

CONSTITUTION

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Summary and Explanation

The Council's Constitution

Exeter City Council has agreed a constitution which 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.

The Constitution is divided into 15 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

Contents

Article 1 of the Constitution explains the Council's prime goal and the core values it strives to achieve and work within. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Scrutiny of decisions (Article 6).
- The Executive (Article 7)
- Regulatory and other Committees (Article 8)
- Audit and Governance Committee (Article 9).
- Joint Arrangements (Article 10).
- Officers (Article 11).
- Decision making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).

(Amended March 2020)

How the Council operates

The Council is composed of 39 councillors who serve for four years. One-third of these Members' terms of office expire in each of three years out of four (in the fourth year county councillors are elected). Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Council's Audit and Governance Committee monitors the code of conduct and is responsible for investigating complaints.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council also appoints the Lord Mayor and Deputy Lord Mayor, appoints the Leader and members to the Executive and other committees.

How decisions are made

The Executive Committee

The Executive is the part of the Council which is responsible for most day-to-day decisions which are not delegated to officers. The Executive is made up of the Leader of the Council and up to nine other Members, he/she shall appoint. When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. In Exeter it has been decided that all meetings of the Executive will be open for the public to attend except where personal or confidential matters are being discussed. The Executive 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.

Scrutiny

There are two scrutiny committees which support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by allowing members of the public to raise matters at meetings of these committees. These can lead to reports and recommendations which advise the Executive and the Council on its policies, budget and service delivery issues. Scrutiny committees also monitor the decisions of the Executive. They can, in exceptional circumstances, 'call-in' a decision which has been made by the Executive but not yet implemented and ask that the Executive reconsider the decision. They will usually be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

(Amended March 2020)

The Council's Staff

The Council's employees (called 'officers') give advice, implement decisions, manage and provide the day-to-day delivery of 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 Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a Lord Mayoral form of executive;
- ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and special meetings subject to giving notice to the Council;
- speak at Planning Committee in support of or in opposition to a planning application, and Tree Preservation Order (TPO) subject to the agreed procedure;
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive unless they deal with confidential or private matters;

(Amended March 2020)

- use the Council's complaints procedure if unhappy about an aspect of the Council's service;
- complain to the Ombudsman if they think the Council has not followed its procedures properly (however, they should only do this after using the Council's own complaints process);
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. Further information on the public's rights are available from the Council's Democratic Services Section at the Civic Centre, Exeter.

Part 2

Articles of the Constitution

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Article 1 – The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of Exeter City Council.

1.03 Purpose of the Constitution

The Council, through its Corporate Plan will pursue its stated goal which is "To enhance Exeter as the regional capital working with our partners to improve the quality of life for all people living, working and visiting the city."

In pursuing this goal the following core values will be promoted:

- Meet customers' needs with high-quality services
- Be flexible and have can-do approach
- Show trust and respect
- Tell people what is going on, listen and respond to their views
- Be proud to work for the city and the council

A principal objective of the Council is to promote equality of opportunity and social inclusion and the Council has agreed the following policy statement:

"The City Council is committed, both as an employer and as a deliverer of services, to ensuring that no recipient of services provided by the Council receives less favourable treatment on any grounds such as disability, ethnic origin, age, gender, sexuality, language, religion, political or other opinion, national or social origin, association with a national minority, locality, property, birth or other status".

This constitution supports these aims and objectives and explains the mechanisms and processes that the Council operates to ensure that:

- councillors are able to play a significant role in the work of the Council and represent their constituents

(Amended April 2017)

- decisions are taken in as open and transparent way as possible
- the view of residents and stakeholders are recognised as important influences on the way the Council operates and decisions are taken
- accountability is enhanced

1.04 Interpretation and Review of the Constitution

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

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

Article 2 – Members of The Council

2.01 Composition and eligibility

- (a) **Composition.** The Council comprises 39 elected members, called councillors, who are elected to represent their ward. There are 13 wards in Exeter, who elect three councillors to sit on the Council.
- (b) **Eligibility.** Only registered voters of the City or those living or working here are eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election and terms. The ordinary election of a third of all councillors will be held on the first Thursday in May in each year beginning in 2020, except that in-2021 and every fourth year after there will be no regular election.

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

A Councillor may at any time resign their position by giving notice in writing to the Returning Officer (the **Chief Executive**), who is the proper officer for that purpose and the resignation will be effective upon its receipt.

Due to the Coronavirus Pandemic, the elections in May 2020, were postponed to May 2021. The terms of office of those councillors who would have been up for election have been extended accordingly. (The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, refers).

2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;
 - (v) be involved in decision-making;

(Amended February 2024)

- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics; and
- (viii) participate, as appropriate, and attend where deemed mandatory in learning and development opportunities offered by the Council.

(b) **Rights and duties**

- (i) Councillors have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) 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.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on member/officer relations set out in Part 5 of this Constitution.

2.05 Allowances

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

Article 3 – Citizens and the Council

3.01 Citizens' rights

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

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and to sign a petition to request a referendum for an elected Mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its committees, including the Executive, except for items where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
 - (ii) find out from the Forward Plan what key decisions will be taken by the Executive and when;
 - (iii) see reports and background papers, and any records of decisions made by the Council and the Executive (excluding confidential or 'exempt' information); and
 - (iv) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and special meetings, subject to giving notice to the Council and speak at Planning Committee, on any application or Tree Preservation Order (TPO) being considered by that Committee, subject to the agreed procedure.

[Details on public speaking.](#)

- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Ombudsman after using the Council's own complaints scheme;
 - (iii) the Monitoring Officer about a breach of the Councillor's Code of Conduct.

3.02 Citizens' responsibilities

(Amended March 2020)

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

Article 4 – The Full Council

4.01 Meanings

(a) **Policy Framework.** The policy framework is made up of a series of statutory plans and strategies as follows:

- Corporate Plan
- Development Plan Documents forming the Local Development Framework
- Food Law Enforcement Service Plan;
- Climate Change Strategy;
- Contaminated Land Strategy;
- Annual Budget Strategy;
- Asset Management Plan
- Health and Safety Service Plan
- Housing Strategy (including Private Sector Housing Renewal Policy)
- Anti-Social Behaviour Policy
- Homelessness Strategy
- Community Safety Strategy
- Recycling Plan
- Licensing Policy Statement
- Gambling Policy Statement

Other overarching corporate plans and strategies may become part of the policy framework as the need arises.

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

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

4.02 Functions of the full Council

Only the Full Council will exercise the following functions:

- (a) adopting and changing the Constitution, other than minor administrative/typographical corrections;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure in Part 4 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 be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) electing the Leader;
- (e) electing the Lord Mayor
- (f) appointing the Executive members on the nomination of the Leader of the Council;
- (g) to agree the composition and membership of all non Executive committees and/or amending the terms of reference for committees, other than minor administrative/typographical corrections, deciding on their composition and making appointments to them;
- (h) appointing representatives to outside bodies unless the appointment is one the Executive wishes to make;
- (i) adopting an allowances scheme under Article 2.05;
- (j) changing the name of the area, conferring the title of Honorary Alderman or Freeman;
- (k) confirming the appointment of the head of paid service;
- (l) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;

(Amended May 2021)

- (m) adopting Standing Orders and Financial Regulations and keeping them under review;
- (n) agreeing the Council's revenue and capital budgets;
- (o) setting the Council tax levels;
- (p) agreeing the Council's Budget and Policy Framework;
- (q) to receive any report by the Chief Finance Officer and/or the Monitoring Officer;
- (r) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- (s) all other matters which, by law, must be reserved to Council.
- (t) agree the local scheme for council tax support.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

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

4.04 Responsibility for functions

The Council will maintain the information in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

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Article 5 – Chairing the Council

5.01 Role and function of the Lord Mayor

The Lord Mayor and in his/her absence, the Deputy Lord Mayor will have the following roles and functions:

Ceremonial Role

- 5.02 Exeter is very proud of its Lord Mayoralty which dates back to the year 1207 and can claim to have the most senior *Right Worshipful Lord Mayoralty* in the country.
- 5.03 Each year, in May, a new Lord Mayor is elected, by fellow councillors, to serve for one year. The Lord Mayor's role is non-political. The Lord Mayor is supported during his/her year in office by a Deputy Lord Mayor.
- 5.04 The Lord Mayor takes part in ceremonies such as Legal Sunday, Lammas Fair, University Sunday etc. On such occasions the Lord Mayor is in full regalia and accompanied by the Cap and Sword and an escort of Mace Bearers and processes with Honorary Aldermen, past Lord Mayors, Councillors and JP's.
- 5.05 Although he/she elects to support one charity during the year, the Lord Mayor plays an important part in the community life of Exeter and becomes Honorary president of a variety of charitable and other organisations. The Lord Mayor and Deputy Lord Mayor attend, on average, approximately 500 functions a year.

Chairing the Council Meeting

5.06 The Lord Mayor also has the following responsibilities:

1. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
2. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
3. to ensure that the Council meeting is a forum for debate and the place at which members can be held to account.

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Article 6 –Scrutiny Committees

6.01 Terms of reference

The Council will appoint two scrutiny committees one covering each of the following areas 'Strategic' and 'Customer Focus' to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

See Part 4 (Rules of Procedure) for terms of reference.

6.02 Proceedings of scrutiny committees

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

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Article 7 – The Executive

The Role of the Executive

7.01 General

- (a) Executive functions will be exercised collectively unless the Leader directs otherwise in accordance with paragraph 7.03 below.
- (b) The Executive will carry out all the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this constitution.

7.02 Form and composition

- (a) The Executive is made up of the Leader of the Council and up to 9 other Members, he/she shall appoint.
- (b) The Executive members will be appointed by Council on nomination by the Leader.
- (c) No member of the Executive shall serve on any of the Council's Scrutiny Committees, the Audit and Governance Committee or the Scrutiny Programme Board

7.03 Leader

The Leader will be a councillor elected to the position of Leader by the Council.

The Leader's term of office starts on the day of his/her election to that office and ends on the day when the Council holds its first Annual Meeting after the Leader's normal day of retirement as a Councillor unless:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor.
- (d) he/she is removed from office by resolution of the Council.

7.04 Removal of the Leader

Where the Council passes a resolution to remove the Leader, a new Executive leader will be elected:

- (a) at the meeting at which the Leader is removed from office; or
- (b) at a subsequent meeting of the Council.

7.05 Other Executive members

- (1) The Leader shall nominate the Executive members to be appointed by full Council.
- (2) Other Executive members shall hold office until the next Annual Meeting of the Council following their appointment unless:
 - (a) they resign from office; or
 - (b) 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); or
 - (c) they are no longer councillors; or
 - (d) they are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal shall take effect immediately on receipt of the notice by the Chief Executive.

(3) Executive members will, on allocation by the Leader of the Council, assume roles as Portfolio Holder with specific responsibilities. These responsibilities will be listed in Part 3 (b) the Council's Constitution. For clarity, not all Executive members may be allocated a Portfolio holder responsibility by the Leader of the Council.

7.06 Deputy Leader

- (1) The Leader of the Council shall appoint one of the Executive members to be his/her Deputy Leader who is to hold office until the end of the term of office of the Leader.
- (2) Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place.
- (3) If for any reason the Executive Leader is unable to act, the Deputy Leader must act in his/her place.
- (4) The Deputy Leader shall hold office until:
 - (a) He/she resigns from office; or
 - (b) He/she is suspended from being a councillor under Part III of the Local Government Act 2000; or
 - (c) He/she is no longer a councillor; or
 - (d) The Council removes the Leader from office; or
 - (e) He/she is removed from office by the Leader who must give written notice of such removal to the Chief Executive. The removal from office shall take effect immediately on receipt of the notice by the Chief Executive.

7.07 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

(Amended April 2023)

7.08 Responsibility for functions

The Leader will:

- (a) state the size of the Executive (maximum 10 members) and appoint Members to the Executive;
- (b) identify which individual Executive members and/or officers are to be responsible for the exercise of a particular Executive function; and
- (c) where the Leader identifies individual delegations to Executive members, then he must give written notice of such delegation to the Chief Executive who shall maintain and keep up to date a list of such delegation.
- (d) The Leader is also responsible for delegating Executive responsibilities to Committees carrying out Executive functions.

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Article 8 – Regulatory and other committees

8.01 Regulatory and other committees

The Council will appoint a Planning Committee, Licensing Committee, Audit and Governance Committee and an Exeter Grants Panel. The terms of reference for these and committees, other than Scrutiny Committees are set out in Part 3 of the Constitution.

The Planning Committee shall appoint a Planning Member Working Group which will normally meet in private.

8.02 No member of the Planning Committee, Licensing Committee, Audit and Governance Committee and an Exeter Grants Panel will be allowed to take their seat on the committee unless they have received and attended all relevant, appropriate and up-to-date training.

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Article 9 – Audit and Governance Committee

9.01 Audit and Governance Committee

The Council will appoint an Audit and Governance Committee with a membership comprising one or more representative of each political group.

9.02 Composition

Audit and Governance Committee will meet on a quarterly basis and report directly to full Council. It will comprise 11 members, excluding Executive members and the chairmanship will be subject to local protocol.

9.03 Role and Function

The Audit and Governance Committee will have the following terms of reference:

1. To approve, but not direct, the Internal Audit Strategy and annual audit plan ensuring that appropriate risk assessments have been carried out when formulating the internal audit plan and to monitor performance against the plan
2. To review any revisions to the plan as advised by the Audit Manager and agreed by the Director Finance.
3. To review half yearly internal audit reports and the main issues arising and seek assurance from management that action has been taken, where necessary
4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale
5. To consider the Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
6. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance
7. To consider specific reports as agreed with the external auditor
8. To comment on the scope and depth of external audit work and to ensure it gives value for money
9. To commission work from internal and external audit

Regulatory Framework

(Amended April 2023)

10. To review any issue referred to it by the Chief Executive, senior management or any council body
11. To monitor the effective development and operation of risk management and corporate governance in the Council and agree necessary actions to ensure compliance with best practice
12. To review the Annual Governance Statement (AGS) and to recommend its adoption
13. To consider the Council's compliance with its own and other published standards and controls
14. To advise the City Council on the adoption of Codes of Conduct with the aim of promoting and maintaining high standards of conduct by members and officers and the subsequent monitoring and updating of the Codes.
15. To develop and adopt a Code of Practice on relations between members and officers.
16. To develop and monitor a Local Planning Code.
17. To ensure the provision of advice and training to members and officers on the above Codes of Conduct/Practice.
18. To hear and determine allegations of misconduct.
19. To be responsible for the Council's procedure for investigating and responding to complaints.
20. To give advice to Members on the declaration of interests.
21. To monitor the "Whistle blowing Policy" which meets the requirements of the Public Interest Disclosure Act 1998, to encourage employees to report suspected malpractice, fraud or crime by other staff, the public or organisations having dealings with the Council.
22. To monitor and review the Council's Anti-fraud, Anti-bribery and Anti-corruption Strategy
23. To monitor the Council's constitution and, having regard to any report of the Monitoring Officer, to make appropriate recommendations where necessary.

Accounts

24. To approve and adopt the Council's Statement of Accounts, income, expenditure and balance sheet or record of receipts and payments.

25. To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
26. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts

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Article 10 - Joint Arrangements

10.01 Arrangements to promote well being

The Council or the Executive, in order to promote the economic, social or environmental well-being of the City, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- (c) exercise on behalf of that person or body any functions of that person or body; and
- (d) details of any joint arrangements including any delegations to joint committees, Strata Joint Executive Committee, Strata Joint Scrutiny Committee and the Joint Mitigation Committee will be found in the Council's scheme of delegations in Part 3 of this Constitution.

10.02 Access to information

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

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Article 11 – Officers

11.01 Management structure

- (a) **General.** The full Council may engage such employees (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process. Together with the monitoring officer, responsibility for a system of record keeping for all the Council’s decisions. Representing the Council on partnership and external bodies (as required by statute or the Council).
Directors, Director Finance, Director Corporate Services and Corporate Managers	To develop and implement the Core, Values and Corporate Strategy of Exeter City Council through working with members, staff, customers and external partners and to ensure that the Council operates in an innovative, progressive, customer-driven and externally-focussed way in providing cost effective, high quality outcomes in all areas of service.

- (c) **Head of Paid Service, Monitoring Officer and Director Finance.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service Returning Officer, Electoral Registration Officer
Director Corporate Services	Monitoring Officer
Director Finance	Chief Finance Officer

Such posts will have the functions described in Article 11.02–11.04 below.

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

11.02 Functions of the Head of Paid Service

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

11.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Director Finance, the Monitoring Officer will report to the full Council [or to the Executive in relation to an executive function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Audit and Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Governance Committee.
- (d) **Grant dispensations.** The Monitoring Officer will determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare and, where there is conflict to consult with the independent person appointed by the Council.
- (e) **Conducting investigations.** In consultation with the independent person appointed by the Council, the Monitoring Officer will deal with any complaint received, alleging a breach of the Members' Code of Conduct in accordance with the complaints procedure, including the authority to decide whether an allegation merits investigation.
- (f) **Advising whether Executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Director Finance or the Head of Paid Service.

11.04 Functions of the Director Finance

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Director Finance will report to the full Council [or to the Executive in relation to an executive function] and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Director Finance will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Director Finance will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Director Finance will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Director Finance will provide financial information to the media, members of the public and the community.

11.05 Duty to provide sufficient resources to the Monitoring Officer and Director Finance

- (a) The Council will provide the Monitoring Officer and Director Finance with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.
- (b) In accordance with Section 52 and 54 of the Representation of the Peoples' Act 1983, the Council will provide the Electoral Registration Officer with such officers, accommodation and other resources as are in their opinion sufficient to discharge their statutory function.

11.06 Conduct

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

11.07 Employment

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

Article 12 – Decision Making

12.01 Responsibility for decision making

The Council will issue and keep up to date a record of the responsibility of the Council, its committees, Executive members and officers for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

12.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.
- (f) explaining what options were considered and giving the reasons for the decision

12.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions.
 - (i) A key decision is defined as being any decision of the Executive which is likely:
 - (a) to result in the local authority carrying out expenditure which is, or the makings of saving which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

In determining what is significant, regard has to be had to any guidance issued by the Secretary of State.

(Amended June 2023)

- (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

12.04 Decision making by the full Council

Subject to Article 12.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.05 Decision making by the Executive

Subject to Article 12.08, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.06 Decision making by scrutiny committees

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

12.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 12.08, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

12.08 Decision making by Council bodies acting as tribunals

The Council, 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.

12.09 Decision making by Officers

All decisions made by officers shall be in accordance with the principles and requirements of this constitution. Any key decisions and any decisions made in consultation with the portfolio holder will be recorded and held for inspection by councillors on application to the Democratic Services Manager or the Human Resources Transactional Services Manager as appropriate.

12.10 Use of Enforcement Powers

The Council will follow the principles of good enforcement practice set out in the Government's Enforcement Concordat. In particular, enforcement will be open, helpful, proportional and consistent.

Article 13 – Finance, Contracts and Legal Matters

13.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

13.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

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Article 14 – Review and Revision of the Constitution

14.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and report to the Executive or Audit and Governance Committee as appropriate.

14.02 Changes to the Constitution

Changes to the constitution (other than minor administrative/typographical corrections) will only be approved by the full Council after consideration of the proposal by the Executive or the Audit and Governance Committee as appropriate.

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Article 15 – Suspension, Interpretation and Publication of the Constitution

15.01 Suspension of the Constitution

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) Procedure to suspend. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) Rules capable of suspension. The following Rules may be suspended in accordance with Article 15.01:
 - Standing Order 48 - Suspension of standing orders by full Council
 - Standing Order 16(3) - Taking executive decisions which are outside the budget/policy framework when the matter is urgent
 - Contract Regulation C1.3 - Contracts exempted from complying with Contract Regulations

15.02 Interpretation

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

15.03 Publication

- (a) The Council's constitution will be made available to all members of the authority by electronic means unless a request is received in writing by the Democratic Services Manager, for a hard copy of the constitution. On receipt of such a request, a copy will be given to the requesting member.
- (b) The Democratic Services Manager will ensure that the up to date version of the Constitution is available on the Council's website and can be purchased by members of the local press and the public on payment of a reasonable fee.

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Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Scrutiny Committees) and the Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Joint arrangements);
4. Article 12 (Decision making) and the Access to Information Procedure Rules;
5. Part 3 (Responsibility for Functions).

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Part 3

Responsibility for Functions

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Responsibility for Functions

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

References to consultation with Human Resources means the officer or officers so designated by the Director Corporate Services.

Function	Who is Responsible	Membership	Agreed Standing Delegation
1.1 Any matter relating to contaminated land.	The Executive Committee	City Council Members	Service Lead - Environmental Health and Community Safety
1.2 The discharge of any function relating to control of pollution or management of air policy.	The Executive Committee	City Council Members	Service Lead - Environmental Health and Community Safety
1.3 Inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint of nuisance and services of abatement notice thereafter.	The Executive Committee	City Council Members	Service Lead - Environmental Health and Community Safety
1.4 Determination of appeals in respect of:- (a) Homelessness Reviews (b) Any decision affecting an applicant's right or eligibility for housing assistance and entry onto the Council's statutory Housing Register.	The Executive Committee The Executive Committee	City Council Members City Council Members	System Lead – Housing Needs and Homelessness System Lead – Housing Needs and Homelessness in consultation with the Executive member with portfolio.

(Amended April 2023)

1.5 Any function under a local Act other than that set out in Schedule 1 to the Functions Regulations 2000.	The Executive Committee	City Council Members	Please refer to the Council's scheme of delegation
1.6 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	The Executive Committee	City Council Members	None
1.7 Power to require information as to interest in land pursuant to Section 330 of the Town & Country Planning Act 1990.	The Executive Committee	City Council Members	Service Lead - City Development

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

The Function	Committee	Membership of Committee	Delegation of functions
2.1 Those functions relating to town and country planning as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Planning Committee	City Council Members	Service Lead - City Development See the Council's scheme of delegation.
2.2 Those functions relating to licensing and registrations as set out in Schedule 1 to the Function Regulations.	Licensing Committee	City Council Members	Service Lead - Environmental Health and Community Safety See Council's scheme of delegation.

(Amended June 2020)

<p>2.3 Functions under any of the relevant statutory provisions within the meaning of Part 1 (health, safety and welfare connections with work and control of dangerous substances) of the Health & Safety at work etc. Act 1974, as set out in Schedule 1 to the Functions Regulations 2000.</p>	<p>None</p>		<p>Service Lead - Environmental Health and Community Safety See Council's scheme of delegation.</p>
<p>2.4 Those functions relating to elections as set out Schedule 1 of the Function Regulations 2000.</p>	<p>None</p>	<p>None</p>	<p>The Chief Executive</p>
<p>2.5 Those functions relating to the name and status of areas and individuals as set out in Schedule 1 of the Functions Regulations 2000.</p>	<p>Full Council</p>	<p>Exeter City Council Members</p>	<p>None</p>
<p>2.6 Power to make, amend, revoke or re enact bylaws as set out in Schedule 1 of the Functions Regulations 2000.</p>	<p>Full Council</p>	<p>City council Members</p>	<p>None</p>
<p>2.7 Power to promote or oppose local or personal Bills as set out in Schedule 1 of the Functions Regulations 2000.</p>	<p>Full Council</p>	<p>City Council Members</p>	<p>None</p>

2.8 Those functions relating to pensions as set out in Schedule 1 of the Functions Regulations 2000.	Full Council	City Council Members	None
<p>2.9 To approve the Council's policy framework, annual general fund budget, capital programme, housing revenue account budget and the setting of the council tax and agreeing the local scheme for council tax support.</p> <p>In the case of Development Plan Documents, this includes:-</p> <p>(a) the approval of documents for submission to the Secretary of State for approval;</p> <p>(b) the adoption of documents."</p>	Full Council	City Council Members	None
2.10 To approve the Council's corporate objectives, policies and recommendations	Full Council	City Council Members	None
2.11 To determine the arrangement for discharge of Council functions.	Full Council	City Council Members	None

(Amended June 2020)

<p>2.12 Miscellaneous functions as set out in Schedule 1 of the Functions Regulations:-</p> <p>a) Duty to approve and adopt the Council's Statement of Accounts, income, expenditure and balance sheet or record of receipts and payments</p> <p>b) Powers relating to the preservation of trees.</p> <p>c) Powers relating to the preservation of important hedgerows.</p> <p>d) Power to appoint and dismiss non statutory Chief officers and Directors and Corporate Managers under JNC conditions of service.</p> <p>e) Power to make standing orders in relation to contracts</p> <p>f) To consider any report made by the Head of Paid Service, the Monitoring Officer and section 151 officer and to decide what payment (if any) should</p>	<p>Audit and Governance Committee</p> <p>Planning Committee</p> <p>Planning Committee</p> <p>Full Council</p> <p>Full Council</p> <p>Full Council</p>	<p>City Council Members</p> <p>City Council Members</p> <p>City Council Members</p> <p>City Council Members</p> <p>City Council Members</p> <p>City Council Members</p>	<p>None</p> <p>Service Lead - City Development in accordance with the Scheme of Delegation.</p> <p>Service Lead - City Development in accordance with the Scheme of Delegation.</p> <p>Head of Paid Service</p> <p>None</p> <p>None</p>
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(Amended June 2020)

be made cases of maladministration.			
2.13 To approve, but not direct, the Internal Audit Strategy and annual audit plan ensuring that appropriate risk assessments have been carried out when formulating the internal audit plan and to monitor performance against the plan.	Audit and Governance Committee	City Council Members excluding Executive Members	None
2.14 To review any revisions to the plan as advised by the Audit Manager and agreed by the Director Finance.	Audit and Governance Committee	//	None
2.15 To review half yearly internal audit reports and the main issues arising and seek assurance from management that action has been taken, where necessary.	Audit and Governance Committee	//	None
2.16 To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.	Audit and Governance Committee	//	None
2.17 To consider the Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate	Audit and Governance Committee	//	None

(Amended June 2020)

governance arrangements.			
2.18 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.	Audit and Governance Committee	//	None
2.19 To consider specific reports as agreed with the external auditor.	Audit and Governance Committee	//	None
2.20 To comment on the scope and depth of external audit work and to ensure it gives value for money	Audit and Governance Committee	//	None
2.21 To commission work from internal and external audit.	Audit and Governance Committee	//	None
2.22 To review any issue referred to by the Chief Executive, senior management or any council body	Audit and Governance Committee	//	None
2.23 To monitor the effective development and operation of risk management and corporate governance in the Council and agree necessary actions to ensure compliance with best practice.	Audit and Governance Committee	//	None
2.24 To review the Annual Governance Statement (AGS) and	Audit and Governance Committee	//	None

(Amended June 2020)

to recommend its adoption			
2.25 To consider the Council's compliance with its own and other published standards and controls	Audit and Governance Committee	//	None
2.26 To advise the City Council on the adoption of Codes of Conduct with the aim of promoting and maintaining high standards of conduct by members and officers and the subsequent monitoring and updating of the Codes	Audit and Governance Committee	//	None
2.27 To develop and adopt a Code of Practice on relations between members and officers	Audit and Governance Committee	//	None
2.28 To develop and monitor a Local Planning Code	Audit and Governance Committee	//	None
2.29 To ensure the provision of advice and training to members and officers on the above Codes of Conduct/Practice	Audit and Governance Committee	//	None
2.30 To hear and determine allegations of misconduct	Audit and Governance Committee	//	None
2.31 To be responsible for the Council's procedure for investigating and responding to complaints	Audit and Governance Committee	//	None
2.32 To give advice to members on the declarations of interest	Audit and Governance Committee	//	None

(Amended June 2020)

2.33 To monitor the “Whistle blowing policy” which meets the requirements of the Public Interest Disclosure Act 1988, to encourage employees to report suspected malpractice, fraud or crime by other staff, the public or organisations having dealings with the council	Audit and Governance Committee	//	None
2.34 To monitor and review the Council’s Anti-fraud, Anti-bribery and Anti-corruption Strategy	Audit and Governance Committee	//	None
2.35 To monitor the Council’s constitution and, having regard to any report of the Monitoring Officer, to make appropriate recommendations where necessary	Audit and Governance Committee	//	None
2.36 To approve and adopt the Council’s Statement of Accounts, income, expenditure and balance sheet or record of receipts and payments	Audit and Governance Committee	//	None
2.37 To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council	Audit and Governance Committee	//	None

(Amended June 2020)

2.38 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts	Audit and Governance Committee	//	None
2.39 To make any scheme authorised or required by Regulations under section 18 of the Local Government and Housing Act 1989 (Members Allowances)	Full Council	City Council Members	None
2.40 To approve the Corporate Plan in accordance with Section 6(1) of the Local Government Act 2000.	Full Council	City Council Members	None
2.41 To approve the Council's Community Strategy pursuant to Section 4 of the Local Government Act 2000.	Full Council	City Council Members	None
2.42 To approve the Council's Crime and Disorder Reduction Strategy pursuant to Sections 5 and 6 of the Crime and Disorder Act 1998	Full Council	City Council Members	None
2.43 Applications to the Secretary of State to join the annual disposal programme and to transfer the Council's housing stock to a registered social landlord	Full Council	City Council Members	None

(Amended June 2020)

2.44 Power to create, stop up and divert footpaths and bridleways.	Full Council	City Council Members	Service Manager Community Safety and Enforcement
2.45 Power relating to the removal of things so deposited on highways as to become a nuisance.	Full Council	City Council Members	Service Manager Community Safety and Enforcement

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Function	Who is Responsible	Delegation
<p>3.1 To exercise overall control and allocation of the following Council resources within the policies and budget agreed by Council to ensure they make the most effective contribution to the achievement of the Council's objectives:-</p> <p>a) Finances</p> <p>b) Property</p> <p>c) Staffing</p>	Executive Committee	<p>None</p> <p>Chief Executive in accordance with the limits set out in the Scheme of Delegations and where appropriate in consultation with the Executive member with portfolio.</p> <p>Director/Director Finance/Director Corporate Services/Corporate Managers in consultation with the Executive member with portfolio and Chief Executive. (please see the Council's scheme of delegation)</p>

(Amended June 2020)

3.2 To consider and report to the Council on the draft annual revenue and capital budgets of all committees and to recommend the level of Council Tax for the ensuing year.	Executive Committee	None
3.3 To ensure arrangements are in place to monitor all income and expenditure against budgetary allocation.	Executive Committee	None
3.4 To consider setting new corporate objectives, policies and strategies to achieve the stated aims of the Council.	Executive Committee	None
3.5 To develop partnerships with businesses, voluntary and other appropriate sectors to further the Council's objectives.	Executive Committee	None
3.6 To keep under review the various strategies of the Council	Executive Committee	None
3.7 To consider the overall requirements of both private and public sectors relating to the provisions of adequate housing accommodation to meet the social needs of the City.	Executive Committee	Relevant Director
3.8 To refer matters to the appropriate Scrutiny	Executive Committee	None

(Amended June 2020)

Committee for investigation/review.		
3.9 To consider any matters specifically referred by any Scrutiny Committee.	Executive Committee	None
3.10 To submit to full Council the Corporate Plan for approval.	Executive Committee	None
3.11 To ensure the staffing resources of the Council, through its personnel policies, procedure and practices contribute effectively to meeting the Council's objectives.	Executive Committee	None
3.12 To ensure appropriate arrangements for the appointment/dismissal of the Chief Executive, Directors, Director Finance, Director Corporate Services, and Corporate Managers agree arrangements for the appointment of employees on JNC conditions of service.	Executive Committee	Head of Paid Service in consultation with Human Resources.
3.13 To establish Management and quantitative targets and standards for all Committees against which performance and results can be monitored and reviewed by appropriate Scrutiny Committee.	Executive Committee	None
3.14 To consider policies and implement proposals for the creation and enforcement of Conservation areas, in accordance with the Council's Strategy for conservation areas and historic buildings.	Executive Committee	None

(Amended June 2020)

3.15 To appoint representatives to outside bodies.	Executive Committee	None
3.16 To report/recommend to full Council on all matters affecting the revision of electoral boundaries.	Executive Committee	None
3.17 To make recommendations to full Council on filling of casual vacancies on Committees.	Executive Committee	None
3.18 To make recommendations to full Council on the making, revising and amending the Council's Constitution.	Executive Committee	None
3.19 (a) To approve those parts of the Council's Local Development Framework which are not the responsibility of Council, and other development briefs, including:- (i) the approval of draft proposals for public consultation; (ii) the adoption of documents.	Executive Committee	None
3.19 (b) To consider the impact upon the City of elements of the Development Plan which are prepared by the Regional Assembly, Devon County Council, or other local authorities, and liaise with those bodies as appropriate.	Executive Committee	None

(Amended June 2020)

<p>3.20 To determine through a consultation procedure, Health and Safety policies for the Council.</p>	<p>Executive Committee</p>	<p>None</p>
<p>3.21 To establish an appropriate mechanism for consultation between members and staff representatives on personnel and health and safety issues.</p>	<p>Executive Committee</p>	<p>The Chief Executive in consultation with the Leader and Executive member with portfolio.</p>
<p>3.22 Within agreed budgetary limits, to consider applications and recommend to the Executive payment of appropriate Major Grants and to recommend appropriate conditions to which grants should be subject. Grants must be consistent with the key actions in the corporate plan which relate to applications from community, housing, environmental, arts and cultural and sporting organisations.</p>	<p>Exeter Grants Panel</p>	<p>None</p>
<p>3.23 To monitor the grants given, ensure that conditions of funding are met, oversee service level agreements and evaluate the outcome in accordance with the agreed criteria for those purposes.</p>	<p>Exeter Grants Panel</p>	<p>None</p>
<p>3.24 To keep under review the procedures and criteria by which the Major Grants and Local Infrastructure Fund grants are awarded and monitored, and to make recommendations to Executive in that regard.</p>	<p>Exeter Grants Panel</p>	<p>None</p>

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Executive Portfolios and Priorities 2023/24

Portfolio Holders		
1.	<p>Leader <i>Cllr Phil Bialyk</i></p>	<ul style="list-style-type: none"> ◇ Corporate Vision and Strategy ◇ Corporate Risk strategy ◇ MTFP setting Finance Strategy & Budget to include Fees & Charges ◇ One Exeter ◇ Devolution and County Deal working with Devon Leaders ◇ Exeter Civic University agreement ◇ Liveable Exeter Transformational Housing Programme ◇ Exeter Development Fund & Other mechanisms to support housing and delivery of development ◇ Community Infrastructure levy ◇ Exeter City Group ◇ Partnerships and the Sub Regional Growth agenda ◇ Commercial & Property Assets (includes redevelopment of Paris Street/Sidwell Street, Exeter City Centre) ◇ Strategic Communications ◇ Business Rates Discretionary Grants ◇ General Grants policy ◇ Procurement Policy ◇ Car Park strategy
2.	<p>Deputy Leader Culture & City Centre Strategy <i>Cllr Laura Wright</i></p>	<ul style="list-style-type: none"> ◇ <i>Supporting the Leader with all aspects of leadership within the Council</i> ◇ <i>Working with the leader to deliver a balanced budget</i> ◇ <i>working with the Leader in relation to the Exeter City Group</i> ◇ Tourism Strategy, Visit Exeter and major events ◇ Markets and Halls (including Tourist Information, Underground Passages, Corn Exchange, Livestock Market, Custom House and Markets) ◇ Cultural Strategy ◇ Creative Arc ◇ UNESCO City of literature ◇ RAMM & Oversight Working Group ◇ City Centre Strategy ◇ City Business Recovery ◇ Working with the BID ◇ Community Safety Partnership (lead) ◇ Community Safety & Anti-Social behaviour ◇ CCTV & Home call

(Amended 16th May 2023)

Portfolio Holders

3.	<p>Climate & Ecological Crisis</p> <p><i>Cllr Jose Parkhouse</i></p>	<ul style="list-style-type: none"> ◇ It is expected that this work will have implications for every other portfolio and therefore will require all portfolio holders to support the corporate ambition for Net Zero Exeter City Council by 2030. ◇ Making Exeter City Council Net Zero by 2030: ◇ Working across the City to implement the Net Zero Road Map 2030 ◇ Promoting support across the city in combating the ecological & climate crisis ◇ Transport ◇ Low Carbon Task Force ◇ Exeter City Futures ◇ District Heating networks
4..	<p>Corporate & Democratic Services and Environmental Health</p> <p><i>Cllr Bob Foale</i></p>	<ul style="list-style-type: none"> ◇ Managing relationships with Scrutiny Committees, working with the Director Corporate Services ◇ Democratic and Electoral Services ◇ Mayoralty ◇ Legal Services ◇ HR ◇ Internal Audit & Governance ◇ Operational IT/Strata Service Solutions Ltd (<i>in consultation with the leader</i>) ◇ Environmental Health, ◇ Enforcement ◇ Licensing, ◇ Taxi Forum ◇ Corporate Health & Safety ◇ Corporate safe guarding
5.	<p>Council Housing Development and Support Services</p> <p><i>Cllr Barbara Denning</i></p>	<ul style="list-style-type: none"> ◇ Housing Revenue Account (HRA), ◇ Housing Needs analysis and supply of housing ◇ HRA Stock improvement & Retrofit programme ◇ Rent and service charge setting ◇ Landlord Services ◇ Leaseholder Services ◇ Right to Buy ◇ Tenant consultation and engagement ◇ Social Housing allocations ◇ Housing Advisory Board ◇ Council house building and working with the Leader in relation to the Exeter City Group on housing ◇ Benefits, council Tax, Council Housing rent payments, Business Rates payments ◇ Downsizing support ◇ Supported Housing Services ◇ Customer Services

(Amended 16th May 2023)

Portfolio Holders

6.	Leisure Services & Physical Activity <i>Cllr Duncan Wood</i>	<ul style="list-style-type: none"> ◇ Sport England Local Delivery Pilot ◇ Physical Activity Strategy ◇ Service provision of Leisure Facilities and Playing Pitches ◇ Development of Wonford Hub ◇ Develop the business case for the Arena sports site ◇ Working with Sport partners to deliver Sports strategy ◇ Leisure Services (running service and facilities) ◇ Health and Wellbeing ◇ Comms (working with the Leader)
7.	Place & City Management <i>Cllr Ruth Williams</i>	<ul style="list-style-type: none"> ◇ Cleansing, ◇ Parks, open spaces and allotments ◇ Public Realm, green spaces and green infrastructure ◇ Car Park maintenance ◇ Bereavement Services ◇ Engineering, flooding, day-to-day management of waterways ◇ Strategy and policy for waterways ◇ Recycling & refuse collection ◇ Rollout of food waste & glass collection ◇ Belle Isle relocation & new depot ◇ Fleet management ◇ Harbour Board ◇ Exeter Quay and Canal
8.	City Development <i>Cllr Emma Morse</i>	<ul style="list-style-type: none"> ◇ Exeter Local Plan ◇ Infrastructure planning ◇ Planning policy and planning control ◇ Strategic Housing Planning Policy ◇ Building Control and Land Charges ◇ Design and Heritage ◇ Community Infrastructure Levy (CIL) (<i>working with the Leader</i>) and Section 106 agreement ◇ South and East Devon Habitat Regulations Executive Committee
9.	Communities & Homelessness prevention <i>Cllr Martin Pearce</i>	<ul style="list-style-type: none"> ◇ Community & Arts Grants Strategy and programme ◇ Wellbeing Exeter ◇ Youth Strategy ◇ Equality and Diversity Policy ◇ Community Grants Programme ◇ Exeter Community Lottery ◇ Chair the Community Grants Programme ◇ Asset-based community development: ◇ Homelessness & Vulnerably housed ◇ Housing advice and Homelessness prevention ◇ Urban anti-social behaviour (working with the portfolio holder Culture & City Centre Strategy) ◇ Community Safety Partnership ◇ Private Sector Housing & Licensing for HMOs

(Amended 16th May 2023)

Portfolio Holders

		<ul style="list-style-type: none"> ◇ Better Care Fund & Disabled Facilities Grants ◇ Armed Forces Champion
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Member Champion

	<p>Community Engagement & Support Services <i>Cllr Naima Allcock</i></p>	<ul style="list-style-type: none"> ◇ Support the Youth Strategy ◇ Working with youth groups and community based groups ◇ Supporting communities on the grants panel ◇ Supporting the portfolio holder with Asset-based community development: ◇ City of Sanctuary ◇ Supporting the portfolio holder on urban anti-social behaviour
	<p>Net Zero Exeter 2030 <i>Cllr Zion Lights</i></p>	<ul style="list-style-type: none"> ◇ Working with the portfolio holder for Climate Change ◇ Supporting implementation of the Net Zero Plan ◇ Working with the Board of Exeter City Futures

Terms of Reference (Excluding Scrutiny Committees)

COUNCIL

1. To approve the policy framework, including the annual general fund budget, capital programme, housing revenue account budget, council tax.

In the case of Development Plan Documents, this includes:-
 - (a) the approval of documents for submission to the Secretary of State for approval;
 - (b) the adoption of documents.
2. To approve corporate objectives, policies and strategies following recommendations from the Executive Committee or other appropriate Committee.
3. To approve the making and altering of the Council's constitution.
4. To determine the arrangements for the discharge of Council's functions by way of committee, sub-committee and delegation to officers, and the power to determine or vary terms of reference of any committee and/or establish additional committees as and when required.
5. To consider and make decisions on any reports prepared by the Head of Paid Service, the statutory Monitoring Officer and the Chief Finance Officer.

EXECUTIVE COMMITTEE

1. To exercise overall control and allocation of the financial, property, information and staffing resources within the policies and budget agreed by the Council and ensure they make the most effective contribution to the achievement of the Council's objectives.
2. To consider and report to the Council on the draft annual revenue and capital estimates of all Committees and to recommend the level of Council Tax for the ensuing year. To ensure that arrangements are in place to monitor all income and expenditure against budgetary allocations.
3. To consider the setting of new corporate objectives, policies and strategies to achieve the stated aims of the Council.
4. To provide overall leadership and guidance to the Council in the promotion of its visions for the City's social, economic and environmental well-being and to enhance the status of the City locally, nationally and internationally.
5. To develop partnerships with the business, voluntary and other appropriate sectors for the furtherance of the Council's objectives.
6. To keep under review the various strategies of the Council.

7. To consider the overall requirements of both private and public sectors relating to the provision of adequate housing accommodation to meet the social needs of the City and to secure and encourage the provision, either directly through the Council or in association with other organisations, of suitable accommodation to meet those requirements, in accordance with the Council's housing strategy. To approve rent levels for Council housing.
8. To refer matters to the appropriate Scrutiny Committee for investigation/review and report back to the Executive Committee.
9. To consider any matters specifically referred by a Scrutiny Committee.
10. To ensure the staffing resources of the Council, through its personnel policies, procedures and practices, contribute effectively to meeting the Council's objectives.
11. To determine, through a consultative procedure, health and safety policies for the Council.
12. To ensure appropriate arrangements for the appointment/dismissal of the Chief Executive, Directors, Director Finance, Director Corporate Services and Corporate Managers on JNC chief officer conditions of service.
13. To establish management and qualitative targets and standards for all Committees against which performance and results can be monitored and reviewed by the appropriate Scrutiny Committee.
14. To consider policies and implement proposals for the creation and enhancement of conservation areas, in accordance with the Council's strategy for conservation areas and historic buildings.
15. (a) To approve those parts of the Council's Local Development Framework which are not the responsibility of Council, and other development briefs, including:-
 - (i) the approval of draft proposals for public consultation;
 - (ii) the adoption of documents.
- (b) To consider the impact upon the City of elements of the Development Plan which are prepared by Devon County Council, or other local authorities, and liaise with those bodies as appropriate.
16. To determine, in accordance with the Local Government Act 1972: General Disposal Consent (England) 2003, the disposal of land and buildings at less than the best consideration that can reasonably be obtained.
17. To recommend to the Council the local scheme for council tax support for the ensuing year.

(Amended April 2023)

18. To appoint representatives to outside bodies and to recommend to the Council all matters affecting the revision of electoral boundaries and the filling of casual vacancies on Committees etc.
19. To make recommendations to the Council as to the making, revision and amendment of the Council's constitution.
20. To exercise all and any of the powers and responsibilities of the Council not otherwise within the terms of reference of any other Committee or requiring urgent action (unless excluded from being undertaken by the Executive).

EXETER GRANTS PANEL

1 Purpose

The purpose of the Exeter Grants Panel (The Panel) is to provide strategic direction for the Exeter Grant Programme and to ensure that grant awards are made in line with Council priorities and requirements.

2 Panel Membership

The Panel membership will reflect the political make-up of the Council and will include community representatives and advisors. Advisory members of the panel will be non-voting.

The Chair of the Panel will be the Portfolio Holder for Communities and Culture.

3 Composition of the Panel

The voting members of the panel are:

- Chair of Panel – Relevant Portfolio Holder
- Seven other councillors reflecting the political make-up of the Council
- Two Community Representatives

Non-voting Advisory members invited to support the work of the Panel are:

- Exeter City Council officer with responsibility for Communities and Culture;
- Chief Executive Officer, Devon Community Foundation (or deputy);
- Chief Executive Officer, Exeter Community Initiatives (or deputy).

4 Panel Roles and Responsibilities

The Panel Chair is accountable for ensuring that decisions and recommendations made by the Panel are fair and transparent and that the underpinning system and processes are proportionate to the funding required but that they also recognise the accountability of elected Members.

The Panel Chair is responsible for appointing a Vice-Chair from within the voting Panel membership to deputise in their absence.

Voting Councillor Panel members are responsible for encouraging groups and organisations to submit grant applications and ensuring that grants are awarded in line with Council priorities and procedures.

The role of Voting Community Representatives is to represent the range of community networks in the city taking into account the need to include those that may be disadvantaged or who may not have the confidence to participate in community networks.

Panel members will be encouraged to visit successful applicants to see the benefits and impacts of the projects and events supported by Council grants.

PLANNING COMMITTEE

1. To exercise and perform the powers and duties of the Council under the Town and Country Planning Act 1990 and appropriate regulations, planning and related legislation, except such powers and duties as are:
 - a) delegated to the Service Lead - City Development or other officer in accordance with the constitution;
 - b) a function of Council, Executive or any other Council Committee or Panel.

Responsibilities include the following determinations under the planning and related legislation:

- Member and staff applications
- City Council applications attracting objections
- Applications referred by the Chair or Vice-Chair of Planning Committee
- Any item considered by the Service Lead- City Development, Chair, or Vice Chair of Planning Committee or Portfolio Holder City Development to be significant, controversial or sensitive.

PLANNING MEMBER WORKING GROUP

1. Planning Member Working Group is a sounding board of Members of Planning Committee to:
 1. Discuss issues relating to planning policies or briefs
 2. Consider proposals prior to planning applications
 3. Advise on City Development projects
 4. Receive reports on development monitoring and service management issues

DELEGATION BRIEFING

1. Delegation Briefing is a sounding board of Members of Planning Committee which meets periodically for a briefing on applications where the planning officers are minded to determine them under their delegated powers. The Chair (or Vice Chair) of the Planning Committee reserves the right to refer any applications for determination by the full Planning Committee, having first

sought the views of the relevant ward member who may attend the delegation briefing.

