

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 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 seven Scrutiny 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. Scrutiny 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 Scrutiny 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.
- 4.3 The Corporate Review Committee can also establish Policy Advisory Groups made up of any Member of the Council who is not on the Cabinet to investigate, in detail, important service or policy issues. Following their investigations, Policy Advisory Groups will make recommendations to the Cabinet, or external bodies/ organisations, that will lead to enhanced services for the people and communities of Staffordshire.

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 Law and Governance.

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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 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 Committee prior to consideration by Full Council.
- 3.2 The Chief Executive and the Director of Law and Governance as Monitoring Officer will monitor and report to the Audit 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 Law and Governance 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 Law and Governance 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 Law and Governance 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.

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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 12 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/>.

APPENDIX 1 - MEMBERS' CODE OF CONDUCT

Part A – Introduction

1. The Secretary of State has specified in the Local Authorities (Model Code of Conduct) Order 2007 the principles which are to govern the conduct of members of the County Council. They are set out in Part B below.
2. Paragraphs B.2 and B.8 of Part B below also apply in relation to the activities of a member that are undertaken other than in an official capacity
3. The Secretary of State in the Local Authorities (Model Code of Conduct) (England) Order 2007 has issued a Model Code in regards the conduct which is expected of members and co-opted members of the County Council. Its provisions are mandatory.
4. The Model Code is set out in Part C below.

PART B

THE GENERAL PRINCIPLES

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authority use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

PART C

THE MODEL CODE OF CONDUCT - AUTHORITIES OPERATING EXECUTIVE ARRANGEMENTS

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—

"meeting" means any meeting of—

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3. (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
- 4. You must not—
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—

- (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;

- (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent

- governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of members' interests

- 13.** (1) Subject to paragraph 14, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 14.** (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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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 Corporate Director. 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 Corporate Director 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 Corporate Directors 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 Corporate Director.
- 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 Law and Governance 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 Corporate Directors 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 Corporate Director 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 Corporate Director and must not go beyond the bounds of whatever authority they have been given by their Corporate Director.

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 Corporate Director.
- 7.2 If an officer has similar concerns about a councillor, he or she should raise the matter with their Corporate Director 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 Law and Governance.

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.

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MEMBERS' ALLOWANCES SCHEME

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15. Submission and payment of claims
16. Approved duties
17. Tax, National Insurance, Sickness and Pensions
18. What if a member does not wish to be paid allowances?
19. Members responsibilities

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 Law and Governance.

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**
- **reimbursement of telephone and broadband line rental**

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 last Wednesday of each month. In a year in which there is a County Council election, however, that arrangement is varied.

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 last Wednesday day of each month. In a year in which there is a County Council election, however, that arrangement is varied.

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 last Wednesday 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 £10.00 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 Law and Governance)**
- **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 an independent member serving on the Standards Committee) 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 to retain the receipts for all expenditure claimed for under the scheme as they may be required to produce evidence in respect of any 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 Law and Governance 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
Public transport (within county) Public transport (outside county)	Standard rail fare or bus fares Standard bus fares Standard or first-class rail fare
	Note 1 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.
	Note 2 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.
Taxi cab or cabs (i) In cases of urgency or where no public transport is reasonably available (ii) In other cases	Actual fare and reasonable gratuity Not exceeding the amount of the fare for travel by appropriate public transport. Note: 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 Children and Young People Scrutiny and Performance Panel, or any Committee (whatever entitled), whose functions include the education function), and independent members serving on the Standards Committee, are entitled to receive an annual Meetings Allowance of £588.

12. Reimbursement of Telephone and Broadband line rental

12.1 In addition to the opportunity for the provision of a dedicated County Council smartphone members are reimbursed their telephone line rental at a fixed rate of £10.50 per month paid annually.

12.2 Members without a County Council provided broadband line can also claim their broadband line rental on the production of the evidence of cost.

13. Pensions

13.1 Any elected member, who is under 70 years of age, is entitled to claim a pension from the County Council and both basic and special responsibility allowances will be treated as amounts in respect of which such a pension will be payable.

14. Calculating the time allowed

14.1 Reasonable travelling time is allowed for in calculating the period of absence for the purpose of claiming subsistence allowances.

14.2 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 Law and Governance.

15. Submission and payment of claims

15.1 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.

16. Approved Duties

16.1 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 Personal Development Planning 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

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

16.3 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. Such approvals must be given before attendance, otherwise any allowance may not be payable.

16.4 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 16.3 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.

Gold Form (*)

Form 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.

(*) Form not incorporated in the Constitution

17. Tax, national insurance, sickness and pensions

- 17.1 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 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.
- 17.2 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 is male and over 65 years old or female and over 60 years old.
- 17.3 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.
- 17.4 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, which will provide the information to be declared to the Inland Revenue, and from whom further advice is available on request.
- 17.5 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.
- 17.6 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.

18. What if a member does not wish to be paid allowances?

- 18.1 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 Law and Governance 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.

19. Members' responsibilities

- 19.1 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 Law and Governance are designed to ensure that all claims relate to properly approved duties. The Director of Law and Governance 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 last Wednesday of each month. In a year in which there is a County Council election, however, that arrangement is varied.

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 last Wednesday of each month, and

(ii) In a year in which there is a County Council election the arrangement is varied.

(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 £10.00 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 Law and Governance;
- (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 member serving on the Standards Committee) 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 Law and Governance 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 an independent member serving on the Standards Committee) in accordance with the rates set out in Schedule 5.

8. Co-optees Allowance

- 8.1 Subject to paragraph 10 below, an annual co-optees allowance of £588 is payable to appointed members (ie church and parent representatives on the Schools and Colleges Scrutiny Committee or on any Committee (whatever entitled) whose functions include the education function); and to independent members serving on the Standards Committee. In either case such amount shall be paid quarterly in advance on the first day of each quarter.

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 In accordance with the recommendation of the Independent Remuneration Panel, any elected member of the County Council, who is under 70 years of age, is entitled to claim a pension from the County Council and both the basic and special responsibility allowances are to be treated as amounts in respect of which such a pension will be payable.

10. Renunciation

10.1 A councillor may, by notice given to the Director of Law and Governance, 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 an independent member of the Standards Committee may, by notice given to the Director of Law and Governance, 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 members of the Standards Committee 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 allowance:-

- (a) if an amendment to this scheme changes the amount to which an appointed member (see paragraph 8 above) or an independent member of the Standards Committee is entitled; or
- (b) where the term of office of an appointed member or an independent member 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 Law and Governance 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 Law and Governance 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 2010 to 31 March 2011 £
Basic Allowance	9244

SCHEDULE 2

Special Responsibility Allowances

Special Responsibility Allowance	1 April 2010 to 31 March 2011 £
Leader of the Council	35,000
Deputy Leader of the Council	26,250
Cabinet Member (8)	17,500
Support Members (0)	
Basic	6,658
+ 1 increment	7,491
+ 2 increments	8,322
Leader of the Principal Opposition (not currently applicable)	17,500
Leader of the Minority Opposition	3,996
Chair Corporate Policy Scrutiny Committee	6,658
Vice Chair Corporate Policy Scrutiny Committee	2,331
Chair of Scrutiny and Performance Panel (5)	6,658
Chair of Staffordshire Health Scrutiny Committee	7,325
Vice Chair of Scrutiny and Performance Panel (5)	2,331
Vice Chair of Staffordshire Health Scrutiny Committee	2,664
Chair of Planning Committee	6,658
Vice Chair of Planning Committee	2,331
Chair of Audit Committee	3,996
Vice Chair of Audit Committee	1,332
Chair of Pensions Committee	3,996
Vice Chair of Pensions Committee	1,332

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 2009 to 31 March 2010 £
Chairman of the County Council	16,649
Vice-Chairman of the County Council	8,322

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	£10
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	50 p
All motorcycles	25 p
Bicycle allowance	20 p
Passenger rate	5 p per passenger

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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 10 and the Access to Information Rules in Section 12.

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 10 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 12 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 from the Forward Plan what key decisions will be taken by the Cabinet and when;
 - 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.

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 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 Standards Committee which 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:

Duncan Whitehouse, Head of Scrutiny and Support
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 Duncan Whitehouse, Head of Scrutiny and Support, on 01785 276154 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 Duncan Whitehouse, Head of Scrutiny and Support, on 01785 276154 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 acknowledgment 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 Duncan Whitehouse, Head of Scrutiny and Support, on 01785 276154 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 5 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

Nick Bell, Chief Executive

Andrew Burns, Finance Director

Richard Higgs, Corporate Director, Development Services Directorate

Sander Kristel, Director of Information and Communication Technology

Sally Rees, Corporate Director, Children Young People and Families Directorate

Helen Riley, Deputy Corporate Director, Communities and Chief Executive's Office

Eric Robinson, Corporate Director, Social Care and Health Directorate

John Tradewell, Director of Law and Governance

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 Committee.
 - Subject to the urgency procedure contained in the Access to Information Rules in Section 12 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 10 (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 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 11 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.

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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 Scrutiny Committee(s) together with dates when the Cabinet will consider them further, which shall allow a reasonable period for the Scrutiny Committee(s) to consider the proposals.

- 2.2 The relevant Scrutiny 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 Scrutiny 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 as to whether the decision they want to make is not in line 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 Corporate Director 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 Scrutiny 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 Scrutiny 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 Scrutiny 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 13 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 Scrutiny 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.
- 7.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Director of Finance'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 conclude that the decision was not in line with the policy framework and/or budget, and to the relevant Scrutiny Committee if the Monitoring Officer or the Director of Finance 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 is that the decision is or would be not in line with the policy framework or the budget, the Scrutiny 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 Scrutiny 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. 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.

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 Law and Governance 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. Role of the Cabinet

5.1 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.

5.2 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.

5.3 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.

- 5.4 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.
- 5.5 The Cabinet will as appropriate or necessary in the circumstances seek the advice of the Chief Executive, the Director of Law and Governance the relevant Corporate Director and/or the Director of Finance on any matter and shall have regard to any advice so given.

6. Cabinet Decisions and Cabinet Member Decisions

- 6.1 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 Corporate Director or is one which the Cabinet have specifically reserved for decision to them.
- 6.2 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.
- 6.3 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.
- 6.4 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 Law and Governance in the Constitution on the written notification by the Leader of the Council.
- 6.5 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.
- 6.6 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 (Overview and Scrutiny), the Access to Information Rules (Section 12), and Financial Regulations (Section 13).
- 6.7 Delegated powers can only be exercised once the Cabinet Member has considered a written report from the Corporate Director concerned. Where appropriate, such written report shall include confirmation that the Corporate Director has received and considered advice from the relevant Statutory Officer.
- 6.8 The decision of the Portfolio Holder must be in writing, signed by him/her and by the Corporate Director 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 Law and Governance.

- 6.9 The Leader may delegate to a Corporate Director 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.
- 6.10 Corporate Directors 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.
- 6.11 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.

7. Cabinet Meetings

- 7.1 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 12 of the Constitution. The Cabinet will normally meet at monthly intervals and at other times to be agreed by the Leader of the Council.
- 7.2 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.
- 7.3 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 12 of this Constitution.
- 7.4 The Cabinet may require any Cabinet Member or the Leader of the Council or Corporate Director to report to the Cabinet on any matter which the Cabinet specify and which is within its or his/her purview.
- 7.5 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.
- 7.6 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.

- 7.5 The Director of Law and Governance 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.

8. Conflicts of Interest

- 8.1 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.
- 8.2 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 10 of this Constitution.

9. Rights of attendance at Meetings of the Cabinet

- 9.1 Any person entitled to do so by the Access to Information Rules in Section 12 of this Constitution may attend a Cabinet Meeting. A Councillor may attend a Cabinet meeting in accordance with the 'Local Member' provisions in Section 11 of this Constitution.
- 9.2 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.
- 9.3 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.

10. Consultation

- 10.1 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.
- 10.2 Reports about other matters will set out the details and outcome of consultation as appropriate.
- 10.3 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.
- 10.4 The Leader may also establish (and disestablish) Boards comprising Members and officers to oversee specific projects, functions or services or to undertake reviews.

- 10.5 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).
- 10.6 A list of boards currently established, along with their terms of reference and Membership shall be maintained by the Director of Law and Governance and included in the Constitution.

CABINET MEMBER RESPONSIBILITIES

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
<p style="text-align: center;">Leader of the Council – Philip Atkins</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 69</p>	<p><u>Strategic</u></p> <ul style="list-style-type: none"> • The Council budget • Overall Council performance • Corporate strategy • Corporate communications • Relations with all Staffordshire’s Public Authorities • Relations with neighbouring authorities • Governmental relations • Emergency planning and control • Legal responsibilities <p><u>Operational</u></p> <ul style="list-style-type: none"> • Chair of Cabinet • Chair of Service Review Board • Chair of Procurement Board • Membership of Outside Bodies (Corporate level) 	<ol style="list-style-type: none"> 1. To receive reports of waivers granted under paragraph C1 of Contract Standing Orders where the value of the contract does not exceed £100,000. (If the value of the contract exceeds £100,000 the matter must be reported to the Cabinet). 2. Approval of all project specific issues relating to the preparation of the Outline Business Case and the subsequent procurement of Project W2R except where such matters have been specifically reserved for Cabinet reserved for Cabinet decision (in the event of the Leader being absent or unavailable for any reason, the Cabinet Lead Member for Regeneration and Infrastructure can approve) 	<p>Chief Executive & Corporate Management Team</p>
<p style="text-align: center;">Deputy Leader & Cabinet Lead Member for Children and Young People – Ian Parry</p>	<p><u>Strategic</u></p> <ul style="list-style-type: none"> • Supporting, and Deputising for, the Leader as necessary in carrying out the above responsibilities • Education 0-19 [overview] (jointly with Cabinet Member for Economy Skills and Enterprise in relation to FE colleges) • Building Schools for the Future • Schools Arts and Culture • Child Protection - strategic responsibilities as defined by the legislation around the Lead Member for 	<ol style="list-style-type: none"> 1. To agree changes to Instruments of Government for Schools. 2. To close a school temporarily, in exceptional circumstances. 3. To determine any applications for financial payment or allowances or other support from the County Council where the application is one in respect of which the Corporate Director (Children and Lifelong Learning) does not propose to exercise delegated powers. 4. For the purpose of, and in connection with, the Council’s Building Schools for 	<p>Chief Executive & Corporate Management Team</p> <p>Corporate Director for Children and Lifelong Learning</p>

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
	<p>children and young people</p> <ul style="list-style-type: none"> • Looked after children • Social care for children • Services for children with special needs • Parenting / children centres • Youth offending [working with Communities and Culture] • Youth services and IAG (Connexions) [working with Communities and Culture] • Community learning [assist Communities and Culture] <p><u>Operational</u></p> <ul style="list-style-type: none"> • Undertaking such tasks allocated by the Leader and which help the Council move forward • Legal responsibility for children in care and social care provision • Chair the Children's Trust and other panels and committees • Raising the profile of Staffordshire, nationally and within government. • Chair of BSF Project Board 	<p>the Future programme, to approve proposals for changes to school organisation for the purpose of consultation, and to initiate consultation on those proposals.</p> <ol style="list-style-type: none"> 5. To approve changes to the Terms of Reference and Membership of the Staffordshire Standing Advisory Council for Religious Education (other than the selection of councillor representatives which remains the responsibility of the Leader of the Council) 6. For the purpose of, and in connection with, the County Council's Building Schools for the Future programme, to make any decisions or take any action that the Deputy Leader considers necessary in connection with the implantation and delivery of the said programme (including matters of school organisation) where the Deputy Leader in his absolute discretion considers that the decision or action is appropriate for determination under this delegated power. 7. In the event that there is insufficient time to obtain a decision of Cabinet before the submission has to be made to Government: <ol style="list-style-type: none"> a) To determine and agree the annual admission arrangements for community and voluntary controlled schools for which the Local Authority is 	

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
		admission authority b) To determine and agree, on an annual basis, the coordinated admission schemes for primary and secondary schools Subject to the decision being reported to the next available meeting of Cabinet.	
Cabinet Lead Member for Assets, Performance and Organisation – Mark Winnington	<u>Strategic</u> <ul style="list-style-type: none"> • Corporate target setting and performance • Programme management • Organisational Development • Procurement • Information Management and Security • ICT • Property and estates (strategic) <u>Operational</u> <ul style="list-style-type: none"> • Legal Services • Member services • Finance • Shared Service Centre • ICT • Audit service • Procurement • Corporate Human Resources • Corporate Communications and Customer Services • Corporate Policy development • Chair of Strategic Property Board 	<ol style="list-style-type: none"> 1. To approve proposed property transactions (other than in respect of property vested in the Pension Fund) where the value of the transaction exceeds £1 million (or where proposed transaction is at undervalue) provided that the value of transaction does not exceed £10 million. 2. In consultation with the Director of Finance to authorise the ring-fencing of all or part of a Capital Receipt from a property transaction for use for particular projects or purposes. 3. To decide upon any elements of discretion contained in national and provincial pay awards. 4. To decide, after consultation with the Head of Strategic Human Resources and the Chief Finance Officer, upon proposals for the early retirement or redundancy of employees of the County Council. 5. Making agreements with other local authorities for placing staff at the disposal of those other authorities. 	Director of Law and Governance Director of Finance Director of ICT Director of Communities and Chief Executive's Office Corporate Director for Development Services

