# CONSTITUTION


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# Article 1 – The Constitution - Summary and Explanation

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### The Council's Constitution

This is the Exeter City Council constitution which sets out how the Council operates, how decisions are made, the procedures to ensure decisions 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 sets out the mechanisms and processes that the Council operates to ensure that:

- councillors are able to play a significant role in the work of the City Council and represent their constituents;
- 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; and
- accountability is enhanced.

### Powers of the Council

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

## Article 1 – The Constitution - Summary and Explanation

### How the Council operates

The Council is comprised of 39 Councillors (Members) who serve for four years. One-third of these Councillors' terms of office expire in each of three years out of four.

Councillors are democratically accountable to residents of their Ward. There are 13 wards in the Exeter area. Details of the political composition and Councillors can be found on the City Council Website.

The overriding duty of Councillors is to the whole community, but they have a special duty to the constituents in their ward, including those who did not vote for them.

Councillors must adhere to the Members' Code of Conduct to ensure high standards in the way they undertake their duties. The Council's Audit and Governance Committee monitors the Members Code of Conduct and are responsible for investigating complaints. Any concerns about the conduct of a Member, residents can contact the City Council's Monitoring Officer.

Members must also register and declare certain interests, which can be viewed on the Councillor details, under Register of Interests on the Council's website.

Exeter City Council operates a Leader and Cabinet Governance model. The Cabinet is however referred to at the Council and throughout this constitution as the Executive. This governance model means that the Full Council will appoint a Leader of the Council, who will then appoint up to 9 other Councillors (Portfolio Holders) to the Executive, who are responsible for particular areas aligning with the Council's key priorities and Corporate Plan.

### How decisions are made

### Full Council

All Councillors meet together at the Full Council meeting which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints also the Lord Mayor who presides over the Council meetings. Council also appoints Councillors to sit on the various committees through political balance. Should the Lord Mayor not be available, the Deputy Lord Mayor chair Full Council

### The Lord Mayor

Exeter is very proud of its Mayoralty which dates back to the year 1200 and can claim to have the third oldest Mayoralty in the country. Exeter was awarded Lord Mayoralty in 2002 by Queen Elizabeth II

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 their year in office by a Deputy Lord Mayor.

The Lord Mayor presides over the Council's meetings, but the Lord Mayor also takes part in many civic ceremonies and functions such as Legal Sunday, Lammas Fair, University Graduations, Legal Sunday etc. On such occasions the Lord Mayor is in full regalia and accompanied by the Mace, Cap and Sword and an escort of Mace Bearers and processes with Honorary Aldermen, past Lord Mayors, Councillors and Freemen.

Although they elect 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 300-400 functions a year.

### The Executive Committee

The Executive Committee is responsible for most day-to-day decisions which are not delegated to officers.

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. 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 Full Council as a recommendation.

### Scrutiny

The work of Executive is supported by two scrutiny committees and allows 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.

### Delegated Powers

To ensure that business is conducted efficiently and that services are provided to a high standard, the Council, has delegated some powers to Officers, which are outlined in Chapter 2.

Decisions taken by officers carry the same weight as any decision taken by the decision-making body and officers will consider all implications of the decision-making principles prior to taking delegated decisions and must ensure the decision making principles contained within the Access to Information Procedure Rules are adhered to.

## The Council's Staff

### Officers

The Council's employees (or 'Officers') provide 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. An Officer Code of Conduct governs the relationships between Officers and Members of the Council.

All Officers must comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations. To make certain decisions, Officers must consider finance and legal implications and they must comply with Finance, Contract and Legal Matters.

## The Chief Executive

The most senior Officer is the Chief Executive (Head of Paid Service), who reports to Council on how the Council's functions are co-ordinated, number and grade of Officers required for the discharge of the functions and organisation of Officers. The Chief Executive must ensure access to information in accordance with the Access to Information Procedure Rules.

The Head of Paid Service, is one of three Statutory Roles at the Council and the Chief Executive cannot take on the role of Monitoring Officer.

## Monitoring Officer

The Monitoring Officer is the second of three Statutory Roles at the Council and is responsible for maintaining an up-to-date Constitution and will ensure that it is publicly available. The Monitoring Officer provides advice on the scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy framework issues to all Councillors and officers in their respective roles.

The Monitoring Officer also administers the process for determining complaints against Councillors. The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

## Chief Finance Office

The Chief Finance Officer is the third of the three Statutory Roles at the Council and is responsible for the financial affairs of the Authority and for publishing financial information to the public, media, and the community.

The Chief Finance Officer provides advice on scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy Framework issues to all Members and officers in their respective roles.

## Chief Officers

The Council's Strategic Management Board (SMB) comprises of the following Chief Officers:-

- Chief Executive (Head of Paid Service);
- Strategic Director for Corporate Resources (Chief Finance Officer);
- Strategic Director for People;
- Strategic Director for Place; and
- Strategic Director for Community Services.

The functions and responsibilities which the Council as given to the Chief Officers are listed in the Officer Scheme of Delegation.

Chief Officers are supported by their respective Heads of Service who function on an operational level.

## Interpretation and Review of the Constitution

## Article 1 – The Constitution - Summary and Explanation

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.

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# Article 2 – Members of The Council

*This Article 2 sets out the roles and responsibilities of the Members of the Council otherwise known as Councillors.*

## 2.01 Composition and eligibility

(a) The Council consists of 39 elected members, known as Councillors. A Councillor is elected to represent one of the 13 wards in Exeter, with each ward electing three Councillors to serve on the Council.

(b) To be eligible for the office of Councillor, an individual must be a registered voter in the City of Exeter or must live or work within the City of Exeter.

## 2.02 Election and Terms of Councillors

(a) The ordinary election for one-third of all Councillors will take place on the first Thursday in May each year starting from 2020. There will however be no regular election in 2021 and every fourth year thereafter.

(b) The terms of office of Councillors will be for four years:

(i) commencing on the fourth day after being elected; and
(ii) finishing on the fourth day after the date of the regular election four years later.

## 2.03 Ending a Councillor's Term

(a) A Councillor may resign their position at any time by giving notice in writing to the Returning Officer and the resignation will be effective upon its receipt. A copy of the resignation shall also be sent to the Monitoring Officer.

(b) If a Councillor does not attend any meeting of the Council for a continuous period of six months, they will cease to be a member of the Council unless the absence is due to a valid reason approved by the Council before the end of that period. Attendance may include meetings of any committee, sub-committee, joint committee, joint board or body where the Council's functions are carried out.

(c) In the event of Article 2.3 (a) or (b) being engaged, the Council will arrange for a new Councillor to be elected by way of a by-election.

## 2.04 Roles and functions of all Councillors

(a) **Key roles.** All Councillors will:

(i) collectively be the ultimate policymakers 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;
(vi) be available to represent the Council on other bodies;

(vii) maintain the highest standards of conduct and ethics; and
(viii) contribute to the good governance in the City of Exeter and actively encourage community participation and citizen involvement in decision making; and
(ix) participate, as appropriate, and attend any mandatory training and development opportunities offered by the Council.

(b) **Rights and duties**

(i) Councillors have rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
(ii) Councillors will not disclose any information which is considered confidential or exempt to the public without the consent of the Council. Councillors will also not divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
(iii) 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
(iv) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

## 2.05 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.

## 2.06 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

The Council welcomes participation by its citizens in its work.

Citizens have a number of rights as part of their engagement with the Council:

- vote at local elections (if they are registered);
- contact their local ward Councillor about any matters of concern to them. Councillor details can be found on the **Council's website**;
- attend all public meetings of the Council and committees (except where confidential or exempt items are being discussed);
- to view and identify from the Executive's Forward Plan what key decisions will be taken by the Executive and when;
- to attend meetings of the Executive where key decisions are being discussed or decided;
- to see reports and background papers, and any record of decisions made by the Council and Executive (excluding confidential or 'exempt' information);
- to inspect the Council's accounts and make their views known to the external auditor;
- request information and to view a copy of the Constitution;
- to petition a request for a referendum on moving to an Elected Mayor and Cabinet form of governance;
- 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. See Details on public speaking for more information;
- to speak at Planning Committee in support of or in opposition to a planning application being considered by that Committee subject to the agreed procedure. See Details on speaking at Planning Committee for more information;
- to use the Council's complaints procedure if they are unhappy about an aspect of the Council's service;
- to complain to the Ombudsman if they believe the Council has not followed its procedures properly (but only after using the Council's complaints process); and
- to complain to the Council's Monitoring Officer if they there is evidence that a Councillor has not followed the Council's Member Code of Conduct.

Citizens' rights to information and participation are explained in more detail in the Access to Information Rules in Chapter 3 of this Constitution

Additional rights for members of the public using specific Council services e.g. council tenants, are not covered in this Constitution.

### 3.02 Citizens' responsibilities

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 – Full Council Meetings

### 4.01 Introduction

The full Council is a formal meeting of all 39 Councillors. The full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate for all Councillors and they are able to ask questions. Members of the public are able, to ask questions about the Council or matters affecting the Council at all full Council meetings with the exception of the Annual Meeting.

### 4.02 Council meetings

There are three types of Council meetings:

(a) the Annual Meeting;
(b) Ordinary Meetings; and
(c) Extraordinary Meetings.