AUDIT AND GOVERNANCE COMMITTEE

1. To approve, but not direct, the Internal Audit Strategy and annual audit plan ensuring that appropriate risk assessments have been carried out when formulating the internal audit plan and to monitor performance against the plan
2. To review any revisions to the plan as advised by the Audit Manager and agreed by the Director Finance
3. To review half yearly internal audit reports and the main issues arising and seek assurance from management that action has been taken, where necessary
4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale
5. To consider the Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
6. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance
7. To consider specific reports as agreed with the External Auditor
8. To comment on the scope and depth of external audit work and to ensure it gives value for money
9. To commission work from internal and external audit
10. To review any issue referred to it by the Chief Executive, senior management or any council body
11. To monitor the effective development and operation of risk management and corporate governance in the Council and agree necessary actions to ensure compliance with best practice
12. To review the Annual Governance Statement (AGS) and to recommend its adoption
13. To consider the Council's compliance with its own and other published standards and controls
14. To advise the City Council on the adoption of Codes of Conduct with the aim of promoting and maintaining high standards of conduct by members and officers and the subsequent monitoring and updating of the Codes.

(Amended April 2023)

15. To develop and adopt a Code of Practice on relations between members and officers.
16. To develop and monitor a Local Planning Code.
17. To ensure the provision of advice and training to members and officers on the above Codes of Conduct/Practice.
18. To hear and determine allegations of misconduct.
19. To be responsible for the Council's procedure for investigating and responding to complaints.
20. To give advice to members on the declaration of interests.
21. To monitor the "Whistle blowing Policy" which meets the requirements of the Public Interest Disclosure Act 1998, to encourage employees to report suspected malpractice, fraud or crime by other staff, the public or organisations having dealings with the Council.
22. To monitor and review the Council's Anti-fraud, Anti-bribery and Anti-corruption Strategy
23. To monitor the Council's constitution and, having regard to any report of the Monitoring Officer, to make appropriate recommendations where necessary.
24. To approve and adopt the Council's Statement of Accounts, income, expenditure and balance sheet or record of receipts and payments.
25. To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
26. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts

LICENSING COMMITTEE

To undertake the discharge of the Council's functions under the Licensing Act 2003 as follows:

1. To recommend a Licensing Policy Statement, and any subsequent revisions, to Council for approval.

To undertake the discharge of the Councils' functions in respect of the following:

2. To set or vary the standard conditions and fees applicable to hackney carriage vehicle and private hire vehicle licences, driver licences and operator licences.

(Amended April 2023)

3. To approve applications for hackney carriage fare increases.
4. To determine the standard conditions and fees applicable to street trading consents and licences and all aspects of trading on the highway, including advertising, advice and information centres.
5. To determine the standard conditions and fees applicable to sex shop licences under the Local Government (Miscellaneous Provisions) Act 1982.
6. To determine the fees applicable to track betting licences.
7. To determine any other matter of licensing policy referred to it by the Service Lead – Environmental Health and Community Safety.

LICENSING SUB-COMMITTEE

To undertake the discharge of the Council's functions under the Licensing Act 2003 as follows:

1. To determine applications for personal licences where a police objection is made.
2. To consider police objections requesting revocation of a personal licence where convictions come to light after grant or renewal.
3. To determine whether to revoke or suspend a personal licence where convictions come to light after grant or renewal.
4. To determine applications for Premises Licences/ Club Premises Certificates, where a relevant representation is made.
5. To determine whether to grant or refuse a street trading consent
6. To determine applications for provisional statements, where a relevant representation is made.
7. To determine applications to vary Premises Licences/Club Premises Certificates, where relevant representations are made.
8. To determine applications to vary a designated premises supervisor, where a police objection is received.
9. To determine applications for the transfer of Premises Licences where a police objection is received.
10. To determine applications for interim authorities where a police objection is received.

11. To determine applications to review Premises Licences/ Club Premises Certificates.
12. To decide to object when the local authority is a consultee and not the relevant authority considering the application.
13. To determine whether to give a counter notice following a police and/or local authority environmental health objection to a Standard Temporary Event Notice.

To undertake the discharge of the Council's functions in respect of the following:

14. To determine applications for hackney carriage driver licences where the applicant has relevant convictions and any other application which the **Service Lead – Environmental Health and Community Safety** considers should be brought to a sub-committee.
15. To determine applications for private hire vehicle driver licences where the applicant has relevant convictions and any other application which the **Service Lead – Environmental Health and Community Safety** considers should be brought to a sub-committee.
16. To refuse applications for the grant or renewal of gaming machine permits and permits in respect of premises used wholly or mainly for the provision of amusement by means of machines.
17. To determine any licensing application referred to it by the **Service Lead – Environmental Health and Community Safety**, other than policy issues.
18. To determine applications for the grant, transfer, or revocation of a sex shop licence under the Local Government (Miscellaneous Provisions) Act 1982.

HARBOUR BOARD

The Harbour Board consists of six Exeter City Council Members and also six external representatives who have a broad experience and interest in the workings of a harbour and its operational environment. The Chair is the Portfolio Holder with responsibility for the city's waterways.

Exeter City Council is the Port Authority for the Exe Estuary, some non-tidal sections of the River Exe and the Exeter Ship Canal. This stretches from Blackaller Weir (in Bonhay Road, Exeter) to a safe water mark a mile off the Exmouth beach. The Board is responsible for the management of the Port of Exeter and will meet every quarter. The Board's duties include preparing an annual business plan for the service, monitoring compliance with the Port Marine Safety Code and consulting harbour users and other stakeholders.

1. To maintain strategic oversight and direction of all aspects of the Harbour operation, including marine safety;

(Amended April 2023)

2. To be responsible for the development of policies, plans, systems and procedure for safe navigation;
3. To ensure that all assessments and reviews are undertaken as required to maintain and improve marine safety;
4. To ensure that the harbour authority sees and adopts appropriate powers for the effective enforcement of their regulations, and for the setting dues at a level which adequately funds the discharge of all their duties;
5. To appoint a Designated Person to provide independent assurance directly to the Duty Holder that the Marine Safety management system is working effectively;
6. To investigate the potential for applying for a Harbour Revision Order to empower the Council to take enforcement action on issues such as dangerous use of jet skis through Special Directions and to oversee a review of the Bye-Laws covering the Estuary.

EXETER STRATEGIC BOARD 2017/2018

As a joint County and City Council committee, the Exeter Strategic Board will provide a forum for County and City Councillors to work together on common Exeter City issues that could not be dealt with by either body in isolation and are not the focus of other committees.

The core membership of the Exeter Strategic Board will be the nine County Councillors for Exeter and five members of the City Council. Representatives from the voluntary, business, health, police, further and higher education, inter-faith communities, community representative and others will be invited to assist the Board as appropriate. Associate members will be invited to participate in Board events when the themes under debate are of relevance/interest to them.

On an annual basis the Exeter Strategic Board will be provided with a strategic analysis setting out needs and issues facing residents to assist Members in agreeing an annual work programme based around key strategic themes of mutual interest or concern that are not dealt with in other fora. The Board will agree the allocation and mechanism for the deployment of the Exeter Board Grant funding in line with the agreed strategic priorities.

The Annual Work Programme will be shared with Associate Members, Community Groups and Special Interest Associations to enable them to identify areas of work they would wish to contribute to through at the themed workshop.

The Exeter Strategic Board will meet four times a year, once for the strategic needs analysis and then for three themed workshops on the topics set out in the annual work plan. Associate Members, Community Groups and Special Interest Associations will be invited to participate in workshops where it makes sense to do so.

The Chair/Deputy Chair of the Exeter Strategic Board will alternate yearly between the City and County Council.

The Board's terms of reference are:

- To share data and information about strategic issues affecting the city.

(Amended April 2023)

- To identify an annual work programme around key strategic themes of interest to both City and County Councillors that are not the focus of other groups or committees.
- To take an analytical, evidenced based approach to the examination of the key themes/issues with the aim of identifying priorities for joint action.
- To make recommendations to the City and County Councils about policy or practice that could have a positive impact for the city including opportunities for joint action.
- To contribute to effective partnership working across the City.
- To support and engage with communities and neighbourhoods in identifying priorities and finding ways to meet local needs.
- To enable groups and communities to influence and shape local public services and strategies.
- To allocate community funding to projects of community or citywide relevance.

Delegation to Officers & Deputies

GENERAL

1. The Chief Executive, Directors, Corporate Managers (JNC Officers) and all officers with delegated authority must ensure that relevant Executive members are consulted on all matters of a controversial or sensitive nature. Where appropriate, these matters must be referred to the Executive for a decision/guidance.
2. If a delegated decision requires prior consultation with a specific portfolio holder and that person is not available, if the decision cannot wait, the consultation shall be with the Leader or other portfolio holder.
3. Where any decision proposed under delegated powers is likely to involve a departure from Council policy or any instruction of the Council, Committee or Executive, the officer must refer the matter to the Executive for a decision/guidance after consultation with the Director (Finance) where a budgetary issue is involved.
4. Where any decision proposed under delegated powers is likely to involve the approved annual estimate being exceeded, or is outside the approved capital programme, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
5. Where reference is made in the scheme of delegation to an exercise of a function under specific legislation, this shall be deemed to include any statutory extension, amendment, modification and re-enactment and any Statutory Instrument, rule, order, or bylaw made thereunder, provided that the nature of the function delegated remains the same.
6. All decisions delegated from the Executive and made under delegated authority shall be recorded by each officer with delegated authority in order that the Scrutiny Committees can properly examine any decision reached.
7. The Directors and Corporate Managers are responsible for the day to day management of operational issues. This Scheme of Delegation is intended to supplement the powers, duties and obligations set out in each officer's job description. Without prejudice to the above, the following powers have been specifically delegated to the following officers: -

Chief Executive

1. In consultation with the Leader of the Council, (or in his/her absence the relevant Portfolio Holder), and the Chair of the relevant Scrutiny Committee, to authorise any emergency action required, on any matter which shall include incurring of expenditure, including those falling within the jurisdiction of a Committee, subject to a report then being submitted to the Executive (or relevant Committee).

(Amended February 2024)

2. In cases of emergency and in consultation with the Leader of the Council, the power to prohibit public processions under section 13 of the Public Order Act 1986.
3. In consultation with the Leader of the Council, to grant or withhold consent to the Police making the Authorisation pursuant to sections 30 and 31 of the Anti-Social Behaviour Act 2003.
4. To ensure compliance with the Council's Health and Safety Policy throughout the common parts of the Civic Centre.
5. Subject to approved budget and in consultation with the Leader of the Council, Executive member with relevant portfolio to agree redundancies in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Executive, Strategic Scrutiny Committee and Audit and Governance Committee.
6. To exercise all/any delegated functions already reserved to specific officers as set out in the scheme of delegation.
7. In consultation with the Director (Finance) and the Leader of the Council to allocate resources of up to £1.5 million, funded by an earmarked reserve to support transformation and other projects that will support the Council in delivering £2.75 million in savings (2 years from Council 13 June 2018).
8. To agree any necessary amendments to the management agreement to Exeter City Group Ltd in consultation with the Leader of the Council, the Director (Finance) and the Executive Member with the Relevant Portfolio) and in addition the Chair or Deputy Chair of Strategic Scrutiny Committee.
9. To act in the role of the Council's Shareholder Representative in respect of Exeter City Group Limited and its subsidiaries to undertake the activities and decisions, reserved and delegated to the Council/Shareholders Representative by the Exeter City Group Limited Management Agreement.
10. To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer's duties.

Deputy - Electoral Services Manager

DIRECTORS

1. The Directors may exercise any delegated function in the absence of an Officer to whom that authority has been specifically delegated, within the service areas which they manage.

Directors and Corporate Managers

1. To be responsible for the effective and efficient day-to-day management of the services for which he/she is responsible in accordance with the Council's agreed priorities and strategic objectives. This shall include authority to sign agreements/contracts in order to fulfil the powers, functions and duties of the

(Amended February 2024)

service for which the officer is responsible and to authorise such signing by the appropriate Service Lead. This power shall only be exercisable where expenditure is included in the approved annual budget or capital programme.

2. To ensure that all policies adopted by the Council, which shall include those relating to its workforce are implemented.
3. In agreement with the Director (Corporate Services), authority to institute legal proceedings under any statute, by law or agreement (which shall include authority to appeal any decision made by a County or Magistrates Court) in the areas for which the Deputy Chief Executive, Director /Corporate Manager is responsible.
4. Where appropriate, to defend any proceedings brought against the Council (which shall include the power to defend any appeal lodged against any decision or determination made under delegated authority).
5. To authorise the Director (Corporate Services) to undertake covert surveillance in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000.
6. To be responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area and for all buildings and sites for which they are responsible.
7. Where appropriate to discharge any function/s delegated to an officer within their service area in accordance with this Scheme of Delegation.
8. The removal of goods will require authority from, a Director, Director (Finance), and Chief Executive.
9. To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of his/her service subject to compliance with the Council's policies on the management, employment and remuneration of staff (or in their absence the agreement of the Chief Executive including but without prejudice to the generality of the foregoing:
 - (a) Authorising the filling of posts within the approved budget (i.e. within the Council's establishment) and in accordance with the Council's employment policies.
 - *Deputies – Director (Corporate Services)*
 - *Legal Services*
 - *Service Lead, Legal Services*
 - *Human Resources*
 - *Service Lead Human Resources*
 - (b) The taking of any necessary disciplinary action in accordance with the Council's established policy and procedures (this function may also be exercised by other Officers as set out in the relevant employment policy)

All tier three officers (of Grade N or above)

(Amended February 2024)

10. The Directors in consultation with their Portfolio Holders can vary fees and charges throughout the year to take account of market conditions, with the exception of car parking charges and statutory charges set by the Government. Commercially sensitive fees are no longer published

Director Corporate Services

1. In consultation with the Leader of the Council, to amend the Managing Organisational Change and Redundancy Policy and Procedure where necessary.

CITY DEVELOPMENT

Service Lead City Development

The following functions are delegated to Service Lead - City development subject to consultation or agreement as set out below:

Function	Consultation or Agreement	With Postholders/Group
<u>Applications</u> Applications (including TPO confirmations) that Members of the Planning Committee or Ward Members have requested to be brought to the Delegation Briefing.	Consultation	Delegation Briefing
City Council applications not subject to any objections.	Consultation	Delegation Briefing
Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation.	Consultation	Delegation Briefing
Applications that have been subject to objections from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, that Officers are minded to approve under delegated powers	Consultation	Delegation Briefing
Applications that have been subject to objections based on material planning	Consultation	Delegation Briefing

(Amended February 2024)

Decisions not considered by the Panel	Agreement	Chair of the Exeter Grants Panel or of any group that replaces it.
<u>Brownfield land register</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Custom and self-build register</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Advice notes regarding new planning policy or legislation</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Five year land supply statements</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Authority and annual monitoring reports</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Planning policy evidence</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Assets of Community Value</u> Review decisions to list assets of community value and compensation reviews	Consultation	Executive Member with Relevant Portfolio
<u>Affordable Housing</u> Approve the use of Commuted sums, as required, to acquire new affordable housing	Consultation	Executive Member with Relevant Portfolio and Finance and Estates Officers
<u>Responses to consultations</u> Provide responses on behalf of the Council to consultations from government, government agencies, regional bodies, other Councils and local planning authorities.	Consultation	Executive Member with Relevant Portfolio

Deputies – the relevant officer post holder Assistant Service Leads - City Development and/or Assistant Service Lead (Building Control), Assistant Service Lead (Local Plans) and in relation to Annual Infrastructure Funding Statement Principal Project Manager (Strategic Infrastructure Planning)

1. Entering Land

(Amended February 2024)

The entering of land for the purposes of carrying out any function in relation to any Town and Country Planning legislation, The Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation

Deputies - all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

2. Determining applications

Undertaking all actions in determining applications of whatever nature in relation to any Town and Country Planning legislation, The Building Act, Planning (Listed Buildings and Conservation Areas) Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation

Deputies -all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

CUSTOMER ACCESS

Service Lead Revenues, Benefits & Customer Access

1. To operate and administer the scheme of housing benefit on behalf of the Council, and residual council tax benefit, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme and the collection and recovery of Housing Benefits Overpayments.

Deputy –Benefits & Welfare Lead

2. To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund

Deputy –Benefits & Welfare Lead

3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputy – Revenues Lead

4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputy - Revenues Lead

5. To operate and administer the local scheme for Council Tax Support for working age claimants on behalf of the Council, including taking all decisions or actions required under the Council's local policy and to make administrative amendments to the Council's Section 13A policy under LGFA 1992.

(Amended February 2024)

Deputy –Benefits & Welfare Lead

6. To operate and administer the scheme for Council Tax Support for pension age claimants on behalf of the Council, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme.

Deputy –Benefits & Welfare Lead

7. To award, revise or revoke any discretionary relief applications for Business Rates.

Deputy – Revenues Lead

8. Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.

Deputy – Revenues Lead

9. To appoint enforcement agents for the recovery of any outstanding debts.

Deputy – Revenues Lead

10. In consultation with Service Lead, Legal Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates.

Deputies –Benefits & Welfare Lead and Revenues Lead

11. Power to impose penalties under LGFA 1992 for the failure to supply requested information in relation to Council Tax liability, discount and exemption and Council Tax Support

Deputies –Benefits & Welfare Lead and Revenues Lead

12. In consultation with the Executive Member with the Relevant Portfolio and Chief Executive authority to apply for Charging Orders, Bankruptcy or Committal to Prison.

Deputy - Revenues Lead

Service Lead Housing Needs & Homelessness

1. In accordance with the Council's approved conditions, policies and allocation scheme to: -
 - (a) Accept/refuse applications for housing. This authority shall include the power, in consultation with Executive Member with the Relevant Portfolio, to review any decision affecting an applicant's right or eligibility for housing assistance and entry onto the Council's Statutory Housing Register.

(Amended February 2024)

- (b) Where appropriate and in consultation with Executive Member with Relevant Portfolio to accept applications outside those conditions and policies.

Deputy – Housing Solutions Lead

- 2. (a) To undertake all the statutory duties imposed by the Housing Act 1996 utilising temporary accommodation, bed and breakfast accommodation, private sector accommodation and making nominations to registered providers as required.
- (b) In consultation with the Director (Corporate Services) and the Director (Finance), to enter into or determine leasing agreements with private landlords to provide accommodation to homeless households as required to meet the Council's statutory requirements.

Deputy – Housing Access Team Lead

- 3. To arrange for and re-charge as necessary for the removal and storage of personal possessions.

Deputy – Housing Solutions Lead

- 4. In consultation with the Service Lead, Legal Services, to take legal action to obtain possession of any dwelling occupied by a person accommodated in accordance with the Housing Act 1996 who has refused a reasonable offer of suitable permanent accommodation or who has been declared intentionally homeless.

Deputy – Temporary Accommodation Lead

- 5. In consultation with the Executive Member with Relevant Portfolio to make any necessary amendment to the housing scheme.

Deputy – Housing Solutions Lead

- 6. In consultation with Human Resources, the allocation of accommodation in respect of service tenancies which shall include the power to refuse allocation of accommodation to personnel whose employment has been terminated.

Deputy – Housing Solutions Lead

- 7. To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Deputy Chief Finance Officer

Deputy – Housing Access Team Lead

- 8. To deal with and determine homelessness reviews in accordance with the Housing Act 1996.

Deputy – Housing Solutions Lead

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ENVIRONMENT

Service Lead – Environmental Health and Community Safety

1. To carry out functions, duties and responsibilities of the Council in respect of the following matters:

- drainage
 - pest control
 - air and noise pollution
 - properties that are overcrowded, unfit for human habitation or in disrepair
 - abandoned vehicles/waste/refuse
 - control of dogs
 - skin piercing
- (this power shall include authority to take remedial action where necessary).

Deputies - Environmental Health and Community Safety Managers

2. To appoint Inspectors and authorise officers to carry out any function, power or duty within their remit.

Deputy – Environmental Health and Community Safety Managers

3. Without prejudice to the generality of the above, where appropriate in consultation with the Service Lead, Legal Services, to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceedings, issuing of formal cautions and fixed penalty fines, service of Notices and Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and payment and recovery of costs:

Public Health

- 3.1 Food Safety Act 1990 and any Orders or Regulations or other instruments: (i) made thereunder, or (ii) relating thereto, or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety including:

- Regulation numbers 178/2002, 852-854/2004, 882/2004 and 2073/2005 which relate to food and feed
- Food and Environmental Protection Act 1985
- Food Safety and Hygiene (England) Regulations 2013
- Food Information Regulations 2014
- Official Feed and Food Controls (England) Regulations 2009

- 3.2 Health & Safety at Work etc. Act 1974 and any supporting regulations.

- 3.3 Health Act 2006 and associated regulations including:

- Smoke-free (Premises and Enforcement) Regulations 2007
- Smoke-free (Exemptions and Vehicles) Regulations 2007
- Smoke-free (Penalties and Discounted Amounts) Regulations 2007

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- Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- Smoke-free (Signs) Regulations 2012

3.4 Public Health Acts 1936 and 1961, Public Health (Control of Disease) Act 1984, Health Protection (Local Authority Powers) Regulations 2010 and Health Protection (Part 2A Orders) Regulations 2010.

3.5 Water Industry Act 1991 and relevant regulations in relation to:

- functions with regard to the wholesomeness and sufficiency of public and private drinking water supplies
- entry into premises for the purpose of analysis of samples of water within Exeter City Council's district
- receiving and determining applications for authorisation for relaxation of Part III of the private water supplies regulations and the revocation or modification of such authorisations

3.6 Sunday Trading Act 1994

Private Sector Housing

3.7 Law of Property Act 1925 (Enforced sale provisions).

3.8 Caravan Sites and Control of Development Act 1960.

3.9 Housing Acts 1985, 1988, 1989, 1996, the Home Energy Conservation Act 1996 and the Housing Grants, Construction and Regeneration Act 1996 – to deal with all matters, powers, functions and duties set out therein.

3.10 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Local Government Housing Act 1989 – to investigate and take appropriate action under these enactments.

3.11 Housing Act 2004 – to investigate and take appropriate action under these enactments including: -

- Section 131 Carry out works – interim or final management order
- Section 235 Production of documents
- Section 239 General powers of entry to inspect and survey
- Schedule 7 Paragraph 25 Carry out works – empty dwellings
- Schedule 3 Paragraph 3(4) Carry out works – Improvement notice

3.12 Mobile Homes Act 2013.

3.13 Enterprise and Regulatory Reform Act 2013

- Specifically: The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (made under sections 83 and 84 of the Act)

3.14 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

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- 3.15 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- 3.16 The Housing and Planning Act 2016
- 3.17 National Assistance Act 1948 and 1951
- 3.18 Tenant Fees Act 2019
- 3.19 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- 3.20 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

Licensing

- 3.21 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- 3.22 Animal Welfare Act 2006
- 3.23 Animal Boarding Establishments Act 1963
- 3.24 Breeding of Dogs Act 1973 and 1991
- 3.25 Riding Establishments Act 1964 and 1970
- 3.26 Cinemas Act 1985
- 3.27 Dangerous Dogs Act 1991
- 3.28 Dangerous Wild Animals Act 1976 (as amended)
- 3.29 Guard Dogs Act 1975
- 3.30 Theatres Act 1968
- 3.31 Zoo Licensing Act 1981
- 3.32 Gambling Act 2005
- 3.33 Licensing Act 2003. In particular to determine:
 - applications for Personal Licences, where no police objection is made;
 - applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
 - applications for provisional statements, where no relevant representations have been made;

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- applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
- applications to vary designated Premises Supervisor, where no police objection has been made;
- requests to be removed as designated Premises Supervisor;
- applications for transfer of Premises Licences where no police objection has been made;
- applications for interim authorities where no police objection has been made;
- decisions on whether a complaint is irrelevant, frivolous, vexatious etc.
- to determine applications under the Licensing Act 2003 Minor Variations to Premises Licence Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.
- the giving of a counter notice for Late Temporary Event Notices
- whether to make representations as a Responsible Authority
- the issue of a notice of suspension of licence for non-payment of the Annual Fee

3.34 Scrap Metal Dealers Act 2013.

3.35 Road Traffic Act 1991 (Access to Criminal Records).

3.36 Local Government (Miscellaneous Provisions) Act 1976, Transport Acts 1980 and 1985 and the Town Police Clauses Act 1847 – to grant hackney carriage and Private Hire operator, vehicle and driver licences in accordance with the Council's agreed policy.

3.37 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council's agreed policies).

3.38 Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002.

3.39 To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries, house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.

Environmental Protection

3.25 Clean Air Act 1993

3.26 Clean Neighbourhoods and Environment Act 2005

3.27 Control of Pollution Act 1974

3.28 Environment Act 1995

3.29 Pollution Prevention and Control Act 1999 and associated regulations

3.30 Refuse Disposal Amenity Act 1978

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- 3.31 Building Act 1984 – all matters, powers, duties and functions of the Council under the provisions of the following sections:
- Sections 59, 60, 64-66(drainage)
 - Sections 70 (food storage), 72 (means of escape from fire), 76 (defective premises), 84 (drainage of yards)
- 3.32 Environmental Protection Act 1990
- 3.33 Litter Act 1983
- 3.34 Noise Act 1996
- 3.35 Noise and Statutory Nuisance Act 1993
- 3.36 Prevention of Damage by Pests Act 1949
- 3.37 The Environmental Protection (Stray Dogs) Regulations 1992 which shall include, in cases of exceptional hardship, the power to waive payment of the recoverable fees and expenses levied in respect of dogs seized and detained as strays.
- 3.38 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29
- 3.39 Local Government (Miscellaneous Provisions) Act 1976

Deputies - Environmental Health and Community Safety Managers

4. Enforcement of local bylaws.

Deputies - Environmental Health and Community Safety Managers

5. Granting financial assistance in accordance with the Council's policy for the repair/improvement of properties. This shall include the power in consultation with the Executive Member with relevant portfolio and Director (Finance) to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.

Deputies – Environmental Health and Community Safety Managers

6. To deal with the provisions of and enforce compliance with Sections 40 - 42 of the Anti-Social Behaviour Act 2003.

Deputies – Environmental Health and Community Safety Managers

7. To deal with and enforce compliance with the provisions of Sections 43 to 45 and 47 of the Anti-Social Behaviour Act 2003, with the exception of sub-section 44(f), which deals with offences contrary to the Town and Country Planning Act 1990 which will be dealt with by the Service Lead, City Development.

Deputies – Environmental Health and Community Safety Managers

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8. To deal with the provisions of and enforce compliance with sections 55 and 56 of the Anti-Social Behaviour Act 2003, where appropriate in consultation with the Service Lead, Legal Services.

Deputies - Principal Environmental Health Officer (Business Regulation and Strategy) and/or Principal Environmental Health Officer (Nuisance and ASB)

9. To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries, house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.

Deputies – Environmental Health and Community Safety Managers

10. Be authorised under Section 53 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.

Deputies – Environmental Health and Community Safety Managers

11. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti-Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti-Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

Deputy - Chief Executive or Director

12. To issue a Closure Notice of no longer than 24 hours following appropriate consultation under Part 2, Chapter 3 of the Anti-Social Behaviour Crime and Policing Act 2014.

Deputy – Chief Executive or Director

13. To change the statutory service plan in the light of centrally issued guidance and/or to meet operational needs.

Deputies – Environmental Health and Community Safety Managers

Cleansing and Fleet Manager

1. Without prejudice to the generality of the above, where appropriate in consultation with the Service Lead, Legal Services, the Cleansing and Fleet Manager is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceedings, issuing of formal cautions and fixed penalty fines, service of Notices, carrying out of works in default and payment and recovery of costs:

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- 1.1 Environmental Protection Act 1990 including authorisation of works and recharges pursuant to Section 45 and authorisation and service of notices pursuant to Section 46;
- 1.2 Litter Act 1983;
- 1.3 Refuse (Disposal) Amenity Act 1978;
- 1.4 Clean Neighborhoods and Environment Act 2005

Deputy – Waste Collections Manager and MRF Manager

FINANCE

Director Finance

1. In consultation with the Relevant Director, the Leader of the Council and Executive Member with the Relevant Portfolio, to award funds against the Commercialisation Capital Budget of £10 million.

Deputy – NA

2. In consultation with the Leader of the Council and the Director (Corporate Services) authorise the application of the Councils Local Government Pension Scheme Employer Discretions.

Deputy – Deputy Chief Finance Officer (Deputy Section 151 Officer)

Deputy Chief Finance Officer (Deputy Section 151 Officer)

1. To be responsible:
 - a. For all day to day decisions on short term borrowing, investment and financing in accordance with the CIPFA Code of Practice “Treasury Management in the Public Services”.
 - b. In consultation with the Executive Member with Relevant Portfolio for decisions on long term borrowing in accordance with the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice “Treasury Management in the Public Services”.

Deputy – Finance Manager - Corporate

2. To deal with all insurance claims against the Council. This power shall include where necessary authority to settle all such claims.

Deputy – Finance Manager - Corporate

3. To approve all housing advances for purchase or improvement.

Deputy – Finance Manager – Corporate

(Amended February 2024)

4. To be responsible for undertaking the role of Money Laundering Reporting Officer.

Finance Manager – General Fund Services

5. The execution and administration of treasury management decisions, in accordance with the Council's policy statement and treasury management practises and, if a CIPFA member, with CIPFA's Standard of Professional Practice on Treasury Management.

Deputy – Finance Manager – Corporate

6. In consultation with the Executive Member with relevant Portfolio Authority to approve financial assistance in the form of relief from Business Rates in respect of Charities/Good Causes and cases of hardship.

Deputy – Finance Manager – General Fund Services

7. In consultation with the Executive Member with relevant portfolio, to deal with applications for discretionary rate relief to sports clubs not in receipt of mandatory relief, as registered charities.

Deputy – Finance Manager – General Fund Services

8. In consultation with the Executive Member with relevant portfolio, to determine in accordance with the Council's agreed policy, applications for discretionary rate relief under Sections 47 and 49 of the Local Government and Finance Act 1988.

Deputy – Finance Manager – General Fund Services

9. In consultation with the Leader to review the Discretionary Relief Scheme and, if necessary, increase the maximum threshold to ensure Government funding is fully directed to businesses in Exeter.

Deputy – Finance Manager – General Fund Services

Service Lead – Commercial & Procurement

1. To approve the creation or modification of approved contractor standing lists.

Deputy – Procurement Lead

2. In conjunction with the Relevant Portfolio Holder, to sign off any amendments to the Procurement and Contract Procedures and supporting notes and to report back to Members.

Deputy – Procurement Lead

HOUSING

(Amended February 2024)

Assistant Director of Housing (Assets)

1. Adaptation of Council Properties for disabled persons.
2. In agreement with the Leader of the Council and the Executive Member with Relevant Portfolio (or their substitutes nominated by the Leader) and the City Surveyor following receipt of professional property management advice, the identification for disposal at market value or less than best value of small areas of land no longer required for the housing unit's purposes, in accordance with the agreed scheme.
3.
 - (a) To administer the scheme for Housing Capital Grant.
 - (b) In consultation with the Director (Finance), to authorise payment of the Housing Capital Grant in accordance with 3 (a) above.
 - (c) To negotiate and enter into Nomination Agreements in accordance with 3 (a) and (b) above.
 - (d) Where this does not prejudice the Authority's capital receipt, to seek maximum nomination rights on disposal of land to registered social landlords.
4. In consultation with the Service Lead, Legal Services, to enter into releases of covenants affecting former Council rented or shared ownership dwellings.
5. To deal with and approve applications for grant in accordance with Section 24 and 25 of the Local Government Act 1988.
6. In consultation with the Service Lead, Legal Services, and/or Team Leader, Housing & Litigation to: -
 - (a) institute injunction proceedings in respect of anti-social behaviour pursuant to current Relevant legislation;
 - (b) institute proceedings in the County Court to obtain Demotion Orders pursuant to current relevant legislation;
 - (c) institute proceedings in the County Court to obtain possession orders pursuant to current relevant legislation; and
 - (d) In consultation with the Executive Member with Relevant Portfolio and the Director (Finance), to make minor amendments to the Contract Regulations to reflect changes in legislation.
7. In consultation with the Executive Member with Relevant Portfolio and Finance and Estates officers, to acquire **and dispose of** suitable premises under the Housing Asset Management Plan framework using receipts generated by the disposal of assets.
8. In consultation with the Executive Member with Relevant Portfolio, to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order to bring an empty property back to use.

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*Assistant Director of Housing (Assets);
Deputies – Planned Repairs Lead, Response Repairs Lead, Safety, Health,
Environment and Quality Lead, Asset Management Lead*

9. In consultation with the Executive Member with Relevant Portfolio approve the use of consultants to assist the Housing Development Team in undertaking viability appraisals and the appraisal of new forms of affordable housing delivery within approved budgets.

Deputy – Asset Management Lead

Assistant Director of Housing (Tenancy Services)

1. Grant, administer and, where necessary, terminate any flexible tenancy.

Deputy – Tenancy Services Team Lead, Business Systems Team Lead and Senior Housing Officers

2. To terminate any tenancy or licence where necessary, by relying on the absolute grounds for possession introduced by the Anti-Social Behaviour Crime and Policing Act 2014 (the ASBCP Act 2014).

Deputy – Tenancy Services Team Lead, Business Systems Team Lead and Senior Housing Officers

3. In consultation with the Executive Member with relevant Portfolio in conjunction with the Director (Finance) and the Director (Corporate Services), approve a repayment plan with a landlord where a property is handed back early from a private rental agreement with an individual landlord where outstanding funds are owed to the Council. This will be subject to a legal charge being created and registered in the Council's favour against the property.

Deputy – Tenancy Services Team Lead

4. Authority to opt to surrender Right to Buy (RTB) to Department of Communities & Local Government or pass receipts over to a housing association, subject to prior consultation with the Director (Finance) and the Executive Member with Relevant Portfolio. This includes:

- To Admit or Deny the Right to Buy
- Section 125 Offer Notice
- Section 17a Notice – For failure to respond to the Section 125 Offer Notice
- Section 12 (a) and 12(b) – For failure to progress the application once Legal services are involved.

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Deputy – Tenancy Services Team Lead, Senior Housing and Lettings and Home Ownership Officer

5. To authorise the service, in relation to rent arrears, of Notice of Intention to Seek Possession (secure tenancies) and Notice to Quit (non-secure tenancies); and Notice of Proceedings for Possession of an Introductory Tenancy (introductory tenancies).

Deputy – Business Systems Team Lead

6. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent the Council in respect of rent arrears.

Deputy – Business Systems Team Lead

7. To accept payment of arrears of rent by instalments.

Deputy – Business Systems Team Lead

8. Authority to apply for a warrant for Possession of Property in relation to rent arrears.

Deputy – Business Systems Team Lead

9. To appoint enforcement agents for the recovery of any outstanding debts.

Deputy – Business Systems Team Lead

10. In consultation with Service Lead, Legal Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Housing related activities.

Deputy Business Systems Lead and Tenancy Services Team Lead

ENVIRONMENT AND CITY MANAGEMENT

Service Manager Public and Green Spaces

1. To agree requests for the adoption of land and facilities provided by a developer for the Parks and Open Spaces service pursuant to a planning obligation.
2. In consultation with other Officers as appropriate, the letting of parks and open spaces for special events where this does not have a negative financial impact on the Council.
3. In consultation with the Director (Finance) and Service Manager, the power to vary the fees and charges in respect of the Council's recreational and sports

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facilities (this shall exclude any facilities which may have been outsourced by the Council).

Deputy - Commercial Operations Manager

4. Exercising the obligations place on the Council under the 1980 Environment Act regarding the cleaning of public places.

Deputy – Public and Greenspaces Operations Manager

5. In consultation with the Executive Member with relevant Portfolio to decide on bids for the use of the Bowling Green Marshes Fund, in accordance with the agreed criteria and having sought the views of ward members.
6. To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public Health (Control of Diseases) Act 1984.

Deputy – Commercial Support Manager

7. Where appropriate, to serve Notices to quit terminating allotment tenancies.

Deputy – Commercial Support Manager

8. In consultation with the Service Lead, Legal Services, and the Executive Member with the Relevant Portfolio , authority to make amendments to the Allotment Gardens Rules and Conditions.

Deputy – Commercial Support Manager

9. Authority to enter into management agreements with duly elected Allotment Associations, as prescribed (Council 15 October 2014) in consultation with Executive Member with Relevant Portfolio.

Deputy – Commercial Support Manager

10. Responsibility to interpret the Allotment Garden Rules and Conditions (agreed Council 15 October 2014) in the case of a dispute.

Deputy – Commercial Support Manager

11. To exercise the Council's powers under Section 25 of the Exeter City Act 1987.

Deputy – Engineering and Assets Manager

12. To reassign any residue from any future capital funding for the waterway in order to effect immediate and or significant repairs elsewhere in the Canal or Quay, in consultation with the Executive Member with relevant Portfolio and the Director (Finance).

Deputy – Engineering and Assets Manager

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Harbour Master

1. All matters relating to the day-to-day management of the River Exe and Canal.

Deputy – Canal Manager

2. In consultation with the Service Lead, Legal Services, the regulation and enforcement of Harbour by-laws.

Deputy – Canal Manager

3. The day-to-day management, lettings and allocation of harbour mooring and to issue consents to use landings, slipways, pontoons and berthing subject to such charges and policies approved by the Council.

Deputy – Canal Manager

4. To exercise the powers and functions of the Council under Section 26 of Exeter City Act 1987.

Deputy – Canal Manager

Service Lead Net Zero and Business

1. In consultation with the Service Lead, Legal Services, to agree/refuse requests for road closures.

Deputy – Parking and Enforcement Operations Manager

2. To discharge the powers conferred on the City Council by the following sections of the Exeter City Council Act: -

- Section 19 – Restriction of vehicles in certain residential streets; and
- Section 30 – Prohibiting of parking of vehicles on footways, verges and central reservations.

Deputy – Parking and Enforcement Operations Manager

3. In consultation with the Leader of the Council and Executive Member with Relevant Portfolio to consider objections to Exeter City Council Parking Places Orders and amendments thereto.

Deputy – Parking and Enforcement Operations Manager

4. Be authorised under Section 53 of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.

Deputy – Parking and Enforcement Operations Manager

(Amended February 2024)

5. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti-Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti-Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

Deputy – Parking and Enforcement Operations Manager

6. To exercise the powers and functions of the Council under Section 30 of Exeter City Act 1987.

Deputy – Parking and Enforcement Operations Manager

Devon County Council Officers; Parking Processing Officer, Parking Processing Team Leader, Parking Services Appeal Team Leader

1. Authority to cancel Penalty Charge Notices

Director (Corporate Services) and Monitoring Officer

1. To discharge the functions of the Monitoring Officer as set out in Articles 11 and 14 of Part 2 of the Constitution.

Deputies – Service Lead, Legal Services, Team Leader, ECL, Contracts, Procurement and Licensing

2. In consultation with the Council's appointed independent person, to deal with any complaint received, alleging a breach of the Members Code of Conduct in accordance with the complaint's procedure, including the authority to decide whether an allegation merits investigation.

Deputies – Service Lead, Legal Services, Team Leader, ECL, Contracts, Procurement and Licensing

3. To determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare, and where there is conflict, for another Member of the Audit and Governance Committee to be consulted.

Deputies: - Service Lead, Legal Services, Team Leader, ECL, Contracts, Procurement and Licensing

4. (a) Designated as the "proper officer" for the purpose of the following sections of the Local Government Act 1972: -
 - (i) Section 100B (2) - determination of the agenda items and reports which are likely to be dealt with in part 2
 - (ii) Section 100B (7) (C) - supply of papers to the press
 - (iii) Section 100C (2) - summaries of the proceedings held in part 2

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- (iv) Section 100F (2) - determination of documents not available for inspection by members

Deputy – Service Lead, Legal Services, Democratic Services Manager

(b) Designated as the “proper officer” in respect of The Executive Arrangements (Decisions, Documents and Meetings) (England) Regulations 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Deputy – Service Lead, Legal Services; Democratic Services Manager

- 5. In consultation with the leaders of the Political Groups, to implement minor variations of numbers and appointments of Members of Committees/Sub-Committees, in order to comply with the proportionality requirements of the Local Government and Housing Act 1989.

Deputy – Democratic Services Manager

- 6. To exercise the powers set out in Section 31 of the Exeter City Act 1987 in respect of the restriction on the use of armorial bearings.

Deputy – Lord Mayor and PA Support Manager

- 7. To authorise the use of the Guildhall for private functions.

Deputy – Lord Mayor and PA Support Manager

Service Lead, Legal Services

- 1. To act as the Council’s Chief Legal Advisor responsible for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

- 2.
 - (a) The service of any notice required to terminate any contract, agreement or lease entered into by the Council including notices to vary any terms of such contract, agreement or lease.
 - (b) Where power to institute proceedings in the Magistrates Court is given by statute to the Council, the Service Lead, Legal Services shall institute and progress those proceedings (including progressing them in the higher courts if appropriate).
 - (c) In consultation with a Director concerned, authority to issue formal cautions where he/she considers this appropriate.

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Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

3. To authorise officers under Section 7 of the Exeter City Act 1987 in respect of the maintenance of the city walls.

Deputy: Team Leader – Property, Planning & Non-Contentious

4. In consultation with the Chief Finance Officer and City Surveyor following receipt of professional property management advice, authority to agree the release of any covenants imposed on former council houses where such release is in the interests of the Council.

Deputy: Team Leader – Housing & Litigation

5. To apply to the Justices to authorise entry into land or premises by persons named by the Service Lead - City Development under the Town & County Planning Act 1990 (as amended).

Deputy: Team Leader – Property, Planning & Non-Contentious

6. In conjunction with the relevant Director, to approve orders under Section 21 of the Town Police Clauses Act 1847, for the temporary closure of streets, subject to consultation with Police and the County Council.

Deputies – Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

7. To attest the Common Seal of the Council and sign other legal documents.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious. Chief Executive

8. To provide and sign statements of truth in accordance with the Civil Procedure Rules.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

9. To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Service Lead, Legal Services considers that such action is necessary to protect the council's interest.

Deputies: - Team Leader – ECL, Contracts, Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader – Property, Planning & Non-contentious.

10. To approve minor administrative/typographical corrections to the Constitution in consultation with the Leader of the Council.

Deputy – Democratic Services Manager, and Service Lead, Legal Services

(Amended February 2024)

11. Exeter City Group Ltd – In consultation with the City Surveyor to sell at open market value, any Council owned land identified in the Exeter City Group Ltd Year 1 Business Case.

Deputy – Team Leader – ECL, Contracts, Procurement & Licensing

12. To authorise legal officers to represent Exeter City Council in the Magistrates' and County Court in accordance with sections 222 and 223 of the Local Government Act 1972 and section 60 of the County Courts Act 1984.

Deputy – Team Leader – ECL, Contracts, Procurement & Licensing

Service Lead, Human Resources

1. The authority to amend HR policies and procedures where a statutory change or an organisational change (i.e. change in job title/role) has occurred making the amendments necessary.

Deputy – HR Business Partner – SF

2. In consultation with the Portfolio Holder with responsibility for equality and diversity to make amendments to the equality and diversity policy.

Deputy – HR Business Partner – SF

Corporate Manager Executive Support Unit

1. In respect of the Localism Act 2011, in consultation with the Executive Member with Relevant Portfolio to decide whether to list an asset nominated as an asset of community value.

Deputy - None

City Surveyor

In respect of every single decision/transaction in relation to property matters, the City Surveyor or the officer appointed for the purpose shall exercise the authority delegated to him/her in accordance with the following:

1. In undertaking property matters decisions/transactions the following authority and decision processes will apply:
 - (a) Where the cost or equivalent value to the Council does not exceed £75,000 per annum, or £750,000 in capital value - The City Surveyor or the officer appointed for the purpose.
 - (b) Where the cost or equivalent value to the Council is between £75,000 and £250,000 per annum, or between £750,000 and £2,500,000 in capital

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value, City Surveyor or the officer appointed for the purpose in consultation with the Director (Finance)).

- (c) Where the cost or equivalent value to the Council is between £250,000 and £500,000 per annum, or between £2,500,00 and £5,000,000 in capital value - City Surveyor or the officer appointed for the purpose in consultation with the Executive Member with relevant portfolio and the Director (Finance).

Provided always that any decision/transaction which may involve expenditure over £500,000 in value shall be reported to the Executive for a decision.

For the avoidance of doubt, no delegated authority shall be exercised unless in accordance with 1 (a) to (c) above.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

2. Authority to enter into and grant leases, licenses, tenancies at will and wayleave agreements.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

3. To consent to the assignment, sub-letting or surrender of existing leases and to approve amendments to the terms of existing leases, licence or agreement

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

4. Where appropriate in consultation with the Service Lead, Legal Services, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

5. In consultation with the Director (Finance) and Service Lead, Legal Services, to take legal/court action to enforce payment of rent and other charges due to the Council.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

6. To approve the revision of rent and licence fees either in accordance with the formula set out in the lease or in accordance with the open market value. This shall include authority to agree not to increase the rent where appropriate.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

7. In consultation with the Service Lead, Legal Services, authority to institute proceedings for the removal of trespassers on City Council land.

(Amended February 2024)

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

*Deputies for Service Lead, Legal Services - Team Leader – ECL, Contracts,
Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader –
Property, Planning & Non-contentious.*

8. In consultation with the Service Lead, Legal Services, authority to exercise the powers contained under Sections 77 and 78 of the Criminal Justice Public Order Act 1994.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

*Deputies for Service Lead, Legal Services - Team Leader – ECL, Contracts,
Procurement & Licensing; Team Leader – Housing & Litigation; Team Leader –
Property, Planning & Non-contentious.*

9. Authority to submit planning applications for the development or redevelopment of Council owned sites.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

10. In accordance with any procedures required by the Asset Management Plan and in consultation the Director (Finance), where this is deemed to be in the overall best interests of Exeter City Council, and where such disposal is of no strategic importance to the Authority, the disposal by freehold sale of land and/or buildings at open market value.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

11. Authority to vary or release freehold covenants where such release is not likely to prejudice the Council's existing land holding or any future development proposals.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

12. In consultation with the Director (Finance) and Director (Corporate Services), to pay or accept compensation where appropriate.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

13. In consultation with the Director (Finance), authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme.

Deputy for City Surveyor - Principal Estates Surveyor;

(Amended February 2024)

Deputy for Director (Finance) - Deputy Chief Finance Officer

14. To act as appointing officer and take all necessary action to comply with Party Walls, etc. Act 1996.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

15. In consultation with the Director (Finance) and in agreement with the other relevant Officers, to agree requests for the adoption of land and facilities provided by a developer pursuant to a planning obligation.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer.*

16. To exercise the Council's powers under Section 6-8 of the Exeter City Act 1987.

*Deputy for City Surveyor - Principal Estates Surveyor;
Deputy for Director (Finance) - Deputy Chief Finance Officer*

Service Lead, Culture, Leisure and Tourism

1. With agreement from both the Chief Executive and portfolio holder, to deputise for the Director of Culture, Leisure and Tourism and assume all delegated powers related to the Directorate post.
2. With agreement of the relevant Portfolio Holder, to set and alter fees associated with Visit Exeter and Exeter Leisure services to take account of market conditions.

Events, Facilities & Markets Manager

1. The alteration of market days required as a result of statutory holidays.

*Deputies – Corn Exchange – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

2. To establish/vary tolls, fees and charges in respect of the Matford Centre, Corn Exchange and the various markets authorised by Exeter City Council.

*Deputies – Corn Exchange – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

3. The day-to-day management, including where appropriate, opening hours and bookings for the Council's recreational facilities.

*Deputies – Corn Exchange – Corn Exchange Manager
Matford Centre/Markets, Matford Centre Manager
Tourism Facilities – Visitor Facilities Manager*

(Amended February 2024)

Museum Manager

1. The effective day to day running of the Royal Albert Memorial Museum and to determine the casual use of the Museum buildings in connection with events promoted by or supported by the City Council.

Deputy – Content Management Lead Officer

2. Working in accordance with relevant professional standards and within the Collections Development Policy agreed by the Council, determine appropriate stewardship and development of the museum collection.