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
		<ol style="list-style-type: none"> 6. To approve Planning Briefs for the disposal of county-owned property. 7. To approve the policy statement detailing how the Council, as a scheme employer, will exercise the discretions available to it within the Local Government Pension Scheme, as required by the Local Government Pension Scheme Regulations. This delegation only applies to the extent that such discretions are being exercised in a manner which is consistent with the County Council's policy on early retirement. 	
<p>Cabinet Lead Member for Adult Care and Wellbeing – Matthew Ellis</p> <p style="text-align: center;">Page 72</p>	<p><u>Strategic</u></p> <ul style="list-style-type: none"> • Strategic partnerships and policy with NHS, other key organisations and the LAA • Strategic Needs Assessment, Planning and Commissioning • Public Health and Wellbeing • Care Sector Workforce Strategy • Developing the Not for Profit, Voluntary care sector and private sectors <p><u>Operational</u></p> <ul style="list-style-type: none"> • Adult Safeguarding 	<ol style="list-style-type: none"> 1. To determine any applications for financial payment or allowances or other support from the County Council where the application is one in respect of which the Corporate Director (Social Care and Health) does not propose to exercise delegated powers. 	<p>Corporate Director for Social Care and Health</p>

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
Cabinet Lead Member for Communities and Culture Ben Adams	<u>Strategic</u> <ul style="list-style-type: none"> • Partnerships and delivery channels with Districts • Partnerships with Primary Care Trusts, Health, Police, Fire & Rescue, Parish Councils • Community Safety – Safer and Stronger Communities Partnership • Volunteering and third sector • Assist the Leader in managing and developing new relationships with Districts • Work with other partners to achieve improved service delivery • Manage LSP and other Partnership Forums to minimise resources and maximise outcomes • Integrated Youth Support Services • Sport and 2012 • Fairtrade <u>Operational</u> <ul style="list-style-type: none"> • Community Learning • Community Youth provision • Registrars • Citizenship • Trading standards • Staffordshire Local Community Fund • Libraries, Arts, Museums and Archives, • Safer and Stronger Team • Integrated Youth Support Service • Play Schemes • Customer Care 	1. To develop and implement a scheme for the payment of additional grant funding to the Citizens Advice Bureaux in Staffordshire in the current financial year (2009/10) to meet increased demand for services due to the current economic climate subject to an overall financial ceiling of £200,000 and from such of the Council's funds as the Director of Finance deems most appropriate.	Corporate Director for Social Care and Health Director of Communities and Chief Executive's Office

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
Cabinet Lead Member for Regeneration and Infrastructure – Robert Marshall	<p><u>Strategic</u></p> <ul style="list-style-type: none"> • Transport • Waste to Resource (W2R) • Waste management and recycling • Regeneration (Capital) • Strategic Planning • Mineral Core Strategy • Ensure that Regional and Governmental bodies do not over-impose • Government policy – managing and deciding on approach • Develop new policies to improve transportation in the county • Work with Districts to create a joint waste strategy <p><u>Operational</u></p> <ul style="list-style-type: none"> • Manage new investment in highway network • On-going development of Integrated Strategic Policy direction • Increasing inward investment and high quality employment • Working to win new resources for highway improvements, new roads etc • Manage the successful implementation of a new waste reduction and final waste disposal solution • Chair of W2R Board 	<ol style="list-style-type: none"> 1. To respond to consultation from external bodies on planning matters where outside the powers of the Planning Committee, unless the subject matter is of such significance that a report to the Cabinet is required. 2. To authorise the issue of Supplementary Planning Guidance to the Structure Plan or a Local Plan issued by the County Council. 3. To deal with strategic matters relating to the regeneration of contaminated land not involving the formulation of Policy. 4. To determine objections by local members to proposals for Road Traffic Regulation Orders, Traffic Calming measures, speed limits (in consultation with the Cabinet Lead Member for Communities Culture and Leisure) and Footway Conversion Schemes (which are outside the Director's powers) (unless the local member is the Portfolio Holder). 5. To deal with strategic matters relating to the control of pollution and the management of air quality not involving the formulation of policy. 6. Approval of all project specific issues relating to the preparation of the Outline Business Case and the subsequent procurement of Project W2R except where such matters have been specifically reserved for Cabinet reserved 	Corporate Director for Development Services

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
		for Cabinet decision (only in the event of the Leader being absent or unavailable for any reason)	
<p style="text-align: center;">Page 75</p> <p>Cabinet Member for Schools – Liz Staples</p>	<p><u>Strategic</u></p> <ul style="list-style-type: none"> • School improvement • Services to schools <p><u>Operational</u></p> <ul style="list-style-type: none"> • Education 0-19 (jointly with Cabinet Member for Economy Skills and Enterprise in relation to FE colleges) • Schools • Schools Arts and Culture • Parenting / children centres • Community Learning Partnerships 		Corporate Director for Children and Lifelong Learning
<p>Cabinet Member for Economy Skills and Enterprise – Mike Lawrence</p>	<p><u>Strategic</u></p> <ul style="list-style-type: none"> • County Economic Development • Infrastructure • Tourism • Single Regional Integrated Strategy • Skills and Training • Regeneration (Revenue) • Inward Investment including Increasing inward investment and levels of quality employment • Working to win new resources for the County <p><u>Operational</u></p> <ul style="list-style-type: none"> • County Farms and the wider Rural Economy 	<p>1. To interview (with the Director of Law and Governance or nominee) shortlisted applicants for tenancies of County Farms and to decide to whom the tenancy should be offered.</p>	Corporate Director for Development Services

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
	<ul style="list-style-type: none"> • Shugborough • Training provision – Skill Centres, Further Education and other providers • Business Innovation Centres and Industrial Starter Units • Market Town Initiatives • European Projects and funding 		
<p style="text-align: center;">Cabinet Member for Highways and Environment – Mike Maryon</p>	<p><u>Strategic</u></p> <ul style="list-style-type: none"> • Road safety – community safety partnership • Environment and climate change <p><u>Operational</u></p> <ul style="list-style-type: none"> • Highways • Emergency planning (highways only) • Countryside and Rights of Way • Areas of Outstanding Natural Beauty • Countryside and Country parks • Community Action Teams • Flooding and sustainable urban drainage systems • Working to win new resources for highway improvements, new roads etc • Assist in the successful implementation of a new waste reduction and final waste disposal solution • Help work with Districts to create a joint waste strategy 		Corporate Director for Development Services

Cabinet Member & Role	Responsibilities	Specific Delegations	Supporting Officers
<p>Cabinet Member for Community Health – Pat Corfield</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 77</p>	<p><u>Strategic</u></p> <ul style="list-style-type: none"> • Equality and Disability Policy and Implementation (Internal and External Champion) • Care Homes and Nursing care • Personalisation <p><u>Operational</u></p> <ul style="list-style-type: none"> • In House Social Care and Health Services and Modernisation • Care Pathway (Access, Assessment, Care Management, Review) • Direct Payments/Individual Budgets • Disabled Facilities Grant, Adaptations, Equipment, Assistive Technology • Social Care and Health, Infrastructure including IT, Financial and Performance Management, Property, HR Training, 		<p>Corporate Director for Social Care and Health</p>

In addition to the specific responsibilities outlined above, all Portfolio Holders have the following generic responsibilities within their respective portfolio areas:

- Implementation of Cabinet and Group policies
- Involvement and Membership of Outside Bodies (in consultation with the Leader)
- Efficiencies and delivery improvements
- Government policy – managing and deciding on approach
- Communications – presenting policy, changes, initiatives and innovation
- Answering questions at Scrutiny Committee and Council (by agreement with the Lead Cabinet Member in the case of Cabinet Members)
- On-going development of policy and strategic direction
- Budget – development and control
- Press – being the lead spokesperson in the Council on this portfolio
- Raising the profile of Staffordshire, nationally and within government
- Consultation and joint working where responsibilities overlap with other portfolio holders.

General Delegations to all Cabinet Lead Members

1. Policy matters internal to the service area(s) for which the Leader of the Council, or any Cabinet Lead Member authorised by the Leader of the Council, has responsibility:-
 - a) to provide guidance to officers to ensure policy decisions of the Cabinet are implemented;
 - b) where authorised by the Cabinet, to settle the detail of policy matters within the framework and/or principles decided by the Council or the Cabinet; and
 - c) to approve budget virements not involving any policy change nor any other service area.
2. To respond to consultation documents from Government and external agencies where not referred to the Cabinet.
3. To deal with proposals for the settlement of complaints where the amount payable exceeds £2,000 but does not exceed £20,000.
4. Within the County Council's Corporate Strategy and Corporate Priorities, the development of overall strategy and policy for the service area(s) within the responsibility of the Cabinet Lead Member and (subject to any necessary approval(s) of the Cabinet), overseeing the implementation of, and monitoring the performance of, such strategy and policy.
5. To authorise the entry into agreements with other local authorities under section 101 of the Local Government Act 1972 for the discharge of functions of the Cabinet by the Cabinet of that other authority in relation to any matter within the purview of the Cabinet Lead Member where such discharge is to the mutual advantage of both authorities.
6. To receive reports of waivers granted under paragraph C1 of Contract Standing Orders, unless the estimated value of the contract in question exceeds £35,000; and to receive reports of exemptions under paragraph C3 of Contract Standing Orders.
7. To receive and consider petitions submitted about matters relating to the service area(s) within the responsibility of the Cabinet Lead Member and to be accountable to the Cabinet and the Council for action taken in consequence of the receipt of such petition.

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.

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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**

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SECTION 7

OVERVIEW AND SCRUTINY COMMITTEES

1. General Role of Overview and Scrutiny Committees

- 1.1 Overview and Scrutiny Committees are appointed by the County Council under section 21 of the Local Government Act 2000 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 Scrutiny 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; and
 - Respond to direct requests from Council or the Cabinet when appropriate.
- 1.3 By law, neither a Scrutiny Committee nor any Sub-Committee of a Scrutiny 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 Scrutiny 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 Corporate 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 Corporate 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 Scrutiny 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 Scrutiny Committees

3.1 The County Council currently has eight Overview and Scrutiny Committees and they have the following strategic roles and responsibilities:-

3.2 The **Corporate Review Committee** is the Council's Principal Scrutiny Committee. It is responsible for co-ordinating and approving the scrutiny work programmes, co-ordinating and overseeing the work of the other Scrutiny Committees to avoid duplication of work and to ensure coherence of approach to cross cutting policy themes. The Committee may determine that one named Committee shall take lead responsibility for a cross cutting policy theme or may determine that the work be shared between one or more named Scrutiny Committees.

3.2.1 In addition to its role as the principal Scrutiny Committee the Scope of the Committee is:-

- Coordinating/ approving work programmes
- Cross cutting issues
- Customer Care
- The overall performance of the Authority
- Strategic Policy and Corporate Strategy
- Civil contingencies
- Consideration of call-in items

3.3 The **Health Scrutiny Committee** is responsible for the overview and 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.

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

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

3.4 The scope of the **Children, Young People and Families Scrutiny Committee** is:-

- Health of children and young people
- Vulnerable children
- Community and Learning Partnerships
- Road safety in relation to Children and Young People

- Consultation and Participation of Children and Young People

3.5 The scope of the **Regeneration and Infrastructure Scrutiny Committee** is:-

- Economic Development
- Business Support
- Tourism
- Transport and Highways
- Local and Regional Strategic Plans
- Planning and Development Control
- Environment
- Waste Disposal
- Climate Change
- Employment

3.6 The scope of the **Communities Scrutiny Committee** is:-

- Community Services
- Partnerships (including the Local Area Agreement)
- Community Safety and Crime and Disorder
- Libraries/ Archives/Arts
- Community engagement and democratic renewal and social cohesion
- Road safety in relation to the number of killed or seriously injured
- Integrated Youth Support Service and Outdoor Education
- Leisure, Cultural and Sports facilities

3.7 The scope of the **Social Care Scrutiny Committee** is:-

- Social Services for Adults
- Mental health services and provision for adults
- Services for older people
- Services and provision for adults with physical and sensory disability and learning disability
- Safeguarding vulnerable adults
- Services for people with drug and alcohol problems
- Services for carers

3.8 The scope of the **Assets and Budget Scrutiny Committee** is:-

- To scrutinise the development of the Council's Medium Term Financial Strategy and the Annual Budget and Council Tax setting process.
- ICT
- Finance
- Legal Services
- Human Resources
- Procurement
- Property

3.9 The scope of the **Schools and Colleges Scrutiny Committee** is:-

- Education and the authority's role as LEA including Educational Attainment
- Post 16 and Continuing Education, including the Learning and Skills Council.

4. Membership of Scrutiny Committee

- 4.1 All Councillors, except members of the Cabinet, may be members of a Scrutiny Committee.
- 4.2 The County Council Members of the Scrutiny 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)
 - Health Scrutiny Committee (8 Members)
 - Children, Young People and Families Scrutiny Committee (8 Members)
 - Regeneration and Infrastructure Scrutiny Committee (9 Members)
 - Communities Scrutiny Committee (13 Members)
 - Assets and Budgets Scrutiny Committee (9 Members)
 - Schools and Colleges Scrutiny Committee (9 Members)

5. Co-optees

- 5.1 The Schools and Colleges Scrutiny Committee shall 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 Schools and Colleges 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 Health Scrutiny Committee shall have 8 co-opted members (1 per District Council, each having voting powers).
- 5.4 The Communities Scrutiny Committee shall have eight co-opted members (1 per District/Borough Council) each having voting powers, and shall be able to co-opt members, as required, from other organisations such as the Police or Fire Service or the Voluntary Sector to enable the Committee to fulfil its responsibilities.
- 5.5 In its capacity as the Council's designated crime and disorder Committee, the Communities Scrutiny 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.
- 5.6 The other Scrutiny 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 Scrutiny Committees

- 6.1 Each Scrutiny 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 Scrutiny Committee may also be called by the Chairman of the Committee (See Standing Order 24.2 of Section 11).
- 6.3 Meetings of the Scrutiny Committees shall be conducted in accordance with the Procedural Standing Orders in Section 11, 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 Scrutiny 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.

7. Agenda items

- 7.1 County Councillors, officers, partners and members of the public shall be entitled to propose issues for Scrutiny Committees to consider. In order to put forward an issue for consideration the person or body must submit their request to the Director of Law and Governance in writing or by email using the prescribed form.
- 7.2 On receipt of such a request the Director of Law and Governance will ensure that the proposal is included on the next available agenda of the appropriate Committee. 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 Scrutiny 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 Scrutiny 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 Law and Governance 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 Law and Governance to include an item on the agenda of a Scrutiny Committee. They will inform the Director of Law and Governance of

the request, who will make arrangements for the matter to be included on the agenda at the next available meeting of that Scrutiny Committee.

- 7.6 Where a Scrutiny 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 Scrutiny 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 Scrutiny Committee to review. Scrutiny 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. The directorate 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 Scrutiny Committee a budget for reasonable expenses to be incurred by the Scrutiny Committee in the discharge of its work programme. Such budget shall not be exceeded.

9. Members or officers giving account

- 9.1 A Scrutiny 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 Scrutiny Committee may ask for the detail of any Equality Impact Assessment, public consultation or financial implications pertaining to the decision or action under scrutiny.
- 9.2 A Scrutiny Committee may not scrutinise a decision of a Corporate 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 Corporate 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 officer¹ 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.
- 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 Scrutiny 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 Scrutiny 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 Scrutiny 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 Scrutiny 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:-

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

- 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. Policy Advisory Groups

- 12.1 The Corporate Review Committee may establish Policy Advisory 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 Corporate Review 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 Policy Advisory Group will have clearly defined aims and terms of reference and agreed start and end dates. Policy Advisory 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 Policy Advisory Groups will be monitored by Corporate Review and the implementation of recommendations will be monitored by the relevant Scrutiny Committees.

13. Policy review, development and investigations

- 13.1 The role of the Scrutiny 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 Scrutiny 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 Scrutiny 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 8.2 above, pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

14. Reports from Scrutiny Committee

- 14.1 Once it has formed recommendations on proposals for policy development above the Scrutiny Committee will prepare a formal report and submit it to the Director of Law and Governance for consideration by the Cabinet or the Council as appropriate.
- 14.2 If a Scrutiny 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 Scrutiny Committee within two months of it being submitted to the Director of Law and Governance.

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

- 15.1 Once a Scrutiny Committee or Policy Advisory Group reports on any County Council matter it will forward a copy of its report to the Proper Officer (Director of Law and Governance) who will allocate it to the Council, Cabinet or Cabinet Member as appropriate for consideration.
- 15.2 The process for the involvement of the Scrutiny 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 Executive, the report shall be included on a Cabinet agenda to enable the Executive to respond within two months. The Executive 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 Scrutiny Committees will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. They will use the Forward Plan 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 Scrutiny 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 Scrutiny 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 Scrutiny 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 Scrutiny 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 13 of this Constitution.
- 16.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and a Scrutiny Committee as appropriate depending on the particular matter under consideration.

17. Call-in of Cabinet Decisions

- 17.1 Decisions made by the Cabinet or by Cabinet Members under delegated powers may be 'called in' for reconsideration by the Corporate Review Committee. The Committee can either agree that the decision be implemented or refer the decision back, with recommendations, to the Cabinet.

- 17.2 Decisions made by the Cabinet or by Cabinet Member under delegated powers will be published electronically by the Director of Law and Governance to all members of the County Council and shall be available for inspection at the County Buildings, Stafford as soon as practicable, normally within three working days of being made.
- 17.3 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 and the decision shall not be implemented until the Corporate Review Committee have dealt with it.
- 17.5 The call-in notice shall specify a 'Lead Member' who will speak at the Corporate Review 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 but not speak or vote.
- 17.6 If the Corporate Review 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 Scrutiny 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 Corporate Review 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 Corporate Review 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 Corporate Review 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 Corporate Review 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 11 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 10 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.

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 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 regular 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, Safety of Sports Grounds 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 to substitute for any Member of the Panel who is unable to consider a matter on the agenda which affects their Division.

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 10 of this Constitution, however Standing Order 26 (Local Member Interest) will be modified so that Local Members may attend but may not speak.