### 4.03 Functions of Council Meetings

The Council will keep under review the tables in Part 2 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive

### 4.04 Council Policy Framework

The policy framework is made up of a series of statutory plans and strategies as follows:

- those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- those other plans and strategies which Chapter 2 of Department for Communities Local Government Guidance recommends should be adopted by the Council as part of the Policy Framework; and
- other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice. Other overarching corporate plans and strategies may become part of the policy framework as the need arises.

The Council's Policy Framework can be viewed on **Council Website**.

### 4.05 Budget

Councillors will set the Council's budget each year at the Council meeting held in February and contains a number of components:

(a) the allocation of financial resources to different services and projects;
(b) proposed contingency funds;

(c) the Council tax base;
(d) setting Council tax;
(e) decisions relating to the control of the Council's borrowing requirement;
(f) the control of the Council's capital expenditure; and
(g) the setting of virement limits.

### 4.06 Housing Land Transfer

Housing Land Transfer is:

(a) the approval / adoption of applications (whether in draft form or not) to the Secretary of State to approve a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993; and

(b) dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

# Article 5 – The Lord Mayor and Chairing of the Council

### 5.01 Role and function of the Lord Mayor

Any elected Member of the Council is eligible for election to the office of Lord Mayor or Deputy Lord Mayor, with the only exception being for members of the Executive.

The Lord Mayor is elected each year from the 39 Councillors at Annual Council in May. The Deputy Lord Mayor is appointed at the same meeting.

The Lord Mayor throughout their term of office of one year should remain impartial in all matters of policy and should not be involved in the direction of affairs or be involved in any campaigns. The Lord Mayor should also not be involved in any Council policy or activities of a controversial nature.

The Lord Mayor may be a member without voting powers of every standing committee appointed by the Council (with the exception of the Executive) except where otherwise provided by statute or a scheme made under statutory authority.

Whilst the Lord Mayor is non-political during their term of office, the Deputy Lord Mayor remains politically active and may also be a committee member (with the only exception being for a member of Executive).

### 5.02 Civic Role

The Council's Lord Mayor, supported by the Deputy Lord Mayor and their Consorts, will perform the Council's civic role. This entails representing, supporting and promoting the businesses and the people of Exeter.

The Lord Mayor will decide which civic and ceremonial functions during their year of office. These events:

(a) promote the city through business and community activities;
(b) support local charities and community organisations; and
(c) raise funds for their own chosen charity.

### 5.03 Chairing the Council Meeting

The Lord Mayor also has the following responsibilities:

(a) 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;
(b) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary; and
(c) to ensure that the Council meeting is a forum for debate and the place at which members can be held to account.

# 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 Audit & Governance Committee.

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task, the Monitoring Officer may:

(i) Observe meetings of different parts of the Member and officer structure;
(ii) Undertake an audit trail of a sample of decisions;
(iii) Record and analyse issues raised with them by members, officers, the public and other relevant stakeholders as part of an annual review; and
(iv) Compare practices in this Council with those in comparable authorities, or national examples of best practice.

The Chief Finance Officer shall be responsible for keeping under review the Financial Regulations set out in [ ] to the Constitution and shall make any necessary amendments and revisions as are required from time to time. They shall report any amendments made to the Financial Regulations to the Audit & Governance Committee.

### 14.02 Changes to the Constitution

(a) Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Audit & Governance Committee.

(b) Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

a. A minor variation; or
b. Required to be made to remove any inconsistency or ambiguity; or
c. Required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

In which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect and they will notify all Councillors of the minor amendments.

All changes to the Constitution will be recorded, giving the date of the change and the reason for the amendment.

# Article 5 – The Lord Mayor and Chairing of the Council

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The Lord Mayor may be a member without voting powers of every standing committee appointed by the Council (with the exception of the Executive) except where otherwise provided by statute or a scheme made under statutory authority.

Whilst the Lord Mayor is non-political during their term of office, the Deputy Lord Mayor remains politically active and may also be a committee member (with the only exception being for a member of Executive).

## 5.02 Civic Role

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(a) promote the city through business and community activities;
(b) support local charities and community organisations; and
(c) raise funds for their own chosen charity.

## 5.03 Chairing the Council Meeting

The Lord Mayor also has the following responsibilities:

(a) 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;
(b) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary; and
(c) 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 it's 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.

**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 Strategic Director for Corporate Resources.

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**

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)<br><br>Provision of professional advice to all parties in the decision-making process.<br><br>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.<br><br>Representing the Council on partnership and external bodies (as required by statute or the Council). |
| Strategic Director for Corporate Resources and Strategic Directors | 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 Strategic Director for Corporate Resources.** The Council will designate the following posts as shown:

| Post | Designation |
|---|---|
| Chief Executive | Head of Paid Service<br>Returning Officer, Electoral Registration Officer |
| Head of Legal & Democratic Services | Monitoring Officer |
| Strategic Director for Corporate Resources | 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.

(Amended September 2025 – Minor Amendment to Officer Titles)

**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 Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources or the Head of Paid Service.

**11.04 Functions of the Strategic Director for Corporate Resources**

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Strategic Director for Corporate Resources will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources**

(a) The Council will provide the Monitoring Officer and Strategic Director for Corporate Resources 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.

(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 Audit & Governance Committee.

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task, the Monitoring Officer may:

(i) Observe meetings of different parts of the Member and officer structure;
(ii) Undertake an audit trail of a sample of decisions;
(iii) Record and analyse issues raised with them by members, officers, the public and other relevant stakeholders as part of an annual review; and
(iv) Compare practices in this Council with those in comparable authorities, or national examples of best practice.

The Chief Finance Officer shall be responsible for keeping under review the Financial Regulations set out in [ ] to the Constitution and shall make any necessary amendments and revisions as are required from time to time. They shall report any amendments made to the Financial Regulations to the Audit & Governance Committee.

### 14.02 Changes to the Constitution

a) Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Audit & Governance Committee; and
b) Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

a) a minor variation; or
b) required to be made to remove any inconsistency or ambiguity; or
c) required to be made so as to put into effect any decision of the Council or its committees or the Cabinet.

In which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect and they will notify all Councillors of the minor amendments.

All changes to the Constitution will be recorded, giving the date of the change and the reason for the amendment.

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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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# Responsibility for Functions

## 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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

| Function | Who is Responsible | Membership | Agreed Standing Delegation |
|---|---|---|---|
| 1.1 Any matter relating to contaminated land. | The Executive Committee | City Council Members | Head of Environment & Waste |
| 1.2 The discharge of any function relating to control of pollution or management of air policy. | The Executive Committee | City Council Members | Head of Environment & Waste |
| 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 | Head of Environment & Waste |
| 1.4 Determination of appeals in respect of:- | | | Head of Housing |
| (a) Homelessness Reviews | The Executive Committee | City Council Members | |
| (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 | City Council Members | Head of Housing in consultation with the Executive member with portfolio. |

(Amended September 2025 – Minor Amendment to Officer Titles)

| | | | |
|---|---|---|---|
| 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 | Head of 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 | Head of City Development<br><br>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 | Head of Environment & Waste<br>See Council's scheme of delegation. |

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| 2.3 Functions under any of the relevant | None | | |

| | | | |
|---|---|---|---|
| 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. | | | Head of Environment & Waste<br><br>See Council's scheme of delegation. |
| 2.4 Those functions relating to elections as set out Schedule 1 of the Function Regulations 2000. | None | None | The Chief Executive |
| 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. | Full Council | Exeter City Council Members | None |
| 2.6 Power to make, amend, revoke or re enact bylaws as set out in Schedule 1 of the Functions Regulations 2000. | Full Council | City council Members | None |
| 2.7 Power to promote or oppose local or personal Bills as set out in Schedule 1 of the Functions Regulations 2000. | Full Council | City Council Members | None |

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|---|---|---|---|
| 2.8 Those functions relating to pensions as set out in Schedule 1 of the Functions Regulations 2000. | Full Council | City Council Members | None |
| 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.<br><br>In the case of Development Plan Documents, this includes:-<br>(a) the approval of documents for submission to the Secretary of State for approval;<br>(b) the adoption of documents." | 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 |

| | | | |
|---|---|---|---|
| 2.12 Miscellaneous functions as set out in Schedule 1 of the Functions Regulations:- | | | |
| a) Duty 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 | City Council Members | None |
| b) Powers relating to the preservation of trees. | Planning Committee | City Council Members | Head of City Development in accordance with the Scheme of Delegation. |
| c) Powers relating to the preservation of important hedgerows. | Planning Committee | City Council Members | Head of City Development in accordance with the Scheme of Delegation. |
| d) Power to appoint and dismiss non statutory Chief officers and Directors and Corporate Managers under JNC conditions of service. | Full Council | City Council Members | Head of Paid Service |
| e) Power to make standing orders in relation to contracts | Full Council | City Council Members | None |
| 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 | Full Council | City Council Members | None |

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|---|---|---|---|
| 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 Strategic Director for Corporate Resources | 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 | Audit and Governance Committee | // | None |

| | | | |
|---|---|---|---|
| Council's corporate 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 | | // | None |

| | | | |
|---|---|---|---|
| to recommend its adoption | Audit and Governance Committee | | |
| 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 |

| | | | |
|---|---|---|---|
| 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 |

