated) the reference to 'County Council' in this guidance should read 'the governors of the school' reference to 'the Chief Officer' should read 'the Headteacher' and reference to "a department" should read "school".
- 1.5 In cases where information is to be provided to the Director of Corporate Services direct, a copy of the information should be provided to the Commissioner for Education and Skills. Further advice on the scheme can be obtained from the Director of Corporate Services.

### **2. Pecuniary Interests**

- 2.1 The law (Local Government Act 1972 section 117) specifically requires employees to disclose any "pecuniary" interest they may have (whether direct or indirect) in any contract with which the authority is concerned. Not to do so may be a criminal offence. With financial delegation to schools

and colleges this will extend to any contract with which a governing body is concerned.

- 2.2 A declaration under section 117 of the Local Government Act 1972 should be made where employees (or their spouse) receive any form of remuneration from a firm or person(s) which they know has had, has or is likely to have dealings with the County Council even through the remuneration may be quite properly payable. This includes for example payment for work done, commission, honoraria, dividends, interest, agency or other fees.
- 2.3 An interest could include, for example, any of the following:-
  - 2.3.1 Holding shares in the company (even a very small number).
  - 2.3.2 Employment by the company or acting as agent for the company.
  - 2.3.3 Being Chairman or Secretary of a body or organisation doing business or seeking grants from the County Council.
  - 2.3.4 Where the employee is in a position to influence or initiate contracts or where such relationship could be seen by others to place the employee of the County Council in a position to exercise influence for improper motives. The intention of this provision is to ensure that employees do not knowingly or otherwise place themselves in a position where doubts can be raised about their relationship with any other body concerned.
- 2.4 Certain kinds of relationships or memberships can sometimes influence a person's judgement or give the impression that the individual is acting for personal motives. A good test of whether an interest should be declared is to consider whether others would think the interest is of a kind which could make this view possible. It is difficult to define every possible case but an example is employees who, during the course of their duties, have dealings with an organisation in which they or any of their relatives hold an office or position of influence.
- 2.5 If any employee has any interest which falls within the broad outlines, then full details must be provided in writing to the Chief Officer. This information will also be passed to the Director of Corporate Services to be recorded in a Register which she maintains. If the interest changes, the employee should also notify this in the same way.
- 2.6 If an employee has an interest in any particular matter, it will normally be undesirable for that employee to deal on behalf of the County Council with anything appertaining to it. In such cases the instructions of the Chief Officer must be sought.
- 2.7 If employees have any questions or doubts about what constitutes "an interest" they are advised to discuss the position with their Chief Officer.

### **3. GIFTS AND HOSPITALITY**

3.1 The Prime Minister's Committee on Conduct in Local Government (1974) identified offers of gifts and hospitality as a particular source of conflict between private and public interests where these are offered in connection with official duties. They said:-

“a nice exercise of judgement may sometimes be necessary to decide how the public interest, and an authority's good name, may best be served. A reasonable amount of entertainment is a normal part of the courtesies of public life, and extreme strictness can give unnecessary offence to people and organisations with whom the authority's relationships should be cordial. But an appearance of improper influence is easily created and with it encouragement of cynicism about the motive of those who serve in local government”.

The best general advice which can be given about offers of gifts or hospitality is to seek the advice of the Chief Officer and “when in doubt, opt out”. This is a good principle to follow since in law, the receipt of a gift in certain circumstances can impose a presumption of guilt which the ‘accused’ has to rebut.

#### **3.2 Gifts**

3.2.1 The general convention should be that gifts offered by persons who are providing or seek to provide goods or services to the County Council or who are seeking decisions from the County Council should be politely refused and returned. So should gifts (other than those of a minor nature) offered by those receiving services from the County Council (eg presents offered to home helps and teachers). This applies particularly to personal gifts offered to employees or members of their families. However, there is a need to recognise and provide for items of a very minor nature which come into the work-place as a consequence of normal commercial practice or as a token of appreciation. These are the items of a promotional character which are given to a wide range of people and not personally only to the employee. These gifts are usually given at Christmas time and include calendars, diaries, desk sets, flow charts, tape measures and other minor articles of use in the office or job.

3.2.2 Gifts may also be offered, for example, at the conclusion of a courtesy visit to a factory or firm. If these are of the type normally given by that firm to visitors and of a minor nature (eg small free sample or an ashtray) they can be accepted. Similar arrangements apply where the refusal of a small gift would give needless offence. However, this should not be done if the giver is currently seeking a decision of the County Council. The small gift should only be accepted if the giver merely wishes to express thanks for advice, help or co-operation received.

3.2.3 In all cases of this nature it is wise to err on the side of caution: an obviously expensive gift should be tactfully declined. If a gift is simply delivered it should be returned to the donor and the Chief Officer advised of the action taken. A note of the action taken should be placed on file by the Chief Officer. If there is a problem in returning it, the Chief Officer's advice should be sought.

### **3.3 Hospitality**

3.3.1 Hospitality of differing levels might be offered to the County Council and accepted at official level because that course of action is reasonable in all the circumstances. However, an offer of hospitality to individual employees calls for special caution particularly if the "host" is doing or trying to do business with the County Council or hoping to obtain a decision from it. It is very important to avoid any suggestion of improper influence. It is difficult to give fixed guidelines to be followed on all occasions. It is clearly a matter of individual judgement but the following paragraphs may indicate what is acceptable and what is not.

3.3.2 A working lunch of modest standards to allow the parties to continue to discuss business already started would normally be acceptable: this is a case where the modest hospitality is secondary to a specific working arrangement. The employee should be careful not to claim subsistence allowance unless the money claimed has actually been spent on, for example, the purchase of drinks to accompany the meal. On the other hand, it would not be acceptable conduct for an employee to accept a holiday (at home or abroad), or tickets for concerts, theatre or sporting events, the use of a company flat or hotel suite, or expensive hotel meals not connected with official business.

3.3.3 There are occasions when an offer of hospitality of any kind should be declined, e.g. when the person offering the hospitality has a matter currently at issue with the County Council such as a tender under consideration or a contract dispute.

### **3.4 Promotional Offers**

3.4.1 There has been a lot of publicity about unethical sales promotion techniques adopted by some companies. Purchasing inducements are offered in various forms; gifts, vouchers to be used against future orders, the 'buy one get one free' type of offer and the misleading offers which results in more goods being ordered than are required.

3.4.2 It is important to remember that when purchasing for the County Council, the best possible deal for the County Council must be obtained. Any commission vouchers, cash discounts etc offered by a contractor in connection with the order belong to the County Council (they may, depending on the circumstances, be credited to the department's budget) and should be paid to the Director of Finance and Resources.

3.4.3 If employees receive an approach from a supplier (or prospective supplier) which seems to be unauthorised in any way, or if they receive a gift or voucher from such a supplier, they should immediately inform the Chief Officer who should ensure that the Director of Finance and Resources's Audit Section is made aware of the approach.

#### **4. OTHER EMPLOYMENT**

4.1 It has been established as a basic principle, and included in some of the conditions of service, that whilst employees' off-duty hours are their personal concern, they should not subordinate their duty to their private interests nor should they place themselves in a position where their duty and their private interests conflict. Where an employee takes up any additional employment, such employment should not in any way conflict with or react detrimentally to the authority's or department's interests or in any way weaken public confidence in the conduct of the authority or department.

4.2 With the above in mind, the County Council does not preclude all employees from taking additional employment but has decided that in certain circumstances employees should not engage in any business or paid employment other than that for which they are employed by the County Council, unless the County Council has agreed in writing to such business or employment. The general rule is that employees should seek permission to take on a second employment

- When their salary is above a specified figure (at present spinal column point 28), or
- They wish to take on a second employment which is for an organisation which provides services to or similar to those provided by the County Council, or
- There is likely to be a conflict of interest with or other effect on their employment with the County Council.

4.3 Before committing themselves to any such second employment employees should seek permission in writing from the Chief Officer giving full details of the proposed employment and identifying the name of the proposed employer. This policy applies irrespective of whether or not the proposed business or employment is similar to the employment with the County Council. It is clearly undesirable for employees to undertake certain types of outside work for payment, at whatever level they are employed in the authority.

4.4 Employees at all levels should avoid getting into a position of conflict by undertaking outside work even if unpaid. For this purpose it is considered that a conflict arises when an employee is to be employed by a member of the public or an outside organisation or body for work which is in any way connected with the scope of the employee's duties with the County Council. Such work should not be accepted.

4.5 Another area which can lead to difficulties is where an employee has business interests (direct or indirect) outside the employment with the County Council. This would arise, for example, where an employee is a major shareholder or 'sleeping partner' in a business where the work experience of the employee is of prime importance to the business. In such a situation, there will arise a clear conflict of loyalties between the needs of the County Council employment and the needs of the 'other business'. There may also be circumstances where such an interest could provide an element of competition where the 'private business' seeks to provide a service which is one normally also provided by the local authority.

4.6 This advice does not preclude any employee from undertaking voluntary unpaid work outside normal hours for a charitable or similar organisation. In fact, the County Council encourages employees to become involved with bodies of this nature but subject to the advice contained elsewhere in this document.

## **5. LECTURES, PRESS ARTICLES, RADIO/TV APPEARANCES ETC.**

5.1 Many employees are invited to give lectures/talks, prepare articles or to appear on radio or TV. Employees are encouraged to do this, particularly on uncontroversial matters relating to their employment which it is thought may be of interest either professionally or to the public. The County Council out of courtesy would expect the employee to notify the Chief Officer before becoming involved, and also to clear, if necessary, the material to be used. For the purposes of this paragraph "the material to be used" covers confidential documents or reports etc., to which the employee has access solely because of being an employee of the Council (eg. a report in the confidential part of an Agenda). Employees would not expect to use such confidential information unless they had cleared it with their Chief Officer. There is nothing in this paragraph which would prevent them from using, for example, a Cabinet or Committee report which appeared in the public part of an agenda.

5.2 Employees must request the advice of their Chief Officer before becoming involved in controversial discussions or statements on matters of County Council policy (or matters of policy in the process of formulation) or matters under current consideration by the County Council. The position of employees expressing views on behalf of a professional body or trade union is covered by the provisions of paragraph 5.4 below.

5.3 Employees who write articles or appear in broadcasts in a personal capacity should make this clear and that the views expressed do not necessarily reflect those of the County Council.

5.4 Employees are of course free to express their views as representatives of trades unions or professional bodies but they are not entitled to use in this capacity confidential information received solely as an employee.



5.5 In many cases, employees undertaking any of the above, will be offered a fee. Where all the work (including preparation) is undertaken in the employee's own time, the employee may retain the whole fee. However, where the event or preparation for it takes place in County Council time and/or involves the use of County Council resources, it will be necessary to seek approval to use such resources and agree the proportion of any fee to be paid to the County Council for such use. Where a payment is not negotiated then the normal arrangement would be for the employee to pay over to the County Council 50% of the fee received.

5.6 There are occasions when fees are paid to employees for acting as an examiner for a university or college or other examining body. These fees may be retained by the employee. When an employee gives an occasional lecture on a subject appertaining to the local government service for which a fee is offered, the employee may retain the fee unless there has been substantial use of County Council resources in the preparation work in which case the arrangements under 5.5 above will apply.

## **6. USE OF COUNTY COUNCIL FACILITIES, RESOURCES, ETC.**

6.1 Any facilities, equipment, tools etc. provided by the County Council for use in an employee's duties should be used only for those duties and for no other purpose except where the County Council has agreed to private use. This applies to all facilities and property, including the use of telephones, photocopiers, vehicles or other similar equipment. There are approved arrangements for some of these services to be used for private purposes on payment of charges determined by the County Council – for example, private telephone calls from the work place; photocopies.

6.2 It is also important to ensure that there is no suggestion that an employee uses his position to gain the use of County Council services without payment. The approved arrangements for the use of equipment, services etc. for private purposes should always be followed and the appropriate charges paid.

## **7. RELATIONSHIPS WITH FIRMS WHO HAVE DEALINGS WITH THE COUNTY COUNCIL**

7.1 Employees should exercise caution about using the services of firms which have dealings with the County Council.

7.2 No employee should purchase for private purposes goods or services from a firm which has dealings with the County Council where the firm is offering preferential terms to the employee (directly or indirectly) because of a contractual, business or other relationship with the County Council. This would equally apply to the ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the authority's contract price, particularly if the employee is aware that the price is not available to the ordinary customer. It would also apply to the use of the services of a contractor with whom employees have official

contact as part of their employment with the County Council. It would also preclude employees from using, for private purposes, any special trading cards which the County Council may hold. This would not be the case, of course, if the County Council negotiates a particular scheme for employees and has an agreement covering it (eg. preferential loans).

## **8. USE OF CONFIDENTIAL, PRIVATE OR PERSONAL INFORMATION**

- 8.1 Many employees obtain information in their official position which has not been made public and/or is confidential. Such information acquired in the course of official duties must not be used for the personal advantage of the employee or a relative or an acquaintance or friend or any other organisation.
- 8.2 The same rules apply to personal information about other employees. This type of information may only be disclosed to a third party where there is a legal responsibility to provide it (for example, on a request from the Inspector of Taxes; or the DSS) or where the employee provides a written authority for the information to be provided (for example, to a building society or a bank). The rules would not apply to information disclosed to a trade union under the provisions of the Employment Acts relating to the disclosure of information for collective bargaining purposes but, in such cases, individual employees would not be identified.
- 8.3 The restrictions in paragraph 8.2 apply equally to information which an employee may obtain from his employment about a contractor, debtor or creditor of the Council. Such information should be disclosed to a third party only in the circumstances set out.
- 8.4 Some information about employees is safeguarded by statute (for example, by the Data Protection Act or the Local Government and Housing Act 1989) and any employee who discloses such information could be liable to criminal prosecution and dismissal for gross misconduct. There is a separate Code of Practice dealing with this particular aspect – employees should be aware of its contents. A copy of this code is available from the Director of Corporate Services.
- 8.5 No employee may communicate to the public or press, information about the discussions in, or decisions of, the County Council, the Cabinet or any Committee, Panel or Sub-Committee, taken following the exclusion of public and press unless authorised to do so.
- 8.6 As a general rule employees should not enter into any public correspondence or debate on a matter with which they are dealing officially or in which they have a direct involvement or in respect of which they hold official information, unless this is done with the consent of the Chief Officer concerned. Similar considerations exist covering the position of employees invited to participate in radio broadcasts, television programmes, etc., where the subject of the programme relates directly or indirectly to the work of the County Council. Employees invited to take part in such programmes

should discuss the position with their Chief Officer before accepting the invitation. (See also paragraph 5 above).

8.7 Nothing in paragraph 8.6 above prevents employees from exercising their rights as a Trade Union Officer or as citizens eg objections to a planning application; signing a petition against a school closure.

## **9. POLITICALLY RESTRICTED POSTS** (*This section was approved by County Council on 21 July 2016*)

### **9.1 Introduction**

Whilst the County Council is controlled by democratically elected politicians, it is important that the officers employed by the authority demonstrate political neutrality in their work, decision making and dealings with the community. To reinforce this, the Local Government and Housing Act 1989 (The Act)<sup>1 2</sup> requires certain (usually more senior) posts to be designated as 'politically restricted'

### **9.2 Definition and practical implications of political restriction**

Posts deemed by this policy to be 'Politically Restricted' are defined in the Schedule to the Local Government (Politically Restricted Posts) Regulations 1990 available at the following link:

<http://www.legislation.gov.uk/ukxi/1990/851/schedule/made>

In summary, where a post is designated as Politically Restricted, the postholder is effectively barred from any political activity including: standing as a candidate for the role of MP, MEP or member of a local authority (other than Parish Council), acting as an election agent, being an officer of a political party, speaking in public or publishing any written work with the apparent intention of affecting public support for a political party. Effectively a restricted postholder's political activity is confined to 'ordinary' membership of a party.

### **9.3 Categories of posts which are 'politically restricted'**

The Act sets out four main categories of post for political restriction:

- a) The Head of Paid Service (Chief Executive), The Monitoring Officer, Chief Officers, Deputy Chief Officers (defined as persons who report directly to or are directly accountable to a chief officer in respect of all or most of their duties, with the exception of persons with secretarial or

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<sup>1</sup> Updated by Section 30 of the Local Democracy, Economic Development and Construction Act 2009 (with effect from 12.1.2010)

<sup>2</sup> See also Local Government (Politically Restricted Posts) Regulations 1990

- clerical duties), the Head of Democratic Services and Assistants to Political Groups ('Specified Posts')
- b) Posts specified in the Scheme of Delegation to Officers ('Specified Posts')
- c) Posts which involve regularly advising elected members (at Committee/Sub-Committee or Executive (Cabinet/Portfolio Holder) level)('Sensitive Posts')
- d) Posts where the holder regularly speaks to broadcasters and journalists on behalf of the authority ('Sensitive Posts')

#### 9.4 **Politically Restricted Posts within Staffordshire County Council**

The Local Authority has responsibility for compiling and maintaining a list of Politically Restricted Posts ('The List'). That list shall be held by the Monitoring Officer as the Proper Officer. The current list is appended to this policy. Its contents are agreed following consultation with Trades Union representatives serving on the Green Book Consultative Forum).

#### 9.5 **Terms and conditions of employment**

Where a post is designated as 'politically restricted' this will be included in the terms and conditions of employment for that post.

As and when new posts are created consideration will be given to whether they need to be politically restricted. From the outset candidates for any newly created politically restricted post will be made aware of that designation.

Where a change in the activities or responsibilities of an existing post change to such an extent that the consideration needs to be given to changing the designation of that post to make it politically restricted, the postholder will be consulted on the proposed change and will have the right to appeal the re-designation (see Appeals process below).

The terms and conditions of employment for those posts designated as politically restricted will be accompanied by a Code of Conduct detailing the implications of the designation.

#### 9.6 **Provisions for 'Sensitive Posts' (ie Posts designated as Politically Restricted under categories (c) and (d) above)**

##### ***Exemptions***

Holders of 'Sensitive Posts' have a right to request exemption for the list. The Chief Executive will consider requests for exemption of a post from the list. Requests must be submitted in writing detailing the reasons for the request. The Chief Executive will be entitled to seek views from any third party considered appropriate.

### ***Additions to the List***

The Chief Executive has the power to direct the Local Authority to include in the List any post he/she deems to be a 'Sensitive Post'

### ***Appeals***

Holders of 'Sensitive Posts' have a right of appeal against the designation of their post as politically restricted or the refusal to exempt a post from the list. Appeals will be considered by a special Appeals Panel of the Audit and Standards Committee. Appeals must be submitted in writing to the Monitoring Officer within 28 days of receipt of notification of the designation or refusal to exempt. The submission must give clear reasons for the appeal and include a copy of the Job Description for the post concerned. Upon receipt of an appeal, the Monitoring Officer will arrange for an Appeal Panel to be held within 21 working days. The Chief Executive will attend the Panel to explain his/her decision on the designation of the post. The Appellant will be entitled to attend the Hearing and to be accompanied by one other person to assist in the presentation of their case. The decision of the Appeal Panel will be final.

#### **9.7 Monitoring and Review**

The operation and contents of this policy will be monitored on an ongoing basis and formally reviewed every two years. In the event of substantial changes being required consultation will take place with the Green Book Consultative Forum prior to their adoption.

### **10. GENERAL**

- 10.1 The various provisions included in legislation, in the various National Conditions of Service and in the County Council's Constitution are intended to ensure that the standards of conduct in public service are maintained at a high level. It is not possible to provide rules which cover every possible situation but the guidance included in this note is intended to give employees a clear indication of the standards of conduct the County Council expects of an employee in a situation where there may be a conflict between the employee's private and public interests. The decision in each case is one for employees to make individually but in so doing they must ensure that the rights and expectations of the public are secured on the one hand and, at the same time, safeguard their own position. In any case of doubt, employees should seek advice from their Chief Officer.
- 10.2 Whilst this code is for the guidance of employees, wilful disregard of any part of it could lead to action under the approved disciplinary procedures; but disregarding the code is not of itself a disciplinary offence.
- 10.3 In addition to this guidance to employees, there are other codes and procedures which whilst designed for specific purposes also have implications as to the standards of conduct required of employees. These will include rules, regulations, codes of practice and guidance relating to

health and safety, and those covering discipline which will relate to matters such as timekeeping, conduct at work and any similar issues which could be in conflict with the standards required by the County Council.

- 10.4 This code is inevitably fairly lengthy. However, County Council employees who act in accordance with 'normal practice' should not find anything in it which should cause them concern.

# HR Policy

Strategic Human Resources



## Whistleblowing Policy

**This information can be made available in a range of formats and languages, including Braille and large print. If this would be useful to you please contact**

**[Human Resources.](#)**

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## **Whistleblowing policy**

Staffordshire County Council is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to the council's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The aim of this policy is to encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

Any colleague raising a concern under this policy will not be treated less favourably for raising concerns as outlined in this procedure. This means that any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so.

Any reference to 'the Council' refers to Staffordshire County Council. This policy applies to employees of Staffordshire County Council, referred to in this policy as colleagues including agency workers, trainees or anyone working on a casual basis.

The policy and procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.

### **What is whistleblowing?**

Whistleblowing is when a worker reports suspected wrongdoing at work.

For example

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above

A colleague can report things that are not right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistleblower and is protected under this policy.

The Council will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Council will also treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).



## **Rights of the Whistleblower**

All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the named Monitoring Officer.

Victimisation of a whistleblower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the Council believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or the Bullying and Harassment procedure, as appropriate.

An exception to this will be when the matter of concern arises from the colleague's own treatment at work that is arising from the whistleblowing matter they have raised previously.

## **Making a Whistleblowing Complaint**

To make a whistleblowing complaint the whistleblower has to meet certain conditions.

If the disclosure is made to the Council, it must be in the public interest and the person making the complaint ("the whistleblower") has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.

If the disclosure is made to a regulatory body then as well as satisfying the conditions required for disclosure to the council, the whistleblower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true.

For example, a colleague will be eligible for protection if:

- they honestly think what they're reporting is true
- they think they're telling the right person
- they believe that their disclosure is in the public interest

If the disclosure is made to other external bodies then as well as satisfying the conditions required for to the council, in all circumstances of the case it must be reasonable for them to make the complaint. Further the whistleblower must:

- reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,
- reasonably believe that evidence is likely to be concealed or destroyed or,
- have already raised the concern with the council and/or relevant regulatory body and,
- reasonably believe that the information they provide and any allegations contained therein are substantially true.

If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority's care or corruption then the whistleblower will not be required to:

- have raised the matter concerned internally first
- believe that they will be subject to a detriment for raising the disclosure internally
- believe that the evidence is likely to be concealed or destroyed.

A colleague who wants to raise a wrongdoing should in the first instance inform any one of the Contact Officers, details of whom can be found on the whistleblowing page on the intranet/SLN.

The initial contact can be by telephone or in writing and, if the latter, should be in a sealed envelope addressed to the officer concerned and marked: 'PIDA – Strictly Private and Confidential'. E-mail cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.

The Contact Officer who has received a disclosure will:

- acknowledge its receipt, in writing, within 5 working days;
- seek further information if required, which may include a personal interview, at which the colleague (whistleblower) can be accompanied by a representative of their trade union or professional association, or by a fellow employee;
- when the precise nature of the alleged wrongdoing is established, refer the disclosure to the Monitoring Officer (Director of Corporate Services);
- in liaison with the Monitoring Officer keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.

On receipt of a disclosure from a Contact Officer, the Monitoring Officer will determine what further action, if any, is needed, which may comprise:

- internal investigation
- report to the Police
- report to external audit
- independent enquiry
- any combination of the above

The Monitoring Officer will also ensure that the Contact Officer is advised of progress and outcome.

If the colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the prescribed regulator or our external auditors. The charity, Public Concern at Work, can advise the colleague about raising the concern externally. This will include advising who the appropriate prescribed regulator is. The website for Public Concern at Work is <http://www.pcaw.co.uk/>

**External Auditor  
PriceWaterhouseCoopers LLP  
Cornwall Court  
19 Cornwall Street  
Birmingham B3 2DT**

**0121 265 5956**

### **Levels of Authority**

Throughout this policy document, there are many references to Contact Officer. For the purposes of this policy 'Contact Officer' is the person delegated by the Director to perform the task. The Contact Officers are listed on the whistleblowing page on the intranet/SLN.

<b>Version</b>	<b>Author</b>	<b>Implementation Date</b>	<b>Revision Detail</b>
1.0	Vicky Blainey, Strategic HR	October 2014	Updated to reflect statutory changes
2.0	Tracey Beardmore, Strategic HR	November 2015	To update reference to the list of contact officers
3.0	Tracey Beardmore, Strategic HR	June 2016	To update the Monitoring Officer designation details



## Appendix A

### Whistleblowing Procedure - Contact Officers (updated September 2018)

<b>STRATEGY, GOVERNANCE AND CHANGE</b>	
John Tradewell	01785 276102
Ann-Marie Davidson	01785 276131
Tracy Thorley	01785 276337

<b>FINANCE AND RESOURCES</b>	
Andy Burns	01785 276300
Dionne Lowndes	01785 854236
Lisa Andrews	01785 276402

<b>FAMILIES AND COMMUNITIES</b>	
Helen Riley	01785 277200
Janene Cox	01785 278368
Mick Harrison	01785 278163
Kathy Maitland	01785 277095

<b>HEALTH AND CARE</b>	
Richard Harling	01785 278700
Andrew Sharp	01785 276841
Andrew Jepps	01785 278557
Karen Bryson	01785 277064

<b>ECONOMY, INFRASTRUCTURE AND SKILLS</b>	
Darryl Evers	01785 278580
Anthony Hodge	01785 277204
Mary Anne Raftery	01785 276578
Pam Rushton	01785 277210



## Anti-Fraud, Bribery & Theft Policy

### Integrity Statement

Staffordshire County Council (the 'Council') recognises its responsibility for the proper administration of its assets and expects. It maintains a zero tolerance stance against fraud, bribery and theft and is committed to ensuring all Council resources are appropriately protected from loss.