Deputy - Content Management Lead Officer

3. To exercise the powers and functions of the Council under Sections 9, 10 and 11 of Exeter City Act 1987.

Deputy – Content Management Lead Officer

4. To agree requests for the adoption of land and facilities provided by a developer for the Museums service pursuant to a planning obligation.

Deputy – Content Management Lead Officer

5. In consultation with the Executive Member with relevant Portfolio to approve items for de-accession from the museum collection, unless the item is of a significant nature or monetary value.

Deputy – Content Management Lead Officer

6. In consultation with the relevant Portfolio Holder, be authorised to submit applications for Grant Funding less than £50,000 in value, where there is no additional call for City Council resource beyond that already authorised within museum revenue expenditure.

Deputy – Content Management Lead Officer

(Amended February 2024)

Part 4

Rules of Procedure

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(Amended April 2017)

COUNCIL STANDING ORDERS

STANDING ORDER 1 MEETINGS OF THE COUNCIL

- (1) The Annual Meeting and other meetings of the Council shall be held at any venue considered suitable, on such dates and times as may be determined by the Director Corporate Services in consultation with the Leader of the Council.
- (2) In addition to ordinary meetings, those listed below may request the proper officer to call Extraordinary Council meetings:-
 - (i) the Council by resolution
 - (ii) the Lord Mayor
 - (iii) any five members of the Council if they have signed a requisition presented to the Leader of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition
 - (iv) the Monitoring Officer.

STANDING ORDER 2 ELECTION OF LORD MAYOR, AND DEPUTY LORD MAYOR

- (1) The Lord Mayor shall be elected at the Annual Meeting of the Council.
- (2) The Deputy Lord Mayor shall then be appointed at the Annual Meeting of the Council.

STANDING ORDER 3 CHAIR OF MEETING

- (1) Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

STANDING ORDER 4 QUORUM OF COUNCIL

- (1) If during any meeting of the Council the Chair, after counting the numbers of members present, declares that there is not a quorum present (i.e. one-third of total membership), the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Council.

STANDING ORDER 5 ORDER OF BUSINESS AT ORDINARY MEETINGS OF THE COUNCIL

- (1) Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every ordinary meeting of the Council shall be:-
 - (a) To choose a person to preside if the Lord Mayor and Deputy are absent.
 - (b) To deal with any business required by statute to be done before any other business.
 - (c) To approve as a correct record and sign the minutes of the last meeting of the Council.

- (d) To deal with any business expressly required by statute to be done.
 - (e) Lord Mayor's Communications and to receive any announcements from the Leader of the Council, or the Head of Paid Service.
 - (f) To dispose of business (if any) remaining from the last meeting.
 - (g) To receive and consider reports, minutes and recommendations of Committees.
 - (h) To consider motions in the order in which notice has been received.
 - (i) Other business, if any, specified in the summons.
- (2) Business falling under items (a), (b) or (c) of paragraph (1) shall not be displaced, but the order of business may be varied:-
- (a) by the Lord Mayor at his/her discretion;
 - (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

**STANDING ORDER 6
NOTICES OF MOTION AT COUNCIL**

- (1) Except as provided by Standing Order 7, a motion shall not be proposed at a meeting of the Council unless notice in writing, signed by the member/members of the Council, is given to the Democratic Services Manager not later than 10:00 am 5 clear working days before the meeting of the Council.
- (2) The Democratic Services Manager shall date and number all such motions received and enter them in a book which shall be open to inspection to every member of the Council.
- (3) The Democratic Services Manager shall in the summons for a meeting of the Council, include all such notices of motion duly given to him/her, in the order in which he/she receives them, (unless a member when giving such notice has indicated in writing that he/she proposes to move the motion at some later meeting, or has since withdrawn it in writing).
- (4) If a motion, notice of which has been set out in the summons, is not moved by the Member who has given it, or in his/her absence by some other member on his/her behalf, it shall unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (5) A Notice of Motion shall be debated at the Council meeting at which it is brought forward, unless the Council decides that it shall stand referred to a Committee, by reason of legal, financial or other relevant considerations. That Committee shall consider the Notice of Motion and report back to Council in due course.
- (6) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City.

**STANDING ORDER 7
MOTIONS AND AMENDMENTS
WHICH MAY BE MOVED WITHOUT NOTICE AT COUNCIL**

The following motions and amendments may be moved without notice:-

- (1) Appointment of a Chair of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) That an item of business specified in the summons have precedence.
- (4) Reference back to a Committee.
- (5) Appointment of a Committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
- (6) To adopt reports and recommendations of the Executive, Committees or officers and consequent resolutions.
- (7) That leave be given to withdraw a motion.
- (8) Amendments to motions, other than those specified in Standing Order 10(7)
- (9) That the Council proceed to the next business.
- (10) That the question be now put.
- (11) That the debate be now adjourned.
- (12) That the Council do now adjourn.
- (13) To suspend Standing Orders, in accordance with Standing Order 48.
- (14) Motion under Section 100A of the Local Government Act 1972 to exclude the public.
- (15) That a member named under Standing Order 24 be not further heard or do leave the meeting.
- (16) Giving consent of the Council where the consent of the Council is required by these standing orders.

**STANDING ORDER 8
QUESTIONS AT COUNCIL**

- (1) (a) a member of the Council may ask the Chair of a Committee or the Leader of the Council, any question on an item under consideration by the Council.

Provided always that the Leader may ask an Executive member with relevant portfolio to respond on his/her behalf.

- (b) the Chair of any Scrutiny Committee shall respond to any question relating to an issue considered by that Committee, save where the issue falls to be dealt with through the Executive minutes at a later stage in the meeting of Council. In such circumstances, the Leader (or such other Executive member with relevant portfolio he/she may appoint) will respond in accordance with Standing Order 12(3).

- (2) Every question shall be put and answered without discussion.
- (3) A member of the Council may:-
 - (a) Ask the Chair of the Committee, or the Leader of the Council any question on any matter for which the Council has powers, duties or which affects the City, provided that he/she has submitted to the Democratic Services Manager a written copy of such question(s) by not later than 10:00 am the working day preceding the Council meeting.

Provided always that the Leader may ask any Executive member with relevant portfolio to respond to the question.
 - (b) Where a reply cannot conveniently be given orally to the questioner or where insufficient notice has prevented a complete enquiry from being made, a written reply shall be given to all Councillors as soon as practicable after the Council meeting.
 - (c) One supplementary question shall be permitted in respect of each question.
 - (d) A copy of the question(s) will be made available to Councillors at the beginning of the Council Meeting.
- (4) An answer may take the form of:-
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a published document, a reference to that publication.

STANDING ORDER 9 COUNCIL MINUTES

- (1) The Chair shall put the question that the minutes of the meeting of the Council, held on the.....day of.....be approved as a correct record.
- (2) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Lord Mayor shall sign the minutes.
- (3) The minutes of the preceding Council meeting shall be put to the next ordinary meeting of the Council.
- (4) The minutes of an Extraordinary meeting of the Council shall be approved and signed by the Chair of the next ordinary meeting of the Council in accordance with paragraph 41(1) and (2) of Schedule 12 of the Local Government Act 1972.

STANDING ORDER 10 RULES OF DEBATE FOR COUNCIL MEETINGS

MOTIONS AND AMENDMENTS

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and unless notice has already been given in accordance with Standing

Order 6 it shall, if required by the Lord Mayor, be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting.

SECONDER'S SPEECH

- (2) A member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate. Only one member shall stand at one time.

SPEAKER TO ADDRESS THE LORD MAYOR

- (3) A member when speaking shall stand and address the Lord Mayor. If two or more members rise, the Lord Mayor shall call on one to speak; the other/others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.

CONTENT OF SPEECHES

- (4) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

WHEN A MEMBER MAY SPEAK AGAIN

- (5) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
- (a) to speak once on an amendment moved by another member;
 - (b) if the motion has been amended since he/she last spoke, to move a further amendment;
 - (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
 - (d) in exercise of a right of reply given by paragraph (12a) or (12b) of this Standing Order;
 - (e) on a point of order;
 - (f) by way of personal explanation.

AMENDMENTS TO MOTIONS

- (6) An amendment shall be relevant to the motion and shall be:-
- (a) to refer a subject of debate to a Committee or elsewhere for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add words;
 - (d) to insert or add words;
 - (e) as long as the effect is not to negate the motion.

but such omission, insertion or addition of words shall not have the effect of introducing a new proposal into the motion before the Council.

- (7) Any amendment which would, if adopted, have an effect on the Council's revenue or capital finance shall not be considered at the meeting of the Council at which the level of the Council Tax is set for the ensuing financial year unless prior written notice has been given to the Democratic Services Manager, 3 clear working days in advance of such meeting, to enable the Chief Executive and/or the Chief Finance Officer to report to the Council on the financial implications of such amendment.
- (8) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.
- (9) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

ALTERATION TO MOTION

- (10) A member may, with the consent of the Council, signified without discussion:-
 - (a) alter a motion of which he/she has given notice, or
 - (b) with the further consent of his/her seconder, alter a motion which he/she has moved (except a motion of which he/she has given notice under Standing Order 6)

if (in either case) the alteration is one which could be accepted as an amendment.

WITHDRAWAL OF MOTION

- (11) A motion or amendment, including a Notice of Motion under Standing Order 6, may be withdrawn by the mover with the consent of his/her seconder and of the Council, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

RIGHT OF REPLY

- (12a) Except as set out in (12b) below, the mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the amendment shall have the right of reply at the close of the debate on his/her amendment prior to the mover of the original motion. The mover of the original motion shall have a right of reply at the close of the debate on the amendment, but shall not otherwise speak on the amendment.
- (12b) Where an amendment is moved in respect of a minute of the Executive falling within the remit of a portfolio holder, that portfolio holder may at the request of the Leader exercise the right to reply.

MOTIONS WHICH MAY BE MOVED DURING THE DEBATE

- (13) When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a member be not further heard;
 - (g) by the Lord Mayor under Standing Order 24 that a member do leave the meeting;
 - (h) a motion under Section 100A of the Local Government Act 1972 to exclude the public.

CLOSURE MOTIONS

- (14) A member may move without comment at the conclusion of a speech of another member that:-
- (i) “the Council proceed to the next business”,
 - (ii) “the question be now put”,
 - (iii) “the debate be now adjourned”
 - (iv) “the Council do now adjourn”

Following the seconding of which (also without comment), the Chair shall proceed as follows:-

- (a) On a motion to proceed to the next business:
Unless in his/her opinion the matter before the meeting has been insufficiently discussed, (in which case the proposal shall be refused) it shall be put to the vote. The mover of the original motion shall not have a right of reply under paragraph (12) before putting the motion to the vote;
- (b) On a motion that the question be now put:
Unless in his/her opinion the matter before the meeting has been insufficiently discussed, (in which case the proposal shall be refused) it shall be put to the vote and if it is passed, the Chair shall give the mover of the original motion his/her right of reply under paragraph (12) of this Standing Order before putting the motion to the vote;
- (c) On a motion to adjourn the debate or the meeting:
If in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply and if it is passed, adjourn the debate and/or the meeting forthwith.

POINTS OF ORDER

- (15) A member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- (16) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

RESPECT OF CHAIR

- (17) Whenever the Chair rises during a debate a member then standing shall resume his/her seat and the Council shall be silent.

STANDING ORDER 11 COMMITTEE MINUTES

- (1) The minutes of a Committee shall be presented, formally and without comment (except with the permission of the Lord Mayor), by the Committee Chair or such other person acting on his/her behalf and then put to the Council. Once moved a member can ask a question of clarification on any item that the committee has considered.
- (2) Notwithstanding anything in this Standing Order, the Committee Chair or such person acting on his/her behalf, shall have the right of reply to any amendment under Standing Order 10(6) and he/she shall reply to questions on any item on the minute when the debate on that item has been concluded.
- (3) The minutes of the preceding committee meeting shall be put to the next ordinary meeting of the committee for signature by the Chair as an accurate record of the proceedings.

STANDING ORDER 12 EXECUTIVE MINUTES

- (1) The minutes of the Executive shall be presented formally by the Leader, or such other person acting on his/her behalf, and then put to the Council. Recommendations to Council will be proposed and seconded.
- (2) Notwithstanding anything in this Standing Order, the Leader (or such other Executive member with relevant portfolio as he/she appoints) shall answer questions put by members and have the right to reply to any amendment under Standing Order 10(12).

Replies to questions on any item on the minutes on which an amendment has been moved shall be dealt with when the debate on the amendment has been concluded.

- (3) The Leader (or such other Executive member with relevant portfolios he/she may appoint) shall deal with any questions asked of the Chair of a Scrutiny Committee when the relevant minute of the Executive is presented to Council.
- (4) The minutes of the preceding Executive meeting shall be put to the next ordinary meeting of the Executive for signature by the Chair as an accurate record of the proceedings.

STANDING ORDER 12(A)
CONFLICT RESOLUTION - DRAFT PLANS AND STRATEGIES

- (1)
 - (a) This Standing Order only applies where a dispute arises between full Council and the Executive when setting the policy framework for the ensuing year.
 - (b) This Standing Order may not be invoked in respect of a function that is the sole responsibility of the Executive.
- (2) Where the Executive has submitted a draft plan or strategy for approval and following consideration of the draft plan or strategy, the Council has objections to it, then before the Council:-
 - (a) Amends the draft plan or strategy
 - (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 of which any part is required to be so submitted OR
 - (c) Adopts the plan or strategy (with or without modification) it must inform the Leader of those objections and instruct him/her to require the Executive to reconsider, in the light of those objections, the draft plan or strategy.
- (3) The Council must specify a period of at least 5 working days (beginning the day after the date on which the Leader receives notice of the objection) during which period the Leader may:-
 - (a) Submit a revised plan or strategy, together with the Executive's reasons for any amendments so made.
 - (b) Inform the Council of any disagreement the Executive has with the Council's objections giving its reasons for any such objections.
- (4) Once the time limit set out in Standing Order 12(A)(3) above has expired, the Council must when amending, approving or adopting the revised plan or strategy, take account of the Leader's response.

STANDING ORDER 12(B)
CONFLICT RESOLUTION – BUDGET ESTIMATES

- (1)
 - (a) This Standing Order only applies where a dispute arises between full Council and the Executive when setting the budget for the ensuing year.
 - (b) This Standing Order may not be invoked in respect of a function that is the sole responsibility of the Executive.
- (2) Where before the 15th February in any financial year, the Executive has submitted estimates of amounts for approval and following consideration of the estimate of amount, the Council has objections to it, then before the Council approves the amount, it must inform the Leader of those objections and instruct him/her to require the Executive to reconsider, in the light of those objections, the estimate of amount put forward for approval.
- (3) The Council must specify to the Leader a period of at least 5 working days (beginning the day after the date on which the Leader receives notice of the objection) during which period, the Leader may:-
 - (a) Submit a revision of the estimates or amounts, together with the Executive's reasons for any amendments so made OR
 - (b) Inform the Council of any disagreement the Executive has with the Council's objections giving its reasons for any such objections.

- (4) Once the time limit set out in Standing Order 12(B)(3) has expired, the Council must when amending, approving or adopting the estimate or amount, take account of the Leader's response.
- (5) For the avoidance of doubt, the provisions of Standing Order 12(B) shall not apply in relation to amounts stated in a precept.

STANDING ORDER 13 DECISIONS OF THE EXECUTIVE

- (1)
 - (a) A notice setting out all Executive decisions shall be published within two working days of the meeting. A copy of such notice shall be sent to all members electronically.
 - (b) Where a key decision has been delegated to an Executive member or an officer, then any such decision shall be recorded and published on the Friday following the decision with notice of Call-In to be required within 5 working days. This shall be sent to all members electronically.
 - (c) The notice published in accordance with Standing Order 13(1)(a) must include:-
 - a record of the decision.
 - a record of the reasons for the decision.
 - details of the options considered and rejected by the Executive committee.
 - a record of any conflict of interest declared by any member, together with a note of any dispensation granted by the Monitoring Officer.
 - (d) The notice published in accordance with Standing Order 13(1)(b) must include:-
 - a description of the matter including the officer's report
 - the name of the Executive member exercising the delegated authority where the decision is made under SO 13(1)(b)
 - the decision together with the reasons for it
 - the options considered
 - who was consulted before the decision was made
 - the date when the decision was made
 - any corporate, financial legal, human resources or other management implications
 - background papers
- (2)
 - (a) All decisions published in accordance with this Standing Order shall come into force 5 working days after publication unless called in by a Scrutiny Committee.
 - (b) For the avoidance of doubt, a decision shall come into force immediately where the matter in question is urgent as defined in Standing Order 17(6)(c)(ii).
- (3) Minutes of the Executive meeting shall be published and circulated to all members electronically as soon as is reasonably practicable after they are finalised.

STANDING ORDER 14 KEY DECISIONS IN EXECUTIVE MEETINGS

- (1) A key decision may not be taken by the Executive unless:

- (a) Notice in the form of a Forward Plan has been published in connection with the matter in question and circulated to all members electronically.
 - (b) At least five clear days have elapsed since the publication of the Forward Plan containing notice of the relevant item.
 - (c) Members of the Executive have been given five clear working days notice of the meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.
- (2) The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer or their nominees are entitled to attend any meeting of the Executive where a key decision is being taken. The Executive may not meet unless these officers have been given reasonable notice that a meeting is to take place.
 - (3) A key decision is defined in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as may be amended/varied from time to time.

**STANDING ORDER 15
NOTICE OF EXECUTIVE MEETINGS**

- (1) Five clear working days notice of Executive meetings will be given to the Executive members, unless the meeting is convened at shorter notice as a matter of urgency.

**STANDING ORDER 16
EXECUTIVE DECISIONS OUTSIDE BUDGET/POLICY FRAMEWORK**

- (1) Unless Standing Order 16(2) applies, the Executive, individual members of the Executive and any officers discharging Executive functions may only take decisions which are in line with the Council's budget and policy framework.
- (2) The Executive, individual members of the Executive and officers may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council where such a decision is required a matter of urgency as defined in Standing Order 17(6)(c)(ii).
- (3) Urgent decisions may only be taken in accordance with Standing Order 16(2) above where:-
 - (a) it is not practical to convene a meeting of full Council
 - (b) the Chair of the relevant Scrutiny Committee agrees that the decision is urgent.
- (4) The reasons why it is not practical to convene a meeting of full Council and the Chair of the relevant Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of decision. In the absence of the Chair of the relevant Scrutiny Committee the consent of the Lord Mayor or in the absence of both, the consent of the Deputy Lord Mayor is required.
- (5) The Leader shall submit to the Local Authority at quarterly intervals a report setting out all urgent decisions taken in accordance with Standing Order 16(2). This shall include the reasons why the matter was considered urgent.

**STANDING ORDER 17
SCRUTINY OF EXECUTIVE RESOLUTION (CALL-IN)**

- (1) (a) A special meeting of a relevant Scrutiny Committee shall be called to consider a decision made by an Executive Committee or Executive member published in accordance with Standing Order 13(1) provided the reasons for Call-In fall within the criteria set out in paragraph 5 of the Executive Procedure Rules.
- (b) Any such Call-In shall require notice in writing delivered to the Democratic Services Manager not later than 10.00 am 5 days after publication of the decision by at least seven Scrutiny members, irrespective of the Scrutiny Committee on which they serve.
- (2) The special meeting must normally take place within 5 working days of receipt of such notice.
- (3) In order to ensure the decisions of the Executive are not unnecessarily impeded, the reasons for call-in must be one of the following criteria:
 - The process by which the decision was made was deficient in some way;
 - The decision-maker failed to consider alternative courses of action;
 - The decision-maker failed to take account of relevant factors;
 - The decision-maker was wrong in fact or law (the caller-in must state why).
- (4) The Chair of that meeting may call the appropriate Executive member/s and/or officer/s of the Council to attend to answer any questions regarding the matter called in for scrutiny.
- (5) A member of the Scrutiny Committee may ask any Executive member with relevant portfolio any question on an item which has been called in under Standing Order 17(3).
- (6) After consideration of a decision, the Scrutiny Committee may:-
 - (a) resolve to take no further action.
 - (b) refer the matter back to the Executive for reconsideration, setting out in writing the reason for its request.
 - (c) refer the matter to Council who may refer the decision back to the Executive for reconsideration setting out in writing the reasons for its request.

Provided always that where the decision is required to be made by the Executive, the Executive may or may not amend its decision.

- (7) (a) Where notice in accordance with Standing Order 17(1) is not delivered to the Democratic Services Manager, any decision made by the Executive and/or officer with delegated authority for a key decision shall be final.
- (b) A decision made by the Executive and/or officer with delegated authority for a key decision may only be called in once for re-consideration.
- (c) The Call-In procedure set out in this Standing Order shall not apply:-
 - (i) to any report/item already considered by the appropriate Scrutiny Committee prior to the decision being made by the Executive or officer with delegated authority for a key decision; or
 - (ii) where the decision taken is urgent. A decision is urgent where the interests of the Council or public require immediate action and any

delay caused by the call in process would prejudice the interests of the Council or the public.

STANDING ORDER 18 SCRUTINY COMMITTEE AGENDA

- (1) Any member shall be entitled to give written notice to the Democratic Services Manager not later than 10.00 am, 8 clear working days in advance of the meeting that he/she requires an item relevant to the functions of the Scrutiny Committee to be included in the agenda of the next meeting.
- (2) Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls, whether in whole or in part, within the remit of another Scrutiny Committee, before submitting its findings to the Executive or Council for consideration, the report of one Scrutiny Committee shall be considered by the other Scrutiny Committee for comment. Those comments shall be incorporated into the report which shall then be sent to the Executive or Council for consideration.

STANDING ORDER 19 SPEAKING AT COUNCIL, EXECUTIVE AND SCRUTINY COMMITTEES

(1) Questions by the public

- (a) A member of the public may ask questions at all meetings of the Council, the Executive and Scrutiny Committees except the Annual Council and special meetings. These questions may be addressed to the Leader of the Council, Executive members or Chairs of the Scrutiny Committees.
- (b) Questions submitted for meetings of the Council or Scrutiny Committees, must be about something the Council is responsible for.
- (c) Questions submitted for meetings of the Executive, must relate to an item on the agenda for that meeting.
- (d) Questions at a specially convened meeting of a Scrutiny Committee in accordance with Standing Order 17 (Call In) shall be restricted to questions about the subject matter of the decision being called in.
- (e) The same question cannot be asked at more than one meeting.

(2) Giving Notice of questions

- (a) Questions must be submitted to the Proper Officer at least three clear working days before the meeting. Each question must include the name and address of the person asking it showing clearly who it is addressed to.
- (b) The proper officer may wish refuse to include a question when it is:-
 - i. Defamatory, frivolous or offensive
 - ii. Requires disclosure of confidential or exempt information.

(3) Number of questions

- (A) Members of the public cannot ask more than one question per meeting. If more than one question is received or a single question contains a number of component questions then only the first question will be accepted.

- (B) One supplementary question is permitted provided it is based on the response given to the original question.

(4) Asking and answering the question

- (A) The Lord Mayor, Leader of the Council or Chair of Scrutiny meeting will ask the questioner to ask their question. A response to the question will be given at the meeting and will also be put in writing and circulated at the meeting.
- (B) If the questioner is not present or an answer cannot be given on the day of the meeting, then the question and response will be published on the website 5 working days of the meeting.

(5) Length of questions

- (A) 50 words are normally sufficient to frame a clear and direct question. Therefore questions will be no more than 50 words.

(6) Total length of questions

- (a) The Council, Executive or Scrutiny Committee will spend no longer than 15 minutes dealing with questions. If it cannot take all the questions, it will take them in the order that notice was given of them (except that those members of the public who have not already asked a question at previous Council, Executive or Scrutiny Committee meetings will be heard first) until there is no time left.

**STANDING ORDER 19A
PUBLIC SPEAKING AT PLANNING COMMITTEE**

1. A member of the public may address the Planning Committee on any application or tree preservation order being considered by that Committee, provided that:-
 - (a) the person has indicated a wish to speak, by contacting the Democratic Services Manager Support not later than 10:00 am two clear working days in advance of the meeting of the Committee;
 - (b) only one person may speak in support of the application or order and one person against, and unless the persons concerned nominate a spokesperson, priority will be given to the first person to have indicated a wish to speak, or otherwise at the discretion of the Chair;
 - (c) each speaker may speak for a maximum of three minutes;
 - (d) a speaker's address should be limited to planning matters, and must not be offensive or defamatory.

2. Persons speaking under this Standing Order will be heard after the presentation by an officer, and after any member of the Council speaking under Standing Order 44, but before members of the Committee debate the application or order. A speaker against the application or order will be heard before a speaker in support of it. Members of the Committee may ask questions of a speaker, and the speaker may answer, by way of clarification only.

**STANDING ORDER 20
QUESTIONS TO PORTFOLIO HOLDERS AT SCRUTINY COMMITTEE MEETINGS**

- (1) A member of the Scrutiny Committee or other Council member may, in the time set aside for such business:-
 - (a) Ask an Executive member with relevant portfolio any question on any matter for which the Scrutiny Committee has powers, duties and responsibilities at the place on the agenda allocated for questions to Portfolio Holders.
 - (b) If a full reply cannot be given at the meeting, a written reply shall be given to the questioner as soon as practicable after the Scrutiny Committee meeting, a copy of which shall be circulated to all members electronically.
 - (c) One supplementary question shall be allowed in relation to the subject of the original question.
 - (d) Every question shall be put and answered without debate.
- (2) An answer may take the form set out in Standing Order 8(4)

STANDING ORDER 21 PETITIONS

- (1) Every petition addressed to the Council or the Lord Mayor shall be presented to the Council as a Lord Mayor's communication and thereafter dealt with in accordance with the Council's Petitions Scheme set out in Part 5 of the Constitution.

STANDING ORDER 22 MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

- (1) No discussion shall take place at any meeting of the Council, its Committees or the Executive to which the provisions of Section 100 of the Local Government Act 1972 applies, as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, until the Council, Committee or Sub-Committee has resolved in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 whether or not to exclude the press and public from the meeting.

STANDING ORDER 23 EXCLUSION OF THE PUBLIC

- (1) Members of the public may attend all meetings of the Council, Executive, Committees and Sub-Committees, unless in view of the nature of the business to be transacted or nature of the proceedings, confidential information or exempt information would be disclosed.
- (2) Confidential information means information given to the Council by a government department on terms which forbids its public disclosure or information which cannot be publicly disclosed by court order.
- (3) Exempt information means information defined as such in Schedule 12A to the Local Government Act 1972 which is reproduced below:

Part 1

Descriptions of Exempt Information: England

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.

- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes—
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2

Qualifications: England

- 8 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph 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; or
 - (f) the Charities Act 1993.
- 9 Information 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.
- 10 Information which—
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 3

Interpretation: England

- 11 (1) In Parts 1 and 2 and this Part of this Schedule—

“employee” means a person employed under a contract of service;

“financial or business affairs” includes contemplated, as well as past or current, activities;

“labour relations matter” means—

 - (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

- (b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

- (2) Any reference in Parts 1 and 2 and this Part of this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—
 - (a) in the case of a principal council, to any committee or sub-committee of the council; and
 - (b) in the case of a committee, to—
 - (i) any constituent principal council;
 - (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
 - (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
 - (c) in the case of a sub-committee, to—
 - (i) the committee, or any of the committees, of which it is a sub-committee; and
 - (ii) any principal council which falls within paragraph (b) above in relation to that committee.
- (4) The following additional categories of exempt information apply to Standards Committees:-
 - (7A) Information which is subject to any obligation of confidentiality
 - (7B) Information which relates in any way to matters concerning national security
 - (7C) The deliberations of a Standards Committee or of a sub-committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred on the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act

STANDING ORDER 24 DISORDERLY CONDUCT

- (1) If in the opinion of the Chair, at a meeting of the Council, (which shall include Committee, Sub-Committee and Executive) a member misconducts him/herself by:-
 - (a) Persistently disregarding the ruling of the Chair,
 - (b) Behaving irregularly, improperly or offensively,
 - (c) Wilfully obstructing the business of the Council.

the Chair or any other member may move “That the member named be not further heard”, and the motion if seconded shall be put and determined without discussion.

- (2) If the member named continues his/her misconduct after a motion under Standing Order 24(1) has been carried the Chair shall either:-
 - (a) Move “that the member named do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion);
 - (b) Adjourn the meeting for such period as he/she in his/her discretion shall consider appropriate.
- (3) In the event of general disturbance, which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair may without discussion adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

STANDING ORDER 25 DISTURBANCE BY MEMBERS OF THE PUBLIC

- (1) If a member of the public interrupts the proceedings at any meeting (which shall include Committee, Sub-Committee and Executive meetings), the Chair shall warn him/her. If he/she continues the interruption, the Chair shall order his/her removal from the Council chamber or other meeting room. In case of general disturbance in any part of the chamber open to the public the Chair shall order that part to be cleared.

STANDING ORDER 26 RESCISSION OF PRECEDING COUNCIL RESOLUTION (SIX MONTH RULE)

- (1) No motion to rescind any Council resolution passed within the last six months, and no motion or amendment to the same effect as one which has been rejected within the last six months, shall be proposed, unless notice in accordance with Standing Order 6 bears the names of at least one-third of the members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.
- (2) This Standing Order shall not apply to any motion moved on a recommendation of a Committee, or the Executive.

STANDING ORDER 27 VOTING AT COUNCIL

- (1) The mode of voting at meetings of the Council shall be by show of hands: providing that on the requisition of any member of the Council made before the vote is taken and supported by five other members, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member present and not voting shall also be recorded. In the event of an equality of votes the Lord Mayor shall have a second or casting vote.
- (2) If any member of the Council so requires immediately after a vote is taken by a show of hands, there shall be recorded in the minutes of the proceedings of that meeting how that member gave his/her vote or whether that member abstained from voting.

**STANDING ORDER 28
VOTING ON APPOINTMENTS**

- (1) Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

**STANDING ORDER 29
RECORD OF ATTENDANCE**

- (1) Every member of the Council attending a meeting of the Council, any of its Committees, Sub-Committees or Executive, of which he/she is a member, shall sign his/her name on the attendance list provided for that purpose.

**STANDING ORDER 30
VOTING ON BUDGET SETTINGS**

- (1) Immediately after a vote is taken at a budget meeting this includes setting of the Council Tax and Precepts. There must be recorded in the minutes the names of the members present to show how each member voting gave his/her vote. The name of any members who abstained shall also be recorded.

**STANDING ORDER 31
CUSTODY OF SEAL**

- (1) The Common Seal of the Council shall be kept in a safe place in the custody of the Service Lead Legal Services and shall be secured by a lock, the key to which shall be kept by the Service Lead Legal Services.

**STANDING ORDER 32
SEALING OF DOCUMENTS**

- (1) A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal shall be affixed to those documents which in the opinion of the Service Lead Legal Services should be sealed.
- (2) The Seal shall be attested by one of the following persons:
- (a) The Director Corporate Services;
 - (b) The Service Lead Legal Services or in his absence by one the following Deputies:-
 - *Team Lead - ECL, Contracts, Procurement and Licensing;*
 - *Team Lead - Housing and Litigation;*
 - *Team Lead - Property, Planning and Non-contentious.*
- (3) An entry of every sealing of a document shall be made and consecutively numbered in a book kept for that purpose and shall be signed by the person who has attested the Seal.

**STANDING ORDER 33
AUTHENTICATION OF DOCUMENTS FOR
LEGAL PROCEEDINGS**

- (1) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Service Lead Legal Services or in his absence by one of the following Deputies:-
- *Team Lead - ECL, Contracts, Procurement and Licensing;*
 - *Team Lead - Housing and Litigation;*
 - *Team Lead – Property, Planning and Non-contentious.*

unless any enactment otherwise requires or authorises, or the Council has given the necessary authority to some other person.

**STANDING ORDER 34
INSPECTION OF DOCUMENTS**

- (1) A member of the Council, for purposes of his/her duty as such (but not for any other purpose) may on application to the Democratic Services Manager, inspect any document which has been considered by the Council, Committee, Sub-Committee or the Executive, and may on request be supplied with copies of any such document.
- (2) A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any pecuniary interest within the meaning of Section 95 of the Local Government Act, 1972. This Standing Order shall not preclude the Service Lead – Legal Services from declining 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.
- (3) All reports made or minutes kept by any Committee, Sub-Committee or Executive shall be open for inspection by any member of the Council.

**STANDING ORDER 35
INSPECTION OF LANDS, PREMISES ETC**

- (1) Unless specifically authorised to do so by the Council, Committee, Sub-Committee or the Executive, a member of the Council shall not issue any order in respect of any works which are being carried out by or on behalf of the Council or claim, by virtue of his/her membership of the Council, any right to inspect or to enter any lands or premises which the Council have the power or duty to inspect or enter other than with the Council's appointed officer.

**STANDING ORDER 36
APPOINTMENT OF COMMITTEES**

- (1) The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or as is necessary for the conduct of the Council's business, and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision:-
- (a) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
 - (b) may at any time dissolve a Committee or alter its membership.

- (2) Except where otherwise provided by statute or a scheme made under statutory authority, the Lord Mayor shall be a member (with the exception of the Executive) without voting powers of every standing committee appointed by the Council.
- (3) Unless otherwise altered by the Council, the following shall be the Council's standing Committees:-
 - (a) Executive
 - (b) Planning Committee
 - (c) Licensing
 - (d) Audit and Governance Committee (On which Executive members may not serve)
 - (e) Scrutiny (on which Executive members may not serve)

**STANDING ORDER 37
APPOINTMENT OF EXECUTIVE**

- (1) The Council shall, at its Annual Meeting, appoint an Executive nominated by the Leader of the Council.
- (2) The Executive shall consist of the Leader together with up to nine other members.
- (3) The Council shall, at the Annual Meeting, on the nomination of the Leader, appoint such Executive Portfolios and portfolio holders as the Leader shall consider appropriate.

**STANDING ORDER 38
PROCEEDINGS OF COMMITTEES & EXECUTIVE TO BE CONFIDENTIAL**

- (1) All agenda, reports and other documents and all proceedings of Committees, Sub-Committees and the Executive shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

**STANDING ORDER 39
ELECTION/REMOVAL OF LEADER AND CHAIR AND DEPUTY CHAIR OF
COMMITTEES**

- (1) The Council shall at its Annual Meeting elect the Leader of the Council whose term of office shall start on the day of his/her election to that office and end on the day when the Council holds its first Annual Meeting after the Leader's normal day of retirement as a Councillor unless:
 - (a) he/she resigns from office; or
 - (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
 - (c) he/she is no longer a councillor; or
 - (d) he/she is removed from office by resolution of the Council by way of majority vote.

For the avoidance of any doubt any motion to remove the Leader from office must first comply with the provisions of Standing Order 6.

- (2) The Chairs and Deputy Chairs of each Committee shall be elected by Council at the Annual Meeting. In the absence from a meeting of the Chair and Deputy Chair, a Chair for that meeting will be appointed. No member of the Council shall be eligible to be appointed Chair or more than one Standing Committee.

STANDING ORDER 40 SPECIAL MEETINGS OF COMMITTEES

- (1) The Chair of a Committee, Sub-Committee or the Executive may call a special meeting of the Committee at any time. A special meeting shall also be called on the requisition of three members of the Committee, Sub-Committee or Executive (with the exception of Scrutiny call in, where the provisions of Standing Order 17 shall apply) provided this is delivered to the Democratic Services Manager. The summons to the special meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

STANDING ORDER 41 SUB-COMMITTEES

- (1) Every Committee, appointed by the Council may appoint Sub-Committees for the purposes specified by the Committee subject to the approval of Council.
- (2) The Chair and the Deputy Chair, if any, of the Committee shall be an ex-officio member (but without voting powers) of every Sub-Committee appointed by that Committee, unless they are appointed as a full member of the Sub-Committee or signify to the Committee that they do not wish to serve.

STANDING ORDER 42 QUORUM OF COMMITTEES, SUB-COMMITTEES & EXECUTIVE

- (1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee or the Executive unless at least one quarter of the whole number of the Committee is present.

Provided that in no case shall the quorum be less than three members.

- (2) Unless specifically agreed by the Committee which has appointed it, business shall not be transacted at a Sub-Committee unless at least one quarter of the whole number of the Sub-Committee is present.

Provided that in no case shall the quorum of a Sub-Committee be less than two members.

STANDING ORDER 43 VOTING IN COMMITTEES, SUB-COMMITTEES & EXECUTIVE

- (1) Voting at a meeting of a Committee, Sub-Committee and Executive shall be by show of hands. In the event of an equality of votes the Chair shall have a second or casting vote.
- (2) If any members of the Committee, Sub-Committee or Executive so requires immediately after a vote is taken, there shall be recorded in the minutes of the proceedings of that meeting how that member gave his vote or whether that member abstained from voting.

**STANDING ORDER 44
ATTENDANCE AT COMMITTEES,
SUB-COMMITTEES & EXECUTIVE**

- (1) A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda. He/she may not vote at that meeting and may only speak or ask a question if he/she has given notice in writing (by electronic mail wherever possible) by 10.00 am on the day of the meeting to the Democratic Services Manager and has specified in the notice the particular agenda item or items on which he/she wishes to speak or ask a question.
- (2) Opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak or ask a question on any items on the Executive agenda.

**STANDING ORDER 45
MOVER OF MOTION MAY ATTEND
COMMITTEE, SUB-COMMITTEE & EXECUTIVE**

- (1) A member of the Council who has moved a motion which has been referred to any Committee, Sub-Committee or Executive shall have notice of the meeting of the Committee, Sub-Committee or Executive at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of explaining the motion.

**STANDING ORDER 46
MEMBERS' ABSENCE FROM MEETINGS**

- (1) If any member fails throughout a period of six consecutive months to attend any meeting of the Authority he/she, unless the failure was due to some good reason approved by Council before the expiry of that period, shall cease to be a member of the Council. Attendance can be at any committee or sub-committee or any joint committee, joint board or body where the functions of the Authority are discharged.

**STANDING ORDER 47
VARIATION AND REVOCATION
OF STANDING ORDERS BY COUNCIL**

- (1) Except on the recommendation of the Executive, a motion to add, vary or revoke these standing orders shall (when proposed and seconded) stand adjourned without discussion to the next ordinary meeting of the Council and that motion shall not be carried except by a majority of two-thirds of the members of the Council present and voting.

**STANDING ORDER 48
SUSPENSION OF STANDING ORDERS BY COUNCIL**

- (1) Subject to paragraphs (2) and (3) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting of Council, where its suspension is moved.
- (2) No suspension of standing orders shall be permitted so as to negate the requirements for notice to be given under Standing Orders 10(7) (Council tax), 39(1) (Removal of the Leader) and 47 (Variation/revocation of Standing Orders).

- (3) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order 7) unless there shall be present at least one-half of the whole number of the members of the Council.

**STANDING ORDER 49
INTERPRETATION OF STANDING ORDERS**

- (1) The ruling of the Lord Mayor, Chair of Committee, Sub-Committee or Executive as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council, Committee, Sub-Committee or Executive.

**STANDING ORDER 50
STANDING ORDERS TO BE GIVEN TO MEMBERS**

- (1) An electronic copy of the Council's constitution, which shall include a copy of these Standing Orders and of such statutory provisions as regulate the proceedings and business of the Council, shall be made available in electronic format to each member by the Democratic Services Manager on the making of their declaration of acceptance of office on being first elected to the Council. A hard copy will be provided by the Democratic Services Manager on receipt of a written request by a member.

**STANDING ORDER 50(A)
APPOINTMENT OF HEAD OF PAID SERVICE**

- (1) Council shall approve the appointment of the Head of Paid Service following the recommendation of such appointment by a Committee or Sub-Committee of the Council.
- (2) The Committee or Sub-Committee referred to in Standing Order 50(A)(1) above shall include at least one member of the Executive.
- (3) In the case of the appointment of the Head of Paid Service, the provisions of Standing Order 52(2) shall apply. In the case of dismissal, the provisions of Standing Order 54 shall apply.

**STANDING ORDER 51
APPOINTMENT OF CHIEF OFFICERS**

- (1) Where the authority proposes to appoint a chief officer, and it is not proposed that the appointments be made exclusively from among their existing officers, they shall:-
- (a) draw up a statement specifying -
- (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (2) (a) Where a post has been advertised as provided in standing order 51(1)(b), the authority shall -

- (i) interview all qualified applicants for the post; or
 - (ii) select a short list of such qualified applicants and interview those included on the short list.
- (b) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order 51(1)(b). The steps to be taken under paragraphs 1 and 2 above of this standing order shall be discharged by the Chief Executive or such other officer as may be appointed for the purpose by Council.

**STANDING ORDER 52
APPOINTMENT/DISMISSAL OF CHIEF OFFICERS AND SOME
SECOND TIER OFFICERS**

- (1) (a) The Head of Paid Service shall appoint/dismiss Chief Officers on JNC conditions of service.
 - (b) Appointment of Chief Officers and Directors/Corporate Managers shall follow a selection process involving the relevant portfolio holder and any other member(s) considered appropriate.
- (2) Before making an offer of employment or the dismissal, the Head of Paid Service or Strategic Director (as appropriate) shall provide all the members of the Executive, with the following: -
- (a) The name of the person to be appointed/dismissed
 - (b) Any other information relevant to the appointment/dismissal.
 - (c) A reasonable period within which any objection to the making of the offer of appointment/dismissal is to be made by the Leader on behalf of the Executive.
- (3) An offer of employment or the dismissal of a chief or second tier officer employed under Joint National Council Conditions of Service shall only be made once the appointor/dismissor has considered any objections made and is satisfied that any such objections are not material or well founded. In the case of the Head of Paid Service, Monitoring Officer or Chief Finance Officer the procedure set out in Standing Order 54 shall apply.
- (4) Whilst any action to suspend the Head of Paid Service, or any Chief Officer, for the purpose of investigation is being undertaken, they shall be on full pay for as long as it takes from the date that suspension takes place.
- (5) Members will not be involved in any disciplinary action against any officer below chief officer except where such involvement is necessary for an investigation or inquiry into alleged misconduct through the Council's disciplinary procedures.

**STANDING ORDER 53
OTHER APPOINTMENTS**

- (1) The Head of Paid Service, Directors, Director Finance, Director Corporate Services and Corporate Managers (or such other officer to whom this function has been delegated) shall be responsible for appointment of staff within their area of responsibility other than those who are on Joint National Council Conditions of Service.

**STANDING ORDER 54
DISMISSAL OF STATUTORY OFFICERS**

- (1) A decision to dismiss the Head Paid of Service, Monitoring Officer and Section 151 Finance Officer may only be taken by Full Council in accordance with the procedure set out in the Local Authorities (Standing Orders) (England) Regulations 2001/3384, as may be amended from time to time.

**STANDING ORDER 55
ADMINISTRATION**

- (1) The Chief Executive shall be the Head of Paid Service responsible for the review of the organisation and administration of the Council.
- (2) The Director Corporate Services shall be the Council's Monitoring Officer in accordance with section 4 of the Local Government and Housing Act 1989. In his/her absence, the Service Lead – Legal Services and/or Team Leader, ECL, Contracts, Procurement and Licensing shall deputise in accordance with the scheme of delegation.
- (3) The Director Finance shall be the Chief Finance Officer responsible for securing the proper administration of the Council's financial affairs and arrangements for the purposes of Section 151 of the Local Government Act 1972 as supplemented by Section 114 of the Local Government and Finance Act 1988.
- (4) Every Committee, Sub-Committee, Executive and officers of the Council shall conform with the financial arrangements so made.
- (5) The Director, Corporate Services, shall be the Electoral Registration Officer, and in accordance with Section 52 and 54 of the Representation of the Peoples' Act 1983, the Council will provide the Electoral Registration Officer with such officers, accommodation and other resources as are in their opinion sufficient to discharge their statutory function.
- (6) The Chief Executive, to be designated as the Council's Returning Officer.

**STANDING ORDER 56
REGISTER OF INTERESTS**

Within 28 days of a member's election or re-election or a co-opted members' appointment or re-appointment, he/she shall register all disclosable pecuniary interests as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in the register maintained for that purpose by the Monitoring Officer. Similarly amendment/additions/deletions to a Member's Register of Interest, need to be made within 28 days of the change happening.

**STANDING ORDER 57
PECUNIARY INTERESTS**

Where a matter arises at a meeting which relates to a Disclosable Pecuniary Interest, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. He/she only has to declare what his/her interest is if it is not already entered in the Member's Register of Interests or if he/she has not notified the Monitoring Officer of it.

Where a matter arises at a meeting which relates to a Disclosable Pecuniary Interest, which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that

business. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.

STANDING ORDER 58 OTHER INTERESTS

Where a matter arises at a meeting which relates to “other interests“ as defined in the Members’ Code of Conduct, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a sensitive interest the member shall declare the interest but not the nature of the interest.

STANDING ORDER 59 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- (1) Canvassing members of the Council, Committees, Sub-Committees or the Executive, directly or indirectly, for any paid work shall disqualify that candidate concerned for the appointment.

The content of this Standing Order shall be included in any form of application.

- (2) A member of the Council, Committee, Sub-Committee or Executive shall not solicit, for any person, any employment by the Council. This shall not preclude a member from giving a written testimonial of a candidate’s ability, experience, or character for submission to the Council with an application for appointment.

STANDING ORDER 60 RELATIVES OF MEMBERS OR OFFICERS

- (1) A candidate for paid work for the Council, who knows that he is related to any member or senior officer of the Council shall, when making an application, disclose that relationship to the Chief Officer.

A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and senior officer of the Council shall disclose to the Monitoring Officer or relevant Director/Chief Finance Officer/Corporate Manager any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for employment by the Council. The Monitoring Officer or relevant Director/Chief Finance Officer/Corporate Manager shall report to the Council, appropriate Committee, Sub-Committee or Executive any such disclosure made to him/her.

- (2) The content of this standing order shall be included in any application for employment. For the purpose of this Standing Order “senior officer” means any officer so designated by the Council and persons shall be deemed to be related if they are husband or wife or if either of them or the spouse of either of them is the son, daughter, grandson or granddaughter, brother, sister, nephew or niece of the other, or of the spouse of the other.

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FINANCIAL REGULATIONS

1. Status of Financial Regulations

- (a) These regulations shall be read and construed as part of the Standing Orders of the Council.
- (b) These regulations may be amended by the Council at any meeting on recommendation by the Executive.
- (c) Directors and Corporate Managers are responsible for ensuring that all employees in their units are aware of the existence and content of the Council's financial regulations and that they comply with them.

2. Financial Management Responsibilities

(a) Director Finance

The Director Finance, being designated Proper Officer under Section 151 of the Local Government Act, 1972, shall be financial advisor to the Council, its Committees and the Executive and shall be required to give advice either orally or in writing on all matters having financial consequences.

Section 114 of the Local Government Finance Act 1988 requires the Director Finance to report to the full council, Executive and external auditor if the authority or one of its employees:

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

Section 114 of the 1988 Act also requires:

- (i) the Director Finance to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- (ii) the authority to provide the Director Finance with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

(b) Deputy Section 151 Officer

The Deputy Section 151 Officer shall be the Deputy Chief Finance Officer.

For the avoidance of doubt, any of the authorisations or approvals required by the Section 151 Officer under these Financial Regulations or any other

policy, procedure or Standing Orders of the Council may be performed by the Deputy Section 151 Officer in the absence of the Section 151 Officer.

(c) **Financial Reports**

The relevant Directors/Corporate Managers are responsible for ensuring that draft copies of all reports having any financial implications shall be submitted to the Director Finance in sufficient time prior to the meeting of the Executive, Scrutiny Committee or other such Committees which receive financial reports so as to enable the Director Finance to make such observations and submissions as he/she considers appropriate.