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| | | | |
| 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 |

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| 2.44 Power to create, stop up and divert footpaths and bridleways. | Full Council | City Council Members | Head of Environment & Waste |
| 2.45 Power relating to the removal of things so deposited on highways as to become a nuisance. | Full Council | City Council Members | Head of Environment & Waste |

## 3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

| Function | Who is Responsible | Delegation |
|---|---|---|
| 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:- | Executive Committee | |
| a) Finances | | None |
| b) Property | | 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. |
| c) Staffing | | Strategic Directors, Strategic Director for Corporate Resources in consultation with the Executive member with portfolio and Chief Executive. (please see the Council's scheme of delegation) |

| | | |
|---|---|---|
| | | |
| 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 |

| | | |
|---|---|---|
| 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, Strategic Directors and Strategic Director for Corporate Resources 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 |

| | | |
|---|---|---|
| 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:-<br>(i) the approval of draft proposals for public consultation;<br>(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 |

| | | |
|---|---|---|
| 3.20 To determine through a consultation procedure, Health and Safety policies for the Council. | Executive Committee | None |
| 3.21 To establish an appropriate mechanism for consultation between members and staff representatives on personnel and health and safety issues. | Executive Committee | The Chief Executive in consultation with the Leader and Executive member with portfolio. |
| 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. | Exeter Grants Panel | None |
| 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. | Exeter Grants Panel | None |
| 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. | Exeter Grants Panel | None |

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# Executive Portfolios and Member Champions

# 2025/26

| Portfolio Holders | | |
|---|---|---|
| 1. | **Leader**<br>Cllr Phil Bialyk | ◊ Corporate Plan<br>◊ Local Government Reorganisation and Devolution<br>◊ Corporate Risk Strategy<br>◊ MTFP and Budget Strategy<br>◊ Fees & Charges<br>◊ Devon and Torbay County Combined Authority<br>◊ Devon District Forum<br>◊ Team Devon<br>◊ Exeter Civic University Agreement<br>◊ Strategic Partnerships (incl Exeter Partnership) and the Sub Regional Growth agenda<br>◊ Commercial, Social Housing Assets & Property Assets<br>◊ Strategic Communications<br>◊ Business Rates Discretionary Grants<br>◊ Procurement Policy<br>◊ Strata Joint Executive Committee |
| 2. | **Deputy Leader and**<br>**Corporate Services, Community Safety and City Centre**<br><br>Cllr Laura Wright | ◊ Equality, Diversity & Inclusion<br>◊ Corporate Resources<br>◊ Legal, Democratic, Mayoralty and Electoral Services<br>◊ HR & Organisational Development<br>◊ Audit & Governance<br>◊ Digitalisation<br>◊ Corporate Health & Safety<br>◊ Corporate Safeguarding<br>◊ Corporate Parenting<br>◊ City Centre Strategy<br>◊ Working with the BID<br>◊ Community Safety & Anti-Social Behaviour<br>◊ CCTV & Home Call<br>◊ Community Safety Partnership |

| Portfolio Holders | | |
|---|---|---|
| 3. | **Climate, Ecological Change and Communities**<br><br>Cllr Matt Vizard | ◊ Continuing to work towards net zero in our council operations<br>◊ Working with partners across the City to implement the Net Zero Road Map<br>◊ Demonstrating leadership across the city in addressing ecological & climate change<br>◊ Working to mitigate and adapt to the impacts of climate change to achieve a sustainable environment.<br>◊ Transport<br>◊ Low Carbon Task Force<br>◊ District Heating Networks<br>◊ Community Engagement<br>◊ Community Grants Strategy and Programme |
| 4. | **Housing, Homelessness Prevention and Customer Services**<br><br>Cllr Marina Asvachin | ◊ Corporate Customer Services<br>◊ Social Housing Rent and service charge setting<br>◊ Social Housing Landlord Services<br>◊ Leaseholder Services<br>◊ Right to Buy<br>◊ Tenant consultation and engagement<br>◊ Social Housing allocations<br>◊ Housing Advisory Board<br>◊ Benefits, Council Tax, Council Housing Rent Payments, Business Rates payments<br>◊ Housing Needs, Homelessness & those who are Vulnerably Housed<br>◊ Housing Advice and Homelessness Prevention<br>◊ Downsizing Support<br>◊ Supported Housing Services<br>◊ Private Sector Housing & Licensing for HMOs<br>◊ Armed Forces Covenant<br>◊ Better Care Fund and Disabled Facilities Grant |

| | | |
|---|---|---|
| 5. | **Leisure Services & Healthy Living**<br><br>Cllr Duncan Wood | ◊ Sport England Local Delivery Pilot<br>◊ Physical Activity Strategy<br>◊ Service provision of Leisure Facilities and Playing Pitches<br>◊ Working with partners to deliver a Sports Strategy<br>◊ Leisure Services (running service and facilities)<br>◊ Health and Wellbeing<br>◊ Wellbeing Exeter, working with the portfolio holder for Climate and Ecological Change and Communities. |
| 6. | **City Management**<br><br>Cllr Ruth Williams | ◊ Cleansing<br>◊ Parks, open spaces and allotments<br>◊ Public Realm, green spaces and green infrastructure<br>◊ Bereavement Services<br>◊ Engineering and Flooding<br>◊ Strategy and Policy for Waterways<br>◊ Recycling & Refuse Collection<br>◊ Rollout of Food Waste<br>◊ Habitats Mitigation<br>◊ Air Quality<br>◊ Fleet Management<br>◊ Harbour Board Chair<br>◊ Exeter Canal and Quay<br>◊ Environmental Health<br>◊ Enforcement<br>◊ Licensing<br>◊ Taxi Forum |
| 7. | **City Development**<br><br>Cllr Susannah Patrick | ◊ Exeter Local Plan<br>◊ Liveable Exeter<br>◊ Housing Supply<br>◊ Infrastructure planning<br>◊ Planning Policy and Planning Control<br>◊ Strategic Housing Planning Policy<br>◊ Building Control and Land Charges<br>◊ Design and Heritage |
| 8. | **Arts, Culture & Tourism**<br><br>Cllr Bob Foale | ◊ Markets and Halls, Underground Passages, Corn Exchange, Historic Guildhall, Custom House and Markets<br>◊ Cultural Strategy<br>◊ Creative Arc<br>◊ UNESCO City of Literature<br>◊ RAMM & Oversight Working Group<br>◊ Tourism Strategy, Visit Exeter<br>◊ Events<br>◊ Commercialisation<br>◊ Sales & Marketing |

| Member Champions | | |
|---|---|---|
| 9. | Cllr Mollie Miller-Boam | Supporting the portfolio holders:<br>• Corporate Services, Community Safety and City Centre<br>• Climate, Ecological Change and Communities |
| 10. | Cllr Debbie Darling | Supporting the portfolio holders:<br>• Corporate Services, Community Safety and City Centre<br>• Arts, Culture & Tourism |

# 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.

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**

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 Head of 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:

- Any item considered by the Head of City Development, Chair, or Vice Chair of Planning Committee or Portfolio Holder City Development to be significant, controversial or sensitive.
- Applications referred by the Chair or Vice-Chair of Planning Committee following Delegation Briefing.
- City Council applications subject to objections.
- Applications from councillors, planning officers and their close relatives (parents, children, siblings and partners).
- Applications from members of staff which, in the opinion of the Head of City Development, are considered to be major in nature whether or not they are subject to objections.

**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.

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.

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;

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.
- 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

| |
|---|
| **1. GENERAL** |
| **2. CHIEF EXECUTIVE** |
| Head of Service Customers and Communities<br>Head of Service – Executive Office |
| **3. STRATEGIC DIRECTORS** |

| **4. OPERATIONAL SERVICES DIRECTORATE** | **5. CORPORATE RESOURCES DIRECTORATE** |
|---|---|
| Head of Service Environment & Waste | Head of Service Finance |
| Head of Service Operations | Head of Service Legal and Democratic Services |
| Head of Service Asset Maintenance | Head of Service Commercial Assets |
| Head of Service Housing | |

| **6. PLACE DIRECTORATE** | **7. LGR PROGRAMME** |
|---|---|
| Head of Service City Development | Head of Service Digital and Data |
| Head of Service Culture & Leisure | Head of Service HR, Workforce Planning & OD |
| Head of  Service City Centre & Net Zero | |

(Amended April 2026)

# 1. GENERAL

| | |
|---|---|
| **2.1** | The Chief Executive, Strategic Directors, and Heads of Service 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. |
| **2.2** | 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. |
| **2.3** | 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 Strategic Director Corporate Resources, where a budgetary issue is involved. |
| **2.4** | 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. |
| **2.5** | 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. |
| **2.6** | 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. |
| **2.7** | Strategic Directors 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. |