The size and nature of services provided, as with any other large organisation, mean that there is an ever-present risk of loss due to fraud bribery and theft, from sources both internal and external. The Council takes a responsible, long term view of the need to continuously develop counter fraud, bribery and theft initiatives and maintain its culture of awareness.

### Objectives

This Policy outlines the Council's approach to minimising the risk of fraud, bribery and theft through the principles of prevention, detection, investigation and seeking all appropriate sanctions.

It applies to all of the Council's activities; its personnel, including all levels and grades, those permanently employed, temporary staff, agency staff, contractors, agents, members, volunteers and consultants. The Council will seek to promote the adoption of policies consistent with the principles set out in this policy as part of its contractual arrangements with partners, joint ventures and suppliers.

The anti-fraud, bribery and theft effort will be supported by Members through ongoing commitment to supporting appropriate measures and by oversight of regular reports on fraud, bribery and theft matters to the Audit & Standards Committee.

***To find out how to report a concern relating to Fraud, Theft, Bribery or Corruption, please refer to Appendix A.***

## **What is Fraud Bribery, and Theft?**

### **Fraud:**

Whilst the Fraud Act (2006) (the 'Act') does not provide a single definition of fraud, it may be described as *'theft with deception'*. The key characteristics of fraud include an individual acting dishonestly and with the expectation of either making a gain for themselves or another person, or causing a loss to a third party.

The Act identifies fraud as a single offence which can be committed in three separate ways:

#### **Fraud by false representation**

A person dishonestly makes a false representation, intending to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss.

The legal definition of 'representation' is broad and includes written, verbal and non-verbal communication.

#### **Fraud by failing to disclose information**

A person dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and intends, by failing to disclose the information to make a gain for himself or another, to cause loss to another or to expose another to a risk of loss.

#### **Fraud by abuse of position**

A person occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person dishonestly abuses that position, and intends, by means of abuse of that position to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss.

### **Bribery**

Under the Bribery Act 2010, bribery can be committed by individuals under two main offence categories:

Offering, or paying a bribe to induce or reward improper duty, or knowing that acceptance of the bribe would in itself be improper performance.

Requesting, agreeing to receive, or receiving a bribe intending that as a consequence improper duty would be performed, or knowing that acceptance of the bribe is in itself improper.



In both instances, the bribe is intended to influence performance of a function, which may be carried out before, at the same time, or after the bribe is paid.

Bribes can take many forms including cash, holidays, event tickets, meals etc. Decisions could relate to, among others, recruitment, the award of contracts, planning consents and other awards. The bribe may be paid directly, or via third parties.

A Local Authority is deemed a 'commercial organisation' which can commit an offence of failing to prevent bribery. It is only possible to defend such an allegation if the Council has put in place adequate procedures designed to prevent persons associated with it from undertaking such conduct.

The Council, or third parties representing the Council will neither accept nor offer bribes to contractors, suppliers or customers and should act with integrity at all times.

### **Theft**

Theft is defined in the 1968 Theft Act '*a person shall be guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it*'.

### **Also relevant to this Policy:**

#### **Money Laundering**

The process by which criminals attempt to 'recycle' the proceeds of their criminal activities in order to conceal its origins and ownership and which leaves them with money that cannot be traced back to a crime. The Council's anti money laundering strategy is included in appendix 3 of the Financial Regulations contained within the Constitution.

***Concerns relating to Money Laundering should be reported immediately to the Money Laundering Reporting Officer (MLRO), detailed in Appendix A to this policy.***

#### **Corruption**

Corruption does not in itself define a specific crime in the UK, however it is a term used to describe a wide range of unethical behaviour, including fraud and bribery.

### **The Council's approach to managing fraud bribery and theft risks**

In order to minimise the risk of fraud, bribery and theft, the Council adopts an approach that is designed to improve both prevention and deterrence.

### **Risk Assessment**

Internal Audit maintain a fraud, bribery and theft risk assessment and risk register to identify where the Council's most significant risks lie. The register will be regularly updated to take into account emerging risks identified by fraud investigations, intelligence identified internally and by external organisations, and changes to Council processes. Proactive anti-fraud, bribery and theft work will be targeted at the most significant risks facing the Council.

### **Developing and maintaining an anti-fraud, bribery and theft culture**

The Council seeks to maintain an culture which acknowledges its fraud, bribery and theft risks, the processes to be adopted in the event of fraud and publicising the results of fraud investigations. Resources have been identified within the Internal Audit Function to undertake and support this work.

Internal Audit is responsible for develop and implementing a fraud, bribery and theft awareness plan, giving consideration to the varying needs of elected councillors, staff (including new joiners), contractors and the public served by the Council to be aware the risks faced.

Officers responsible for procuring services from suppliers must consider what measures should be put in place to ensure an appropriate level of awareness of this Policy within Suppliers' employees. Advice should be sought from Internal Audit if in doubt.

### **Prevention**

The Council is committed to preventing fraud, bribery and theft through sound governance, internal control and robust employee vetting. The responsibility for implementing adequate internal controls rests with management.

The Council has developed and is committed to systems and procedures which incorporate efficient and effective internal controls and which include adequate separation of duties. Service Managers are required to ensure that such controls, including those in a computerised environment, are properly maintained and documented. When existing policies and procedures are being updated, or new processes introduced, advice from Internal Audit should be sought to ensure that the risk of fraud, bribery and theft is minimised.

Managers are expected to consider their risks on a regular basis and adapt the control systems as appropriate. Internal Audit can assist management in this process and advise on preventative controls during both routine work and following investigations where control weaknesses have been identified. Managers are expected to strengthen existing controls where weaknesses have been identified.

Effective steps must be taken at the recruitment stage to establish as far as possible, the propriety and integrity of potential employees. In this regard, temporary employees and contracted staff will be treated in the same manner as permanent employees. Employee recruitment is required therefore to be in accordance with the Council's recruitment policies. Written references are required and relevant pre-recruitment checks performed as stated within the policy document (including amongst others, validation of stated qualifications, Disclosure Barring Service (DBS) checks etc).

Those organisations undertaking work on behalf of the Council, both Contractors and Partners, are expected to maintain strong anti-fraud, bribery and theft principles. The specific requirements as a minimum include: adequate internal controls in place to minimise fraud, bribery and theft of Council resources, adequate recruitment procedures and controls when they are handling financial information or assets on behalf of the Council and adequate whistleblowing procedures. It is intended that these expectations will be appropriately considered in all contract terms and conditions.

The Council's Internal Audit department will identify areas of fraud, bribery and theft risk and conduct reviews of controls in place focussed on the prevention these crimes.

### **Detection**

The Council will participate in the exchange of information between itself and outside bodies to assist with the identification of fraud, bribery and theft. Any such exchange of information will be undertaken in accordance with the principles contained in the Data Protection Act 1998. These may include:

- Police
- External Audit
- Local, Regional and National Auditor networks
- CIPFA – Fraud Centre
- CIFAS
- Department of Work and Pensions
- Other Local Authorities
- National Fraud Initiative (now administered by the Cabinet Office)
- Staffordshire Fraud Hub

The Council's Internal Audit Department will undertake a series of proactive fraud detection exercises designed to detect and deter fraud, bribery and theft in high risk areas through identification and verification of high risk transactions.

### **Investigation & Redress**

Fraud, bribery and theft concerns can be reported to the Council by employees, suppliers, and the public using the contact details identified in appendix A.

Service Directors are required by Financial Regulation D4 to report all instances of potential or actual financial irregularity via the Chief Internal Auditor to the Director of Finance and Resources for investigation. This will include all allegations of fraud, bribery and theft. An investigating officer will be appointed to assess all allegations and where appropriate lead an investigation.

Where evidence of fraud or bribery is identified, consideration will be given to all available sanctions. These may include:

- Criminal prosecution, with Police support
- Civil recovery of losses
- Invoking the Council's Disciplinary Procedure, supported by Human Resources
- Referral of individuals to professional bodies

The Council's Disciplinary Procedure will be used to facilitate an appropriate investigation of any allegation of improper behaviour by employees of the Council.

The Director of Strategy, Governance and Change will decide, based on advice from the Chief Internal Auditor, Appropriate Service Manager and Head of Human Resources, whether there are sufficient grounds for the matter to be reported to the Police. For all allegations of fraud, bribery and theft consideration will be given to internal disciplinary sanctions, reporting to professional bodies, recovery of losses through civil action and criminal sanctions (with the support of the Police).

Where a fraud has occurred, management must consider changes to systems and procedures to minimise the risk of similar frauds occurring in the future. Any investigation may highlight where there has been a failure of supervision or a breakdown or absence of control. Internal Audit will raise recommendations detailing areas for control improvement all relevant sections.

All significant investigations will be reported to the Audit & Standards Committee and may be taken into account when assessing the overall governance arrangements as part of the completion of the Annual Governance Statement.

The Council's External Auditor will examine the Council's arrangements for the prevention, detection and investigation of fraud, bribery and theft as part of their planned work and report the results to the Audit & Standards Committee.

## **Individual Responsibilities**

### **Chief Executive**

The Chief Executive is ultimately accountable for the effectiveness of the Council's arrangements for countering fraud, bribery and theft.

### **Director of Finance & Resources (Section 151 Officer)**

The Director of Finance and Resources must ensure the Council has adopted an appropriate anti-fraud strategy, there is an effective internal control environment in place and there is an adequately resourced and effective Internal Audit service to deliver 'counter-fraud' work.

### **Monitoring Officer and Director of Strategy, Governance and Change**

The Monitoring Officer roles includes responsibility for advising Members and Officers on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Practice.

### **Corporate Governance Working Group (CGWG) and Audit & Standards Committee**

CGWG's role is to monitor the Council's strategies and policies and consider the effectiveness of the arrangements for raising concerns at work, whistle-blowing procedures and anti-fraud and bribery arrangements. The Audit & Standards Committee are responsible for approving the annual governance statement.

### **Members**

Elected Members are required to operate the Council's Constitution including the Code of Conduct in Section 3 (developed in accordance with the requirements of sections 26 -37 of the Localism Act 2011 and attendant Regulations).

These matters are specifically brought to their attention as part of their Declaration of Acceptance of Office, induction and subsequent training. A declaration and registration must be made with the Chief Executive and updated regularly, listing disclosable pecuniary interests of the Member and any partner.

### **External Audit**

External Audit have a statutory duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, bribery and theft.

### **Internal Audit**

Internal Audit are responsible for developing and implementing the Anti-Fraud and Bribery response strategy and monitoring the investigation of any reported issues. To ensure that all suspected or reported irregularities are dealt with promptly and in accordance with this strategy and that action is identified to improve controls and reduce the risk of recurrence.

**Senior Leadership Team, Wider Leadership Team and Service Managers**

Senior Management at the Council are required to promote staff awareness and ensure that all suspected or reported irregularities are immediately referred to Internal Audit. They are responsible for ensuring mechanisms are in place within their service areas to assess the risk of fraud, bribery and theft and to reduce these risks by implementing strong internal controls.

When new contracts with suppliers are being set up, to ensure appropriate arrangements are in place to make suppliers and their staff aware of fraud reporting processes, for example reference to this Policy or reporting mechanisms detailed in Appendix A.

When new or revised Council Policies and Procedures are being implemented, advice should be sought from Internal Audit to ensure that the Council continues to prevent, detect and deter fraud, bribery and theft as thoroughly as possible.

**All employees (including all temporary staff)**

To comply with all Council policies, procedures and codes of practice, to be aware of the possibility of fraud, corruption, theft and bribery and to report any concerns (see Appendix A for details).

Employees are also expected to comply with Section 117 of the Local Government Act 1972 (regarding declaring any interests in contracts that have been entered into/ or proposed) and any professional obligations issued by Professional Institutes of which they are members.

Employees should act with integrity at all times.

**Suppliers, Partners, Consultants working for/on behalf of the Council**

To be aware of the possibility of fraud, corruption, theft or bribery against the Council and to report any concerns/suspicious via the reporting facilities detailed in Appendix A.

## **Related Policies and Documents**

The key documents which encompass Members and Employees personal responsibilities are referred to below and can be found on the Council's Intranet. Those found within the Constitution are indicated with an asterisk.

- Financial Regulations\*
- Procurement Regulations\*
- Delegations to Directors\*
- Delegations from Directors
- Members Code of Conduct\*
- Employee Code of Conduct\*
- Password Policy
- Corporate Information Security Policy
- Acceptable Use Policy
- Whistleblowing Policy\*

Individuals raising a concern may also wish to consider the rights under the Public Interest Disclosure Act (1998)

## Appendix A - How to report a concern

Elected members, suppliers, contractors, partners, joint ventures and the general public are encouraged to report concerns through any of the routes identified below.

An individual wishing to report a concern relating to fraud or bribery may wish to stay anonymous. Whilst concerns raised anonymously will be considered and assessed, it is often vital to speak to the source of a concern to obtain additional information once an investigation has started. Therefore we request that contact details are provided wherever possible.

Please do not carry out any additional investigation once a concern of fraud is identified. Failure to follow appropriate investigative procedures may result in valuable evidence becoming unusable in pursuit of criminal sanctions.

Employees of the Council wishing to raise a concern should also consider reading the Council's whistleblowing policy.

Director of Finance and Resources: via Chief Internal Auditor (and Money Laundering Reporting Officer)	Lisa Andrews Email <a href="mailto:Lisa.Andrews@staffordshire.gov.uk">Lisa.Andrews@staffordshire.gov.uk</a> Tel 01785 276402
Audit Manager – Fraud (Deputy Money Laundering Reporting Officer)	Dave Fletcher Email: <a href="mailto:David.Fletcher@staffordshire.gov.uk">David.Fletcher@staffordshire.gov.uk</a> Tel: 01785 895408
External Audit (Ernst & Young)	Ernst and Young LLP No 1 Colmore Square Birmingham B4 6HQ.
Online	<a href="http://www.staffordshire.gov.uk/fraud">http://www.staffordshire.gov.uk/fraud</a>
Integrity Hotline Voicemail (please see guidance below)	0800 7311890
Email	<a href="mailto:fraud@staffordshire.gov.uk">fraud@staffordshire.gov.uk</a>

### What to consider when reporting a fraud or bribery:

If you choose to remain anonymous, please take time to include as much detail as possible when reporting a concern. Where appropriate, and if known, the following details could help instigate an investigation:

- Where the fraud took place
- How the fraud took place
- When the fraud took place (or timeframe from when fraud may have started)



- Who is committing the fraud/bribery
- Who else may be implicated
- The approximate value of the concern



## **APPENDIX 3 – OFFICER EMPLOYMENT PROCEDURE RULES**

### **1. Recruitment and Appointment of Officers of the Council**

1.1 The Council require any candidate for appointment as an officer under the Council to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or senior officer of the Council; or the partner of such persons.

1.2 Any candidate who fails to make any disclosure required under sub-paragraph 1.1 above shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice.

1.3 Every member and senior officer of the Council shall disclose to the Council any relationship known to him to exist between himself and a candidate for an appointment of which he is aware.

1.4 It shall be the duty of every Chief Officer and senior officer to whom such relationship is disclosed to record the disclosure and to notify the Director of Corporate Services accordingly.

1.5 No candidate so related to a Member of the County Council or a senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him.

1.6 Where such relationship to a member of the Council exists the Member of the Council concerned shall not take part in the consideration, or discussion of, or vote on, any question with respect to the appointment.

1.7 For the purpose of this paragraph 1.1 'senior officer' means the holder of any politically restricted post.

1.8 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member of the County Council or Chief Officer for any appointment with the Council.

1.9 No Member will seek support for any person for any appointment with the Council.

1.10 Nothing in paragraphs 1.8 or 1.9 shall preclude a Member of the County Council from giving a written testimonial on a candidate's ability, experience or character for submission with or in connection with that candidate's application.

1.11 The content of paragraphs 1.1 to 1.10 will be stated in the advertisement inviting applications for appointment and/or in any form of application supplied for use by candidates.

## **2. Recruitment of Head of Paid Service and Chief Officers and Wider Leadership Team**

**Note: These arrangements do not apply to officers appointed as assistants to political groups [see paragraph 6.2 below]**

**Note: There are special provisions in respect of the Director of Public Health that are described in section 5 below**

2.1 Where the Council proposes to appoint the Head of Paid Service or a Chief Officer or a member of the Wider Leadership Team, the Council will:

2.1.1 Draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed.

2.1.2 Make arrangements for the post to be externally advertised to bring it to the attention of persons who are qualified to apply for it [unless applicants are to be sought only from among the Council's existing staff].

2.1.3 Make arrangements for a copy of the statement mentioned in paragraph 2.1.1 to be sent to any person on request.

2.2 For the purpose of this Appendix the term 'Chief Officer' and 'Wider Leadership Team' mean the holders of posts of Chief Officer and Deputy Chief Officer within the meaning of those terms in the Local Government and Housing Act 1989.

## **3. Appointment of Head of Paid Service and Chief Officers and Wider Leadership Team**

## **Longlisting [if necessary]**

### **Head of Paid Service**

3.1 A Special Committee of the Council shall be established in accordance with paragraph 3.3 below in order to select a long list of such qualified applicants for preliminary interview (or other selection process), short listing and interview in accordance with these procedural rules.

### **Chief Officers and Wider Leadership Team**

3.2 The Chief Executive in consultation with the Chairman of the County Council, the Leader of the Council, the appropriate Portfolio Holder(s), and the Chairman of the appropriate Committee(s) shall, after preliminary interview or otherwise, select a long list of such qualified applicants for short listing and interview by the Special Committee of the Council referred to below.

### **Shortlisting and Interview**

3.3 A Special Committee of the Council shall be established comprising:

3.3.1 the Chairman of the County Council (or a member of the County Council nominated by him to represent him), together with;

(a) not less than one nor more than four Cabinet members nominated by the Leader of the Council; and

(b) an equal number of non-Cabinet members of the County Council nominated by the Chief Executive in consultation with the Group Leaders

and shall have power, subject to head of paid service appointments being confirmed by Council and all other appointments being consulted upon with the Cabinet (in accordance with paragraph 3.4 below), to make that appointment.

3.4 An offer of an appointment as an officer referred to in Paragraph 4.3 of Section 11 of the Constitution shall not be made by or on behalf of the Special Committee of the Council until:-

- The Committee has notified the Proper Officer (i.e. the Director of Corporate Services) of the name of the person to whom the Committee wishes to make

the offer and any other particulars which the Committee considers are relevant to the appointment.

- The Proper Officer has notified every Cabinet Member of the name of the person to whom the Committee wishes to make the offer, any other particulars relevant to the appointment which the Committee has notified; and the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer.
- The Leader of the Council has, within the period specified under subparagraph notified the Proper Officer that neither he nor any other Cabinet Member has any objection to the making of the offer; or the Proper Officer has notified the Committee that no objection was received by him within that period from the Leader of the Council; or the Committee is satisfied that any objection received from the Leader of the Council on behalf of the Cabinet within that period is not material or is not well-founded.

#### **Where no appointment is made**

3.5 Where no qualified person has applied for the appointment; or no qualified applicant is selected for interview, or the Special Committee do not make an appointment then the Chief Executive shall (unless no appointment to the post is to be made) re-advertise the appointment under section 2 above.

#### **Appointment of Head of the Paid Service - Special provisions**

3.6 Where a Special Committee of the Council is discharging, on behalf of the Council, the function of the appointment of an officer designated as the Head of the Paid Service (i.e. the Chief Executive), the full Council must approve that appointment before an offer of appointment is made to that person.

#### **4. Disciplinary action (including Dismissal) in respect of Head of Paid Service and Chief Officers and Wider Leadership Team**

4.1 For the purposes of this Section of this Appendix the term 'disciplinary action' is limited to dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body; and such other disciplinary action not amounting to dismissal as requires the involvement of the Committee in order to meet the County

Council's obligations under the terms and conditions of service of that officer; but not further or otherwise

4.2 Where disciplinary action is proposed to be taken against, or the dismissal is proposed of, an officer referred to in Paragraph 4.3 of Section 11 of the Constitution a Special Committee of the Council shall be established comprising;

- the Chairman of the County Council (or a member of the County Council nominated by him to represent him), and
- such Cabinet Members, being not less than one and up to four in number, as the Leader of the Council shall nominate and
- such other members of the Council, being not less than one and up to four in number, as the Council may appoint.

4.3 In cases of urgency the Special Committee may be appointed by the Chairman of the County Council on behalf of the Council and the action of the Chairman of the County Council shall be reported to the next following meeting of the Council.

**Dismissal [other than the Head of the Paid Service, Monitoring Officer or Chief Finance Officer]**

4.4 Notice of the dismissal of an officer referred to in Paragraph 4.3 of Section 11 of the Constitution must not be given by or on behalf of the Special Committee referred to in paragraph 4.2 above until:–

4.4.1 The Committee has notified the Proper Officer [Director of Corporate Services] of the name of the person who the Committee wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal.

4.4.2 The Proper Officer has notified every Cabinet Member of the name of the person who the Committee wishes to dismiss, any other particulars relevant to the dismissal which the Committee has notified and the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer.

4.4.3 The Leader of the Council has, within the period specified under paragraph 4.4.2 notified the Proper Officer that

neither he nor any other Cabinet Member has any objection to the dismissal; or

the Proper Officer has notified the Committee that no objection was received by him within that period from the Leader of the Council; or

the Committee is satisfied that any objection received from the Leader of the Council on behalf of the Cabinet within that period is not material or is not well-founded.

**Dismissal of Head of the Paid Service (i.e. the Chief Executive), the Monitoring Officer (i.e. the Director of Corporate Services) or the Chief Finance Officer (i.e. the Director of Finance and Resources) - Special provisions**

4.5 The Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer may not be dismissed by the authority unless the procedure set out below is complied with.

4.5.1 A Special Committee as described in 4.2 is established

4.5.2 The authority must invite relevant independent persons to be considered for appointment to the Special Committee, with a view to appointing at least two such persons to the Special Committee.

4.5.3 In paragraph 4.5.2 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

4.6 Subject to paragraph 4.7, the authority must appoint to the Special Committee such relevant independent persons who have accepted an invitation issued in accordance with paragraph 4.5.2 in accordance with the following priority order—

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;



(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

4.7 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 4.6 but may do so.

4.8 The authority must appoint any Special Committee at least 20 working days before the relevant meeting of the full Council.

4.9 Where a Special Committee of the Council is discharging, on behalf of the Council, the functions of the dismissal of an officer designated as the Head of the Paid Service (i.e. the Chief Executive), the Monitoring Officer (i.e. the Director of Corporate Services) or the Chief Finance Officer (i.e. the Director of Finance and Resources), the full Council must approve that dismissal before notice of dismissal is given to that person.

4.10 Before the taking of a vote at the relevant meeting of the full Council on whether or not to approve such a dismissal, the authority must take into account, in particular—

(a) any advice, views or recommendations of the Special Committee;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

4.11 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Special Committee must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011

## **5. Appointment and dismissal of the Officer designated as the Director of Public Health**

### **Appointment**

5.1 A Director of Public Health must be appointed jointly by the Council and the Secretary of State (acting by Public Health England), however employment will be exclusively with the Council.

5.2 The role of the Secretary of State in the appointment of a Director of Public Health is to provide additional assurance of the Director's competency.

5.3 The Council must design a job description that includes specialist public health leadership and an appropriate span of responsibility for improving and protecting health, advising on health services and ensuring that the impact on health is considered in the development and implementation of all policies.

5.4 The Council must make considerable effort to agree the job description with the Faculty of Public Health and the Public Health England Regional Director, to ensure that the job description covers all the necessary areas.

5.5 An Advisory Appointments Committee must be set up by the Council which will make recommendations on the appointment to the Leader of the Council.

5.6 The Advisory Appointments Committee should be chaired by a lay member, such as an elected member of the Council (e.g. the Cabinet Member with responsibility for Public Health matters). It should also include:

- a. an external professional assessor, appointed after consultation with the Faculty of Public Health
- b. the chief executive or other head of paid service of the appointing Council
- c. senior local NHS representation
- d. the Public Health England regional director, or another senior professionally qualified member of Public Health England acting on his or her behalf
- e. in the case of appointments to posts which have teaching or research commitments, a professional member nominated after consultation with the relevant university.

5.7. Public Health England will also assist the Council in offering advice in relation to the recruitment and selection process, and will also confirm to the Council the Secretary of State's agreement to the appointment.

5.8 The Council must assure themselves of the Director of Public Health's competency before appointing by ensuring that he/she:

- a. Undertakes a Faculty of Public Health continuing professional development programme;
- b. Maintains a portfolio of training that demonstrates competence with all aspects of public health accepted by the UK Public Health Register.

### **Dismissal**

5.9 The Council must consult the Secretary of State before dismissing the Director of Public Health.

5.10 The Council should contact Public Health England for advice on how to proceed with the consultation. Public Health England will then provide the Secretary of States formal response within 21 days.