(d) **Accounting**

(i) All financial records and systems of the Council shall be maintained in a form agreed by the Director Finance.

(ii) The Director Finance shall be responsible for the preparation of the annual accounts of the Council and shall as soon as is practicable after the end of each financial year report in writing to the Audit and Governance Committee.

(iii) The Director Finance shall be responsible for the prompt submission of all grant claims, financial statistics and other returns having financial implications.

3. Financial Planning

(a) General Fund and Housing Revenue Account, capital and revenue estimates of expenditure and income, shall be prepared by the Directors/Corporate Managers in consultation with the Director Finance. These shall be submitted to Council through the Executive.

(b) The Director Finance is also responsible for producing other medium term financial plans for the General Fund and Housing Revenue Account, as required for effective financial planning by the Authority.

4. Control of Expenditure and Income

(a) Directors/Corporate Managers may authorise the incurring of expenditure, approved in the annual estimates. This is subject to compliance with Standing Orders (of which these financial regulations are a part).

(b) On a management unit basis no revenue expenditure shall be incurred or income reduced if this has the effect of overspending the overall net budget, for the financial year, unless a supplementary budget has been agreed by the Council.

(c) Directors/Corporate Managers (with the agreement of the Director Finance and Executive Member with Relevant Portfolio) may vire budgets between

the management units for which they are responsible, up to a total of £40,000 in the financial year. Virements above this level will require Full Council approval.

- (d) Directors/Corporate Managers (with the agreement of the Director Finance and Executive Member with Relevant Portfolio), authorise additional expenditure up to £40,000 to be funded by the generation of additional income. Additional expenditure above this level will require Full Council approval.
- (e) The Property Maintenance Fund is managed by the City Surveyor, but for reporting purposes covers cost centres across the Council. The City Surveyor may vire budgets within the Property Maintenance Fund as appropriate to ensure proper property management across the Council.
- (f) Directors/Corporate Managers shall not commit the Council to expenditure beyond the year of account unless:-
 - (i) budgetary provision has been approved in the following financial year's revenue and capital estimates; or
 - (ii) budgetary provision exists within a capital budget.
- (g) Expenditure which meets the definition of capital expenditure but falls below the de minimis level of £10,000 will be accounted for as revenue expenditure.

5. Risk Management and Control of Resources

(a) Risk Management

The Executive is responsible for considering and approving the Risk Management Policy.

The Audit and Governance Committee is responsible for:

- (i) considering the Corporate Risk Register (CRR) and recommending its approval to the Executive.
- (ii) monitoring the effectiveness of risk management throughout the Council and the progress made against the CRR target for actions.

Risk management should ensure:

- (i) there are procedures in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority
- (ii) there is a monitoring process in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis

- (iii) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
- (iv) provision is made for losses that might result from the risks that remain
- (v) procedures are in place to investigate claims within required timescales
- (vi) acceptable levels of risk are determined and insured against where appropriate
- (vii) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

(b) Internal Controls

- (i) key controls are to be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
- (ii) managerial control systems should include: defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities
- (iii) financial and operational control systems and procedures should include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems
- (iv) an effective internal audit function will be maintained, which is expected to operate in accordance with the principles contained in the CIPFA's Public Sector Internal Audit Standards which are overseen by the Audit & Assurance Council which oversees and with any other statutory obligations and regulations.

(c) Preventing fraud and Corruption

The City Council:

- (i) has an effective Counter Fraud Strategy and maintains a culture that will not tolerate fraud or corruption
- (ii) expects all members and employees to act with integrity and lead by example
- (iii) requires senior managers to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
- (iv) expects high standards of conduct to be promoted amongst members by the Audit and Governance Committee
- (v) maintains a register of interests in which any hospitality or gifts accepted must be recorded
- (vi) has adopted a formal Whistle Blowing procedure
- (vii) requires all legislation, including the Public Interest Disclosure Act 1998, to be adhered to.

6. Audit

The Section 151 Officer shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control.

- (a) Internal Audit may investigate such financial records, systems and management procedures of the Council and its employees as considered necessary for the purposes of audit. For this purpose Internal Audit shall have authority at all reasonable times to visit all Council establishments and have access to all records and property of the Council and may require such explanations/assistance as he/she considers necessary.
- (b) All employees of the Council through their Director/Corporate Manager, shall immediately notify Internal Audit of any circumstances which suggest the possibility of irregularity in cash, stock or any other matter which may have financial consequences.
- (c) On confirmation of any irregularity or reasonable suspicion thereof, Internal Audit shall advise the Chief Executive & Growth Director, Director Finance and the Monitoring Officer as appropriate.
- (d) The audit arrangements of any shared service shall form part of the agreement for that shared service.

7. Orders for Goods, Work or Services

- (a) Official orders shall be raised in the Council's EProcurement system by an Order Requisitioner, as nominated for each service area, and confirmed by an Approved Authoriser. Orders must include; the nature and/or quantity of goods, materials, work or services to be supplied to the Council, and the estimated cost. Orders must:
 - a. Be allocated to the correct financial and VAT code(s).
 - b. Only commit the Council to expenditure which is within the approved budgets
- (b) Official Orders must be issued for all goods, materials, work or services to be supplied to the Council, unless the Director Finance approves exceptions to ordering where circumstances or trading practice make this desirable. Oral orders shall only be given in the case of expediency and must be confirmed by an official order not later than the next working day.
- (c) Directors and Service Leads shall notify the Director Finance of employees authorised to raise (Order Requisitioner) and approve orders (Order Authorisers) on their behalf.
- (d) The Officer authorising an order shall be senior to the Officer ordering the goods. This authorisation may be made either by e-mail or in writing if the relevant Officer is not able to authorise directly on the system.

- (e) Every officer requesting an official order shall ensure, as far as is reasonably practicable, in respect of each transaction, that goods, materials or service ordered are obtained on the best possible terms in respect of cost and quality and represent value for money

The arrangements for the ordering, receipt and issue of all order books shall be controlled by the Director Finance.

8. Payment of Accounts

- (a) The Order Requisitioner shall be responsible for goods receipting (GRN) to validate the receipt of ordered goods or services, which will allow payment of the relevant invoice.

GRN may be completed, subject to the following tolerances:

	+	-
GRN	£50	£5,000

Changes in excess of £50 will require an amendment to the order and re-approval by an Authorising Officer.

- (b) The matters to be certified by the spending unit, subject to such selective examination of invoices as may be determined by the Director Finance and the Director/Corporate Manager concerned shall include:-
- (i) That the goods have been received, examined and approved as to quality and quantity or services rendered or work done satisfactorily.
 - (ii) That the price charged is correct and the appropriate discounts, allowances and other credits have been deducted.
 - (iii) That the account has not previously been passed for payment.
 - (iv) That the account is arithmetically correct.
 - (v) That income tax is correctly accounted for in respect of sub-contractors / contractors

- (c) Once an order has been goods receipted, the relevant invoice will automatically be paid, subject to the following tolerance levels:

	+	-
Auto match	£0.05	£0.05

- (d) Authorised officers may approve orders to be manually matched for payment by Accounts Payable in the event the auto match between the GRN and invoices fails within the following tolerances:

	+	-
Manual match	£50	£50

Changes in excess of these tolerances will require an amendment to the order and re-approval by an Authorising Officer.

- (c)
- (d)
- (e) Orders, GRN and invoices shall be administered by Units promptly so that they can be included in the payment runs and support the payment of invoices in accordance with their payment due dates and secure entitlement to any early payment discounts..
- (f) The Director Finance shall examine, so far as considered necessary, accounts passed for payment, including the final accounts of contracts, and shall be entitled to receive such information and explanations as may be required to ensure that the accounts are in order, before payment is made.

9. Banking Arrangements and Cheques

- (a) All banking arrangements shall be made by the Director Finance.
- (b) Cheques shall be ordered only by the Director Finance who shall ensure that arrangements are made for their safe custody.
- (c) All cheques drawn shall be signed by the Director Finance or as otherwise approved by the Council, or shall bear the facsimile signature of the Director Finance.
- (d) The Director Finance shall be authorised to open such bank accounts as considered necessary in consultation with the Executive member with relevant portfolio.

10. Income

- (a) Arrangements for the collection and banking of all monies due to the Council shall be under the control of the Director Finance.
- (b) Directors/Corporate Managers shall supply to the Director Finance such information in connection with work done, goods supplied or services rendered on behalf of the Council and of all other amounts accruing as the Director Finance may require to ensure prompt recording and collection of all amounts due to the Council.

- (c) The Director/Corporate Manager issuing an invoice for monies due to the Council shall be responsible for the collection of the debt. Invoices must be raised promptly after delivery of goods or completion of the service. Where possible payment should be taken in advance or at the time of providing the goods or services

In the event that monies are outstanding after two months of the invoice date and after normal recovery processes have been undertaken, the Director/Corporate Manager shall advise the Director Finance of the details relating to the invoice and both shall agree what course of action should be taken:

- Continued direct contact with the debtor;
 - Arrangement of an instalment plan to recover the debt;
 - Use of an enforcement agency;
 - Use of legal support;
 - Any other options identified.
- (d) All income account forms and all official receipt forms, books, tickets, other documents and equipment used for acknowledging receipts or controlling income shall be in a form or of a type approved by the Director Finance and shall be ordered and controlled by him/her, or by another Director/Corporate Manager with his/her prior approval.
- (e) The Director/Corporate Manager is responsible for ensuring that the invoice has been allocated the correct financial and VAT code(s).
- (f) No employee shall give a receipt for money received on behalf of the Council on any form other than the official receipt.
- (g) Every Director/Corporate Manager shall maintain a correct and chronological record of all monies received and of the date and amount of deposit. All cheques banked must be individually listed and must have the appropriate receipt references entered against the amounts on the paying-in document. The receipt received must be filed for reference.
- (h) All monies received on behalf of the Council shall be paid over intact, either to the Director Finance or, by arrangement with him/her, direct to the Council's bankers.
- (i) Except where existing Council policy or statute requires otherwise, all proposals to introduce and vary charges for services shall be subject to the approval of the appropriate Director/Corporate Manager in consultation with the relevant Portfolio Holder and can be varied throughout the year. The Director Finance shall be informed of all variations and new charges introduced. Schedules of existing fees and charges shall be submitted to the Council through the Executive annually. Commercially sensitive fees and charges need not be published.
- (j) Property rental income shall be reviewed in accordance with rent review dates except where statutory provisions apply.

- (k) The Director Finance shall in consultation with the Director Corporate Services and the appropriate Director/Corporate Manager be authorised to write-off individual bad debts up to a limit of £500.

The writing-off of individual debts exceeding £500 shall in addition be subject to consultation with the Executive member with relevant portfolio or other appropriate Executive member with portfolio.

The Deputy Chief Finance Officer or Finance Manger - Corporate shall be authorised to write-off small balances of up to £50 on debts, where the majority of the debt has been recovered and it is considered too costly to pursue the outstanding balance.

- (l) Write-offs up to a value of £5 shall be treated as cancellations.
- (m) The Director Finance shall be authorised to write-off individual overpayments of housing benefits up to a limit of £1,000.

The writing-off of individual housing benefits overpayments in excess of £1,000 shall be subject to consultation with the Executive member with relevant portfolio.

- (n) The Director Finance shall be authorised to write off any debt which is considered irrecoverable by reason of the bankruptcy or liquidation of the debtor concerned.
- (o) The Director Finance shall present an annual report to the Relevant Committee outlining the number and detail of the decisions taken in respect of bad debts (details of which shall be kept in a separate register maintained by him/her).

11. Security of Cash

Each Director/Corporate Manager shall be responsible for making arrangements for the safe custody of cash, including imprest accounts and documents having a cash value entrusted to their care. These arrangements shall be approved by Internal Audit.

12. Disposal of Assets

- (a) The sale of any land or buildings which fall outside the powers given to employees in the scheme of delegations shall require the prior approval of the Executive.
- (b) (i) The disposal of assets individually valued at less than £150 may be undertaken at the discretion of the Director/Corporate Manager. The Director/Corporate Manager shall maintain appropriate records and shall immediately inform Internal Audit and the Director Finance of such disposals.

- (ii) The disposal of assets individually valued in excess of £150 but less than £1,000 may be undertaken by the Director/Corporate Manager with the written approval of the Director Finance. The Director/Corporate Manager shall maintain appropriate records of such disposals and inform Internal Audit.
 - (iii) Proposals for the disposal of other assets individually valued in excess of £1,000 shall at first be referred to the Director Finance and be subject to a tender process before seeking the consent of the Executive Member with Relevant Portfolio. The Director/Corporate Manager shall maintain appropriate records of such disposals and inform Internal Audit.
 - (iv) The disposal of vehicles, plant and equipment valued in excess of £1000 be delegated to the relevant Director via auction or other such appropriate mechanism subject to the prior written approval of the Director Finance. Internal Audit must be informed of each disposal.
- (c) The disposal of any museum exhibit or artefact shall be in accordance with the Council's policy and will require prior consultation with the Leader and Executive Member with Relevant Portfolio. All disposals shall be notified to Internal Audit and the Director Finance.
 - (d) Any IT equipment (including laptops, printers, cameras, mobile devices and any other peripheral items) is owned by Strata Service Solutions and must therefore be handed back to Strata when no longer required.

13. Investments and Loans

- (a) The Council will create and maintain, as the cornerstones for effective treasury management:
 - a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the treasury management policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the CIPFA Treasury Management in Public Services Code, subject only to amendment where necessary to reflect the particular circumstances of Exeter City Council. Such amendments will not result in a material deviation from the Code's key principles.

- (b) The Council's Executive will receive reports on its treasury management policies, practices and activities, including, as a minimum:
- An annual treasury management strategy including as a minimum an annual strategy and plan in advance of the year
 - A mid-year review
 - An annual report after the end of the financial year in the form prescribed in the TMPs.
- (c) The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Executive, and for the execution and administration of treasury management decisions to the Director Finance, who will act in accordance with the Council's policy statement and TMPs and, if a CIPFA member, with CIPFAs standards of Professional Practice on Treasury Management.
- (d) The Council designates the Strategic Scrutiny Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

14. Insurance

- (a) The Director Finance shall effect all insurance cover.
- (b) Arrangements for the processing and negotiating claims shall be made by the Director Finance.
- (c) Each Director/Corporate Manager shall promptly notify the Director Finance of the extent and nature of all new risks to be insured and of any alteration affecting insurable risks in their unit.
- (d) All insurance cover shall be reviewed annually by the Director Finance.
- (e) Each Director/Corporate Manager shall immediately notify the Director Finance of any claim made in writing outlining the circumstances under which any loss, liability or damage or any event likely to lead to a claim being made. For the avoidance of doubt, claims can be submitted via electronic means where possible.
- (f) All property insurable incidents should be reported to the Insurance and Finance Office, to enable the Council to initiate an insurance claim, if sufficient losses are recorded in a year.

15. Stock

- (a) Each Director/Corporate Manager shall be responsible for the custody and control of stock and equipment in their unit, records of which shall be maintained in a form to be approved by Internal Audit.
- (b) Each Director/Corporate Manager shall carry out an annual stock-take of such items as agreed by Internal Audit. Except where agreed, the stock-taking shall be carried out by some person independent of the stockholder concerned.
- (c) Subject to Financial Regulation 12, each Director/Corporate Manager shall be responsible for making arrangements to dispose of all obsolete and perishable stock within the year of obsolescence in their unit. Stock disposals should be notified to Internal Audit.

16. Imprest Accounts

The Director Finance in consultation with a Director/Corporate Manager may advance imprests to employees for the purpose of defraying certain minor expenses and other items. Each Director/Corporate Manager shall be responsible for maintaining arrangements and records for the control of imprests in a manner prescribed by Internal Audit.

17. Employees Records and Payments

- (a) The arrangements for the calculation of all salaries, wages, compensation and other emoluments to employees or former employees of the Council shall be approved by Human Resources.
- (b) These arrangements shall include the maintenance of all necessary records concerning pay, superannuation, national insurance and taxation. Directors/Corporate Managers shall ensure that sufficient information is provided to Human Resources for this purpose.
- (c) The making of all payments to employees and former employees of the Council in respect of salaries, wages, compensation and other emoluments shall be under the direct control of the Director Corporate Services. It shall be the duty of the Human Resources to notify the Director Finance promptly of all appointments, dismissals, resignations, transfers and any changes in rate of remuneration (other than normal annual increments) of all salaried employees of the Council. In addition, Directors/Corporate Managers shall notify Human Resources promptly regarding sickness and absence from duty, other than paid leave in respect of all employees in their units.
- (d) Human Resources shall ensure that employees leaving the employment of the Council have repaid, in full, any loans or sums owed to the Council.

In the event that, in the opinion of Human Resources, the amount outstanding is so substantial, that it would be unreasonable to deduct all monies owed from the employee's salary, then Human Resources shall in

consultation with Director Finance agree a repayment plan with the debtor to clear the outstanding balance in full within a reasonable period of time.

- (e) The Chief Executive & Growth Director shall be authorised to arrange for the implementation forthwith of any nationally agreed salary or wage award.
- (f) In all cases where sickness or injury allowances are paid to an employee who may have a legal right to damages, including loss of earnings, against a third party, it shall be the duty of the Director/Corporate Manager concerned to notify the Director Finance of the fact that a third party claim may be made. Human Resources shall follow up all such payments and ensure that, as appropriate, sickness pay is recovered from the employee.
- (g) On the recommendation of the Director/Corporate Manager, the Director Finance may approve a reimbursement up to a maximum of £200 for any losses or expenses incurred by employees resulting from loss of, or damage to, their clothing or personal effects, arising out of, or during the course of, their employment, and which are not covered by insurance. For the purposes of this regulation any person carrying out work for or on behalf of the Council or any of its employees in an official capacity (including a member) shall be deemed to be an employee. Any claim where there is a potential risk of personal injury shall be referred to the Council's insurers.

18. Partnerships and Third Parties

- (a) Partnerships
 - (i) The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local, private, voluntary and community sector organisations.
 - (ii) The Executive can delegate functions - including those relating to partnerships - to officers. Where functions are delegated, the Executive remains accountable for them to full Council.
 - (iii) The Director Finance shall ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He/she must ensure that risks have been fully appraised before arrangements are entered into with external bodies.
 - (iv) The Director Finance shall advise on effective controls that will ensure resources are not wasted.
 - (v) The Director Finance shall advise on the key elements of funding a project. In particular this includes:-

- A scheme appraisal for financial viability in both the current and future years
- Risk appraisal and management
- Resourcing including taxation issue
- Audit, security and control requirements
- Carry forward arrangements

(b) External Funding

Each Director/Corporate Manager shall be responsible for promptly notifying the Director Finance of all external funding awarded.

The Director Finance shall be responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

(c) Work For Third Parties

The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

19. Corporate Credit Cards

- (a) The Director Finance in consultation with the Chief Executive & Growth Director, or Director/Corporate Manager may issue a corporate credit card to enable goods, works or services to be procured on behalf of the Council. Officers issued with a credit card are responsible for the physical security and use of the card.
- (b) Each Credit Card holder shall be required to sign a form setting out their responsibilities as a card holder.
- (c) Each credit card holder/authorised user is responsible for:
- (i) ensuring that proper authorisation is held prior to an order and payment being made
 - (ii) as far as is reasonably practicable, that the goods, works, materials or service procured are obtained at the best possible terms in respect of cost, quality, compatibility and durability
 - (iii) the card is only used for bona fide and secure transactions
 - (iv) obtaining the required proofs of purchase including VAT receipts where appropriate to enable the Council to reclaim such expenditure. Where a VAT receipt has not been received, it is the responsibility of the holder/user to ensure that a VAT receipt is obtained as soon as possible
 - (v) ensuring that the goods have been received, and are of satisfactory quality and quantity
 - (vi) that appropriate entries have been made in inventories or stock records to record the items procured

- (d) Each credit card holder is responsible for:
 - (i) ensuring that the price charged is correct and as agreed
 - (ii) submitting a monthly reconciled account, together with all proofs of purchase and VAT receipts, to the Director Finance promptly.
- (e) The duties of certifying payment and receiving the goods, works, materials or services procured shall not be performed by the same employee, except where this has been agreed with the Director Finance.
- (f) Where a credit card holder or user gives notice to terminate their employment with the Council (or is to change duties within the Council), the Director Finance must be immediately notified so that arrangements may be made to restrict their ability to use the card after the termination/transfer date.

20. Urgency

Notwithstanding the foregoing regulations, in cases of urgency the appropriate Director/Corporate Manager in consultation with the Executive member with Relevant Portfolio, Chair of relevant Scrutiny Committee, Director Finance and Chief Executive & Growth Director shall have the power to authorise on behalf of the Council the incurring of any expenditure or any action which would otherwise be contrary to these regulations. The exercise of this authority shall in every case be reported to the next meeting of Executive or relevant Committee.

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EXETER CITY COUNCIL

Procurement and Contract Procedures



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PART A

SECTION 1:

The Role and Purpose

- 1.1. The Procurement and Contract Procedures (“the Procedures”) form part of the Council’s Financial Regulations within the Constitution) and apply to all Officers employed by Exeter City Council (‘the Council’) and should be complied with in all cases when the Council expects to spend money with external third party suppliers in order to provide value for Supplies, Works or Services.
- 1.2. The purpose of the Procedures is to:
 - i. Ensure the Council complies with all relevant legal requirements, including but not limited to domestic legislation, UK Public Contracts Regulations 2015 (“the Regulations”).
 - ii. Provide appropriate safeguards and due diligence to support the Council in how it undertakes procurement and commercial activities.
 - iii. Provide accountability, probity and transparency in the Council’s dealings within such activities.
 - iv. Provide clear direction in how procurement and commercial dealings with third party suppliers are to be made.
 - v. Support the policy framework and budget procedures of the Council.
 - vi. Support compliance with the Council’s Constitution, the Employee and Members Codes of Conduct.
 - vii. Promote Value for Money in both how Tendering is undertaken and resulting contracts are managed.
- 1.3. In addition to the Procedures there are supporting Procedural Notes which shall also be adhered to in relation to third party spend.

SECTION 2:

When do the Procedures apply?

Inclusions

- 2.1 The Procedures shall apply to both capital and revenue expenditure and cover contracts for Supplies, Works or Services.
- 2.2 Spending includes expenditure incurred by the Council where it is in receipt of and acting as lead organisation funded by external Grants (this includes funding requests or applications) and where expenditure is expected to be made to a third party. In the case of external Grants the Council shall ensure that in addition to the Procedures it complies with any specific Grant funding conditions as outlined by the funding partner, and / or UK Subsidy Control Bill (formerly State Aid / General Block Exemption Regulations).

Exclusions

- 2.3 The Procedures apply in respect of commercial dealings of the Council with third party organisations. However, there are certain situations where it would not be necessary to apply the requirements of the Procedures. For example, exclusions apply in the following situations:
- i. Appointments outside of the control of the Council, e.g. appointment of external auditors;
 - ii. Subscriptions to national organisations;
 - iii. Specific licensing requirements (e.g. TV / Public Entertainment);
 - iv. Planning and Highway Agreements (such as S.106, 278 and 38);
 - v. Grant payments from the Council to third parties;
 - vi. Loan payments or loans from the Council to third parties provided on market terms (otherwise State Aid considerations may apply);
 - vii. Disposal of surplus Goods / Supplies;
 - viii. Financial dealings by the Section 151 Officer;
 - ix. Employment contracts;
 - x. Acquisition, purchase, leases (and / or disposal) in relation to land matters, existing buildings or immovable property, provided on market terms.
 - xi. Acquisitions for museum collections; collections related material; the work of specific artist(s) or themed exhibitions, all having unique qualities or attributes.
- 2.4 In cases where these Procedures do not apply, other rules and legislation are likely to apply. The Responsible Officer shall ensure that they adhere to any relevant rules and legislation, and if in doubt seek advice on those other relevant rules and legislative regulations.

Exemptions

- 2.5 Wherever practically possible the Procedures should be followed and consistently applied. However, it is noted that there may be situations where it is necessary to seek Exemptions to the Procedures. In cases where Exemptions are sought then the Procedural Note: Exemptions to the Procedures shall apply, considering the following:

- i. Arrangements above £10k shall require formal authorisation as set out within the Exemption Procedure.
- ii. Exemptions shall be completed in advance of committing spend. If this is not undertaken, then a justification shall be made as to why this was not the case.
- iii. The Procurement Team shall be engaged prior to the decision to apply any Exemption to ensure that there is consideration given to the appropriateness of an Exemption and / or alternative courses of actions.
- iv. A formal Exemption does not forgo the other formal requirements or due diligence, for example, to ensure a formal contract is put in place / contract variation, proportionate contract management is undertaken or the obtaining of any formal decision to award the contract.
- v. Any Exemption granted over the Official Journal of the European Union (OJEU) Threshold approves only the anticipated non-compliance with the Council's Procedures and does not mitigate the risks associated with non-compliance with the Regulations or the European Union (EU) Procurement Directive as applicable.
- vi. Exemptions shall be in line with the supporting 'Procedural Note: Exemptions' and 'Delegation to Officers and Deputies' as detailed in the Councils Constitution.

Breaches and non-compliance

- 2.6 The Procedures are an essential part of the overall Constitution of the Council. Those with responsibility for fulfilling their duties in line with these Procedures are required to maintain ongoing knowledge and awareness to ensure compliance with the Procedures.
- 2.7 In addition, it will be the responsibility of Responsible Officers (including those with line management responsibilities) to address non-compliance swiftly and in the most appropriate way according to the circumstances. Any potential misuse or non-compliance of the Procedures will be reported to the Service Lead – Commercial and Procurement.
- 2.8 Non-compliance with the Procedures may result in the Council's Disciplinary and Capability Procedure being invoked. In respect of willful, negligent, repeated or other serious breaches this could result in significant sanctions and even dismissal.
- 2.9 Means of reporting concerns can also be raised anonymously in line with the Council's [Whistleblowing Policy](#).
- 2.10 The Procedures do not negate the requirement to follow the Council's formal decision making process, "Delegation to Officers and Deputies" as set out in the Constitution and specific processes enforced by an individual Department or Service.

SECTION 3:

Guiding Principles

- 3.1 This section sets out guiding principles on what is expected in incurring expenditure on behalf of the Council with third party suppliers is made, and should be applied wherever possible:
- i. To be accountable in how procurement and contract management is undertaken;
 - ii. Seek Value for Money through competition;
 - iii. Act in a joined-up manner consistent with considering category spend requirements across the whole Council and not in isolation,;
 - iv. Seek to obtaining Value for Money and benefit through collaborative arrangements;
 - v. Be fair, non-discriminatory and consistent with suppliers or others in the process and avoid unnecessary burdens or constraints;
 - vi. Be efficient in how processes are applied;
 - vii. Procurement processes should be carried out as cost effectively as possible;
 - viii. Maintain and protect commercial confidentiality where required;
 - ix. Act legally, conforming to the principles of public sector procurement (non-discrimination; equality of treatment; openness and transparency; mutual recognition; proportionality) and with integrity ensuring avoidance of fraud, corruption or collusion in dealings with suppliers or others and third parties;
 - x. Apply an appropriate balance and proportional levels of due diligence to safeguard risks;
 - xi. Ensure required levels of authorisation and governance are applied to enable informed decision making;
 - xii. Procurement decisions are duly planned, consider ongoing costs and contract management arrangements;
 - xiii. Comply with the expectations of procuring in the public sector;
 - xiv. Maintain the reputation and standards expected of the Council and Public Sector.
- 3.2 The expectation is that these principles are diligently and consistently applied and unless there are clear and evidenced reasons to the contrary. For those with responsibilities in applying the Procedures as intended, they should do so in an informed manner which supports and upholds the guiding principles as set out.

SECTION 4:

Roles and responsibilities

Specific responsibilities.

4.1 Specific responsibilities as follows:

Chief Finance Officer / Section 151	Ensuring overall probity in respect of related financial matters, through relevant controls and monitoring.
Monitoring Officer	Acting as the ultimate point of escalation in respect of breaches or non-compliance with the Procedures. Applying the requirements of the Monitoring Officer role diligently in consideration of matters concerning the Procedures.
Service Lead – Legal Services	Ultimate point of authorisation in respect of contract signatory and execution.
Corporate Manager/ Director	Authorisation in line with levels as set out in the Authorisation Process and Scheme of Delegation as set out in the Constitution. Ensuring awareness and compliance within their respective areas of responsibility. Escalation point to investigate and / or action breaches and non-compliance within the respective area of responsibility and, where necessary, onward escalation to Director / Monitoring Officer.
Service Lead – Commercial and Procurement	Overall ownership of the Procedures and ensuring that the overall framework for commercial considerations is complied with robustly and effectively. Ensuring compliance with the Council's overarching decision-making responsibilities and providing related guidance. On occasions will also have the same responsibilities as outlined in the Responsible Officer definition.
Elected Members	Ensuring compliance with the Members' Code of Conduct, including in relation to any interests they may have, and any specific responsibilities they have in relation to the Procedures themselves. Make such decisions as are referred to them for determination in relation to these Rules.
Legal Services	Advising on legal matters relating to Contract Terms and Conditions. Point of escalation in relation to formal challenges within procurement or contract matters.
Portfolio Holder	Maintaining an ongoing awareness of exempted spend. Ensuring accountability is maintained by those Officers with responsibilities for delivery of the Procedures.

Procurement Team	Acting as primary advisory service in relation to public sector procurement, commercial and contract management matters.
Responsible Officer	<p>This will include the relevant Service Lead and officers carrying out any of the following activities, including:</p> <p>Quoting, Tendering or contract renewals in line with the Procedures</p> <p>Seeking additional advice where these Procedures do not apply.</p> <p>Ensuring there is a genuine and legitimate business requirement for the spend and an approved budget and acting with the authority of the budget holder.</p> <p>Ensuring that the appropriate Authorisations have been received in respect of committing spend.</p> <p>Drafting fit for purpose specifications for each procurement which meet the requirements of the procurement.</p> <p>Providing justification for any deviation from the approved Sourcing Strategy.</p> <p>Accurately estimating the total contract value at the start of each procurement.</p> <p>Conducting sourcing / procurement in line with the Authorisation Process.</p> <p>Applying Exemptions where appropriate. Implementing contract management to ensure compliance with the terms and conditions of the contract. .</p> <p>Reporting matters of breach or non-compliance.</p> <p>Engaging the Corporate Procurement Team.</p>
Senior Management Board	<p>Maintaining a strategic overview of compliance with the Procedures and overall accountability for non-compliance with the Procedures in their respective areas of responsibility.</p> <p>Instructing relevant changes to ensure compliance and controls remain effective.</p> <p>Authorisation in line with levels as set out in the Authorisation Process.</p>

PART B

SECTION 5:

Sourcing Strategy

General

5.1 The following Sourcing Strategy is based on the assumption that there is a proven need and requirement for the Supplier, Works or Services. The Sourcing Strategy shall be applied when considering how to fulfil a proven need and requirement, and done in the following order of priority:

Step 1: Consideration for the Council to self-deliver the requirements direct by the Council or through a Council formed Company in accordance with Regulation 12 of the PCR 2015 ('Teckal Company');

Step 2: Purchasing via established compliant Value for Money Council contract, Council framework or alternative Council compliant arrangement (e.g. Dynamic Purchasing arrangement);

Step 3: Undertaking new procurement process – including Procurement via established alternative Public Sector compliant Value for Money contract, framework or alternative compliant arrangement (e.g. Dynamic Purchasing arrangement);

5.2 In considering the Sourcing Strategy and route to market, benefits of collaboration opportunities should be considered, along with overall Value for Money.

5.3 Formal option appraisal to be used on arrangements above £ £100k.

5.4 Consideration of these steps should be captured within the Commercial Endorsement Form.

Step 1: Self-delivery or Purchase

5.5 Where no current arrangements exist for the provision of the Supplies, Works or Services, a decision shall be taken as to whether the Council should look to self-deliver the requirements, ahead of looking to formally make any arrangements to purchase via a third party supplier(s).

5.6 To aid decision making as to whether a procurement process and ultimately a contract with a third party supplier is required, consideration shall in the first instance be given as to whether the Council has the skills, capacity, competency and experience to self-deliver the Supplies, Works or Services and if so, whether this can be done in a cost effective manner which ensures Value for Money.

5.7 The decision around self-delivery, for example delivery direct by the Council or Council's Teckal company or purchasing via a third-party supplier relationship, shall be taken prior to undertaking a formal procurement process.

5.8 The decision around self-delivery or not to shall be proportional to the nature of the anticipated spend and supported by consideration of Value for Money. Typical examples where consideration of direct award may be applied are:

- i. The Council has established a Teckal Company delivering in that similar space.
- ii. Consideration is taken to establish a new service provision.

iii. Provision of Services and Works, less likely the provision of Supplies.

5.9 Where a decision is taken to self-deliver the Supplier, Works or Services, through one of the Council's Companies (either established or new) then this should be supported by an appropriate and proportionate Service Level Agreement to ensure Value for Money is delivered in any arrangement. The reasons around any decisions should be captured for audit and accountability reasons.

Step 2: Purchasing via Council contract, framework or alternative compliant arrangement (e.g. Dynamic Purchasing arrangement or Neutral Vendor arrangement)

5.10 In the event where a decision is to purchase or call off from existing compliant Council arrangements, then due regard shall be taken to ensure the purchase / call off conditions under that arrangement are duly applied.

5.11 Authorisation levels for the spend are to be in line with the Assurance and Authorisation process as outlined in Procedural Note: Commercial Assurance and Authorisation.

5.12 Where it is known, or likely to be known that, the total level of spend is of a certain value, then the approvals should be for the upper estimate for the purchases. It will not be deemed appropriate to place smaller values of spend to circumvent the Authorisation Process, which would likely adversely impact value to be obtained from an aggregated spend approach and also be in breach of the wider procurement directives.

5.13 In consideration of use of existing Council contracts or framework agreement it will be important to understand the implications any additional requirements may have on the contract such as exclusivity clauses, locked in volume discounts, guaranteed minimum values, block payments or framework rebates and to consider the materiality of any additional spend placed through that contract.

Step 3: Undertaking new procurement process

5.14 Commencing a new formal procurement process shall be undertaken where the Council is not deemed to be able to deliver the requirement themselves by making the Supplies, Works or Services, and that the Council does not have any existing commercial arrangements which would otherwise fulfill the requirements.

5.15 Undertaking a new procurement will include either the Council conducting and running a new procurement process themselves (e.g. advertising the requirements, supplier engagement, evaluations, award, and contract), or procurement via established alternative Public Sector contract, Framework Agreement or alternative compliant arrangement (e.g. Dynamic Purchasing arrangement or neutral vendor arrangement).

Other considerations.

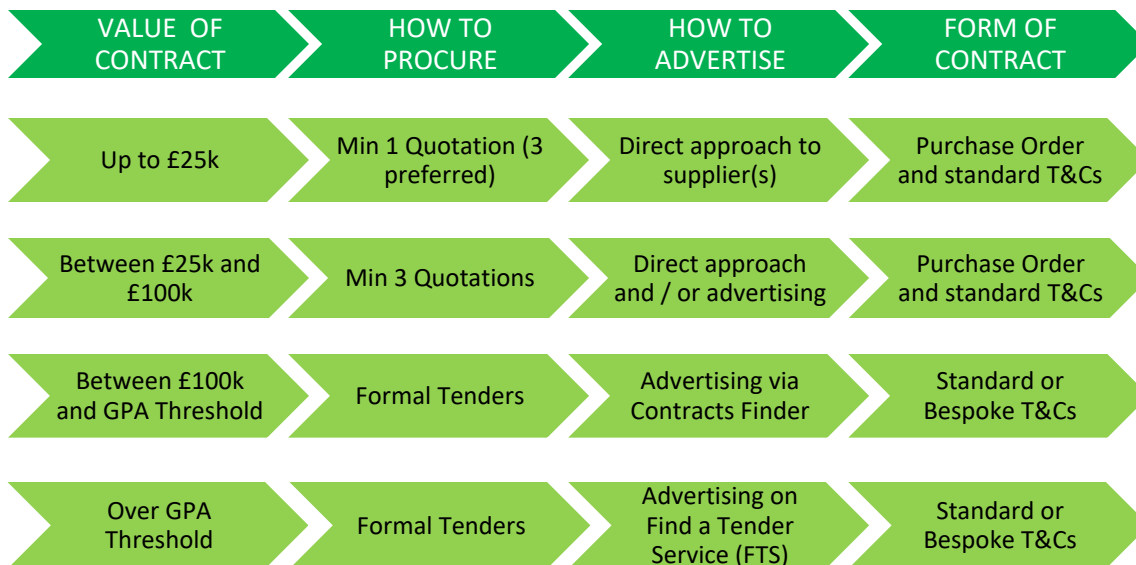
5.16 Where there is external funding (e.g. external Grant funding) care should be taken to ensure that funding conditions in how spend is made are followed to avoid risks around reclaiming of Grant monies from the funder.

SECTION 6:

Financial levels / thresholds

- 6.1 When estimating the total contract value the estimate shall be:
- i. For the whole life term of any anticipated contract, for example, if the value is £50,000 per annum for two years, then the total value of the contract is estimated at £100,000. If the length of a contract is uncertain and the value cannot be reasonably estimated, the total contract value will be its total value over 4 years;
 - ii. Net of Value Added Tax (VAT);
 - iii. The value of any non-monetary consideration or benefit the Council is giving e.g. Concession elements;
 - iv. The value of anything the Council is getting for free as part of the contract;
 - v. Any amount that could be paid by extending the contract (if it is possible to extend it);
 - vi. In the event of Works procurement, it shall be for the total estimated value of the Works themselves.
- 6.2 A single contract must not be undervalued or split into smaller contracts to circumvent these Authorisation levels as set out in the Procedures, undermine aggregated spend considerations or the Regulations.
- 6.3 Where the proposed procurement for Supplies, Works or Services may result in the requirement being split into Lots, the value shall be based upon the value of all Lots.
- 6.4 Where the initial estimate of the contract value is within 10% below the relevant GPA Threshold, consideration should then be taken as to apply the considerations as defined by the Public Contract Regulations 2015. Furthermore detailed calculation shall be conducted in accordance with Regulation 6 of the Regulations.

FIGURE 1 Value Thresholds for New Procurement Arrangements



NOTE: 1. Latest GPA Thresholds for Supplies, Services and Works can be accessed via the following link: [Thresholds \(wto.org\)](#)
 2. For the purposes of Quotation it is deemed an estimate as opposed to Tender when it is deemed as a formal offer requiring acceptance.

- 6.5 For below GPA threshold contracts Officers may have regard to Procurement Policy Note (PPN) 11/20, for reserving below UK threshold procurements to suppliers: by location; and for SME /VCSE organisations, in consultation with the Procurement Team.
- 6.6 In the event where the Council’s preferred route to market is via an established public sector contract, Framework Agreement or alternative compliant arrangement (e.g. Dynamic Purchasing arrangement or Neutral Vendor agreement) there would not be the requirement to advertise the requirements. Any call offs and contracting via such routes to market shall be in accordance with the public sector contract or Framework Agreement’s terms and conditions.
- 6.7 Where permissible, this will include considerations of direct awards and further competition under the contract or Framework Agreement.
- 6.8 Prior to any direct award via a Framework agreement above £100,000 an Exemption Form must be completed by the Responsible Officer and authorised by the appropriate Council officers as set out within the ‘Procedural Note –Exemptions’.

TABLE 1 Authorisation Levels

Authorisation Levels - Supplies, Works and Services	Authorisation Points
<p>Total Contract Value Below £100,000</p>	<p>The Responsible Officer with budget responsibilities in the Service area with the requirement will be responsible for taking a proportional approach to justifying the spend and holding all supporting documentation for audit and reporting purposes.</p> <p>For contracts in excess of £5k the Responsible Officer must provide details of the contract as required in the Contracts Register Entry form to the Procurement Team so that these can be published in line with transparency legislation.</p>

£100,000 to GPA Threshold	Appropriate Corporate Manager / SMB Member in conjunction with Service Lead – Commercial and Procurement
Above GPA Threshold for Services up to £1 million	SMB Member and Portfolio holder authorisation
Over £1million (key decision)	Executive Committee and Full Council

6.9 The Authorisation Process shall be applied at the following stages:

- i. Confirmation of business case / Options Appraisal – Authorisation at this stage provides authority to commence with the purchase / procurement process in line with the agreed business case, options appraisal and route to market.
- ii. Confirmation of Award – Authorisation at this stage provides authority to enter into the contractual agreement with the preferred supplier as a result of the outcomes from the approved purchase / procurement approach.
- iii. Confirmation of Benefits Realisation (above OJEU Level for Services)

6.10 Records of authorisation approvals shall be captured on the Commercial Endorsement Form.

Contract Signature

6.11 Formalising contracts and execution (signing or sealing) shall be completed in line with Table 2 below.

TABLE 2 Contract signature and sealing summary

Total Value	Method of Completion	By Whom
Below £100,000	Purchase Order or standard terms	The Responsible Officer in line with the Scheme of Delegation .
Above £100,000 - below £1million	Signature*	
£1million and above or a Key Decision	Sealing	

*unless Seal required in line with 6.11 below

6.12 All Contracts must be signed by both parties prior to the commencement of the Supply, Work or provision of the Services and dated following sealing/signature by both parties.

6.13 Where a Contract is entered into under seal it shall be by way of deed which is effected by applying the Council's seal attested by the appropriate officer under the Scheme of Delegation and Standing Orders. The seal shall not be affixed without the authority of the appropriate decision-maker in accordance with the [Scheme of Delegation](#) and Standing Orders.

6.14 A contract shall be sealed where:

- i. the Council may wish to enforce the contract more than six years after its end; or
- ii. the price paid or received under the contract is a nominal price and does not reflect the value or significance of the Supplies, Services or Works; or
- iii. the total value exceeds £1,000,000; or
- iv. in any other circumstances where it is considered appropriate to do so in consultation with Service Lead - Legal Services.

6.15 Contracts must be signed by both parties prior to the commencement of the Supply, Work or provision of the Services.

SECTION 7:

Overall approach to be applied

- 7.1 Consideration must be given to the timescales required for any procurement exercise to take place. Where the procurement is to re-Tender this is essential to ensure continual service. Any re-Tendering exercise must comply with the Procedures and the Regulations.
- 7.2 The Councils Electronic Tendering System, shall be used for all Quotations and Tenders over £100k where actions can be tracked for accounting and audit purposes, and benefits from the relevant encryption and security that comes with the Electronic Tendering System. This shall include:
- i. Issuing Quotations / Tenders
 - ii. Receiving, and opening quotations / Tender submissions
 - iii. Confirming Quotation / Tender intention to award decisions
 - iv. Supplier clarifications and responses

Preliminary Market Engagement

- 7.3 Provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency, where necessary preliminary market engagement may be conducted to better understand the nature of the market and how the market place may respond, help shape the understanding on what shape the requirements may take, gather proportionate market intelligence with the aim to inform any resulting procurement process.
- 7.4 Care must be taken not to jeopardise any formal procurement that may follow. Where any preliminary market engagement / consultation has taken place details of this should be captured and findings made available as part of any formal procurement that may follow.
- 7.5 The principles of the Regulations shall apply, in particular see:
- [Regulation 18](#) - acting in line with the principles of public sector procurement)
 - [Regulation 40](#) - empowering Contracting Authorities in being able to undertake preliminary consultation
 - [Regulation 41](#) - requiring contracting authority take appropriate measures to ensure that competition is not distorted by the participation of that candidate or Tenderer.

Due Diligence

- 7.6 Relevant subject matter experts (e.g. service area teams, Legal Services, Finance, etc.) are to be consulted at appropriate times during the procurement process. (Reference should also be made in relation to the Procedural Note: Assurance and Authorisation and the Commercial Assurance Summary).

Advertising

- 7.7 The advertising stage is the formal notification of commencement of the procurement, to make potential suppliers and third parties aware of the procurement opportunity. In the event where the route to market is via a formal quotation / procurement then primary means of advertising shall be via:
- i. Contracts Finder (above £30k – inclusive of VAT) – More information can be accessed at [Regulation 106](#) which details the requirement to publish at a National level and the information to be provided.
 - ii. FTS (above relevant GPA Thresholds) - [Find a Tender \(find-tender.service.gov.uk\)](http://find-tender.service.gov.uk) which provides the link to the FTS Portal.
 - iii. Both of the above means of advertising will be delivered via the Councils E-Tendering portal which automatically punches out the adverts to the required external system as required for the threshold of that contract.
- 7.8 Consideration shall also be made to the use of the Council's website and social media, plus where relevant other outlets to ensure the opportunities are suitably publicised.
- 7.9 All documents related to the procurement shall be complete and ready as a formal Tender pack for suppliers at the time of advertising.
- 7.10 Where a decision is taken to purchase or formally procure via an established framework agreement, then there is no requirement to advertise.

Clarification during the process

- 7.11 Clarifications regarding procurement documentation which are received from a Tenderer are to be received and replied to via the Councils E-Tendering portal. Any response to clarification questions raised by Tenderers during the procurement process shall be shared with all Tenderers for the purposes of openness and transparency.
- 7.12 In the event where the clarification and / or the response is commercially confidential to the organisation raising the clarification then the clarification / response should not be shared. In such cases care shall be taken not to adversely advantage or disadvantage any parties.
- 7.13 It should be noted that discussions with Tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-Tender negotiations) shall not be undertaken. Advice should be sought from the Procurement Team in the event of single Quotation / Tender submissions.

Submissions and openings

- 7.14 As noted in 7.2 above all Quotations and Tenders for contracts above £100k shall be managed through the Councils Electronic Tendering system, and it is optional to use the Electronic Tendering System for contract below £100k.
- 7.15 All Quotations and Tenders shall be submitted in accordance with requirements set out within in the Invitation to Tender.

- 7.16 All Quotations / Tenders received must be opened together at one time in a suitable place in line with the Authorisation Levels.
- 7.17 Upon opening the Quotations / Tenders received they must be registered and recorded to confirm the following information:
- i. name and address of company submitting Tender;
 - ii. Tender value;
 - iii. date and time of opening;
 - iv. names of the officer present at the time of opening.
- 4.17.1 Within the Electronic Tendering System the opening of the tenders is known as verification. In all cases of Tenders in excess of £100k, a representative from Internal Audit will carry out the verification process within the Electronic Tendering System.

Missing, Omitted or late information

- 7.18 If there appears to be an error in the information submitted by the Tenderer, including missing or omitted material, then Procedural Note: Missing and Omitted Materials from a Quotation or Tender shall be followed, and / or Procedural Note: Late Submission as may apply.

Evaluations

- 7.19 All award criteria, including sub-criteria, shall be established at the outset of any process and made clear in the Tender documents and referenced within the advertisement.
- 7.20 Evaluations and any resulting award decisions shall be made against the award criteria published at the time of advertisement. In exceptional circumstances award criteria and sub-criteria may need to be varied during the procurement process and where this occurs all potential bidders will be notified of the variations prior to the deadline for the submission of Quotations / Tenders. Consideration shall be given to extending the submission deadline and / or whether it is appropriate to continue with the process or cancel and recommence as appropriate. Award criteria shall:
- i. Clearly disclose how scores are to be awarded to responses
 - ii. Clearly disclose whether and how sub-criteria are to be used
 - iii. Be relevant and proportionate to the subject matter of the contract
 - iv. Be non-discriminatory
- 7.21 The award criteria shall be based on the principles of the Most Economically Advantageous Tender (MEAT). Formal award decisions shall be in accordance with these Rules and the Council's decision-making requirements.
- 7.22 Any commercial information such as prices shall not be shared with the evaluation team until the final scores for all other elements have been collated.
- 7.23 The award process to be followed will depend on the total contract value.