Delegations Contents

# 2. CHIEF EXECUTIVE

| | Function | Delegated Deputy |
|---|---|---|
| **2.1** | To authorise any emergency action required on any matter (and which shall include incurring of expenditure) in consultation with:-<br>(i) the Leader of the Council (or in their absence the relevant Portfolio Holder); and<br>(ii) the Chair of the relevant Scrutiny Committee and subject to a report then being submitted to the Executive (or relevant Committee). | |
| **2.2** | The power to make an order to prohibit public processions under section 13 of the Public Order Act 1986 in consultation with the Leader of the Council. | |
| **2.3** | 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. | |
| **2.4** | To ensure compliance with the Council's Health and Safety Policy throughout the common parts of the Civic Centre. | |
| **2.5** | 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. | |
| **2.6** | To exercise all/any delegated functions already reserved to specific officers as set out in the scheme of delegation. | |
| **2.7** | To agree any necessary amendments to the management agreement to Exeter City Group Ltd in consultation with the Leader of the Council, the Strategic Director for Corporate Resources and the Executive Member with the Relevant Portfolio) and in addition the Chair or Deputy Chair of Strategic Scrutiny Committee. | |
| **2.8** | 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. | |
| **2.9** | 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 |

(Amended April 2026)

| Delegated Authority: Head of Service Customers and Communities | |
|---|---|
| **Function** | **Delegated Deputy** |
| No Delegations | |
| Mayoralty | |
| 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. | Lord Mayor Support Manager |
| To authorise the use of the Guildhall for private functions. | |

| Delegated Authority: Head of Service - Executive Office | |
|---|---|
| **Function** | **Delegated Deputy** |
| 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. | Lord Mayor Support Manager |
| To authorise the use of the Guildhall for private functions. | |

# 3. STRATEGIC DIRECTORS

| | |
|---|---|
| **3.1** | 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 service for which the officer is responsible and to authorise such signing by the appropriate Head of Service.<br><br>This power shall only be exercisable where expenditure is included in the approved annual budget or capital programme. |
| **3.2** | To 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. |
| **3.3** | To institute legal proceedings under any statute, byelaw or agreement (which shall include authority to appeal any decision made by a County or Magistrates' Court) in the areas for which the Strategic Director is responsible in agreement with the Head of Legal and Democratic Services. |
| **3.4** | 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). |
| **3.5** | To authorise the Strategic Director (Corporate Resources) to undertake covert surveillance in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000. |
| **3.6** | To be responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area and for all staff, buildings and sites for which they are responsible. |
| **3.7** | Where appropriate to discharge any function/s delegated to an officer within their service area in accordance with this Scheme of Delegation. |
| **3.8** | The removal of goods will require authority from, a Strategic Director, Strategic Director Corporate Resources, and Chief Executive. |
| **3.9** | 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.<br><br>• Legal Services;<br>• Head of Service Legal and Democratic Services;<br>• Human Resources; and<br>• Head of Service HR & ODs<br><br>(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)<br><br>• All tier three officers (of Grade N or above) |
| **3.10** | Strategic 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 |

Delegations Contents

# 4. OPERATIONAL SERVICES DIRECTORATE

## Strategic Director Operations


| |
|---|
| Head of Service Environment & Waste |
| Head of Service Operations |
| Head of Service Asset Maintenance |
| Head of Service Housing |


| **Delegated Authority: Head of Service Environment & Waste** | |
|---|---|
| **Function** | **Delegated Deputy** |
| To carry out functions, duties and responsibilities of the Council in respect of the following matters:<br><br>• Drainage<br>• Pest control<br>• Air and Noise Pollution<br>• properties that are overcrowded, unfit for human habitation or in disrepair<br>• Abandoned vehicles/waste/refuse<br>• Skin piercing (power includes authority to take remedial action where necessary) | Environmental Health and Community Safety Manager |
| To appoint Inspectors and authorise officers to carry out any function, power or duty within their remit. | Environmental Health and Community Safety Manager |
| Without prejudice to the generality of the above, where appropriate in consultation with the Head of Service Legal and Democratic Services, to deal with the provisions of and enforcement and compliance with the following Acts and associated legislation.<br><br>This shall include:<br><br>• initiation, defence and settlement of legal proceedings; | Environmental Health and Community Safety Manager |

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| • issuing formal cautions and fixed penalty fines;<br>• serving Notices and Orders;<br>• the issue, refusal and revocation of licences;<br>• certificates and registrations;<br>• carrying out of works in default and payment and recovery of costs: | |
| Public Health | |
| Food Safety Act 1990 and any Orders or Regulations or other instruments: (i) made thereunder, or (ii) relating thereto, or and relating to food safety including:<br><br>• Regulation numbers 178/2002, 852-854/2004, 882/2004 and 2073/2005 which relate to food and feed;<br>• Food and Environmental Protection Act 1985;<br>• Food Safety and Hygiene (England) Regulations 2013;<br>• Food Information Regulations 2014;<br>• Official Feed and Food Controls (England) Regulations 2009. | Environmental Health and Community Safety Manager |
| Health & Safety at Work etc. Act 1974 and any supporting regulations. | Environmental Health and Community Safety Manager |
| Health Act 2006 and associated regulations including:<br><br>• Smoke-free (Premises and Enforcement) Regulations 2007;<br>• Smoke-free (Exemptions and Vehicles) Regulations 2007;<br>• Smoke-free (Penalties and Discounted Amounts) Regulations 2007;<br>• Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007;<br>• Smoke-free (Signs) Regulations 2012. | Environmental Health and Community Safety Manager |
| • Public Health Act 1936;<br>• Public Health Act 1961;<br>• Public Health (Control of Disease) Act 1984;<br>• Health Protection (Local Authority Powers) Regulations 2010; | Environmental Health and Community Safety Manager |

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| • Health Protection (Part 2A Orders) Regulations 2010. | |
| Water Industry Act 1991 and relevant regulations in relation to:<br><br>• functions with regard to the wholesomeness and sufficiency of public and private drinking water supplies;<br>• entry into premises for the purpose of analysis of samples of water within Exeter City Council's district;<br>• 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. | Environmental Health and Community Safety Manager |
| Sunday Trading Act 1994 | Environmental Health and Community Safety Manager |
| Licensing | |
| • Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018;<br>• Animal Welfare Act 2006;<br>• Animal Boarding Establishments Act 1963;<br>• Breeding of Dogs Act 1973 and 1991;<br>• Riding Establishments Act 1964 and 1970;<br>• Cinemas Act 1985;<br>• Dangerous Dogs Act 1991;<br>• Dangerous Wild Animals Act 1976 (as amended);<br>• Guard Dogs Act 1975;<br>• Theatres Act 1968;<br>• Zoo Licensing Act 1981;<br>• Gambling Act 2005; | Environmental Health and Community Safety Manager<br><br>Principal Licensing Officer |
| Licensing Act 2003. In particular to determine:<br><br>• applications for Personal Licences, where no police objection is made;<br>• applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;<br>• applications for provisional statements, where no relevant representations have been made; | Environmental Health and Community Safety Manager<br><br>Principal Licensing Officer |

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| • applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;<br>• applications to vary designated Premises Supervisor, where no police objection has been made;<br>• requests to be removed as designated Premises Supervisor;<br>• applications for transfer of Premises Licences where no police objection has been made;<br>• applications for interim authorities where no police objection has been made;<br>• decisions on whether a complaint is irrelevant, frivolous, vexatious etc.<br>• 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;<br>• the giving of a counter notice for Late Temporary Event Notices;<br>• whether to make representations as a Responsible Authority;<br>• the issue of a notice of suspension of licence for non-payment of the Annual Fee. | |
| • Scrap Metal Dealers Act 2013;<br>• Road Traffic Act 1991 (Access to Criminal Records);<br>• Local Government (Miscellaneous Provisions) Act 1976;<br>• Transport Act 1980;<br>• Transport Act 1985;<br>• 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;<br>• Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council's agreed policies);<br>• Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002;<br>• 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 Health and Community Safety Manager<br><br>Principal Licensing Officer |
| Environmental Protection | |
| • Clean Air Act 1993<br>• Clean Neighbourhoods and Environment Act 2005<br>• Control of Pollution Act 1974 | Environmental Health and Community Safety Manager |

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| • Environment Act 1995<br>• Pollution Prevention and Control Act 1999 and associated regulations<br>• Refuse Disposal Amenity Act 1978<br>• Building Act 1984 – all matters, powers, duties and functions of the Council under the provisions of the following sections:<br><br>○ Sections 59, 60, 64-66(drainage)<br>○ Section 70 (food storage),<br>○ Section 72 (means of escape from fire),<br>○ Section 76 (defective premises),<br>○ Section 84 (drainage of yards) | |
| • Environmental Protection Act 1990;<br>• Litter Act 1983;<br>• Noise Act 1996;<br>• Noise and Statutory Nuisance Act 1993;<br>• Prevention of Damage by Pests Act 1949;<br>• Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29;<br>• Local Government (Miscellaneous Provisions) Act 1976. | Environmental Health and Community Safety Manager |
| General | |
| Enforcement of local bylaws. | Environmental Health and Community Safety Manager |
| To deal with the provisions of and enforce compliance with Sections 40 - 42 of the Anti-Social Behaviour Act 2003. | Environmental Health and Community Safety Manager |
| 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 Head of Service City Development. | Environmental Health and Community Safety Manager |

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| 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 Head of Service Legal and Democratic Services. | Environmental Health and Community Safety Manager |
| 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 Health and Community Safety Manager |
| 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. | Environmental Health and Community Safety Manager |
| 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. | Environmental Health and Community Safety Manager |
| To change the statutory service plan in the light of centrally issued guidance and/or to meet operational needs. | Environmental Health and Community Safety Manager |





| **Delegated Authority: Head of Service Operations** | |
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| **Function** | **Delegated Deputy** |
| Cleansing and Fleet | |
| Without prejudice to the generality of the above, where appropriate in consultation with the Head of Service Legal and Democratic Services, the Head of Service Operations is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, | Waste Collections Manager MRF Manager |