5.11 During the consultation period with the Secretary of State, the Council may suspend the Director of Public Health from his or her duties following the Council's standard rules and procedures.

5.12 Although the Council has a duty to consult with the Secretary of State regarding the dismissal of the Director of Public Health, the Secretary of State cannot refuse the Council permission to dismiss a Director of Public Health.

5.13 During the Director of Public Health's employment with the Council, if the Secretary of State believes that Director of Public Health is not properly carrying out any Secretary of State function that has been delegated to the Council, they can direct the Council to review the Director of Public Health's performance, and to consider taking particular steps and reporting back to the Secretary of State.

### **Interim Appointments**

5.14 In addition to paragraph 2.2 of Section 11 of the Constitution, before designating another officer as an Interim Director of Public Health, the Chief Executive (or in his absence Chief Finance Officer) and the Monitoring Officer must take all reasonable steps to ensure that the Interim Director meets the requirements of paragraph 5.8.

## **6. Other appointments**

6.1 Appointments of officers who are not within the scope of paragraph 4.3 of Section 11 of the Constitution are, in accordance with paragraph 8.2 below, the responsibility of the Head of the Paid Service or the Chief Officer responsible for the Department to which the appointment is to be made, and may not be made by members of the County Council.

6.2 The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **7. Dismissal and other disciplinary action – Involvement of Members**

7.1 Subject to the provisions of Sections 4 and 5 of this Appendix, Members will not be involved in the dismissal of, or other disciplinary action against, any officer except where such involvement is necessary to assist any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to a Special Committee of the Audit and Standards Committee in respect of dismissals or other disciplinary action.

## **8. Powers of Chief Officers in relation to employment matters**

8.1 The powers set out in paragraph 8.2 below are in all cases subject to the preceding paragraphs of this Appendix, to the provisions of The Scheme of Delegation in Appendix 1 of Section 11 of the Constitution, and are in addition to the powers of the Chief Executive under the relevant Regulations.

8.2 Chief Officers, and those members of staff designated as having sub-delegated powers relating to staffing and personnel matters under sub-delegation schemes, are nominated by the Chief Executive for the purpose of taking decisions relating to staffing and personnel matters (including disciplinary action) unless:-

8.2.1 The decision relates to the early retirement or redundancy of one or more employees, in which case the appropriate and relevant Council arrangements shall apply.

8.2.2 The decision relates to a variation in the grade or rate of pay of a post where the current grade or rate of pay was determined following the application of a formal scheme of job evaluation. Such decisions should be dealt with as follows:

8.2.2.1 Head of Service posts and PO Special graded Posts above SCP 53 must be submitted to the Head of Human Resources, who will arrange for the post to be re-evaluated. Where this produces a higher grade or rate of pay the Chief Officer concerned may authorise the increase from such date as he/she determines.

8.2.2.2 Posts covered by the 1987 national Manual Worker job evaluation will be reviewed in accordance with the procedures agreed by the County Council at that time.

8.2.2.3 Posts which are evaluated using the new JNC scheme will be dealt with in accordance with such arrangements as the County Council agrees with the relevant trade unions and which are applicable at the relevant time, having regard to the advice set out in Part 4 of the Green Book.

8.2.3 The decision relates to a variation in the number and/or nature of posts graded Head of Service Band 4 and above. Such decisions are reserved to the Chief Executive in consultation with the Leader and Deputy Leader of the Council. For the purpose of this paragraph a variation in nature occurs where a post is changed so significantly that it effectively amounts to the replacement of the existing post with a new post.

8.4 Decisions taken by Chief Officers using the powers delegated to them must be consistent with County Council staffing policy and the relevant legislation. Where a Chief Officer is unclear on policy or on the interpretation or application of legislation, or is concerned that a particular course of action may have implications for other Departments or attract public comment, then before taking a decision he must

consult the Director of Corporate Services, the Head of Human Resources and the Director of Finance and Resources..

8.5 Before including in fixed term contracts clauses requiring the waiver of the right to claim unfair dismissal and/or entitlement to redundancy pay/compensation lump sum, Chief Officers should consult the Director of Corporate Services.

8.6 The Head of Human Resources shall be consulted where it is proposed to pay honoraria/ex-gratia payments other than in circumstances where the employee is carrying out the duties of a higher graded post.

8.7 Overseas visits by officers must be approved in advance and before departure by the relevant Chief Officer personally.

8.8 Before authorising discretionary payments to staff under the Local Authority (Discretionary Payments) Regulations 1996, the Local Government Pension Scheme Regulations, the Injury Benefits Scheme or the scheme for the reimbursement of legal costs (violence against staff), Chief Officers must consult the Director of Finance and Resources.

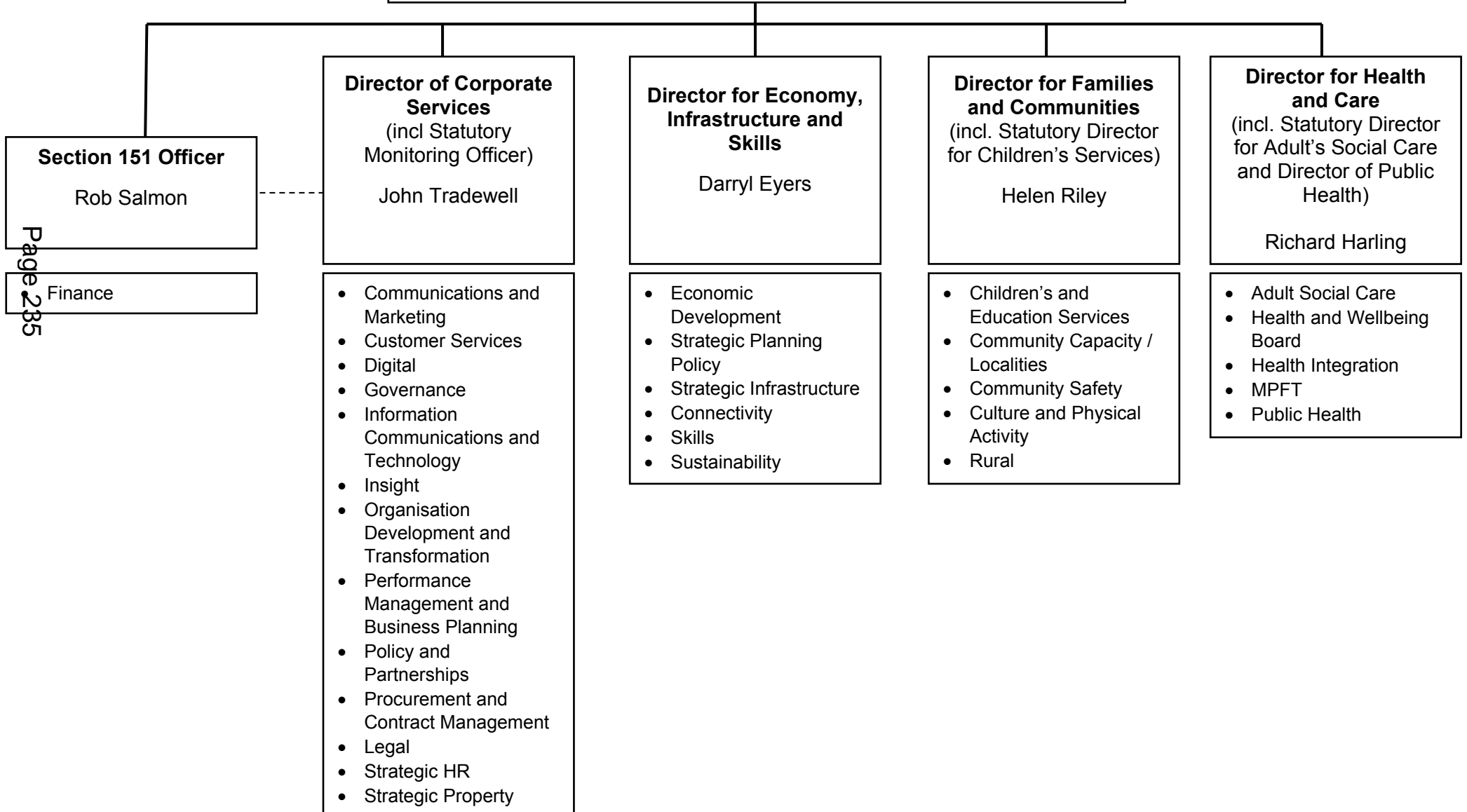
8.9 Redundancy excepted, Chief Officers shall consult the Director of Corporate Services before dismissing an employee in circumstances which could give rise to the right to claim unfair dismissal.

# Organisation Structure

December 2018

## Chief Executive and Head of Paid Service

John Henderson







## PROCEDURAL STANDING ORDERS

### 1. Introduction

- 1.1 These Procedural Standing Orders apply to the business and conduct of meetings of the Council and its Committees. (Standing Orders relating to Contracts are set out in Section 14 – Financial Procedure Rules).
- 1.2 These Standing Orders are divided into two sections, **Part A** deals with the procedure for meetings of the County Council and **Part B** deals with the procedure for meetings of Committees.
- 1.3 Meetings of the Cabinet, any Cabinet Sub-Committees and of the Overview and Scrutiny Committees are subject to their own procedure rules outlined elsewhere in this Constitution.

### Part A – Procedure for Meetings of the County Council

#### 2. Meetings of the Council

- 2.1 Meetings of the Council will usually take place at 10.00 am in the Council Chamber, County Buildings, Stafford unless otherwise fixed by Statute or where they are Extraordinary Meetings convened in accordance with paragraph 3 of Part 1 of Schedule 12 of the Local Government Act 1972.
- 2.2 There are three types of Council Meetings, the Annual meeting, Ordinary meetings and Extraordinary Meetings. These are dealt with in more detail below. Notice of meetings of the Council will be published at the Council's offices and sent to every member of the Council by the appropriate method (including to a specified electronic address) by the Chief Executive, five clear working days before the date of the meeting.
- 2.3 The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient. Before exercising this authority, the Chief Executive will consult with the Chairman and the Leader of the Council. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged.
- 2.4 Before the start and end of each meeting, Members and Officers will stand whilst the Chairman and Vice Chairman enter and leave the chamber. The meeting will also commence with prayers.
- 2.5 Meetings of the Council may be broadcast live and made available to the public for viewing on the Council's website. When a meeting is webcast, Members will sit in their allocated seat.
- 2.6 Members of the public and press shall be entitled to film, record and report proceedings of any meetings (which they are permitted to attend) as they happen using any electronic method available (including Twitter, Blogs and Facebook). This right does not extend to live oral reporting or commentary of meetings.

### **3. Quorum**

- 3.1 No business will be dealt with at a Council meeting if there are less than one quarter of the total number of Members (currently 16 of 62) present. Where the meeting has started, and the number of Members present reduces to less than one quarter, the Chairman will adjourn the meeting. Where the Chairman does not give a date and/or time for a resumption, all business not completed will be considered at the next Ordinary meeting.
- 3.2 Every Member will sign their name in a book which will be available at every meeting of the Council, from which attendances of the Members will be recorded.

### **4. The Annual Meeting of the Council**

- 4.1 The Annual Meeting of the Council will usually be held in May. In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors.
- 4.2 In a year when there is an ordinary election of Councillors, the Annual meeting will elect the Leader of the Council and be notified by the Leader of the Council of the number of Members appointed to the Cabinet, their names, portfolios and which of them is to be the Deputy Leader.
- 4.3 Every annual meeting of the Council will:-
- Elect a person to preside if the Chairman of the County Council is not present.
  - Elect the Chairman of the County Council.
  - Elect the Vice-Chairman of the County Council.
  - Approve the minutes of the last meeting of the County Council.
  - Consider any items brought forward by the Chairman.
  - Decide the allocations of seats to political groups in accordance with the political balance rules and appoint the Committees referred to in Standing Order 20 and/or such other Committees as the Council considers appropriate.
  - Elect Chairmen and Vice Chairmen of Committees in accordance with Standing Order 23.
  - Agree, if necessary, any changes to any part of the Constitution.
  - Approve a programme of ordinary meetings of the Council for the year.
  - Consider any other business set out in the summons convening the meeting.

### **5. Ordinary Meetings**

- 5.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting.
- 5.2 The Chairman will determine the order of business at Meetings of the Council and (other than an Extraordinary Meeting of the Council) the following items will be considered:-
- Election of a Member to preside if the Chairman and Vice-Chairman are absent or otherwise unable to preside.

- Approval the minutes of the last meeting of the County Council.
- Any items specially brought forward by the Chairman.
- (As necessary) To appoint or remove the Leader of the Council.
- Disposal of business (if any) remaining from the last meeting.
- The Leader's Statement.
- Members' questions asked under Standing Order 8.
- Reports (if any) of the Chief Executive, Monitoring Officer or Chief Finance Officer.
- Topical issues brought before the Council for debate.
- Notices of motion (in the order in which they have been received).
- Reports (if any) on Scrutiny activity.
- Reports and/or recommendations of the Cabinet, Corporate Review Committee and non-Scrutiny Committees.
- Reports (if any) of the Staffordshire Police Authority and the Stoke-on-Trent and Staffordshire Fire and Rescue Authority.
- Petitions presented under Standing Order 13.
- The authorisation the sealing of documents so far as the Council's authority is required by statute or the Standing Orders.
- Any other business specified in the summons to the meeting.

5.3 The Chairman may at any time call upon the Chief Executive or any Chief Officer (or their representative) to advise the Council.

## **6. Extraordinary Meetings**

6.1 The Chief Executive will call an Extraordinary Meeting of the Council following either:-

- A resolution of the County Council to request an extraordinary meeting;
- A request from the Chairman of the Council;
- A request from the Monitoring Officer, or
- A request signed by any five Members of the Council who have asked the Chairman of the County Council to call an Extraordinary meeting and they have refused or failed to do so within seven days of the presentation of the request.

6.2 Any request made under paragraph 6.1 must specify the particular item of business for which the Extraordinary Meeting of the Council is to be called.

6.3 The only business to be conducted at an Extraordinary Meeting of the County Council will be to choose a person to preside if the Chairman and Vice-Chairman are absent or otherwise unable to preside and to consider the matter specified in the request to call an Extraordinary Meeting. No other business may be conducted at the meeting unless the Council otherwise resolve.

## **7. Minutes**

7.1 The Minutes of the preceding Council Meeting will usually be circulated to each Member of the Council not later than five clear working days before the meeting and they will be taken as read and the Chairman will move that the Minutes be signed as a true record.

- 7.2 If the Minutes have not been circulated prior to the meeting but have been deposited in the Council Chamber at least half an hour before the time fixed for the meeting the Chairman will move that the Minutes be taken as read and the Chairman will move that the Minutes be signed as a true record.
- 7.3 There will be no motions or discussion on the Minutes, except on their accuracy, and any question of their accuracy will be raised by motion. If there are no questions, or once any questions have been dealt with, the Chairman will sign the Minutes.
- 7.4 The minutes of the preceding meeting of the Council will not be submitted to an Extraordinary Meeting of the Council for approval but will be submitted to the next Ordinary Meeting of the Council.

## **8. Questions from Members**

- 8.1 Members may submit questions, in writing or by email on the prescribed form to the Director of Corporate Services, to be asked at the Annual Meeting and Ordinary Meetings of the Council by no later than 1:00 pm on the third working day before the Council Meeting.
- 8.2 Questions may be addressed to the Chairman of the Council, the Leader of the Council, any Cabinet Member or a Committee Chairman. The Leader of the Council may refer questions asked of them to the relevant Cabinet Member if they consider it appropriate.
- 8.3 Each Member may submit a maximum of two questions each, however only the first 15 questions received by the Director of Corporate Services before the deadline will be dealt with at the meeting. All other questions will receive a written answer.
- 8.4 Questions and written responses will be circulated to all members at the start of each meeting (and will be available to members prior to the meeting on request) and will be made available online to accompany the webcast, but will not be read out at the meeting.
- 8.5 Each questioner will be entitled to ask up to one supplementary question on each question/answer and the time limit for supplementary questions and answers will be at the sole discretion of the Chairman.
- 8.6 Representatives of the Staffordshire Police Authority and the Stoke-on-Trent and Staffordshire Fire Authority may be invited to attend meetings of the County Council from time to time and Members will be entitled to ask them questions under these provisions.

## **9. Leader's Statement**

- 9.1 At each ordinary meeting of the Council the Leader of the Council will submit a report (the Leader's Statement) summarising important developments and their activities since the preceding meeting of the Council. This will include a summary of items considered by the Cabinet.

- 9.2 The Leader will introduce the statement and Members may ask the Leader questions on the content of both his introductory remarks and the written statement itself. All questions will be answered immediately by the Leader or the relevant Cabinet Member if the Leader refers any question to them unless sufficient information to give an answer is not available. In these circumstances the Member asking the question will, where practicable, receive a response in writing within five working days of the Council meeting at which the question was raised.
- 9.3 Once all questions have been dealt with, the Chairman will open the Leader's Statement to the Council to debate. After any debate on the Statement, the Leader of the Council will have the right of reply and the Chairman of the Council will then formally put to the Council the motion that the Leader's Statement be received.
- 9.4 During the debate on the Leader's Statement, a Member of the Council may speak on any matter relating to the work of the Executive including any matter not referred to in the Leader's Statement, whether or not they move anything in relation to it.
- 9.5 A Member of the Council may move that a particular matter raised during the debate be referred back to the Cabinet or to the Corporate Review Committee or the appropriate Scrutiny Committee for consideration.
- 9.6 The length of the debate on the Leader's Statement shall be at the discretion of the Chairman.

## **10. Reports of Committees**

- 10.1 Committees will not be required to submit a report to each meeting of the Council, but will bring any matters of particular significance before the Council.
- 10.2 Any reports will be brought before the Council by the Chairman of the Committee or, in his absence, by the Vice-Chairman or, in the absence of both, by a Member of the Committee called upon by the Chairman of the Council.
- 10.3 During the debate on the report, Members may speak on any particular paragraph of the report, whether or not they move anything in relation to it, and their remarks will be confined to the subject matter of the paragraph on which they speak.
- 10.4 Members may move that a particular paragraph of the report be referred either to the Cabinet, back to the Committee or to a Scrutiny Committee but no other motion may be moved in relation to individual paragraphs.

## **11. Motions on Notice**

- 11.1 Any Member may give notice of a motion (other than a motion which may be moved without notice see Standing Order 12) to be moved at a Meeting of the Council, in writing to the Monitoring Officer nine clear days before the meeting.
- 11.2 All notices of motion and the name(s) of the Member giving notice will be entered in the order received in a book to be kept in the Monitoring Officer's office. This book will be open to the inspection of every Member of the Council.

- 11.3 Unless the motion is withdrawn by the Member(s) giving the notice, all notices will be placed in the summons for the next Meeting of the Council. The Member giving notice will move the motion at the Council meeting and may, subject to the Chairman's discretion, vary the precise terms of the motion but not change its substance.
- 11.4 Notices of motion may relate to any issue that affects those who live or work in the Council's area but will not propose any decision or action by the Council which it is the responsibility of the Cabinet to take.

## **12. Motions that may be moved without notice**

- 12.1 The following motions may be moved at a Council Meeting without giving notice:-
- Appointment of a Chairman for the Meeting.
  - Motions relating to the accuracy of the Minutes.
  - Any motion relating to any item currently under discussion on the Council Agenda.
  - Reference to a Committee, sub-Committee or the Cabinet.
  - Amendment to motions.
  - Withdrawal of motions.
  - Extending the time limit for speeches.
  - That the question be now put.
  - That the debate be now adjourned.
  - That the Council be adjourned.
  - That the order of business be varied.
  - That the Council do proceed to the next business.
  - Authorising the sealing of documents.
  - Suspension of these Standing Orders.
  - Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
  - Giving consent of the Council where the consent of the Council is required by these Standing Orders.
  - Relating to action to be taken in consequence of a report made under Section 114 of the Local Government Finance Act 1988.

## **13. Petitions**

- 13.1 A Member of the Council or a Member of the public may, with the leave of the Chairman, present to the Council a petition which will be handed to the Chairman;
- 13.2 The Chairman may permit the local Member to whose division the petition relates (or a Member nominated by them) to address the Council on the petition for no more than 2 minutes.
- 13.3 Petitions with more than 5,000 signatures which have been received under the petition scheme in Section 4 of this Constitution will be debated by the Council. The petition organiser will be entitled to address the Council for five minutes and then the Council will debate the issue raised by the petition for a period of fifteen minutes, which may be extended at the discretion of the Chairman.

13.6 Following the debate, the Council may, if it is able to do so, decide whether or not to take the action referred to in the petition or to refer the petition to the Cabinet or a Committee to take the matter forward.

## **14. Rules of Debate**

### **14.1 Motions and Amendments**

14.1.1 No motion or amendment will be discussed unless it has been proposed and seconded. Every motion involving an amendment or reference back will be put in writing, signed by the mover and will be handed to the Chairman.

14.1.2 When seconding a motion or amendment a Member may, if they then declare their intention to do so, reserve their right to speak until a later period of the debate.

### **14.2 Speaking at Council Meetings**

14.2.1 A Member of the Council when speaking will stand and address the Chairman. Other Members will remain seated, unless rising on a point of order or in personal explanation. Whenever the Chairman stands up no Member will continue standing and no Members will rise until the Chairman is seated.

14.2.2 If two or more Members stand at the same time to speak, the Chairman will determine the order of speeches.

### **14.3 Content and Length of Speeches**

14.3.1 Subject to Paragraph 14.3.2 below, no Member may speak for more than five minutes during debates by the Council unless the Chairman gives an extension.

14.3.2 When the Leader of the Council, Cabinet Members nominated by the Leader or Committee Chairmen propose reports to the Council they may speak for up to ten minutes. Members who have been nominated by the Leaders of minority political groups as spokesmen on a report discussed by the Council may also speak for up to ten minutes.

14.3.3 Members will confine their speeches to the question under discussion or to a personal explanation or a point of order. No Member may question another Members motives or use offensive expressions to any Member of the Council or Officer.

14.3.4 The Chairman may call the attention of the Council to continued irrelevancy and tedious repetition or any breach of order by a Member and may direct them to discontinue their speech. If the Member continues to disregard the authority of the Chairman, the Chairman may ask them to retire for the remainder of the sitting. Should a Member refuse to retire the Chairman may order their removal from the Council Chamber.

### **14.4 Number of Speeches**

14.4.1 A Member will not speak more than once on any motion except to make a point of order, personal explanation or in the exercise of a right of reply.

14.4.2 The proposer of a motion or amendment will have a right of reply immediately before it is put to the vote. A Member exercising a right of reply will not introduce any new matters.

#### **14.5 Points of Order and Personal Explanation**

14.5.1 A Member may rise at any time to make a point of order or a personal explanation and will be entitled to be heard immediately.

14.5.2 A point of order must relate to an alleged breach of a Standing Order or statutory provision and the Member must state the Standing Order or statutory provision and the alleged breach. A personal explanation must be confined to some material part of a former speech either by or relating to the Member, at the same meeting which may have been misunderstood.

#### **14.6 Amendments**

14.6.1 Amendments to a recommendation contained in a report or other motion must be relevant to the motion and will be either:-

- (i) To leave out words;
- (ii) To leave out words and insert or add others;
- (iii) To insert or add words;

but such amendments must not have the effect of negating the paragraph or other motion before the Council.

14.6.2 All amendments must be moved and seconded and no second or following amendment can be moved until the previous amendment has been disposed of. Notice of any number of amendments may be given and the Chairman may allow discussion (but not voting) on a number of amendments if deemed appropriate.

14.6.3 If an amendment is lost, another amendment may be moved on the original motion. If the amendment is carried, the motion as amended will become the motion upon which any further amendment may be moved.

#### **14.7 Withdrawal and Alteration of Motions**

14.7.1 An amendment or other motion may be withdrawn by the proposer with the consent of the seconder and the Council, which will be signified without discussion.

14.7.2 A Member may, with the consent of the seconder and of the Council signified without discussion, alter any motion they have proposed during the Council Meeting. Motions on Notice under Standing Order 12 which appear on the Council Agenda may not be altered.

#### **14.8 Motions for Adjournment, Closure etc.**

14.8.1 A Member who has not spoken on the motion under discussion, may, at the conclusion of another Member's speech, move without comment "That the



question be now put”, “That the debate be now adjourned”, “That the Council proceed to the next business”, or “That the Council do now adjourn”.

- 14.8.2 If such a motion is seconded the Chairman will, if in his opinion the question before the meeting has been sufficiently discussed, put the motion to the vote. If it is carried then subject only to the right of reply given by Standing Order 14, the question before the meeting will be put to the vote, the Council will proceed to the next business or the meeting will stand adjourned as the case may be.
- 14.8.3 Should such a motion not be carried, a second motion “That the question be now put”, “That the Council do now adjourn”, “That the debate be now adjourned”, or “That the Council do now proceed to the next business”, must not be made within a period of half an hour after the first unless in the opinion of the Chairman the circumstances of the question are materially altered.
- 14.8.4 No Member may move or second more than one motion for adjournment of the same debate or for the adjournment of the Council.
- 14.8.5 The Chairman may adjourn a meeting of the Council at any time until a time and/or date specified. If the Chairman does not fix a time for resumption and subject to the statutory provisions with regard to the calling of Extraordinary Meetings of the Council, any further business to be considered will be dealt with at the next Ordinary Meeting of the Council.