2.6 Safety at Sports Grounds Panel

2.6.1 The Safety at Sports Grounds Panel will be appointed at the first meeting of the Planning Committee in each municipal year.

2.6.2 The functions and responsibilities of the Safety at Sports Grounds Panel shall be as follows:-

- Issuing, amending or replacing safety certificates (whether general or special) for sports grounds.
- Issuing, cancelling, amending or replacing safety certificates for regulated stands at sports grounds.

2.7 Licensing Panel

2.7.1 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.

3. The Audit committee

3.1 The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control of the environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

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

- To approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).
- To approve, monitor, review and amend from time to time the Council's Code of Corporate Governance to ensure that it is adequate and effective.
- To advise on the adequacy and effectiveness of the Authority's internal control environment.
- To liaise with the Audit Commission over the appointment of the council's external auditor.
- To review any issue referred to it by the chief executive or a director, or any council body.
- To monitor the 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 County Council services and functions, and considering the external audit fee and terms of engagement;
 - Receiving and considering external audit reports and Management Letters and advise the County Council as appropriate;
 - Monitoring the County Council's response to the external auditor's findings and the implementation of external audit recommendations.
- To work with and advise the Director of Finance 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 Corporate Directors' responsibilities for ensuring an adequate control environment including:-
 - Receiving an annual internal audit plan from the Assistant Director, Audit and Risk Management Services;
 - Monitoring progress against the plan through the receipt of periodic progress 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.
- To oversee, review, and make any recommendations on, the effectiveness and operation of the Constitution and any of the provisions of it.
- To divide electoral divisions into polling districts at local Government elections.
- To declare vacancy in office in certain cases.
- To give public notice of casual vacancies for County Councillors
- To determine fees and conditions for supply of copies of, or extracts from, election documents.
- To provide staff etc. to person nominated by the Monitoring Officer
- To determine the voting rights of co-opted members of Overview and Scrutiny Committees.
- To make payments or provide other benefits in cases of maladministration etc.
- To establish Panels of five members of the Committee as and when necessary with full delegated powers to deal with Appeals against:-
 - (a) disciplinary or employment related action or grading from officers
 - (b) dismissal from teachers employed in Education Support Units
 - (c) 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

- To establish Panels of five members of the Committee who are not Members of the Cabinet, relevant Scrutiny Committee or Planning Committee to deal with Planning Applications referred to it under Paragraph 2.2 of this section
- To the extent that it relates to a function which is not a function of the Executive, authorising a person to exercise a function to which Section 70 of the Deregulation and Contracting Out Act 1994 applies, and revoking that authority.
- To deal with any other matter involving a regulatory, judicial, quasi-judicial or licensing function of the County Council which by law cannot be the responsibility of the Executive and for which no other provision is made in this Constitution.

4. Pensions Committee

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 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 County Council 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;
- To approve and keep under review the Statement of Investment Principles 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 Chief Finance Officer 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.

4.3 The Pensions Panel

4.3.1 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 may require from time to time for this purpose;
- 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;

4.3.2 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 Fund Investment Managers.
- The Statement of Investment Principles 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.

4.3.3 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.

4.3.4 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.

5. The Standards Committee

5.1 The County Council's Standards Committee will be composed of six County Councillors and three persons who are not County Councillors or officers of the County Council or any other body having a Standards Committee (Independent Members).

5.2 Only one member of the Cabinet (but not the Leader of the Council) may be a member of the Standards Committee and that member may not be the Chairman of the Committee.

5.3 The Independent Members of the Standards Committee shall be entitled to vote and one of them shall be the Chairman of the Committee.

5.4 The Standards Committee will have full delegated powers to exercise the following roles and functions:-

- To promote and maintain a high standard of conduct by County Councillors and church and parent governor representatives.
- To oversee the Registers of Members Interests.
- To oversee the effectiveness of the Council's procedures for investigating and responding to complaints about Councillors.
- To assist County Councillors and church and parent governor representatives to observe the Members' Code of Conduct and Protocols in place from time to time.
- To advise the County Council on the adoption or revision of the Members' Code of Conduct and Protocols of the County Council and to monitor its operation.
- To advise, train, or arrange to train County Councilors and co-optees on matters relating to the Members' Code of Conduct and Protocols.
- To grant dispensations to County Councilors and co-optees from requirements relating to interests set out in the Members' Code of Conduct.
- To establish two sub-committees of three members (chosen by the Chairman of the Standards Committee) each chaired by one of the Committee's Independent Members. One sub Committee will be responsible for dealing with the Assessment of Complaints and the other will be responsible for the Review of Assessments.
- To consider and act on any reports from a case tribunal or an interim case tribunal and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards officer to the Monitoring Officer.
- To convene and conduct a hearing and to make a determination in relation to any matter which the Standards Committee is responsible for determining; to conduct such hearing using such procedures as it considers appropriate, including the establishment of Sub-Committees; to make such finding as it considers appropriate within those which it is entitled to make by law; to impose

such sanction as it considers appropriate within those which it is entitled to impose by law; and to give such notices of its findings as are required by law.

- To advise the County Council on the adoption or revision of Codes of Conduct, Protocols and Guidance relating to the officers of the County Council and to approve amendments to them where they are not incorporated within the Council's Constitution.
- To monitor, review and oversee the County Council's arrangements in respect of ethical governance.

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SECTION 9

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 for Law and Governance. 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 12 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*

Membership	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)
Terms of Reference	To deal with all matters pertaining to archives and archive services in the County and the City of Stoke-on-Trent.
Delegated Powers	To act within the Joint Committee's terms of reference.

5.3 *Wedgwood Memorial College Joint Management Committee*

Membership	2 County Council (Members of the County Council's Cabinet) 1 Stoke-on-Trent City Council (An officer of the City Council appointed by the City Council's Cabinet)
Advised by:	The Principal The Advisory Committee (A Working Party established by the Joint Committee)

	The County Council's Corporate Director for Children, Young People and Families (or their nominee) The City Council's Director of Children and Young People's Services (or their nominee)
Terms of Reference	<ol style="list-style-type: none"> 1. To manage and provide general direction for the College within the budget agreed by the City Council and the County Council and in so doing to ensure that economy efficiency and effectiveness in the use of resources is secured. 2. To deal with the education provision (including courses) to be made by the College. 3. To produce a monitoring Report to the City Council and the County Council for each academic term including details of performance against budget within six weeks following the end of each such term. 4. To produce an Annual Report in such form and containing such detail as will allow the City Council and the County Council to review the effectiveness of the Joint Committee and the College. 5. From time to time and at least once in each financial year to consult such organisations and individuals as the Joint Committee deems representative of Adult Education in North Staffordshire and to advise the City Council and County Council on the provision of Adult Education in North Staffordshire. 6. To consult teaching staff at the College regularly about the organisation and regulation of the academic work of the College. 7. To consult teaching and non-teaching staff at the College regularly about the operation of the College. 8. To establish such Sub-Committees Working Parties or Panels and with such Terms of Reference as the Joint Committee consider appropriate. 9. To delegate under Section 101 of the Local Government Act 1972 to employees of the City Council or County Council such functions as the Joint Committee shall consider appropriate. 10. To take account of the views of the bodies and individuals listed in Section 2.
Delegated Powers	To act within the Joint Committee's Terms of Reference

5.4 **Staffordshire Connects Joint Committee**

Membership	10 Members (1 County Council, 1 Stoke-on-Trent City Council and one each from Cannock Chase District Council, East Staffordshire Borough Council, Lichfield District Council, Newcastle-under-Lyme Borough Council, South Staffordshire District Council, Stafford Borough Council, Staffordshire Moorlands District Council and Tamworth Borough Council)
Terms of Reference	To consider the outcome of officer level discussions, made through the Staffordshire Connects Strategic

	Advisory Board, and to lead the process to implementing Electronic Government in Staffordshire
Delegated Powers	To act within the Joint Committee's terms of reference and in accordance with the terms and conditions of the Agreement between the partnering authorities establishing the Joint Committee.

5.5 ***Cannock Chase AONB Joint Committee***

Membership	<p>1 County Council (Member of the County Council's Executive); 1 Cannock Chase District Council (Member of its Executive/Cabinet); 1 Lichfield District Council (Member of its Executive/Cabinet); 1 South Staffordshire District Council (Member of its Executive/Cabinet); 1 Stafford Borough Council (Member of its Executive/Cabinet)</p> <p>Each of the constituent authorities will appoint a substitute elected member, who is eligible to be a voting member, to attend meetings of the Joint Committee when the member is unable to attend</p>
Co-opted Advisers (Non-Voting)	<p>Chairman of the AONB Advisory Partnership; AONB Officer; 1 Countryside Agency; 2 Forestry Commission; 1 English Nature</p> <p>Such other co-opted advisers as the Joint Committee may specify having regard to their knowledge and skill and the contribution they may make to the work of the Joint Committee.</p>
Terms of Reference	To act jointly for the purpose of exercising and discharging the functions and attaining and realising the objectives relating to the Cannock Chase Area of Outstanding Natural Beauty in accordance with the provisions of the Agreement entered into between the partnering authorities establishing the Joint Committees.
Delegated Powers	To act within The Joint Committee's terms of reference.

5.6 ***Joint Staffordshire Parking Board***

Membership	<p>1 County Councillor (The Cabinet Lead Member for Regeneration and Infrastructure with the Cabinet Member for Highways and Environment to act as substitute)</p> <p>1 Member from each of Cannock Chase District Council, East Staffordshire Borough Council, Lichfield District Council, Newcastle-under-Lyme Borough Council, South Staffordshire District Council, Stafford Borough Council, Staffordshire Moorlands District Council, Tamworth Borough Council</p>
Terms of Reference	<ol style="list-style-type: none"> 1. Adopt general policies, strategies and guidance for the introduction and on-going operation of DPE in Staffordshire. 2. Adopt key performance measures for use by the

	<p>District/Borough Councils and the County Council to enable best value and best practice to be achieved through target setting and benchmarking.</p> <ol style="list-style-type: none"> 3. Set policies and guidance for the implementation of:- <ol style="list-style-type: none"> (i) Residents' Parking Schemes (within the Residents' Parking Zone Policy); (ii) On-street pay and display and related charges. 4. Set Parking Charge Notice Levels to be applied across Staffordshire in accordance with best practice and be at the maximum level permitted. 5. Provide to each Joint Parking Committee with minutes and reports of the Parking Board. 6. Receive and consider the minutes of each Joint Parking Committee meeting. 7. Where deemed appropriate, respond to consultations relevant to DPE and make representations to government departments and others in respect of DPE issues. 8. Receive and consider performance and financial reports concerning DPE.
Delegated Powers	See Appendix 2 of SCC/District Partnership Agreement for guidance also compare with Waste Board delegations.

5.7 **Joint Appointments Committee re: Staffordshire Police Authority**

Members	4 Members (3 County Council, 1 Stoke-on-Trent City Council).
Terms of Reference	To calculate the overall political balance of the Councillor Members on the Staffordshire Police Authority (nine out of 17) and appoint, annually, individual Councillor Members to the Authority.
Delegated Powers	To act within the Joint Committee's terms of reference.

6. **Current Joint Arrangements without Delegated Powers**

6.1 The County Council currently has the following joint arrangements in place which do not exercise delegated powers.

6.2 **Staffordshire Supporting People Commissioning Body Members' Board**

Membership	<p>1 County Councillor 8 District/Borough Councillors 1 Representative from Strategic Health Authority/Primary Care Trusts 1 Representative from Probation Service</p>
Terms of Reference	<ol style="list-style-type: none"> 1. To prepare and agree a supporting people strategy, a programme of work and such other policy documents as may be required by the Secretary of State, or for the purpose of local delivery of the Supporting People programme. 2. To grant a scheme of delegation to the Officers'

	<p>Board to enable officers to make decisions within an agreed policy.</p> <ol style="list-style-type: none"> 3. To consider how the documents referred to in (a) affect and are affected by the other statutory and non-statutory plans prepared by the parties. 4. To consider reports and recommendations of the Officers' Board, constituted in accordance with the constitution of the Commissioning Body, in respect of matters considered by the Officers' Board. 5. To deal with any matters referred by the Officers' Board on which they have failed to agree. 6. To agree an annual programme of training, information and consultation to ensure that members of the Commissioning Body have satisfactory knowledge and training and that other persons and bodies affected (including the general public) are adequately informed and consulted.
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6.3 ***JOINT LOCAL PARKING COMMITTEE***

- 6.3.1 There shall be Joint Local Parking Committees formed in East Staffordshire, Lichfield, Newcastle-under-Lyme, South Staffordshire, Stafford, and Staffordshire Moorlands Districts.
- 6.3.2 Each Joint Local Parking Committee shall consist of four local members nominated by the Leader of the Council and Portfolio leader together with substitute members in the event that a member is unable to attend a meeting. The District Council will appoint the same number of members. Members eligible for appointment shall represent an electoral division within each respective District Council Area.
- 6.3.3 The Terms of Reference of each Joint Local Parking Committee is to oversee the local operation of the DPE service in each District area, each Board being administered by the respective District Council.

SECTION 10

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 (referred to as Corporate Directors) 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 Corporate Director.
- 1.4 The following officers are the current Corporate Directors of the County Council:-
- Chief Executive
 - Corporate Director (Children, Young People and Families)
 - Corporate Director (Social Care and Health)
 - Corporate Director (Development Services)
 - Director of Communities and Chief Executive's Office
 - Director of Finance
 - Director of Law and Governance
- 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 and Scrutiny Officer.
- 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.
- 2.3 The **Head of Paid Service** is currently designated as the County Council's Chief Executive. 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 **Monitoring Officer** is currently designated as the County Council's Director of Law and Governance. 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, 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 Standards Committee.
 - Receiving and acting on reports made by ethical standards officers and decisions of the case tribunals.
 - Conducting investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
 - 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 Director of Finance or the Head of Paid Service.
- 2.6 The **Chief Financial Officer** is currently designated as the County Council's Director of Finance. 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 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.

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.

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 Director of Children's services is currently designated as the Corporate Director (Children, Young People and Families) 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 of Adult Social Care is currently designated as the Corporate Director (Social Care and Health) 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 Officer is currently designated as the Head of Scrutiny and Support 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.

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 Corporate Director 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.

- A statutory Chief Officer within the meaning of section 2(6) of the Local Government and Housing Act 1989 (politically restricted posts).
- A non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act.
- A deputy Chief Officer within the meaning of section 2(8) of the 1989 Act.
- A person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

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 13 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 13 of this Constitution.

8. Legal proceedings

8.1 A Corporate Director 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 Corporate Director 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 Law and Governance 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 Corporate Director 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 Corporate Director is responsible and may authorise named officers to do so on the Corporate Director's behalf.

11. Information about interests in land

- 11.1 A Corporate Director 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 Corporate Director'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 an Authorised Signatory who shall be the Chief Executive or the Director of Law and Governance or a Head of Service nominated in writing by the Director of Law and Governance.
- 12.2 In any transaction relating to land to which The Regulatory Reform (Execution of Deeds and Documents) Order 2005 applies, the Common Seal shall be attested by a Member of the County Council and an Authorised Signatory.
- 12.3 Both Common Seals of the County Council shall be kept in the custody of the Director of Law and Governance and secured by lock and key.
- 12.4 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.
- 12.5 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 Law and Governance 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.

APPENDIX 1 – SCHEME OF DELEGATION TO OFFICERS

1. Introduction

- 1.1 In order to support the day to day running of the County Council and its services, the Corporate Directors have been given delegated powers to exercise some of the County Council's functions and services.
- 1.2 All Corporate Directors may exercise the general powers delegated to them under Paragraph 3 of this Appendix and each individual Corporate Director has a range of specific powers delegated to them relating to the responsibilities of their role. These are set out in Paragraphs 4 to 10 of this appendix.

2. Restrictions and Conditions on Delegations to Corporate Directors

- 2.1 The following matters may not be delegated to a Corporate Director:-
- 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.
- 2.2 When exercising delegated powers, Corporate Directors must ensure that any actions are in accordance with the policies and decisions of the County Council, this Constitution, Financial Regulations and Contract Standing Orders and not outside the powers and duties of the Council under law.
- 2.3 When exercising delegated powers, Corporate Directors are delegated to consult such other officers and/or the Chief Executive, the Director of Law and Governance and the Director of Finance as may be appropriate in the circumstances and shall have regard to any advice given.
- 2.4 Corporate Directors 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.
- 2.5 A Corporate Director should refer any matter to the Cabinet or a Committee or Panel for decision if he believes the matter to be controversial.
- 2.6 The advice of the Director of Law and Governance and the Director of Finance must be sought when a Corporate Director 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.