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| 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. | |
| Environmental Protection Act 1990 including authorisation of works and recharges pursuant to Section 45 and authorisation and service of notices pursuant to Section 46. | |
| Litter Act 1983. | |
| Refuse (Disposal) Amenity Act 1978. | |
| Clean Neighbourhoods and Environment Act 2005. | |
| Parks and Ground Maintenance | |
| 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. | Commercial Operations Manager |
| 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. | |
| In consultation with the Strategic Director Operations the power to vary the fees and charges in respect of the Council's recreational and sports facilities (this shall exclude any facilities which may have been outsourced by the Council). | |
| Exercising the obligations place on the Council under the 1980 Environment Act regarding the cleaning of public places. | Public and Greenspaces Operations Manager |
| To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public Health (Control of Diseases) Act 1984. | Commercial Operations Manager |
| Where appropriate, to serve Notices to quit terminating allotment tenancies. | |
| In consultation with the Head of Service Legal and Democratic Services, and the Executive Member with the Relevant Portfolio, authority to make amendments to the Allotment Gardens Rules and Conditions. | |
| 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. | |
| Responsibility to interpret the Allotment Garden Rules and Conditions (agreed Council 15 October 2014) in the case of a dispute. | |
| To exercise the Council’s powers under Section 26 of the Exeter City Act 1987. | Engineering Manager |
| 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. | |
| Harbour and Waterways | |

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| All matters relating to the day-to-day management of the River Exe and Canal. | Deputy – Harbour Master |
| In consultation with the Head of Service Legal and Democratic Services, the regulation and enforcement of Harbour by-laws. | |
| 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. | |
| To exercise the powers and functions of the Council under Section 26 of Exeter City Act 1987. | |
| 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 Strategic Director for Corporate Resources. | |



| **Delegated Authority: Head of Service Asset Maintenance** | |
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| **Function** | **Delegated Deputy** |
| Adaptation of Council Properties for disabled persons. | Planned Repairs Lead; Response Repairs Lead; |
| In agreement with the Leader of the Council and the Executive Member with Relevant Portfolio (or their substitutes nominated by the Leader) 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. | Safety, Health, Environment and Quality Lead; |
| To administer the scheme for Housing Capital Grant; | Asset Management Lead. |
| In consultation with the Strategic Director Operations, to authorise payment of the Housing Capital Grant in accordance with the scheme for Housing Capital Grant; | |
| To negotiate and enter into Nomination Agreements in accordance with the above; and | |
| Where this does not prejudice the Authority's capital receipt, to seek maximum nomination rights on disposal of land to registered social landlords. | |

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| In consultation with the Head of Service Legal and Democratic Services, to enter into releases of covenants affecting former Council rented or shared ownership dwellings. | |
| To deal with and approve applications for grant in accordance with Section 24 and 25 of the Local Government Act 1988. | |
| In consultation with the Head of Service Legal and Democratic Services, and/or Team Leader, Housing & Litigation to: -<br><br>• institute injunction proceedings in respect of anti-social behaviour pursuant to current Relevant legislation;<br>• institute proceedings in the County Court to obtain Demotion Orders pursuant to current relevant legislation;<br>• institute proceedings in the County Court to obtain possession orders pursuant to current relevant legislation; and<br>• in consultation with the Executive Member with Relevant Portfolio and the Strategic Director Corporate Resources, to make minor amendments to the Contract Regulations to reflect changes in legislation. | |
| 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. | |
| 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. | |
| 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. | Asset Management Lead |
| To exercise the Council's powers under Section 6-8 of the Exeter City Act 1987. | |
| Authority to submit planning applications for the development or redevelopment of Council owned sites. | |
| To act as appointing officer and take all necessary action to comply with Party Walls, etc. Act 1996. | |



Operational Services Directorate Contents

| Delegated Authority: Head of Service Housing | |
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| **Function** | **Delegated Deputy** |
| Housing - Tenancy | |
| Grant, administer and, where necessary, terminate any flexible introductory tenancy. | Tenancy Services Team Lead;<br>Senior Housing Officers; and<br>Assistant Head of Service – Housing Needs and Homelessness |
| 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). | |
| 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 Strategic Director Corporate Resources and the Executive Member with Relevant Portfolio. This includes:<br><br>• To Admit or Deny the Right to Buy;<br>• Section 125 Offer Notice;<br>• Section 17a Notice – For failure to respond to the Section 125 Offer Notice;<br>• Section 12 (a) and 12(b) – For failure to progress the application once Legal services are involved. | Tenancy Services Team Lead;<br>Senior Housing and Lettings; and<br>Home Ownership Officer |
| In consultation with the Executive Member with relevant Portfolio in conjunction with the Strategic Director Corporate Resources and the Head of Service Legal and Democratic 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. | Tenancy Services Team Lead |
| Housing – Business Systems | |
| 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). | Tenancy Services Team Lead<br><br>Business Systems Team Lead |

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| 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. | |
| To accept payment of arrears of rent by instalments. | |
| Authority to apply for a warrant for Possession of Property in relation to rent arrears. | |
| To appoint enforcement agents for the recovery of any outstanding debts. | |
| In consultation with Head of Service Legal and Democratic Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Housing related activities. | Tenancy Services Team Lead |
| Housing Solutions | |
| In accordance with the Council's approved conditions, policies and allocation scheme to: -<br><br>• 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.<br>• Where appropriate and in consultation with Executive Member with Relevant Portfolio to accept applications outside those conditions and policies. | Assistant Head of Service – Housing Needs and Homelessness |
| To arrange for and re-charge as necessary for the removal and storage of personal possessions. | |
| In consultation with the Executive Member with Relevant Portfolio to make any necessary amendment to the housing scheme. | |
| 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. | |
| To deal with and determine homelessness reviews in accordance with the Housing Act 1996. | |
| In accordance with the Council's approved conditions, policies and allocation scheme to: -<br><br>• 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.<br>• Where appropriate and in consultation with Executive Member with Relevant Portfolio to accept applications outside those conditions and policies. | |
| To arrange for and re-charge as necessary for the removal and storage of personal possessions. | |

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| In consultation with the Executive Member with Relevant Portfolio to make any necessary amendment to the housing scheme. | |
| 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. | |
| To deal with and determine homelessness reviews in accordance with the Housing Act 1996. | |
| Housing Access | |
| 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. | Assistant Head of Service – Housing Needs and Homelessness<br><br>Temporary Accommodation Lead<br>Senior Housing Needs Lead |
| In consultation with the Strategic Director People and Communities and the Strategic Director Corporate Resources, 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. | |
| To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Head of Service Finance. | |
| 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. | |
| In consultation with the Strategic Director People and Communities and the Strategic Director Corporate Resources, 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. | |
| To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Head of Service Finance. | |
| In consultation with the Head of Service Legal and Democratic 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. | Temporary Accommodation Lead |
| Private Sector Housing Legislation | |

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| Law of Property Act 1925 (Enforced sale provisions). | Principal Environmental Health Officer |
| Caravan Sites and Control of Development Act 1960. | Principal Environmental Health Officer |
| Housing Acts 1985, 1988, 1989 and 1996 | Principal Environmental Health Officer |
| The Home Energy Conservation Act 1996 | Principal Environmental Health Officer |
| The Housing Grants, Construction and Regeneration Act 1996 – to deal with all matters, powers, functions and duties set out therein. | Principal Environmental Health Officer |
| Protection from Eviction Act 1977 | Principal Environmental Health Officer |
| The Housing Defects Act 1984 | Principal Environmental Health Officer |
| The Local Government Housing Act 1989 – to investigate and take appropriate action under these enactments. | Principal Environmental Health Officer |
| Housing Act 2004 – to investigate and take appropriate action under these enactments including: -<br><br>• Section 131 Carry out works – interim or final management order<br>• Section 235 Production of documents;<br>• Section 239 General powers of entry to inspect and survey;<br>• Schedule 7 Paragraph 25 Carry out works – empty dwellings;<br>• Schedule 3 Paragraph 3(4) Carry out works – Improvement notice | Principal Environmental Health Officer |
| Mobile Homes Act 2013 | Principal Environmental Health Officer |
| Enterprise and Regulatory Reform Act 2013 | Principal Environmental Health Officer |
| Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 | Principal Environmental Health Officer |
| Smoke and Carbon Monoxide Alarm (England) Regulations 2015 | Principal Environmental Health Officer |

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| The Housing and Planning Act 2016 | Principal Environmental Health Officer |
| Tenant Fees Act 2019 | Principal Environmental Health Officer |
| The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 | Principal Environmental Health Officer |
| The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 | Principal Environmental Health Officer |