## **14.9 Voting**

- 14.9.1 With the exception of votes referred to at paragraph 14.9.5 below, voting will, in the first instance be determined by voice ‘aye’ or ‘no’, but the Chairman may and, if the decision is challenged must, take a show of hands.
- 14.9.2 For votes other than those referred to at 14.9.5 below, fifteen Members may stand and request a ‘named vote’, meaning that the names for and against the motion or amendment be recorded in the Minutes. The Chief Executive will call the name of each Member present who will then vote ‘aye’ or ‘no’. There is no requirement for Members to participate in named votes and they can abstain.
- 14.9.3 A Member may, immediately after a vote which is not a named vote is taken, request that a record of whether the Member voted for, or against, the motion, or abstained be made in the minutes of that meeting.
- 14.9.4 Where there are equal votes cast for a motion or amendment the Chairman or the person presiding may exercise a second or casting vote.
- 14.9.5 Where the Council is voting on the setting of the Budget and/or Precept a named vote MUST be taken, recording the names of those members who voted for a decision, or against the decision or abstained from voting.

## **14.10 Conduct of Members of the Public Admitted to Meetings**

- 14.10.1 No member of the public may bring into or display in the part of the Council Chamber open to the public any banner, placard, flag or similar device.

14.10.2 If a member of the public interrupts the proceedings at any meeting the Chairman will warn them. If the interruption continues, the Chairman will order their removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public the Chairman will order that that part be cleared.

14.10.3 In exercising their right to record, report or film a meeting no member of the public or press shall disrupt the meeting or distract any of its participants.

#### **14.11 Decision of the Chairman**

14.11.1 The decision of the Chairman on all points of procedure and order, and his interpretation of these Standing Orders will be final.

14.11.2 The Chairman will have discretion to vary the procedure at any meeting where they consider it would be conducive to the effective management or conduct of business at the meeting.

#### **15. Reconsideration of Previous Resolutions**

15.1 Subject to Standing Orders 15.2 and 15.3, no motion or amendment may be moved to overturn any resolution of the Council passed within the preceding six months, or which is to the same effect as any motion rejected within the preceding six months.

15.2 Such a motion may be moved if notice has been given under Standing Order 12 by twenty-four Members and when any such motion has been disposed of by the Council no Member may propose a similar notice within a further period of six months.

15.3 Such a motion may also be moved by the Chairman of the Council, the Leader of the Council in relation to the Leader's Statement, or by the Chairman of a Committee in relation to a report or recommendation of that Committee.

#### **16. Members Interests in Contracts and Other Matters**

16.1 Every Member and co-opted Member of the Council will at all times comply with the principles specified in law and the County Council's Local Code of Conduct including those specified by the Secretary of State under Section 29 of the Localism Act 2011 which are to govern their conduct.

16.2 Any Member who has a Disclosable Pecuniary Interest (as defined in Regulations under Section 30 of the Localism Act 2011) in a matter under consideration at a meeting must notify the Chairman of the interest (including the nature of the interest) prior to the item in question being considered and leave the room until consideration of the matter in question is concluded.

16.3 If a Member only becomes aware that they have a Disclosable Pecuniary Interest in an matter under consideration at a meeting after the discussion on that matter has begun they must notify the Chairman of the interest (including the nature of the interest) immediately the interest becomes apparent and must also immediately leave the room.

- 16.4 Any notifications of interests in matters under consideration will be recorded in the minutes for the meeting and a register of notifications made by Members will be maintained on the County Council's website.
- 16.5 Whenever the County Council is purchasing, selling or leasing any legal or equitable interest in land or property in which a Member has a Disclosable Pecuniary Interest or an officer has directly or indirectly a pecuniary interest, a valuation of the said legal or equitable interest for the purposes of the transaction will be undertaken by the District Valuer unless in the opinion of the Director of Corporate Services the fee chargeable by the District Valuer for undertaking a valuation exceeds the likely value of the interest in question.
- 16.6 A Member of the Council, or of any Committee or Sub-Committee thereof will not, unless authorised to do so by the Council or the Cabinet or the relevant Committee or Sub-Committee, inspect any lands, premises or works which the Council have the right or duty to inspect, or enter upon or issue any order in respect of any works which are being carried out by or on behalf of the Council.

## **17. Suspension of Standing Orders**

- 17.1 A Member of the Council may move, or the Leader may recommend, that any one or more of these Standing Orders be suspended at any meeting of the Council. When making such a motion or recommendation the paragraph or paragraphs proposed to be suspended and the reasons for the suspension will be specified.
- 17.2 If such a motion or recommendation is carried the reason for such suspension will be recorded in the Minutes.

## **18. Signature of Documents**

- 18.1 Without prejudice to any provision in Section 14 (Procurement Policy and Contract Standing Orders) about the signature of contracts the Director of Corporate Services and such other officers as may be authorised to do so in writing may sign: –
- 18.1.1 Any document (including a contract or instrument relating to the sale purchase or other disposition of land) which is designed to give effect to a decision of the Council unless that document is one which is required to be under seal; and
- 18.1.2 Any document which is a necessary step in legal proceedings on behalf of the Council unless any enactment otherwise requires, authorises or the Council has given the necessary authority to some other person for the purpose.

## **19. Inspection of Documents**

- 19.1 Subject to the provisions of the Data Protection Act, the Freedom of Information Act, and the exclusion of documents which would involve the disclosure of confidential or exempt information as defined in Section 13 (Access to Information Rules) of this Constitution and subject to the provision of that Section, a Member of the Council may inspect any document (other than a document which is in draft) which is to be considered by the Council or the Cabinet or a Committee or Sub-Committee and, if available, will be supplied with a copy it on request.

- 19.2 A Member will not knowingly inspect or call for a copy of any document relating to a matter in which they are professionally interested, or has a Disclosable Pecuniary Interest under the Members' Code of Conduct.
- 19.3 The Director of Corporate Services may decline to allow inspection of any document which is, or in the event of legal proceedings, would be, protected by privilege arising from the relationship of solicitor and client.

## Part B – Rules of Procedure for Committees

### 20. Committees

20.1 The County Council will appoint the following Committees, which will have the following number of Members:-

<b>Non Scrutiny Committees</b>	<b>Number of Members</b>
Planning Committee	15
Pensions Committee	9 (& non-voting Co-optees)
Audit and Standards Committee	15
<b>Select Committees</b>	
Corporate Review Committee	13
Safe and Strong Communities Select Committee	10
Prosperous Staffordshire Select Committee	10 (& Statutory Co-optees)
Healthy Staffordshire Select Committee	13 (& 8 District and Borough Members)

20.2 No Member of the Cabinet may be eligible for appointment to, or membership of, the Corporate Review Committee, a Select Committee or Sub-Committee thereof.

20.3 The County Council may also appoint a Special Committee for the purposes of making or recommending an appointment, proposed disciplinary action or dismissal in relation to the posts of Head of the Paid Service, Chief Officers and Deputy Directors. Further details can be found in the Officer Employment Rules in Section 11 of this Constitution.

20.4 The County Council may appoint such other Committee(s) as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions.

20.5 The Audit and Standards Committee may appoint special Sub-Committees for a specified task and finish time-limited purpose and comprising such number of Members as the Committee will decide.

20.6 Special Sub-Committees appointed by non-Scrutiny Committees will not have any delegated powers unless specifically delegated to them by the County Council.

20.7 No Member other than the Chairman of the Council or the Leader of the Council may propose the appointment of a Committee under Standing Order 20.4 unless notice has been given under Standing Order 11.

20.8 Subject to any statutory provision the Council may, at any time, dissolve a Committee or special Sub-Committee or alter the number of Members on it.

## **21. Quorum**

21.1 The quorum of a Committee will be one quarter of the membership. Where the membership is not a multiple of four the quorum will be the whole number next above one quarter of the membership.

21.2 The quorum for Sub-Committee/Panels shall be two members.

## **22. Terms of Office of Membership of Committees and Other Bodies**

22.1 An appointment to a Committee will ordinarily be for a period expiring at the next Annual Meeting of the Council except no appointment will be for a period which expires after the day of retirement of County Councillors in a year with an election for County Councillors.

22.2 In a year with an election of County Councillors, re-elected Councillors who have previously been elected as Leader of the Council or appointed to serve on the Cabinet, Committees or other bodies will continue those roles and responsibilities until new appointments have been made.

22.3 If the person previously elected as Leader of the Council is not re-elected as a Councillor, any Councillor previously appointed to the Cabinet will cease to hold such appointment.

22.4 In any year other than a year of an election of County Councillors where the specified period of any appointment has expired and no new appointment has been made, the appointed Councillor will continue to act in that capacity until a new appointment is made.

22.5 Nothing in this paragraph will be taken as continuing the appointment of a person as a representative of the County Council on any body when such continuation would be in conflict with the constitution of that body or when the person so appointed has ceased to be a Member of the County Council.

## **23. Chairmen of Committees etc.**

23.1 The Chairman and Vice-Chairman of each Committee will be elected by the County Council at the Annual Meeting of the County Council from amongst the appointed Committee Membership.

23.2 In the event of any office of Chairman or Vice-Chairman becoming vacant during the year the vacancy will be filled by the Council at their next meeting. Pending an appointment being made by the Council, the Chief Executive, after consultation with the Chairman of the County Council, the Leader of the Council, and the minority political Group Leaders, will have power to appoint a temporary Chairman to that vacancy to hold office until the next meeting of the Council.

23.3 No Member of the Council (except the Chairman of the County Council) will be Chairman of more than one Committee of the Council.

23.4 The Chairman of any Sub-Committee will be appointed by the Committee from which the Sub-Committee is derived.

23.5 Unless they cease to be a Member of the County Council for any reason the Chairman of a Committee will continue in office until the appointment of his successor.

## **24. Application of Council Procedural Rules to Committees and Sub-Committees.**

24.1 The following Procedural Standing Orders will, with necessary modifications, apply to all meetings of Committees and Sub-Committees:-

**Standing Order 5:** Ordinary Meetings

**Standing Order 7:** Minutes

**Standing Order 12:** Motions that may be moved without notice

**Standing Order 14:** Rules of Debate (except motions put in writing, standing to speak and only speaking once)

**Standing Order 15:** Reconsideration of Previous Resolutions (amended from 6 to 3 months)

**Standing Order 16:** Members' Interests in Contracts and Other Matters

**Standing Order 18:** Signature of Documents

**Standing Order 19:** Inspection of Documents

24.2 The Statutory Powers of the Chairman of the Council to summon a meeting of the Council will apply to meetings of Committees and the Chairman of each Committee and Sub-Committee will also have the power to summon a meeting of the Committee or Sub-Committee and must do so on a requisition in writing of one quarter (or where the membership is not a multiple of four the whole number next above one quarter) of the Committee Membership which will be delivered to the office of the Director of Corporate Services .

24.3 The Director of Corporate Services will, following consultation, draw up a programme for meetings of the Council's Committees and give notice of all meetings of Committees and Sub-Committees which, unless otherwise specified will take place in County Buildings, Stafford.

24.4 The Director of Corporate Services is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient to do so. Before exercising this authority, the Director of Corporate Services will consult with the appropriate Chairman. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged.

## **25. Local Member Interest**

25.1 Where any item of business coming before the Cabinet, Cabinet Sub-Committee or a Committee or a Sub-Committee is considered to have a significant effect on a particular electoral division the Local Member for that division, if they are not a Member of the Cabinet or Committee or Sub-Committee in question, will be invited to attend and may speak on the item in question but will not vote.

25.2 Should the Local Member be unable to attend the meeting in question they may submit written representations for consideration at the meeting in question if they

wish. Any written representations will be circulated and drawn to the Committee's attention by the Chairman or person presiding at the meeting.



## **SECTION 13**

### **ACCESS TO INFORMATION RULES**

#### **1. Scope**

- 1.1 These rules apply to all meetings of the Council, Committees, Panels and public meetings of the Cabinet (together called meetings).
- 1.2 Each Chief Officer shall be the Proper Officer for the purposes of all statutory and regulatory provisions relating to the identification listing and availability of background papers for any report where such report is within the scope of those provisions and that Chief Officer is responsible or a contributing author.
- 1.3 Each Chief Officer shall be responsible for securing compliance with the requirements of the Data Protection Act 1998 and of the Freedom of Information Act 2000 in relation to the data and information within the purview of those Acts held in his Department and shall make all necessary arrangements within his Department for that purpose.

#### **2. Additional Rights to Information**

- 2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

#### **3. Rights to attend Meetings**

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

#### **4. Notices of Meeting**

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at the County Buildings, Stafford (the designated office) and on the Council's website.

#### **5. Access to Agenda and Reports before the Meeting**

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. 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 and where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.
- 5.2 The designated officer for all meetings is the Director of Corporate Services .

#### **6. Supply of Copies**

- 6.1 The Council will supply copies of:
  - 6.1.1 Any agenda and reports which are open to public inspection.

- 6.1.2 Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 6.1.3 If the designated 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, for six years after a meeting, make available copies of the following:-
  - 7.1.1 The minutes of the meeting (or records of decisions taken, together with reasons, for all meetings of the Cabinet), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
  - 7.1.2 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;
  - 7.1.3 The agenda for the meeting; and
  - 7.1.4 The reports relating to items when the meeting was open to the public.

## **8. Background Papers**

- 8.1 The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:-
  - 8.1.1 Disclose any facts or matters on which the report or an important part of the report is based; and
  - 8.1.2 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 paragraph 10 below) and in respect of Cabinet reports, the advice of a political advisor.
- 8.2 The Proper Officer will publish the background paper(s) to a report at the same time that the report is made available for public inspection.
- 8.3 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. Summary of Public's Rights**

- 9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and available to the public, at the designated office.

## **10. Exclusion of Access by the Public to Meetings**

### **10.1 Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### **10.2 Meaning of confidential information**

- a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

### **10.3 Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **10.4. Meaning of Exempt Information**

Exempt Information means information falling within any of the following 10 categories (subject in each case to the Public Interest Test (below) and the Planning Restriction (below) and, in the case of Categories 3, 8, 9 and 10 to the additional conditions specified in the table:-

<b>Category</b>	<b>Additional Conditions</b>
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 local authority holding that information) Information is not exempt, if it is required to be registered under: (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986, (f) the Charities Act 1993
4	Information relating to any consultations or negotiations, in connection with any labour relations matter arising between the Authority

Category		Additional Conditions
	or a Minister of the Crown and employee 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 which is subject to any obligation of confidentiality	Categories 8, 9 and 10 are exempt information only where a meeting of a Standards Committee is convened to consider a matter referred under the provisions of sections 60(2) or (3), 64(2), 70(4) or (5), or 71(2) of the Local Government Act 2000
9	Information which relates in any way to matters concerning national security	
10	The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of sections 60(2) or (3), 64(2), 70(2) or (5), or 71(2) of that Act.	

**Public Interest Test**

Information in categories 1 to 7 in the table above is only exempt if the information is not prevented from being exempt under the condition to Category 3 or the Planning Restriction 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

**Planning restriction**

Information falling within categories 1 to 7 in the table above is not exempt 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.”

**Investigatory and Enforcement Functions (see below)**

For the purposes mentioned in paragraphs (g) and (h) of category 4 are:

- a) The purpose of ascertaining whether any person has failed to comply with the law
- b) The purpose of ascertaining whether any person is responsible for any conduct which is improper
- c) The purpose of ascertaining whether circumstances may exist or may arise which would justify regulatory action in pursuance of any enactment
- d) The purpose of ascertaining a person's fitness or competence in relation to the management of the authority
- e) The purpose of ascertaining the cause of an accident
- f) The purpose of securing the health safety and welfare of persons at work, and
- g) The purpose of protecting persons, other than persons at work, against the risk to health or safety arising out of or in connection with the actions of persons at work.

## **11. Exclusion of Access by the Public to Reports**

If the designated officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with paragraph 10 above, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

## **12. Application of Rules to the Cabinet**

12.1 Paragraphs 13 – 24 apply to the Cabinet. If the Cabinet meet to take a key decision then it must also comply with paragraphs 1 – 11 above unless paragraph 15 (general exception) or paragraph 16 (special urgency) apply. What is a key decision is defined in Article 7 of this Constitution.

12.2 If the Cabinet meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan of Key Decisions by which it is to be decided, then it must also comply with Rules 1 – 11 unless paragraphs 15 (general exception) or paragraph 16 (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief members of the Cabinet.

## **13. Procedure before taking key decisions**

Subject to paragraph 15 (general exception) and paragraph 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a Forward Plan of Key Decisions) has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

## **14. The Forward Plan of Key Decisions**

### **14.1 Period of The Forward Plan of Key Decisions**

Notices of Intention to take Key Decisions will be prepared by the Leader of the Council to cover a period of four months, beginning with the first Cabinet meeting included in the notice. They will be prepared on a monthly basis and subsequent notices will cover a period beginning with the date of the second Cabinet Meeting covered in the preceding notice.

### **14.2 Contents of The Forward Plan of Key Decisions**

The notice will contain matters which the Leader of the Council has reason to believe will be the subject of a key decision to be taken by the Cabinet, in the course of the discharge of a Cabinet function during the period covered by the notice. 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 a decision is to be made;
- (b) the names and details of membership of the Cabinet;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (h) whether the decision will be made in public or in private.

The Forward Plan of Key Decisions must be published at least 28 days before the start of the period covered.

## **15. General Exception**

15.1 If a matter which is likely to be a key decision has not been included in the Forward Plan of Key Decisions, then subject to paragraph 16 (special urgency), the decision may only be made:

- (a) where the proper officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;

- (b) where the proper officer has made a copy of the notice available for inspection by the public at the County Council's offices and published it on the County Council's website.
- (c) after five clear days have elapsed following the day on which the proper officer made the notice available.

15.2 Where such a decision is taken collectively, it must be taken in public, unless paragraph 10.1 or paragraph 10.3 (Exclusion of the Public) applies.

## **16. Special Urgency**

16.1 If by virtue of the date by which a key decision must be taken paragraph 15 above (general exception) cannot be followed, then the key decision can only be taken if the Leader of the Council obtains the agreement of the Chairman of the relevant Scrutiny Committee that the taking of the decision cannot reasonably be deferred. If there is no Chairman of the relevant Scrutiny Committee, or if the Chairman of the relevant Scrutiny Committee is unwilling or unable to act, then the agreement of the Chairman of the Council, or in his absence the Vice Chairman of the Council will suffice.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 16.1 that the decision is urgent, the decision maker must:

- (a) make a notice available at the County Councils Offices that sets out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish the notice on the County Council's website.

## **17. Report to Council**

### **17.1 When Scrutiny Committees can require a report**

If a Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan of Key Decisions; or
- (b) the subject of the general exception procedure under paragraph 15; or
- (c) the subject of an agreement under paragraph 16;

the Committee or Panel may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies.

### **17.2 Cabinet's report to Council**

The Cabinet will prepare the report referred to in paragraph 17.1 for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 14 days of the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, and by whom it was taken and if the Leader of the Council is of the opinion that it was not a key decision the reasons for that opinion.

### **17.3 Quarterly reports on Special Urgency decisions**

In any event the Leader of the Council will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in paragraph 16 (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.

### **18. Record of Decisions**

After any meeting of the Cabinet or any Cabinet Sub-Committee whether held in public or private, the designated officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

### **19. Cabinet Meetings Relating to matters which are not key decisions**

19.1 The Cabinet will from time to time decide whether meetings relating to matters which are not key decisions will be held in public or private.

19.2 The Cabinet will normally hold in public any meetings at which a decision which is not a key decision is to be taken.

### **20. Notice of Private Meeting of the Cabinet**

Members of the Cabinet or any Cabinet Sub-Committee will be entitled to receive five clear days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

### **21. Attendance of Officers at Meetings of the Cabinet**

21.1 The Chief Executive, the Director of Corporate Services and the Director of Finance and Resources or their nominees are entitled to attend any meeting of the Cabinet or a Cabinet Sub-Committee. The Cabinet may not meet unless each of them has been given reasonable notice that a meeting is to take place.

21.2 A private Cabinet meeting may only take place in the presence of the designated officer or her nominee.



## **22. Key decisions by individual members of the Cabinet**

No provision is made for key decisions to be taken otherwise than by the Cabinet acting collectively.

## **23. Scrutiny Committee Access to Documents**

### **23.1 Rights to copies**

Subject to paragraph 23.2 below a Scrutiny Committee (and any of its Scrutiny Sub-Committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its Sub-Committees (if any) and which contains material relating to any business transacted at a public or private meeting of the Cabinet or its Sub-Committees.

### **23.2 Limit on rights**

A Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information unless that information is relevant to an action or decision the Committee are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

## **24. Additional Rights of Access for Members**

### **24.1 Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business previously transacted at a private meeting of the Cabinet unless either (a) or (b) or (c) below applies.

- (a) it contains exempt information falling within the categories of confidential or exempt information in paragraphs 10.1 and 10.2 or 10.3 and 10.4; or
- (b) it contains the advice of a political adviser; or
- (c) it is a document which the member is not entitled to inspect by reason of paragraph 18.2 or paragraph 18.3 of Appendix 2 (Procedural Standing Orders) of this Constitution.

### **24.2 Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph 24.1 (a) or (b) or (c) above applies.

### **24.3 Additional rights of access to documents for members**

Subject to the provisions of paragraphs 18.2 and 18.3 of Appendix 2 (Procedural Standing Orders) of this Constitution, Members of the Council are not entitled to inspect any document which appears to the Proper Officer to disclose exempt information as referred to in paragraph 10.4 above, but a member is entitled to inspect a document if the information falls within category 3 therein (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or if it falls within category 6 therein.

### **24.4 Nature of rights**

The rights of a member are additional to any other right he may have.

### **25. Confidentiality**

No member of the Council, nor any co-opted member of any Committee, Panel or Sub-Committee, shall without the permission of the Council or the Cabinet (in respect of Cabinet functions) or the appropriate Committee, Panel or Sub-Committee (in respect of functions which are not Cabinet functions) disclose any exempt or confidential matter unless and to the extent only that that matter shall have been placed in the public domain by the Council the Cabinet or the appropriate Committee, Panel or Sub-Committee (as the case may be).

# Financial Regulations



## Financial Regulations 2018

### Introduction by the Director of Finance and Resources

Any major organisation needs a set of clearly understood rules and regulations to manage its financial affairs. So, in line with Section 151 of the Local Government Act 1972, the Director of Finance and Resources is responsible for dealing with these affairs.

Section 25 of the Local Government Act 2003 places a duty on the Director of Finance and Resources to report to Council about:

- (a) whether the proposed reserves will be enough for our purposes; and
- (b) how robust the budget is.

Under Section 114 of the Local Government Finance Act 1988, the Director of Finance and Resources has a duty to report to Council if any of our officers or members, have:

- (a) made, or are about to make, a decision which involves illegal spending;
- (b) taken, or are about to take, an unlawful action which has or would result in a loss to the authority; or
- (c) made, or are about to make, an unlawful entry in our accounts.

The Director of Finance and Resources must also report under section 114 if it appears that our spending (or proposed spending) in a financial year is likely to be more than our resources (including amounts borrowed).

These financial regulations are part of the county council's constitution and set the framework for dealing with our financial affairs. The parts of the framework are as follows:

- |  |   |
|--|---|
| Financial regulations  | - Approved by Council   |
| <b>Schemes of delegation</b>   |   |
| Delegations to senior leadership team (SLT) members (as set out in the constitution) | - Approved by Council   |
| Delegations by SLT members   | - In line with the framework set by the corporate governance working group.                           |
| Financial regulations for schools  | - Approved by the Director of Finance and Resources (following a consultation with the Schools Forum) |

All documents within the financial regulations try to achieve four main aims. These are to:

- (a) make sure there are sound and proper financial procedures and arrangements for dealing with our financial affairs;
- (b) make sure that proper controls are in place;
- (c) provide a framework for managing our finances and delivering services which will allow, wherever possible, us to link together managerial and financial responsibilities; and
- (d) protect our members and employees.

The last point is most important as without clearly defined financial procedures and arrangements, members and employees could find themselves in difficult and vulnerable situations. It is very important that we keep to these policies. If a member or employee breaks them, it may mean a complaint is made against us or disciplinary proceedings are taken against a member or employee.

If you are in any doubt about keeping to these procedures, please consult either your Senior Finance Business Partner, the Corporate Finance Section or the Internal Audit Section for guidance.

Andrew Burns  
Director of Finance and Resources

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## **Financial regulation A – general**

- A1 These financial regulations form part of the overall financial regulatory framework approved by Council. They apply to the whole organisation, apart from schools. The financial regulations for schools will apply in this case.
- A2 The Director of Finance and Resources is responsible for reviewing all matters relating to our financial rules and regulations and so will produce, from time to time, updates to these financial regulations.
- A3 Where appropriate, SLT members must set out in guidance notes the detailed arrangements for putting the financial regulations into practice. The Director of Finance and Resources must approve guidance notes before they are applied.
- A4 These regulations will be reviewed by Council at least once every two years after consideration by the Audit and Standards Committee. In the meantime, minor changes can be made by the Director of Corporate Services and the Director of Finance and Resources in consultation with the Chairman of the Audit and Standards Committee.
- A5 If a member or employee fails to keep to the conditions in all documents shown in paragraphs A1 to A3 above (including our Credit Management Strategy and anti-money-laundering strategy), we may take disciplinary action against them. This will be dealt with in line with our disciplinary policy and procedure.