- 2.7 If the Corporate Director is of the opinion that any matter delegated under this Scheme 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 relevant.
- 2.8 Any General delegation under Paragraph 3 of this Appendix is subject to the specific delegations to individuals Corporate Directors under Paragraphs 4 to 12 below.
- 2.9 Corporate Directors must keep Members properly informed of activity arising within the scope of the delegated powers given to him and when arranging local meetings including members of District Councils or Parish Councils, or with Residents' Associations or other official representative organisations, must ensure that local Members are informed of the nature and purpose of the meeting and, where possible, consulted about the date, time and venue at which the meeting is to be held.
- 3. General Powers delegated to Corporate Directors in the discharge of the functions of the County Council**
- 3.1 To deal, within the approved budget, all matters of day to day administration and operational management of the County Council's services and functions for which they are responsible. This delegation shall include taking and implementing decisions which are not a key decision and are concerned with maintaining the operation or effectiveness of those services or incidental to the discharge of the Council's functions or fall within the scope of a policy decision taken by the Council or the Council's policy framework.
- 3.2 To make, issue and serve such notices, orders, statements and other documents as may be necessary or appropriate for those purposes or to give effect to or carry out any decision of his under powers delegated to them.
- 3.3 In consultation with the Director of Law and Governance and the relevant Chairman to take a decision on any matter for which the Planning Committee or its Panels are responsible for which is not delegated to them if that matter cannot for good reason await consideration at the next meeting of the Council, the Cabinet or the appropriate Committee. The consultation and the decision/conclusion recorded on a form specified by the Director of Law and Governance and will, as a minimum, include the signature of the Corporate Director and the reasons for the urgency. The form will immediately be sent to the Director of Law and Governance who will maintain a Register of any forms which will be available for inspection by Members at the next meeting of the relevant Committee, Panel or the Cabinet as the case may be.
- 3.4 To delegate the exercise of any of the powers or responsibilities delegated under this Constitution in accordance with the terms and conditions of a scheme approved from time to time by the Cabinet in respect of executive functions and by the Audit Committee in respect of non-executive functions. Any scheme shall be in writing and the Corporate Director shall remain accountable to the Cabinet

or Committee (as the case may be) for the exercise of any powers or responsibilities delegated. Individual delegations may also be granted for matters outside the directorate scheme.

- 3.5 To institute, or defend, or withdraw, or compromise claims or legal proceedings whether civil or criminal, connected with any function or service which is the responsibility of the Corporate Director and a Scheme under paragraph 3.4 above may allow for specified officers to do so.
- 3.6 To commence criminal proceedings for any breach of any law or by-law within the services and functions for which the Corporate Director is responsible and where empowered to do so by law may seek to recover any costs incurred by the County Council.
- 3.7 To exercise any statutory powers conferred on the County Council to enter land or premises and/or carry out inspections for the purposes connected with the services or functions for which the Corporate Director is responsible. Named officers may be authorised named officers to exercise such powers.
- 3.8 To exercise statutory powers conferred on the County Council to require information as to the ownership, occupation or use of land or premises or otherwise and may authorise named officers to do so.
- 3.9 To incur expenditure on repairs and maintenance up to such amount and within the global limits established by the Council's Repairs and Maintenance Scheme.
- 3.10 To maintain records of all complaints made in respect of the services for which the Corporate Director is responsible and deal with them in accordance with the complaints procedure approved by the County Council or as required by specific legislation.
- 3.11 To select applicants for inclusion, or vary the terms of approval for, and suspend firms from, any list of approved contractors for the maintenance of which that Corporate Director is responsible. (A Corporate Director may not delete a firm from a list of approved contractors).
- 3.12 To approve applications for the consumption of alcohol at private functions organised by outside bodies at establishments within the Corporate Director's purview.
- 3.13 To take decisions relating to staffing and personnel matters in accordance with the provisions of the Officer Employment rules.
- 3.14 To determine adjustments to annual fees and charges in line with the provisions of Financial Regulations.
- 3.15 To incur expenditure of up to £2,000 in making an ex-gratia payment in order to resolve a complaint made against the County Council.
- 3.16 Each Corporate Director shall prepare and maintain plans to give effect to the provisions of any County or District Emergency Plan.

4. Delegations to Chief Executive

- 4.1 Notwithstanding any other provision of this Constitution, the Chief Executive shall have power, 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 report to the next meeting of the Council, Cabinet or Committee as necessary.
- 4.2 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 Corporate Director 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.
- 4.3 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.
- 4.4 To give public notice of any vacancy in the office of Councillor pursuant to Sections 86 and 87 of the Local Government Act 1972.
- 4.5 To approve and implement national and provincial pay awards, after consultation with the Director of Finance, 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.
- 4.6 To decide exceptional cases and any question about the interpretation or administration of the County Council's Long Service Awards Scheme.

5. Delegations to Director of Law and Governance

- 5.1 To take and implement any decision which he is empowered to take in accordance with Financial Regulations in his capacity as Director of Law and Governance.
- 5.2 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.
- 5.3 To be the Proper Officer for any purpose for which the County Council has not designated another officer to be Proper Officer.

- 5.4 Authorisation in consultation with the relevant Corporate Director(s), to make amendments to the Scheme of Sub-Delegations to reflect future changes in Directorate structures, working practices, and future changes in relevant legislation and regulations.
- 5.5 To be responsible for the preparation, maintenance, monitoring and review of the County Council's Corporate Health and Safety policies.

Matters in connection with Elected Members

- 5.6 To maintain the registers of:-
- The financial and other interests of members and co-opted members of the County Council as required by the Local Government Act 2000.
 - Officers' declarations of interest in contracts and other pecuniary interests.
 - Any other matter relating to the interests of members and co-opted members which the County Council from time to time establish.
- 5.7 To approve (but not to refuse) applications from members submitted under the Staffordshire Local Community Fund.
- 5.8 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 purposes of the payment of travelling and subsistence allowances to that member.
- 5.9 To approve in consultation with the Chairman of the County Council and the Leader of the Council a members' application for attendance at an event, function, meeting, outside body, conference or course not on the County Council's lists referred to in item 2 above as an approved duty or as within Section 175 of the Local Government Act 1972 for the purpose of the payment of travelling and subsistence allowances to that member.
- 5.10 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.
- 5.11 To authorise, on the nomination of the Group Leaders, the filling of vacancies, or the interchange of members on Committees.
- 5.12 In consultation with the Chairman of the Corporate Review Committee and/or the relevant Scrutiny Committee and the Chairman of the County Council, to approve requests from Scrutiny Committees to expend the budget allocated by the County Council for the purpose.

Litigation

- 5.13 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 Corporate Director (Social Care and Health) 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 named officers to exercise any such powers.

- 5.14 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.
- 5.15 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 27 of the Courts and Legal Services Act 1990, or under s60 of the County Courts Act 1984 in relation to housing matters, and to represent the County Council at such other court venues including the High Court sitting in chambers, where permitted, and at Tribunals.

Appeals and Tribunals

- 5.16 To establish and service a Complaints Review Panel comprising three Independent persons (ie not elected members) with expert knowledge of Social Services to consider complaints under the terms of the National Health Service and Community Care Act 1989 which Panel is to make recommendations to the County Council on the course of action to be taken about any such complaint.
- 5.17 To make arrangements for dealing with the following kinds of appeal under the School Standards and Framework Act 1998:-
- Admission appeals
 - Appeals against exclusion
 - Appeals by Governing Bodies

Planning, Highways, Public Rights of Way etc.

- 5.18 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.
- 5.19 In consultation with Chairman of the Planning Committee 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.
- 5.20 In consultation with the Corporate Director (Development Services), to enter into agreements for the execution of highways works under the Highways Act 1980.

- 5.21 Under the Common Land (Rectification of Registers) Act 1989, to:-
- Decide whether any objection has been duly made in accordance with the provisions of the Act and any regulations made;
 - Refer any objection which has been duly made to a Commons Commissioner for determination; and
 - Rectify the Register of Common Land or the Register of Town or Village Greens as necessary consequent upon the determination of any objection under the Act.
- 5.22 To determine claims made under s36(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.
- 5.23 To determine claims made under s56 of the Highways Act 1980 for the admission by the County Council of liability to maintain a highway.
- 5.24 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 Corporate Director (Development Services), they decide that the matter in question ought properly to be determined by the Countryside and Rights of Way Panel.
- 5.25 The power to make Gating Orders under Section 129A of the Highways Act 1980, in consultation with the Cabinet Lead Member for Regeneration and Infrastructure.
- 5.26 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.

Social Care Matters

- 5.27 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 Corporate Director (Social Care and Health) and/or the Social Services Leader to deal with that matter (for example by reason of a potential conflict of interest).

6. Delegations to Corporate Director (Children, Young People and Families)

Education Matters

- 6.1 To take and implement decisions which relate to the operation of a school but which are matters for decision by the County Council as Local Education Authority.

- 6.2 To take and implement decisions which relate to benefits or support available to individual parents and/or individual children or young people which are matters for decision by the County Council as Local Education Authority.
- 6.3 To apply in the Family Proceedings Court for an Education Supervision Order in respect of a child of compulsory school age who is not being properly educated.
- 6.4 To take and implement decisions to exercise statutory powers relating to the health or welfare or school attendance of individual children and to take all steps in any related statutory procedures.
- 6.5 To select tenants and grant, terminate and administer tenancies of Educational premises in so far as they are the responsibility of the County Council as Local Education Authority.
- 6.6 To exercise the Council's powers under the Apprenticeships, Skills, Children and Learning Act 2009.

Children's Employment

- 6.7 To issue licenses for the employment of children pursuant to the Children and Young Persons Act 1933, byelaws made under that Act, and the Children and Young Persons Act 1963.

Children's Social Care

- 6.8 To receive reports of the monthly visits made to Children's Homes in accordance with the Children's Homes Regulations 1991.
- 6.9 To approve or refuse requests for the County Council to meet legal costs in connection with applications for adoption.
- 6.10 To undertake, together with an Adoptions Panel comprising not less than three specified officers, all functions under the Adoption Act 1976 and Adoption Agencies Regulations 1983 as amended by the Children Act 1989, relating to the adoption of children.
- 6.11 To institute, intervene in, or defend, on the County Council's behalf, wardship proceedings and to appear on the Council's behalf in any wardship proceedings involving the County Council.
- 6.12 To deal with complaints under the terms of the Children Act 1989 by actioning the recommendations of the Complaints Review Panel.

7. Delegations to Corporate Director (Social Care and Health)

Adult Social Care

- 7.1 To purchase on the County Council's behalf, residential and nursing accommodation and domiciliary, day and support services by voluntary and

private organisations for the elderly, disabled, those with mental health needs and children.

- 7.2 To waive or reduce the charges made by the County Council for services provided by the Social Services Department where the Corporate Director considers that the circumstances are such that full payment of the charges would cause Particular hardship or otherwise be inappropriate.
- 7.3 To reimburse, on an ex gratia basis, up to £1,000 on claims in respect of accidental damage caused to the homes or property of any person by staff of the Social Services Department or by those under its direct control.
- 7.4 To determine the value of property to be taken into account for Part III Accommodation assessment charges where the property continues to be Occupied or where there are unusual circumstances, for example a joint owner (other than spouse) remaining in occupation.
- 7.5 To approve recovery of debts and inclusion of assets disposed of in Part III accommodation assessments under the National Assistance Act 1948 where it appears that the disposal may have been made in order to effect a reduction in accommodation charges.
- 7.6 To decide on cases where it is alleged that assets have been abandoned in the context of an assessment of charges for residential care.
- 7.7 To appoint and to authorise Approved Social Workers pursuant to the Mental Health Act 1983.
- 7.8 To administer the allocation of funding under the Supporting People Legislation.
- 7.9 To deal with complaints under the terms of the National Health Service and Community Care Act 1990 by actioning the recommendations of the Complaints Review Panel 7.2
- 7.10 To receive reports of the monthly visits made to Adult Homes in accordance with the National Health Service and Community Care Act 1990.

Designation of Officers

- 7.11 To appoint qualified person(s) to hold the following statutory offices:-
- Public Analyst for the purposes of the Food Safety Act 1990 and Agricultural Analyst for the purposes of the Agriculture Act 1970;
 - Deputy Public Analyst for the purposes of the Food Safety Act 1990.
 - Deputy Agricultural Analyst for the purposes of the Agriculture Act 1970.
 - Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985;
 - Designated Proper Officer for the purposes of the Registration Service Act 1953;

- 7.12 To designate staff of the department under the Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979 as Inspectors for the purposes of Section 20(2)(a)-(m) of the Health and Safety at Work Act 1974 and to vary or terminate an Inspector's powers.
- 7.13 To designate staff of the Department 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.
- 7.14 To designate staff of the department as being authorised to apply to a court of summary jurisdiction for a warrant pursuant to legislation referred to in paragraph 7.9 above.
- 7.15 To designate staff of the Department 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 any fees pursuant to legislation referred to in paragraph 1.9 above upon such terms and conditions as may be appropriate in each case.

Other Powers and Duties

- 7.16 To take and implement decisions in respect of the discharge of the County Council's functions with regard to Asylum Seekers.
- 7.17 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.
- 7.18 To approve premises for the solemnisation of marriages and to carry out the County Council's duties under the Marriage Acts 1949 and 1994 (other than those relating to fees and final appeals).
- 7.19 To sanction the use of parts of buildings for the storage of celluloid under the Celluloid and Cinematography Film Act 1922.
- 7.20 To authorise, in cases of urgency and subject to consultation with the Chairman of the Safety of Sport Grounds Panel of the Audit Committee:-
- An application to a court under the Safety of Sports Grounds Act 1975 to prohibit or restrict the admission of spectators;
 - 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.

- The service 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.

7.21 To make technical amendments to Safety Certificates.

8. Delegations to Corporate Director (Development Services)

Highways Matters

- 8.1 To exercise all the powers and duties of the County Council under the Highways Act 1980 (other than Section's 90A to 90I) and the Rights of Way Act 1990 in relation to roads, highways, footpaths, bridleways 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.
- 8.2 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) in respect of the following matters:-
- Traffic Regulation Orders (Part I of Act)
 - Experimental traffic schemes (Part I of Act)
 - Temporary prohibitions and restrictions on roads (Part II of Act)
 - Provision of crossings and playgrounds (Part III of Act)
 - Provision of on and off-street parking (Part IV of Act)
 - Provision and placing of traffic signs (Part V of Act)
 - Speed limits (Part VI of Act)
 - Placing of bollards and other obstructions (Part VII of Act)
 - Administrative and other powers and duties for the purposes of items (a) to (h) above (Parts IX and X of Act)
- 8.3 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).
- 8.4 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 road safety policies.
- 8.5 To approve District Councils' proposals under Sections 23 (market places) and 38 (cycling in pedestrian areas) of the Staffordshire Act 1983.
- 8.6 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.

- 8.7 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) and 10 (grass verges etc) of the Staffordshire Act 1983.
- 8.8 To grant street works licences under the New Roads and Street Works Act 1991.
- 8.9 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).
- 8.10 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 Safety Camera Netting Off Scheme partnership, including approving the annual operational plan for the Scheme.
- 8.11 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.
- 8.12 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.

Planning Matters

- 8.13 Unless the observations which the Corporate Director (Development Services) proposes to give would represent a material departure from a policy of the County Council or the County Structure Plan, the Minerals Local Plan, the Waste Local Plan, or Strategic Policy Guidance for which the County Council is responsible:-
- 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.
 - To give the County Council's observations to the Environment Agency in response to consultations on an intention to issue a Waste disposal licence which accords with a previous planning Permission, or proposed modification to an existing licence and any proposed exemption.
- 8.14 To refer to the Secretary of State for the Environment 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.
- 8.15 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.

- 8.16 Where there is no objection to the application or matter in question from:-
- The Chairman of the Planning Committee or the nominated opposition spokesperson;
 - The relevant District Council or Parish Council;
 - The local member of the County Council;
 - A statutory consultee other than Sport England;
- and no more than four letters of objection on planning grounds have been received (or such objection does not amount to a material planning consideration) then the Director may (subject at the Director's discretion to consultation with the Chairman, or Vice-Chairman of the Planning Committee) decide to:-
- Grant planning permission for the County Council's own development other than those relating to proposals of the Development Services Leader;
 - Grant planning permission for minerals and waste developments which do not involve the development of a substantial new site or the significant extension of an existing site
 - Refer applications for the County Council's own development to the Secretary of State where the application involves a Listed Building or development in the Green Belt or Sport England have objected.
- 8.17 Subject to first consulting the Director of Law and Governance:-
- To issue or withdraw an Enforcement Notice, or waive or relax any requirements of the Notice.
 - To serve a Planning Contravention Notice.
 - To serve a Breach of Condition Notice.
 - To seek an Injunction in respect of an actual breach or an intended breach of development control.
 - To serve a Notice relating to the replacement of trees.
 - To serve a Temporary Stop Notice.
- 8.18 A decision under 8.13 above may be taken by the Head of Planning and Economic Development to serve a Stop Notice in conjunction with an Enforcement Notice in the absence of the Corporate Director (Development Services), subject to the approval of the Chairman or (in his absence) the Vice-Chairman of Planning Committee and to consultation with the Director of Law and Governance and the 'local' Member but may not otherwise be sub-delegated.
- 8.19 To consider any representations or offers which any person upon whom a Planning Contravention Notice has been served may wish to make and to take such decisions in relation thereto as the Corporate Director thinks fit.
- 8.20 To approve matters reserved for later approval following consent in principle given by the Planning Committee or detailed submissions pursuant to conditions imposed by the County Council.

- 8.21 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 applications for prior notification under Parts 6, 19, 20, 21, 22, 23 and 31 of that order, and to determine applications for prior approval.
- 8.22 To take decisions on the need for an environmental assessment in relation to a particular application.
- 8.23 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.
- 8.24 To make a limestone pavement order.
- 8.25 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.
- 8.26 To arrange for a site visit to be held in connection with any development control matter where in the opinion of the Corporate Director 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 Corporate Director considers it appropriate, for the relevant District Council and/or Parish Council to be represented (having regard to the terms of the Parish Council Charter); provided that no decision in relation to that matter shall be taken on the site visit.
- 8.27 To agree to requests for extensions of time for the submission of a Scheme of Conditions under the Environment Act 1995 where a concurrent consolidation application for planning permission has been made and the submission of such Scheme would not be required were the planning permission applied for to be granted.

Footpaths and Public Rights of Way

- 8.28 To designate a footpath as a cycle track under the Cycle Tracks Act 1984.
- 8.29 To keep the register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
- 8.30 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.