Operational Services Directorate Contents

Delegations Contents

# 5. CORPORATE RESOURCES DIRECTORATE

## Strategic Director Corporate Resources


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| Head of Service Finance |
| Head of Service Legal & Democratic Services |
| Head of Service Commercial Assets |


| **Delegated Authority: Head of Service Finance (Deputy Section 151 Officer)** | |
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| **Function** | **Delegated Deputy** |
| Corporate Finance | |
| To be responsible for:<br>• 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".<br>• 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", in consultation with the Executive Member with Relevant Portfolio | Lead Accountant-Capital |
| 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. | |
| General Fund Finance | |
| To be responsible for undertaking the role of Money Laundering Reporting Officer. | Accountancy Services Manager |
| 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. | |
| 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. | |
| 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. | |

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| 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. | |
| Benefits and Welfare | |
| 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. | Benefits & Welfare Lead |
| To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund | |
| 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. | |
| 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. | |
| 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. | |
| To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund. | |
| 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. | |
| 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. | |
| Benefits, Welfare and Revenues | |
| In consultation with the Head of Service Legal and Democratic Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates. | Benefits & Welfare Lead and Revenues Lead |
| 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. | |

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| In consultation with the Head of Service Legal and Democratic Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates. | |
| 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 | |
| Revenues | |
| 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. | Revenues Lead |
| 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. | |
| To award, revise or revoke any discretionary relief applications for Business Rates. | |
| Power to apply to County Court in respect of Housing Benefit Overpayment Recovery. | |
| To appoint enforcement agents for the recovery of any outstanding debts. | |
| In consultation with the Executive Member with the Relevant Portfolio and Chief Executive authority to apply for Charging Orders, Bankruptcy or Committal to Prison. | |



Corporate Resources Directorate Contents

| **Delegated Authority: Head of Service Legal and Democratic Services and Monitor Officer** | |
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| **Function** | **Delegated Deputy** |
| Monitoring Officer and Democratic Services | |
| To discharge the functions of the Monitoring Officer as set out in the Constitution. | Legal Services Manager |
| 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. | Legal Services Manager |

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| 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. | Legal Services Manager |
| Designated as the "proper officer" for the purpose of the following sections of the Local Government Act 1972: -<br><br>• Section 100B (2) - determination of the agenda items and reports which are likely to be dealt with in part 2;<br>• Section 100B (7) (C) - supply of papers to the press;<br>• Section 100C (2) - summaries of the proceedings held in part 2; and<br>• Section 100F (2) - determination of documents not available for inspection by Members. | Legal Services Manager;<br>Democratic Services Manager |
| 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. | Legal Services Manager;<br><br>Democratic Services Manager |
| To approve minor administrative/typographical corrections to the Constitution in accordance with Article 14 of the Council's Constitution. | Democratic Services Manager |
| To make any minor amendments to the Procurement and Contract Procedures and Procurement Procedure Notes, in consultation with the Portfolio holder. | |
| In consultation with the s151 Officer and the Leader of the Council to agree and implement any necessary amendments to the indemnity policy where such amendments are required to reflect changes in legislation, insurance arrangements or best practice, provided that any substantive policy changes are reported to Council for approval. | |
| Inclusion of the standing delegated authority to the Monitoring Officer, in consultation with the s151 Officer and the Leader of the Council to determine whether to meet the cost of any officer or member liability or loss from the Council's own resources where the Council's own insurance policy does not cover such a liability or loss. | |
| 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. | |

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| In consultation with the Group Leaders to appoint representatives to outside bodies during the course of the Municipal Year. | Democratic Services Manager |
| Legal Services | |
| 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. | Legal Services Manager;<br>Team Lead – Housing & Litigation;<br>Team Lead – Property, Planning and Non-Contentious |
| 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. | |
| Where power to institute proceedings in the Magistrates Court is given by statute to the Council, to institute and progress those proceedings (including progressing them in the higher courts if appropriate). | |
| In consultation with a Strategic Director concerned, the authority to issue formal cautions where they considers this appropriate. | |
| In conjunction with the relevant Strategic 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. | |
| To provide and sign statements of truth in accordance with the Civil Procedure Rules. | |
| 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 Head of Service Legal and Democratic Services considers that such action is necessary to protect the council's interest. | |
| To attest the Common Seal of the Council and sign other legal documents. | Legal Services Manager;<br>Team Leader – Housing & Litigation;<br>Team Lead – Property, Planning and Non-Contentious<br>Chief Executive |

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| To authorise officers under Section 7 of the Exeter City Act 1987 in respect of the maintenance of the city walls. | Legal Services Manager;<br>Team Lead – Housing & Litigation;<br>Team Lead – Property, Planning and Non-Contentious |
| To apply to the Justices to authorise entry into land or premises by persons named by the Head of Service City Development under the Town & County Planning Act 1990 (as amended). | |
| In consultation with the Strategic Director Corporate Resources and Head of Service – Corporate Assets 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. | Legal Services Manager;<br>Team Lead – Housing & Litigation;<br>Team Lead – Property, Planning and Non-Contentious |
| Exeter City Group Ltd – In consultation with the Head of Service – Corporate Assets to sell at open market value, any Council owned land identified in the Exeter City Group Ltd Year 1 Business Case. | Legal Services Manager;<br>Team Lead – Housing & Litigation;<br>Team Lead – Property, Planning and Non-Contentious |
| 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. | |
| Procurement | |
| To approve the creation or modification of approved contractor standing lists. | Procurement Manager |
| 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. | |

Delegations Contents

Corporate Resources Directorate Contents

| | Delegated Authority: Head of Service Commercial Assets | |
|---|---|---|
| | **Function** | **Delegated Deputy** |
| | Surveying | |
| In respect of every single decision/transaction in relation to property matters, the Head of Service Commercial Assets 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:<br><br>a) Where the cost or equivalent value to the Council does not exceed £75,000 per annum, or £750,000 in capital value – The Head of Service Commercial Assets or the officer appointed for the purpose.<br>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 value – The Head of Service Commercial Assets or the officer appointed for the purpose in consultation with the Strategic Director Corporate Resources; or<br>c) Where the cost or equivalent value to the Council is between £250,000 and £500,000 per annum, or between £2,500,000 and £5,000,000 in capital value – The Head of Service Commercial Assets or the officer appointed for the purpose in consultation with the Executive Member with relevant portfolio and the Strategic Director Corporate Resources.<br><br>Provided always that any decision/transaction which may involve expenditure over £500,000 in value shall be reported to the Executive for a decision.<br><br>For the avoidance of doubt, no delegated authority shall be exercised unless in accordance with a) to c) above. | Head of Service Finance (for Strategic Director Corporate Resources); and<br><br>Commercial Estates Manager |
| 2 | Authority to enter into and grant leases, licences, tenancies at will and wayleave agreements. | |
| 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. | |
| 4 | Where appropriate in consultation with the Head of Service Legal and Democratic Services, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences. | |

| | | |
|---|---|---|
| 5 | In consultation with the Strategic Director Corporate Resources and Head of Service Legal and Democratic Services, to take legal/court action to enforce payment of rent and other charges due to the Council. | |
| 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. | |
| 7 | In consultation with the Head of Service Legal and Democratic Services, authority to institute proceedings for the removal of trespassers on City Council land. | |
| 8 | In consultation with the Head of Service Legal and Democratic Services, authority to exercise the powers contained under Sections 77 and 78 of the Criminal Justice Public Order Act 1994. | |
| 9 | Authority to submit planning applications for the development or redevelopment of Council owned sites | |
| 10 | In accordance with any procedures required by the Asset Management Plan and in consultation the Strategic Director Corporate Resources, 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. | |
| 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. | |
| 12 | In consultation with the Strategic Director Corporate Resources and Head of Service Legal and Democratic Services, to pay or accept compensation where appropriate. | |
| 13 | In consultation with the Strategic Director Corporate Resources, authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme. | |
| 14 | In consultation with the Strategic Director Corporate Resources 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. | |
| 15 | 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. | |
| Parking and Enforcement | | |
| In consultation with the Head of Service Legal and Democratic Services, to agree/refuse requests for road closures. | | Deputy – Parking and Enforcement Operations Manager |
| To discharge the powers conferred on the City Council by the following sections of the Exeter City Council Act:<br>• Section 19 – Restriction of vehicles in certain residential streets; and | | |

| | |
|---|---|
| • Section 30 – Prohibiting of parking of vehicles on footways, verges and central reservations. | |
| 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. | |
| To exercise the powers and functions of the Council under Section 30 of Exeter City Act 1987. | |
| Authority to cancel Penalty Charge Notices | Devon County Council Officers; Parking Processing Officer; Parking Processing Team Leader; Parking Services Appeal Team Leader. |
| To establish/vary tolls, fees and charges in respect of the Matford Centre | Matford Centre Manager |



Corporate Resources Directorate Contents

Delegations Contents

# 6. PLACE DIRECTORATE

## Strategic Director Place


| |
|---|
| Head of Service City Development |
| Head of Service Culture & Leisure |
| Head of Service City Centre & Net Zero |