Award (Above £100k to below GPA Threshold)

- 7.24 The principles of the Regulations shall be considered and applied as appropriate including:
- i. Informing unsuccessful applicant(s) and preferred applicant(s) of the outcomes of the evaluation.
 - ii. Informing the unsuccessful applicant(s) of the relative characteristics of the preferred applicant to their bid.
 - iii. Confirming what the Council will be doing to conclude contractual matters with the preferred Tenderer.
- 7.25 Details around the award of all contracts above £30k shall be provided via Contracts Finder in line with Public Contract Regulations 2015 – [Chapter 8](#)
- 7.26 Proportional consideration shall be applied in arrangement below £100k.

Award (OJEU Threshold and above)

- 7.27 Contract Award Notices shall be published in accordance with the requirements of the Public Contract Regulations and will be complied with, in particular application of [Chapter 7](#)
- 7.28 In the event of a contract award in excess of the GPA threshold, a Mandatory Standstill period shall apply prior to concluding any formal contract, in line with the Public Contract Regulations, [Regulation 87](#) (detailing the requirement to provide details of preferred supplier and debrief unsuccessful suppliers ahead of any formal contract).
- 7.29 Voluntary standstill may be applied to sub-GPA threshold procurements.
- 7.30 The Contract Award Notice shall be published:
- i. in FTS no later than 30 days after the date of award of the contract (if relevant);
 - ii. on the Council's contracts register;
 - iii. on Contracts Finder for contracts over £30,000

Contract matters

- 7.31 All Contracts will be in writing or other approved electronic format and will specify:
- i. the work, service, Supplies or materials to be supplied;
 - ii. the price, or the basis for determining the price to be paid;
 - iii. all discounts or other deductions;
 - iv. the time or times of performance.

- 7.32 No contract will provide for payment by the Council in advance of satisfactory performance or delivery unless with the express approval of the Responsible Officer in consultation with the Chief Finance Officer.
- 7.33 Contracts entered into must be on the Council's terms and conditions, or where procured under a Framework Agreement the Terms as set out under that agreed Framework Agreement, which must be included with each Invitation to Tender (ITT). Exceptions to this rule must be approved by the Service Lead – Legal Services via negotiation with the Supplier.
- 7.34 The Responsible Officer must ensure that a job title and suitable person is named as the Contract Manager for all new contracts. All contracts must have a named Contract Manager for the entirety of the contract and this person is responsible for ensuring that performance is monitored and the terms of the contract are delivered. The appointed Contract Manager should have the necessary skills and knowledge to manage the contract.
- 7.35 Any contract may be extended or varied if the terms of the contract allow, and the extension or variation is within the parameters of the terms of contract. Where a modification to the contract or framework is not expressly provided for in the initial procurement documents and the contract or framework agreement, the involvement of both Service Lead – Legal Services and the Procurement Team is required to assess the commercial and legal implications of any such modification. All modifications shall be in writing and in accordance with the terms of the relevant contract or framework agreement.
- 7.36 Contracts may only be terminated after seeking advice from the Procurement Team and the Service Lead – Legal Services.
- 7.37 Once the contractual formalities have been completed all original signed copies of contracts over £100k must be sent to the Council's Property Records for safekeeping with the second copy being sent to the supplier. This will be done by Legal Services where the contract has been sealed and by Procurement where the contract has been signed. A copy of the contract must be held by the named Contract Manager and a scanned copy must also be sent to the Procurement Team. This shall apply also for formal changes, variations and extensions as may apply to the Contract. All formal changes, variation and extensions must be signed off by Legal.
- 7.38 Contracts must be kept for at least six years from their end date if they were signed; and for at least 12 years from their end date if they were sealed.
- 7.39 The Procurement Team will maintain a central contracts register of all contracts over £5k awarded and these will be published in accordance with the requirements of the Local Government Transparency Code 2015.

SECTION 8:

Other Matters

- 8.1 The Procedures as set out are aimed to cover the majority of events and circumstances which may arise in the general dealings of the Council, principally procurement and contract matters below the European Thresholds and the more conventional procedures referenced in the Regulations.
- 8.2 In the event of the following specific matters, then further advice should be sought where these either apply or are being considered as suitable solutions:
- i. **Concessions Arrangements**, including reference to the Procedural Note: Concessions; <http://www.legislation.gov.uk/ukxi/2016/273/contents/made>
 - ii. **Competitive Procedure with Negotiation** (formal process set out in the Regulations which enables multiple rounds of negotiation to be built into the process – see <http://www.legislation.gov.uk/ukxi/2015/102/regulation/29>
 - iii. **Competitive Dialogue** (formal process set out in the Regulations which seeks to identify the right solution and preferred bidder in a structure competitive dialogue process – see <http://www.legislation.gov.uk/ukxi/2015/102/regulation/30/made>);
 - iv. **Innovation Partnerships** (The aim of the innovation partnership being to develop 'an innovative product, service or works' and to subsequently purchase 'the resulting supplies, works or services – see <http://www.legislation.gov.uk/ukxi/2015/102/regulation/30/made>);
 - v. **Subsidy Control** (Consideration of matters that may provide advantage granted by public authorities through state resources on a selective basis to any organisations that could potentially distort competition and trade in the UK; [Subsidy Control Bill - GOV.UK \(www.gov.uk\)](http://www.gov.uk))
 - vi. **Reserved Contracts - Sheltered Workshops** (Cases where Contracting Authorities may reserve the right to participate in public procurement procedures to sheltered workshops and economic operators, e.g. whose main aims are social and professional integration of disabled or disadvantaged persons or may provide for such contracts to be performed in the context of sheltered employment programmes, provided that at least 30 % of the employees of those workshops, economic operators or programmes are disabled or disadvantaged workers <http://www.legislation.gov.uk/ukxi/2015/102/regulation/20/made>);
 - vii. **Reserved Contracts** (VCSE – Light Touch)

SECTION 9:

Strategic

9.1 The following Procedural Notes are considered to be strategic and generally apply in application of the Procedures and therefore need to be considered in all situations:

Procedural Note	Commercial Assurance and Authorisation
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Operational

9.2 The following Procedural Notes apply in specific operational situations or circumstances and would need to be applied if / when such situations arise:

Procedural Note	Exemptions
Procedural Note	Late Submissions
Procedural Note	Missing and Omitted Materials
Procedural Note	Concessions

Key defined terms

Authorisation Process	<i>For the purpose of this document shall mean the formal process as set out in the Procedural Note: Commercial Assurance and Authorisation, and further referred to within these Procedures</i>
City Solicitor	<i>Shall mean the Council's postholder within the role as detailed</i>
Commercial Assurance Form	<i>Shall mean the form referenced within the actual Procedural Note: Commercial Assurance and Authorisation.</i>
Concession Arrangement	<i>Meaning where the provision and the management of services or the execution of works is entrusted to one or more economic operators, the consideration of which consists either solely in the right to exploit the services or works that are the subject of the contract or in that right together with payment. Note: In the event of applying a Concession the Council's Procedural Note: Concessions shall be applied.</i>
Constitution	<i>The Council's formal constituted governance arrangements which can be found here: Browse - Constitution - Exeter City Council</i>
Contract Award Notice	<i>means a contract award notice referred to the Regulation (50 or 75(3)) detailing information around outcomes of successful Tenderer and the specific details of the Tender itself.</i>
Contracts Finder	<i>means the web-based portal provided for the purposes of Part 4 of the Public Contracts Regulations 2015 by or on behalf of the Cabinet Office</i>
Council	<i>means Exeter City Council and any subsidiary parts</i>
Dynamic Purchasing System (DPS) / Agreement	<i>As defined under the Public Contract Regulations 2015 (Regulation 34), and shall mean a system shall be operated as a completely electronic process, which remains open to any economic operator throughout the period of validity of the purchasing system that satisfies the selection criteria.</i>
Electronic Tendering System	<i>Formal recognised dedicated electronic Tendering system for all communication and information exchanges in relation to public sector Tendering with third party suppliers and organisations, including electronic submission and means of communication in accordance with the requirements of the Regulations</i>
Framework Agreement	<i>As defined under the Public Contract Regulations 2015 (Regulation 33) and shall mean an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period.</i>
Grants	<i>For the purpose of this document external Grants shall mean a payment to help the recipient (e.g. charity). In return, the grant funder (e.g. the Council) gets no services delivered directly. A grant is usually provided subject to conditions that state how the grant shall be used (for example to support the wider objectives of the public body in promoting the social, economic or environmental well-being of their area). Grant funding is usually preceded by a call for proposals. The grant offer letter will normally set out general instructions as to how this is to be achieved, for example, that children need to be kept entertained by taking them on excursions and have sporting activities.</i>
GPA Threshold	<i>The public procurement thresholds which define certain requirements on public sector organisations in how public sector procurement is to be conducted. Details of the thresholds can be found via Thresholds (wto.org)</i>
Invitation to Tender (ITT)	<i>Means the documentation providing details about the Tender that is issued to organisations (contractors & Suppliers) invited to Tender for a contract, for the provision of goods, services or works</i>
Lots	<i>Term used to describe splitting of main contract into smaller defined elements, for example to enable smaller suppliers to bid for defined elements of the contract.</i>
Most Economically Advantageous Tender (MEAT)	<i>As defined under the Public Contract Regulations, contracts to be awarded on the basis of a revised definition of Most Economically Advantageous Tender (MEAT), considering price and quality but permits, amongst other things, the awarding of contracts on the basis of lowest price.</i>
Monitoring Officer	<i>Legally appointed officer (City Solicitor) in line with the Local Government Act 2000, as defined in the Council's constitution. The monitoring officer has the specific duty to ensure that the Council (Officers and its elected Members) maintain the highest</i>

	<i>standard of conduct, the main roles being: to report on matters believes are, or are likely to be, illegal or amount to maladministration; to be responsible for matters relating to the conduct of Officers and elected Members; and to be responsible for the operation of the council's constitution.</i>
Officers	<i>Those employed members of staff (permanent or interim) representing the Council in official capacity.</i>
Procedures	<i>Shall mean the Procurement and Contract Procedure themselves (encompassing the supporting Procedural Notes)</i>
Public Contract Regulations 2015 (The "Regulations")	<i>The UK Public Contracts Regulations 2015 as amended. Where this reference is made within these Procedures, then the Regulations need to be referred to and complied with.</i> http://www.legislation.gov.uk/ukxi/2015/102/contents/made
Quotation	<i>For the purposes of Quotation is deemed an estimate as opposed to Tender when it is deemed as a formal offer requiring acceptance.</i>
Responsible Officer:	<i>Means the Officer within the Council who is the budget holder and who has direct responsibilities from an operational / client perspective for the goods, works and services.</i>
Scheme of Delegation (Delegation to Officers & Deputies)	<i>Delegated authorities as defined under the Council's Constitution, and in particular part 3(d) the Delegation to Officers and Deputies; (No.3d)</i>
Senior Management Board (SMB)	<i>The overall Senior Management Team for the Council, including the Chief Executive and Directors.</i>
Services	<i>Contracts, or Tenders for contracts, which have as their object the provision of services.</i>
Service Level Agreement	<i>An agreement setting out expectations on service levels and responsibilities between the Council and one of it "own" stand alone service providers such as Teckal company</i>
Sourcing Strategy	<i>The Sourcing Strategy relates to the approach to be applied in relation to whether a procurement is to be carried out or not, as detailed in Section 5 of these Procedures.</i>
Standstill / Mandatory Standstill	<i>As defined under the Public Contract Regulations 2015 (Regulation 87) and shall mean the time period where for OJEU Threshold Tenders an intention to award notification has to be made outlining the preferred bidder, ahead of formally concluding a contract.</i>
Supplies	<i>Contracts, or Tenders for contracts, which have as their object the provision of supply of goods.</i>
Supplier	<i>Independent third party organisations to the Council who are either providing supplies, works or services to the Council via contracts, or who would have interest in doing so.</i>
Tender	<i>Formal process in which the Council seeks the supply of supplies, works or services from third party suppliers (inc. voluntary organisations)</i>
Teckal	<i>Teckal" being a company which within certain parameters benefits from contracts for works, services or supply from its controlling Contracting Authority, e.g. the Council, without having to go through a competitive Tender process).</i>
Tenderer	<i>A third party supplier who is engaged in providing a response to the Council's requirements via a Quotation / Tender process.</i>
Value for Money	<i>National Audit Office (NAO) uses three criteria to assess the value for money i.e. the optimal use of resources to achieve the intended outcomes:</i> <ul style="list-style-type: none"> • <i>Economy: minimising the cost of resources used or required (inputs) – spending less;</i> • <i>Efficiency: the relationship between the output from goods or services and the resources to produce them – spending well; and</i> • <i>Effectiveness: the relationship between the intended and actual results of public spending (outcomes) – spending wisely.</i>
Works	<i>Contracts, or Tenders for contracts, which have as their object the provision of Works (e.g. construction / demolition).</i>

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Procedural Note – Exemptions

NOTE: This Procedural Note forms part of the Procedures and shall be read in conjunction with the Procedures and any associated Procedural Notes

Background

1. This Procedural Note outlines the steps to be undertaken where the Procedures are not able to be followed for a specific reason.
2. Where this is the case, this Exemption Procedural Note is intended as a means of providing formal authorisation for “exemption” from specific elements of the Procedures.
3. The approval of an Exemption does not remove the requirement for procurements to follow the Council’s formal decision making processes.
4. Any Exemption granted over the [GPA Threshold](#) approves only the anticipated non-compliance with the Council’s Procedures. It does not mitigate the risks associated with non-compliance with the UK Public Contract Regulations 2015.

Overview of the process

General

5. This Procedural Note shall:
 - i. Help to mitigate risks of challenge from third parties in how the Council procures Supplies, Works and Services.
 - ii. Improve transparency and probity in how decisions are made.
 - iii. Help to manage, control and mitigate other risks.
6. Having relevant contract management arrangements and/or forward plans in place identifying future needs will help to minimise the need for Exemptions.
7. In the majority of cases, Exemptions shall only be considered for periods of 12 months or less. If arrangements are required beyond 12 months this shall be justified in the Exemption Form for consideration and will be subject to an annual review should the Exemption be approved.
8. In all cases Exemptions shall be completed in advance of committing spend. Where this is not the case then the Service Lead - Commercial and Procurement shall be informed.
9. Where the Exemption relates to a significant and serious failure to comply with the Procedures then a breach of the Procedures shall be considered.
10. Every effort shall be taken to ensure that the details included and signed off within the Exemption are accurate and sufficient for the intended purposes. If during the Exemption period there is any change, this should be updated as part of the recording process.

11. Exemptions shall be completed using the most recent template which is available on the Intranet page.
12. Exemptions should not be used to overcome poor planning of activities leading to the procurement.
13. Exemptions shall only be granted on the following grounds:
 - i. **Increased cost / loss of income:** The Council will incur unforeseen, significant and avoidable costs or lose significant income that cannot be mitigated in compliance with the Procedures.
 - ii. **Limited markets:** The market is a monopoly or no competition is likely to be stimulated through a formal procurement process. There is a requirement to demonstrate that the market is limited and not able to be suitably stimulated to create competition within the Regulations. Justification may include market intelligence including soft market consultation although risk related to over OJEU contract values is significantly reduced where open competition has been sought and a Voluntary Transparency Notice (VTN) has been published. Further guidance is available in the Pre-Procurement Market Consultation Guidance.
 - iii. **Reputational damage:** Failure to act promptly would have a serious, damaging and long term impact on the reputation of the Council, that from a time perspective the Council cannot afford to be mitigated through a formal tendering process
 - iv. **Compliant Direct Award via a framework:** Where an appropriate framework is available with the mechanism for a direct award the exemption procedure should be used to record the rationale for the direct award and to ensure that the Council maintains a record of where direct awards have been made

Procedure and Approval

14. The Responsible Officer within the Service shall be required to explore the suitability of the use of an Exemption, giving due consideration to:
 - i. Options and alternatives
 - ii. Risks, and associated mitigating actions
 - iii. The rationale for the Exemption and what will happen to avoid the need to seek further Exemptions on expiry
15. The Responsible Officer shall complete the relevant up to date Exemption Form template and will send it to the Procurement Team for review and comment.
16. In completing the Exemption Form, the Responsible Officer shall be responsible for providing the relevant factual and supporting information.
17. On completion of the Exemption Form, the Responsible Officer seeks the appropriate authorisation sign off dependent on the value of the Exemption as explained below.

Exemption value	Required Service approval signed in this order;
£10k and under	No formal Exemption Form required (although Responsible Officer will be required to have suitable evidence to justify decision for audit / transparency purposes).
Over £10k up to £50k	Service Lead and Corporate Manager / SMB representative for the Service area.
Over £50k up to GPA threshold value for Services*	Corporate Manager / SMB member for the Service area, and Service Lead – Commercial and Procurement.
Over GPA threshold value for Services*	Director / SMB member for the Service area, Portfolio Holder and Service Lead – Commercial and Procurement.

*For the purpose of Exemptions this GPA threshold also applies to Supplies and Works

18. If the Service Lead – Commercial and Procurement considers the grounds for the Exemption not suitable then they shall seek to resolve this directly with the Responsible Officer, clearly stating what steps they consider necessary to either make the sign off appropriate or what alternative actions would need to be undertaken.
19. Where this cannot be resolved then the matter shall refer the matter to the Section 151 Officer to determine an agreed position.
20. Once signed off and approved all Exemption forms shall be forwarded to Procurement Team for retention and registration of relevant details on the Exemption Register.
21. Following approval of the Exemption by all required parties the Responsible Officer shall ensure that the resulting Contractual arrangements are put in place, this may include but not limited to:
 - i. Signed / sealed contract;
 - ii. Contract management arrangements;
 - iii. Specification;
 - iv. Intention to award communications;
 - v. Contract Variation;
 - vi. Key performance indicators.

Reporting

22. Exemptions (including those that are retrospective), are reported to Senior Management Board, the Portfolio Holders, Section 151 and Monitoring Officer on a quarterly basis.

Appendix 1 Roles and responsibilities

Table 1 below highlights the respective roles and responsibilities of the signatories to the Exemption Approval Form.

SIGNATORIES	ROLES AND RESPONSIBILITIES
<p>Corporate Manager/ Director</p>	<ul style="list-style-type: none"> • Acknowledgement and acceptance of the existence and details as set out in the Exemption form. • Understanding the position as set out within the Exemption form and being satisfied that the recommendation is appropriate and that suitable due diligence has taken place in the development of the Exemption (and any supporting information). Where relevant this may also include challenging the position as outlined. • Taking ultimate accountability and ownership of the recommended course of action outlined in the Exemption.
<p>Service Lead – Commercial and Procurement</p>	<ul style="list-style-type: none"> • Providing relevant and proportional scrutiny and due diligence around the procedural matters. • Providing relevant, proportional and constructive challenge with respect to commercial matters related to the Exemption. • Providing relevant support and advice to the Responsible Officer to ensure the process and recommendation is appropriate and that risks are highlighted as part of the overall considerations. • Signing off the Exemption form alongside the other identified parties and in doing so enabling the recommended course of action to be implemented. • Considering whether the Exemption is appropriate and whether suitable due diligence has taken place in the development of the Exemption (and any supporting information). Where relevant this may also include challenging the position as outlined. • Ensuring that the Exemption is in line with this Procedural Note and if not, highlighting this to the Section 151 Officer and Monitoring Officer including the reasons, value, and why this is the case.
<p>Portfolio Holder</p>	<ul style="list-style-type: none"> • Maintaining a strategic overview of Exemptions which have been signed off within their Portfolio. • Reviewing approved Exemptions on a quarterly basis to ensure they are satisfied that suitable due diligence has taken place in the development of the Exemptions. Where relevant this may also include challenging the position, and setting out recommendations to improve the overall process in the future. • Signatory on the Exemption Approval Form for contracts over the applicable OJEU Threshold

SIGNATORIES	ROLES AND RESPONSIBILITIES
<p>Procurement Team</p>	<ul style="list-style-type: none"> • Scanning and storing the signed Exemption Forms electronically in a central file and sending a link to that file for the relevant Commercial Manager to attach any supporting information. • Recording the Exemption and relevant details on the central register. • Issuing 6 month reminders prior to expiry of signed off Exemptions to the Responsible officer(s) around ensuring any necessary plans are in place (or being progressed) in time for the expiry (so as not to risk service failure or continuity of service). • Compiling and distributing of the Quarterly reports under the direction of the Service Lead – Commercial and Procurement.
<p>Responsible Officer</p>	<ul style="list-style-type: none"> • Ensuring the Exemption process is complied with and adhered to. • Obtaining and completing the latest version of the Exemption form and providing any necessary supporting evidence and information. • Clearly and concisely outlining the “what, why, when, who” in completing the Exemption form. • Taking ownership that the details put forward are relevant, accurate and factual. • Ensuring risks are identified, considered and any necessary mitigation measures put in place. • Openly considering and documenting the advantages / disadvantages of all relevant options and confirming that the recommendation put forward is the most appropriate way forward (considering all relevant information and advice sought). • Ensuring timely due diligence discussions have taken place and relevant advice has been sought with key stakeholders (e.g. the Procurement Team, Finance, Legal, Health and Safety, etc.) prior to seeking signatures of other key parties. • For over £50k exemptions ensuring that the Procurement Team is involved prior to obtaining signatories. • Ensuring plans are in place both to implement and adhere to the intended outcomes of the recommendation (this will include ensuring suitable plans are in place to formalise contractual matters arising from the Exemption sign off, plus plans outlined for the period following the Exemption expiry) at the point when any Exemption forms are ‘Signed Off’ • Ensuring that all signed off Exemptions are provided to Procurement Team for formal registration.

SIGNATORIES	ROLES AND RESPONSIBILITIES
<p>Section 151</p>	<ul style="list-style-type: none"> • Reviewing any matters referred to them by the Service Lead – Commercial and Procurement with regards to Exemptions considered outside of the recognised procedures and taking what actions they consider necessary within their role as Section 151 Officer. • On occasions acting as arbiter when exemptions are referred to them by Service Lead – Commercial and Procurement.

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Access to Information Procedure Rules

1. Scope

These rules apply to all meetings of the Council, the Executive, scrutiny committees, the Audit and Governance Committee and regulatory committees (together called meetings).

2. Additional Rights to Information

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

3. Rights to Attend Meetings

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

4. Notices of Meeting

The council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Centre, Exeter. Publication of these details on the Council's website will constitute appropriate notice of these meetings.

5. Access to Agenda and Reports before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda. A reason as to why the addition to the agenda will be published at the same time.

6. Supply of Copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Democratic Services Manager 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

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

- (a) the minutes of the meeting [or records of decisions taken, together with reasons, for all meetings of the Executive], excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

8.1 List of background papers

The Proper Officer will make available on the Council's website access to those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and be available to the public at the Civic Centre, Exeter.

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 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 it is proposed to consider an item of business in the private part of an Executive meeting, 28 days notice must be given of the intention to exclude the press and public.

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.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information.

10.4.1 Exempt information means information defined as such in Schedule 12A to the Local Government Act 1972 which is reproduced below:

SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

Part 1

Descriptions of Exempt Information: England

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Amended June 2023)

- 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.

Part 2

Qualifications: England

- 8 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph 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; or
 - (f) the Charities Act 1993.
- 9 Information 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.
- 10 Information which—
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,
is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 3

Interpretation: England

- 11 (1) In Parts 1 and 2 and this Part of this Schedule—

“employee” means a person employed under a contract of service;

“financial or business affairs” includes contemplated, as well as past or current, activities;

“labour relations matter” means—

 - (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(Amended June 2023)

- (b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

- (2) Any reference in Parts 1 and 2 and this Part of this Schedule to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—
- (a) in the case of a principal council, to any committee or sub-committee of the council; and
- (b) in the case of a committee, to—
- (i) any constituent principal council;
- (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
- (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
- (c) in the case of a sub-committee, to—
- (i) the committee, or any of the committees, of which it is a sub-committee; and
- (ii) any principal council which falls within paragraph (b) above in relation to that committee.

10.4.2 The following additional categories of exempt information apply to Audit and Governance Committee when undertaking the responsibilities of a Standards Committee:-

(7A) Information which is subject to any obligation of confidentiality

(7B) Information which relates in any way to matters concerning national security

(7C) The deliberations of a Standards Committee or of a sub-committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred on the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act

(Amended June 2023)

11. Exclusion of Access by the Public to Reports

If the Democratic Services Manager 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 Rule 10, 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. Procedure before Taking Key Decisions (Standing Order 14)

Subject to Rule 14 (general exception) and Rule 15 (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 executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

13 The Forward Plan

13.1 Period of forward plan

Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first 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.

13.2 Contents of forward plan

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

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any, and where the decision taker is a body, its name and details of membership;

- (c) the date on which, or the period within which, the decision will be taken;
- (d) the steps any person might take who wishes to make representations to the Executive 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
- (e) a list of the documents submitted to the decision taker for consideration in relation to the matter.

13.2.2 The forward plan must be published at least 14 days before the start of the period covered.

Exempt information need not be included in a forward plan and confidential information cannot be included.

14. General Exception

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 15 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the proper officer has informed the chair of a relevant 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 3 clear days have elapsed since the proper officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public.

15. Special Urgency

If by virtue of the date by which a decision must be taken Rule 14 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant scrutiny committee, or if the chair of each relevant scrutiny committee is unable to act, then the agreement of the Lord Mayor, or in his/her absence the Deputy Lord Mayor will suffice.

16. Report to Council

16.1 When a scrutiny committee 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; or
- (c) the subject of an agreement with a relevant overview and scrutiny committee chair, or the chairman/vice chairman of the Council under Rule 15;

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

16.2 Executive's report to Council

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

16.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 15 (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.

17. Record of Decisions

After any meeting of the Executive or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

18. Decisions by Individual Members of the Executive

18.1 Reports intended to be taken into account

Where an individual member of the executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear days after receipt of that report.

18.2 Provision of copies of reports to scrutiny committees

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

18.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

19. Scrutiny Committees Access to Documents

19.1 Rights to copies

Subject to Rule 19.2 below, a scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to

- (a) any business transacted at a public or private meeting of the Executive; or
- (b) any decision taken by an individual member of the Executive.

19.2 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 they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

20. Additional Rights of Access for Members

20.1 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 Executive and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 or 7 of the categories of exempt information, or exempt information within paragraph 3 to the extent that it relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract;
or
- (b) it contains the advice of a political adviser.

20.2 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 Executive which relates to any key decision unless paragraph 20.01(a) or (b) above applies.

20.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

Budget and Policy Framework Procedure Rules

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

The process by which the budget and policy framework shall be developed is:

- (a) Before a plan/strategy/budget needs to be adopted, the Executive will publish initial proposals for the budget and policy framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Executive's consultation process shall be included in relation to each of these matters in the forward plan. Any representations made to the Executive shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where a scrutiny committee has carried out a review of policy, then the outcome of that review will be reported to the Executive and considered in the preparation of initial proposals.
- (b) The Executive's initial proposals shall be referred to the relevant scrutiny committee for advice and consideration. The scrutiny committee shall report to the Executive on the outcome of its deliberations.
- (c) Having considered the report of the scrutiny committee, the Executive, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the scrutiny committee.
- (d) The Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's proposals and any report from any relevant scrutiny committee.
- (e) The Council's decision will be publicised in accordance with Article 4.
- (f) In approving the budget and policy 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 Executive, 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.

2. **Decisions Outside the Budget or Policy Framework (Standing Order 16)**

- (a) Subject to the provisions of paragraph 5 (virement) the Executive, individual members of the Executive and any officers, area committees or joint arrangements discharging executive 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 contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Executive, individual members of the Executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the Director Finance as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with 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 body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 3 (urgent decisions outside the budget and policy framework) shall apply.

3. **Urgent Decisions Outside the Budget or Policy Framework**

- (a) The Executive, a committee of the Executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council;
and
 - (ii) if the chair of a relevant scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant scrutiny committee the consent of the Lord Mayor, and in the absence of both the Deputy Lord Mayor, will be sufficient.

- (b) Following the decision, the decision taker 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.

4. **In-Year Changes to Policy Framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals 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) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (d) where in the opinion of the leader an action or the application of the policy would be inconsistent with, or in conflict with, another Council policy or strategy.

5. **Call-In of Decisions Outside the Budget or Policy Framework**

- (a) Where a scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Director Finance officer.
- (b) In respect of functions which are the responsibility of the Executive, the monitoring officer's report and/or Director Finance's report shall be to sent the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's or Director Finance's report. It shall prepare a report to Council in the event that the Monitoring Officer or the Director Finance conclude that the decision was a departure, or to the scrutiny committee if the Monitoring Officer or the Director Finance conclude that the decision was not a departure.
- (c) 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 Finance is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet as soon as possible following 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 Finance. The Council may either:

- (i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

Or

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

Or

- (iii) 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 Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Director Finance.

Executive Procedure Rules

1. Executive Decisions

1.1 Executive functions may be discharged by one or more of the following:

- (i) the Executive as a whole;
- (ii) a committee of the Executive;
- (iii) an individual member of the Executive; or
- (iv) an officer.

1.2 Delegation by the Leader

Where the Leader intends to change the Executive powers' scheme of delegation, he/she shall present at the annual Council Meeting, a written record of delegations made by him/her for inclusion in the Council's scheme of delegation.

The written record presented by the Leader will contain the following information about executive functions:

- (a) the names of the members appointed to the Executive by the Leader.
- (b) the extent of any authority delegated to the executive members individually (if any) including details of the limitations on their authority.

1.3 Sub-delegation of Executive functions

- (a) Where the Executive is responsible for an Executive function, it may delegate further to a member of the Executive or an officer.
- (b) Where the Leader delegates functions to the Executive, then the Executive may further delegate to an Executive Committee or an officer.
- (c) Unless the Leader directs otherwise, an Executive committee to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where Executive functions have been delegated, the discharge of those functions by that person or body who so delegated shall not be prohibited.

1.4 The Council's scheme of delegation and Executive functions

- (a) The Leader may amend the scheme of delegation relating to Executive functions at any time throughout the year. To do so, the Leader must give notice to the councillor or committee concerned.

- (b) The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, 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 Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Executive meetings

The Executive will normally meet at least twice per Council cycle at times published in the Council's Calendar of Meetings. The Executive shall meet at the Council's main offices or such other location to be agreed by the Leader.

1.7 Decisions taken by the Executive

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules set out in Part 4 of this Constitution which set out the requirements covering public and private meetings. Other than the legal requirements, consideration will also be given to any principles of decision-making set out in Article 12 of this Constitution.
- (b) Where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

1.8 Quorum

The quorum for a meeting of the Executive, or a committee of it, shall be one quarter of the total number of members of the Executive, or three, whichever is the larger.

2. Conduct of Executive Meetings

2.1 Chairing

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

2.2 Attendance

All meetings of the Executive are open to the press and public in accordance with these rules unless confidential or exempt information is to be discussed.

2.3 Consultation

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

2.4 The Executive agenda

- (a) The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- (b) The Monitoring Officer and the Director Finance may include an item on the Executive agenda for consideration in pursuance of their statutory duties.

3. Role of Portfolio Holders

3.1 Portfolio Holders will undertake the following roles which are in addition to the general role of the councillor set out in this constitution.

- 1. To promote the key objectives and values of the Council.
- 2. To ensure that new policies are developed and presented to the Executive within the overall strategic approach of the Council after full consultation with external stakeholders (where appropriate), relevant Scrutiny Committee and fellow Executive members.
- 3. To give guidance on budget and political priorities to officers and liaise on the need to develop policy issues and the timing thereof.
- 4. To contribute to the effective decision-making of the Executive.

(Amended June 2023)

5. To act as a public spokesperson for the Council within agreed parameters within the portfolio area of responsibility and in accordance with the former DTLR Code of Recommended Practice on Local Authority Publicity.
 6. To assist in promoting reports produced by officers to the Executive and to attend Scrutiny Committees as required to answer questions from Members and the public, to report and comment on items which concern the relevant portfolio or when an item is called in.
 8. To respond on behalf of the Council to relevant consultation documents after consulting with scrutiny committee wherever appropriate.
 9. To aid the Council in pursuing its defined community leadership role.
- 4. Rules relating to the exercise of delegated powers by Executive members:**
- 4.1 Only those members properly appointed to make decisions under the Council's scheme of delegation shall be entitled to exercise those powers.
 - 4.2 An Executive member or officer exercising delegated power shall have the discretion not to exercise those powers, choosing instead to refer the matter back to the Executive for a decision.
 - 4.3 The exercise of delegated authority by an Executive member shall be carried out in the following way:
 - (a) A report by the lead officer shall be provided to the Executive member setting out all the background information including all the options available, including corporate, financial, legal, human resources and property implications of making the decision. Before the decision is taken, comment shall be sought from the Chief Executive as well as the Director/Director Finance/Director Corporate Services /Corporate Manager whose area of responsibility may be affected by the decision. The Executive member shall liaise with the Lead Officer and any other appropriate officer and a record of the decision will be taken.
 - 4.4 Recording and publication of delegated decisions
 - (1) All delegated decisions taken by Executive members shall be recorded and published on the Friday following the decision with request for call-in within 5 working days thereafter.
 - (2) Delegated executive decisions shall contain the following information:
 - (a) a description of the matter including the officer's report;

- (b) the name of the Executive member exercising the delegated authority;
- (c) the decision together with the reasons for it;
- (d) the options considered;
- (e) who was consulted before the decision was made;
- (f) the date when the decision was made;
- (g) any corporate, financial, legal, human resources or any other management implications; and
- (h) background papers.

4.5 Implementation of delegated Executive member's decision

(a) Non-urgent decisions

Shall come into force five working days from the date of publication. If the decision shall be called in for scrutiny, then the rules contained in the Call-in procedure shall apply.

(b) Urgent decisions

In cases of urgency, Executive decisions may be taken by the relevant Portfolio Holder provided that:

- such a decision is made in accordance with the Council's agreed budget and policy framework;
- Any decision which commits the Council to expenditure shall be taken in agreement with, the Director Finance and the appropriate member of the Strategic Management Board("SMB")
- The Chair with relevant responsibilities will be consulted in relation to Urgent decisions to be made within the Scrutiny Committee's terms of reference

5. **Call-in Procedure Rules within the Budget and Policy Framework**

5.1 Call-in is an important part of the check and balance upon Executive power. Government guidance provides that call-in should only be used in exceptional circumstances.

5.2 The power of Call-in applies to the following executive decisions:

- (a) decisions of the Executive
- (b) delegated decisions taken by Executive members.

- 5.3 (a) All Executive decisions shall be published within two working days of the meeting.
- (b) The Democratic Services Manager shall publish details of all Executive decisions made by an Executive member or an officer with delegated authority. This notice of decision will be published by the subsequent Friday after the decision has been made and details will be sent to all Councillors electronically.
- 5.4 In order to ensure the decisions of the Executive are not unnecessarily impeded, the reasons for call-in must be one of the following criteria:
- The process by which the decision was made was deficient in some way;
 - The decision-maker failed to consider alternative courses of action;
 - The decision-maker failed to take account of relevant factors;
 - The decision-maker was wrong in fact or law (the caller-in must state why).

6. **Exceptions to call-in procedure**

6.1 Call-in will not apply to the following:

- Non-Executive decisions
- Decisions already called in once
- Decisions which have already been considered by the relevant Scrutiny Committee
- Non-key decisions made by delegated officers
- Urgent decisions

Scrutiny Procedure Rules

1. **Number of Scrutiny Committees**

The Council will have two scrutiny committees as set out in Article 6 and will appoint to them as it considers appropriate from time to time, usually at the Annual meeting of the Council. Such committees may appoint sub-committees. Ad-hoc scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

2. **Membership of Scrutiny Committees**

All councillors except members of the Executive may be members of a scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Co-optees**

Each scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees where particular skills or knowledge are justified and it is considered this can be best provided for in this manner.

4. **Meetings of the Scrutiny Committees**

Each scrutiny committee will normally meet once in a Council cycle. In addition, extraordinary meetings may be called from time to time as and when appropriate. A scrutiny committee meeting may be called by the chair of the relevant scrutiny committee, by any 3 members of the committee or by the proper officer if he/she considers it necessary or appropriate.

5. **Quorum (Standing Order 42)**

The quorum for an overview and scrutiny committee shall be as set out for committees in the Council procedures Rules in Part 4 of this Constitution.

6. **Chairs**

6.1 Chairs of Scrutiny Committees will be drawn from among the councillors sitting on the committee.

6.2 Scrutiny chairs will undertake the following roles:

1. To chair meetings of Scrutiny Committees and ensure that the scrutiny function is developed and exercised according to the Council's Constitution.
2. To ensure that the work of the Scrutiny Committee contributes to the Council's corporate objectives.

3. To manage the workload of the Scrutiny Committee to ensure that it can effectively carry out its role of:
 - reviewing the formulation of policy development
 - advising the Executive of areas of potential improvements.
4. To liaise with Executive Portfolio holders as appropriate.
5. To contribute to the training and development of members engaged in the scrutiny and review role.
6. To approve any report which the Committee may wish to submit to the Executive as necessary
7. To be the spokesperson for the Committee within the terms of the former DTLR Code of Recommended Practice on Local Authority Publicity

7. Work Programme

The scrutiny committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

8. Agenda Items (Standing Order 18)

Any member shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and the Executive to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Executive and/or Council.

9. Questions to Portfolio Holders (Standing Orders 19 and 20)

Relevant Portfolio Holders will normally be required to attend Scrutiny Committee meetings to respond to questions from Members of the Council and members of the public under Standing Order 19 and 20. Portfolio Holders may also be invited by the Chair(s) of Scrutiny Committees to respond to Committee Members questions in relation to their portfolios.

10. Policy Review and Development

(Amended May 2021)

- (a) The scrutiny committees have a key role to play in relation to the development of the Council's budget and policy framework.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) Scrutiny committees may hold inquiries and investigate the available options for future direction in policy development and may seek the views of advisers and assessors to assist them in this process.

11. Reports from Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the Executive.
- (b) The Council or the Executive shall consider the report of the scrutiny committee as soon as practicable after it has been submitted to the proper officer.
- (c) The agenda for Executive meetings shall include an item entitled 'Matters referred by Scrutiny Committees'. The reports of scrutiny committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of a substantive item elsewhere on the agenda).
- (d) Where a scrutiny committee prepares a report for consideration by the Executive in relation to a matter where delegated decision making power has been granted to an individual member of the Executive, then the scrutiny committee will submit a copy of their report to him/her for consideration. At the time of doing so, the scrutiny committee shall give a copy to the proper officer. The member with delegated decision making power must consider the report and respond in writing to the next ordinary meeting of the scrutiny committee. A copy of his/her written response to it shall be sent to the proper officer and the leader. The member will also attend a future meeting of the scrutiny committee to present their response.
- (e) Scrutiny committees will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a scrutiny committee following consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

12. Rights of Scrutiny Committee Members to Documents

(Amended May 2021)

- (a) In addition to their rights as councillors, members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and scrutiny committees as appropriate depending on the particular matter under consideration.

13. Members and Officers Giving Account (Standing Orders 17 And 20)

- (a) Any scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions falling within their terms of reference. It may require the leader, a portfolio holder and/or any senior officer (i.e. an officer at grade 10 or above) to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend a scrutiny committee under this provision, the chair of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

14. Attendance by Others

A scrutiny committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions.

15. **Call-In (Standing Order 17)**

Call-in should only be used in exceptional circumstances. These are where members of the appropriate scrutiny committee have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 12 (Decision Making) or paragraph 5.4 of the Executive Procedure Rules. Call-in will not apply in the circumstances set out in paragraph 5.1 of the Executive Procedure Rules.

- (a) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, including where possible by electronic means, and shall be available in accordance with the time limits set out in Standing Order 17. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a scrutiny committee objects to it and calls it in.
- (c) During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by at least seven Scrutiny members, irrespective of the Scrutiny Committee on which they serve, and shall then notify the decision taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair of the committee, and this will normally be within 5 days of the decision to call-in.
- (d) If, having considered the decision, the scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider the matter as soon as possible, amending the decision or not, before adopting a final decision.
- (e) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- (f) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in

(Amended May 2021)

which the Council meeting should have been held, whichever is the earlier.

(g) A matter may not be called-in if:

- It is a non-Executive decision
- the decision has already been called in once
- the report/item has already been considered by the appropriate Scrutiny Committee prior to the decision being made by the Executive or officer with delegated authority for a key decision
- it is a non-key decision made by delegated officers
- it in an urgent decision.

16. **The Party Whip**

When considering any matter in respect of which a member of a scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. **Matters within the Remit of more than One Scrutiny Committee (Standing Order 18(2))**

Where a scrutiny committee conducts a review or scrutinises a matter which also falls, whether in whole or in part, within the remit of another scrutiny committee, before submitting its findings to the Executive or Council for consideration, the report of one Scrutiny Committee shall be considered by the other Scrutiny Committee for comment. Those comments shall be incorporated into the report which shall then be sent to the Executive for consideration.

Terms of Reference for Scrutiny

Membership

The membership of all committees is determined by the Council at its Annual Meeting. The membership may be varied during the year only with the consent of the Council.

Scrutiny Functions & procedures

Scrutiny Functions

1. The aims of the Scrutiny process are to:-
 - add value to Council business and decision-making;
 - hold the Executive to account;
 - monitor the budget and performance of services;
 - assist the Council in the development of policy and review the effectiveness of the implementation of Council policy;
 - review relevant central government policy development and legislation to assess the impact on the City and make recommendations to Executive.

Scrutiny Programme Board (“SPB”)

2. The purpose of the Scrutiny Programme Board is to manage scrutiny in a way that ensures the functions of overview and scrutiny are fairly balanced across all aspects of the Council’s work, with a view to improving services, reducing inequalities and improving outcomes for the people of Exeter. The Scrutiny Programme Board will meet on a bi-annual basis.

Role of the Scrutiny Programme Board:-

- To set priorities for the annual scrutiny work programme;
- To ensure that work is allocated fairly across the two scrutiny committees and reflects all aspects of the Council’s work by providing oversight and direction to the committees’ work programmes;
- To ensure corporate and cross cutting business is dealt with by the relevant committees;
- To review performance against the relevant corporate priorities and inform work programmes as appropriate;
- To receive for information, and oversee implementation of, recommendations made by each of the two Scrutiny Committees;
- To plan and oversee implementation of the process for annual Budget Scrutiny;
- To produce an annual scrutiny report to Council (in conjunction with the scrutiny committees);

- To review national best practice and guidance in relation to scrutiny and recommend any changes to the way scrutiny is undertaken as a result.

Membership:-

The Scrutiny Programme Board will consist of one member nominated by the Leader (who shall not be a member of the Executive) together with the Chairs and Deputy Chairs of each of the two scrutiny committees.

Chair - the Chair of the Board will be from the group in administration.

Deputy Chair - the Deputy-Chair will be from the main opposition group.

Role of the Scrutiny Committees

The relevant scrutiny committee will:

- hear call-ins, Councillor's call for action and petitions;
- approve the creation of time limited working groups for issues within its remit;
- monitor performance against the relevant corporate priorities;
- receive finance and performance reports;
- agree recommendations to Executive, Council and partner organisations;
- agree appointments of co-opted representatives;
- monitor the forward plan;
- review new and developing legislation to assess its impact on the city;
- consider and introduce schemes to involve the public in developing policy;
- work with national, regional and local organisations to promote the interest of local people.

Strategic Scrutiny Committee

Responsibility for

- Relevant policies in the Exeter Plan
- Corporate Health & Safety
- Response to Central Government's Policy Making
- Climate change and sustainability
- Council wide/strategic matters
- Hear call-ins relevant to the role of the committee

Partnership links

- Growth Board
- Joint Committee for Heart of the South West
- Heart of the South West Local Enterprise Partnership

Membership - There are fourteen members of the Committee including the Chair and Vice Chair. None shall be members of the Executive Committee.

Chair - The Chair will be nominated and elected at full council and will be a member of the Scrutiny Management Board.

(Amended March 2020)

Deputy Chair - The Deputy Chair will be nominated and elected at full council

Urgent Decisions - The Chair with relevant responsibilities will be consulted on urgent decisions to be made.

Customer Focus Scrutiny Committee

Responsibility for:-

- Corporate Performance Monitoring
- Financial Performance Monitoring
- Annual Budget Setting Process
- Service specific/operational matters
- Hear call-ins relevant to the role of the committee

Partnership links

- Health and Wellbeing Board
- Exeter Community Safety Partnership
- Strata

Membership -There are fourteen members of the Committee including the Chair and Vice Chair.

Chair - The Chair will be nominated and agreed by full council and will be a member of the Scrutiny Programme Board.

Deputy Chair - The Deputy Chair will be nominated and agreed by full council

Urgent Decisions - The Chair with relevant responsibilities will be consulted in relation to Urgent decisions to be made within the Scrutiny Committee's terms of reference.

Excluded matters

The following matters cannot be considered by a Scrutiny Committee:

- any matter relating to a planning decision;
- any matter relating to a licensing decision;
- any matter relating to the business of the Audit & Governance Committee;
- any matter relating to an individual or body if s/he/they have, by law, a right to a review or right of appeal;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a Committee meeting .

The Monitoring Officer in consultation with the Chair (or Deputy Chair in the chair's absence) of the relevant Committee will determine whether a matter is an excluded matter.

Joint Consultation and Negotiation Committee

1. COMPOSITION

- a. The Joint Consultation & Negotiating Committee (the Committee) shall consist of the following appointed Members as shown below:-

Council Officers (Members of Strategic Management Board)
Service Lead – HR and/or HR Business Partner
One officer from each of the recognised unions: UNISON, Unite and GMB

- b. In addition, the Leader of the Council will be invited to attend the Committee on an ex officio basis and the Leader may invite another Portfolio Holder to attend also on an ex officio basis.
- c. The Council and the recognised trade unions shall review their nominations for membership annually in July each year. Casual vacancies may be filled as they arise.

2. DATE OF OPERATION

The members of the Committee shall carry out their constitutional functions with effect from 22 July 2013.

3. FUNCTIONS

General

- a. To promote a good and stable employment relations climate throughout the Council.

Negotiating

- b. The negotiation of any variations or agreements relating to employees who fall within the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service NJC National Agreement (Part 3 matters / local conditions of service); and the Joint Negotiating Committee's for Chief Officers of Local Authorities and Local Authority Chief Executives to be incorporated into employment contracts via collective agreement(s).

Consultative

- c. The introduction of / changes to employment policies, working practices, organisation design and physical working conditions at a corporate level, together with Health & Safety matters referred by the Health & Safety Committee and any other item which both sides agree to refer
- d. Collective consultation in respect of Redundancy as defined in section 195 of the Trade Union and Labour Relations (Consolidation) Act 1992, and TUPE

as defined in the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246)

The Committee will not consider any matter concerning an individual employee such as discipline, grievance, promotion or capability, pay and grading and payroll matters.

4. **QUORUM**

A Quorum shall consist of two representatives from the Council and one of the trade unions' representatives.

5. **SUBSTITUTES**

A substitute may be nominated to attend a meeting of the Committee on behalf of any member. The substitute will have the same powers as appointed members. Any trade union substitute must be nominated by his/her trade union and must be either a full time officer or an accredited official of that recognised trade union.

6. **CHAIRPERSON**

The meetings will be chaired by a representative from the Council.

7. **JOINT SECRETARY**

One Joint Secretary shall be nominated by the Council and union. The Joint Secretary will be responsible for the production of a record of meetings of the Committee.

8. **POWER TO CO-OPT**

The Committee may co-opt any person or persons with special knowledge to assist them in carrying out its functions. Such persons shall have no right to vote.