- 8.31 To authorise the stopping up or diversion of a footpath or bridleway and to extinguish public rights of way over land held for planning purposes under Sections 257 and 258 of the Town and Country Planning Act 1990.
- 8.32 To determine, in the case of non-contentious applications and those arising at the County Councils own volition, applications for definitive map modification orders under Section 53 of the Wildlife and Countryside Act 1981, subject to consultation with the local member(s), and referral to the Countryside and Rights of Way Panel if the matter becomes contentious.

Property Matters (including County Farms)

- 8.33 To take all steps in connection with the administration and management of all the County Property estate (other than property vested in the Pension Fund) including the purchase and disposal of land, (provided that any transaction is at full market value and the value of the transaction does not exceed £1 million), the acquisition and granting of tenancies, licences and wayleaves, the service of notices in connection with the estate, the granting of consent for alterations in the property or its use, and the settlement of rents, rent reviews, compensation and/or valuations where relevant.
- 8.34 To take all steps in connection with the administration and management of the County Farms estate including the purchase and disposal of land, the acquisition and granting of tenancies, licences and wayleaves, the service of notices in connection with either estate, the granting of consent for alterations in the property or its use, and the settlement of rents, rent reviews, compensation and/or valuations where relevant.

Other Powers

- 8.35 To arrange for a site visit to be held in connection with any matter where, in the opinion of the Corporate Director , the consideration of that matter would be facilitated or enhanced by such a visit; and on any such site visit, to arrange for the attendance of the relevant Portfolio Holder and such other members of the Cabinet as may be appropriate, together with the local member(s) of the County Council affected by the matter and, where the Corporate Director considers it appropriate, for the relevant District Council and/or Parish Council to be represented (having regard to the terms of the Parish Charter); provided that no decision in relation to that matter shall be taken on the site visit.
- 8.36 To authorise the Peak Park Authority to discharge the County Council's Countryside functions, as contained in the Countryside Act 1968, in relation to land at the former Waterhouses Railway Station.
- 8.37 To act, and to nominate staff of the Directorate to act, as conformity and technical advisers to the West Midlands Regional Planning Body pursuant to the Planning and Compulsory Purchase Act 2004.

9. Delegations to the Director of Communities and Chief Executive's Office

- 9.1 Following consideration of any recommendation of the Public Art Fund Steering Group, to take decisions on allocations from the Public Art Fund.
- 9.2 To take decisions on the allocation of grants from the County Council's Arts Grants Scheme.
- 9.3 To authorise the disposal of artefacts from the County Museum collection.

10. Delegations to the Director of Finance

- 10.1 To carry out all Treasury Management activities within the Treasury Management Policy Statement and Annual Treasury Management Strategy approved from time to time by the Cabinet and in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and the raising of loans and the issuing of County Council Bills in the case of emergency.
- 10.2 To take and implement any decision which he is empowered to take in accordance with Financial Regulations in his capacity as Director of Finance.
- 10.3 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 and decision relating to the investment or management of the Pension Fund which cannot reasonably await the next meeting of the Pensions Committee or the Pensions Panel after taking advice from a Consultant or Adviser as appropriate.
- 10.4 To allocate the annual dedicated risk management budget.
- 10.5 To approve the grant and amount of car loans where the requirements of the County Council's scheme are not fully met.
- 10.6 To take all necessary steps to secure the cessation of any unauthorised use or occupation of the County Council's land and property assets.
- 10.7 Subject to the overall limit thereof not being exceeded, to use the County Council's capital reserve for advance capital expenditure purposes up to a limit of £7,500 for each item.

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 Integrity 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” which is appended. 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 Integrity 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 Corporate Directors 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 Corporate Director 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 Corporate Directors 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 Corporate Director' 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 Law and Governance direct, a copy of the information should be provided to the Corporate Director (Education and Lifelong Learning). Further advice on the scheme can be obtained from the Director of Law and Governance.

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 Corporate Director. This information will also be passed to the Director of Law and Governance 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 Corporate Director 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 Corporate Director.

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 Corporate Director 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 Corporate Director advised of the action taken. A note of the action taken should be placed on file by the Corporate Director. If there is a problem in returning it, the Corporate Director'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.

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 Corporate Director who should ensure that the Director of Finance'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 Corporate Director 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 Corporate Director 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 Corporate Director. 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 Corporate Director 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 Law and Governance.
- 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 Corporate Director 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 Corporate Director 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. POLITICAL INTEREST/ACTIVITY

9.1 The Local Government and Housing Act 1989 has the effect of imposing restrictions on public political activity by certain staff of local authorities. These restrictions do not apply to teachers or lecturers but they do apply to certain non-teaching staff in educational establishments.

9.2 Four different categories of employee are caught by the restrictions:-

9.2.1 Those whose posts are specified in the Act. This means that within the County Council, the Chief Executive and all Corporate Directors and Deputy Directors are automatically caught. In addition, the restrictions will also catch any person who reports directly to the Chief Executive or a Corporate Director (except in a secretarial or clerical role).

9.2.2 Any officer who occupies a post which has delegated authority to discharge a function of the County Council – in effect this will catch all employees who are included in the County Council's arrangements for the delegation of functions to officers referred to in Appendix 1 of the Constitution.

9.2.3 Those posts not covered by 9.2.1 or 9.2.2 above but for which the annual rate of remuneration is Spinal Column Point 44 or over for a full-time post or, if the post is part-time, with an annual rate of remuneration which pro rata equates to SCP44 or above.

9.2.4 Posts not covered by 9.2.1 or 9.2.2 or 9.2.3 above but where the duties consist or involve either or both of the following giving advice on a regular basis to the authority, to any Committee, Panel or Sub-Committee of the authority (which will include member working parties etc) or to any joint committee on which the authority is represented and speaking on behalf of the authority on a regular basis to journalists or broadcasters. (These posts are called "politically sensitive").

9.3 The job description for any post will indicate if the post is included in the list the County Council holds under the Act.

9.4 The effect of the inclusion of a post in the list is that the postholder will be prevented from becoming a member of a local authority (except a Town or Parish Council), or a member of the House of Commons or of the European Parliament. In addition, regulations prevent them from:

- Holding office in a political party.
- Canvassing at elections.

- Speaking or writing publicly on matters of party political controversy.

9.5 The Act provides that the terms of appointment and conditions of employment of employees included in the list of politically restrictive posts, will be deemed to incorporate the restrictions on public political activity as outlined above.

9.6 In certain circumstances postholders may appeal to an independent adjudicator for the post to be deleted from the list. Such an appeal may only be made against inclusion in the lists under paragraph 9.2(c) or 9.2(d) above. In the case of posts included in the list on salary grounds (paragraph 9.2(c)), anyone wishing to appeal to the adjudicator must obtain from the Chief Executive a certificate of opinion of the authority as to whether they consider that the post meets the criteria under paragraph 9.2(d) for political sensitivity and must send this to the adjudicator with the application for removal from the list. If the appeal is against inclusion in the lists in paragraph 9.2(d) above no certificate of opinion of the authority is needed (since the authority will have already indicated its views by including the post in the list on the grounds of political sensitivity). It is also possible to complain to the adjudicator that the post has been wrongly omitted from a list.

The name and address of the independent adjudicator is available from the Director of Law and Governance at the County Buildings, Martin Street, Stafford. ST16 2LH (01785 – 278310).

9.7 An employee proposing to apply for removal from the list of politically sensitive posts should send a copy of the application to his Corporate Director and to the Chief Executive.

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 Corporate Director.

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.

Staffordshire County Council			HR Policy Handbook				
Reference Number	HR 99	Approved By	Draft 1	Issue	01	Date	08/01/04
Policy Title	Whistleblowing						

Legislative Framework

The Public Interest Disclosure Act 1999 – sets out a framework of protection against victimisation or dismissal for workers who blow the whistle on ("disclosure") criminal behaviour and other specified forms of malpractice.

The Act does not provide a general protection for whistleblowers that applies in all circumstances. It applies to making a 'protected' disclosure in respect of specific types of malpractice, which are:

- criminal behaviour
- failure to comply with a legal obligation
- miscarriage of justice
- endangering someone's health and safety
- damage to the environment
- deliberate concealment of information relating to any of the above
-

The Act covers internal disclosures to the employer, disclosures to prescribed 'persons' such as regulatory bodies (e.g. for health and safety, the Health and Safety Executive), and wider disclosures, for example to the police and the media.

Policy Statement

The Council expects employees, and others that we deal with, (such as contractors, agency staff and partners), who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. If and when they do, provided they act in good faith and follow the laid down procedures, the Council will do everything it can to ensure that they are not victimised in any way.

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).

The Council will keep people who make disclosures informed about the progress and (subject to legal constraints) outcome of any investigation carried out.

However frivolous, malicious, or allegations made for personal gain, may result in disciplinary action against the person making them.

Trade Union

There are many trade unions working within Staffordshire County Council who can assist with this process. It is recommended that a trade union representative be contacted at the earliest stage so that appropriate advice, guidance and support can be offered to the employee.

HR Units

Directorate HR units can assist with the interpretation and application of this process. It is recommended that an HR representative be contacted at the earliest stage so that appropriate advice, guidance and support can be offered to both the manager and employee.

Guidance On How To Apply The Policy

Making a Protected Disclosure

To make a 'protected' disclosure the whistleblower has to meet certain conditions.

- Disclosure to the **employer** will be protected if it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
- Disclosure to a **regulatory body** will be protected where, in addition, the whistleblower honestly and reasonably believes that the information they provide and any allegation contained in it are substantially true.
- Disclosure to other external bodies will be protected if, in addition, making it is in all respects reasonable. "In all respects reasonable" means, in effect:
 - the disclosure is not made for personal gain
 - the whistleblower reasonably believed that they would be victimised if they raised the matter internally
 - there is no relevant regulatory body
 - they reasonably believed that evidence was likely to be concealed or destroyed
 - the concern has already been raised with the employer and/or relevant regulatory body

- the concern 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.

Having taken advice as appropriate, an employee of the Council, or any other person covered by the Act, who has serious concerns about any aspect of the Council's work, should in the first instance inform one of the Contact Officers whose details are given in Appendix A.

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 is not a secure medium and must not be used.

The Contact Officer who has received a disclosure will: (a) acknowledge its receipt, in writing, within 5 working days; (b) seek further information if need be, including by personal interview, at which the individual can be accompanied by an official of their trade union or professional association, or by a fellow employee; (c) when the precise nature of the alleged malpractice is established, refer the disclosure to the Monitoring Officer; (d) in liaison with the Monitoring Officer, keep the individual informed regarding the progress and (subject to legal constraints) 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 at the end of the process an employee of the Council, or any other person covered by the Act, is not satisfied with how a disclosure has been dealt with, they may refer to one of the regulatory bodies/other external agencies whose details are listed in Appendix B. As with the internal disclosure, before referring to one of these bodies the individual should consider: do I honestly and reasonably believe that my concerns are well founded and that any allegations I am about to make are substantially true?

Exceptionally, the Act offers protection in respect of disclosures made to people or bodies not listed in Appendix B but only when, all things considered, it is reasonable to do this and the disclosure is not made for personal gain. In addition, one of the following must apply:

- The matter has been raised already with the employer and/or relevant regulatory body, or

- The person reasonably believed that they would be victimised if they raised the matter internally; or
- There is no relevant regulatory body, and they reasonably believed that evidence was likely to be concealed or destroyed; or
- Their concern is of an "exceptionally serious" nature, which is for them to determine.

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 Officer’s are listed in Appendix A.

Other considerations

The Council will monitor the application of this policy and, in conjunction with the recognised trade unions, review and revise it as necessary.

Accountabilities

Monitoring Officer – has overall responsibility for the proper application of the policy. The Monitoring Officer is also responsible for deciding, in respect of **ALL** disclosures, whether there will be a formal investigation, what form it will take and who will carry it out.

Contact Officers – Heads of Service designated by Corporate Directors to receive disclosures, obtain further information if need be, refer disclosures to the Monitoring Officer, carry out investigations as required, and keep the whistleblower informed regarding the progress and (subject to legal constraints) outcome of any investigation.

Further Advice and Information

This policy document is for general guidance only. If you need any further advice on how to apply this policy please contact your departmental HR Manager.

Independent advice on ‘whistleblowing’ can also be obtained from the charity Public Concern at Work and from the Audit Commission. Contact details for these organisations are:

Public Concern at Work
Suite 306
16 Baldwins Gardens
London EC1N 7RJ
Helpline: 020 7404 6609
E-mail: helpline@pcaw.co.uk

Audit Commission
1 Vincent Square
London SW1P 2PN
Telephone: 020 7828 1212
E-mail: enquiries@audit-commission.gov.uk

Further information and Advice

Further background information on this topic is available on the following

Websites:

www.dti.gov.uk

www.acas.org.uk

www.lg-employers.gov.uk

www.audit-commission.gov.uk

www.pcaw.co.uk

See also national conditions of service and local agreements before determining or issuing advice.

Other Contacts

Please note that the County Council takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they use any such material, advice or service.

Standard Documents

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 or someone you know, please contact your Directorate HR Manager.

PUBLIC INTEREST DISCLOSURES

The Council acknowledges that anyone who is not satisfied with its response to a disclosure they have made under this policy is entitled in law to disclose elsewhere. **Appendix B** lists the names and addresses of bodies to whom disclosures can be made, including bodies prescribed by the Government.

EXTERNAL/PREScribed BODIES

Health & Safety Exec.
Area Office
Marches House
The Midway
Newcastle under Lyme
(Info line tel: 08701 545500)

Environment Agency
(no local address)
Tel: 0845 933 3111 (enquiries)
0800 807060 (to report
accidents)

Staffordshire Police HQ
Cannock Road
Stafford
ST17 0QG
Tel: 0185 257717

Inland Revenue
Greyfriars House
Greyfriars
Stafford
Tel: 01785 256222

Customs & Excise
Newcastle under Lyme Business
Centre
Blackburn House
Newcastle under Lyme
ST5 1UT
Tel: 01782 753600
(Enqs: 0121 697 4295)

Citizens' Advice Bureau
131 North Walls
Stafford
Tel: 01785 258673

Data Protection Registrar
Local Govt. Ombudsman
Pensions Ombudsman
11 Belgrave Road
London
SW1V 1RB
Tel. 0171 834 9144

Audit Commission
1 Vincent Square
London
SW1P 2PN

District Auditor
Eastgate House
Eastgate Street
Stafford

One's local Councillor

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INTEGRITY IN STAFFORDSHIRE COUNTY COUNCIL

1. INTRODUCTION

The County Council fully recognises its responsibility for spending public money and is committed to the fullest support for members and employees in upholding the reputation of the Council and maintaining public confidence in the integrity of the Council.

The culture and procedures of the Council are therefore intended to ensure that high standards in public life apply throughout the Authority. The Council is aware of the importance of ensuring that members and employees are fully aware of their personal responsibilities.

The key documents which encompass those personal responsibilities are referred to below and can be found on the County Council's Intranet. Those found within the Constitution are indicated with an asterisk.

- [Financial Regulations](#)***
- Financial Administration and Control Polices
- Financial Instructions
- [Contract Standing Orders](#)***
- [Delegations to Directors](#)***
- Delegation from Directors
- [Members Code of Conduct](#)***
- [Employee Code of Conduct](#)***
- Computer Security Policy
- E-mail and Internet Use Policy
- [Whistleblowing Policy](#)***

2. SCOPE

This Statement is specifically aimed at Councillors and senior managers of the County Council. A separate leaflet will be produced for employees, summarising key points.

It is acknowledged that special arrangements apply to schools. Governors and headteachers are encouraged to adopt the principles and processes detailed within this Statement.

In relation to suppliers and contractors, reference to the Statement will be made in Council contract documents. The Policy Statement will also be included on the County Council's Internet web site.

3. CULTURE

Where there are concerns about possible fraud or corruption or financial malpractice, the County Council encourages those concerns being raised.

This can be achieved by raising those concerns in accordance with this Policy Statement OR in accordance with the policy guidance and procedures which have been produced in response to the Public Interest Disclosure Act 1998.

Irrespective of the route chosen, anyone raising such concerns can be assured that they will be treated in confidence and properly investigated.

Unless there are good reasons to the contrary, any allegation received by way of anonymous letter or telephone will be taken seriously and investigated in an appropriate manner.

The Council will deal firmly with those who defraud the Council or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as staff raising unfounded malicious allegations) may be dealt with as a disciplinary matter.

When it is found that fraud or corruption has occurred owing to a breakdown in the Council's systems or procedures, Corporate Directors will ensure that appropriate improvements in systems of control are implemented in order to prevent a re-occurrence.

4. RAISING AND REPORTING CONCERNS

Staff can raise their concerns in the first instance with their line manager or, if necessary, anonymously and via other routes, for example:

- Heads of Service, Corporate Directors, or the Chief Executive, who will report such concerns to the Director of Finance (Internal Audit Section)
- Directly to the Director of Finance (Internal Audit Section) including use of the Integrity Freephone Answerphone Service
- The External Auditor, who depending upon the nature of the concern will liaise with the Director of Law and Governance and/or the Director of Finance (Internal Audit Section).

Elected members, suppliers and contractors, and the general public are also encouraged to report concerns through any of the above routes.

5. RESPONSIBILITIES

Members

Elected members are required to operate within:

- Sections 49 and 81 of the Local Government Act 2000 and Regulations and Codes of Conduct having effect under those sections;
- The Members' Code of Conduct (Appendix 10 of the Constitution); and
- The County Council's Constitution.

These matters are specifically brought to the attention of elected members as part of their Declaration of Acceptance of Office, and at their induction and subsequent training. A declaration and registration must be made with the Chief Executive, and updated regularly, of any potential areas of conflict between members' Council duties and responsibilities, and any other areas of their personal or professional lives.