## **Financial regulation B – Financial planning, budgeting and reporting**

### **Definition**

- B1 The procedures shown in this section apply to all spending and income. They apply to all our activities (including trading and support services) except for spending and income delegated to schools and any partnerships where we have agreed separate guidance notes.

### **Principles**

- B2 Both the budget strategy and how we manage the revenue and capital budgets are based on the principle that the budgets are simply a statement of the strategic plan in financial terms. Any spending we agree to make should be identified through the strategic plan, plans for delivering outcomes and service plans. Using the revenue budget and capital programme, we will decide how and when we meet those needs.
- B3 SLT members are responsible for organising how services are delivered to achieve the aims set out in these plans within the resources they have available. Further approval will only be needed if there is a change in how we share the resources between services or if spending proposals involve a new policy or a change to the policy.

### **Financial planning**

- B4 Cabinet will put forward a recommendation to Council, after taking the advice of the Director of Finance and Resources, for a medium-term financial strategy (MTFS). This will be developed at the same time as we prepare the strategic plan, plans for delivering outcomes and service plans.
- B5 We will prepare these plans after taking account of:
- a) legal requirements;
  - b) medium-term planning prospects;
  - c) the resources available;
  - d) spending pressures, investment needs and savings options;
  - e) government guidelines;
  - f) community impact assessments;
  - g) exit strategies;
  - h) cross-cutting issues (where relevant); and
  - i) possible risks.

### **Budget process**

- B6 Cabinet will decide how to use the resources and budget process in a way that takes account of our strategic plan. As well as the revenue budget, these recommendations will also consider the arrangements for deciding our strategy for spending capital funds, including preparing the capital programme and the processes for assessing and prioritising individual projects.



- B7 In preparing the budget, SLT members must keep to the rules, procedures and timetables set by Cabinet.
- B8 Following advice from the Director of Finance and Resources, and after consulting the appropriate Select Committee, Cabinet will put forward recommendations to Council on:
- a) the net revenue budget, including setting money aside for unexpected events (contingencies);
  - b) how much is to be spent on each service;
  - c) the programme for spending capital and the capital strategy, including financing arrangements;
  - d) an assessment of whether the reserves and balances will be enough and how we will use the reserves and balances to support the budget; and
  - e) council tax levels and the precept charge to be made to individual billing authorities (district and borough councils).
- B9 The report will include comments from the Director of Finance and Resources on how robust the budget is and whether the level of reserves are in line with section 25 of the Local Government Act 2003.
- B10 The Director of Finance and Resources is responsible for making sure that, as part of the capital strategy, we prepare a capital budget, capital programme and financing plan each year for Cabinet to consider.
- B11 The capital strategy will make recommendations on:
- a) the overall level of the proposed capital budget;
  - b) how we use capital to reflect the needs of individual services;
  - c) how we use capital to tackle our corporate priorities;
  - d) individual projects;
  - e) prudential indicator measures including the overall affordability of proposed plans; and
  - f) the financing arrangements including borrowing levels, using reserves and using capital receipts.
- B12 Within the capital programme framework, Cabinet can consider funding projects from specific centrally held corporate budgets.

### **Plans for delivering outcomes, service plans and budgets**

- B13 Producing an appropriate plan is an essential part of good management. Plans need to set clear aims and actions for the future and should include details of the resources needed to deliver the aims set out in the plan. Plans for delivering outcomes will set out how the strategic plan aims will be delivered. These plans will be approved by Cabinet. At service level, SLT members will need to produce plans which set out the main actions, as well as a resourcing plan and budget for that service for the relevant period, which must be agreed by the Director of Finance and Resources.

- B14 Portfolio holders and SLT members will consult the Director of Finance and Resources and produce plans for delivering outcomes. These individual plans will then be presented to members of the relevant select committee.
- B15 SLT members will produce service plans in a format suitable for that service. The plans will include details of the proposed budget and capital investment plans for the services within the relevant areas of responsibility.
- B16 The plans should identify investment (or capital) needs as well as the revenue implications associated with delivering the stated aims. Capital spending will normally include spending on buying items, construction, preparation, reclamation, replacing or improving land, roads, buildings and other structures, and (if not paid for from the revenue budget) buying, installing and replacing plant, machinery, apparatus and vehicles. We normally also include furniture and equipment, information technology, landscaping and professional fees if related to a project within a capital budget.
- B17 Trading and support services must set out the basis of charges to other services and the planned trading 'surplus' or 'deficit'. For charges to our own services, any increase should be no more than inflation (not including inflation on pay) assumed in the medium term financial strategy (MTFS). If services want to increase charges above this level, Cabinet will need to approve them. The service plan for the trading or support service must also include proposals for tackling a budget shortfall or for any extra money (surplus). We will need to take account of the effects of any planned shortfall or surplus for a trading or support service as part of the overall plans for the portfolio area.

### **Project appraisal and prioritisation processes**

- B18 We need to carry out a project appraisal for all capital spending no matter where that money is coming from. We cannot include a scheme in the capital programme unless it has been through the agreed appraisal and prioritisation processes.
- B19 SLT members are responsible for making sure there is an appropriate appraisal and prioritisation process for all new investment schemes. This process must be agreed with the Director of Finance and Resources.
- B20 The project appraisal should show how the project meets the following conditions. It must:
- a) be supported by a well thought-out brief which defines the aims of the project and specifies any issues which must be carried out within a certain time;
  - b) be part of an appropriate business case for the proposal including an analysis of options;
  - c) meet the principles set out in the HM Treasury Treasury's Guide to Appraisal and Evaluation in Central Government (The Green Book) as

appropriate for the project by the SLT member – see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/685903/The\\_Green\\_Book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685903/The_Green_Book.pdf)

- d) meet one or more of our strategic priorities set out in the strategic plan in terms of the economic, social or environmental wellbeing of the people of Staffordshire;
- e) meet one or more of the priorities identified in the relevant plan for delivering outcomes, or be needed to help meet our legal responsibilities or new legal requirements;
- f) improve one or more of the services' performance measures identified in the strategic plan, plans for delivering outcomes or the service plans;
- g) clearly show whether it is affordable and improves value for money, including any tax implications it may have (for example, VAT, stamp duty and land taxes);
- h) show how the project has been assessed against the agreed prioritisation process;
- i) take account of relevant cross-cutting policies (for example, sustainability, social inclusion, Local Agenda 21); and
- j) prove that it can be supported by a clear and achievable funding strategy.

B21 A project may relate to a proposal to tackle a specific theme or issue such as disabled access or traffic calming. It may include a general project on minor improvements or a group of low-value schemes. However, we must be able to produce one project appraisal for each 'grouped proposal', which should include a shared aim. In these cases, an SLT member must have in place a clear process for using resources on individual schemes.

### **Taking responsibility**

B22 We have to have a system in place which sets out the operational responsibilities of our staff. SLT members are responsible for making sure that staff responsibilities are clearly shown in schemes of delegation.

B23 SLT members and the Director of Finance and Resources will jointly issue 'accountability statements', which budget holders must sign and return.

### **The power to spend**

B24 Under these financial regulations, SLT members have the power to spend money from the approved revenue budget and capital programme.

B25 SLT members cannot spend money without approval by Council if the spending is not in line with the strategic plan or approved budget. By this we

mean spending:

- a) on creating a new policy;
- b) which goes over approved budget levels (see B30 and B31 below);
- c) which is basically transferring resources between budget heads (unless this is covered in the scheme of virement as shown in B37 to B39);
- d) if it involves a major change in the nature of a project as set out in the original project appraisal; or
- e) if it will count against our borrowing limit or will affect the revenue budget if no specific provision has been made in the budget for that service.

B26 SLT members are responsible for making sure that any increase in an estimate for a capital project that happens during the course of the project can be kept within the overall capital budget for that service.

B27 SLT members cannot agree any spending that involves the specific approval of a government department or agency, the European Union or any other funding organisation until we have received that approval or written assurance that we will get that approval shortly.

B28 We cannot enter into a lease, hire, rental or similar arrangement that may count against our borrowing limit without the approval of the Director of Finance and Resources.

B29 The Director of Corporate Services can decide on urgent matters not relating to a 'key decision' which cannot wait until the next council or cabinet meeting. This also applies to spending in relation to an emergency or disaster to which section 138 of the Local Government Act 1972 applies.

### **Monitoring and reporting**

B30 SLT members are responsible for making sure they regularly monitor revenue and capital budgets. They must also investigate any variations and take appropriate action to deal with them.

B31 SLT members must report to Cabinet if they cannot balance spending and resources within the approved budget. Cabinet will consider these reports and, where appropriate, make recommendations to deal with the shortfall.

B32 SLT members will send monitoring and outturn reports to Cabinet in line with timetables and procedures set by Cabinet.

B33 Unless Cabinet decide otherwise, any underspending or overspending will be carried forward to the following financial year and the approved budget will be adjusted as a result.

- B34 The Director of Finance and Resources is responsible for producing the annual statement of accounts and for sending it to the Audit and Standards Committee for approval.
- B35 Reports will be made to select committees on specific issues SLT members feel are appropriate, after consulting the Director of Finance and Resources.
- B36 As well as reporting the final position to Cabinet, SLT members must, within six months of a significant project or programme finishing, carry out a review. The review must include an assessment of how far we achieved the project or programme aims, as shown in the project appraisal. The review should assess the process we used to manage the project or programme and report on the final cost. We will also need to consider longer-term assessments, including value for money evaluations and any relevant feedback from any satisfaction surveys, as part of the review.

### **Scheme of virement and in-year changes to the budget**

- B37 SLT members can carry out virements between their budget heads as long as:
- a) it does not involve a new policy or policy change;
  - b) it does not result in an increasing commitment in future years which cannot be met within the existing approved budget; and
  - c) it does not transfer resources between services.
- B38 Cabinet can agree to carry out virements which transfer resources between services as long as:
- a) it does not involve a new policy or policy change; or
  - b) it does not result in an increasing commitment in future years which cannot be met from existing approved budgets.

- B39 Cabinet is responsible for approving virements from contingencies.

### **Staffordshire Local Community Fund**

- B40 We cannot agree any spending unless the proposed initiative has been approved in line with the Fund Scheme.

### **Partnerships**

- B41 SLT members are responsible for making sure that partnership arrangements are approved, carried out, monitored and evaluated in line with our partnership policy.

## **Financial regulation C – financial standards and systems**

### **Financial management standards**

- C1 The Director of Finance and Resources is responsible for setting our financial management standards and for ensuring compliance with them.
- C2 The Director of Finance and Resources is also responsible for making sure we keep to proper professional practices and accounting policies. He will act as head of profession in relation to standards, performance and development of finance staff throughout the authority.

### Systems and procedures

- C3 The Director of Finance and Resources is responsible for keeping our main accounting records. These records will be kept on our financial management system – My Finance. SLT members will not use any other system for keeping accounting or other records relating to our finances unless they have written permission from the Director of Finance and Resources.
- C4 The Director of Finance and Resources, along with SLT members, will make sure that all systems and processes related to My Finance are fully documented and that staff are trained in using them. These systems and processes will include the controls needed to make sure that the information used to update My Finance is complete, accurate, timely and not previously processed.
- C5 SLT members must consult the Director of Finance and Resources before introducing or changing any book, form, record, administrative procedure or system used for keeping accounting or other records relating to our finances. They should then act on any advice given.
- C6 The Director of Finance and Resources and SLT members will jointly make sure that all accounting records are kept properly and held securely. The records and all related vouchers and documents must be managed in line with our document retention policy for financial records – click on hyperlink below.

### **[Retention Schedules](#)**

## **Financial regulation D – audit, control and irregularities**

- D1 The Director of Finance and Resources is responsible for carrying out a continuous internal audit in line with the Accounts and Audit (England) Regulations 2015.
- D2 SLT members must co-operate with, and provide all necessary information for, the Internal Audit Section and our external auditor in a timely manner.
- D3 SLT members are responsible for setting up effective and efficient arrangements for internal control. They will ask the Director of Finance and Resources for advice on any significant matter if the principles of internal control prove difficult to put into practice or maintain.
- D4 SLT members must let the Director of Finance and Resources know immediately about all instances of potential and actual irregularity which affect our finances.
- D5 The Director of Finance and Resources, or his authorised representative, must be given reasonable access to our property and to see any documents, records and computer files they may need for the audit. He can also ask staff and members for information and explanations if he thinks this is necessary for that audit and that they are promptly provided.
- D6 Depending on any related legal requirements, the Chief Internal Auditor will have the right to report directly to the Chief Executive, to any member of Cabinet and the Audit and Standards Committee. Where appropriate responses to audit recommendations have not been made within a reasonable period the Director of Finance and Resources may refer the matter to the Audit and Standards Committee for further action.

### **Response to audit reports**

- D7 SLT members must consider and respond promptly to recommendations in audit reports and make sure that any agreed actions arising from audit recommendations are carried out as soon as possible.

### **Internal control and checks**

- D8 The duty of providing information, working out, checking and recording the amounts due to or from us must be separated, as far as possible, from the duty of collecting or paying these amounts.
- D9 Wherever possible, we need to make arrangements to make sure that:
- a work, goods and services are ordered properly;
  - b we acknowledge when they have been received; and
  - c invoices and accounts are not examined by the same person.

## Financial regulation E - spending

### General

- E1 Depending on financial regulation G3, all payments made on our behalf will be made by the Director of Finance and Resources.
- E2 Payments will be made in line with our standard payment policy as set out in the reports of the Director of Finance and Resources relating to the medium-term financial strategy.
- E3 In making these payments, the Director of Finance and Resources will, where necessary, rely on the certification (electronic or manual) of authorised employees.
- E4 Every employee involved in the procurement process must keep to our Procurement Regulations, Instructions, and the officers' code of conduct as set out in the constitution. Employees in schools must keep to schools' financial regulations and schools' procurement regulations (whichever is appropriate).

### Raising an order

- E5 Depending on the requirements of E6 below, you need to raise official orders when asking for supplies, works or services. You must not raise an order after the supplies have been received or the work carried out, unless it is an emergency. If this is the case, an official order marked 'confirmation' must be issued as soon as possible (normally within seven working days of the order being given in person or over the phone).
- E6 You need to raise an official purchase order for all items you buy using the My Finance purchasing module.

There is an approved list of suppliers and expenditure types where it has been agreed that purchase orders are not required and payment can be processed via a non-order invoice raised in the My Finance purchase Ledger. This is called the Non-Order Exceptions list and can be found [here](#)

The only other reasons for not raising a purchase order are shown below:

- a) payments needed where there is no invoice, for example, grant payments (unless an order is part of the grant conditions), refunds, compensation payments and property rentals if there is no invoice provided by the landlord. Please fill in an EX1 payment if you do not have an invoice;
- b) payments using a purchase card; and
- c) other payments approved by the Director of Finance and Resources.



Unless otherwise included under a non-order exception, all purchases require a formal purchase order and provision of a purchase order number.

Orders raised in My Finance must be either against the catalogue listings or the relevant contract entry first. These will have a contract code prefixed by 'IA'. Where a contract does not exist in My Finance the order is to be placed as free-text against the ProClass/Category code relevant (or closest to) to the area of purchase.

It is not acceptable to use random ProClass/Category codes when placing free-text orders.

Orders may be rejected internally where they are seen to ignore the contract or relevant ProClass code requirements.

Where an order is to receive more than one invoice, 'blanket / limit' orders should be considered and implemented.

All blanket / limit orders raised shall carry on the order suitable wording to ensure suppliers are aware that the order raised is that of the blanket / limit variety and is not a formal commitment of to spend the total amount.

Users must ensure that the order carries sufficient wording to provide clarity to the supplier as to which set of legal terms and conditions the purchase is referring. All orders raised against a MyFinance contract will automatically carry the IA contract reference number

In the absence of any other instructions, all orders issued default suppliers to the standard terms and conditions shown of the Council internet.

When liaising with suppliers purchase order numbers should be conversed rather than requisition numbers.

Requisitions raised may be immediately released as orders where the order value is below any agreed user self-authorisation limit. Alternatively, all requisitions will require approval within MyFinance.

### **Order Approval Levels**

For Orders at, and over £164,176 Officers must obtain the approval of an Officer Band B.

For Orders at, and over, £10,000 and below £164,176 Officers must obtain the approval of an Officer Band C.

For Orders at, and over, £3,000 and below £10,000 Officers must obtain the approval of an Officer Band D.

For Orders below £3,000 Officers must obtain the approval of an Officer Band E.

- E7 In line with approved schemes of delegation, SLT members must approve each official order and make sure that:
- a) the spending is for proper purposes;
  - b) the spending can be met from approved budgets;
  - c) we have kept to procurement regulations (for example, the requirement to use centrally negotiated contracts);
  - d) the main fields of the purchase order are filled in correctly (for example, the description of supplies, work or services, and delivery address);
  - e) the spending is charged to the correct cost code (this is included in the order coding and cannot be changed at invoice stage);
  - f) any staff who have delegated responsibility for a budget keep to these instructions; and
  - g) anyone who approves orders arranges for somebody else to do it when they are on annual leave.
- E8 You must never use official orders to arrange work, supplies and services for your own private use.
- E9 If there is a clear business need, an SLT member can self-authorise orders that they have agreed. In other words, you can approve an order you have raised. Self-authorisation is to be used for low-value orders up to £500 for staff and up to £3,000 for managers. Officers who are approved to carry out self-authorisation must be included in the relevant service sub-scheme of delegation.

### **Matching invoices**

- E10 SLT members must make sure that effective arrangements are in place to make sure that the supplies, services or work needed have been received before entering a goods received note into My Finance. Provision should be in place to ensure that goods received notes are entered in a timely fashion.

### **Receiving Invoices**

All invoices should be received centrally and electronically from suppliers on [apinvoices@staffordshire.gov.uk](mailto:apinvoices@staffordshire.gov.uk)

## **Paying invoices**

Unless otherwise stated in current contractual provisions with suppliers, all new contracts and Orders to state payment terms of 30 days for all payments to suppliers.

### **General**

- E11 Payments must not be made against a statement or any document other than a formal invoice unless the Director of Finance and Resources agrees. You can use electronic invoices to replace 'lost' invoices. However, these must be signed as 'not previously passed for payment', and should be of good enough quality to be scanned in case they are needed in the future. To reduce the risk of duplicate payments, it is important to accurately enter the supplier's invoice reference when posting an invoice.
- E12 You must not agree to pay creditors by direct debit, standing order or charge card unless the Director of Finance and Resources agrees.
- E13 In all cases, invoices and other supporting documents should be attached to invoices registered in the My Finance system.

### **Certifying invoices**

- E14 If an order has been raised using the My Finance Requisition and Supply module, the invoice will upon receipt be entered onto My Finance by the central Accounts Payable team. Providing a goods received note has been raised against the order, no further certification process is needed unless the value of the invoice is more than the receipted value of the order. If this is the case, the order will need further authorisation which will be managed by the My Finance system workflow. If there has been a change to a purchase order, SLT members should make sure that they are satisfied that there is justification for the increase in the value of the order.
- E15 Entering a goods received note against a purchase order in the My Finance Requisition and Supply will mean the following:
  - a) You have followed procurement regulations and financial regulations and the order has been received to value of the amount receipted:
  - b) The supplies have been received, examined and approved in line with the specification, and are satisfactory, and the prices and discounts (if any) are correct and meet the conditions of the order:
  - c) The subsequent invoice can be paid from within approved budgets: and
  - d) Entries have been made in inventories or stock records, if relevant and appropriate.

- E16 If a non-order invoice payment is being made using the Purchase Ledger module, (see section E6), Except for exceptions agreed by the Director of Finance and Resources, invoices will be registered on the system within the central Accounts Payable team. Invoices will then be required to be approved for payment within the relevant business unit in a process managed by the My Finance workflow.
- E17 Certifying an invoice within the My Finance Purchase Ledger module will mean the following:
- a) You have followed procurement regulations and financial regulations and the account is correct in all respects;
  - b) The supplies have been received, examined and approved in line with the specification, and are satisfactory, and the prices and discounts (if any) are correct and meet the conditions of the contract quotation or order;
  - c) The invoice can be paid from within approved budgets;
  - d) Entries have been made in inventories or stock records, if relevant and appropriate;
  - e) The invoice has not been previously passed for payment and is due; and
  - f) The invoice keeps to the VAT requirements of HM Revenue & Customs (see [VAT on Purchases](#) on the intranet).

Anyone who approves invoices must arrange for somebody else to do it when they are on annual leave.

- E18 Invoices must be entered into My Finance as soon as possible and authorised promptly to meet payment terms and avoid late-payment penalties. Invoices are paid based on the date on the invoice, not on the date they are entered on the system.

### **Payments in advance**

- E19 Generally we do not allow advance payments. However, if a contractor needs paying in advance or a grant payment is needed in advance, then this can be done but only on the agreement of the Director of Finance and Resources. The Director of Corporate Services must also be told if supplies, work or services are then not provided after making a payment.

## **Recurring payments**

- E20 SLT members are responsible for keeping records of regular payments (such as rates and rentals) both for property and equipment. If necessary, they will raise EX1 invoices (see E6) for these payments and make sure that any payments are correct and not duplicated.

## **Other checks**

- E21 The Director of Finance and Resources has the right to carry out any extra checks he considers necessary either before or after payment. He has the right to check that the procedures laid down for authorising and ordering supplies, work or services and examining accounts have been properly carried out.

## **Purchase cards (P-cards)**

- E22 SLT members must make sure of the following for each item bought using the purchase card:

- a) The spending is for proper purposes;
- b) The spending can be met from approved budgets;
- c) The procurement regulations have been kept to;
- d) The spending is charged to the correct cost code;
- e) All transactions are reviewed and approved each month on a timely basis and in accordance with published timescales. (see link)  
<https://www.intra.staffordshire.gov.uk/services/finance/Accounts-Payable/Purchase-Cards.aspx>  

If card holders, or their line manager, will not be able to approve transactions because they will be on annual leave, they must let the Accounts Payable section know by ringing 01785 276387. The section will arrange to approve transactions on their behalf. If a cardholder and, where necessary their line manager, do not review and approve all transactions made each month, the Director of Finance and Resources can withdraw the card;
- f) The goods have been received, examined and approved in line with the specification, and are satisfactory. The prices and discounts (if any) are correct or the work done or services provided have been satisfactorily carried out, and the materials used (if any) were of the right standard, and the prices and discounts (if any) are correct;
- g) The VAT is accounted for correctly and VAT receipts have been kept; and

- h) Invoices, receipts and other appropriate supporting documents must be retained for all expenditure incurred using a purchase card, preferably as attachments within the purchase card system but if that is not possible as paper records.
  - i) In instances where a card is used to withdraw cash, complete and accurate records of the goods and services purchased with that money must be maintained. Ideally, this record should be attached to the cash withdrawal in the purchase card system together with the invoices, receipts and other supporting documentation.
  - j) An appropriate separation of duties between card holder and approver must be maintained within the purchase card system.
  - k) Purchase cards have not been used to buy work, supplies and services for private use.
- E23 SLT members are responsible for any staff who have budgetary responsibility keeping to these instructions. Each card will have single transaction and monthly limits, which the SLT member will set.
- E24 Internal Audit –may review a sample of transactions to make sure that purchases are valid, that all transactions have been appropriately authorised and coded, and that VAT has been accounted for correctly.
- E25 SLT members must make sure that there is a procedure in place to avoid mistakenly paying a supplier again when the invoice is received for a purchase-card transaction.
- E26 You can get more information on using purchase cards on the intranet by following the link below.

[Purchasing cards](#)

### **Payments to employees and pensioners**

- E27 The Director of Finance and Resources is authorised to pay all salaries, pension benefits and other employment-based payments.
- E28 The SLT member must authorise all appointments, resignations, dismissals, suspensions, secondments and transfers in a form approved by the Director of Finance and Resources.
- E29 Each SLT Member must let the Director of Finance and Resources know as soon as possible and in the form he has approved (including, for example, My HR being updated at source), about all matters which may affect paying items referred to in E28 and E29. This includes:
- a) absences from work for sickness and other absences which affect pay;

- b) changes in pay, other than normal increments and pay awards and agreements which apply to everyone; and
- c) information needed to keep records of service for superannuation, income tax, National Insurance and so on.

- E30 All time records or other pay documents must be in a form approved by the Director of Finance and Resources and must be confirmed by the SLT member.
- E31 All employees must be paid in the most economical way – currently BACS – unless the SLT member approves otherwise in line with guidelines issued by the Director of Finance and Resources.
- E32 SLT members must make sure that they have processes in place to make sure that payments made to employees are properly due.

### **Members and staff travelling and subsistence allowances**

#### **Travelling and subsistence allowances**

- E33 SLT members must make sure that all claims for employees' car allowances, subsistence allowances, travelling and other expenses are input into My HR and approved as soon as possible. Expenses entered that relate to a period of time more than three months prior to the claim, will not be paid. Copies of VAT receipts must be kept in business units or establishments in line with our document retention policy.
- E34 SLT members are responsible for making sure that employees who use their cars for official business are properly insured against all third-party risks and that the insurance includes indemnity against any loss and are insured for business use.
- E35 Before approving claims, SLT members are responsible for checking:
- travelling and subsistence allowances;
  - the accuracy of the mileage claimed;
  - the purpose of the journeys made;
  - the taxable status of the claim; and
  - that they have kept to our car allowance regulations, car leasing scheme and any other decisions we have made (if appropriate).

If you have any questions about the taxable status, you must contact the Director of Finance and Resources for advice.

- E36 The Director of Finance and Resources will rely on SLT members to certify and authorise payments for claims.