The Committee may set up joint Working Groups to exercise any of its functions or business within terms of reference delegated by the Committee.

9. **FREQUENCY OF MEETINGS**

Meetings shall be held bi-monthly. Provisional dates for meetings will be set in May each year.

10. **FACILITIES FOR MEETINGS**

The Council will provide facilities and accommodation for holding meetings of the Committee, including pre-meetings.

Meetings will be held during normal working hours and the trade unions' lay representatives will be paid their normal salary for the time spent at and travelling to and from such meetings and any reasonable associated expenses. Any

travelling time outside normal hours will be compensated in the form of equivalent time off in lieu.

11. AGENDAS AND RECORDS OF MEETINGS

The Joint Secretary will circulate Agendas no later than 5 working days before the date of the meeting. An unconfirmed record of each meeting will be circulated as soon as possible after each meeting but certainly within 20 working days of the meeting.

12. BUSINESS MATTERS

No business shall be transacted at any meeting of the Committee or any sub-group unless notice has been given to the Joint Secretary before the Agendas are circulated. The Chairperson may allow consideration of an item of business which in his/her opinion is of sufficient importance or urgency to justify consideration at that meeting.

13. AGREEMENTS / ADOPTION OF RESOLUTIONS

Agreements reached between the recognised trades union members and Council members of the Committee and/or decisions taking in relation to 3 a, c and d on matters delegated to Officers shall be adopted / implemented. Where authority has not been delegated to Officers, such agreements will be referred to the appropriate Scrutiny Committee and / or Executive for resolution / adoption.

Agreements in relation to item 3(b) of this constitution shall be reached by vote. Each Council appointed member will have one vote. Each trade union appointed member will have one vote. Those in attendance on an ex-officio basis are not eligible to vote. Union representatives will have the delegated power to agree on behalf of their Membership. Each side of the Committee being in favour (by majority on each side) will constitute an agreement for resolution at Executive Committee to be adopted and binding on both sides.

Agreements will be incorporated into employment contracts for employees covered by the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service and, as appropriate, other occupational groups covered by the Council's single status agreement.

All efforts will be made to reach agreement, including the involvement of full-time Officers of the recognised Trades Unions through substitution arrangements contained in this Constitution. Where agreement on matters of negotiation cannot be reached the matter will be referred to the South West Provincial Council for conciliation.

14. FINANCE

The Council will meet the administrative expenses associated with meetings of the Committee.

Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer 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 councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service and Chief Officers (Standing Order 51)

Where the Council proposes to appoint a Head of Paid Service, or a chief officer, the Council will:

(a) draw up a statement specifying:

- (i) the duties of the officer concerned; and
- (ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Appointment of Head of Paid Service (Standing Order 53)

- (a) The full council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Executive.
- (b) The full Council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any member of the Executive.

4. Appointment of Chief Officers and Officers on JNC Conditions of Service

- (a) Appointment of chief officers (Deputy Chief Executive, Director Corporate Services, Director Finance, Directors and Corporate Managers on JNC conditions of service) shall be made by the Chief Executive as appropriate following a selection process involving the relevant portfolio holder and any other member(s) considered appropriate.
- (b) The procedure set out in Standing Order 52(2) and 52(3) requiring consultation with members of the Executive must be followed.

5. Other Appointments

- (a) The appointment of Officers below those on JNC conditions of service, (other than assistants to political groups) is the responsibility of the head of paid service, which is normally discharged through the Directors/ Director Finance/ Director Corporate Services/Corporate Managers or their nominees, and may not be made by councillors.
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary Action

- (a) Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151) 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.
- (b) Independent persons – no action to dismiss Head Paid of Service, Monitoring Officer, Section 151 Officer, may be taken unless the procedure is in accordance with the Local Authorities (Standing Orders) (England) Regulations 2015/881, as may be amended from time to time.

An Independent Panel will be formed of two or more Independent Persons.

- (c) Councillors will not be involved in the disciplinary action against any officer below those on JNC conditions of service except where such involvement is necessary for 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 members in respect of disciplinary action.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below those on JNC conditions of service except where such involvement is necessary for 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 members in respect of dismissals.

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Strata

Terms of Reference and Rules of Procedure for the Joint Executive Committee and Joint Scrutiny Committee

1. Introduction

1.1 The Delegation of Functions and Rules of Procedure set out in this document regulate the proceedings of the Joint Executive Committee (JEC) and Joint Scrutiny Committee (JSC), both of which were created by East Devon District Council, Exeter City Council and Teignbridge District Council to govern and scrutinise the operation and performance of Strata.

1.2 In this document the following words have the following meanings:

“**Board**” means the Strata board of directors;

“**Chief Executive**” means the Chief Executive of a Council and together the “**Chief Executives**”;

“**Committee**” means both the JEC and JSC (where the Rules differ between the two Committees, this will be explained);

“**Council**” means East Devon District Council, Exeter City Council or Teignbridge Council and together the “**Councils**”;

“**Executive**” means the Executive or Cabinet of the Councils;

“**Leader**” means a Leaders of a Council and together the “**Leaders**”;

“**Proper Officer**” means Democratic Services Manager (for Teignbridge and East Devon), Democratic Services Manager (for Exeter);

“**Relevant Council**” means the Council at which the next Committee meeting will be held;

“**Solicitor**” means the Solicitor to the Council, the Corporate Manager- Legal Head of Legal Services or for the Councils; and

“**Strata**” means Strata Service Solutions Ltd.

Section A – Delegation of Functions

1. Joint Executive Committee (JEC)

The Councils have appointed the JEC which will be responsible for the strategic governance of Strata. The JEC will make operational decisions for Strata in accordance with the business plan and service plans, which it will agree. The JEC will provide strategic direction to the Board and be accountable to the Councils as

shareholders. The JEC's responsibility for governance and performance includes budget monitoring, all of which will be supported by the JSC.

The Councils have each delegated to the JEC all those powers necessary to enable the proper operation of Strata, with the exception of the following decisions which are reserved to the Executive of each of the Councils acting as shareholders of Strata (except for decisions over a capital or revenue expenditure outside the approved budget and business plan which shall specifically be reserved for Full Council to decide):

- Permitting the registration of any additional shareholders into Strata;
- Passing any resolution for its winding up or presenting any petition for its administration;
- Changing the company's name;
- Issuing shares;
- Amalgamating or merging with any other company or business undertaking;
- Forming any subsidiary or acquiring shares in any other company or participating in any joint venture;
- Decisions to extend the scope and nature of services to be provided by Strata, for example to provide HR, Accountancy or Legal services;
- Decisions to provide ICT services (or any other services) commercially for external clients or decisions that have an impact on the ability to use the Teckal procurement exemption;
- Declaring or making dividends or distributions of budgetary savings or assets of any kind; and
- Ceasing involvement in Strata as a participating shareholder.

2. The Joint Scrutiny Committee (JSC)

The Councils have appointed the JSC to scrutinise the operation and performance of Strata and its governance arrangements. More specifically the JSC's role is to:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the JEC's functions;
- make reports and/or recommendations to the Full Council of each Council and/or the JEC in connection with the discharge of any functions;

- exercise the right to call-in, for reconsideration decisions made but not yet implemented by the JEC;
- consider the decisions of the JEC that have been called-in and make recommendations to the JEC;
- appoint sub-committees, working parties and review group for particular matters; and
- report annually to each Full Council on its workings and make recommendations for amended working methods if appropriate.

Section B - Rules of Procedure

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1. General

- 1.1 These Rules of Procedure (Rules) have been written to provide one set of bespoke procedural rules to govern the meetings of the Joint Committees established to govern and scrutinise Strata. They are designed to augment the existing constitutions of the Councils.
- 1.2 The Chairman of the Committee's view on the interpretation of these Rules is binding at the particular Committee.
- 1.3 These Rules may be reviewed at any time and any amendments must be made unanimously by the Councils following their respective decision making processes.

2. Ordinary Meetings

2.1 Ordinary meetings of the Committees will:

- (i) elect a person to chair the meeting which shall be on a rotational basis between the Councils with Chair to be appointed for 12 months unless agreed otherwise by the Committees;
- (ii) deal with any business required by statute to be done before any other business;
- (iii) approve the minutes of the last meeting;
- (iv) deal with business expressly required by statute to be done;
- (v) receive any communications or announcements from the Chairman or the Leaders;
- (vi) deal with any business from the last meeting;
- (vii) consider motions;
- (viii) consider any other business specified in the summons to the meeting;

In addition to (i) – (viii) above the JEC shall:

- (ix) receive reports from the Board;
- (x) consider referrals made to it by the JSC;
- (xi) receive questions on the operation of Strata from members of the Councils and members of the public and provide answers to those questions

In addition to (i) – (viii) above the JSC shall:

- (xii) receive reports on performance from the JEC and auditors; and
- (xiii) report to each Full Council of the Councils annually on the performance of the JEC and Strata.

2.2 The Committees may vary the order of business so as to give precedence to any business. However such a variation shall not displace business falling under items (i) and (ii) in this rule.

3. Extraordinary meetings

3.1 Calling extraordinary meetings

Those listed below may request a meeting of the Committee in addition to ordinary meetings:

- Any of the Councils by resolution;
- the Chairman of any of the Councils
- the Monitoring Officer of any of the Councils having first notified the Chairman of the Councils; and
- the Board;
- any five Members of any of the Councils if they have signed a requisition presented to the Chairman of their respective Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

At an extraordinary meeting of the Committees the business to be conducted shall be limited to a single item in the form of a motion full details of which shall be set out on the summons calling the meeting.

4. Frequency, time and place of meetings

- 4.1 In the first year of operation of Strata, there shall be at least six meetings of the Committees.
- 4.2 From the second year of operation of Strata, the JEC and JSC can determine the frequency of the meetings following consideration of the Committee's projected workload. Extraordinary meetings of the Committees can be called in accordance with Section 3 above.
- 4.3 Meetings shall take place at the offices of the Councils on a rotational basis; the first of each Committee shall meet at the offices of East Devon District Council. Thereafter, the locations shall be Exeter City Council and then Teignbridge District Council.
- 4.4 The time and place of meetings will be determined by the Chief Executive of the Relevant Council and notified in the summons.

5. Notice of and summons to meetings

5.1 The Chief Executive of the Relevant Council will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post or by email to every member of the Committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. Chairing of meetings

6.1 The Chair of the Committee will be rotated and selected from the members of the Committee. The Chair will be appointed for a maximum period of 12 months unless otherwise agreed by the Committee.

6.2 At no time shall the Chairman of the JEC and Chairman of the JSC both be members of the same Council.

6.3 The Chairman does not have a casting vote.

7. Committee Composition

7.1 JEC

The JEC shall comprise of three members being the Leaders of the Councils, each with an equal vote together with the Chief Executive's or their nominee of the three constituent authorities, as non-voting co-opted members.

JSC

The JSC shall comprise three members of each of the Councils, to be appointed by the group leaders of the Councils. Each member of the JSC shall have an equal vote.

7.2 The Leaders and Chief Executives (or their nominee) may nominate a substitute to attend a meeting of the JEC provided that at least 24 hours notice is given to the Proper Officer of the Relevant Council. Nominees of the Leaders must be members of the Council's Executive.

7.3 The members of the JSC may also nominate a named substitute to attend a meeting of the JSC provided that at least 24 hours notice has been given to the Proper Officer of the Relevant Council together with the name of the substitute.

8. Quorum

- 8.1 For the JEC the quorum is the three Leaders or their nominees.
- 8.2 For the JSC the quorum is six with at least one member from each Council.
- 8.3 During any meeting, if the Chairman declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Voting

- 9.1 Voting will be taken by a show of hands.
- 9.2 Each member has an equal vote.
- 9.3 The Chairman of the JEC and JSC does not have a casting vote.
- 9.4 For a decision taken at the JEC, a decision must be unanimous. At the JSC, a decision may be made by the majority of members present.
- 9.5 If the meeting so decides by a simple majority (prior to a vote being taken) the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 9.6 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. (This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations)

10. Questions and statements by the public

- 10.1 For both the JEC and JSC, subject to Paragraph 10.2, there shall be a fifteen minute period at the commencement of Committee meetings for members of the public to ask questions. Each individual questioner exercising a right during the public question time to be restricted to speaking for a total of three minutes.
- 10.2 Where a question does not relate to an agenda item, and a response is required from a member or an officer, the question must be submitted in writing to the Proper Officer of the Relevant Council not less than two working days before the meeting to give time for a response to be prepared. Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
- 10.3 The Chairman of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.

11. Questions by Members

- 11.1 A member of the Councils may ask the Leader or Chairman any question without notice upon an item of the report to the Committees when that item is being received or under consideration.
- 11.2 A member of any of the Councils may ask a question on notice relating to any function of Strata not to be considered at the Committee meeting provided that they have given at least two working days' notice in writing of the question to the Proper Officer or, where the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the proper Officer of their Council by 9.15am on the day of the meeting.
- 11.3 An answer may take the form of:
- (a) a direct oral answer;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- 11.4 A member asking a question under Rule 11.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12. Motions on notice

12.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least five members of a Council, must be delivered to that Council's Proper Officer not later than ten working days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 Motion set out in agenda

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

12.3 Leader's response to motion

The Chairman, at his discretion, may invite the Leader or his nominee to respond to a motion or a question.

12.4 Scope

Motions must be about matters for which the Committee has a responsibility.

13. Motions without notice

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular procedure Rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (p) to give the consent of the Council where its consent is required by these Rules.

14. Rules of debate

14.1 No speeches until motion seconded

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

14.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

14.3 Secunder's speech

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

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

14.5 When a Member may speak again

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

14.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion that he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations that could be made as an amendment may be made.

14.8 Withdrawal of motion

A member may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. The proposer of the amendment shall also be entitled to reply
- (c) A member exercising a right of reply shall not introduce new matter.

14.10 Motions that may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 19.2 or to exclude them from the meeting under Rule 19.3.

14.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Chairman thinks the item has not been sufficiently

discussed or cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

14.13 Personal explanation

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

15. Previous decisions and motions

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a Committee meeting within the past six months cannot be moved unless the notice of motion is signed by at least 15 members, from a Council or the Councils.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a Committee meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members from a Council or the Councils. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. Minutes

16.1 Signing the minutes

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

16.2 There is no requirement to sign minutes of previous meeting at an extraordinary meeting.

16.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations

17. Record of attendance

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

18. Exclusion of public

Members of the public and press may only be excluded either in accordance with Rule 28 (Access to Information Rules) or Rule 20 (Disturbance by Public).

19. Members' conduct

19.1 Chairman standing

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

19.2 Member not to be heard further

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

19.3 Member to leave the meeting

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

19.4 Disclosable Pecuniary Interest

Unless a dispensation has been granted, a member shall not participate in any discussion of, or vote on, any matter in which they have a Disclosable Pecuniary Interest and having first declared to the meeting the existence and nature of that interest shall withdraw from the room where the meeting is

being held at the commencement of the consideration of that business, or (if later) the time at which the interest becomes apparent.

Where the Disclosable Pecuniary Interest is sensitive (as defined on the Member Code of Conduct of the respective Councils) the member need not disclose the nature of that interest but must still state there is a Disclosable Pecuniary Interest and otherwise follow the requirements of the previous paragraph.

19.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

20. Disturbance by public

20.1 Removal of member of the public

If a member of the public interrupts proceedings or is found to be recording the proceedings of the meeting (by video or otherwise) in a manner that is disruptive to business, the Chairman will warn the person concerned. If they continue to interrupt or record the meeting contrary to the Chairman's instructions, the Chairman will order their removal from the meeting room and the forfeiture of the unauthorised recording.

20.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

21. Suspension and amendment of the Rules

21.1 Suspension

All of these Rules except Rule 9.7 and 16.3 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Committee are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

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

22. Motions affecting Staff

If any question arises at a meeting of the Committee to which the Local Government Act 1972 applies by virtue of Section 100(A)(4) concerning the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by Strata or the Councils, such question shall not be the subject of discussion until the Committee has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

23. Call-in

- 23.1 A decision is made by the JEC but the decision does not come into effect until a Call-in period has elapsed.
- 23.2 Within two working days of the decision being made, the Proper Officer (which in this context means the Proper Officer of the Council whose members have exercised the power of call-in) will notify all members of the Councils of the decision. The notice will include the date of the notification and the date the decision will come into effect if there is no Call-in. The “effective date” of the decision which will be 09.00 am on the day after the expiry of three clear working days from the notification to members (Saturdays, Sundays and Bank Holidays are excluded). For example, in respect of a decision made by the JEC on a Wednesday, notification will be given to all members by Friday of the same week and the effective date of the decision will be 09.00 am on the following Thursday.
- 23.3 A request for a call-in of the decision must be received by the Proper Officer of the Council for whom the member calling-in the decision between the date of notification to members and the effective date of the decision.
- 23.4 For the call-in to be valid, the request must satisfy all of the following provisions:-
- (i) Be in writing (on paper or e-mail);
 - (ii) Specify the relevant decision that is to be the subject of the Call-in;
 - (iii) Be supported by at least five members; and
 - (iv) Give the reasons for the call-in.
- 23.5 Once a valid call-in request has been received the Proper Officer shall arrange for the JSC to consider the call-in at the next scheduled meeting or if the Proper Officer and Chairman of the JSC consider that the matter cannot

wait until the next scheduled meeting, the Proper Officer shall convene a JSC as soon possible on a date which is acceptable to the Chairman of the JSC.

- 23.6 If having considered the decision, the JSC is still concerned about it, the Committee may refer it back to the JEC for reconsideration, setting out in writing the nature of its concerns.
- 23.7 If referred to the JEC, the JEC shall consider the concerns, amending the decision or not, before adopting a final decision.

Urgent Decisions

- 23.8 Urgent decisions shall be excluded from the call-in process. What constitutes an urgent decision will be agreed between the Chief Executives and the Leaders and the Chairman of the JSC. The reason why the decision was urgent shall be recorded.

Referral to Councils

- 23.9 When considered by the JSC, the matter may be referred back to the JEC for further consideration or in exceptional circumstances, i.e. a matter of significance for the Councils affecting the strategic direction of Strata, referred to the Councils for further consideration and referral back to the JEC. Whether the matter is considered exceptional will be agreed between the Chief Executives and the Leaders and the Chairman of the JSC or if not fewer than three quarters of the JSC members consider the matter is exceptional. When considered by the Councils or the JSC, the matter will need to go back to the JEC in the form of a report with recommendations in the name of the JSC or the Chairmen of the Councils.
- 23.10 A matter which has been the subject of a call-in may not be the subject of a second call-in unless requested by at least one third of the total membership of a Council. In those circumstances, the matter will be referred back to the Full Council of each of the Councils. It will be subject to decision by Full Council only if it is outside of the budget or policy framework for Strata. If it falls within the budget and policy framework it will be referred back to the JEC for a decision.

24. Inspection of documents

- 24.1 A member of the Council may for the purposes of his duty as a member but not otherwise inspect any document that contains material relating to any business to be transacted, or which has been considered, at a meeting of the Committee. If copies are available they shall be supplied on request.
- 24.2 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested; or has a

Discloseable Pecuniary Interest within the meaning of the Code of Conduct for members.

24.3 This Rule shall not preclude a Chief Executive or Solicitor from declining 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 or where it appears to the Chief Executive that a document discloses exempt information of a description set out in Section 100F(2) of the Local Government Act 1972.

24.4 All minutes of the Committees shall be open for the inspection of any member of the Councils during office hours.

25. Inspection of land, premises etc

A member of a Council unless authorised to do so by a Council or Committee, shall not have the right to inspect any lands or premises which the Councils have the right or duty to inspect, or enter upon or issue any order respecting any works which are being carried out by or on behalf of the Councils.

26. Proceedings at meetings

26.1 No person shall disclose "confidential information" or "exempt information" in any circumstances save for those circumstances where the disclosure is required by law, by any governmental or other regulatory authority or by a court of competent jurisdiction. However this Rule shall not forbid disclosure of the resolution or any recommendation which has been made or other contents of the relevant minute.

26.2 In the event of any member disclosing such information, he/she shall be liable to investigation by their Council's Monitoring Officer and report to the Standards Committee.

27. Attendance when not a Committee Member

27.1 A member who has proposed a motion which has been referred to a Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion, and if he attends, shall have an opportunity of explaining it.

27.2 A member of the Council may attend all proceedings of the Committees.

27.3 A member who wishes to raise any matter appropriate to a Committee of which he is not a member, may do so by giving notice in writing to the Proper Officer of their Council at least two clear days before the next ordinary meeting of the appropriate Committee. The member may also attend a

special meeting if the matter in which he is interested is to be discussed by that special meeting. Such notice shall contain particulars of the matter that they wish to raise. They shall then have the right to explain and discuss the matter.

- 27.4 Any member attending a Committee meeting of which he is not a member shall not be able to propose or second any motion nor to vote at that meeting. Except as otherwise provided in this Rule they shall not be entitled to speak at that meeting (except with the consent of the Chairman).

28. Access to Information

28.1 Additional Rights to Information

These Rules do not affect any more specific rights to information afforded by law.

28.2 Rights to Attend Meetings

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

28.3 Notices of Meeting

At least five clear days' notice will be given of any meeting by posting details of the meeting at the Councils' offices and placed on the Councils' websites.

28.4 Access to Agenda and Reports before the Meeting

The Council hosting the Committee meeting will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting and on its website. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer for the Council shall make each such report available to the public as soon as the report is completed and sent to members) will be open to inspection for the time the item was added to the agenda.

28.5 Supply of Copies

The Council hosting the meeting will supply copies of:

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- (iii) if the Chief Executive or Monitoring Officer of the Council hosting the Committee meeting think fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs.

28.6 Access to minutes etc after the meeting

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

- (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

28.7 Background Papers

List of background papers

The proper officer of the Council hosting the Committee meeting 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:

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

29. Key Decisions

29.1 A “Key Decision” means a decision of the JEC which is likely:

- (a) to result in Strata or the Councils incurring expenditure which is, or the making of savings which are, significant having regard to Strata’s or the Councils’ budgets for the service or function to which the decision relates; or

- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Councils' areas;

29.2 In accordance with Section 38 of the Local Government Act 2000, in determining the meaning of "significant" regard shall be had to any guidance for the time being issued by the Secretary of State

29.3 A decision taker may only make a key decision in accordance with the requirements of these Rules.

29.4 Only the JEC may take Key Decisions.

29.5 The JEC shall publish a forward plan of anticipated Key Decisions.

29.6 Notice of Key Decision

Subject to the general exception and urgency provisions below, no Key Decision may be taken unless:

- (i) a notice (called here a "Notice of Key Decision") has been published in connection with the matter in question;
- (ii) at least 28 clear days have elapsed since the publication of the Notice of Key Decision; and
- (iii) where the decision is to be taken at a meeting of the JEC notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

29.7 Contents of Notice of Key Decision

The Notice of Key Decision will state that a key decision is to be taken by the JEC and it will describe the following particulars:

- (i) the matter in respect of which the decision is to be made;
- (ii) the date on which, or the period within which, the decision is to be made;
- (iii) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (iv) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (v) that other documents relevant to those matters may be submitted to the decision maker; and

- (vi) procedure for requesting details of those documents (if any) as they become available.

29.8 Publication of the Notice of Key Decision

The Notice of Key Decision must be made available for inspection by the public at the offices of the Relevant Council of the next JEC meeting at which the Key Decision is to be made.

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

29.10 The Forward Plan

The Councils are not required by law to publish a forward plan. However, the Notice of Key Decision published by the relevant Council set out not just details of specific key decisions, but also details of key decisions over a four month period (including important decisions to be made by the JEC).

29.11 General Exception

If a Notice of Key Decision has not been published, then subject to Rule 29.13 (special urgency), the decision may still be taken if:

- (i) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (ii) the Proper Officer of the relevant Council has informed the Chair of the next JSC Committee meeting the matter about which the decision is to be made;
- (iii) the Proper Officer of the relevant Council has made copies of that notice available to the public at the offices of the relevant Council and on the Councils' websites; and
- (iv) at least five clear days have elapsed since the Proper Officer complied with 29.11 (ii) and 29.11 (iii)

29.12 As soon as reasonably practicable after the Proper Officer of the relevant Council has complied with Rule 29.11, they must make available at the Councils' offices and publish on the Councils' websites the reasons why compliance with issuing a Notice of Key Decision was impractical.

29.13 Special Urgency

If by virtue of the date by which a Key Decision must be taken Rule 29.11 (general exception) cannot be followed, then the Key Decision can only be taken if the Chief Executive of the relevant Council obtains the agreement of the Chair of the next JSC Committee meeting.

- 29.14 As soon as reasonably practicable after the Chief Executive of the relevant Council has obtained agreement under Rule 29.13 they must make available at the Councils' offices and publish on the Councils' websites the reasons why the meeting is urgent and cannot reasonably be deferred.

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South East Devon Joint Habitat Regulations Joint Committees

Terms of Reference and Rules of Procedure

1. Introduction

- 1.1 The Delegation of Functions and Rules of Procedures set out in this document regulate the proceedings of the Habitat Mitigation Executive Committee (HMEC) which was created by East Devon District Council, Exeter City Council and Teignbridge District Council as the South East Devon Habitat Regulations Joint Committee to govern delivery of mitigation measures as set out in the South East Devon European Site Mitigation Strategy and the emerging Pebblebed Heaths Visitor Management Plan.
- 1.2 The South East Devon European Site Mitigation Strategy and the emerging Pebblebed Heaths Visitor Management Plan are required to ensure timely and effective mitigation arising from new development with the potential to impact three sites of European wildlife importance, namely the;

Exe Estuary Special Protection Area and Ramsar Site,
Dawlish Warren Special Area of Conservation, and
East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area
- 1.3 The Councils have delegated all the necessary decision making powers to enable the Habitat Mitigation Executive Committee to operate so as to deliver the identified mitigation measures.
- 1.4 In carrying out its role the Habitat Mitigation Executive Committee shall, where necessary, act as a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010.
- 1.5 East Devon District Council will be responsible for holding and administering developer contributions and community infrastructure levy receipts and to provide advice and guidance on all financial matters. Legal advice and guidance will be provided by each authority.
- 1.6 In this document the following words have the following meanings:

“Chief Executive” means the Chief Executive of a Council and together the
“Chief Executives”

“Committee” means the HMEC

“Council” means East Devon District Council, Exeter City Council or
Teignbridge District Council as the context so permits and together “the
Councils”

“Executive” means the Executive or Cabinet of the Councils

“Proper Officer” means the Democratic Services Manager

“Relevant Council” means the Council at which the next Committee meeting
will be held

Section A – Delegation of functions

1. Habitats Mitigation Executive Committee

The Councils have appointed the HMEC which will make the operational decisions on behalf of the Councils to implement and deliver measures to mitigate against the impact of development pressures. Those decisions will be taken in accordance with a 5 year Delivery Programme and the Business Plan, both of which the HMEC shall agree at its first meeting. Thereafter the 5 year Delivery Programme shall be reviewed every 5 years and the Business Plan annually.

Other functions that are within the remit of the HMEC include:

- Monitoring the implementation and effectiveness of the mitigation measures and agree changes where necessary.
- Ensure that there is a simple and transparent audit trail linking S106 and CIL financial allocations for European site mitigation, and the works and projects that deliver mitigation. Allocate budget accordingly, taking account of other arising mitigation opportunities.
- Secure the cooperation of all stakeholders.
- Monitor risks, progress and effectiveness of delivery.
- Identify, lobby for and secure complementary funds.
- Monitor and review the delivery of the South-East Devon European Site Mitigation Strategy (and when adopted the Pebblebed Heaths Visitor Management Plan) quarterly and publish a progress report annually.
- Formally advise on any emerging requirements for refreshing the evidence base used to determine the Strategy (and when adopted the Plan).
- To include reviews of developer contribution charges in line with inflation/index linking and funding mitigation expenditure in perpetuity.
- Establish and maintain a financial model that ensures delivery of mitigation in perpetuity.
- Liaise between partner organisations and share best practice.
- Ensuring that a record is kept of planning proposals which are agreed through the planning process to satisfy their own mitigation requirements (and as such do not form part of the mitigation Strategy).

Section B – Rules of Procedure

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1. General

- 1.1 These Rules of Procedure (Rules) provide one set of bespoke procedural rules to govern the meetings of the Committees established to govern and scrutinise delivery of habitat mitigation as set out in the Introduction and Section A above.
- 1.2 The Chairman of the Committee's view on the interpretation of these Rules is binding at the particular Committee.
- 1.3 These Rules may be reviewed at any time and any amendments must be made in accordance with the delegated authorities given by the Councils.

2. Ordinary Meetings

- 2.1 Ordinary meetings of the Committees will:
 - (i) deal with any business required by statute to be done before any other business;

(Amended June 2023)

- (ii) approve the minutes of the last meeting;
- (iii) deal with business expressly required by statute to be done;
- (iv) receive any communications or announcements from the Chairman or the Councils;
- (v) deal with any business from the last meeting;
- (vi) consider motions;
- (vii) consider any other business specified in the summons to the meeting;

In addition to (i) – (vii) above the HMEC shall:

- (vii) receive reports from the Delivery Officer and / or the Officer Working Group;
- (ix) consider referrals made to it by the HMSC;
- (x) receive questions on the operational matters of the HMEC from members of the Councils and members of the public and provide answers to those questions

In addition to (i) – (vii) above each authority's relevant Scrutiny Committee shall:

- (xi) receive reports on performance from the HMEC; and
- (xii) report to each Executive Committee of the Councils annually on the performance of the HMEC.

2.2 The Committees may vary the order of business so as to give precedence to any business. However such a variation shall not displace business falling under item (i) in this rule.

3. Extraordinary meetings

3.1 Calling extraordinary meetings

Those listed below may request a meeting of either of the Committees in addition to ordinary meetings:

- Any of the Executives of the Councils by resolution;
- the Chairman of any of the Councils
- the Monitoring Officer of any of the Councils having first notified the Chairman of the Councils; and
- any five Members of any of the Councils if they have signed a requisition presented to the Chairman of their respective Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

At an extraordinary meeting of the HMEC the business to be conducted shall be limited to a single item in the form of a motion full details of which shall be set out on the summons calling the meeting.

4. Frequency, time and place of meetings

- 4.1 In the first year of operation of the HMEC there shall be at least four meetings of the HMEC.
- 4.2 From the second year of operation, the HMEC can determine the frequency of its meetings following consideration of the HMEC's projected workload. Extraordinary meetings of the HMEC can be called in accordance with Rule 3 above.
- 4.3 Meetings shall take place at the offices of the HMEC's then Chairman;
- 4.4 The time and place of meetings will be determined by the Chief Executive of the Relevant Council and notified in the summons.

5. Notice of and summons to meetings

- 5.1 The Chief Executive of the Relevant Council will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the relevant Committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. Chairing of meetings

- 6.1 The Chair of the HMEC will be appointed for a maximum period of 12 months rotating thereafter between the Councils. For the first year the Chair will be from East Devon District Council and then Exeter City Council and then Teignbridge District Council. Where there is more than one representative from a particular Council on a Committee the Chair will be selected from the members of that Council.
- 6.2 The Chairman does not have a casting vote.

7. Committee Composition

7.1 HMEC

(Amended June 2023)

The HMEC shall comprise;

- three members one from each of the Councils, each with an equal vote and shall where possible be the Portfolio Holder responsible for any of sustainable development, strategic planning, environment or similar function
- one person from each of the bodies listed below all of which shall be non-voting positions;
 - Natural England
 - Green Infrastructure Board

8. Quorum

- 8.1 For the HMEC the quorum is the three Council members or their nominees.
- 8.2 During any meeting, if the Chairman declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman or when the meeting becomes quorate again. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Voting

- 9.1 Voting will be taken by a show of hands.
- 9.2 Each member has an equal vote.
- 9.3 The Chairman does not have a casting vote.

- 9.4 For a decision taken at the HMEC, a decision must be unanimous.
- 9.5 There will be no opportunity for a ballot vote.
- 9.6 If the meeting so decides (prior to a vote being taken) the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 9.7 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. (This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations)

10. Questions and statements by the public

- 10.1 For the HMEC, subject to Rule 10.2, there shall be a fifteen minute period at the commencement of Committee meetings for members of the public to ask questions. Each individual questioner exercising a right during the public question time to be restricted to speaking for a total of three minutes.
- 10.2 Where a question does not relate to an agenda item, and a response is required from a member or an officer, the question must be submitted in writing to the Proper Officer of the Relevant Council not less than two working days before the meeting to give time for a response to be prepared. Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
- 10.3 The Chairman of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.

11. Questions by Members

- 11.1 A member of the Councils may ask the HMEC any question without notice upon an item of the report to the HMEC when that item is being received or under consideration.
- 11.2 A member of any of the Councils may ask a question on notice relating to any function of the HMEC not to be considered at the Committee meeting provided that they have given at least two working days' notice in writing of the question to the Proper Officer or, where the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Proper Officer of their Council by 9.15am on the day of the meeting.
- 11.3 An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.4 A member asking a question under Rule 11.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12. Motions on notice

12.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least five members of a Council, must be delivered to that Council's Proper Officer not later than ten working days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 Motion set out in agenda

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

12.3 Clarification of motion on notice

Where a motion on notice has been submitted in accordance with this Rule, and prior to the dispatch of the agenda, the Chief Executive of the relevant Council may seek to clarify the purpose and/or wording of such a motion (such action may include recommending its rewording) so as to ensure that any such motion, if approved, is compliant with the Committee's legal and administrative powers.

12.4 Referral of motion to relevant committee

Where the wording of the motion is not immediately relevant to the business of the Committee, the presumption is that it will be referred to the relevant Committee in the first instance to enable research to be properly carried out into the issue to facilitate a relevant and informed debate.

12.5 Committee's response to motion

The Chairman, at his discretion, may invite any member (or his nominee) or officer to respond to a motion or a question.

12.6 Scope

Motions must be about matters for which the Committee has a responsibility.

13. Motions without notice

The following motions may be moved without notice:

- (a) in relation to the accuracy of the minutes;
- (b) to change the order of business in the agenda;
- (c) to refer something to an appropriate body or individual;
- (d) to appoint a committee or member arising from an item on the summons for the meeting;
- (e) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (f) to withdraw a motion;
- (g) to amend a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) to suspend a particular procedure Rule;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- (o) to give the consent of the Council where its consent is required by these Rules.

14. Rules of debate

14.1 No speeches until motion seconded

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

14.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

14.3 Secunder's speech

(Amended June 2023)

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

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

14.5 When a Member may speak again

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

14.6 Amendments to Motions

(a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion that he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations that could be made as an amendment may be made.

14.8 Withdrawal of motion

A member may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. The proposer of the amendment shall also be entitled to reply
- (c) A member exercising a right of reply shall not introduce new matter.

14.10 Motions that may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and

- (h) to not hear further a member named under Rule 19.2 or to exclude them from the meeting under Rule 19.3.

14.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Chairman thinks the item has not been sufficiently discussed or cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

14.13 Personal explanation

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

15. Previous decisions and motions

15.1 Motion to rescind a previous decision

(Amended June 2023)

A motion or amendment to rescind a decision made at a Committee meeting within the past six months cannot be moved unless the notice of motion is signed by at least 15 members, from a Council or the Councils.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a Committee meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members from a Council or the Councils. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. Minutes

16.1 Signing the minutes

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

16.2 There is no requirement to sign minutes of previous meeting at an extraordinary meeting.

16.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations

17. Record of attendance

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

18. Exclusion of public

Members of the public and press may only be excluded either in accordance with Rule 28 (Access to Information Rules) or Rule 20 (Disturbance by Public).

19. Members' conduct

19.1 Chairman standing

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

19.2 Member not to be heard further

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

19.3 Member to leave the meeting

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

19.4 Disclosable Pecuniary Interest

Unless a dispensation has been granted, a member shall not participate in any discussion of, or vote on, any matter in which they have a Disclosable Pecuniary Interest and having first declared to the meeting the existence and nature of that interest shall withdraw from the room where the meeting is being held at the commencement of the consideration of that business, or (if later) the time at which the interest becomes apparent.

Where the Disclosable Pecuniary Interest is sensitive (as defined on the Member Code of Conduct of the respective Councils) the member need not disclose the nature of that interest but must still state there is a Disclosable Pecuniary Interest and otherwise follow the requirements of the previous paragraph.

19.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

19.6 Code of Conduct

Appointed members to the Committee remain subject to the adopted Code of Conduct of their respective Councils

20. Disturbance by public

20.1 Removal of member of the public

If a member of the public interrupts proceedings or is found to be recording the proceedings of the meeting (by video or otherwise) in a manner that is

disruptive to business, the Chairman will warn the person concerned. If they continue to interrupt or record the meeting contrary to the Chairman's instructions, the Chairman will order their removal from the meeting room and the forfeiture of the unauthorised recording.

20.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

21. Suspension and amendment of the Rules

21.1 Suspension

All of these Rules except Rule 9.7 and 16.3 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Committee are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

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

22. Motions affecting Staff

If any question arises at a meeting of the Committee to which the Local Government Act 1972 applies by virtue of Section 100(A)(4) concerning the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Councils, such question shall not be the subject of discussion until the Committee has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

23. Call-in

23.1 A decision is made by the HMEC but the decision does not come into effect until a Call-in period has elapsed.

23.2 Within two working days of the decision being made, the Proper Officer (which in this context means the Proper Officer of the Council whose members have exercised the power of call-in) will notify all members of the Councils of the decision. The notice will include the date of the notification and the date the decision will come into effect if there is no Call-in. The "effective date" of the decision which will be 09.00 am on the day after the expiry of three clear working days from the notification to members (Saturdays, Sundays and Bank

Holidays are excluded). For example, in respect of a decision made by the HMEC on a Wednesday, notification will be given to all members by Friday of the same week and the effective date of the decision will be 09.00 am on the following Thursday.

- 23.3 A request for a call-in of the decision must be received by the Proper Officer between the date of notification to members and the effective date of the decision.
- 23.4 For the call-in to be valid, the request must comply with the respective authorities call-in procedures.
- 23.5 If referred to the HMEC, the HMEC shall consider the concerns, amending the decision or not, before adopting a final decisions.

Urgent Decisions

- 23.6 Urgent decisions shall be excluded from the call-in process. What constitutes an urgent decision will be agreed between the Chief Executives and the voting members of the HMEC and the Chairman of each authority's relevant Scrutiny Committee. The reason why the decision was urgent shall be recorded.

Referral to Councils

- 23.7 When considered by each authority's relevant Scrutiny Committee, the matter may be referred back to the HMEC for further consideration or in exceptional circumstances, i.e. a matter of significance for the Councils affecting the strategic importance of habitat mitigation, referred to the Councils for further consideration and referral back to the HMEC. Whether the matter is considered exceptional will be agreed between the Chief Executives and the voting members of the HMEC and the Chairman of each authority's relevant Scrutiny Committee. When considered by the Councils, the matter will need to go back to the HMEC in the form of a report with recommendations Chairmen of each of the Council's relevant Scrutiny Committee.

Limit on number of call-ins

- 23.8 A matter which has been the subject of a call-in may not be the subject of a second call-in.

24. Inspection of documents

- 24.1 A member of the Council may for the purposes of his duty as a member but not otherwise inspect any document that contains material relating to any business to be transacted, or which has been considered, at a meeting of the Committee. If copies are available they shall be supplied on request.
- 24.2 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested; or has a Disclosable Pecuniary Interest within the meaning of the Code of Conduct for members.
- 24.3 This Rule shall not preclude a Chief Executive or Solicitor from declining 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 or where it appears to the Chief Executive that a document discloses exempt information of a description set out in Section 100F(2) of the Local Government Act 1972.
- 24.4 All minutes of the Committees shall be open for the inspection of any member of the Councils during office hours.

25. Inspection of land, premises etc.

A member of a Council unless authorised to do so by a Council or Committee, shall not have the right to inspect any lands or premises which the Councils have the right or duty to inspect, or enter upon or issue any order respecting any works which are being carried out by or on behalf of the Councils.

26. Proceedings at meetings

- 26.1 No person shall disclose "confidential information" or "exempt information" in any circumstances. However this Rule shall not forbid disclosure of the resolution or any recommendation which has been made or other contents of the relevant minute.
- 26.2 In the event of any member disclosing such information, he/she shall be liable to investigation by their Council's Monitoring Officer and report to the Standards Committee.

27. Attendance when not a Committee Member

- 27.1 A member who has proposed a motion which has been referred to a Committee shall have notice of the meeting of the Committee at which it is

proposed to consider the motion, and if he attends, shall have an opportunity of explaining it.

27.2 A member of the Council may attend all proceedings of the Committees.

27.3 A member who wishes to raise any matter appropriate to a Committee of which he is not a member, may do so by giving notice in writing to the Proper Officer of their Council at least two clear days before the next ordinary meeting of the appropriate Committee. The member may also attend a special meeting if the matter in which he is interested is to be discussed by that special meeting. Such notice shall contain particulars of the matter that they wish to raise. They shall then have the right to explain and discuss the matter.

27.4 Any member attending a Committee meeting of which he is not a member shall not be able to propose or second any motion nor to vote at that meeting. Except as otherwise provided in this Rule they shall not be entitled to speak at that meeting (except with the consent of the Chairman).

28. Access to Information

28.1 Additional Rights to Information

These Rules do not affect any more specific rights to information afforded by law.

28.2 Rights to Attend Meetings

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

28.3 Notices of Meeting

At least five clear days' notice will be given of any meeting by posting details of the meeting at the Councils' offices and placed on the Councils' websites.

28.4 Access to Agenda and Reports before the Meeting

The Council hosting the Committee meeting will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting and on its website. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer for the Council shall make each such report available to the public as soon as the report is completed and sent to members) will be open to inspection for the time the item was added to the agenda.

28.5 Supply of Copies

The Council hosting the meeting will supply copies of:

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

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- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the Chief Executive or Monitoring Officer of the Council hosting the Committee meeting think fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs.

28.6 Access to minutes etc. after the meeting

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

- (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

28.7 Background Papers

List of background papers

The proper officer of the Council hosting the Committee meeting 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:

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

29. Key Decisions

29.1 A “Key Decision” means a decision of the HMEC which is likely:

- (a) to result in the Committee or the Councils incurring expenditure which is, or the making of savings which are, significant having regard to the Committee’s or the Councils’ budgets for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in any of the Councils’ areas;

29.2 In accordance with Section 38 of the Local Government Act 2000, in determining the meaning of “significant” regard shall be had to any guidance for the time being issued by the Secretary of State

29.3 A decision taker may only make a key decision in accordance with the requirements of these Rules.

29.4 Only the HMEC may take Key Decisions.

29.5 The HMEC shall publish a forward plan of anticipated Key Decisions.

29.6 Notice of Key Decision

Subject to the general exception and urgency provisions below, no Key Decision may be taken unless:

- (i) a notice (called here a "Notice of Key Decision") has been published in connection with the matter in question;
- (ii) at least 28 clear days have elapsed since the publication of the Notice of Key Decision; and
- (iii) where the decision is to be taken at a meeting of the HMEC notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

29.7 Contents of Notice of Key Decision

The Notice of Key Decision will state that a key decision is to be taken by the HMEC and it will describe the following particulars:

- (i) the matter in respect of which the decision is to be made;
- (ii) the date on which, or the period within which, the decision is to be made;
- (iii) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (iv) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (v) that other documents relevant to those matters may be submitted to the decision maker; and
- (vi) procedure for requesting details of those documents (if any) as they become available.

29.8 Publication of the Notice of Key Decision

The Notice of Key Decision must be made available for inspection by the public at the offices of the Relevant Council of the next HMEC meeting at which the Key Decision is to be made.

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

29.10 The Forward Plan

The Councils are not required by law to publish a forward plan. However, the Notice of Key Decision published by the relevant Council set out not just details of specific key decisions, but also details of key decisions over a four month period (including important decisions to be made by the HMEC).

29.11 General Exception

If a Notice of Key Decision has not been published, then subject to Rule 29.13 (special urgency), the decision may still be taken if:

- (i) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (ii) the Proper Officer of the relevant Council has informed the Chair of the relevant Scrutiny Committee meeting the matter about which the decision is to be made;
- (iii) the Proper Officer of the relevant Council has made copies of that notice available to the public at the offices of the relevant Council and on the Councils' websites; and
- (iv) at least five clear days have elapsed since the Proper Officer complied with 29 (ii) and 29 (iii)

29.12 As soon as reasonably practicable after the Proper Officer of the relevant Council has complied with Rule 29.11, they must make available at the Councils' offices and publish on the Councils' websites the reasons why compliance with issuing a Notice of Key Decision was impractical.

29.13 Special Urgency

If by virtue of the date by which a Key Decision must be taken Rule 29.11 (general exception) cannot be followed, then the Key Decision can only be taken if the Chief Executive of the Relevant Council obtains the agreement of the Chair of the next Scrutiny Committee meeting of the relevant authority.

29.14 As soon as reasonably practicable after the Chief Executive of the relevant Council has obtained agreement under Rule 29.13 they must make available at the Councils' offices and publish on the Councils' websites the reasons why the meeting is urgent and cannot reasonably be deferred.

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Introduction & Context

The Live and Move programme has developed through a partnership between Exeter, Cranbrook and Sport England as part of the national Local Delivery Pilot programme. Increasing physical activity involves a complex range of interventions and support to enable meaningful, long term behaviour change. Sport England is working with 12 places across the country to identify how physical activity can tackle health inequalities.

There are often huge differences in the health and wellbeing of people living even just streets away from each other. This health inequality became starker during the Covid pandemic. Our collective recovery from Covid, along with cost of living difficulties faced by so many, has made the work of Live and Move, and all of the pilots across the UK, even more significant. Through programmes and approaches such as Wellbeing Exeter and Move More Cranbrook we are identifying ways to support people to be more active in their everyday lives. We've been on a steep learning curve with this work and have pivoted our programme more than once when the insights or data has shown us this was the right thing to do.

People choose many different ways to be active, be it walking, cycling, exercising, gathering with friends and family or taking part in a club, activity or class. Working with individuals and communities as early as possible is key to supporting the health, social and economic benefits that increased physical activity brings.

Whilst Exeter is a city with high rates of physical activity compared to the national average, there are significant pockets of high deprivation and poor health outcomes. There is a significant health inequality gap with a wide range of life expectancy between the most affluent and most deprived wards. In Cranbrook, the identity of a new town, rapid population growth and an evolving formal community infrastructure is making us question traditional approaches to developing sport and activity as a way of life.

The impact of the pandemic on activity levels, health outcomes and widening inequalities is significant. Our own local fieldwork has identified that residents in our poorest neighbourhoods are **3 TIMES** more likely to be inactive than the mainstream population. In particular, those on low incomes and from culturally diverse communities have seen a fall in activity levels and a decrease in general health and wellbeing. Our programme is changing and adapting as people's attitudes to community, work, health and wellbeing have changed dramatically in the last two years.

Through working with Sport England, we are aiming to contribute towards the significant challenges and opportunities outlined in the Uniting the Movement strategy by offering our learning and insight on how to tackle inactivity in Exeter and Cranbrook.

Through the remainder of our funded programme to 2025, we want to continue testing ideas, growing what is working, and sharing our learning with local, regional and national partners and networks.

We want to embed physical activity within strategy, organisations and communities to help make Exeter and Cranbrook a healthier place to live and ensure our work has an impact on future national policy and approaches.

Reducing inequalities, supporting more movement and uniting our communities in opportunities to be active every day.

Objectives

Our Vision: Exeter and Cranbrook, where everyone can have an active lifestyle everyday.