Senior Managers

In addition to those responsibilities detailed below, Senior Managers are responsible for supporting and promoting strong counter fraud and counter-corruption cultures within their respective sections / business units including specifically internal control and associated training and development.

Employees

Employees are required to comply with those key documents detailed at Section 1 in so far as such documents impact upon individual duties, responsibilities and workloads. Attention is drawn to Section 117 of the Local Government Act 1972 which requires any interests in contracts that have been or are proposed to be entered into by the Council to be declared. The legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration

In addition, employees are expected to comply with all codes of practice or other relevant professional obligations issued by professional Institutes of which they may be members. The Council will report known impropriety to the relevant Institution for them to consider appropriate disciplinary action.

6. SYSTEMS

The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps 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 procedures laid down by the Council. Written references covering the known honesty and integrity of potential employees and staff will always be obtained. Where appropriate, relevant qualifications will be checked and CRB (Criminal Records Bureau) checks undertaken.

The role that appropriate employees are expected to play in the Council's framework of internal control will be included in employee induction procedures and subsequent training, as appropriate.

The Director of Finance has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper arrangement of the Council's financial affairs. Regulations and accounting instructions are in place governing the procedures and responsibilities of staff in relation to the key financial activities.

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. Corporate Directors are required to ensure that such controls, including those in a computerised environment, are properly maintained and documented. Their existence and appropriateness is independently monitored by Internal Audit.

Internal Audit assesses regularly the levels of risk within the Council with a view to preventing fraud and corruption. Such assessments are discussed with Corporate Directors and, where appropriate, incorporated into work plans.

The Council has established formal procedures to respond to complaints received about any aspect of service delivery. Issues relating to fraud and corruption will be passed directly to the Director of Finance (Internal Audit).

Combining with Others

Arrangements are in place and will be developed to encourage the exchange of information between the Council and other agencies on national and local fraud and corruption activity. This includes the exchange of computer based information (in accordance with the County Council's notification under the Data Protection Act) such as payroll records. The bodies involved in such exercises would include:

- Police
- Other local and statutory authorities
- Treasurers' Associations and Societies
- Local regional and national Auditor Networks
- External audit
- Audit Commission

Detection and Investigation

The Council's preventative systems, particularly internal control systems, provide indicators of fraudulent activity and are designed to deter any fraudulent activity.

It is often the alertness of elected members, Council employees, and the general public to the possibility of fraud and corruption that enables detection to occur and appropriate action to take place.

Despite the best efforts of financial managers and auditors, frauds are often discovered by chance and the Council has in place arrangements to enable such information to be properly and promptly dealt with.

Corporate Directors are required by Financial Regulations to report all suspected instances of fraud and corruption to the Director of Finance (Internal Audit). Reporting is essential to the success of this Statement, and:

- ensures the consistent treatment of information regarding fraud and corruption
- facilitates a thorough investigation of any allegation received

Depending on the nature of an allegation, the Director of Finance (Internal Audit) will normally work closely with the Corporate Director concerned to ensure that all allegations are thoroughly investigated and reported upon.

The Council's Disciplinary Procedures will be used to facilitate a thorough investigation of any allegation of improper behaviour.

The Director of Law and Governance will decide, based on advice from the Director of Finance and the appropriate Corporate Director, whether there are sufficient grounds for the matter to be reported to the Police. The Council will normally wish

the Police to be made aware of, and investigate independently, offenders where financial impropriety is discovered.

The Council's External Auditor will examine the Council's arrangements for the prevention, detection and investigation of fraud and corruption and will report accordingly.

Training

The Council recognises that the continuing success of its integrity policies will depend largely on the effectiveness of programmed training and responsiveness of employees throughout the organisation.

To facilitate this, the Council supports the concept of induction and refresher training for all employees involved in key control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced.

The possibility of disciplinary action against employees who ignore such training and guidance is, therefore, quite clear.

The investigation of fraud and corruption centres on the work of the Director of Finance (Internal Audit). It is apparent, therefore, that staff involved in this work should also be properly and regularly trained. The training plans of audit staff will reflect this requirement.

Regular training seminars will also be provided for elected members on a wide range of topics including declarations of interest and the Members Code of Conduct (Appendix 10 of the Constitution).

7. CONCLUSION

The Council has in place a clear network of systems and procedures to prevent and detect fraud and corruption. These arrangements will change as techniques for preventing and detecting fraud and corruption develop.

To this end, the Council will ensure a regular review of its key policy documents including this Policy Statement.

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APPENDIX 3 – OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and appointment

- 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 subparagraph (i) 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 Corporate Director and senior officer to whom such relationship is disclosed to record the disclosure and to notify the Director of Law and Governance 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 Corporate Director 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 Corporate Director 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 paragraph 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 1.11 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 Corporate Directors and Deputy Directors

- 2.1 Where the Council proposes to appoint the Head of Paid Service or a Corporate Director or a Deputy Director and it is not proposed that the appointment will be made exclusively from among their existing officers, 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 advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
- 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 terms 'Corporate Director' and 'Deputy Director' 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 and Dismissal of Head of the Paid Service – Special Provisions

- 3.1 Where a Special Committee of the Council referred to in paragraphs 4.4 or 5.2 below is discharging, on behalf of the Council, the function of the appointment or dismissal of an officer designated as the Head of the Paid Service, the Council must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

4. Appointment of the Head of the Paid Service, Corporate Directors and Deputy Directors

- 4.1 Subject to paragraphs 3.1 above and 4.5 below, the Committee of the Council referred to in paragraph 4.4 below will be responsible for appointing the Officers referred to in Paragraph 4.3 of Section 10 of the Constitution.
- 4.2 Where an appointment is to be made to a post referred to in Paragraph 4.3 of Section 10 of the Constitution and the post has been advertised as provided for in paragraph 2.1.2 above, 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 in paragraph 4.4 below.

- 4.3 Where no qualified person has applied for the appointment; or no qualified applicant is selected for interview, or the Special Committee referred to in paragraph 4.4 below do not make an appointment then the Chief Executive shall (unless no appointment to the post is to be made) readvertise the appointment under paragraph 2 above.
- 4.4 For the purpose of an appointment to which paragraph 4.2 applies, 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), 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 paragraphs 3.1 above and 4.5 below, to make that appointment.
- 4.5 An offer of an appointment as an officer referred to in Paragraph 4.3 of Section 10 of the Constitution shall not be made by or on behalf of the Special Committee of the Council referred to in paragraph 4.4 above until:-
- 4.5.1 The Committee has notified the Proper Officer 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.
- 4.5.2 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.
- 4.5.3 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.
- 5. Dismissal of, and disciplinary action against, the Head of the Paid Service, Corporate Directors and Deputy Directors**
- 5.1 Subject to paragraphs 3.1 above and 5.5 below, the Committee of the Council referred to in paragraph 5.2 below will be responsible for taking disciplinary action against an Officer referred to in Paragraph 4.3 of Section 10 of the Constitution.
- 5.2 For the purposes of this section 5 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

5.3 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 10 of the Constitution a Special Committee of the Council shall be established comprising the Chairman of the County Council, 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.

5.4 In cases of urgency the Special Committee referred to in paragraph 5.3 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.

5.5 Notice of the dismissal of an officer referred to in Paragraph 4.3 of Section 10 of the Constitution must not be given by or on behalf of the Special Committee referred to in paragraph 5.2 above until:—

5.5.1 The Committee has notified the Proper Officer 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.

5.5.2 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.

5.5.3 The Leader of the Council has, within the period specified under paragraph 5.5.2 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.

6. Other appointments

6.1 Appointments of officers who are not within the scope of paragraph 4.3 of Section 10 of the Constitution are, in accordance with paragraph 9.2 below, the responsibility of the Head of the Paid Service or the Corporate Director 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. Disciplinary Action in respect of the Head of the Paid Service, the Monitoring Officer and the Director of Finance – further provision

7.1 The Head of Paid Service, Monitoring Officer and Director of Finance may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months beginning on the day on which the suspension takes effect.

7.2 No other disciplinary action may be taken in respect of any of those officers except in accordance with the applicable Regulations and a recommendation in a report made by a designated independent person.

8. Dismissal and other disciplinary action – Involvement of Members

8.1 Subject to the provisions of Section 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 Panel of the Audit Committee in respect of dismissals or other disciplinary action.

9. Powers of Corporate Directors in relation to employment matters

9.1 The powers set out in paragraph 9.2 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 10 of the Constitution, and are in addition to the powers of the Chief Executive under the relevant Regulations.

9.2 Corporate Directors, and those members of staff designated as having sub-delegated powers relating to staffing and personnel matters under sub-delegation schemes approved The Scheme of Delegation in Appendix 1 of Section 10 of the Constitution, are nominated by the Chief Executive for the purpose of taking and have delegated authority to take, decisions relating to staffing and personnel matters, (including disciplinary action which does not require the involvement of the Cabinet or a Committee in order to meet the County Council's obligations under the applicable terms and conditions of service of the employee in question) unless:-

9.2.1 The decision relates to the early retirement or redundancy of one or more employees, in which case the arrangements set out in 'Early Retirement Policy – Notes of Guidance' apply.

9.2.2 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. In this regard:-

- 9.2.2.1 Head of Service posts and PO Special graded posts above SCP 53 must be submitted to the Head of Corporate HR, who will arrange for the post to be re-evaluated. Where this produces a higher grade or rate of pay the Corporate Director concerned may authorise the increase from such date as he determines.
- 9.2.2.2 Posts covered by the 1987 national Manual Worker job evaluation be reviewed in accordance with the procedures agreed by the County Council at that time.
- 9.2.2.3 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 at the due time, having regard to the advice set out in Part 4 of the Green Book.
- 9.3 The decision relates to a variation in the number and/or deployment of posts graded Head of Service Band 4 and above. Where such is intended the Corporate Director concerned must refer to the Chief Executive. The approval of the Cabinet is required for variations in the number and/or deployment of posts at this level. For the purpose of this paragraph 'deployment' means the replacement of one post by another post which is sufficiently different to require a fresh appointment.
- 9.4 Before exercising delegated authority in respect of the following, the Corporate Director must consult as indicated:-
 - 9.4.1 Decisions taken by Corporate Directors using the powers delegated to them must be consistent with County Council staffing policy and the relevant legislation. Where a Corporate Director 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 Law and Governance the Head of Corporate HR and the Director of Finance. This applies whether or not the decision relates to one of the areas listed in 9.4.2 to 9.4.6 below.
 - 9.4.2 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, Corporate Directors should consult the Director of Law and Governance as to the efficiency of this course of action and, as appropriate, the form of wording to be used.
 - 9.4.3 The Head of Corporate HR 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.
 - 9.4.4 Overseas visits by officers must be approved in advance and before departure by the relevant Corporate Director personally.

- 9.4.5 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), Corporate Directors must consult the Director of Finance.
- 9.4.6 Redundancy excepted, Corporate Directors shall consult the Director of Law and Governance before dismissing an employee in circumstances which could give rise to the right to claim unfair dismissal.

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SECTION 11

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 13 – 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 given 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.

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 Corporate Director (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 Law and Governance, to be asked at the Annual Meeting and Ordinary Meetings of the Council by no later than three clear working days 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 Law and Governance before the deadline will be dealt with at the meeting. All other questions will receive a written answer.

8.4 Each question will be read out at the meeting and must be no more than 150 words in length. A written response of no more than 400 words will be circulated at the beginning of the meeting and will also be read out.

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 debate on the Leader's Statement will not exceed thirty minutes unless the time is extended 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 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 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.

14.10 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.

14.11 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 including those specified by the Secretary of State under Section 49 of the Local Government Act 2000 which are to govern their conduct.
- 16.2 Any Member who has an interest defined in the Members' Code of Conduct in Section 3 of this Constitution will comply with the requirements of that Code in disclosing the interest and, if necessary, withdrawing from participation in consequence of that interest.
- 16.3 Whenever the County Council is purchasing, selling or leasing any legal or equitable interest in land or property in which a Member has a personal or prejudicial 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 Law and Governance the fee chargeable by the District Valuer for undertaking a valuation exceeds the likely value of the interest in question.
- 16.4 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 13 (Procurement Policy and Contract Standing Orders) about the signature of contracts the Director of Law and Governance 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 12 (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 personal or prejudicial interest under the Members' Code of Conduct.
- 19.3 The Director of Law and Governance 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:-

<u>Non Scrutiny Committees</u>	<u>Number of Members</u>
Planning Committee	14
Pensions Committee	9
Audit Committee	9
Standards Committee	7 (& 2 independent Members)
<u>Scrutiny Committees</u>	
Corporate Review Committee	13
Assets and Budget Scrutiny Committee	9
Children, Young People and Families Scrutiny Committee	9
Communities Scrutiny Committee	13 (& District Co-optees)
Health Scrutiny Committee	8 (& District Co-optees)
Regeneration and Infrastructure Scrutiny Committee	9
Social Care Scrutiny Committee	9
Schools and Colleges Scrutiny Committee	9 (& Statutory Co-optees)

20.2 No Member of the Cabinet may be eligible for appointment to, or membership of, the Corporate Review Committee, a Scrutiny 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, Corporate Directors and Deputy Directors. Further details can be found in the Officer Employment Rules in Section 10 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 Committee and the Standards Committee may each 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 There will be no quorum of a Sub-Committee.

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 Law and Governance.

24.3 The Director of Law and Governance 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 Law and Governance 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 Law and Governance 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.

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SECTION 12

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 Corporate Director 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 Corporate Director is responsible or a contributing author.
- 1.3 Each Corporate Director 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 for 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 Law and Governance.

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 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:-

Category		Additional Conditions
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 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	

Category		Additional Conditions
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 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) has been published in connection with the matter in question;
- (b) at least five 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

14.1 Period of Forward Plan

Forward Plans will be prepared by the Leader of the Council to cover a period of four months, beginning with the first working day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents of Forward Plan

The Forward Plan 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 an Cabinet function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which 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.

The Forward Plan must be published at least 14 days before the start of the period covered. The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and

- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

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

15. General Exception

15.1 If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to paragraph 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Proper Officer has informed the Chairman of the relevant Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five clear days have elapsed since the Proper Officer complied with (b) and (c).

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

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.

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; 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 Law and Governance and the Director of Finance 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).

SECTION 13

FINANCIAL REGULATIONS

INTRODUCTION BY CHIEF FINANCE OFFICER

Any major organisation requires a set of clearly understood rules and regulations for the management of its financial affairs. In response to the requirements of Section 151 of the Local Government Act 1972, the County Council has designated the Chief Finance Officer to be responsible for the administration of these affairs.

In response to the requirements of Section 25 of the Local Government Act 2003, the Chief Finance Officer has a duty to report to the authority on:

- (a) the adequacy of the proposed reserves;
- (b) the robustness of the budget.

In response to Section 114 of the Local Government Finance Act 1988, the Chief Finance Officer has a duty to report to the Council if the authority or one of its officers:

- (a) has made, or is about to make, a decision which involves incurring unlawful expenditure;
- (b) has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority;
- (c) is about to make an unlawful entry in the council's accounts.

In addition, the Chief Finance Officer is required to make a report under Section 114 if it appears that the expenditure incurred and/or proposed in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

These Financial Regulations are part of the County Council's Constitution and establish the framework for the administration and control of the Council's financial affairs. The components of the framework are as follows:

Financial Regulations - Approved by the County Council

Schemes of Delegation:-

Delegations to Corporate Directors (as set out in the Constitution) - Approved by the County Council (amendments require approval by the Cabinet or the Audit Committee)

- Delegations by Corporate Directors - Approved by the Cabinet/Audit Committee
- Financial Rules - Approved by the Cabinet
- Schools Financial Regulations - Approved by the Cabinet
- Financial Instructions - Approved by the Chief Finance Officer
- Directorate Manuals of Instruction - Approved by the Chief Finance Officer

All documents within the framework are aimed at achieving four main objectives:

- (a) to maintain sound and proper financial procedures and arrangements for the administration of all the County Council's financial affairs;
- (b) to ensure that proper safeguards and controls exist;
- (c) to provide a framework for financial management and service delivery which will enable, wherever possible, managerial and financial responsibilities to be aligned;
- (d) to safeguard the members and employees of the County Council.

The last point is most important as without clearly defined financial procedures and arrangements, members and employees could find themselves in an invidious and vulnerable situation. The observance of these polices is very much in each individual's interest. Any infringement may involve an external complaint being made or disciplinary proceedings being taken against an employee.

Finally, I would like to emphasise that if you are in any doubt at all over compliance please consult either your Joint Finance Unit, the Corporate Accounting Section or the Internal Audit Section for guidance

Chief Finance Officer

DEFINITIONS

County Council	means the full Council.
Cabinet	means the Leader and Cabinet.
Chief Finance Officer	includes such other persons authorised to undertake duties specified in these Regulations in accordance with delegations set out by the Chief Finance Officer pursuant to a Scheme of Delegation approved by the Cabinet/Audit Committee.
Corporate Director	means a Corporate Director appointed by the Council pursuant to Article 12 of the Constitution and includes the Chief Executive and such other appropriate persons authorised to undertake the duties specified in these Regulations in accordance with delegations made by the Corporate Director pursuant to a Scheme of Delegation approved by the Cabinet/Audit Committee.
Virement	means the transfer of resources between Budget Heads.
Services	the areas of activity as set out in the Budget approved by the County Council.
Budget Heads	means those parts of the County Council's Budget so identified by the Chief Finance Officer in Financial Instructions.
Procedural Standing Orders	the rules adopted by the County Council from time to time which regulate the proceedings and business of the County Council.
Contract Standing Orders	the rules adopted by the County Council from time to time which regulate the procedures by which the Council lets contracts for the supply of works, goods and services.