#### **Allowances to members**

- E37 Members (including co-opted members), who are entitled to claim travel and other allowances for an approved duty, must send in a claim either by using the online electronic claims system. By sending in a claim, the member is confirming that this is a true record of expenses they have paid out. The Director of Finance and Resources will make a payment. Members should send copies of VAT receipts to the Member and Democratic Services Unit in line with our document retention policy.
- E38 The Director of Finance and Resources will pay special allowances and basic allowances in line with our instructions.
- E39 The Director of Finance and Resources will accept a certificate if a co-opted member claiming financial loss declares that:
- a) they have lost earnings of not less than the amount included in their claim; or
  - b) they have had to pay extra expenses in employing domestic help or other help because they have been on council duty.

### **Financial regulation F – income (credit management strategy)**

- F1 Each year SLT members must:
- a) review and make recommendations to Cabinet (or the relevant non-executive committee) about charges for services we provide in line with our powers to charge as set out in relevant laws including the Local Government Act 2003; and
  - b) review and put into practice all fees and charges where we have powers to decide on the amount of the fee or charge.
- F2 If the SLT member sets or changes any fee or charge that involves a policy change, Council must approve this.
- F3 SLT members must manage all money (cash or credit) due to us in line with our credit management strategy (Appendix 1) and the anti-money-laundering strategy (Appendix 2). You must follow detailed procedures relating to collecting income, receipting and banking (as detailed below) at all times.

### **Collection**

- F4 After consulting the Director of Finance and Resources, SLT members must make arrangements to make sure they record all amounts due to us and for collecting, controlling, banking of and accounting for all money recovered as soon as possible.
- F5 SLT members must make sure that, wherever possible, at least two officers are present when post is opened to make sure that postal payments are dealt with properly and recorded as 'received' immediately.



- F6 SLT members must tell the Director of Finance and Resources as early as possible about all money due to us under contracts, leases, tenancy agreements, agreements for selling property, BACS remittances for grant payments and any other agreements where we receive money.

### **Receipting**

- F7 Each officer who receives money on our behalf must acknowledge the amounts received in line with procedures prescribed by the Director of Finance and Resources. You cannot give a receipt for money received on our behalf on any form other than the official receipt form. You only need to issue official receipts for cash payments (not cheques) for amounts over £20 or if the customer specifically asks for a receipt. SLT members may use their discretion about whether to issue a receipt for amounts of less than £20.
- F8 All official receipt forms or receipt books, licenses, tickets (of value) and all documents or vouchers representing receipts for money or similar must be in the form approved by the Director of Finance and Resources who will control, issue and order them. All stationery of this type must be properly recorded and acknowledged.
- F9 Every transfer of official money from one member of staff to another must be recorded and signed by the receiving officer.
- F10 Each officer who receives money on our behalf must also keep records the Director of Finance and Resources decides are appropriate. This includes an accurate account of all receipts and when money was paid into our bank accounts or agents' accounts.
- F11 Personal cheques must not be cashed out of the money held on our behalf.
- F12 If cheque payments are presented personally, the officer must make sure that the customer both signs the cheque and writes their address on the back in front of them. If the cheque has already been signed, the customer must then sign and put their address on the back of the cheque.

### **Banking**

- F13 SLT members must pay directly and promptly all money received on our behalf, to our bankers or other agents we have approved.
- F14 For the purpose of paying money to our bankers, or their agents the Director of Finance and Resources will give an officer a paying-in book. You must not use any other stationery.
- F15 An officer must add the following information to the paying-in slip – whether electronically via My Finance or on paper paying-in slips:
- a) The amount of each cheque or postal order;

- b) Some reference which will connect the cheque or order with the debt or debts (for example, the receipt number or customer's name);
- c) The reference number of either the customer's account or invoice numbers which related to the payment;
- d) If no customer invoice has been raised, use the codes provided by the Director of Finance and Resources, the budget heading to which the income will be paid into and the value to be paid in; and
- e) An idea of the purpose and source of the payment if it does not relate to money which is owed to us.

### **Payment by credit or debit card**

- F16 SLT members must contact the Director of Finance and Resources before introducing these facilities. The Director of Finance and Resources will make sure that named staff are given secure access to appropriate facilities and receive relevant training. Any establishment which accepts payment by this method must keep to the banking agreement (especially the conditions on keeping and storing customers' card details).

To keep to the Payment Card Industry (PCI) data security standard, we cannot store the cardholder's account numbers and sensitive information, for example, the information on the front of a debit or credit card and the CSV (three-digit security code on the back of the card). If the customer has given us the card details in writing to support a booking or a contractual arrangement, you must destroy the details once you have processed the card details.

- F17 All commission costs relating to these facilities must be paid from the budget of the portfolio area which is offering them.

### **Sending customer invoices**

- F18 SLT members are responsible for raising customer invoices and credit notes as soon as possible. Managers can only raise customer invoices and credit notes using My Finance. Accounts raised in My Finance will have an invoice number given to them automatically by the system.
- F19 If your establishment does not have access to My Finance, you must ask your business support team or Finance Business Partner to raise your customer invoices. Do not issue a manually raised invoice to a customer.
- F20 You must add the date the service is provided into My Finance when raising customer invoices.
- F21 Ensure that when raising an invoice a Contact Code is selected in My Finance, this is to ensure the invoice recipient has a point of contact within SCC should they have a query or dispute with any aspect of the invoice.

- F22 Supporting documentation must be attached to the invoice in My Finance when appropriate evidencing the calculation of charges, the goods and / or services supplied and any authorisation or instructions to charge.
- F23 Do not issue customer invoices for amounts below £25 for non-statutory services. If there is a business need to recover amounts below this threshold, contact the Central Income Team for advice on an appropriate mechanism.

### **Issuing credit notes**

- F24 We can only reduce the amount of an account using an official credit note if the amount was raised by mistake or the invoice contains incorrect information. If the credit note is raised in My Finance, the system will pass the credit note to a designated member of staff for approval.
- F25 If the credit note relates to non- My Finance or migrated legacy SAP issued customer invoices, it will only be issued by the Director of Finance and Resources upon written instruction from the debt recovery officer or budget holder. The written instruction must be attached to the My Finance transaction.
- F26 If a credit results in changing the VAT originally charged, the credit note must show the full details HM Customs & Excise will need.

### **VAT**

- F27 SLT members must take all practical steps to make sure the correct VAT is charged on income and they should consult the Director of Finance and Resources if necessary.

### **Debt recovery**

- F28 SLT members must follow the debt-recovery policy shown in our credit management strategy. They must follow the My Finance Sales 2 Cash module process as the standard approach to recovering debt.. If the My Finance process is not successful in recovering debts, you will need to quickly refer the matter for further recovery processes as given in paragraph 19 of Appendix 1 – credit management strategy.
- F29 All processes and My Finance transactions to recover debts are on the GO platform.
- F30 The Director of Finance and Resources will monitor this action and report, quarterly to Cabinet.

## **Financial regulation G - treasury management**

### **Banking**

- G1 The Director of Finance and Resources is responsible for arranging our banking arrangements, including opening and closing all accounts.
- G2 Only the Director of Finance and Resources will transfer funds electronically.
- G3 All other payments we make, apart from bank imprest accounts, will be made by BACS or in certain circumstances a cheque, signed by the Director of Finance and Resources.

### **Treasury management**

- G4 We keep to CIPFA's Code of Practice for Treasury Management in the Public Services.
- G5 Council is responsible for approving the following matters, after consideration by Cabinet:
  - a) borrowing limits and prudential indicator measures in line with the Local Government Act 2003 and the CIPFA Prudential Code;
  - b) the annual investment strategy (AIS) for treasury management and any necessary updates; and
  - c) any revised CIPFA Code of Practice and Treasury Management Policy statement.
- G6 Cabinet is responsible for approving the annual treasury management strategy and will receive reports on policies and activities on treasury management, including, at the least, a mid-year review and a yearly report in the form set by our treasury management practices (TMP).
- G7 The Corporate Review Committee is responsible for making sure we consider and check all activities linked to treasury management.
- G8 The Director of Finance and Resources is responsible for carrying out all activities linked to treasury management. More specifically, he will carry out these responsibilities in line with CIPFA's Code of Practice for Treasury Management in the Public Services and CIPFA's Prudential Code and government regulations and guidance. The Director of Finance and Resources has delegated certain activities to other members of staff under a specific scheme of delegation.
- G9 In carrying out the above responsibilities, the Director of Finance and Resources will do the following:

- a) act in line with these Financial Regulations and CIPFA's Standard of Professional Practice on Treasury Management;
- b) review and update the treasury management policy statement;
- c) prepare suitable practices setting out the way in which we will achieve the aims of our policies on treasury management and presenting how those activities are managed and controlled;
- d) in terms of b and c above, he will follow the recommendations in sections 6 and 7 of CIPFA's Code of Practice for Treasury Management in the Public Services. However, he may make changes where necessary to reflect our particular circumstances. These changes must not result in us moving away from the code's main principles;
- e) prepare the yearly treasury management strategy at or before the start of each financial year for Cabinet to approve and the annual investment strategy linked to this for Council to approve;
- f) report the outcome of all activities related to treasury management. This will be, at the least, a yearly outturn report and a half-year monitoring report for approval by Cabinet; and
- g) act as Chair of the Treasury Management Panel.

G10 The Treasury Management Panel will be made up of treasury staff and senior officers. They will:

- a) help the Director of Finance and Resources with his responsibilities as above;
- b) regularly monitor performance against borrowing limits and prudential indicator measures and ask for approval for changes to those limits if this is needed;
- c) agree the practical ways the yearly treasury management strategy will be put into practice;
- d) receive audit reports on activities linked to treasury management;
- e) consider and propose changes to policies and limits as a result of changes in the economic or financial climate if Council and Cabinet approve;
- f) approve changes to the scheme of delegation which relate to treasury management; and
- g) each year, assess the quality of the external service provider appointed to provide us with treasury advice.

- G11 The Director of Finance and Resources can take urgent decisions, including changes to limits or strategy after consulting a nominated portfolio holder. An urgent decision which affects a previous Cabinet decision will be reported to Cabinet, and if necessary to Council, with an explanation for the action taken.

## **Financial regulation H - assets**

### **Land and buildings**

- H1 The Director of Finance and Resources will keep a register of all properties we own or use.
- H2 The Director of Corporate Services is responsible for making arrangements for looking after all title deeds and formal contract documents.
- H3 SLT members are responsible for looking after the assets they manage and must make sure that properties are safe, watertight and comfortable.
- H4 The Director of Finance and Resources must send to Cabinet and the Property Sub Committee a corporate property strategy and the asset management plan. This will make sure we review assets regularly to identify properties that are underused and no longer needed.

### **Vehicles**

- H5 The Director of Corporate Services will keep a record of all vehicles we own and lease.

### **Stocks and stores**

#### **General**

- H6 SLT members are responsible for keeping proper records and for looking after stocks and stores.
- H7 SLT members are responsible for deciding upon and maintaining efficient levels of stock. They will need to make sure that these levels continue to be appropriate.

#### **Records**

- H8 We will need a delivery note signed by the person receiving the supplies for every delivery at the time of the delivery. All supplies must be checked and inspected for quality and suitability as soon as is practical after they are delivered. The quantity of supplies delivered must be checked at the time of delivery.
- H9 SLT members must give the Director of Finance and Resources any returns in connection with stores records, or cost records needed to complete our accounting and financial records. The Director of Finance and Resources, after

consulting the SLT member concerned, will decide the method to use to value stores.

- H10 Anything issued from the stores must be supported by a requisition note signed by an authorised officer. This must give the quantity of goods needed. The stores officer will provide a receipt for stores issued on a stores issued note.

### **Checking stock**

- H11 On 31 March each year (or a date agreed by the Director of Finance and Resources) a responsible officer independent from the storekeeper must carry out stocktaking. That officer will be responsible for making sure that the actual stock agrees with the stock records. This yearly stock take is not needed if the Director of Finance and Resources is satisfied that the stores area runs a satisfactory system of continuous stocktaking.

- H12 Stock sheets or stock records must be signed by or on behalf of the SLT member and certified that the details and prices shown are correct. Each SLT member must send the Director of Finance and Resources certificates relating to stocks and stores.

- H13 Whenever a storekeeper or person in charge of stores hands over, leaves or no longer has custody of stores, the SLT member must, wherever practical, check the stores concerned and sign the stock sheets.

### **Levels of stock**

- H14 SLT members may write off stock up to an individual limit of £2,500. Amounts over this figure will need approval from the Director of Finance and Resources. For audit purposes, SLT members must keep full documents of all stock written off in this way.

- H15 SLT members may sell spare stock. Please see H27 to H34.

### **Inventories**

- H16 SLT members must keep inventories of fixed plant, machinery, furniture and equipment. The Head of ICT will keep inventories of hardware and software.

- H17 At least once a year, SLT members are responsible for checking that all items on the inventory are accounted for.

- H18 The Director of Finance and Resources will decide how much of our property information is recorded and the form in which the inventories (administrative or computerised) must be kept and write-offs recorded.

- H19 Our property must not be removed unless it is in the ordinary course of our business. Council property can only be used for council purposes unless an SLT member issues specific instructions otherwise.

- H20 Whenever an employee hands over, leaves or is no longer responsible for any of our property which is entered on an inventory, the SLT member must, wherever possible, check that property and make sure a handing-over certificate is signed by the outgoing and incoming employees.
- H21 The Director of Finance and Resources or their representative will have access to all our property and to the inventories and any relevant documents.

### **Security**

- H22 SLT members are responsible for arranging proper security for all assets and records under their control.
- H23 All employees must keep to our Information Technology Acceptable Use Policy.
- H24 The person responsible must keep on them any keys to safes, cash boxes, and other places in which money or valuables are stored. If any keys are lost, this must be reported to the Director of Finance and Resources immediately.

### **Selling spare supplies and stock**

- H25 SLT members are responsible for dealing with any spare supplies they do not need (except ICT and electrical equipment).
- H26 The same competitive process for buying supplies, services and work must also be applied to selling spare supplies. (See the procurement regulations for more instructions.)
- H27 SLT members must get professional advice if they are in any doubt when making valuations.
- H28 SLT members can consider selling spare supplies by auction instead of sealed bids, but they need to make sure they have evaluated the full cost of the process and the commission that will be due.
- H29 The SLT member should normally accept the highest value offer without conditions unless they feel an offer with conditions gives better value to us.
- H30 Supplies, except for ICT electrical or mechanical items, may be sold over the internet (for example, eBay). However, if they are, they must be sold in line with the Distance Selling Regulations (2005).
- H31 SLT members may set a reserve price before offering the supplies for sale. If the reserve value is not met, do not sell the supplies and advertise them again. A person setting the reserve price cannot privately bid for the item.
- H32 SLT members must not release any items sold before we receive payment. If payment is made by cheque, this must be cleared before we release the items.



## **Intellectual Property**

- H33 Intellectual property is a generic term that includes inventions and writings. If these are created by an employee during the course of employment, then as a general rule they belong to the employer, not the employee. Various Acts of Parliament cover different types of intellectual property.
- H34 It is possible that some activities undertaken within the County Council may give rise to items which may be patentable. These are collectively known as intellectual property.
- H35 SLT members should ensure that advice from Legal Services is sought if a piece of intellectual property is identified.
- H36 Managers should ensure that there are no conflicts concerning staff conducting private work in County Council time.

## **Financial regulation I – insurance and managing risk**

- I1 The Director of Finance and Resources is responsible for arranging appropriate insurance cover for risks which are not self-insured. If appropriate, the Director of Finance and Resources will consult SLT members before arranging cover.
- I2 Unless we say differently in agency agreements, the Director of Finance and Resources will negotiate claims with insurers.
- I3 The Director of Finance and Resources is responsible for co-ordinating activities linked to managing risk across the county council.
- I4 SLT members must tell the Director of Finance and Resources as soon as possible about all new risks, properties or vehicles that need to be insured and about any changes which affect existing insurance.
- I5 SLT members should make sure that officers involved in insurance claims do not admit liability as this will affect our insurance cover.
- I6 SLT members must immediately write to the Director of Finance and Resources about any loss, liability or damage or any event likely to lead to a claim.
- I7 SLT members must consult the Director of Corporate Services and the Director of Finance and Resources about the terms of any indemnity we are asked to give.

## **Financial regulation J – other funds**

### **General**

- J1 Voluntary and trust funds, and any related bank accounts, should be operated in line with any detailed instructions issued by the Director of Finance and Resources.

### **Voluntary funds**

- J2 Each SLT member must keep a record showing the purpose and nature of all voluntary funds held by their staff in the course of their duties. They must make sure that the reporting arrangements agreed by the voluntary fund are followed and, where appropriate, checked by an independent person. The Director of Finance and Resources is entitled to check the voluntary fund reporting arrangements and reports and accounts produced as he feels are appropriate.

### **Trust funds**

- J3 All members and employees acting as trustees because of their official position must make sure that accounts are audited and sent to the appropriate organisation each year. The Director of Finance and Resources is entitled to check that this has been done.

## **Appendix 1**

### **Credit management strategy**

#### **Aims and overview**

- 1 The aim of this strategy is to make sure we receive all of our income by improving cash flow and reducing the level of bad debts.
- 2 The strategy is based on the following principles:
  - wherever possible, we will provide services on a pay-as-you-go basis;
  - we will offer customers, clients and service users a range of appropriate payment methods;
  - unless there are special circumstances, all portfolio areas must keep to the standard debt collection policy;
  - all portfolio areas will use active processes to collect income. The Central Income Team must follow the My Finance accounts Sales 2 Cash process as the standard approach to recovering debt .If the My Finance process has been unsuccessful in recovering debts, they must be passed for further recovery processes as described in paragraph 19 below;
  - processes for resolving customer queries and disputes must keep to our customer complaints, compliments and comments policy and any other complaints procedures which apply by law; and
  - we will regularly monitor our performance in collecting income and collecting debts against agreed performance standards and targets.

#### **The main responsibilities**

- 3 SLT members are responsible for setting detailed arrangements for collecting income and recovering debts which meet the strategy, including performance standards.
- 4 The Central Income Team is responsible for:
  - reviewing the credit management strategy;
  - drafting appropriate performance standards;
  - monitoring performance against those standards;
  - organising appropriate and cost-effective payment methods;
  - managing IT systems for collecting income and recovering debts;
  - monitoring what is provided for bad and doubtful debts;
  - providing an enquiry officer and designated debt-recovery;
  - providing a debt recovery service;

- receipt, collection and banking of all postal income and payments into SCC's main bank accounts; and
- management of cash carrier and collection service provided to SCC establishments contract.

5 The Director of Finance and Resources is responsible for:

- approving the strategy and associated instructions;
- approving performance standards and monitoring performance against these standards; and
- approving changes to the strategy to reflect specific circumstances.

### **Charging for services**

6 Traditionally we have raised invoices for collecting income for the services we provide and only collected cash without an invoice at the point of service delivery or in advance if the amounts due are relatively small.

7 By developing facilities so our customers can order services over the internet or by phone and face-to-face front office services gives us the opportunity to review that approach and, where appropriate, offer services on a pay-as-you-go basis.

8 We have developed an e-payment facility which allows our customers to make payments over the internet, automated telephony and through the SCC Contact Centre using credit and debit cards. The ability to accept credit- and debit-card payments also allows us to introduce, where appropriate, facilities for taking payment at the point of delivery.

9 SLT members must take all practical steps to satisfy themselves that the correct VAT rate has been used and they should contact the Director of Finance and Resources if they need to about this.

### **Payment methods**

10 We will aim to offer the following payment methods to our customers depending on the service provided:

- payment by cash, cheque, debit or credit card (chip and pin) when goods or services are ordered or at the point of delivery;
- payment over the internet by debit or credit card when goods and services are ordered;
- payment over the phone by debit or credit card when the service or goods are ordered;
- payment by cash, cheque, debit or credit card (chip and pin) at one-stop shops when the service or goods are ordered;
- payment by Giro credit at banks;
- paying invoices over the internet, by automated telephone payment, over the phone or in person at SCC establishments and by post by cheque;

- where appropriate, payment by Direct Debit or standing order; and
- Payment direct into our County Fund bank account by BACS and CHAPS transfers.

### **Debt-recovery policy**

11. SLT members are responsible for promptly raising customer invoices and credit notes. Portfolio areas can only raise customer accounts and credit notes using My Finance. Accounts raised in My Finance will have an invoice number given to them automatically by the system. There must be a clear description of the service (goods) provided, and payment terms and methods.

(By promptly, we mean within 30 days of supplying the goods or services, unless business units have taken their own recovery action before we issue a formal invoice, for example for libraries and nursery services.)

12. If your establishment does not have access to My Finance, you must ask your business support team or Finance Business Partner to raise your customer invoice. Do not issue a manually raised invoice to a customer.

### **Procedures for budget holders**

13. When raising a customer invoice, you must enter into My Finance the date the service is provided.
14. Do not raise a customer invoice for amounts below £25 for non-statutory services. If there is a business need to recover amounts below this threshold, contact the Central Income Team for advice on an appropriate mechanism.
15. When you have raised an invoice, you should actively aim to collect the amount due.
16. Ensure that when raising an invoice a Contact Code is selected in My Finance, this is to ensure the invoice recipient has a point of contact within SCC should they have a query or dispute with any aspect of the invoice.
17. Invoices will say that the payment is due within the 28 days of the date on the invoice.
18. The Central Income Team will set an appropriate timescale for collecting each category of debt. The minimum standard is shown below.

- 3 days overdue - First reminder letter
- 17 days overdue - Final demand
- 31 days overdue - Start the debt-recovery process

My Finance will automatically follow the appropriate standard cycle.

19. Once the debt is 31 days overdue, the debt recovery officers based in the Central Income Team will review the debt and, where appropriate, contact the

debtor by phone. If it is unlikely that we will receive immediate payment, consideration will be given to do one or a combination of, the following. This will be based on knowledge of both the customer and the nature of the debt:

- telephone and letter chasing up to the issue of the formal Letter Before Action (court approved document);
- if the customer is an individual and lives in Staffordshire, could the matter be referred for a visit;
- if the customer is either an individual living outside of Staffordshire or any commercial organisation (wherever they may be based), could the matter be referred to the debt-recovery agency;
- the matter may be referred for legal action at any point; and
- the matter may be referred to other local visiting officers, for example, a vulnerable client's social worker or other visiting staff used within portfolio areas.

20 If a debt has still not been paid after 90 days from the invoice date, we will consider making provision for the bad debt and if appropriate action the writing off of the amount to the revenue account.

21 The above procedures are a framework which should apply to all types of debt. However, we know that different categories of debt and different types of customer may need us to use other recovery cycles. Any change from the standard cycle must be agreed by the Director of Finance and Resources.

### **Taking an active approach to collecting income**

22 This approach involves discussing the debt with the customer before the due date for payment. The main aim is to make sure that the customer is satisfied with the goods or services provided or to identify any possible disputes the customer may have and to sort them out before the due date for payment.

23 You should target this action, as it is not cost-effective to apply it to every customer. To help with the process, the system will create management reports which analyse the invoices raised the previous week by category and value.

24 The Central Income Team will provide a single point of contact for the recovery of debts with other public organisations such as Staffordshire districts and other large public organisations.

### **Sorting out customer queries and disputes**

25 Controlling and sorting out customer queries and disputes is an essential part of good customer service.

26 As a result, each portfolio area should have in place a system or procedure for identifying, recording and dealing with customer queries and disputes. This must keep to our customer complaints, compliments and comments policy and any other legal complaints procedures.

### **Action by the enquiry officer or debt -recovery agency**

- 28 The enquiry officer will try to get payment in full, or if instalments have previously been arranged, will try to persuade the customer to start making payments again. They will also assess the customer's circumstances. They will give debt recovery officers progress updates during the ongoing investigation and produce a short report of recommended action at the end of each case.
- 29 The matter may be referred to the enquiry officer, where appropriate, before considering legal action. The enquiry officer's report will show whether or not legal action would be successful. The enquiry officer will also support the legal recovery process to recover money due after successful legal action.
- 30 If other attempts to get payment from either individual or commercial customers have failed, the debt may be referred to a debt-recovery agency. This will be done through the Central Income Team.
- 31 Cases may be referred to the recovery agency, where appropriate, before considering legal action. The debt-recovery agency will supply progress updates on referred cases and a final written report for each case.

### **Legal action**

- 32 Prior to legal action being taken, the service may be contacted to ensure that all the supporting evidence has been collected and is available. We have included the minimum information we need for specific types of debt in the Legal Services procedural notes.
- 33 The minimum value of a debt for referral for court action is £250. However, debts below this minimum value can be referred and the Central Income Team will consider whether court action is appropriate. A formal letter will be issued before we take any action. Debt recovery officers can issue the court-approved letters before action.
- 34 If a customer has outstanding debts with more than one portfolio area, the customer will be sent a single claim covering all debts.
- 35 If a judgment from the court has not been made but instalments have been agreed after a referral, the relevant debt-recovery officer will monitor these. If a judgement has been made and instalments agreed in court, these cases will be monitored by the Central Income Team.
- 36 My Finance will be updated with the relevant query markers depending on the outcome of the referrals.