### Delegated Authority: Head of Service City Development

**PART A – SCOPE OF DELEGATED AUTHORITY**

Subject limits on delegated authority as set out in **Part B**, the following functions are delegated to Head of Service City Development as set out below:

| Function | Delegated Deputy |
|---|---|
| **Decision Making** | |
| Undertaking all actions in determining applications of whatever nature 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. | All those holding Managerial posts;<br><br>All Planning Project Officers of whatever level of seniority; and<br><br>All Building Control Officers of whatever level of seniority. |
| Undertaking all actions in exercising the powers relating to the preservation of trees and important hedgerows. | |
| **Revocation** | |

| | |
|---|---|
| Undertaking all actions in revoking planning consents, certificates of lawfulness or hazardous waste consents in accordance with any Town and Country Planning legislation and subordinate legislation arising therefrom. | Assistant Service Lead – (DM) City Development, Assistant Service Lead – Development Management (Major Projects) |
| **Enforcement** | |
| Undertaking all actions in relation to enforcement against suspected breaches of planning control and notices pursuant to the Council's power to require information as to interests in land under the Town and Country Planning Legislation or Local Government (Miscellaneous Provisions) Act 1976. | Assistant Service Lead – (DM) City Development, Assistant Service Lead – Development Management (Major Projects) |
| **Entering Land** | |
| 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. | All those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority. |
| **PART B – LIMIT ON DELEGATED AUTHORITY**<br><br>The functions in **Part A** are delegated to Head of Service City Development, but those are subject to the limits as set out in this Part B: | |
| **Matters Reserved** | |

No delegated decision shall be made in the following instances:

- Any item considered by the Head of Service City Development, Chair, or Deputy Chair of Planning Committee or Portfolio Holder City Development to be significant, controversial or sensitive.
- Applications referred by the Chair or Vice-Chair of Planning Committee following Delegation Briefing.
- City Council applications subject to objections.
- Applications from councillors, planning officers and their close relatives (parents, children, siblings and partners).
- Applications from members of staff which, in the opinion of the Head of City Development, are considered to be major in nature whether or not they are subject to objections.

and in such cases shall be determined by the planning committee.

**Exceptions**

Where compensation is payable by the Council pursuant to a revocation of whatever nature under Section 2 (Revocation) of Part A (above).

**Matters requiring consultation or agreement**

No delegated decision or function can be exercised except subject to consultation or agreement as set out below:

| Function | Consultation/ Agreement | With Postholders/Group |
|---|---|---|
| **Applications** | | |
| Applications that:<br>1. Members of the Planning Committee or Ward Members have requested the application be brought to the Delegation Briefing before the expiry of two working days after the formal consultation period ends (with notification to the planning officer and Head of City Development);<br>2. raise concerns of material planning considerations (which have been specified to the planning officer and Head of Service City Development); and<br>3. officers are minded to approve under delegated powers. | Consultation | Delegation Briefing |
| City Council applications not subject to any objections. | Consultation | Delegation Briefing |
| Applications from members of staff which in the opinion of the Head of City Development are minor in nature whether or not subject to any objections. | Consultation | Delegation Briefing |

(Amended April 2026)

| | | |
|---|---|---|
| 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 |
| **Enforcement** | | |
| Issue of:<br>• Breach of Condition Notices;<br>• Completion Notices;<br>• Enforcement Notices;<br>• Hazardous Substances Contravention Notices;<br>• Stop Notices;<br>• Temporary Stop Notices;<br>• Urgent Works and Repairs Notices; | Agreement | Head of Service Legal and Democratic Services |
| Commencement of:<br>• Injunctions<br>• Prosecutions<br>• Other formal legal proceedings or action relating to planning enforcement | Agreement | Head of Service Legal and Democratic Services |
| **Planning Obligations (s106 Agreements)** | | |
| New agreements:<br>• securing minor infrastructure (such as BNG);<br>• involving sums of less than £200,000; and/or<br>• considered necessary with regard to planning appeals. | Consultation | Chair of the Planning Committee (or Vice-Chair of the Planning Committee in their absence) |
| Minor variations of existing Section 106 agreements | Consultation | Chair of the Planning Committee (or Vice-Chair of the Planning Committee in their absence) |

| | | |
|---|---|---|
| Decisions on use of Section 106 funding where the terms are not prescribed by the agreement. | Consultation | Executive Member with relevant portfolio |
| Approve the use of commuted sums, as required, to acquire new affordable housing | Consultation | Executive Member with relevant portfolio and Finance and Estates Officers |
| **Neighbourhood Planning** | | |
| Publicity, consideration of representations and decisions in respect of applications for neighbourhood plan areas and forums. | Agreement | Executive Member with relevant portfolio |
| **Miscellaneous** | | |
| Publication of the Local Infrastructure Funding Statements (including 'Infrastructure Lists') | Agreement | Leader of the Council and Executive member with relevant portfolio |
| Decisions regarding the Local Infrastructure Fund not considered by the Panel | Agreement | Executive Member with relevant portfolio |
| Publication of:<br>• the Brownfield Land Register;<br>• the Custom and Self-Build Register;<br>• Advice notes regarding new planning policy or legislation;<br>• Five-year land supply statements;<br>• Authority and annual monitoring reports; and/or<br>• Planning policy evidence | Consultation | Executive Member with relevant portfolio |
| Review decisions to list assets of community value and compensation reviews in relation to Assets of Community Value | Consultation | Executive Member with relevant portfolio |
| 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)



Place Directorate Contents

(Amended April 2026)

| Delegated Authority: Head of Service Culture & Leisure | |
|---|---|
| **Function** | **Delegated Deputy** |
| Culture | |
| With agreement from both the Chief Executive and Portfolio Holder, to deputise for the Strategic Director Place and assume all delegated powers related to the Directorate post. | Corn Exchange – Corn Exchange Manager;<br><br>Facilities – Visitor Facilities Manager. |
| 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. | Leisure – General Manager<br><br>Guildhall – Guildhall Manager<br><br>Tourism Manager<br><br>Leisure – General |
| The alteration of market days required as a result of statutory holidays. | |
| To establish/vary tolls, fees and charges in respect of the Corn Exchange and the various markets authorised by Exeter City Council. | |
| The day-to-day management, including where appropriate, opening hours and bookings for the Council's recreational facilities. | |
| RAMM | |
| 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. | Audience Development Management Lead Officer |
| 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. | |

| | |
|---|---|
| To exercise the powers and functions of the Council under Sections 9, 10 and 11 of Exeter City Act 1987. | |
| To agree requests for the adoption of land and facilities provided by a developer for the Museums service pursuant to a planning obligation. | |
| 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. | |
| 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. | |

Place Directorate Contents

## Delegated Authority: Head of Service City Centre and Net Zero

| Function | Delegated Deputy |
|---|---|
| Community Safety Partnership<br>Anti-Social Behaviour<br>Stray Dogs<br>City Centre<br>Net Zero | |
| 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. | |
| 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. | |
| Control of dogs | |
| 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 | |

Delegations Contents

Place Directorate Contents

# 7. LGR PROGRAMME
## LGR Programme Director

Head of Service Digital and Data
Head of Service HR, Workforce Planning & OD

| Delegated Authority: Head of Service Digital and Data | |
|---|---|
| **Function** | **Delegated Deputy** |
| No Delegations | |

| Delegated Authority: Head of Service HR, Workforce Planning and OD | |
|---|---|
| **Function** | **Delegated Deputy** |
| 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. | HR Business Partner |
| In consultation with the Portfolio Holder with responsibility for equality and diversity to make amendments to the equality and diversity policy. | |

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# 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 Strategic Director Corporate Resources 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.

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(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.

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## 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

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**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) Not withstanding 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.

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(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.

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(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.

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**(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 being considered by that Committee, provided that:-

   (a) the person has indicated a wish to speak, by contacting the Democratic Services Manager not later than 10:00 am two working days in advance of the meeting of the Committee;
   (b) only one person may speak in support of the application 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 five minutes; and
(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 any member of the Council speaking under Standing Order 44, but before the presentation by an officer and members of the Committee debate the application. A speaker against the application will be heard before a speaker in support of it.

3. Members of the Committee may ask questions of a speaker, and the speaker may answer, by way of clarification only. The time for questions of any speaker at planning committee shall be limited to five minutes per speaker.

4. A speaker may not during the committee distribute any additional documentation, photos or any other materials that were not provided to the Democratic Services Manager when registering to speak.

## 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 un 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.

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## 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.

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## 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 Head of Service Legal and Democratic Services and shall be secured by a lock, the key to which shall be kept by the Head of Service Legal and Democratic 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 Head of Service Legal and Democratic Services should be sealed.

(2) The Seal shall be attested by one of the following persons:

(a) The Strategic Director Corporate Resources;

(b) The Head of Service Legal and Democratic Services or in his absence by one the following Deputies:-

- *Legal Services Manager*
- *Team Lead - Property, Planning and Non-Contentious; or*
- *Team Lead - Housing and Litigation;*

(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 Head of Service Legal and Democratic Services or in his absence by one of the following Deputies:-

- *Legal Services Manager;*
- *Team Lead – Property, Planning and Non-Contentious; or*
- *Team Lead - Housing and Litigation;*

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 Head of Service Legal and Democratic 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 36A
## SUBSTITUTES

(1) The Monitoring Officer, or their authorised representative at a council meeting, is authorised to agree substitutions for members of committees or sub-committees or other Council bodies submitted in writing by appropriate group leaders, deputy group leaders or the chair of the body concerned before midday on the day of the scheduled meeting at which the substitution is to apply.

(2) substitutions may only be made in accordance with the total number of seats allocated to each political group and the agreed balance of seats between the political groups on the body.