FINANCIAL REGULATION A – GENERAL

- A.1 These Financial Regulations form part of the Constitution approved by the County Council. These Financial Regulations will be reviewed at least once every two years to ensure that they remain modern and relevant. Subsequent changes will be submitted to the County Council for approval following consideration by the Cabinet and the Audit Committee.
- A.2 These Financial Regulations apply to all Corporate Directors and departments and individual units and establishments of the County Council, with the exception of Schools to which the Schools Financial Regulations apply. The Schools Financial Regulations apply to those Schools covered by the Council's Scheme for Financing Schools in respect of the areas of expenditure and income which are delegated or devolved to Schools
- A.3 The Chief Finance Officer is responsible for keeping under review all matters relating to the financial administration of the County Council and will produce, from time to time, Financial Rules (approved by the Cabinet) and Financial Instructions to supplement these Regulations. Such documents will have effect as if they were Financial Regulations.
- A.4 Corporate Directors are required to set out in manuals of instruction the detailed arrangements for the implementation of these Financial Regulations, Financial Rules, and Financial Instructions. The Chief Finance Officer must approve these manuals before they are brought into effect.

FINANCIAL REGULATION B – FINANCIAL PLANNING, BUDGETING AND REPORTING

Budget Process

- B.1 The Cabinet will, upon the recommendation of the Chief Finance Officer, determine a resource allocation and budget process that ensures due consideration of the County Council's Corporate Strategy.
- B.2 The Cabinet will, upon the recommendation of the Chief Finance Officer, make arrangements for determining the capital programme including individual project appraisal and prioritisation processes.
- B.3 Corporate Directors will, in the preparation of the budget, observe the rules, procedures and timetables established by the Cabinet.

Financial Planning

- B.4 The Cabinet will, upon the advice of the Chief Finance Officer recommend to the County Council a Medium Term Financial Strategy which, as part of the Policy Framework, will provide the financial framework for the preparation of the Corporate Strategy, Improvement Plans and Delivery Plans.
- B.5 In making recommendations or providing reports under B1, B2 B4, B7, and B10 the Chief Finance Officer will consult and will have regard to the advice of the Director of Law and Governance.

The Budget

- B.6 Service Leaders, in consultation with the Chief Executive, Corporate Directors, the Director of Law and Governance and the Chief Finance Officer, are responsible for submitting to the Cabinet for consideration an Improvement Plan and a revenue budget and capital programme within the approved resource allocation framework which sets out the proposed budget allocation and capital investment plans for the services within their areas of responsibility. No scheme will be included in the capital programme unless it has been through the appraisal and prioritisation processes determined by the Cabinet.
- B.7 In addition to receiving information detailed at B.6, the Cabinet will consider summarised reports from the Chief Finance Officer on the Revenue and Capital budget.
- B.8 The Cabinet will consult as appropriate with Scrutiny Committees on the budget plans detailed at B6 and B7.
- B.9 The Cabinet will consider the comments from the Scrutiny before finalising its revenue and capital budget plans for the County Council to consider. The report to the County Council will show the Cabinet's response to those comments.
- B.10 The Chief Finance Officer will produce a report on the County Budget summarising the service revenue and capital budgets for consideration by the Cabinet before submission to the County Council for approval.
- B.11 The County Council is responsible for approving the revenue and capital budgets, the allocation of financial resources to services, the provision for contingencies, the use of reserves and balances and the setting of the precept.

Business Unit Budgets

- B.12 Corporate Directors, in consultation with the Chief Finance Officer, will ensure that individual Business Units produce a Delivery Plan that includes a detailed budget reflecting the budget allocation detailed in B.6 above.
- B.13 The Delivery Plans for Trading and Support Service Business Units must set out the basis of charges to other County Council Departments and the planned trading surplus or deficit. Where a deficit budget is proposed the Delivery Plan must include proposals for addressing the deficit. Where the budget for the Business Unit involves a surplus the Delivery Plan should include the detailed proposals for utilising the surplus. The specific approval of the Cabinet is required for any planned deficit or surplus.
- B.14 The individual Delivery Plans will be circulated to all members of the relevant Scrutiny Committee.

Virement and In-year changes to the Budget

- B.15 The Chief Finance Officer will administer the Scheme of Virement set out below. Any change to the Scheme requires the approval of the County Council.

- B.16 The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the Corporate Strategy within the net revenue budget approved by the County Council and can therefore approve virement between Services provided: -
- (a) it does not involve a new policy or policy change;
 - (b) it does not involve an increasing commitment in future years which cannot be contained within existing approved budget allocations.
- B.17 Corporate Directors, after consultation with the Chief Finance Officer, may initiate virement between Budget Heads provided: -
- (a) it does not involve a transfer of resources between Services;
 - (b) it does not involve a new policy or policy change;
 - (c) it does not involve an increasing commitment in future years which cannot be contained within existing approved budget allocations.
- B.18 Virement that is likely to impact on the budget of another Corporate Director requires the written agreement of that Corporate Director before it can be implemented.
- B.19 The Cabinet is responsible for approving all allocations from contingencies.

Power to Incur Expenditure

- B.20 Corporate Directors have power, subject to these Regulations, to incur expenditure provided for in the revenue budget and capital programme approved by the County Council.
- B.21 No revenue or capital expenditure can be incurred without the approval of the County Council if it is considered contrary to, or not wholly in accordance with, the Corporate Strategy or Budget. In this context contrary to the budget may be through:
- (a) initiating a new policy;
 - (b) committing revenue or capital expenditure in current or future years to above the approved budget levels;
 - (c) transferring revenue resources between Budget Heads except as provided in the Scheme of Virement;
 - (d) entering into a capital commitment if it involves a material change in the nature of the project as set out in the original project appraisal.
 - (e) entering into a capital commitment if it (i) will count against the Council's Borrowing Limit or (ii) involves a revenue consequence for which no specific provision has been made in the budget for that service.
- B.22 Corporate Directors are responsible for ensuring that any increase in a capital

project estimate that occurs during the course of the project can be contained within the overall capital budget for that service.

- B.23 No expenditure that requires the specific approval of a government department or agency, the European Union or any other external funding organisation may be incurred until the Council has received such approval or written assurance that such approval will be forthcoming in due course. Expenditure funded from these sources should not be incurred without the specific approval of the Cabinet or the Audit Committee (as appropriate) where the funding organisation may refuse to pay the grant or contribution.
- B.24 No lease, hire, rental or arrangements of a similar nature that may count against the County Council's Borrowing Limit may be entered into without seeking the prior approval of the Chief Finance Officer.

Staffordshire Local Community Fund

- B.25 No expenditure will be incurred unless the proposed initiative has been approved in accordance with the Scheme, which is set out at Appendix 15 to the Constitution.

Partnerships

- B.26 Corporate Directors are responsible for ensuring that partnership arrangements are approved, carried out, monitored and evaluated in accordance with overarching principles as determined by the Cabinet.

Monitoring and Reporting

- B.27 Corporate Directors are responsible for ensuring the regular monitoring of revenue and capital budgets and for ensuring that significant variations are investigated and appropriate action taken to bring any forecast overspend back into line with the budget.
- B.28 Corporate Directors, in consultation with the Chief Finance Officer, must, as soon as is practicable, report to the Cabinet where they are unable to balance expenditure and resources within the approved budget allocation. The Cabinet will consider such reports and, where appropriate, make recommendations to the County Council which address the shortfall.
- B.29 Corporate Directors will submit monitoring and outturn reports to the Cabinet in accordance with timetables and procedures determined by the Cabinet.
- B.30 Unless determined otherwise by the County Council, any underspending or overspending may be carried forward to the following financial year and the approved budget adjusted accordingly.
- B.31 The Chief Finance Officer is responsible for co-ordinating the production of the Annual Statement of Accounts and for submitting it for approval by the Audit Committee.

FINANCIAL REGULATION C – FINANCIAL STANDARDS AND SYSTEMS

Financial Management Standards

- C.1 The Chief Finance Officer is responsible for setting the authority's financial management standards and for monitoring their compliance.
- C.2 The Chief Finance Officer is responsible for ensuring proper professional practices and accounting policies are adhered to and to act as head of profession in relation to standards, performance and development of finance staff throughout the authority.

Systems and Procedures

- C.3 The Chief Finance Officer is responsible for keeping the principal accounting records of the County Council. Such records will be maintained on the authority's Enterprise Resource Planning (ERP) system - SAP. No other system will be used for the keeping of accounting or other records relating to the County Council's finances without the prior written permission of the Chief Finance Officer.
- C.4 The Chief Finance Officer, in conjunction with Corporate Directors, will ensure that all feeder systems and processes to SAP are fully documented with staff trained in their operation. Such systems and processes will incorporate the necessary controls to ensure that the data used to update SAP is complete, accurate, timely and not previously processed.
- C.5 Corporate Directors must consult the Chief Finance Officer before introducing or amending any book, form, record, administrative procedure or system used for the keeping of accounting or other records relating to the finances of the County Council and should act on any advice given.
- C.6 The Chief Finance Officer and Corporate Directors will jointly ensure that all accounting records are properly maintained and held securely. Such records and all related vouchers and documents must be managed in accordance with the County Council's Records Management Policy.

FINANCIAL REGULATION D - AUDIT, CONTROL AND IRREGULARITIES

- D.1 The County Council has determined that the Chief Finance Officer is responsible for conducting a continuous internal audit in accordance with the Accounts and Audit Regulations 2003.
- D.2 Corporate Directors will co-operate with, and provide all necessary information for, the Internal Audit Section and the Council's External Auditor.
- D.3 It is the responsibility of Corporate Directors to establish effective and efficient arrangements for internal control. Corporate Directors will seek the advice of the Chief Finance Officer in those instances of a material nature where the principles of internal control prove difficult to implement or maintain.
- D.4 The Chief Finance Officer must be notified immediately of all instances of potential and actual irregularity affecting the finances of the Council.

FINANCIAL REGULATION E - EXPENDITURE

General

- E.1 All payments made on behalf of the Council (with the exception of payments out of Advance accounts) will be made by the Chief Finance Officer.
- E.2 In making such payments, the Chief Finance Officer will, where necessary, rely on the certification (electronic or manual) of authorised employees.

Procurement of Works, Supplies and Services

- E.3 Every employee involved in the procurement process will comply with the County Council's Contract Standing Orders and Procurement Rules as set out in Appendix 8 of the Constitution and with the Local Code of Conduct for Employees as set out in Appendix 11 of the Constitution.

Payments of Creditors

- E.4 Payments will be made in accordance with the Council's standard payment policy as defined within Financial Instructions.

Advance Accounts

- E.5 The Chief Finance Officer will provide such accounts as he considers appropriate for authorised employees to defray petty cash and other expenses.

FINANCIAL REGULATION F – INCOME

- F.1 Subject to Regulation F.2, Corporate Directors are responsible for:
 - (a) reviewing and making recommendations to the Cabinet or the relevant non-Executive Committee about charges that may be made for services provided by the County Council on a non-profit making basis in accordance with the Council's powers to charge set out in relevant legislation including the Local Government Act 2003; and
 - (b) reviewing and implementing all external fees and charges (where the amount of the fee or charge is at the discretion of the County Council) on an annual basis.
- F.2 The establishment or variation of any such fee or charge that involves a policy change requires the approval of the County Council.
- F.3 All money (cash or credit) due to the County Council shall be collected, receipted and banked in accordance with the Council's Credit Management Strategy as determined by the Cabinet. Such a Strategy will include arrangements for the write-off/down of bad debts and the procedures to be followed to ensure compliance with Money Laundering Regulations which seek to prevent the laundering of the proceeds of criminal and other defined activities.

FINANCIAL REGULATION G - TREASURY MANAGEMENT

Banking

- G.1 The Chief Finance Officer is responsible for arranging the Council's banking arrangements including the opening and closing of all accounts.
- G.2 With the exception of routine BACS transactions, the electronic transfer of funds, either internally or externally, will only be made by the Chief Finance Officer.
- G.3 All other payments made by the County Council, with the exception of those made from Advance accounts, will be made by a cheque bearing the facsimile or manuscript signature of the Chief Finance Officer.

Treasury Management

- G. 4 The County Council is responsible for approving:
 - (a) Borrowing Limits and Prudential Indicators in accordance with the Local Government Act 2003 and the CIPFA Prudential Code;
 - (b) The Annual Treasury Management Investment Strategy.
- G. 5 The Cabinet is responsible for approving the Treasury Management Policy Statement from time to time.
- G. 6 The Cabinet is responsible for approving the Annual Treasury Management Strategy and monitoring Treasury Management activities.
- G. 7 The Chief Finance Officer is responsible for carrying out all Treasury Management activities within the Council's Treasury Management Policy Statement and Annual Treasury Management Strategy. More specifically, such responsibilities will be carried out in accordance with CIPFA's Code of Practice for Treasury Management in the public services and CIPFA's Prudential Code and will include:
 - (a) To keep under review and to update as required, the Treasury Management Policy Statement for approval by the Cabinet;
 - (b) To prepare and maintain suitable Treasury Management Practices setting out the manner in which treasury management policies and objectives will be achieved and presenting how those activities are managed and controlled;
 - (c) To prepare the Annual Treasury Management Strategy at or before the start of each financial year for approval by the Cabinet and the Annual Treasury Management Investment Strategy for approval by the County Council;
 - (d) To regularly monitor performance against Borrowing Limits and Prudential Indicators and to seek approval for changes to those limits if applicable;
 - (e) To report the outcome of all Treasury Management activities at least once a year including an annual outturn report for approval by

the Cabinet.

FINANCIAL REGULATION H - ASSETS

Land and Buildings

- H.1 The Deputy Chief Executive will maintain a register of all properties owned, or occupied, by the Council.
- H.2 The Director of Law and Governance will be responsible for making arrangements for the safe custody of all title deeds and formal contract documents.
- H.3 Corporate Directors are responsible for exercising proper stewardship over the assets they manage and must ensure that properties are kept in an appropriate condition to provide a safe, watertight and comfortable environment.
- H.4 The Deputy Chief Executive is required to submit to the Cabinet an annual asset management plan, which ensures that assets are reviewed regularly to identify under-utilised and surplus properties.

Stocks and Stores

- H.5 Corporate Directors are responsible for keeping proper records and for the custody of stocks and stores.
- H.6 Corporate Directors are responsible for defining and maintaining efficient stock levels. Such levels must be periodically checked.
- H.7 Corporate Directors may write-off stocks and stores up to an individual item value as defined within Financial Instructions. Amounts exceeding this figure may not be written off without the approval of the Chief Finance Officer.

Inventories

- H.8 Corporate Directors will maintain inventories of furniture and equipment.
- H.9 Corporate Directors are responsible for checking at least annually that all items on the inventory are accounted for.
- H.10 Corporate Directors may write-off individual inventory items up to a value as defined within Financial Instructions. Amounts exceeding this figure may not be written off without the approval of the Chief Finance Officer.

Security

- H.11 Corporate Directors are responsible for arranging proper security for all assets and records under their control.
- H.12 All employees must comply with the requirements of the Council's Corporate Information Technology Security Policy at all times.

FINANCIAL REGULATION I - INSURANCE AND RISK MANAGEMENT

- I.1 The Chief Finance Officer is responsible for arranging appropriate insurance cover for risks which are not self-insured. Where appropriate the Chief Finance Officer will consult Corporate Directors prior to arranging cover.
- I.2 Except where otherwise provided for in agency agreements, the Chief Finance Officer will negotiate the settlement of claims with insurers.
- I.3 The Chief Finance Officer is responsible for co-ordinating risk management activity across the County Council including the allocation of the annual dedicated risk management budget.

FINANCIAL REGULATION J – OTHER FUNDS

- J.1 Corporate Directors will maintain a record detailing the purpose and nature of all voluntary funds maintained by their staff in the course of their duties within the Authority.
- J.2 Corporate Directors will ensure that such funds are operated in accordance with Financial Instructions.
- J.3 All members and employees acting as trustees by virtue of their official position will ensure that accounts are audited as required by law and submitted annually to the appropriate body.

APPENDIX 8

PROCUREMENT POLICY AND STRATEGY AND CONTRACT STANDING ORDERS

Introduction

This Procurement Policy and Strategy and Contract Standing Orders are part of the County Council's Constitution and establish the framework for the administration and control of the County Council's Procurement arrangements for goods, works and services and utilities.

Corporate Directors must comply with the provisions contained within all of these documents in coming to any decision on contract procurement or on the application of these Standing Orders.

There are two Parts to the Appendix:

Part A Procurement Policy and Strategy - which sets out the framework of principles which govern the arrangements made by the County Council for the procurement of goods works and services.

Part B Contract Standing Orders – which set out the applicable controls and administrative processes for such procurement.

PART A PROCUREMENT POLICY and STRATEGY

The County Council's Procurement Policy and Strategy is set out below:-

This Procurement Policy and Strategy is the over-arching document for all Procurement by the County Council and is supported by a number of other documents as shown below:

<ul style="list-style-type: none">• Procurement Policy and Strategy• Contract Standing Orders• Delegations to Corporate Directors	Approved by County Council
<ul style="list-style-type: none">• Procurement Rules• Delegations by Corporate Directors	Approved by Cabinet
<ul style="list-style-type: none">• Procurement Instructions• Strategic Workplan	Approved by Corporate Director (Resources)

1. Procurement is defined as: ‘The process spanning the whole life cycle from the initial concept and definition of business needs through to the end of the useful life of an asset or the end of services contracts.’

This Policy and Strategy covers the Procurement of all goods, services, works and utilities on behalf of the Council by its members, staff, agents, and providers. No Procurement activity will be exempt, but it is recognised that different products and services, especially where the care and education of individuals is concerned, may require a different approach, and this will be reflected in the strategy.

nb: The term “Providers” encompasses all sources of goods and services whether directly employed, 3rd party, voluntary, or another public body.