At Live and Move we believe that everyone has a right to find their own everyday active lifestyle and enjoy the health benefits this brings. For some, this could be playing more sport or cycling to work, but there are many other ways to add more activity into our day and lifestyle. Our vision is to narrow health inequalities and change the systems that don't work, so that everyone has the same opportunities to be healthier and more active, everyday.

Our Mission: Working together in places, with people and communities, to make everyday lives better.

Live and Move was created to seek brilliant alternatives to a system that often fails; because when it comes to health and wellbeing, getting around or feeling empowered, it is often our overlooked communities who are the worst off. We know that for many:

- Keeping active and healthy is getting harder,
- Travelling is getting more difficult, and
- People and communities are under pressure on lots of fronts.

Tackling these challenges is beyond the power of any of us acting alone. It takes a whole system approach for lasting change to be possible. By bringing people together and working alongside individuals, organisations, communities and policy makers, we will influence strategies, remove barriers, and change local systems. Using a data-led, evidenced based approach will enable us to focus on partnering in those places where inequality is felt keenest.

Approval, review or variation of the Live and Move Terms of Reference

The governance structure and Terms of Reference will be approved by the Council in the first instance, and thereafter reviewed and updated on an annual basis, via a written report to the Council's Executive Committee.

Exeter City Council

Purpose or role: responsible for **key financial and strategic programme decision making and provides scrutiny and oversight** for the Live and Move programme to ensure:

- good governance of the programme with appropriate due diligence and compliance around finance, audit, procurement and legal policy and processes
- effective programme management
- transparent and accurate financial accountability
- strategic alignment with Exeter City Council's Corporate Plan 2022-2026

Decision Making: will be an Executive function (for ECC key decisions). Decisions will be made in accordance with the Exeter City Council's Constitution and the Executive Terms of Reference.

Scrutiny & Oversight: the programme will be monitored by the Strategic Scrutiny Committee and any recommendations will be feedback to Executive.

Membership: for up to date membership of either the Executive or Strategic Scrutiny Committee, please refer to the Council's website www.exeter.gov.uk/council-and-democracy/councillors-and-meetings

Reporting: The Director will submit a report to the Strategic Scrutiny, twice a year to include the following updates:

- Programme Progress Updates
- Budget and Resource Statement
- Evaluation and Impacts Report
- RISK Management and Mitigation

Notice of meetings and frequency: in accordance with the Council's published committee cycles

Scrutiny Bulletin and Member briefings: A regular newsletter will be circulated to all members via the quarterly Scrutiny Bulletin. The newsletter will provide information about current projects or initiatives being delivered in the various wards.

Live and Move Management Team

Purpose or role: To manage the programme, ensuring delivery in line with the strategy, and;

- agree projects which deliver against the 3 Sustainable Outcomes and contribute toward the 3 Long-term Impacts described in the strategy
- manage and report on budgets and risks
- manage and allocate resources
- provide leadership and direction to project managers and the wider Live and Move Team
- ensure effective performance management of milestones, outcomes, deliverables and risks
- connect programmes; ensuring dependencies between programme areas are understood and prioritised
- identify and capitalise on new opportunities for partnerships or collaborations
- keep priorities under review including the consolidation of existing schemes, initiation of new projects and/or the acceleration of planned activities
- develop robust evaluation frameworks to ensure progress can be measured against the programme aims and to understand and communicate the impacts of what we do
- design and deliver communication and stakeholder engagement strategies

Attendees:

Director, ECC

Active & Healthy People Programme Lead, ECC

Communications Lead, ECC

Programme Administrator, ECC

Programme Manager Communities, ECC

Lead or Chair: Director

Decision-making: Tactical and Strategic decisions within agreed parameters and processes

Reports to: Director

Meeting Frequency: Monthly in person or via a digital platform. Urgent matters requiring approval to be circulated via email as agreed.

Review: Attendees and Terms of Reference to be reviewed periodically according to operational need but on an annual basis as a minimum.

Live and Move Team

Purpose or role: Operational team with responsibility to design and deliver programmes and projects in line with the strategy and;

- review outcomes and impacts through close monitoring and evaluation, in consultation with the Evaluation Partner
- share learning, insights and best practice
- mitigate issues and risks
- establish partnerships and ways of collaborative working, towards common purposes
- be ambassadors for Live and Move

Attendees: Live & Move Core Team

Director, ECC

Active & Healthy People Programme Lead, ECC

Communications Lead: Programme Manager Communications and Digital, ECC
Wellbeing Exeter Development Manager, Devon Community Foundation
Programme Manager Active Travel & Environments, DCC
Project Manager Active Families & Schools, ECC
Project Manager Cranbrook & Green Circle, ECC
Project Manager Networks & Capacity Building, ECC
Programme Administrator, ECC
Programme Manager Communities, ECC
Communities Officer, ECC
Regional Social Prescribing Advisor (Physical Activity), ECC
Vacancy, Project Officer Wellbeing and Leisure, ECC
Strategic Lead, Sport England
Local Pilots and Places Manager, Sport England

Lead or Chair: Active & Healthy People Programme Lead, ECC

Decision-making: Operational decisions within agreed parameters and processes

Reports to: Live and Move Management Team

Meeting frequency: Monthly team meetings in person or via a digital platform, plus a quarterly process learning session facilitated by the Evaluation Partner.

Review: Attendees and Terms of Reference to be reviewed periodically according to operational need but on an annual basis as a minimum.

Proposed Live and Move Sounding Board

A new group, which replaces the previous Partnership Oversight Group.

Purpose or role: An advisory group acting as a **Sounding Board** to the programme and a space for **collective problem solving**.

The Sounding Board is an informal group, which brings together stakeholders from across a wide range of sectors, and organisations in Exeter and Cranbrook, who share a common purpose and commitment to a whole system approach to behaviour change and promoting active and healthy lifestyles. The Board will come together on a regular basis to:

- Find collective solutions to some of the problems and challenges everyone is facing
- Explore new ways of collaborating when opportunities arise
- Offer a testing ground for new concepts
- Share learning, expertise and best practice
- Create partnerships or joint initiatives
- Build a stronger, more joined up network in Exeter and Cranbrook
- Access strategic funding through presentations to the Liveable Exeter Place Board

Member's Role:

- Volunteer to lead thematic discussions
- Contribute to the agenda and bring forward topics for discussion
- Able to attend meetings or nominate a colleague to attend
- Act as a critical friend to the Live and Move programme

- Advocate for the Live and Move Programme and the wider health and wellbeing agenda

Suggested Membership:

This is an informal Board and members can join and leave at any time.

Members will be invited from across Exeter and Cranbrook who share a common purpose in the promotion of physical activity and/or the health and wellbeing agenda.

Guests may be invited, as appropriate, to help inform discussions or to collaborate on discrete programmes of work.

Current members:

Exeter City Council, Director for Culture, Tourism and Leisure
 Active & Healthy People Programme Lead
 Exeter City Council, Portfolio Lead, Leisure & Physical Activity
 Devon County Council, Portfolio Lead Environment
 Active Devon
 East Devon District Council, Strategic Lead – Housing, Health & Environment
 Devon County Council, Transport Manager
 Devon County Council, Head of Communities
 Sport England, Strategic Lead
 Head teacher, St Luke’s School
 Devon Community Foundation, Partnerships Lead re Wellbeing Exeter Programme

Representatives to be invited from:

Cranbrook Town Council
 Royal Devon & Exeter Hospital
 Public Health
 VCSE
 NHS or CCG
 Exeter Chiefs
 Exeter City Football Club

Lead or Chair: Exeter City Council, Director for Culture, Tourism and Leisure

Secretariat: The Live and Move Programme Team will provide an administrative service to the Board including collating topics for discussion, circulating pre-reads and ensuring actions are tracked.

Decision-making: No formal decision making responsibilities. As the Board operates in an informal and advisory capacity, any decisions will be reached by consensus.

Reports to: No reporting responsibilities.

Meeting Frequency: Meetings will normally be held each quarter, in person, but may occasionally be conducted virtually.

Review: Membership and Terms of Reference to be reviewed on an annual basis.

Liveable Exeter Place Board

Role: offers citywide, policy level direction and influence to ensure the programme remains aligned to the broader picture, strategic and system priorities for Exeter and Cranbrook. Provides both opportunities for accessing strategic funding and potential leverage to overcome issues.

Reporting: The Director will attend meetings and present a report to the Liveable Place Board twice a year.

Membership and more information can be found here:

[Liveable Exeter](https://www.liveableexeter.co.uk/updates/the-liveable-exeter-place-board/) – LINK <https://www.liveableexeter.co.uk/updates/the-liveable-exeter-place-board/>

Move More Cranbrook

Role: Champions local needs, instigates and supports delivery in the community, requests support from each other and the Steering Group (steers Cranbrook LDP direction though Chair's membership of the Steering Group).

Live and Move Programme Team to attend meetings and provide administrative support to the Chair.

Reporting: The Chair of Move More Cranbrook will act as a formal link to the Cranbrook Steering Group.

More information can be found here: [LINK](#)

Cranbrook Steering Group

Role: To set the strategic objectives for the Cranbrook LDP and by working closely with Move More Cranbrook and other partners, support delivery of the programme's objectives.

The group creates a formal link between the Cranbrook leadership, Move More Cranbrook and the wider Live and Move Programme Team. Members consist of senior leaders from local stakeholder groups and organisations, who operate around a set of key themes, to bring system and strategic focus to the programme.

The group will also act as a strong local sounding board for Live and Move to support the wider programme goals and the long-term sustainability of effective initiatives.

Live and Move Programme Team to attend meetings and provide administrative support to the Chair.

Reporting: The Chair of the Steering Group will work in partnership with the Live and Move Management Team.

Proposed strategic link with Cranbrook Strategic Delivery Board

A new strategic relationship to be worked and developed with East Devon District Council and other Cranbrook Strategic Partners to enhance the role of the Cranbrook Strategic Delivery Board and enable future investment opportunities.

Cranbrook Strategic Delivery Board Purpose:

- Provide a forum within which the three tiers of local government can promote coordinated and cohesive delivery of assets and services;
- Support the development of Cranbrook as a sustainable community by ensuring that there is a clear plan for the delivery of key community infrastructure, assets and services in the town in step with the growing population;
- Ensure that there is a strategic business case to support the delivery of assets and cost effective services on an ongoing basis.

Full Terms of Reference:

[Cranbrook Strategic Delivery Board - Revised TOR final.pdf \(eastdevon.gov.uk\)](https://democracy.eastdevon.gov.uk/documents/s12375/Cranbrook%20Strategic%20Delivery%20Board%20-%20Revised%20TOR%20final.pdf) - LINK

<https://democracy.eastdevon.gov.uk/documents/s12375/Cranbrook%20Strategic%20Delivery%20Board%20-%20Revised%20TOR%20final.pdf>

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Part 5

Codes and Protocols

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The Exeter “Conventions”

- (1) The Executive will consist of the Leader together with nine other Councillors to be nominated by the Leader and appointed by full Council.
- (2) The Leader shall allocate a seat on the Executive to each of the Portfolio Holders.
- (3) Executive decisions shall be made collectively at Executive meetings.
- (4) The Leader and Executive members shall not take executive decisions individually.
- (5) The opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak on any item on the Executive Agenda.
- (6) Members of the Executive may not serve on the Scrutiny Committees or the Scrutiny Programme Board.

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The General Principles of Good Conduct

In Spring 2001 Parliament agreed 10 principles that should govern the conduct of members and co-opted members. The 10 principles are set out below and it is these principles on which the Model Code of Conduct is based.

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 OF 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 authorities' statutory officers and its other employees.

(Amended May 2021)

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 authorities 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 always act in a way that secures or preserves public confidence.

Exeter City Council

**Code of Conduct
For Members and Co-opted Members**

Together with

**The Rules on Registration and Declaration of Pecuniary
and other Interests**

(Amended April 2023)

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

Members are obliged to disclose any interests they may have in accordance with the provisions of this Code.

Members must understand the obligations placed on them and in particular the requirement on them to register and disclose the following interests as defined by the Code:

- Disclosable Pecuniary Interests (“DPI”);
- Other Registrable Interests (“ORI”); and
- Non-registrable interests.

Appendix B sets out the detailed provisions on registration of interests and disclosure. If in doubt, you should always seek the advice of the Monitoring Officer.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority; or
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you and to set out the type of conduct that could lead to action being taken against you. It is also there to protect you, the public, fellow councillors, local authority officers and the reputation of local government.

The Code sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

(Amended April 2023)

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor and/or as a representative of your council:

- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

(Amended April 2023)

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect. You must also respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy.

As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction with them and report them to the local authority, the

(Amended April 2023)

relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination:

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council:

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

(Amended April 2023)

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to

information:

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

(Amended April 2023)

5. Disrepute:

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. Behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position:

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and

facilities:

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority (or when authorising their use by others):

- a. **act in accordance with the local authority's requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct:

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests:

As a councillor:

9.1 I register and declare my interests.

(Amended April 2023)

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest.

The register is a public document that can be consulted when (or before) an issue arises.

The register protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a Disclosable Pecuniary Interest (DPI) as set out in **Table 1** is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on Registering and Declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality:

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor.

The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

(Amended April 2023)

It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

You do not need to register gifts and hospitality which are not related to your role as a councillor, such as gifts from your friends and family.

Members will note the form for Declaration of Gifts and Hospitality attached at Appendix C. This form can also be located on the Councillor Hub and Intranet under 'Gifts and Hospitalities'.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

1. Within 28 days of becoming a Member or your re-election or re-appointment to office you must Register any interests which fall within the categories set out in **Table 1 - Disclosable Pecuniary Interests (DPIs)** which are described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
2. You must also register details of any other interest which fall within the categories set out in **Table 2 Other Registerable Interests (ORIs)**.
3. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
4. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
5. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

Non participation in case of disclosable pecuniary interest

6. Where a matter arises at a meeting which ***directly relates*** to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
7. A Dispensation may be granted by the Monitoring Officer to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
8. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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Disclosure of Other Registrable Interests

9. Where a matter arises at a meeting which **directly relates** to one of your Other Registrable Interests as set out in **Table 2** you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Disclosure of Non-Registrable Interests

10. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must declare the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

11. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative or close associate;
or
 - c. a financial interest or wellbeing of a body included under Other Registrable interests as set out in **Table 2**
- you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

12. Where a matter (referred to in paragraph 11 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest.

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You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

13. Where you have an Other Registrable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosable Pecuniary Interest(s) and other Registrable Interest forms.

Members will note the form for Disclosable Pecuniary Interest(s) and other Registrable Interests form at Tables 1 and 2 below can also be located on the Councillor Hub and on the Intranet, under 'Councillors, committees, elections and mayoralty'.

General Dispensations: Members will note the General Dispensations granted by the Monitoring Officer to all members as set out at **Appendix D**.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made or provided to the councillor within the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

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Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest which exceed one hundredth of the total issued share capital of that class.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner, within the descriptions set out in Table 1 below.

“Partner” means a spouse of civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

“Director” includes a member of the committee of management of an industrial and provident society.

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and

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Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest:

- (a) Any unpaid Directorships;

- (b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;

- (c) Any body:
 - (i) Exercising functions of a public nature;
 - (ii) Directed to Charitable Purposes; or
 - (iii) One of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union)

of which you are a member or in a position of general control or management.

Appendix C:
Member's Declaration of Gifts and Hospitality

One of the requirements within the Code of Conduct is for councillors to declare any gifts or hospitality received (with an estimated value over £50) to the Monitoring Officer (Director of Corporate Services) in order for them to be entered into a register which is published on the Council's website.

The Code of Conduct states that as a Councillor you:

- Do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- Register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- Register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept. In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, please contact the Monitoring Officer (Baan Al-Khafaji) for guidance.

NAME:

EMAIL ADDRESS:

DATE GIFT/HOSPITALITY RECEIVED:

TITLE OF GIFT/HOSPITALITY RECEIVED:

REASON FOR GIFT/HOSPITALITY:

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GIFT/HOSPITALITY PROVIDED BY:

ESTIMATED VALUE:

Signed:

Dated:

Appendix D

DISPENSATION FOR MEMBERS OF EXETER CITY COUNCIL 2023-2027

For the period 8 March 2023 to 7 March 2027, all Members of Exeter City Council shall be granted a Dispensation to permit them to speak and vote at meetings of Exeter City Council, its Executive or any Committee, Sub-Committee, Joint Committee, Joint Sub-Committee, Working Group or Working Party thereof if the matter relates to any of the following functions of the Council, namely:

- Any allowance, travelling expenses, payment or indemnity for Members of the Council;
- Any ceremonial honour to be given to Members;
- Any and all Housing matters including financial matters where the Councillor (or their Spouse or Partner) holds a tenancy or lease with the Council provided that the matter does not relate to the Councillor's particular tenancy or lease;
- Overarching budget reports where the Councillor (or their Spouse/ Partner) receive Housing Benefit;
- Setting of the Council Tax or Precept in accordance with the Local Government Finance Act 1992 by virtue, for example, of a Member being a land or property owner in the administrative area of the City Council;
- Where a Member is a representative of the City Council on any City Council wholly owned, controlled or joint local authority company or Joint Venture Partnership on any matter relating thereto unless it relates to any personal remuneration or personal involvement therein.
- Deciding upon the grant funding of external organisations where a Member has been appointed to that external organisation by the Council;

A general dispensation to all Members to allow them to stay and speak, but not to vote, in relation to consideration and decisions on Council Tax Support where a Member (or their Spouse or Partner) is in receipt of Council Tax support.

Where a Member is unsure whether this General Dispensation applies to his/her particular circumstances, s/he is advised to make a specific request to the Monitoring Officer.

.....
(Signature)
Monitoring Officer
Dated this 8th day of March 2023

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Appendix E– the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

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review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

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DISPENSATION FOR MEMBERS OF EXETER CITY COUNCIL

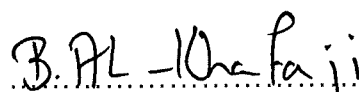
2023-2027

For the period 8 March 2023 to 7 March 2027, all Members of Exeter City Council shall be granted a Dispensation to permit them to speak and vote at meetings of Exeter City Council, its Executive or any Committee, Sub-Committee, Joint Committee, Joint Sub-Committee, Working Group or Working Party thereof if the matter relates to any of the following functions of the Council, namely:

- Any allowance, travelling expenses, payment or indemnity for Members of the Council;
- Any ceremonial honour to be given to Members;
- Any and all Housing matters including financial matters where the Councillor (or their Spouse or Partner) holds a tenancy or lease with the Council provided that the matter does not relate to the Councillor's particular tenancy or lease;
- Overarching budget reports where the Councillor (or their Spouse/ Partner) receive Housing Benefit;
- Setting of the Council Tax or Precept in accordance with the Local Government Finance Act 1992 by virtue, for example, of a Member being a land or property owner in the administrative area of the City Council;
- Where a Member is a representative of the City Council on any City Council wholly owned, controlled or joint local authority company or Joint Venture Partnership on any matter relating thereto unless it relates to any personal remuneration or personal involvement therein.
- Deciding upon the grant funding of external organisations where a Member has been appointed to that external organisation by the Council;

A general dispensation to all Members to allow them to stay and speak, but not to vote, in relation to consideration and decisions on Council Tax Support where a Member (or their Spouse or Partner) is in receipt of Council Tax support.

Where a Member is unsure whether this General Dispensation applies to his/her particular circumstances, s/he is advised to make a specific request to the Monitoring Officer.


.....
(Signature)
Monitoring Officer

Dated this 8th day of March 2023

[NB: The Council's Monitoring Officer is authorised to determine requests from Members for dispensations where it is appropriate in the circumstances of the case or where, for instance, a significant number of members would be prevented from participating in any item of business or the representation of political groups would

be upset so as to impede or affect the likely outcome of the transaction of or vote upon that item of business or where it would be in the interests of the inhabitants of the area.

DISPENSATIONS

On a written request, the Council's Monitoring Officer may grant to a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest, where the Monitoring Officer believes that:-

- the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
- it is in the interests of the inhabitants in the Council's area to allow a member to take part; or
- it is otherwise appropriate to grant a dispensation.

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Officers' Code of Conduct

1. Standards

- 1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 1.2 Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

- 2.1 No employee may take part in any broadcast (sound or vision) or publish an article or otherwise disclose information to the media which relates to the business of the Authority without first obtaining the permission of the Chief Executive and/or relevant Director. If contacted by the media for information, an officer should refer the journalist to the Chief Executive and/or relevant Director in conjunction with the Council's Communications Director.
- 2.2 An employee should not be influenced by improper motives (e.g. secret profit or gain).
- 2.3 An employee must not disclose either orally or in writing any information of a confidential nature he/she has acquired through his/her official duties or to which he/she has access owing to his/her official position.

3. Political Neutrality

- 3.1 Employees serve the Authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

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4. Relationships

4.1 Councillors

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore, be avoided.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

4.3 Contractors and Suppliers

All relationships of a business or private nature with external contractors or suppliers, or potential contractors or suppliers, must be reported to your line manager and in writing on the attached form at Appendix A sent to the Council's Monitoring Officer for inclusion on the official Register of Interests. The online Declaration of Interest form is on the intranet under 'Your employment with ECC' in the 'employment forms' section.

Orders and contracts must be awarded in accordance with the Council's Procurement and Contract Procedures on merit, by fair competition against other tenders, and no special favour should be shown to potential contractors (Particularly those run by, for example, friends, personal or business associates, spouses or relatives) in the tendering and award process. No part of the local community should be discriminated against.

Where it comes to the knowledge of an employee of the Council that a contract in which he/she has any pecuniary interest, whether direct or indirect, has been or is proposed to be entered into, then the employee must in accordance with the provisions of section 117 of the Local Government Act 1972,, give notice of that interest as soon as is reasonably practicable to their manager and in writing to the Council's Monitoring Officer using the form attached to this report at Appendix A.

Failure to declare such an interest could constitute a criminal offence as well as a breach of this Code of Conduct resulting in disciplinary action.

Employees must not seek or receive any gift or personal inducement in connection with the procurement of works, goods or services.

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5. Appointment and Other Employment Matters

- 5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 In principle, no employee should be directly or indirectly in authority over a relative or someone with whom he or she has close personal ties, including for example, father or mother, husband or wife, son or daughter, brother or sister, or common-law partner. This factor may be taken into account in any recruitment and selection process. Should the situation arise, the Council would not wish to be put in the position of taking extreme measures and in the first instance, would look to the parties to resolve the situation themselves and so far as possible, would give assistance in achieving this in accordance with redeployment procedures. In addition, while the situation persists, any action or decision in respect of discipline, grading, promotion etc., should be made by objective third parties, e.g. Human Resources and the Chief Executive, or appropriate Director or Corporate Manager.

6. Outside Commitments

- 6.1 An employee must not have any secondary employment without first obtaining the permission of their Line manager who shall not unreasonably withhold consent having taken into account whether that employment would conflict with the interests of the Authority.
- 6.2 The Authority will not attempt to preclude employees from undertaking additional employment but any such employment must not in the view of the Authority, conflict with, or react detrimentally to, the Authority's interests, or in any way weaken public confidence in the conduct of the Authority's business.
- 6.3 Officers above Grade G shall devote their whole-time service to the work of the Authority and shall not engage in any other business or take up any additional appointment without the express consent of the relevant Director.

7. Personal Interests

- 7.1 Employees must declare to their line manager and in writing to the Monitoring Officer on the form at Appendix A, any non-financial interests that they consider could bring about conflict with the Authority's interests.

(Amended April 2023)

- 7.2 Employees must declare to their line manager and in writing to the Monitoring Officer on the form at Appendix A any financial interests which could conflict with the Authority's interests.
- 7.3 Employees should declare to their line manager and in writing to the Monitoring Officer using the form at Appendix A, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

8. Equality Issues

- 8.1 All employees should ensure that policies relating to equality issues as agreed by the Authority are complied with, in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. Separation of Roles during Tendering

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and internal contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors, whether internal or external.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors, must not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. Corruption

- 10.1 Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for them to corruptly receive or give any gift (other than a gift of nominal value), loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.

(Amended April 2023)

Any case of suspected corruption will be fully investigated and any proven cases will be treated as gross misconduct and could result in a criminal prosecution being undertaken. Where an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your manager and the Council's Monitoring Officer immediately.

12. Declaration of Interests

12.1 In the case of Senior Council Officers (Chief Executive, Directors, Corporate Managers and Service Leads), where there are no declarable interests a nil return must be completed by 31 March each year to the Monitoring Officer where it will be recorded in the Register of Interests.

11. Use of Financial Resources

11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

12. Acceptance of Gifts and Hospitality

12.1 The creation of good external relations both inside and outside the Council's area is one of prime importance, so staff will inevitably be faced with the difficulty of deciding whether or not to accept gifts and hospitality. Whilst it is impossible to cover every set of circumstances, the following guideline should provide a basis for making a decision in the vast majority of cases.

12.2 The general approach of the Prime Minister's Committee on the Local Government Rules of Conduct to the problems of gifts and hospitality is expressed:

"Another particular source of conflict between the private and public interest is the offer of gifts, hospitality or other benefits in kind to councillors in connection with their official duties. A nice exercise of judgement may sometimes be necessary to decide how the public interest, and the authority's good name, may be best 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 motives of those who serve in local government."

(Amended April 2023)

- 12.3 In applying the judgement, staff are strongly advised to err on the side of caution and to consult with their line manager and Monitoring Officer if they are in any doubt in a particular case.
- 12.4 Staff will often run the risk of their actions being misinterpreted simply because they have a close working relationship with donors. Staff should report to their line manager and in writing to the Monitoring Officer on the Declaration of Gifts and Hospitality form at Appendix B, the offer of any gifts or hospitality. If possible, gifts which are accepted should be pooled.
- 12.5 The guidance also applies to spouses and other close members of the family.

12.6 **Gifts**

The general rule should be to refuse gifts tactfully all offers from organisation or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council (e.g. planning application).

- 12.7 Exceptions from the general rule would include modest gifts of no more than £25 in value, which may be of promotional character (e.g. calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm).

12.8 **Hospitality**

When to accept hospitality is again very much a matter of judgement, given the particular circumstances, and it would be wrong to produce an atmosphere in which staff refused all invitations for social involvement with persons or bodies who have, or may seek to have in the future, business dealings with the Authority. Contacts established at a social level can often be helpful in pursuing the Authority's interests. What is important, is to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence.

- 12.9 The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group, than to accept something unique to yourself.
- 12.10 When a particular person or body has a matter currently in issue with the Authority, then common sense dictates a more restrictive approach (e.g. negotiations with an outside organisation). An important criterion in exercising your judgement is what interpretation others may reasonably put on your acceptance.
- 12.11 The following checklist of questions should help in deciding whether a gift or an offer of hospitality should be accepted or tactfully rejected:

(Amended April 2023)

- Is the donor, or event, significant in the community or in your Council's area?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Authority?
- Could you justify the decision to the Council, press and public?
- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- How will you respond to the hospitality?
- Are you comfortable with the decision?

12.12 Declarations of Gifts and Hospitality

All Gifts and Hospitality must be reported to the employee's line manager and in writing to the Monitoring Officer on the Declaration of Gifts and Hospitality Form at Appendix B where it will be recorded in the Register of Gifts and Hospitality. The online Gifts and Hospitality form is on the intranet under 'Your employment with ECC' in the 'employment forms' section.

In the case of Senior Council Officers (Chief Executive, Directors and Corporate Managers & Service Leads), a nil return must be completed by 31 March each year where no gifts and hospitality are received and reported to the Monitoring Officer where it will be recorded in the Register of Gifts and Hospitality.

13. Sponsorship - Giving and Receiving

- 13.1 Where an outside organisation wishes to sponsor, or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the Authority wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such

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sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

- 13.3 Similarly, where the Authority, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14. Online Forms

- 14.1 The online Declaration of Interest form and Declaration of Gifts and Hospitality form are on the intranet under 'Your employment with ECC' in the 'Employment forms' section.

March 2023

(Amended April 2023)

Protocol on Member/Officer Relations

1. Purpose of Protocol

- 1.1 The purpose of this protocol is to guide members and officers in their relations with one another.
- 1.2 It is intended as a statement of current practice and convention and aims to provide clarity and advice rather than to be prescriptive. It should be read alongside a number of other important documents including the Model Code of Conduct and other sections of this constitution.

2. Conduct of Councillors and Officers

- 2.1 The public expects the highest standards of conduct from both the Councillors they elect to represent them and the officers employed by the Council.
- 2.2 Councillors are required to sign a written undertaking that they will abide by the statutory Code of Conduct for members of local authorities – see Part 5 of this constitution.
- 2.3 All Exeter City Council employees are required to abide by the Council's Model Code of Conduct which deals with similar issues such as personal interests and acceptance of gifts and hospitality as well as other important principles such as political neutrality and equality. The Government intends to strengthen existing arrangements by introducing a statutory code of conduct for employees. Once it is approved it will form part of employees' terms and conditions of employment.

3. The Roles of Councillors and Officers

- 3.1 The Code of Conduct provides guidance on the required standards of conduct for members in carrying out their duties and in their relationship with the Council and its officers. It covers matters such as promoting equality and high ethical standards, as well as use of Council resources.
- 3.2 Separate local guidance notes exist to provide advice for staff when dealing with the Lord Mayor.

4. Political Neutrality of Officers

- 4.1 Both Councillors and officers are public servants but Councillors are responsible to the electorate and officers are responsible to the Council. Officers serve the whole Council and support all Councillors. They must

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maintain political neutrality and must ensure that the individual rights of all Councillors are respected.

- 4.2 On occasions employees may be required to advise political groups and, in exceptional circumstances, to attend group meetings. It is an important principle that the same level of advice and support is available to all Groups or Councillors. This must not extend beyond providing advice and information in relation to Council business and officers must ensure that they do not compromise their political neutrality in doing so. Advice to individual political groups is provided on a confidential basis and must not be the subject of briefing with another political group.
- 4.3 Officers, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. Councillors should not seek to ascertain or influence the personal political convictions of officers.

5. Equality

- 5.1 Exeter City Council is committed, both as an employer and as a deliverer of services, to ensuring that no recipient of services provided by the Council receives less favourable treatment on any grounds such as disability, ethnic origin, age, gender, sexuality, language, religion, political or other opinion, national or social origin, association with a national minority, locality, property, birth or social status.
- 5.2 The Council has undertaken to develop a culture which enables Councillors and officers to deliver services and act towards each other in a fair and equitable manner without discrimination, whether direct or indirect.
- 5.3 The Council will develop, implement and review its policy in consultation with service users, community organisations, staff and trade unions and will monitor its effectiveness through the appropriate Committee. It has also undertaken to produce an annual Equalities Plan (to identify future Action) and a Corporate Training Plan for Equalities, together with Directorate Action Plans. The Council has adopted the definition of a racist incident arising out of the Stephen Lawrence Inquiry and the Commission for Racial Equality Standards and monitors complaints of racial incidents. It also monitors other equalities data including the number of staff meeting the Disability Discrimination Act definition of disability and the number of women in the employ of the Council in senior management posts.
- 5.4 Councillors must ensure that in their work (including their representational, executive and scrutiny roles), they take account of the Council's policy and promote social inclusion throughout the city.
- 5.5 Officers must ensure that the individual needs of customers are met and that no-one receives inhuman or degrading treatment as a result of contact with the Council.

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- 5.6 The Council has adopted a number of individual policies and procedures aimed at ensuring equality in addition to the Equalities Policy, including those relating to Violence at Work, the Code of Conduct, Disciplinary Rules and Procedures, Grievance Procedure and Harassment and Bullying. Both Councillors and officers must adhere to the practice and principles set out in these documents, in addition to the requirements of the law. The principles of equal opportunities extend to the relationship between Councillors and officers.
- 5.7 The Council has adopted a Whistleblowing Policy which aims to provide a procedure whereby officers can report perceived instances of wrong-doing within the organisation without fear of victimisation.

6. Staffing issues

- 6.1 No Councillor or officer must use their position and influence to ensure that relatives, friends or colleagues are given jobs.
- 6.2 If Councillors are asked to take part in appointing officers, the only question that they should consider is which candidate would best serve the whole Council. Personal or political preferences should not influence their judgement.
- 6.3 The Officer Employment Procedure Rules in Part 4 of the Constitution deal with arrangements for the appointment and dismissal of the Chief Executive and other senior officers of the Council.
- 6.4 Councillors may be involved in disciplinary or grievance appeals hearings involving officers. They must base their decisions solely on the factual information before them.
- 6.5 Similarly officers must follow the formal procedures of the Council for consultation with staff, handling grievance and disciplinary matters.

7. Decision-making

- 7.1 The Council decides the policy and officers carry out the instructions of the Council in accordance with their professional skill and knowledge. Unless specifically authorised by the Council, a councillor should not undertake works or actions ordered by the Council. The officer's duty is to have in mind the best and most effective and efficient means of carrying out the Council's decision.
- 7.2 It has become accepted practice that Chairs of Committees are briefed by senior officers prior to dispatch of committee papers and may have some input in drawing up the agenda. However it must be recognised that an Director/Corporate Manager or Director Finance Officer or Director Corporate Services may have a duty to report on particular matters. In some situations,

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they may have a legal or professional responsibility to report an issue in a certain way or to make a specific recommendation, for example, in relation to a planning or licensing application. More detailed guidance relating to planning issues will be found in the Local Planning Code.

- 7.3 Officers will always be required to provide unbiased written advice and responsibility for making policy decisions clearly rests with Members. Directors, Director Finance Officer, Director Corporate Services and Corporate Managers are responsible for giving policy guidance. Internal advice leading to that decision is confidential.
- 7.4 Officers with appropriate delegated authority will take any urgent decisions in accordance with the procedures allowed within the Council's constitution.
- 7.5 Councillors should take care, especially when dealing with less experienced officers, not to create the impression that either a personal preference or policy or proposal of his/her Group is in fact a formal Council decision.

8. Communicating

In person

- 8.1 In the course of their responsibilities, Councillors will naturally have direct contact with specific officers of the Council on a day-to day basis. This contact is beneficial on both sides and where the relevant officer dealing with a particular matter is known, this is often an effective and pragmatic way of seeking information or progressing issues.
- 8.2 In this way Councillors should feel free to approach officers in the relevant directorate. Obviously officers will have their own work commitments and priorities and, whilst Councillors queries will be given the highest possible priority, officers may not be in a position to respond instantly. Direct approaches to staff should not interfere with an officer's ability to undertake their normal work programme and any demands which are regarded as excessive may be referred to the Director/Corporate Manager, Director Finance or Director Corporate Services for resolution.
- 8.3 Councillors should be aware of the limits of individual officers' responsibilities. Personal contacts should not be used as a way of obtaining information to which the Councillor would not normally expect to be given access. Any issues of a policy nature should be raised with either the Director or Corporate Manager or Director Finance or Director Corporate Services or the Chief Executive depending on their nature.
- 8.4 Officers should be aware of Councillors' special interest in, and knowledge of their wards and make use of this wherever possible by involving Councillors in or advising them of issues pertinent to their wards.

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- 8.5 Councillors may choose to respond personally to letters sent to them by residents or may request a Council officer to do so on their behalf. However it would not be appropriate for officers to make a “political” response to a letter.

Letters and E-mail

- 8.6 Under the Local Government Act 1992, the Audit Commission requires every local authority to collect, monitor and publish its targets for answering letters, detail what performance was achieved and how performance was monitored against the targets.
- 8.7 Exeter City Council’s target for acknowledging and/or responding to all letters (including complaints) under the Customer Charter is five working days. This target applies to all letters requiring a reply, including those from the authority’s own Councillors and business correspondence. The definition of “letter” has been extended to cover all methods of external communication including external e-mails and faxes.
- 8.8 Wherever possible, officers should send a full response to the matters raised in the Councillors letter within five working days. Where this is not possible, an acknowledgement should be sent to the Councillor within that period giving the name and phone number of the officer dealing with the matter and the date by which to expect a full reply.
- 8.9 In order to keep Chairs or portfolio holders informed of issues, officers will normally copy to them their responses to Councillors’ correspondence, particularly where these involve policy issues. Subject to the discretion of the Director/Corporate Manager/ Chief Finance Officer/City Solicitor responses will not normally be copied where correspondence relates to routine operational issues or individual residents. Where appropriate, correspondence may also be copied to the relevant ward Councillor. All recipients will be indicated openly on the response, however, confidential or personal information should not be divulged to others simply ‘for information’. If in doubt the writer should seek the advice of the Council’s Data Protection Officer. The same general principles apply to other written forms of communication.

9. Access to Information

Statute

- 9.1 Councillors’ rights to inspect documents in the Council’s possession are governed by statute, the Council’s Standing Orders and the National Code of Local Government Conduct. There has also been extensive case law on the subject.
- 9.2 Section 100F of the Local Government Act 1972 states that any Councillor can inspect any document in the possession or control of the Council which contains material relating to any business to be transacted at a meeting of the

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Council, a Committee or Sub-Committee (i.e. a decision-making body). This relates to both reports and “background documents”, subject only to certain exceptions relating to information which is “exempt” from public access, identified in Schedule 12A of the Act. Paragraphs 1-6, 9, 11, 12 and 14 are applicable to Councillors.

- 9.3 If it appears to the Council’s Monitoring Officer (in the case of Exeter City Council, this is the Director Corporate Services) that a document discloses exempt information as defined in these paragraphs, then there is no requirement to make it available to a Councillor. However as Section 100F is in addition to a Councillor’s other rights other tests may need to be applied - these are summarised below.

Case Law

- 9.4 Case law has extended the statutory rights of Councillors to view documents.
- 9.5 A councillor as an elected representative needs to be kept informed of council business, and therefore has a right to inspect documents in the possession of the Council, if they can demonstrate that they “need to know” to perform their role.
- 9.6 As a general rule, if a councillor is a member of a Committee then they have the right, within reason, to inspect documents directly relating to the business of that Committee. If they are not a Committee member, then they have to demonstrate why they must see the document to enable them to perform their duties as an elected Councillor and ward representative. In all cases, Councillors should be aware of the need for discretion.
- 9.7 Councillors do not have a “roving commission” to examine books or documents and must precisely specify the documents or information they want to see - mere “curiosity” is not sufficient.
- 9.8 Any dispute regarding the rights of a councillor to view information, should first be addressed by the Director/Director Finance/Corporate Manager, and if they cannot resolve the matter should be referred to the Council’s Monitoring Officer.

10. Confidentiality

- 10.1 Confidential information is often provided to Councillors, sometimes within Committee reports, which has not yet been made public. It would be a betrayal of trust to disclose or use this information for personal advantage or to discredit the Council or another party. Councillors should be aware of the advice of the National Code of Conduct on this point.

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10.3 Officers may also find themselves in possession of confidential information by virtue of their position. The same principles apply. Disclosure of this information would similarly be regarded as a betrayal of trust.

11. Data Protection

11.1 Councillors should also be aware of the requirements of the Data Protection Act. Officers will require the explicit consent of individuals such as tenants before divulging personal information at the request of Councillors, even where Councillors are acting as an advocate for those individuals.

11.2 The names, addresses and home phone numbers of Councillors are generally a matter of public record. Officers will not normally disclose work telephone numbers or e-mail addresses of Councillors to the general public without their explicit consent. Neither will information unrelated to a member's duties as a Councillor be supplied to anyone outside the Council's employment without the express consent of the member. However Councillors are required to register financial and other interests in the Register of interests, which is open to inspection by the public, and are reminded to update this on an annual basis. They are required for example to register interests in relation to ownership of property, employment, sponsorship, contracts, land etc.

12. Dealing with the Media

12.1 The Council's Communications Service provides a press and public relations service for the Council and is the central point for media enquiries and requests for interviews with Councillors or officers. It aims to promote effective media relations and to encourage positive and accurate reporting and coverage of events and issues relating to the Council, whilst recognising that the media may represent alternative views to those of the Council.

12.2 Council officers are not permitted to take part in any broadcast, publish articles or give information to the media relating to Council business without the express permission of their Director/Director Finance/Director Corporate Services/Corporate Manager. All media enquiries should be referred to one of the Council's authorised Media Contact Officers or the Communications Service. All media releases need to be sent out through the Council's Communications Service who will ensure political neutrality is maintained.

12.3 The Chair of a Committee or portfolio holder acts as spokesperson for the appropriate area of the Council's work and their quotes contained in media releases should reflect that role and not necessarily their views as an individual Councillor. Similarly, interviews and photocalls are usually fronted by the relevant portfolio holder or Committee Chair. (See also Media Protocol for Portfolio Holders and Scrutiny Chairs).

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13. Support Services to Members

- 13.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, IT) to a Councillor is to assist them in discharging their role as a members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with non-Council party political or campaigning activity or for propaganda or private purposes. Councillors should avoid asking officers to undertake work of a political nature as this places them in a difficult position.

14. Complaints

- 14.1 If a Councillor has cause to complain about the actions or failings of any officer of the Council, they should lodge their complaint, preferably in writing, with the officer's line manager or the Director/Director Finance or Director Corporate Services/Corporate Manager for the area where the officer concerned works.
- 14.2 Should an officer have cause to complain about the actions or failings of any member, the officer should raise their complaint with their Director/Director Finance/Director Corporate Services/Corporate Manager who may then take the matter up either directly with the Member concerned or with their Group Leader.
- 14.3 In the event of a serious, repeated or unresolved breach, it may be appropriate for the Monitoring Officer or the Chief Executive to report the matter to the Council's Audit and Governance Committee.
- 14.4 The Audit and Governance Committee may also wish to be advised on a regular basis of complaints received regarding conduct in order to monitor the frequency and nature of issues and, where appropriate, provide advice and support.

Media Protocol for Portfolio Holders and Scrutiny Chairs

1. The former Department of Transport, Local Government and the Regions (DTLR) Code of Recommended Practice on Publicity guides the way in which the Council approaches publicity. The code notes the importance of local accountability and that this requires understanding. It is acknowledged that councils need to explain their objectives and policies to their electors and ratepayers and use publicity to keep the public informed and encourage greater participation.

Key points of the code are:

- the Council shall not publish material which appears to be designed to promote a particular political party.
- the functions of the Council are discharged corporately and therefore resources cannot be used to promote individual councillor's activities
- in the interests of public accountability however it is appropriate to give publicity to an individual where that person represents the whole Council or a particular committee
- particular care must be taken in the period prior to elections which involve the Council and individual councillors should not be involved in publicity at this time
- the Council must ensure that publicity is cost-effective - the code acknowledges that there may be cases where higher costs are justified to achieve better presentation
- any publicity should be relevant to the functions of the Council and not duplicate those of other tiers of government
- publicity for the Council's objectives and policies should be as objective as possible, concentrating on facts, explanation or both
- publicity relating to services should focus on factual information although promotional publicity for leisure and tourism is accepted
- publicity campaigns to promote use of services and facilities, to attract tourists or investment or to influence public behaviour in areas such as community safety are allowed
- information should be available to all who like access to it
- publicity should be targeted wherever possible

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It is accepted that individual councillors will wish to promote the work that they do at a ward or party level. However, any such publicity must be arranged by those councillors or their party and does not form part of the functions of the Communications Service.

2. The Protocol

To reflect the importance of local accountability councillors will be the main focal point of the Council's proactive media service. Where the media approaches the Council and the information requested by the media is operational then the relevant Media Contact officers or the Communication Service will comment. However, if it is a matter of policy then the appropriate councillor should be contacted.

3. Roles and Responsibilities - Working with the Communications Service

3.1 Leader of the Council/Chair of the Executive

Lead commentary on any major issues including the budget, emergency issues, major built environment or media campaigns. In the Leader's absence any of the Portfolio Holders may be approached.

3.2 Portfolio Holders

Portfolio Holders will comment on issues arising from their area of responsibility.

3.3 Scrutiny Committees

Media interests in Executive reports going first to scrutiny committee will normally be responded to by the relevant portfolio holder if the enquiry is about the content of the proposal or by the scrutiny committee chair if it is about the committee's role in considering and reporting on the proposal.

Media interest in items following a scrutiny committee will either be commented upon by the portfolio holder or by the scrutiny chair depending on whether the enquiry concerns the proposals to be considered by the Executive or the comments of the scrutiny committee.

If the scrutiny chair is not available then the deputy chair should be approached.

3.4 Planning Committee/ Licensing/Audit and Governance/Exeter Grants Panel

The chair of the relevant committee will comment on issues arising from their committee or in their absence the deputy chair (where there is one). It is important to remember that it is not appropriate for councillors serving on these committees, if approached by the media, to comment on individual applications before they are determined.

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3.5 Titles of Individuals and Meetings

It is proposed that titles of committees/portfolios are abbreviated when for the sake of clarity and understanding it makes sense to do so. For example: The Chair of the Scrutiny Committee for Customer Focus could be abbreviated to Scrutiny Customer Focus Chair.

Portfolio Holders have chosen as their preferred description for media and publicity the term "Lead Councillor for".

For all other committees the title Chair will be used.

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Whistle Blowing Policy and Procedure

1. Aim of the Policy

- 1.1 Exeter City Council is committed to high standards of conduct and good practice and wants all malpractice to be identified and dealt with. All employees and others, who work to deliver its services, are expected to help with this.
- 1.2 Many of us at some time or another will have had concerns about something not seeming right at work. Normally these concerns should be raised with your manager to be dealt with in the first instance. However, there are occasions when you may be worried about raising such issues, perhaps feeling it is none of your business that it is only a suspicion or you may also feel that raising such matters would be disloyal to your colleagues or manager and in doing so your job could be put at risk. You may even have raised the matter previously but the person you spoke to did nothing about it, and you are not sure what to do next.
- 1.3 The Council has established this policy to enable you to raise your concerns and provide you with protection from detriment such as victimisation or disciplinary action
- 1.4 This policy encourages you to raise genuine, serious concerns as “whistle-blowers” to the Council or ‘regulators’ (the Local Government Ombudsman, National Audit Office, Standards Board for England, or Police), and provides a procedure for doing so. Exeter City Council will take any action necessary in proportion to the nature of the concern.
- 1.5 The policy explains how to raise a concern. If you raise a genuine concern in good faith and you reasonably believe that it’s in the public interest you are protected from any detriment by this policy.

2. Who does the policy apply to and who is protected by the policy?

- 2.1 This policy applies to you, and you are protected under it, if you work for the Council as:
 - An employee
 - A Councillor
 - An agency employee
 - A trainee
 - A worker who provides services to or on behalf of Exeter City Council, e.g. contractors, consultants etc
 - Volunteers, work experience placements etc
- 2.2 If you are a Councillor, you may refer whistle-blowing concerns in accordance with this policy on behalf of yourself or one of your constituents. However, you may not rely on the use of this policy as an alternative to raising any questions or concerns you may have that should otherwise be managed through the proper democratic processes of the Council. In addition, if you raise whistle-blowing concerns as a result of matters that have come to your attention in your capacity as a Councillor, you may not rely on this policy to remain anonymous in any investigation that may then follow.

- 2.3 Please note that you should not raise your concerns outside of the Council before you have raised them internally, because by doing so you may weaken the protection given to you by the Public Interest Disclosure Act 1998.
- 2.4 Anonymous concerns/complaints will always be considered as far as it is reasonable and practicable to do so but it is often difficult to attach equal weight to anonymous allegations due to the investigator's difficulty in confirming or following up evidence.

3 What kinds of concerns/disclosures are covered by this policy?

- 3.1 The Council has a number of policies and procedures in place for you to raise concerns about a variety of issues including:
- Grievance Procedure – for issues relating to your own employment if you are an employee
 - Dignity at Work Policy and Procedures – for reporting behaviour that constitutes bullying or harassment
 - Complaints Procedure – for reporting issues relating to standards of service delivery
 - Safeguarding Policy – for raising concerns regarding the safeguarding of children or vulnerable adults
- 3.2 The Council encourages you to raise **any** concern that you may have with either your manager, Internal Audit or the Council's Monitoring Officer (see 6.1 below). They will help you identify which policy should be used to report your concern if you are unsure.
- 3.3 **If you are concerned about any** unethical or unprofessional behaviour within the Council or by any of the Council's contractors and suppliers, you should raise your concern and this policy will provide you with protection from any detriment, provided your concern is raised in good faith and in line with section 4 below.