## **Writing off debts and bad debt provision**

- 37 SLT members must introduce written policies, agreed by the Director of Finance and Resources, setting levels for authorising write-offs.
- 38 SLT members can write off a debt if a valid debt or outstanding balance cannot be collected as opposed to credit notes that are used if a debt is not valid or to correct invoices as a result of a mistake. Debt recovery officers in the Central Income Team can write off amounts under £25 so long as they can demonstrate due process in recovery has been followed.
- 39 SLT members can write off debts up to £10,000 for each customer if this is authorised in writing. Debt-recovery officers must not input write-offs into My Finance until they have written authorisation. SLT members cannot write off bad debts over this figure without the approval of the Director of Finance and Resources.
- 40 SLT members can identify debts as write-offs using the following mechanisms:
- Recommendation by Legal Services;
  - Recommendation by the enquiry officer or recovery agency;
  - Recommendation by portfolio area budget holders;
  - Recommendation by Central Income Team;
  - Recommendation by local visiting officers; and
  - Central Income staff if a bankruptcy case has been formally closed and no further amounts are due from the customer.
- 41 Each year, the Central Income Team will prepare a list of possible bad debts and send it on to Accountancy by the dates shown in the closedown timetable. The Income Manager and Senior Corporate Accountant can, based on their service knowledge, increase or reduce this figure if appropriate.

## **Issuing credit notes**

- 42 We can only reduce an account by issuing an official credit note if the invoice was raised by mistake or it contains incorrect information. If the credit note is raised in My Finance, the request will need to be approved by the appropriate officer via workflow.
- 43 If the credit note relates to non- My Finance or migrated legacy SAP issued customer invoices, it will only be issued by the Director of Finance and Resources upon written instruction from the debt recovery officer or budget holder. The written instruction must be attached to the My Finance transaction.
- 44 If a credit results in changing the amount of VAT originally charged, the credit memo must show the full details HM Revenues & Customs will need.

## **Monitoring performance**



- 45 The quality of service we provide is most important. It is essential that we reflect this commitment to quality in the billing and recovery process.
- 46 Cabinet will set standards to measure performance and will monitor against these standards on a quarterly basis.

## Appendix 2

### Anti-money-laundering strategy

1 We will do all we can to:

- prevent us and our employees from being exposed to money laundering;
- identify the possible areas where it may happen; and
- comply with all legal and regulatory requirements, especially in terms of reporting actual or suspected cases.

#### **The main points:**

- we are committed to preventing, detecting and reporting money laundering;
- all employees must be on the lookout for the signs of money laundering;
- any employee who suspects money laundering is taking place must report this promptly to the Money Laundering Reporting Officer (MLRO);
- we will not accept a payment in cash if it is more than £2000; and
- the Money Laundering Regulations are detailed and complicated – if you are in any doubt about how to follow the strategy, please contact the MLRO.

#### Introduction

2 The Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 place obligations on us and our employees when it comes to suspected money laundering. The law which comprises the UK Anti Money Laundering (AML) Legislation Framework is contained in the following legislation and relevant amending statutory instruments:

- the Proceeds of Crime Act 2002 (POCA) as amended by the Serious Organised Crime and Police Act 2005 (SOCPA);
- the Terrorism Act 2000 (TA 2000) (as amended by the Anti-Terrorism Crime and Security Act 2001 (ATCSA) and the Terrorism Act 2006 (TA 2006));
- the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (the 2017 Regulations);
- terrorist Asset-Freezing Act 2010;
- anti-terrorism, Crime and Security Act 2001;
- counter-terrorism Act 2008, Schedule 7;
- the Criminal Finances Act 2017.

POCA and TA 2000 contain the offences that can be committed by individuals or organisations. The 2017 Regulations set out the systems and controls that businesses are obliged to possess, as well as the related offences that can be committed by businesses and key individuals within them.

### **Scope**

- 3 This strategy applies to all our employees and aims to maintain standards of behaviour which currently exist within the council by preventing money laundering. The strategy sets out the procedures which we must follow (for example, reporting suspicions of money laundering) so we can comply with our legal obligations.
- 4 This strategy sits alongside the whistleblowing and Fraud, Bribery and Theft Policies.

### **What is money laundering?**

- 5 Money laundering is the term used for a number of offences involving the proceeds of crime or terrorism funds. The purpose of money laundering could be to:
  - possess the proceeds of one's own crime;
  - transfer criminal property between individuals or groups;
  - conceal criminal property, or entering arrangement to assist in the concealment of criminal property.

The following acts amount to money laundering:

- concealing, disguising, converting or transferring criminal property or removing it from the UK (section 327 of the Proceeds of Crime Act (POCA) 2002);
- entering into or becoming aware of an arrangement which you know or suspect involves gaining, having, keeping, using or controlling criminal property by or on behalf of another person (section 328 of POCA); and
- gaining, using or possessing criminal property (section 329 of POCA).

These are the primary money-laundering offences, which can be punishable by a sentence of up to 14 years imprisonment and/or an unlimited fine.

There are also two secondary offences:

- failure to disclose any of the three primary offences; and
- tipping off. Tipping off is where someone lets a person or people who are, or who are suspected of being, involved in money laundering know that they are under suspicion and this will reduce the likelihood of them being investigated or it will unfairly affect the investigation.

These secondary offences are not considered to have been committed if (i) the persons involved did not know or suspect they were dealing with the proceeds of crime, (ii) if a report of suspicious activity is promptly made to the MLRO or the National Crime Agency, (iii) if there is a reasonable excuse for not reporting the activity (e.g. concern for personal safety) and, (iv) in certain situations only, when the activity took that gave rise to the criminal property took place in a Country where the activity would be considered legal and would have resulted in a maximum sentence of less than 12 years had it taken place in the UK.

Money Laundering typically requires the following stages of activity:

- placement – “Dirty” money is placed into a financial system (e.g. paid to the Council);
- layering – The proceeds of crime are moved through a series of financial transactions, making it harder to establish their origin. The Council may be used for one or more of these transactions; and
- integration – the money launderer creates a legitimate explanation for the source of funds, allowing them to be retained, invested into the legitimate economy or to acquire assets.

- 6 Any member of staff could be implicated under the anti -money laundering legislation, if they suspect money laundering and either become involved with it in some way or do nothing about it. This strategy sets out how any concerns should be raised.
- 7 While the risk to us of breaking the law is low, it is important that all employees know their responsibilities as serious legal action may be taken for breaking the legislation. The main requirement is to promptly report any suspected money laundering activity to the Money Laundering Reporting Officer.

### **Strategy statement**

- 8 Our strategy is to do all we can to prevent, wherever possible, us and our employees being exposed to money laundering. We must also identify the potential areas where it may happen, and keep to all legal and regulatory requirements, especially in terms of reporting actual or suspected cases. However, we cannot stress too strongly that it is every employee’s responsibility to be vigilant.
- 9 The following list identifies possible warning signs that may highlight areas you should be concerned about:
  - large cash payments;
  - significant overpayments and subsequent request for refund;
  - no reasonable explanation for a transaction taking place;

- individuals who are happy to enter into an apparent bad deal for them which appears to make little financial sense;
- a sudden change in the pattern of activity;
- financial arrangements taking place across a number of different countries' legal authorities (jurisdictions);
- funds being unnecessarily passed through third-party accounts; and
- using offshore accounts, companies or structures if this is not really needed in economic terms.

10 The following areas represent our operations which are at the greatest risk of money laundering:

- treasury management;
- legal services;
- property sales;
- accountancy;
- public reception areas;
- traded services.

This is not a full list and all staff must be aware of possible cases.

### **The Money Laundering Reporting Officer (MLRO)**

11 The MLRO is responsible for ensuring compliance with the AML Legislation Framework. To do this, the MLRO should ensure they keep up to date with the latest requirements of the AML Legislative Framework.

The MLRO and Deputy MLRO are responsible for being aware of when Suspicious Activity Reports need to be made to the National Crime Agency.

Under the 2017 regulations, organisations should apply a risk based approach to dealing with Money Laundering. To comply with this, the Council will conduct a formal money laundering risk assessment exercise, which will be reviewed on an annual basis. The risk assessment will be updated as emerging or decreasing risks are identified, and subject to an annual review.

Where risks are identified, consideration will be given to policies and procedures in place to identify potential money laundering, including employee knowledge of requirements.

Risks considered must include both individual service users of the Council, suppliers, and customers of the Council's services.

All relevant staff should have appropriate knowledge of how to identify potential money laundering, and what to do if they identify a concern. This will be co-ordinated by the MLRO and may include written briefings or face to face training to ensure the Council's staff have relevant knowledge to meet the Council's obligations under the AML Legislation framework.

12 Any employee who suspects money laundering must report this promptly to the money laundering reporting officer (MLRO). If you are in any doubt about

putting our policy on money laundering into practice, please contact the MLRO or the Deputy MLRO.

**MLRO:**

Deborah Harris  
Chief Internal Auditor  
Staffordshire County Council  
2 Staffordshire Place  
Stafford  
ST16 2DH

☎ 01785 276402

✉ [deborah.harris@staffordshire.gov.uk](mailto:deborah.harris@staffordshire.gov.uk)

**Deputy MLRO:**

David Fletcher  
Audit Manager - Fraud  
Staffordshire County Council  
2 Staffordshire Place  
Stafford  
ST16 2DH

☎ 01785 895408

✉ [david.fletcher@staffordshire.gov.uk](mailto:david.fletcher@staffordshire.gov.uk)

- 13 If the named MLRO or Deputy are not available, please refer the matter to the Fraud and Corruption Reporting Line / 0800 7311890 or email [fraud@staffordshire.gov.uk](mailto:fraud@staffordshire.gov.uk).

**Cash payments**

- 14 You must not accept a cash payment if it is more than £2000 (cash is defined as notes, coins or traveller's cheques in any currency).

**Reporting**

- 15 If you suspect money laundering, you must report it promptly to the MLRO or to her deputy. The MLRO will send you the appropriate forms to fill in as part of the reporting process. If you would prefer, you can discuss your suspicions informally with the MLRO or their deputy first.
- 16 You must follow any directions the MLRO or her deputy gives you and must not make any further enquiries into the matter. You must not take any further steps in any related transaction without authorisation from the MLRO.
- 17 You must not reveal your suspicions to the person suspected of money laundering. You must not discuss the matter with anyone else or add a note on the file that a report has been made to the MLRO in case this results in the suspect becoming aware of the situation.
- 18 The MLRO or deputy must promptly evaluate any report you make, to decide whether it should be reported to the National Crime Agency (NCA).
- 19 The MLRO or deputy must, if they decide, promptly report the matter to the NCA on their standard report form and in the correct way. You can download up-to-date forms from the NCA website at <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/economic-crime/ukfiu/how-to-report-sars>

- 20 The MLRO or deputy will commit a criminal offence if they know or suspect, or have reasonable grounds to do so, after someone makes a disclosure, that another person is involved in money laundering and they do not report this as soon as possible to the NCA. If possible, proposed transactions, that give rise to a suspicion of money laundering should be delayed until after a report has been made to the NCA, and approval has been given to proceed (7 days required to await permission).

### **Customer due diligence**

- 21 The 2017 Money Laundering Regulations place extra obligations on 'relevant persons' carrying out certain 'regulated activities'. This means that extra care needs to be taken to check the identity of the customer or client. This is known as carrying out customer due diligence. Public authorities are not considered to be 'relevant persons' and are not governed by the 2017 Regulations.
- 22 Although it is not a legal requirement for public authorities to put in place formal procedures for checking the identity of those they do business with, in practice we make sure that staff are on the lookout for potentially suspicious circumstances. Examples include situations where funds flow through the authority from a source with which it is not familiar.
- 23 In particular, if we are forming a new business relationship or considering carrying out a significant one-off transaction, it would be a good idea to set up and maintain identification procedures for those people involved. This will be especially true if the people involved are not present for identification purposes and in situations where they may be acting for people who are not present.
- 24 Below are some examples of the different types of identification checks which we may carry out. We may:
- check the customer's website to confirm their business address;
  - carry out an online search at Companies House to confirm the nature and business of the customer and confirm the identities of any directors; and
  - ask to see evidence from the main contact to check their personal identity, for example their passport, and position within the organisation.
- 25 You will find specific guidance on money laundering for treasury management activities in CIPFA's Treasury Management in the Public Services – Code of Practice and Cross Sectoral Guidance Notes (the TM Code).
- 26 If at any time you suspect that a client or customer is carrying out money laundering, is financing terrorism, or has lied about their identity, you must report this to the MLRO immediately.

### **More information**

27 You can get more information from the MLRO and the following sources:

- [www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk). – website of the National Crime Agency;
- Proceeds of Crime (Anti-Money Laundering) – Practical Guidance for Public Service Organisations – CIPFA;
- Consultative Committee of Accountancy Bodies (CCAB) guidance ([www.ccab.org.uk](http://www.ccab.org.uk));
- Money Laundering Guidance at [www.lawsociety.org.uk](http://www.lawsociety.org.uk); and
- SI 2017 No. 692, The Money Laundering, Terrorist Financing and Transfer of Funds (Information on Payer) Regulations 2017.



## Glossary

Band A	is a representative of a member of the Councils 'FULL' Senior Leadership Team.
Band B	is an Officer who reports direct to a Band A.
Band C	is an Officer who reports direct to a Band B.
Budget heads	Income and expenditure budgets held at activity level within a service area.
Budget holder	A member of staff who has delegated responsibility for managing income and expenditure budgets.
Council	The full council.
Cabinet	The leader and Cabinet.
Director of Finance and Resources	where included within the Financial Regulations this also refers to the appropriate responsible officer
Financial framework	The agreed method we use to share money between particular services. This includes revenue and capital funding. The method is reviewed by Cabinet or appointed sub-committee or working group as appropriate.
Portfolio area	The way we group services for management purposes set out by Cabinet.
Portfolio holder or cabinet member	The cabinet member with specific responsibility for delivering services and themes.
Project	This may relate to a proposal to tackle a specific theme or issue and may include a general minor improvements project or a group of low-value schemes.
My Finance	The My Finance system is the council system for procurement, payments, income recovery and accountancy.,
My HR	The My HR system is the council system for the calculation and payment of salaries and deductions, staff and member expenses, and the maintenance of HR records.

Select Committees	A committee that helps us develop policies and consider options to improve services. They can also check that services are being delivered in the most efficient and effective way and make recommendations for improvement.
Senior Leadership Team	SLT members we have appointed under Article 12 of the Constitution. This includes the Chief Executive, Director of Finance and Resources, Director of Corporate Services, Director of Economy, Infrastructure and Skills, Director of Health and Care, Director of Families and Communities and any other appropriate people authorised to carry out the duties shown in these regulations in line with delegations made by the SLT member under a Sub Scheme of Delegation approved by the Audit and Standards Committee.
Services	The groups of budget heads.
Virement	Transferring resources between budget heads or services.

# **Staffordshire County Council**

## **Procurement Regulations**

**Approved by the Audit & Standards Committee on 26 June 2017**  
**Approved by Full Council on 20 July 2017**



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**Notes:**

1. Any capitalised wording within these Regulations is further defined within the Glossary of Terms.
2. These Regulations apply to all quotation and tender processes commenced from and including 1<sup>st</sup> September 2017.
3. Quotation and tender processes commenced on or before 1<sup>st</sup> September 2017 will continue under the previous Council Procurement Regulations approved by Audit Committee on 26<sup>th</sup> June 2017.

**Threshold Ladder** (All Contract spends exclude VAT)

Threshold	Process for Procuring	
Contract values up to £500	<p>Award to provider without formal procurement process.</p> <p>Use a Procurement / Purchasing Card (see section C9).</p> <p>Contract on the providers own terms.</p>	
Contract values at and over £500 up to <b>£25,000</b> (the <b>Council Advertising Threshold</b> )	<p>Obtain 3 written quotations.</p> <p>Consider a Procurement / Purchasing Card for the lower value spends in this range.</p> <p>Contract on Council model Terms and Conditions where possible; contract on provider's terms and conditions where there is a business need and any associated risks have been considered.</p>	<p>The Procurement Tool Kit (see section C8) is to be used specifically for</p> <ul style="list-style-type: none"> <li>• Advice on whether a procurement is required at all</li> </ul>
Contract values at and over the <b>Council Advertising Threshold</b> up to EU Thresholds limits (see below for these)	<p>Publically advertised procurement.</p> <p>Consult a Procurement Advisor to manage the procurement via electronic tendering. A Sourcing Strategy is required.</p> <p>Consult a Procurement Advisor before embarking on <u>any</u> procurement at and over £100,000.</p> <p>Contracts Register to be populated.</p> <p>Contracts Finder will be used for posting both adverts and award notices for spends £25,000 and over.</p> <p>Use Council model Terms and Conditions.</p>	<ul style="list-style-type: none"> <li>• Developing a Sourcing Strategy</li> <li>• Advising on Contract terms and conditions and procurement documentation</li> <li>• Preparing, issuing and evaluating quotations and tenders</li> <li>• Issuing quotations and tenders</li> </ul>
Contract values at, and over, the <b>EU Thresholds</b>	<p>In accordance with the Public Contracts Regulations for: -</p> <ul style="list-style-type: none"> <li>• Supplies and Services over £181,302*</li> <li>• Light Touch Regime contracts over £615,278*</li> <li>• Works over £4,551,413*</li> </ul> <p>In accordance with the Concession Contracts Regulations for: -</p> <ul style="list-style-type: none"> <li>• Works/Services over £4,551,413</li> </ul> <p>Consult a Procurement Advisor on <u>all</u> procurements over the EU Thresholds.</p> <p>Use Council model Contract Terms and Conditions. *refreshed every 2 years from January 2018</p>	

## **AIMS, APPLICABILITY AND GOVERNANCE**

### **A1 Aims**

A1.1 These Regulations have the following main aims:

- to get best value / value for money, so that the Council may in turn offer better and more cost-effective services to the public;
- to keep to the obligations that govern spending public money;
- to enable visibility of Council spend data;
- to ensure the Council allows freedom of opportunity to trade, compete, be open, honest, fair and transparent in our procurements;
- to drive continuous improvement in our processes;
- to contribute to a healthy, happy and prosperous Staffordshire.

A1.2 There are legal and commercial consequences suffered by the Council as a result of failing to follow these Regulations.

### **A2 Applicability**

A2.1 These Regulations apply

- to all Contracts for the procurement of all Works, Supplies or Services by the Council, including, ad-hoc, one-off requirements
- to Officers of the Council undertaking any procurement activity on behalf of the Council
- to any Contract that results in the Council making a payment and/or where a service is being provided for the Council resulting in income being generated for the Council
- where the Council is acting as the lead organisation in a partnership or other joint procurement arrangement
- to the selling / disposing of our assets

### **A3 Governance**

A3.1 These Regulations are made under Section 135 of the Local Government Act 1972.

A3.2 The Council will review these Regulations periodically and as required by changes to legislation.

A3.3 These Regulations enable a separate set of Procurement Instructions which represent the practice to be followed when conducting a procurement process.

- A3.4 The Head of Commercial may from time-to-time issue new and/or revise the Procurement Instructions setting out the practice to be followed when using these Regulations.
- A3.5 A failure to follow these Regulations by any Officer may result in disciplinary action being taken against the Officer.
- A3.6 Officers are directed to their Code of Conduct, the Whistleblowing Policy and the Integrity Policy should they become aware of a non-compliance or breach of these Regulations by other Officers.
- A3.7 If in any doubt about how these Regulations apply, Officers must always check with a Procurement Advisor.

#### **A4 Authority to procure arrangements with leases, hire, rental etc**

- A4.1 An Officer will not, without approval from the Head of Commercial, enter into a Contract for a provider to supply Supplies or Services under any operating lease, hire, rental or any other credit arrangements.

### **B PRE-PROCUREMENT ACTIVITIES**

#### **B1 Appointment of Third Parties to act on behalf of the Council**

- B1.1 The appointment of any third party to be responsible to the Council for preparing or supervising of a Contract on behalf of the Council (including contributing/leading the procurement process) must be prepared by a Procurement Advisor under a formal set of third party appointment terms.
- B1.2 All decisions made by any third party regarding a Council procurement must follow these Regulations.

#### **B2 Sourcing Strategy**

- B2.1 **Consult a Procurement Advisor before embarking on any procurement at and over £100,000.**
- B2.2 A written Sourcing Strategy is required for Contract values at / over the Council Advertising Threshold. For Contract values at and over £100,000 written approval of the Sourcing Strategy is to be sought from a Procurement Advisor.
- B2.3 Whenever Officers buy Works, Supplies or Services for the Council, they must always act to promote competition and to achieve best value / value for money.
- B2.4 Prior to any procurement at or over the Council Advertising Threshold Officers must explain the procurement route in a written Sourcing Strategy by considering the following specifically in the order presented: -
- B2.4.1 Not buying the Goods, having the Works done or receiving the Services at all;



- B2.4.2 By securing the provision of the Works, Supplies or Services in-house;
- B2.4.3 By getting someone else to provide the ongoing Works, Supplies or Services (e.g. using the voluntary sector or via another Local Authority);
- B2.4.4 By providing the Works, Supplies or Services via an existing Council Framework Agreement, Dynamic Purchasing System, Contract or similar arrangement;
- B2.4.5 By providing the Works, Supplies or Services from an already pre-procured Framework Agreement or Dynamic Purchasing System or Contract provided by an external public sector body or from a Central Purchasing Body;
- B2.4.6 By outsourcing/buying the provision of the Works, Supplies or Services through collaborative procurement with another local authority/partner, to/from an external provider on the open market by establishing a Contract;
- B2.4.7 By outsourcing/buying (via quotes or tenders) the Works, Supplies or Services to/from an external provider on the open market by establishing a bespoke Council Contract.

B2.5 Only a Procurement Advisor can grant permission to disregard any of the steps within B2.4.

B2.6 It is important that Officers appraise the risk, value, provider activity, market pressures and all internal and external influencing forces associated with their procurement. Value may not always be proportional to risk. Consult a Procurement Advisor if in any doubt.

### **B3 Threshold Ladder**

B3.1 The Threshold Ladder is presented at the front of these Regulations, and is to be read in conjunction with these Regulations and the Sourcing Strategy options outlined in the Procurement Tool Kit. The Threshold Ladder clearly presents the procurement processes required for the various procured contract values.

## **C OVERALL CONSIDERATIONS**

### **C1 Contracts Register**

C1.1 A Contracts Register will be held by the Commercial Team which provides a central point for Contract information.

C1.2 The Contracts Register provides full visibility of existing Contracts (to avoid any duplication) and is also a legal record of data as requested by the Transparency Code.

C1.3 Every Contract awarded by the Council that has a total aggregated value in excess of the Council Advertising Threshold will be recorded in the Council Contracts Register.

- C1.4 It is the responsibility of the Officer (whoever is managing the procurement) to ensure that the Contracts Register is populated and updated on an ongoing basis as a result of any change in the Contract circumstance. Refer to the Procurement Tool Kit for the full process.

## **C2 Honesty and Conflicts of Interest**

- C2.1 In all their dealings, Members and Officers shall preserve the highest standards of honesty, integrity, impartiality and objectivity. This includes compliance with Bribery Act 2010, Codes of Conduct and Section 117 of the Local Government Act 1972 (as may be amended from time-to-time) as a minimum.
- C2.2 Officers who are deemed 'Key Influencers' to a procurement shall complete and sign a Declaration of Interest and Confidentiality Undertaking document (Procurement Instruction) for each procurement project with a Contract spend over the relevant EU Threshold.
- C2.3 Officers should not accept any gifts or hospitality from anyone tendering for a procurement/Contract they are involved with, or, from any current provider. Officers are reminded of the instructions on the intranet under Gifts and Hospitality and within the Constitution.

## **C3 Contract Duration and Value**

- C3.1 The total value of a Contract is the total estimated expenditure (excl. VAT) for the duration of the Contract including any extension options/periods.
- C3.2 Contracts cannot be divided (disaggregated) into separate Contracts with the intention of avoiding the application of the Public Contracts Regulations or these Regulations.
- C3.3 A Procurement Advisor must be consulted if a Contract is to last longer than 4 years including all extension periods.
- C3.4 Officers are required to consider and include (aggregate) the value of similar requirements in other parts of the Council when calculating a Contract value. The total aggregated value means the total value of similar purchased Works, Supplies or Services over the duration of a Contract.
- C3.5 If the Contract is for buying a single item, which is not related to buying other items, the Contract is worth the price, or estimated price, referred to in that Contract.
- C3.6 If the Contract is for buying a related group of items, the Contract is worth the total price, or estimated total price, of the group.

## **C4 Collaborative Procurement**

- C4.1 Where the Council takes the lead procurement role in a Collaborative Procurement, these Regulations will apply to each procurement process carried out under the collaborative arrangement.

- C4.2 Where another public sector organisation takes the lead procurement role, its contract standing orders, or equivalent, will apply.
- C4.3 Where the Council enters into formal joint buying or consortia purchasing arrangements, the related Contract and procurement strategy must protect the Council to a level proportionate to the risk involved, whilst at the same time providing the basis for a partnering approach and delivery of best value / value for money.
- C4.4 A Procurement Advisor must be consulted prior to agreeing to enter into collaborative procurements.

## **C5 Framework Agreements**

- C5.1 Framework Agreements are agreements that allow Officers to place orders with selected providers on pre-agreed terms.

### **Joining another Contracting Authority's Existing Framework Agreement**

- C5.2 Where the Council seeks to join an existing Framework Agreement then a due diligence exercise should be undertaken to ensure that the Framework Agreement was properly procured in accordance with the relevant legislation and ensure that the Council can access the Framework Agreement under the terms it was originally advertised with.
- C5.3 A Procurement Advisor must be consulted before buying from a Framework Agreement that has been procured by another Contracting Authority.
- C5.4 Officers are required to follow the instructions issued by the 3<sup>rd</sup> party Contracting Authority when procuring from this type of Framework Agreement. In doing so Officers will be required to use different legal terms, use price criteria other than 80% etc. There is no requirement to log any Exceptions to these Regulations as a result of this.