2. Background

The County Council recognises the important role of Strategic Procurement in assisting the Council to achieve its ambitions by getting value for money from the way in which it procures and delivers its services and uses its resources in an economic, efficient and effective way.

The County Council currently spends about one third of its budget on the procurement of goods and services, and there are already significant areas of good practice and value creating procurement within the County Council.

It is the intention of this Corporate Strategy that such good practice should be highlighted, shared and used as the foundation for creating a truly corporate approach which is attuned to the needs of the Council, and which will apply consistently across the Council to deliver sustainable value for money.

The Strategy is an essential element in developing how we look at innovative ways in which to procure and work in partnership with others, to improve service delivery.

3. Vision

To obtain Best Value through the planned and skilful management of procurement and supply chains.

We will do this by achieving the following objectives:

Objective 1

Develop and embed a corporate approach to Best Value Procurement that is aligned with, and supports, the National Procurement Strategy for Local Government, the Council’s Core Values and Business needs, including the desire for partnership working at National, Regional, and sub-Regional level. This

approach encompasses all Providers, and includes the Council's approach to reviewing its service delivery models.

Objective 2

Put in place a set of high quality processes and documentation that will structure the delivery of all procurement activity in a consistent manner, creating savings and adding value across the Council, irrespective of who leads the activity.

Objective 3

Develop the knowledge and skills of all those involved in the Procurement Process to enable the implementation and delivery of the processes set out in the Procurement Strategy.

Objective 4

Ensure Staffordshire County Council is seen as a "Preferred Customer" by providers by putting in place a set of, policies, actions and measures that will:

i) ensure that the effort required by providers when bidding for business is commensurate with the risk/value involved.

ii) create greater visibility of the Councils requirements for goods, services, provider performance, and provider business conduct, and the type of "mixed economy" it wishes to procure from.

iii) create effective trading relationships and/or partnerships with all key providers (public, private, in-house and voluntary); and

iv) encourage a diverse and competitive supply market, including small firms, social enterprises, ethnic minority businesses, and voluntary and community sector Providers

Objective 5

Commitment to, consistent application of, and compliance with the Procurement Strategy, standing orders, Public Procurement Legislation and Procurement Rules.

Objective 6

On-going measurement, review, and development of the performance of the Procurement Process and its operators.

4. Policy and Culture

The Council will:

- provide goods and services that achieve best value both through the direct employment of staff and by securing goods and services in partnership with, or by purchasing from, other organisations, where this can be shown to secure better standards, a better balanced range of provision or best value;
- require all Directorates and encourage all Schools to use its centrally negotiated contracts/ framework agreements where the required goods and/or services are contained therein;
- require Corporate Directors to ensure that if the goods or works or services required can be provided internally within the County Council (for example through the use of an in-house service provider), those goods works or services are in fact obtained internally; or, if the Corporate Director wishes to seek tenders for those goods, works or services, all in-house services or facilities which may be able to provide them must be invited to tender or bid for their provision;
- expect that, when it has determined that requirements will be sourced externally, these will be acquired through competition unless there are good reasons to the contrary;
- expect that procurement will be based upon a partnering approach in which both the Council and the Provider seek to gain maximum mutual advantage through successful relationships and continuous improvement;
- expect that , and for all purchases in excess of £100,000 actual, or potential, total contract value and other purchases as appropriate, advice will be sought in a timely manner from a suitably qualified and experienced commercial practitioner (a Procurement Advisor) duly authorised by the relevant Corporate Director;
- consult with its staff in accordance with established agreements and ensure that the views of staff are considered when making procurement decisions that affect them;
- ensure that a formal option appraisal is conducted when appropriate and that such appraisal always forms part of any high value/high risk review; and that the appraisal process specifically includes the options of partnering, collaboration (including purchasing consortia, joint procurement and commissioning and shared services), and the use of its trading powers. While ensuring that service delivery is not compromised, the procurement process must ensure that during option appraisal and tender evaluation appropriate consideration is given to the potential impact on the environment and the local economy;

- where appropriate, research the marketplace; use the Council's position and purchasing power to influence the development of markets;
- where appropriate, seek to work with other local and public bodies and through consortia (develop consortium purchasing arrangements with other local or public bodies) in order to maximise purchasing power and to harness economies of scale;
- where appropriate, seek to develop partnership and other funding arrangements with the private sector through such initiatives as PFI Schemes;
- seek to manage its existing Provider base within its centrally negotiated contracts / framework agreements in order to harness economies of scale and promote the development of a partnering approach;
- consider sustainability as an important criterion in any procurement; and
- secure Equal Opportunities in the procurement process as an important part of the Procurement Policy.

5. Leadership and Responsibility

In respect of responsibility for procurement the Council requires that:

- the procurement of goods, services and works will lie with each Corporate Director, dependent upon their delegations. In turn, the Corporate Director will consult with and appraise the Corporate Director (Resources) and relevant elected members, in accordance with Contract Standing Orders, the Procurement Rules or Procurement Instructions;
- the Corporate Director (Resources) or his or her representative is authorised to act on behalf of the authority in formulating and monitoring centrally negotiated contract arrangements / framework agreements. All other contracts will be managed and led by an appropriately skilled officer throughout the procurement process and during the life of the contract arrangement. Corporate Procurement/ Staffordshire Purchasing will be available to advise Directorates on their procurement processes and projects;
- contracts are kept under regular review to confirm their continued adequacy and to measure Provider performance; and
- corporate Procurement will give technical and strategic support to facilitate the delivery of the procurement process within the Council, and, when requested, to other Partners.

6. Rules and Best Practice

In respect of the rules and best practice the following apply:

- the framework of rules for procurement are those determined by European Union and United Kingdom law and those set out within Contract Standing Orders, the Procurement Rules and procurement Instructions in that order of precedence;
- Contract Standing Orders will be reviewed at least once every two years to ensure that they remain modern and relevant. Responsibility for this lies with the Corporate Director (Resources), together with the Head of Corporate Procurement, the Head of Staffordshire Purchasing and the Head of Internal Audit in consultation with other Corporate Directors;
- the Council has set and published standards for the conduct of employees and will require adherence to these at all times. In all their dealings all concerned with Providers will ensure the highest standards of honesty, integrity, impartiality and objectivity;
- in dealing with Providers the Council will ensure that there is an equal opportunity for all that meet the stated criteria, to participate in bidding for requirements. Whenever requested, unsuccessful applicants will be provided with the reasons why and unsuccessful bidders will be given feedback;
- the Council will seek to remove obstacles to conducting business and particularly in the case of local business will encourage participation in tendering;
- in appointing Providers, the Council will appraise all valid offers received and will seek an appropriate balance between cost and quality evaluation; and
- Internal Audit will monitor adherence to the principles contained within this document and report annually on its findings to both Corporate Directors and elected members.

7. Process Management

In managing procurement processes it is required that:

- records and procedures set out in Contract Standing Orders and the Procurement Rules and Procurement Instructions are properly maintained;
- decisions are recorded and clear audit trails exist in order to ensure openness, propriety and probity and compliance as appropriate with Public Procurement Legislation;

- resources relating to procurement will be kept under review as part of the Best Value cycle and the use of electronic and other means to reduce acquisition and transition costs will be encouraged; and
- the payment to Providers is managed promptly and within the Council's stated policy. Implicit within this is the need to continuously improve in the management and processing of invoices and to develop electronic trading.

8. Training

The Council recognises that the success or otherwise of its Procurement Strategy will be influenced by the responsiveness of those individuals responsible for its implementation on a day to day basis. Accordingly, the Corporate Director (Resources) is required to ensure that designated individuals receive the necessary training and ongoing support and guidance.

9. Governance and Organisation

The governance arrangements for procurement will be through a joint member/officer working party set up as the Corporate Procurement Board, which will meet regularly and will receive reports from the Head of Corporate Procurement and other colleagues indicating the progress made in delivering the Corporate Procurement Strategy. This joint member/officer working party will provide the sponsorship for projects carried out under the Corporate Procurement Strategy. It will include the Member Procurement Champion the Officer Procurement Champion and the Head of Corporate Procurement together with representatives of each Directorate.

From the working party, reports may be sent to the Cabinet and to any relevant Scrutiny Committee.

The members of the working party will have responsibility for ensuring that The Corporate Procurement Strategy is applied across the Directorates they represent and report to the working party on progress made against the Strategy.

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PART B CONTRACT STANDING ORDERS

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- A. Introduction and Definitions
- B. Scope and Application
- C. Legal Requirements
- D. Duration of Contracts
- E. Obtaining Tenders
- F. Accepting Tenders
- G. Signing and Sealing Contracts
- H. Sales
- I. Officers Decision Making and Interests in Contracts

Introduction:

A.1 These Contract Standing Orders are part of the County Council's Constitution and establish the framework for the administration and control of the County Council's Procurement arrangements.

A.2 These Contract Standing Orders are supported by Procurement Rules approved by Cabinet, and Procurement Instructions to be issued by the Director of Law and Administration. An obligation to comply with Contract Standing Orders includes compliance with all Procurement Rules and Procurement Instructions as approved or issued from time to time.

Definitions:

A.3 In these Standing Orders, unless otherwise stated:-

'Corporate Director' means the Corporate Director of the Directorate responsible for the contract in question or such senior officer of that Directorate to whom the Corporate Director may have delegated in writing the powers in question. The term Corporate Director includes the Chief Executive and such other officers as the County Council may from time to time decide.

'Contract' means any agreement, however expressed, by which the County Council agrees to carry out or acquire or sell any works, goods, services or utilities for payment or otherwise.

'EU Procurement Regulations' means the Public Contract Regulations 2006 together with relevant E U Directives, case law and guidance issued from time to time.

'Framework Agreement' means an agreement or other arrangement which establishes the terms (in particular the terms as to price and, where appropriate, quality) under which the Provider will enter into one or more contracts or a series of contracts with the County Council or other Public Body during the period in which the Framework Agreement applies. A Framework Agreement may also be referred to as a 'Call Off Contract' a 'Continuous Contract' or a 'Standing Offer'.

‘lowest tender in cost terms’ for acceptance of a tender means either the lowest cost, or where evaluation is not solely based on cost, the most economically advantageous tender score following evaluation.

‘Public Body’ includes any body or organisation who may award a public contract under the Public Contract Regulations 2006.

‘Signing’ a contract includes arrangements for the formal acceptance of a tender, where provided within Procurement Instructions.

“Supply” includes obtaining by purchase, lease, hire, rental or any form of credit arrangement whether for monetary value or ‘nil’ cost to the County Council.

“Tendering” means a formal procedure for obtaining written offers (tenders) for supply.

Headings and words in *italics* do not form part of these Standing Orders and are included purely to assist interpretation.

Review Arrangements:

A.4 These Standing Orders will be reviewed by the County Council at least once every two years after consideration by the Cabinet and on the recommendation of the Audit Committee.

B. Scope and Application

B.1 These Standing Orders apply to all contracts for works, or the supply or sale of goods, services or utilities by or to the County Council. Save as authorised in accordance with paragraphs B3 and B4 below and the Procurement Rules these Standing Orders may not be waived or dis-applied.

B.2 These Standing Orders also apply where the County Council:

- a) is acting as the Lead or Accountable Body in a partnership or other joint arrangement, or
- b) where the County Council appoints or nominates a sub contractor in connection with any Contract.

B.3 They do not apply to:

- a) contracts of employment;
- b) contracts relating to interests in land;
- c) contracts entered into by schools using delegated budgets;
- d) contracts placed by the Chief Finance Officer in relation to Treasury Management (*delegated to him under Table 11 in Appendix 1 of the Constitution*); or

- e) contracts placed by the Chief Finance Officer investing money or assets of the Staffordshire County Pension Fund (*delegated to him under Table 11 in Appendix 1 of the Constitution*).

B.4 They may be suspended at the discretion of the relevant Corporate Director, to the extent of the inconsistency with a particular contract, where:

1. a contract or sub-contract is being let on behalf of a Public Agency *eg the Department of Transport*, and any provision of these Standing Orders is inconsistent with the mandatory requirements of that Agency, and
2. a contract or sub contract is being entered into as a joint arrangement with another Public Body and any provision of these Standing Orders is inconsistent with the mandatory requirements or Standing orders of another Public Body who is taking the lead on the procurement, and
3. a contract or sub-contract which is governed by nationally negotiated Conditions of Contract under the auspices of one or more professional institutions, *for example ACE building contracts* and any provision of these Standing Orders is inconsistent with a provision contained in those Conditions of Contract,
4. the County Council is in accordance with the Procurement Rules entering into a Framework Agreement negotiated by another Public Body .

C. Legal Requirements

C.1 The Corporate Director when making or proposing a contract on behalf of the County Council shall:

- (a) comply with all relevant statutory or other legal requirements including EU Procurement Regulations, and
- (b) comply with these Contract Standing Orders, and
- (c) comply with the Council's Financial Regulations (*Appendix 7 of this Constitution*), and
- (d) comply with the Procurement Rules and Procurement Instructions.

C.2 There shall be written evidence of every contract.

C.3 Every contract to which these Contract Standing Orders apply and which exceeds a value as determined in the Procurement Rules shall:-

- (a) be in writing; and
- (b) be in such form as the Director of Law and Administration may require; and

- (c) either be sealed on behalf of the County Council or signed on behalf of the County Council in accordance with Section G.

C.4 If a contract is not one to which paragraph C3 applies, a Corporate Director may, after consultation with the Director of Law and Administration as necessary, decide the form of the contract and tender documentation required but shall not decide on such documentation in a form to which the Director of Law and Administration objects, or which is not in compliance with the Financial Regulations, Procurement Rules and Procurement Instructions.

C.5 Subject to paragraph C6, except in those instances where paragraph B.4 applies a Corporate Director shall include a copy of the County Council's Conditions of Contract in the documentation sent to prospective providers/tenderers prior to the contract being made.

C.6 The Director of Law and Administration may make provision in Procurement Instructions for standard Terms and Conditions in respect of particular types of contracts and in respect of contracts under the value of £100,000 to be made available in to prospective providers and tenderers, electronically or on the County Council web site.

C.7 No increase in the amount payable by the County Council will be permitted except as specifically provided for within the Procurement Rules.

Contracts involving credit arrangements

C.8 A Corporate Director shall not, without the approval of the Chief Finance Officer enter into a contract for the supply of goods or services under any lease, hire, rental or any other credit arrangements.

Record Keeping

C.9 Corporate Directors shall ensure that in accordance with the County Council's document retention policies under the Freedom of Information Act 2000 all contracts and related records are retained for inspection for such period as may be specified in those policies to show that the provisions of these Standing Orders have been complied with. For the avoidance of doubt this includes, but is not limited to, decisions to suspend Contract Standing Orders, decisions in respect of the Procurement Rules, Procurement Instructions and any exercise of delegated powers.

C.10 The Director of Law and Administration may make provision in the Procurement Instructions for certain types of contracts to be retained in accordance with specific requirements as to the manner or location of retention

Use of Consultants

C.11 Any Consultant who is responsible to the County Council for the preparation and/or supervision of a contract on its behalf shall, subject to any limitations on authority in his appointment:

- (a) comply with these Standing Orders as though he were a Corporate Director subject to the modification that the procedure to be followed for

inviting, opening and accepting tenders shall be approved in advance by the Corporate Director concerned; and

- (b) at any time during the carrying out of the contract, produce on request to the Chief Finance Officer or any officer authorised by the County Council all the records maintained by him in relation to the contract; and
- (c) On completion of a contract, transmit all records relating to the contract to the Corporate Director concerned.

D. Duration of Contracts

D.1 No contract shall be for a duration of longer than four (4) years unless provided for within the Procurement Rules.

E. Obtaining Tenders

E.1 A Corporate Director must always obtain, open and evaluate tenders in accordance with the Procurement Rules and Procurement Instructions prior to awarding a contract for works or the supply of goods, services or utilities.

F. Accepting Tenders

F.1 The Corporate Director may accept the lowest tender in cost terms whatever the value of the contract.

F.2 No tender which is not the lowest tender in cost terms shall be accepted unless acceptance is in accordance with the Procurement Rules.

F.3 A Corporate Director may only negotiate with a tenderer if such negotiations are in accordance with the Procurement Rules.

G. Signing and Sealing Contracts

G.1 The provisions of this Section G shall not be delegated by the Corporate Director other than to a Deputy Corporate Director or other officer directly accountable and reporting to the Corporate Director

G.2 A Corporate Director may sign any contract up to the value of £100,000.

G.3 Contracts up to the value of £300,000 may be signed by:

- a) the Director of Law and Administration, and
- b) the Corporate Director (Development Services) in respect of contracts for works, or
- c) the Corporate Director (Children and Lifelong Learning) and the Corporate Director (Social Care and Health) in respect of contracts for the care or educational placement of an individual or a recognised group of individuals.

G.4. Contracts over the values set out in paragraphs G. 3 must be signed by two Corporate Directors, unless otherwise provided for in the Procurement Instructions one of whom shall include the Director of Law and Administration.

G5. The Director of Law and Administration shall determine which contracts shall be under seal.

H. Sales

H.1 Surplus goods and materials belonging to the County Council may be sold by the Corporate Director subject to compliance with Procurement Instructions.

H2. The Procurement Instructions may allow for the provision of works, goods and services to a third party.

I. Officers' Decision making and Interests in Contracts

I.1 Every Officer taking any decision in respect of a contract shall comply fully with County Council's Integrity Policy Statement and the County Council's Local Code of Conduct for Employees.

I.2 Every Officer who has a pecuniary interest in a contract shall notify The Director of Law and Administration who shall make a record in a book to be kept for the purpose, under Section 117 of the Local Government Act 1972, and the book shall be open during office hours to the inspection of any Member of the Council.