This Whistleblowing Policy is intended to be an umbrella policy to ensure serious concerns that may potentially fall outside the scope of other policies are covered. These may include:

- Unlawful or improper conduct
- Financial malpractice
- Dangers to the public, colleagues, or the environment
- Breaches of confidentiality and/or security
- A colleague's professional conduct and/or performance
- Something that is against the Council's Constitution, policies and procedures
- Other unethical conduct

Examples of where the policy may be used include:

- An employee becomes aware that the Council's policies and procedures or other regulations governing the work of the Authority have been ignored.
- An employee becomes aware of another employee submitting false travel or time sheets
- Employee becomes aware that an officer is contravening legislation on Health and Safety Issues

4. What is expected of you?

- 4.1 If you make a disclosure to someone within the Council, you are expected to:
- Make the disclosure in good faith and reasonably believe that it is made in the public interest
 - Have a reasonable grounds for suspicion about the malpractice; and
 - Not make the complaint for personal gain or make malicious or vindictive complaints as this could result in disciplinary action

5 How are you protected?

- 5.1 If you act in good faith and in the public interest and comply with the expectations above, you will be protected from discrimination (and detriment) as a result of raising a concern. In particular, you will be protected from harassment or victimisation (this does not mean that no action will be taken against you if you were involved in a fraudulent activity). This may include agreement to alternative working arrangements during any consequential investigation into the allegations.
- 5.2 The Council will not tolerate the harassment or victimisation of anyone who raises a concern. The Council recognises, however, that there may be occasions when you want to raise a concern in confidence rather than approach your manager direct. Where this is the case, your identity will be protected and not disclosed without your consent. Should a situation arise where the matter concerned cannot be resolved without revealing your identity (for example, because your evidence is needed in court), then the person investigating the matter will discuss with you how to proceed.

6 How to raise your concerns

- 6.1 Please raise your concern with your manager or director/corporate manager first, either orally or in writing.
- 6.2 If, for whatever reason, you do not wish to raise the concern with your manager or director/corporate manager please contact either:

The Council's statutory monitoring officer, Baan Al-Khafaji,
Director Corporate Services
Civic Centre, Paris Street, Exeter, EX1 1JN
Telephone: (01392) 265874 or

Internal Audit
Civic Centre, Paris Street, Exeter, EX1 1JN
Telephone: (01392) 265631

- 6.3 You can also contact a trade union representative for advice and assistance on how best to proceed.
- 6.4 If you:
- consider the matter is so serious that you do not wish to discuss it with any of the above, or
 - still have concerns after raising your concern with any of those listed at 6.2 above, then please contact the Chief Executive, Civic Centre, Paris Street, Exeter, EX1 1JN. Telephone: (01329) 265188
- 6.5 To be protected by whistleblowing legislation, you should usually make a disclosure to your employer first, but if you feel unable to use this procedure the disclosure can be made to a 'prescribed person'. Disclosures relating to local authorities can be made to the external auditor of the relevant authority or the Comptroller and Auditor General. To make a disclosure to the authority's external auditor, please contact:

Grant Thornton UK LLP
2 Glass Wharf
Bristol BS2 0EL

T +44 (0)117 305 7600
www.grant-thornton.co.uk

To make a disclosure to the Comptroller and Auditor General, please contact the National Audit Office below:

The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
London SW1W 9SP
Tel: 020 7798 7999

[Contact form - National Audit Office \(NAO\)](#)

6.6 The procedure for dealing with disclosures is detailed at Appendix A.

7 Independent advice

7.1 If you are unsure about using this policy or want independent advice, you can contact the independent charity, Protect (formerly Public Concern at Work)

Telephone 020 3117 2520

[Contact our Advice Line - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

Their advisers will give you free confidential advice at any stage about how to raise a concern at work, and will support and advise you on the law and how best to proceed.

8 If you are dissatisfied with the way your concern is dealt with

8.1 If you are unhappy with the response or feedback you get from the investigating person, then you can always raise your concern with the Chief Executive or seek advice from Protect.

9 Review

9.1 This policy will be reviewed biennially and was last reviewed April 2022. Updates to the policy may be made between reviews as necessary.

PROCEDURE FOR DEALING WITH A DISCLOSURE

Definition of Qualifying Disclosure

The Public Interest Disclosure Act 1998 specifies 'Qualifying Disclosures' as follows:

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- deliberate covering up of information tending to show any of the above five matters

Concerns of financial impropriety:

Where the concern involves financial irregularity, the matter must be referred to Internal Audit for investigation in accordance with the Council's Counter Fraud Strategy. Once the investigation is concluded, Internal Audit must report the outcome of the investigation (including any recommendations for improving areas of weakness) to the Council's Monitoring Officer and the relevant director/corporate manager.

Making a disclosure

Concerns raised/disclosures will be dealt with under the following stages. Not all disclosures will follow the full sequence of Stages. The action taken by the Council will be reasonable and proportionate, depending on the nature of the concern.

Stage 1 – Informal resolution

The person receiving the disclosure should decide with the person raising the concern, on the basis of the information provided, how the matter can best be resolved. This may include informal resolution or formal consideration

If possible, all concerns should be resolved by the relevant manager informally. The person raising the concern may do this orally or in writing and they should give as much information as possible about:

- The nature of the problem
- The background (with dates if possible)
- Who is involved
- The reasons for the concern

If you are raising a concern and are unable to raise the matter with your Line Manager you are advised to speak to another manager, Internal Audit or a member of the Human Resources Team who should consider whether the matter can be resolved informally as set out above or referred for formal consideration as detailed below.

Stage 2 – Formal procedure

Where the matter cannot be resolved informally because this is not appropriate or informal resolution has not been satisfactory a formal disclosure should be made to the Monitoring Officer – Director Corporate Services, Internal Audit or the Chief Executive.

The person who has received the disclosure will take or instigate any necessary urgent action to protect the individual, public interest, evidence etc.

At this stage, the person raising the concern (the 'Whistle-blower'), will be asked whether he or she wishes their identity to be disclosed and will be reassured with regard to protection from possible reprisals or victimisation

Stage 3 – Initial response to a formal disclosure

The person receiving the disclosure should acknowledge the concern in writing within 5 working days giving details of:

- The name of the person who is handling the investigation, this could be management or it could be someone external, for example the Council's external auditors, depending on the nature of the concern
- How he/she can be contacted
- Details of assistance that may be required

The person named as the investigating officer above must:

- investigate the matter personally or appoint an appropriate officer to do so
- advise the monitoring officer of the details of the allegation

The Whistle-blower will be notified of the intended response to the disclosure and the reasons for it.

Stage 4 – Management investigation

Where the decision has been made to carry out a management investigation, a senior manager or other person will be appointed as an investigating officer. This should be someone with expertise in the area in which the concern has been raised.

The investigation will be carried out under the strictest confidentiality. The investigation is essentially a 'fact finding' exercise, to establish what further action may be necessary and make recommendations accordingly.

The Investigating Officer, or their appointed representative, must:

- conduct the investigation
- follow the Council's Management Guide to Disciplinary Procedures, which includes the requirement to follow the principles of natural justice.
- comply with the requirements of the Human Rights Act 1998
- where anonymity is requested, ensure that every effort is made to honour confidentiality
- propose an action plan for necessary improvements
- report the outcome of the investigation to the Council's Monitoring Officer and relevant Director/Corporate manager
- update the whistle-blower of progress to date

The investigation may serve as the information gathering part of Exeter City Council's disciplinary procedure. In such cases this will be made clear to any people who may be subject to such investigation.

Stage 5 – Responding to management investigation

If the result of the investigation is that there is a case to be answered by any individual, the recognised procedure will be followed.

The amount of contact between the officers considering the issues and the employee/councillor raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the whistle-blower.

Where there is no case to answer, but the whistle-blower held a genuine concern and acted in accordance with the expectations as detailed in this policy, Exeter City Council will ensure that they

suffer no reprisals or victimisation, as far as is reasonably practicable. Considerations will include Exeter City Council's duty to provide a healthy and safe working environment for all.

Stage 6 – Confirmation of the outcome

So far as legally possible and subject to rights of confidentiality, the whistle-blower will be informed of the outcome of the investigation and how the matter has been resolved.

If the whistle-blower is unhappy with the response or feedback from the investigating person, then the concern can be raised with the Chief Executive or advice sought from Protect.

Employees who take a concern outside the Council should ensure that they do not disclose confidential information, except in accordance with this procedure.

Recording and reporting

The Monitoring Officer will keep a central register of all whistle-blowing complaints received and submit an annual report to the Audit and Governance Committee setting out the number of complaints received and the outcome of each investigation conducted, together with any action plan for improvements put forward by the Investigating Officer.

Responsibility for implementing this Policy

The responsibility for ensuring that Exeter City Council adheres to this Policy rests with all Managers.

Legislation

Legislation relevant to this policy includes:

- Public Interest Disclosure Act 1998
- The Enterprise and Regulatory Reform Act 2013

Other related policies and procedures

Counter Fraud Strategy
Anti-Money Laundering Policy
Grievance Policy
Disciplinary Policy

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Counter Fraud Strategy

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Introduction

Exeter City Council is committed to the prevention and detection of fraud, bribery and corruption. Any suspected cases of fraud, bribery or corruption will be investigated and wherever possible, the Council will refer the matter to the police in order that perpetrators can be prosecuted, and losses recovered through all appropriate means.

Misuse of public funds deprives the Council of finance it needs to achieve its agreed goals and strategic objectives. As a consequence of lack of finance, citizens (particularly those in need) may be deprived of vital services.

The purpose of this policy is to set out for councillors and employees, the Council's key principles and approach to countering fraud, bribery and corruption.

The table at the end of this document provides a simple reference of dos and don'ts should you suspect a fraud.

Definitions

Fraud

Fraud is an intentional criminal activity which can include theft. Types of fraud that could affect the Council include obtaining assets or services by deception; forgery and false accounting intended to mislead or misrepresent, for example, providing false information when submitting a claim.

The Fraud Act 2006 provides that people carrying out serious frauds can be imprisoned for up to 10 years. Fraud includes:

- taking something you are not entitled to (e.g. cash, supplies, even peoples' identities)
- false accounting
- deception
- forgery

Bribery

The Bribery Act 2010 defines bribery as "the inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages whether monetary or otherwise" The Bribery Act 2010 came into force in July 2011. The Act forces organisations to evaluate how, and with whom, they do business and makes them accountable for ensuring that safeguards are in place to prevent bribery.

Corruption

Corruption is the abuse of entrusted power for private gain. It affects everyone who depends on the integrity of people in a position of authority. The Bribery Act 2010 repealed all Corruption Acts in whole and therefore there is now no offence of corruption; therefore whilst corruption exists as a term, it no longer exists as an offence. However, Section 7 of the Act creates a new offence of failure by an organisation to prevent a bribe being paid for or on its behalf.

Should a bribery offence occur, senior officers of the Council could be held accountable if they have failed to put in place appropriate preventative measures within the organisation.

Key principles

Our commitment to eliminate fraud, bribery and corruption are summarised by the following principles:

- Culture - create an anti-fraud, anti-corruption, anti-bribery and zero tolerance culture
- Prevention - review existing, and check new, policies and systems to ensure that any apparent weaknesses are removed and fit-for-purpose
- Detection - provide appropriate mechanisms for employees to voice their concerns and protect those who do make reports
- Investigation - maintain formal procedures to investigate fraud or corruption whenever it is suspected
- Sanctions - deal robustly with perpetrators of fraud or corruption, and to have no hesitation in referring cases to the police where it is appropriate to do so
- Redress - use reasonable measures to seek redress to recover any monies defrauded

Corporate framework

Everyone has a role to play in the prevention and detection of fraud, bribery or corruption. We expect employees and elected members to lead by example.

Our staff are our first line of defence against most acts of attempts of fraud, corruption or bribery. We expect and encourage them to be alert to the possibility of acts of fraud, corruption or bribery and to raise any such concerns at the earliest opportunity.

Staff have a duty to protect the assets of the Council, including information, as well as property. When an employee suspects that there has been fraud or corruption, they must report the matter to their Manager and Internal Audit. Roles and responsibilities are covered in more detail below.

A key element of prevention is the range of interrelated policies and procedures the Council has in place that together seek to create a zero tolerance culture. These have been formulated in line with appropriate legislative requirements and include:

- this Counter Fraud Strategy
- the Fraud response plan
- codes of conduct for councillors and employees
- standing orders and financial regulations
- accounting procedures and records
- internal control systems
- Internal Audit
- recruitment and selection procedures
- disciplinary procedures
- anti-money laundering procedures
- the Whistleblowing policy
- Regulation of Investigatory Powers (RIPA) procedures

Roles and responsibilities

The corporate framework can only be effective in prevention or detection if the policies, procedures and arrangements are complied with, and there are clear lines of accountability and responsibility which are:

Management responsibilities

The day-to-day responsibility for the prevention and detection of fraud and corruption rests with line managers who are responsible for:

- identifying the risks to which systems, operations and procedures are exposed, including maintaining awareness of potential new and emerging fraud risks;
- developing and maintaining effective controls to prevent and detect fraud;
- ensuring that controls are being complied with

Managers must ensure that all of their staff are aware of the Council's counter fraud arrangements, as well as the Whistleblowing Policy. Managers must also encourage an environment in which their staff feel that they are able to approach them should they suspect irregularities are occurring.

During the recruitment process, managers should ensure that, as far as possible, potential employees are appropriately screened and vetted to establish the integrity of potential employees, whether permanent, temporary or casual posts. This should be done in consultation with Human Resources. This is a key preventative measure against fraud and could include, for example, verifying qualifications, identity checks, eligibility to work in the UK, and for certain posts credit checks (e.g. for posts with financial responsibilities) or Disclosure and Barring Service (DBS) checks (previously CRB checks) where appropriate

Employees' responsibilities

All employees must:

- act with propriety in the use of resources and in the handling and use of public funds, whether they are involved with cash or payment systems, receipts or dealing with contractors, suppliers or customers;
- immediately report, without fear of recrimination, if they suspect or believe there is evidence of irregular or improper behaviour or that fraud may be being committed
- comply with the employees' code of conduct (available on the Intranet)

Councillors' responsibilities

Councillors have a duty to the citizens of Exeter to protect Council assets from all forms of abuse. This is reflected by the adoption of this policy and compliance with the code of conduct for members, relevant legislation, policies and procedures

Role of the responsible officer

Section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations make the 'responsible officer' Director Finance responsible for ensuring the Council has adequate control systems and measures in place

Role of internal audit

The purpose of internal audit is to provide independent and objective assurance to the Council on risk management, control and governance, by evaluating their effectiveness in achieving the Council's stated objectives. This includes promoting an anti-fraud, anti-bribery and anti-corruption culture within the Council to aid the prevention and detection of fraud.

Responsibility for managing counter fraud has been assigned to Internal Audit. This will include responsibility for horizon scanning for potential new and emerging risks and sharing information about this with managers, as appropriate.

Amongst the range of services provided it includes fraud and irregularity investigations in which:

- specialist skills and knowledge will be provided to assist in an investigation, or lead where appropriate. If necessary, the services of specialist fraud investigators will be employed to assist with investigations as needed; and
- fraud prevention controls and detection processes are assessed for effectiveness

All suspected fraud or irregularities should be reported to Internal Audit, with the exception of benefit and tenancy fraud which will be investigated by the relevant service provider. However, statistics relating to these types of fraud should be reported to Internal Audit on a periodic basis in order that Internal Audit can maintain a central record of all reported fraud

Role of the external auditor

The external auditor reviews the Council's arrangements for preventing and detecting fraud, bribery and corruption. Whilst external auditors do not have a specific preventative role, they are always alert to the possibility of fraud, bribery and corruption and will report any grounds for suspicion that comes to their attention.

Culture

We expect anyone and any organisation associated with Exeter City Council to act with integrity and operate high ethical values. We operate a zero tolerance culture. and expect councillors and employees to strictly comply with the Nolan Committee's Seven Principles of Public Life:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

The councillors and the employees' codes of conduct define the Council's expectations, and state what behaviour is deemed acceptable and what is unacceptable. The codes are published on the Council's website and are readily accessible

We will not tolerate bribery. It is unacceptable to:

- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure

- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- Engage in activity in breach of this policy.

All staff must adhere to section 117 of the Local Government Act 1972 and our Constitution, which says that they must tell us about any interests they have in any contracts relating to our affairs, similarly they must disclose any close personal relationships with both colleagues and external contractors (refer to the Code of Conduct for guidance). Staff must tell us about any fees or rewards that they are offered in their official capacity, other than their normal salary. In any event, fees or rewards should not be accepted without first ensuring compliance with the Code of Conduct for Council employees

Councillors are reminded of their responsibilities with details included in the Councillor's Code of Conduct. The details include rules on declaring and registering any possible areas of conflict between an elected councillor's Council duties and responsibilities and any other area of their personal or professional life.

Those working and serving in the public sector hold a position of trust and so are expected to act with the upmost honesty and integrity. Public servants that commit fraud, corruption or bribery can expect Courts to apply maximum penalties and sentences for breaking that public trust

Counter fraud training is delivered via an e-learning module, and provided to all councillors and employees. New councillors and employees must undertake the training as part of their induction training process, during which they are made aware of the Council's culture and of the policies and procedures they must comply with. This training ensures councillors and employees are aware of the different types of fraud and of the sanctions that can be taken against wrong-doers.

Prevention Strategy

Prevention is the best and most efficient way to tackle fraud, bribery and corruption, and prevent losses to the Council, therefore, we have established robust systems of internal controls that are designed to prevent and detect fraud, bribery and corruption, examples of these include:

- cross-checking data and information provided by applicants with that held on other systems to check that the information agrees and is accurate
- baseline checking of job applicants in order to combat identity fraud and false claims. These measures include checking: proofs of identity; employment history; educational and professional qualifications, experience, etc.
- active participation in the National Fraud Initiative data matching exercise that crosschecks data held by the Council with data held by other local and public authorities, Government departments and other organisations. Where suspect data is found, the cases are thoroughly investigated, and appropriate action taken or sanctions imposed.
- Internal controls such as separation of duties and authorisation of financial transactions

Internal Audit will:

- risk assess fraud risks using the Internal Audit risk assessment method used to establish the annual audit plan;
- horizon scan for emerging and latest fraud threats using publications and information issued by Government and other relevant bodies (e.g. CIFAS newsletter) and Internal
- Audit will report those emerging threats to relevant managers and work with them to develop plans to address and tackle those threats;
- ensure internal audit staff attend relevant training and seminars to keep up to date with the latest fraud trends and emerging risks;
- as appropriate and in consultation with management, publicise proven frauds to raise awareness of fraud risks to help identification of fraud;
- keep an up to date Fraud Response Plan and Collection of evidence policy giving guidance on conducting an investigation
- provide reminders to employees to raise awareness of:
 - the Council's policies, procedures and rules;
 - the fact that they must report any suspicions of fraud, bribery and corruption they may have
- test internal controls are in place and working effectively. Where actual or potential weaknesses are identified, recommendations are made to enhance the effectiveness and robustness of controls

Detection Strategy

We provide appropriate mechanisms to detect fraud, bribery and corruption, and to enable employees and members of the public to voice their concerns, these include:

- Internal Auditors assessing the effectiveness and robustness of systems' internal controls by, for example, checking transactions are valid
- providing fraud reporting mechanisms, such as on-line reporting or dedicated fraud reporting phone number, to encourage the reporting of benefits and other types of frauds.
- maintaining a Whistleblowing Policy and procedures (that are published on the Council's website) to encourage employees to report concerns about malpractice

Fraud Response Plan

We have established a [Fraud Response Plan](#) to compliment this strategy which lays out, in more detail, how we will respond to suspected fraud including investigations, sanctions and redress.

Review

This policy will be reviewed by Internal Audit, in consultation with other relevant persons, at least biennially. Any significant changes will be reported to the Audit and Governance Committee for consideration and approval

Last reviewed: September 2021

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Local Planning Code of Conduct

1. Development Proposal Submitted by the City Council, Members and Officers

1.1 Applications submitted by the City Council and Members or Officers employed by the City Council can give rise to a suspicion of impropriety by the public. This relates to both planning applications and development plan proposals. Whilst Members and Officers are entitled to make such submissions, it is essential that they are handled in a way that gives no grounds for preferential treatment. Similarly, applications submitted by the Council or private applications in respect of Council owned land (i.e. prior to a land sale being agreed or negotiated) should be treated in the same way as private individuals or developers. To safeguard against claims by the public that preferential treatment has been given, decisions must be made strictly on planning merits and without regard to any financial or other gain. The following guidance should therefore be applied:-

- (i) Members and Officers shall give written notice to, the Monitoring Officer and the Service Lead - City Development of any development proposals in which they have a direct involvement at the time of submission.
- (ii) Members or Officers submitting a planning application shall take no part in the decision making process.
- (iii) All such applications shall be determined by the Planning Committee and not through delegated powers.

2 Pre-Application Discussions

Discussions between an applicant and the Council prior to a planning submission can be of considerable benefit to both parties. However, it is important to establish clear guidelines within which discussions can take place to ensure that they do not become part of the lobbying process. By the very nature of such meetings not all relevant information will be to hand or formal consultation with interested parties have taken place. Applicants must be made aware that the effectiveness of these meetings relies upon the informal exchange of views and opinions by both parties. If Officers feel that their comments will prejudice the decision making process, then it is less likely that any more than general factual or procedural advice can be offered. However, where a range of various approaches can be examined, without the decision being prejudiced, a more satisfactory conclusion can be achieved. To address these areas of concern, the following points should be observed:-

- (i) officers should make clear from the outset that discussions are on a without prejudice basis and any views expressed are personal and provisional and can in no way bind the Council to making a particular decision;

(Amended May 2021)

- (ii) officers shall clearly indicate whether or not they are the decision maker for the purposes of the application and discussion;
- (iii) advice should be consistent and based upon the Development Plan and other material planning considerations. Every effort should be made to ensure that there are no significant differences or interpretation of planning policies between officers;
- (iv) a written note should be made of all potentially contentious meetings and placed upon the relevant file. If plans or supporting information are left with the Council a follow up letter is advisable as a matter of good practice; and,
- (v) Members should not normally take part in pre-application discussions with applicants. Should there be occasions when Members are involved, such as at Planning Member Working Group, their contribution to the discussions should be recorded as a written note and placed on the relevant file.

3. Declaration of Interests

3.1 It is essential that both Members and Officers identify situations where a conflict of interest may arise and that any such interest is declared prior to consideration. The key principles and procedures concerning a Member's interest are contained in the Council's Model Code of Conduct. A Member or Officer should not use his/her position to further any private or personal interests. Interests (these are examples and not an exhaustive list) can arise from:-

- ownership of shares in a company which, for example, has applied for planning permission or with which the Council is proposing to enter into any contract;
- being an employee of any person or company which has a financial interest in the contract or other matter;
- close personal friendship or close personal acquaintance with an applicant for planning permission or an objector, or person with an interest;
- membership of the same club or organisation as some other person, such that close acquaintanceship might reasonably be inferred;
- regular business dealings with some other person; and
- living or running a business in proximity to a particular site which may be affected by any proposals in respect of it.

3.2 The Model Code of Conduct says that the test for deciding whether an interest should be declared is whether a member of the public, knowing all the facts, would reasonably think that the Councillor may be influenced by it. The following guidance should be applied:

- (i) Members and officers should ensure that their declarable interests are kept up to date and recorded on the statutory register of interests. The

(Amended May 2021)

responsibility for declaring an interest lies with the individual Member or Officer.

- (ii) Where any changes to a Member's or Officer's interest occur, whether by way of an addition or deletion, the Member and the Officer should notify the charge as soon as possible and, in the case of a Member, not later than 28 days after becoming aware of the change.
- (iii) If a Member/Officer is in any doubt about the relevance of an interest or an appropriate course of action to take, he or she should always consult the Council's Monitoring Officer.
- (iv) Members who have substantial property interests or other interests which prevent them from voting on a regular basis should not serve on the Planning Committee.
- (v) Members/Officers must always declare any interest they have in relation to any contract or other matter under discussion and must withdraw from the meeting during the consideration of that item where that interest is considered to be 'prejudicial'.

4. Lobbying

4.1 Lobbying is a normal and perfectly proper part in the political process, and those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or to a Member of Planning Committee. However, such lobbying can, unless care and common sense is exercised by all parties concerned, lead to the impartiality and integrity of a Member being called into question. A report on North Cornwall and Warwick District Councils identified lobbying as a major cause of public mistrust with the planning process. Accordingly, when being lobbied, Members of Planning Committee should take care about expressing any opinion which may be taken as indicating that they have already made up their mind about a proposal.

4.2 In reality, Members will often form a judgement about an application before the Committee stage, whether or not they have been lobbied. However, Members of the Planning Committee should not openly declare which way they intend to vote in advance of the meeting before hearing all the evidence and arguments. Indeed, it may be necessary for Members, who fully commit themselves to a particular view on a planning application, prior to the consideration at Committee, to take no part in the formal decision making process. Members are recommended that the following guidance should therefore be applied:-

- (i) Members should exercise care and common sense if they agree to meet an applicant or potential applicant alone.

(Amended May 2021)

- (ii) Members should try to avoid expressing an opinion in advance of the determination of an application until hearing all the evidence and arguments to be presented to them at Committee.
- (iii) Where Members do express an opinion, the applicant or objector should be made aware that a final decision cannot be made until all the relevant facts and arguments are presented to the Committee meeting.
- (iv) Members should restrict themselves to giving applicants or lobbyists procedural advice only.
- (v) Members should direct lobbyists, applicants or objectors to the relevant Officer so that their views can be incorporated within the Committee report.
- (vi) Members of Planning Committee should not directly organise support for, or opposition to, a planning application. However, this does not preclude other non Committee Members, such as Ward Councillors, from representing public opposition/support for a scheme.
- (vii) Members should not pressurise Officers for a particular recommendation.
- (viii) Members should not use their political group meetings to decide how they should vote.
- (ix) Where Members consider that their impartiality has been significantly compromised, they should declare an interest and withdraw from the decision making process.

5. Officers' Reports to Committee

- 5.1 All reports to Planning Committee must be accurate and cover all relevant points. Committee reports on planning applications shall normally include the history of the site including any Section 106 Agreement requirements, details of the proposal, a summary of consultations and objections, relevant Development Plan policies, an appraisal identifying all the material considerations and a written recommendation.
- 5.2 The comprehensive nature of the report is particularly important, not only as a matter of good practice, but to ensure that the public are clear as to the reasoning behind a recommendation and that the approach has been consistent with previous decisions. Committee reports which fail to adequately address all the relevant issues can give rise to judicial review or claims of maladministration. In particular, if the recommendation is contrary to the Development Plan this will need to be clearly identified and justified. Additional information received after the written agenda has been produced shall be reported orally at the Planning Committee meeting. Heads of Terms for Section 106 Agreements in respect of planning applications must always be incorporated within the report to the Planning Committee.

(Amended May 2021)

6. Decisions Contrary to Officers' Recommendations

- 6.1 Members will, from time to time, make decisions contrary to Officers' professional advice. It is important that on these occasions the Committee make their decision on clear reasons, having regard to any statutory or other appropriate requirements. Reasons, which can be substantiated, must be given in the case of a refusal and clear conditions imposed in the case of approval of an application.
- 6.2 Before overturning an Officer's recommendation, the Planning Committee should give the Officer concerned an opportunity to explain the implications of a contrary decision, including the possibility of an appeal being lodged and/or costs being awarded.
- 6.3 The Planning Committee minutes should always include a detailed explanation stating why an Officer's recommendation was rejected and a copy of this should be placed on the planning application file.

7. Hospitality and Gifts

- 7.1 During the course of carrying out their duties Members and Officers may be offered hospitality from people with an interest in a planning proposal. Members and officers should be very careful about accepting gifts and hospitalities and the presumption should be that any gift should be politely declined. If the receipt of hospitality is inevitable, the Monitoring Officer should be notified and recorded if this is beyond the offer of coffee or tea. Gifts delivered to the Council offices should be politely returned or given to charity as the Monitoring Officer may decide is most appropriate. Further advice on gifts and hospitality is available in the relevant code of conduct for Members and Officers.

8. Members' Training

- 8.1 The Nolan Committee, Local Government Association and Royal Town Planning Institute, place particular emphasis on the need for Members to have adequate knowledge of the planning process. Workshops should be arranged for Members on an annual basis or when there are material changes in legislation, policy or Government advice. Regular reports will continue to be made to Planning Committee and Planning Member Working Group on relevant issues in order to keep Members fully updated.

9. Complaints and Record Keeping

- 9.1 Whatever procedures a Council operates, it is likely that complaints will be made. However, the adoption of the advice in this Code should greatly reduce the occasions on which complaints are justified. So that complaints may be fully investigated, and as a matter of general good practice, record keeping should be complete and accurate.

- 9.2 Every planning application file should contain an accurate account of events throughout its life, showing the decisions that were taken and the reasons for them including any special circumstances or information that influenced the decision.
- 9.3 Particular care needs to be taken with applications determined under Officers' delegated powers, where there is no Committee report. Such a decision should be as well documented as those taken by Members.

Petitions - Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let the Council know their concerns. People have the right to submit a petition to the Council about issues that we have responsibility for, or that are of major significance or general concern affecting the city.

All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow these guidelines, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Paper petitions can be sent to:

Democratic Services Manager
Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1JN

E-petitions can be created, signed and submitted online by following this link: [e-petitions](#).

Petitions can also be presented to a meeting of the Council. These meetings take place on a regular basis, dates and times can be found on the [Committee Calendar](#).

If you would like to present your petition to the Council yourself, please contact the Democratic Services Manager, email: committee.services@exeter.gov.uk.

If you would like your Councillor to present it on your behalf, please contact your Local Councillor direct ([contact details](#)) at least 5 working days before the meeting and they 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;
What action the petitioners wish the council to take
- The name and address and signature of any person supporting the petition

Petitions should also include the contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact the first signatory on the petition to act as the petition organiser.

Who can sign a petition?

A petition can be signed by a person of any age who lives, works or studies in Exeter, including under-18's. The petition can only be signed once. The list of signatures will be checked by officers and any duplicate signatures or obviously frivolous responses will be removed.

Petition signatories must identify through the tick box facility on the petition form, which of the eligibility criteria of they live, work or study in Exeter, they are relying upon in signing the petition. Any signatories which do not so indicate, will not be included in those signatures which are accepted.

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 let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our [petition page](#) on the Council website.

If we can do what your petition asks for, the acknowledgment may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate (see below), or a Portfolio Holder or senior officer to speak on the matter at Council or Scrutiny Committee, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

All petition organisers will be given the opportunity to speak for up to five minutes on their petition, when it is considered at any appropriate Council body to which it has been referred. For clarity, this includes the provision for organisers of petitions of over 2,000 signatures, to do so at the appropriate Council body to which it has been referred, as well as the ability to address the full Council when initially submitting the petition.

If the petition applies to a planning or licensing 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, such as council tax banding and non-domestic rates, those other procedures will apply.

To ensure that people know what we are doing in response to the petitions received the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate.

How many names should be on the Petition?

There is no maximum number of names on a petition. On average the Council would expect the minimum to be 20, however this depends on the particular issue. If less than 20 names are on a petition, the petition will be treated as a letter and you will receive a response within 10 working days.

If a petition with between 20 and 750 signatures is submitted to the Council this will be referred to the relevant committee.

If the petition contains at least 750 signatures, the relevant Portfolio Holder or relevant senior officer will address a meeting of the council's relevant committee which is open to the public. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of this committee or a committee member by contacting democratic services on 01392 265275 or committee.services@exeter.gov.uk up to three working days before the meeting.

If the petition contains more than 2,000 signatures it will be debated by the full Council, unless it's a petition asking for a Portfolio Holder or senior council officer to give evidence at a meeting open to the public. This means that the issue raised in the petition will be discussed at a council meeting which all Councillors can attend. The petition organiser will be given five minutes to present the petition at the council meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. We will decide how to respond to the petition at this meeting. We may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant scrutiny committee. The petition organiser will receive confirmation of this decision. This confirmation will also be published on our website.

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 may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at a Council meeting
- Holding an inquiry
- Holding a meeting open to the public
- Commissioning research
- A written response to the petition organiser setting out the Council's views on the request in the petition
- Referring the petition to the Council's scrutiny committees*
- Referring the petition to another organisation/partner

*Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Executive – in other words, the Scrutiny Committees have the power to hold the Council's decision-makers to account.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will aim to pass the views expressed on to the relevant body. If the Council wish to comment on a petition, a scrutiny committee may decide to debate the issue and forward their comments to the relevant body.

The council works with a large number of local partners through the [Exeter Vision Partnership](#) and where possible we will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if the action called for by the petition conflicts with council policy), then we will set out the reasons for this to you. More information on the services for which the council is responsible can be found on the [Council 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. It might consist of simply forwarding the petition to the other council. In any event we will always notify you of the action we have taken.

E-petitions

The council welcomes e-petitions, which collect signatures online. An e-petition can be created and submitted through the [e-petition](#) page on the council website. E-petitions must follow the same [guidelines](#) as paper petitions. The petition organiser will need to provide the council with their name, postal address and email address. The petition organiser will also need to decide how long the petition will be open for signatures. This may range from a few weeks to a maximum of 12 months.

After creation of 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 the petition for some reason, we will contact the petition organiser within this time to explain. The petition organiser will be able to change and resubmit the petition if they wish. If this is not done 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 to the Democratic Services Manager. In the same way as a paper petition and an acknowledgement will be received within 14 days. If the petition organiser would like to present the e-petition to a meeting of the Council they should please contact the Democratic Services Manager by emailing committee.services@exeter.gov.uk or tel: 01392 265106, within five days of the petition closing.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The response will also be published on the council's website.

How do I 'sign' an e-petition?

All the e-petitions currently available for signature can be viewed on the [Council e-petition webpage](#).

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

What if I feel my petition has not been dealt with properly?

If you feel that the Council has not dealt with your petition properly, the petition organiser has the right to request that a relevant scrutiny committee review the steps that the Council has taken in response to your petition.

The committee will consider your request at its next meeting which will normally be within three months of receiving it. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations

to the Council's 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 seven days. The results of the review will also be published on our website.

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PROTOCOL FOR RECORDING AND USE OF SOCIAL MEDIA AT COUNCIL AND COMMITTEE MEETINGS

1. Introduction

- 1.1 This Protocol provides guidance to members of the public or press who wish to photograph or record proceedings at any of the Council's meetings.
- 1.2 The Council supports the principles of openness and transparency in the way it conducts its meetings. Sound recording, photographing, filming, and use of social media at meetings which are held in public is permitted:
 - (a) subject to the provisions of this Protocol; and
 - (b) provided that the Lord Mayor/Chair is satisfied that it will not be disruptive or distracting to the good order and conduct of the meeting.
- 1.3 No restrictions will be placed on anyone using social media at a public meeting subject to the limitations regarding photography and audio/visual recording set out in this Protocol.
- 1.4 No audio/visual recording will be allowed during any parts of meetings where the press and public have been excluded during consideration of business which is confidential or exempt as defined by the Local Government Act 1972.
- 1.5 Meetings which take the form of hearings may not be suitable for recording due to the nature of some of the evidence given at the hearing. It will be at the Chair's discretion to determine whether the recording of a particular hearing will be permitted.
- 1.6 Failure to follow the provisions within this Protocol will result in the Lord Mayor/Chair refusing to allow the proceedings to be photographed or recorded.
- 1.7 For the purposes of this Protocol 'recording' includes sound recording, photographing, filming, and use of social media. Social media includes, but is not limited to Twitter, Facebook and blogs.

2. Before the meeting

- 2.1 Those wishing to record proceedings at a meeting are advised to contact the Democratic Services Manager or his representative before the meeting and in no circumstances any later than noon on the day of the meeting so that arrangements can be discussed and the agreement of the Lord Mayor/Chair can be sought.
- 2.2 The name, organisation (if applicable) and contact details of the person wishing to record proceedings are required and should be provided before the meeting if possible.

3. At the meeting

- 3.1 Notices will be displayed in the meeting room advising that proceedings may be recorded, and the Lord Mayor/Chair will make an announcement to this effect at the beginning of the meeting if a request has been received.
- 3.2 Members of the public attending a meeting to ask a question, present a petition or make a representation will be deemed to have given consent to being photographed or recorded. Only in exceptional circumstances, which must have been discussed with the Democratic Services Manager and Lord Mayor/Chair before the meeting, will applications not to be photographed or recorded be considered. Such circumstances could include protection of the individual's identity due to court proceedings etc.
- 3.3 Members of the public seated in the public seating area who actively object, should not be photographed, filmed or recorded as long as this does not undermine the broader transparency of the meeting.
- 3.4 Photography or filming must take place from a fixed position in the meeting room approved by the Lord Mayor/Chair to ensure that the view of Councillors, officers, public and press, is not obstructed and so as not to disrupt the business of the meeting.
- 3.5 The use of flash photography or additional lighting will only be permitted if agreed in advance with the Democratic Services Manager and the Lord Mayor/Chair.
- 3.6 Photography or audio/visual recording will be stopped if the Lord Mayor/Chair feels it is disrupting or inhibiting the meeting in any way or any pre-meeting agreement has been breached.
- 3.7 If someone refuses to stop recording when requested to do so the Lord Mayor/Chair will ask the person to leave the meeting. If the person refuses to leave, the Lord Mayor/Chair will adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.
- 3.8 Anyone asked to leave a meeting because they have refused to comply with the Lord Mayor/Chair's request to do so, could be refused permission to record future meetings.

4. After the meeting

- 4.1 Photographs and audio/visual recordings must not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show lack of respect towards those being photographed or recorded.
- 4.2 Anyone making such recordings publicly available should consider any potential data protection and human rights implications of individuals they have recorded.
- 4.3 If someone fails to comply with this Protocol the Lord Mayor/Chair can refuse to allow this person to record any future meetings.
- 4.4 The responsibility for how any photographs or audio/visual recording is used rests with the person who made the recording and not the Council.

(Amended June 2023)

Notes:

Whether or not you are able to attend a meeting, you can make use of these facilities currently available:

- Free public WiFi in the Civic Centre and committee rooms. User name: public password: customer access
- Free access to public agendas, meeting and councillor information, minutes, decision details at www.exeter.gov.uk/committees
- Free iPad and Android apps for reading and annotating public agendas and minutes: search [iTunes](#) or [Google Play](#) for “mod.gov”
- Follow Exeter City Council on Twitter @ExeterCouncil and like at facebook.com/ExeterCityCouncil

If you have any questions please contact Democratic Services (Committees) 01392 265111.

Members of the press are asked to contact the Media Relations Officer on 01392 265103.

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Part 6

Members Allowance Scheme

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MEMBERS' ALLOWANCES SCHEME 2023/24

Allowances payable to Members of Exeter City Council were agreed at the Executive on 29 November 2022 and Council on 13 December 2022 for the 2023/24 period
Please see below the Allowance payable to Members with effect 1 April 2023.

:

	£
Basic Allowance	
All Members	6,537
*Special Responsibility Allowances:-	
Leader (basic x 325%)	21,245
Leader of an Opposition Group	(See ** below)
Other Executive Members with Portfolios (basic x 175%) (up to x 9)	11,439
Other Executive Member without Portfolio (if appointed) (basic x 25%)	1,634
Chairs of Scrutiny Committees (basic x 100%) (x 2)	6,537
Deputy Chair of Scrutiny Committee(basic x 50%)(x 2)	3,268
Chair of Planning Committee (basic x 100%) (x 1)	6,537
Deputy Chair of Planning Committee (basic x 50%) (x1)	3,268
Chair of Licensing Committee (basic x 75%) (x 1)	4,902
Chair of Audit and Governance Committee (basic x 50%) (x 1)	3,268
Chair of Council Housing and Development Advisory Board (basic x 50%) (x1) from the HRA	3,268
Member Champions (basic x 25% (x1)	1,634
*Chair of Exeter Harbour Board	1,634
* <i>Any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only</i>	
** <i>The Leader of an Opposition group will receive an allowance based on the size of the political group, ranging from 20 to 60% of the size of the Group (See scheme on web site)</i>	
Lord Mayor's Expenses Allowances	6,537
Deputy Lord Mayor Mayor's Allowances	1,634

(Amended April 2023)

Travel and expenses

To match those payable to officers of the Council for any approved duties undertaken, with travel expenses being paid for any journeys undertaken outside of the city boundaries.

Dependants' Carers' Allowance Scheme

An allowance matching Exeter City Council's hourly Living Wage as applicable from April of each year (together with the retention of the uplift of the standard rate of income tax). In the case of members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, can be agreed by negotiation in advance with the Democratic Services Manager.

A carer will be any responsible person who does not normally live with the Member as part of that Member's family.

An allowance will be payable if the dependant being cared for:

- is a child under the age of 14
- is an elderly person; or
- has a recognised physical or mental disability

who normally lives with the Member as part of that Member's family and should not be left unsupervised.

Qualifying duties are defined as meetings of the Council, its Committees and Sub-Committees, training events, briefings and such other duties as are specified by the relevant regulations*.

For meetings or duties within the Council's boundaries, the allowance will be paid for the duration of the meeting or otherwise approved duty plus an allowance for up to one hour's total travelling time before and after the meeting.

The actual cost of care will be reimbursed, up to a maximum of the Council's hourly Living Wage.

**Payment of allowance will be made under the powers of Section 100 of the Local Government Act 2000 and Section 7 of Part 2 of the Local Authorities (Members Allowances) (England) Regulations 2003.*

1 April 2023

(Amended April 2023)

PARENTAL LEAVE POLICY

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis. Discussions are ongoing about changing the law to enable compulsory provision.

Legal advice has been taken on these policies, and they conform with current requirements.

1. Leave Periods

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

(Amended June 2019)

- 1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
 - 1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.
 - 1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
 - 1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.
2. Basic Allowance
 - 2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.
3. Special Responsibility Allowances
 - 3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
 - 3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
 - 3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.
 - 3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
 - 3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.
4. Resigning from Office and Elections
 - 4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

(Amended June 2019)

- 4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

16 April 2019

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Part 7

Management Structure

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Bindu Arjoon
Chief Executive

Support to:

- Leader of the Council

Responsibilities:

- Head of Paid Service
- Strategic Direction for the Council
- Advice to Elected Members
- The Council's Improvement Plan
- The Council's Corporate Plan
- External Relations
- Corporate Risk Register
- Shareholder representative for Exeter City Living



Baan Al-Khafaji
Director
Corporate Services

Support to:

- Portfolio Holder Arts & Culture and Corporate Services
- Leader of the Council

Responsibilities:

- Legal Services
- Human Resources
- Monitoring Officer
- Elections and Electoral Registration
- Democratic Services
- Mayoralty and PAs



Jo Yelland
Director
City Transformation

Support to:

- Portfolio Holder Arts & Culture and Corporate Services
- Portfolio Holder Communities & Homelessness Prevention
- Leader of the Council for Key Cities Network

Responsibilities:

- Digital and Customer Transformation
- Wellbeing Exeter Strategic Lead
- NHS Integrated Care System Strategic Lead
- Strata Board Chair



Paul Collinson
Director
City Development

Support to:

- Portfolio Holder City Development and Planning
- Portfolio Holder Customer Services & Council Housing
- Portfolio Holder Communities & Homelessness Prevention
- Chair of Planning Committee

Responsibilities:

- City Planning, Conservation, Design, Heritage
- Building Control & Land Charges
- CL
- Liveable Exeter Programme
- Strategic Housing
- The Housing Revenue Account
- Council Housing Stock
- Council Rents
- Housing Needs & Homelessness



David Hodgson
Director
Finance

Support to:

- Leader of the Council
- Portfolio Holder Customer Services & Council Housing
- Portfolio Holder City Management & Environmental Services
- Portfolio Holder Recycling, Waste Management and Waterways

Responsibilities:

- Section 151 Officer
- Finance
- Corporate Property
- Housing Benefits
- Business Rates
- Council Tax
- Customer Services & Telephony
- Internal Audit
- Procurement
- Exeter Science Park – Shareholder Rep



David Bartram
Director
Net Zero Exeter & City Management

Support to:

- Portfolio Holder Arts & Culture and Corporate Services
- Portfolio Holder Climate Change
- Portfolio Holder City Management & Environmental Services
- Portfolio Holder Recycling, Waste Management and Waterways
- Portfolio Holder Communities & Homelessness Prevention

Responsibilities:

- Net Zero Exeter 2030 Plan
- Skills ■ Transport ■ Energy
- Waste/Recycling Services
- Street Cleansing
- Fleet Management
- Car Parking
- Harbour Authority & Waterways
- Parks, play areas & green spaces
- Burials and Cemeteries
- Allotments ■ Engineering
- Commercialisation
- City Centre CCTV ■ Home Call
- Environmental Health
- Licencing • Enforcement
- Health & Safety • Emergency Planning
- Private Sector Landlord Services
- Community Safety Partnership
- Safeguarding Policy
- Equalities & Diversity Policy



Jon-Paul Hedge
Director
Culture, Leisure, Tourism, Communications and Communities

Support to:

- Portfolio Holder Arts & Culture and Corporate Services
- Portfolio Holder Leisure Services & Physical Activity
- Portfolio Holder Climate Change
- Leader of the Council

Responsibilities:

- Visit Exeter & Tourism
- Comms & Marketing
- Corn Exchange
- Underground Passages
- Markets & Halls
- Exeter Cultural Strategy
- RAMM
- Leisure Services Facilities and Active Lifestyles
- Physical Activity and Sport - policy and strategy
- Sport & Leisure - policy
- Sport England Local Delivery Pilot
- Wellbeing Exeter, Community Development
- Communities
- Exeter Community Lottery
- Creative Arc

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Changes to the Constitution in response to the COVID 19 Pandemic

The following changes were agreed by Council on 21 April 2020 in order to put in place contingency arrangements designed to allow the Council to continue to function if staff are absent as a result of the Corona Virus pandemic.

1 Scheme of Delegation and Financial Regulations

The Chief Executive together with the Strategic Management Board have delegated authority to discharge any delegated authority, including those made in consultation with a Councillor, already set out in the Council's Scheme of Delegation, including those set out in the Council's Financial Regulations, effective from 21 April 2020. This, to include the power to make urgent decisions in consultation with the Leader of the Council or, in his absence, the Deputy Leader of the Council.

2 City Solicitor

The City Solicitor has delegated authority to amend the Constitution to give effect to any change in legislation brought by the Government in response to the Corona Virus pandemic in consultation with the Leader of the Council or, in his absence, the Deputy Leader. In the absence of the City Solicitor, and the Litigation Solicitor may also exercise this delegated authority.

3 Councillor absence

Any Councillor may be absent from Council meetings for a period over six months provided that such absence is as a result of either a requirement to self-isolate or sickness due to the corona virus.

4 Articles of the Constitution and Standing Orders

Articles 14 and 15 of the Constitution and Standing Orders 47 and 48 are suspended for the next six months, effective from 21 April 2020, to allow for the Council's Constitution to be amended by a simple majority of Council.

5 Standing Order 1

Standing Order 1(1) is amended to allow all meetings of the Council (including the AGM) and its committees to be held at any venue considered suitable by the Director Corporate Services in consultation with the Leader of the Council.

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