### **Setting-up a Framework Agreement**

- C5.5 If Officers decide that they (or their partners) are likely to need to buy the Works, Supplies or Services repetitively in the future but are unsure of exact quantities, it may be that the best way to buy them is by initially setting up a Council Framework Agreement.
- C5.6 Should a Framework Agreement need to be procured please consult a Procurement Advisor. Refer to the Procurement Tool Kit for a description of a Framework Agreement.

## **C6 Approved Lists**

- C6.1 An approved (or select) register of suitably accredited and qualified providers, vetted to ensure they meet the Council's standards and

technical capability from which Officers may seek quotations or tenders without the need to advertise the procurement.

- C6.2 The establishment and maintenance of Approved Lists must be in accordance with advice from a Procurement Advisor.

## **C7 Concession Contracts**

- C7.1 Officers must use a Concession Contract if they want to enter into a contract which gives the provider the opportunity to operate a business for commercial gain.
- C7.2 Officers are to use these Regulations to procure Concessions Contracts unless the spend trigger given in the Threshold Ladder is triggered in which case the Concession Contracts Regulations shall apply.
- C7.3 Officers must get advice from a Procurement Advisor before carrying out any procurement relating to a Concession Contract.

## **C8 Procurement Tool Kit**

- C8.1 The Procurement Tool Kit is one of a suite of Procurement Instructions, and is an agreed set of standard documentation which is to be used for the preparation of a procurement (quotation or tender) and subsequent management of a Contract, for all Contract spends below those of the EU thresholds.
- C8.2 It is mandatory to use the Procurement Tool Kit for Council procurements. Any exception from this must be agreed by the Head of Commercial.
- C8.3 The standard documents that comprise the Procurement Tool Kit are to be tailored where indicated only. Officers must seek a Procurement Advisor's agreement regarding any other changes to the documents.

## **C9 Procurement / Purchasing Cards ('pCard')**

- C9.1 For the transaction spend levels indicated in the Threshold Ladder Officers can, where appropriate, use a pCard for both procuring and payment. Refer to the Council's Financial Regulations for more details.

## **C10 Community Right to Challenge**

- C10.1 The Community Right to Challenge means community organisations can submit to Local Authorities an expression of interest to run local services. This right is granted under the Localism Act 2016. If an expression of interest is accepted by the Council this may trigger a procurement exercise. Please consult a Procurement Advisor on receipt of any such public interest.

## **C11 Disposal of Council Assets**

- C11.1 Refer this to a Procurement Advisor.

## **C12 Insurance**

C12.1 Insurance conditions will be contained in the Contract terms and conditions. In terms of insurance, the Council will normally need the successful provider to have the following types and minimum limits of cover.

	<b>Works Contracts</b>	<b>Supplies and Services Contracts</b>
Public liability	£5 million	£5 million
Employers' liability	£10 million	£5 million
Professional indemnity	£5 million	£2 million

C12.2 The above limits relate to each and every claim. For public liability and employers' liability, the cover must be in place throughout the period covered by the Contract. For professional indemnity, the conditions are more complicated. Not only must the cover be in place throughout the period covered by the Contract but also for a further six years after the end of the Contract (or 12 years if the Contract is under seal). For certain types of Services, for example, financial advice, the amount of professional indemnity insurance cover will need to be higher to protect the Council in case anyone gives inappropriate advice.

C12.3 When providing Supplies or Services, the above limits may not be appropriate for small and medium enterprises ('SMEs') and sole providers. In these instances, the Council may be able to reduce these limits by applying for an Exception to these Regulations under section F.

C12.4 Where additional insurances are required, refer this to the Council's Head of Insurance for approval in the first instance.

## **D PROCUREMENT PROCESS**

### **D1 General**

D1.1 The Procurement Tool Kit further details the procurement process for seeking quotations and tenders under the EU Thresholds.

D1.2 Officers throughout the procurement must consider all other Council policies which could apply to the procurement project, e.g. The Strategic Plan, the Council's Financial Regulations, Business Plans, Delivery Plans, etc and legislative requirements such as (but not limited to) social value and equalities

### **D2 Sustainable Procurement (Social & Environmental Value)**

D2.1 Sustainable Procurement incorporates the achievement of environmental, economic and social outcomes through procurement processes. All, where relevant to the subject of the Contract, should be incorporated into every procurement process paying particular attention to the Council's published advice or Procurement Instructions for these areas.

D2.2 If in any doubt, Officers must seek the advice of a Procurement Advisor.

### **Social Value**

D2.3 Social value is the added value / benefit to the community as a result of the commissioning / procurement process, supporting the Council's vision of a connected Staffordshire, and maximising the benefits of public sector spend to local communities, engaging community spirit, in turn improving service delivery and quality.

D2.4 The Public Services (Social Value) Act 2012 mandates the Council to consider the wider benefits which may be achieved through the procurement of Contracts specific to Services with spends at, or over, the relevant EU Threshold.

D2.5 The Public Services (Social Value) Act further requires the Council to consider whether to consult on social value issues prior to undertaking a procurement exercise.

D2.6 Officers should demonstrate their consideration of social value for all other Contracts spends other than those in D2.4.

D2.7 The evaluation of social value should be considered as part of the non-priced (quality) aspect of the evaluation in all procurements.

### **Environmental Value**

D2.8 Environmental value focuses on the sustainable environmental considerations of a procurement. Please refer to the relevant Procurement Instruction.

## **D3 Employment issues and TUPE (Transfer of Undertaking Protection of Employment Regulations)**

D3.1 Implementing contractual arrangements can give rise to TUPE implications. It is not always obvious that there are TUPE implications; for example: -

- contracting with a new provider;
- outsourcing from in-house;
- bringing services back in-house

may invoke TUPE transfers.

D3.2 It is essential that Officers consider all TUPE implications prior to going out to procurement. Officers must seek the advice of a Procurement Advisor or a HR Advisor to ensure that any relevant TUPE arrangements have been considered.

D3.3 Contracts must contain relevant TUPE conditions to ensure all necessary practicalities for the application of TUPE are agreed and to safeguard the Council from risk (for example, to ensure that appropriate workforce (and

other) information will be made available by the existing provider prior to the Contract end date in sufficient time to allow the Council to fulfil TUPE obligations.

#### **D4 Advertising**

- D4.1 It is mandatory that any public advert over the Council Advertising Threshold is placed on Contracts Finder by a Procurement Advisor.

#### **D5 Pre-Qualification**

- D5.1 A separate pre-qualification stage is prohibited when publically tendering for Contracts with a value of less than the EU Threshold as set for Supplies/Services regardless of whether the subject matter of the Contract is Works, Supplies or Services.

#### **D6 Invitation to Tender ('ITT')**

- D6.1 All below-EU Threshold ITTs shall use the agreed standard documentation as described in the Procurement Tool Kit.

#### **D7 Contract Terms and Conditions**

- D7.1 It is essential that Officers consider the model Contract Terms and Conditions well in advance of going out to procurement.
- D7.2 There must be written evidence for every Contract (regardless of value), and all Contracts must be in a form agreed with the Head of Commercial, i.e. all procurements must use the appropriate model Terms and Conditions and standard documentation available on the Councils intranet as the starting point. Where they are deemed insufficient, or require any change, this must be agreed by a Procurement Advisor or a Legal Advisor. Note – it is not an Exception to these Regulations to vary the Terms and Conditions.
- D7.3 Purchase orders must reference / contain model Contract Terms and Conditions. A quotation and a purchase order will create a legally binding Contract. Please see paragraph D13.6.
- D7.4 Officers are not permitted to enter into Contracts on the provider's Terms and Conditions for spends above the Council Advertising Threshold, and should take care that they do not inadvertently enter into a Contract on the provider's Terms and Conditions.
- D7.5 It is accepted that Officers will contract on a provider's Terms and Conditions when using a Procurement / Purchasing Card.
- D7.6 In addition to D7.5, Officers should consider the use of model Council Contract Terms and Conditions below the Council Advertising Threshold although this is not mandatory.
- D7.7 In the rare event that a provider refuses to accept the model Contract Terms and Conditions, the provider's Terms and Conditions are to be

referred to a Procurement Advisor or a Legal Advisor for review and possible approval.

D7.8 Advice on any Terms and Conditions must be sought from a Procurement Advisor or a Legal Advisor.

D7.9 The Head of Commercial must:

- keep a record or list of all model sets of Contract Terms and Conditions detailing when the conditions were last updated, who is responsible for updating them, and any changes to the models;
- keep all current model Contract Terms and Conditions under review;

## **D8 Issuing Requests, Receiving and Opening Quotations and Tenders**

D8.1 Where Officers receive only one or two quotations for procurements below the Council Advertising Threshold, Officers must report the exception in accordance with section F.

D8.2 Approval of a Procurement Advisor is required to abandon or terminate a procurement process (post advertisement) for Contract spends above the Council Advertising Threshold.

## **D9 Emailed Quotations**

D9.1 For procurements for Contracts with spends less than the Council Advertising Threshold, quotations shall be requested and received by the Council email system.

D9.2 Electronic quotations must:

- be received by Council email address; and
- have a date/ time of submission communicated to the recipients.

## **D10 Electronic Tendering and Auctions**

D10.1 All procurements at or above the Council Advertising Threshold must be conducted via the Council's electronic tendering system. All systems must, as a minimum, conform to the requirements stated in the Public Contracts Regulations. Third parties (see B1) must first seek approval from a Procurement Advisor to use an alternative electronic tendering system.

D10.2 Unless otherwise agreed by a Procurement Advisor, all electronic tendering for Contract spends above the Council Advertising Threshold will be performed by a Procurement Advisor.

D10.3 The Procurement Advisor (or agreed delegate) will manage the posting of the tender and manage the resulting clarifications only for electronic tendering performed for Contract spends at, and above, the Council Advertising Threshold. Officers shall prepare their tender in accordance with these Regulations and the Procurement Tool Kit.



D10.4 Approval from a Procurement Advisor is required to carry out an Electronic Reverse Auction.

## **D11 Late Tenders or Partial Receipt of Tenders**

D11.1 The Council will not accept a tender over the Council Advertising Threshold if it is received late and after Officers have opened other tenders for that Contract, unless the cause is either an act or omission of the Council.

D11.2 Any anomaly within the quotation process must be documented and authorisation to proceed sought in accordance with Exemptions (section F).

## **D12 Evaluating Quotations and Tenders**

D12.1 For procurements of Contracts with spend less than the Council Advertising Threshold, it is required that the quality aspect of the Specification will be evaluated under a pass / fail criteria and that price criteria will form 100% of evaluation.

D12.2 For procurements of Contracts with spend at, and above, the Council Advertising Threshold, it is required that the price criteria will be a minimum of 80% of evaluation.

D12.3 Where Officers wish to deviate from the stated price ratio above, Officers must obtain written authorisation to proceed in accordance with section F.

D12.4 Where the Procurement Tool Kit states a scoring formula for price and quality, an exception must be recorded (see section F) where an alternative formula is employed.

D12.5 For post-tender submissions, consult a Procurement Advisor where there is a requirement to deviate from prices initially received, or there is a need to deviate from the original Specification.

D12.6 Consult a Procurement Advisor for authority to accept a Variant Bid tender.

## **D13 Approval to Award Contracts for Works, Supplies or Services**

D13.1 For Contract awards with spends over £3,000 up to the Council Advertising Threshold Officers must obtain the approval of an Officer **Band C**.

D13.2 For Contract awards with spends at, and over, the Council Advertising Threshold and below the EU Threshold as set for Supplies/Services Officers must obtain the approval of an Officer **Band B**.

D13.3 For Contract awards with spends at, and over, the EU Thresholds as set for Supplies/Services Officers must obtain the approval of an Officer **Band A**.

D13.4 Any alternative solution to D13 for the approval of 'high' volumes of call-off contracts from a Framework Agreement must be presented by a **Band A** Officer to, and be agreed by, the Head of Commercial.

D13.5 Officers must ensure that a Contract award notice is issued by a Procurement Advisor on the Contracts Finder portal for Contracts with a value at and above the Council Advertising Threshold, together with a completed entry on the Contracts Register. For awards over EU Thresholds an OJEU award notice is also required.

### **Entering into Contract**

D13.6 The use of Offer and Acceptance and a valid Council purchase order will be used for all awards for Contract spends at and above £500, and under the Council Advertising Threshold, unless agreed by a Procurement Advisor or Legal Advisor.

D13.7 All awards over the Council Advertising Threshold will require the use of model Terms and Conditions. Consult a Procurement or Legal Advisor for advice on which Terms and Conditions will apply. The advice received will dictate whether the Contract is to be signed by the requisite Officer in accordance with banding in D13.1 to D13.3 or will require execution under seal.

D13.8 The authority to seal any Contract (the sealing authority) will also be in accordance with the Constitution, the Sub-Scheme of Delegation and the Officer banding in D13.1 to D13.3.

D13.9 Only an authorised officer of Strategy, Governance and Change shall execute Contracts under seal.

### **D14 Contract Monitoring and Management**

D14.1 Contracts awarded by or on behalf of the Council must be monitored and contract managed throughout the Contract term to ensure delivery of the Contracted Works, Supplies or Services in accordance with the Contract requirements and standards.

D14.2 Contract monitoring and management arrangements agreed during the procurement process will be determined by the complexity and risk associated with the Contract and conditions in the relevant market. Such arrangements must take account of both financial and quality aspects.

### **D15 Tender File**

D15.1 Officers should ensure that written auditable records of all procurement activity (quotation, tender and otherwise) are kept in electronic format on the Council ICT server system including electronically-scanned copies of any signed contract.

D15.2 Documentation shall be retained for a period stipulated in the Council's Records Retention and Disposal Policy.

## **D16 Transferring Contracts**

D16.1 In appropriate circumstances the Council may agree to transfer a Contract, by novation or assignment.

D16.2 Consult a Procurement Advisor prior to assigning or novating a Contract.

## **D17 Contract Variation, Extension and Termination**

D17.1 The approval to: -

- end a Contract early; or
- extend a Contract in line with its Terms and Conditions; or
- materially vary a Contract; or
- serve a default notice

shall be obtained from a **Band C** Officer where the Contract spend is less than the Council Advertising Threshold; or

shall be obtained from a **Band B** Officer where the Contract spend is at or more than the Council Advertising Threshold, and less than the EU Threshold as set for Supplies/Services; or

shall be obtained from a **Band A** Officer and a Procurement Advisor where the Contract spend is at, and above, the EU Threshold as set for Supplies/Services.

D17.2 The approval Officers in D17.1 shall inform a Procurement Advisor prior to fulfilling the action.

## **E Public Contracts Regulations / EU Procurement Directives**

E1.1 The Public Contracts Regulations are derived from the EU Public Contracts Directive, and came into effect in the UK on the 26<sup>th</sup> February 2015.

E1.2 Under the Public Contracts Regulations the Council is the Contracting Authority.

E1.3 A Procurement Advisor must be consulted prior to using the Public Contracts Regulations / EU Procurement Directives / Concession Contracts Regulations, and must lead all procurements for Contract spends at, and above, the EU Thresholds.

E1.4 Officers must get agreement from the Head of Commercial as soon as possible before starting: -

- A competitive dialogue;
- A competitive procedure with negotiation;
- An innovation partnership procurement procedure;
- A negotiated procedure without prior publication (e.g. direct award);
- A Dynamic Purchasing System ('DPS').

E1.5 Any amendment to already-published selection or award criteria must be agreed by the Head of Commercial.

E1.6 For all procurements classified as falling under the Light Touch Regime consult a Procurement Advisor.

## **F Exemptions and Exceptions**

### **F1 General**

F1.1 Exemptions fit into the following categories: -

1. Circumstances where these Regulations do not apply;
2. Exemption from these Regulations for Contract spends up to the EU Thresholds.

### **F2 Exemptions - Circumstances where these Regulations do not apply**

F2.1 These Regulations do not apply to the following: -

1. Contracts of employment;
2. Contracts relating to interest in land (also known as property) – see a Procurement Advisor first;
3. Contracts entered into by schools using delegated budgets as they have their own Regulations to follow;
4. Investment transactions placed by the Director of Finance and Resources for treasury management activities;
5. Contracts placed by the Director of Finance and Resources investing money or assets of the Staffordshire County Pension Fund;
6. Grants which the Council may receive or make (unless the grant is part of a Contract for Services or mandates that these Regulations are to be followed);
7. When buying from within the Council;
8. In instances where the Works, Supplies or Services can be bought from only one provider and this can be justified. Consult a Procurement Advisor in this instance;
9. In instances where Officers are buying works of art, museum artefacts, manuscripts or archive collection items;
10. Where instructing external legal advisers in accordance with Regulation 10 of the Public Contract Regulations 2015 and as authorised by the Director of Strategy, Governance & Change

### **F3 Exceptions from these Regulations for Contract spends up to the EU Thresholds**

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F3.1 Any Works, Supplies or Services Contract or process declared to be an exception from these Regulations must be authorised, in writing, as follows: -

- by a **Band B** Officer for Contract spends up to Council Advertising Threshold;
- by a **Band A** Officer where the Contract spend is at, or above, the Council Advertising Threshold and below the EU Threshold as set for Supplies/Services;

F3.2 Examples of Exceptions: -

- where an immediate need is created by a sudden, unforeseen, real and demonstrable emergency or danger to life or health that requires immediate action to protect the interests of the Council;
- receiving only 1 or 2 quotations when 3 were sought;
- adjusting the level of insurances when seeking SME providers;
- when detracting from an 80% price evaluation criteria;

F3.3 Examples of what are not considered as Exceptions: -

- when required to vary, or use legal terms other than, the model Terms and Conditions;
- where 3<sup>rd</sup> party Framework Agreements dictate the procurement rules to be used;

#### **F4 Non-Compliance of the Public Contracts Regulations and Concession Contracts Regulations**

F4.1 No Officer may grant an exception to procurements regulated by the Public Contracts Regulations or the Concession Contracts Regulations.

F4.2 Any risk of potential non-compliance of the Public Contracts Regulations or the Concession Contracts Regulations must be reported to the Council full Senior Leadership Team.

#### **F5 Applying for / Authorising and Reporting an Exception**

F5.1 All applications and subsequent authorisations for exceptions must be in writing and recorded.

F5.2 All authorised exceptions as described in F3.1 shall be copied to a Procurement Advisor for approval, and shall contain, as a minimum, the following: -

- Description of exception / background
- Justification for the exception
- Whether it's an ongoing or it's a new spend
- Date of commencement if resulting in a Contract
- Duration of any subsequent Contract
- Commissioner of the Council service

- Band sign-off name and post

## **F6 Recording / Reviewing of Exceptions**

- F6.1 The Head of Commercial will keep a register of all exceptions to these Regulations.
- F6.2 It is the responsibility of the originating Officer of the Exception to ensure that it is reviewed and remains valid. The originating Officer is to seek further approvals where necessary.

## Annex 1 - Glossary of Terms

Band A	is a representative of a member of the Councils <b><u>'FULL'</u></b> Senior Leadership Team.
Band B	is an Officer who reports direct to a Band A.
Band C	is an Officer who reports direct to a Band B.
Central Purchasing Body	is a Contracting Authority in its own right that concludes pre-procured contracts for Works, Supplies or Services and allows access to these contracts by the wider public sector.
Commercial Team	is a Council department within the Finance and Resources Directorate whom undertake all activities within a typical procurement/commissioning cycle activity on behalf of the Council and partner organisations.
Concession Contract	is a Contract between a company and the Council that gives the company the right to operate (and profit from) a specific business within the Councils jurisdiction, subject to certain conditions.
Concession Contracts Regulations	came into force on 18 <sup>th</sup> April 2016 for the regulation of certain service and works concession contracts (see Threshold Ladder) where consideration given to the provider is that the provider is permitted to exploit the Works or Services that are the subject of the contract (together with payment if desired).
Constitution	is the Councils document that contains the rules and procedures for making decisions and managing the Councils business.
Contract	is, for the purposes of these Regulations, any agreement (whether in writing or not) between the Council and one or more other parties in respect of the acquisition or sale of Works, Supplies or Services for payment or otherwise.  Throughout these Regulations, also read 'Contract' in context of a framework agreement.
Contracting Authority	is a defined term in the Public Contracts Regulations means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law, and includes central government authorities. Staffordshire County Council is a Contracting Authority.
Contracts Finder	is the Government's online procurement portal for both providers and Contracting Authorities. For the former it presents new procurement opportunities; for the latter it is

	the mandatory portal to advertise their new opportunities and contract award information.
Contracts Register	is the list of Contracts entered into by the Council over a value of £25,000. This is held by the Head of Commercial and maintained by Officers.
Council	means Staffordshire County Council.
Council Advertising Threshold	is the lowest contract spend trigger at which a procurement is advertised to the public. See Threshold Ladder.
Default Notice	is used to provide written notice that a provider is in breach of contract.
Electronic Reverse Auction	is the ability to compete providers in a 'live' situation(via specialised software) with the intention of reducing initially tendered prices.
EU Threshold	are the contract (spend) triggers that will apply to public procurement exercises run under the Public Contracts Regulations, and the Concession Contracts Regulations.
Exceptions	are where these Regulations, in whole or in part, are not followed as presented, unless otherwise indicated.
Framework Agreement	is an agreement or other arrangement which sets the Terms and Conditions (in particular the price and, where appropriate, quality) under which the provider will enter into one or more (call-off) contracts with the Council. This may also be referred to as a call-off contract, a continuous contract or a standing offer.
Head of Commercial	is the Council's Head of the Commercial Team.
HR Advisor	is an Officer allocated by the Head of HR.
Invitation to Tender	is a document which invites providers to bid for the provision of Works, Supplies or Services.
Key Influencer	is an Officer within a procurement project who, by virtue of their normal duties in that project, could influence the choice of provider.
Legal Advisor	is an Officer allocated by the Head of Law.
Light Touch Regime	Contracts for health, social, prison, postal, certain legal services and other community services, which effectively replaced the previous Part B services in historic Public Contracts Regulations.



Monitoring Officer	a designated Officer of the Council with the unique role to ensure that the Council, its Officers and Elected Councillors maintain the highest standards in all they do.
Offer and Acceptance	is the process of awarding a Contract which is usually conducted without signature.
Officer	is any employee of the Council and also Members.
OJEU	is the Official Journal of the European Union, which publishes all public sector tenders which have Contract spends over the EU Thresholds.
Pre-Qualification	is the stage used to assess providers for inclusion in the shortlist of providers who will be invited to submit a final tender. They specifically evaluate the suitability of potential providers in relation to their technical knowledge and experience, capability and financial and economic standing.
Procurement Advisor	is an Officer allocated by the Head of Commercial.
Procurement / Purchasing Card	The 'pCard' is an efficient means of ordering and paying using a bespoke credit card issued by the Council. Refer to Staffordshire County Council's Financial Regulations for more details.
Procurement Instructions	issued separately, are technical procurement instructions which are enabled by, and underpin, these Regulations. The Procurement Tool Kit is an example of a Procurement Instruction.
Procurement Tool Kit	is a particular Procurement Instruction which outlines the processes and considerations involved in compiling a quotation and tender for contract spends below the EU Thresholds.
Public Contracts Regulations	came into force on 26 <sup>th</sup> February 2015 and directly implement the 2014 EU Public Sector Procurement Directive together with some UK reforms aimed to make public procurement more accessible to small businesses.
Quotation	is a request for price and any other relevant matter without the formal issue of a public tender, for Contract spends less than the Council Advertising Threshold.
Regulations	are the Council's Procurement Regulations and are the Council's own internal governance and policy to public procurement.
Senior Leadership Team ('SLT')	Council Officers appointed under Article 12 of the Constitution, led by the Chief Executive, to carry out the duties shown in these Regulations.

Services	in their purest form, are not Supplies or Works, although they may form part of these. Services are all encompassing and include all actions, both tangible and intangible.
Sourcing Strategy	is the written justification of the options considered, dismissed and ultimately decided upon when implementing a specific procurement process. See the Procurement Tool Kit.
SME	Small and Medium-sized Enterprises.
Specification	is the descriptive document(s) detailing the requirements required from the provider in delivering the Works, Supplies or Services.
Supplies	are stock items or amounts, usually tangible, of something supplied or available for use.
Tender	is a provider's tender response to the Invitation to Tender.
Terms and Conditions	means the Council's standard model sets of legal terms and conditions (as may be amended from time to time). Refer to the Procurement Tool Kit for details.
Threshold Ladder	the Council's agreed procurement processes outlined at various Contract value spend triggers/thresholds.
Transparency Code	issued in 2015, the Local Government Transparency Code mandates the Council to publish various spend data, and in particular specific procurement-related information.
Variant Bid	is a tender which technically meets the Specification, but delivers the solution by a different means from that specifically requested by the Contracting Authority in the Tender.
Works	<p>is the subject matter of a Contract which is ordinarily property construction and civil engineering related. A list of defined Works categories is shown in Schedule 2 of the Public Contracts Regulations.</p> <p>The Council may also treat 'Works' as an agreement where a developer constructs a building on their own land (according to Council needs) and then transfers the land and structure to the Council at a later date. Refer these projects to a Procurement Advisor in the first instance.</p>