(3) substitute members will have all of the powers and duties of an ordinary member of the body but will not be able to exercise any special powers or duties (such as chair or vice-chair) exercisable by the persons they are substituting, unless specifically appointed at that meeting by the committee or sub-committee or other council body.

(4) substitution to the Planning Committee, Audit and Governance Committee and Licensing Committee (or sub-committees) will only be permitted where substitutes have received the appropriate training and this has been verified by the monitoring officer.

(5) the Executive may not appoint substitutes.

(6) appointed substitutes to (a) the Audit and Governance Committee and (b) any Scrutiny Committee or Scrutiny Programme Board must not be Members of the Executive.

## 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**

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(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 two working days in advance 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.

Members can only speak on that item for five minutes. Where a member is speaking at a Planning Committee, the time for questions of any speaker at planning committee shall be limited to five minutes per speaker.

(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

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(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.

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## 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 Strategic Directors 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, Strategic Directors and Heads of Service (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
## DIMISSAL 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 Head of Service Legal and Democratic 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 Legal Services Manager shall deputise in accordance with the scheme of delegation.

(3) The Strategic Director Corporate Resources 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 Head of Service Legal and Democratic 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.

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(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, amendments / 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.

(Amended March 2026)

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## STANDING ORDER 60
## RELATIVES OF MEMBERS OR OFFICERS

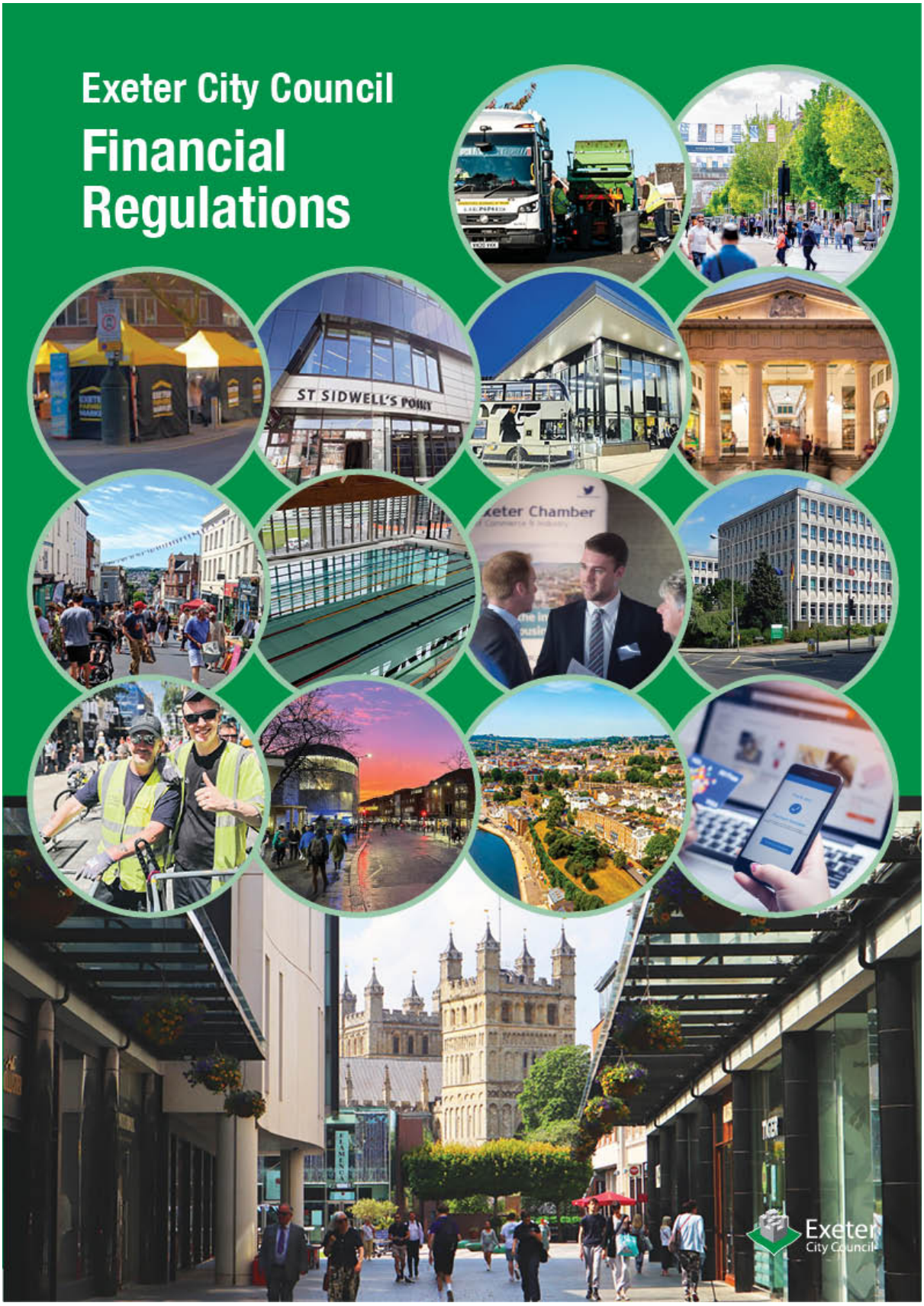
(1) A candidate for paid work for the Council, who knows that he is related to any member or senior officer of the Council shall, when making an application, disclose that relationship to the Chief Officer.

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 Strategic Director 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 Strategic Director 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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# Exeter City Council
# Financial Regulations




(Amended October 2025)

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# Financial Regulations

## Introduction

Financial Regulations are the regulatory framework within which the financial affairs of the City Council are operated.

The City Council is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards. It must ensure that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively.

These financial regulations form a key element of the maintenance of a robust, clear and accountable governance framework for the Council. Financial Regulations:

- Provide a framework for the proper and efficient administration of the Council's financial affairs
- Encourage all Members and Officers to abide by the highest standards of probity and integrity with clear standards which need to be continually maintained and there are controls to ensure that these standards are met
- Ensure that there are clear roles, responsibilities and accountabilities to protect the Council's money and assets
- Ensure that the use of resources is legal, properly authorised and gives value for money

Section 151 of the Local Government Act 1972 states:

'…..every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has the responsibility for the administration of those affairs'.

## 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) Strategic Directors 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.

(d) These regulations apply to the control of both the General Fund and the Housing Revenue Account finances and to revenue and capital finances.

## 2. Financial Management Responsibilities

(a) Strategic Director for Corporate Resources

The Strategic Director for Corporate Resources, 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 Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources 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 Head of Service, Finance.

For the avoidance of doubt, any of the authorisations or approvals required by the Strategic Director for Corporate Resources (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 Strategic Director for Corporate Resources (Section 151 Officer).

(c) Financial Reports

The relevant Strategic Directors are responsible for ensuring that draft copies of all reports having any financial implications shall be submitted to the Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources to make such observations and submissions as they consider appropriate.

(d) Accounting Records

(i) All financial records and systems of the Council shall be maintained in a form agreed by the Strategic Director for Corporate Resources. Financial and accounting systems shall incorporate controls to ensure that:

- All data input in genuine, accurate, timely and not duplicated
- All processing of data is carried out in an accurate, complete and timely manner
- Output from the system is complete, accurate and timely
- Segregation of duties is built into business processes to reduce the risk of fraud
- All transactions and activities have a clear trail of accountability by authorised, responsible officers
- Appropriate authorisation levels are set for all staff

- Records and data are securely retained and in accordance with data protection guidance

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

(e) Monitoring Officer

The Monitoring Officer shall be the Head of Service, Legal & Democratic Services.

The Monitoring Officer is responsible for:

(i) Ensuring that reports encompass the statutory obligations with regard to their legal and financial advice and content

The Monitoring Officer together with the Section 151 Officer is responsible for advising Members about whether a decision is likely to be considered contrary or not wholly in accordance with financial regulations.

**3. Financial Planning**

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

(b) The Strategic Director for Corporate Resources 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. Maintenance of Reserves**

(a) Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending should such events occur. The Strategic Director for Corporate Resources shall advise the Council on prudent levels of General Fund and HRA reserves and will comply with accepted standard codes of practice in respect of the maintenance of reserves.

(b) Reserves for specific purposes may also be maintained and shall only be used for the purposes for which they are intended.

**5. Control of Expenditure and Income**

(a) Strategic Directors 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) The Asset Improvement & Maintenance Fund (AIM) is managed by the Head of Service, Asset Maintenance, but for reporting purposes covers cost centres across the Council. The Head of Service, Asset Maintenance, may vire budgets within the AIM Fund as appropriate to ensure proper property management across the Council.

(d) Strategic Directors 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.

(e) 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.

## 6. Budget Changes (revenue and capital budgets)

### (a) Virements

The table below sets out the thresholds in relation to budget virements between service areas that each Strategic Director is responsible for:

| Virement Value | Virement Type | Authorised |
|---|---|---|
| Unlimited | Technical (incorrect coding, redistributing funding, pooling budgets) | Head of Service, Finance |
| Up to £50,000 | Non-technical (budget or policy change) | Strategic Director, in consultation with SMB |
| £50,000 - £100,000 | Non-technical | Strategic Director & Section 151 Officer, in consultation with SMB |
| £100,001 - £250,000 | Non-technical | Section 151 Officer, Strategic Director, in consultation with SMB, followed by Portfolio Holder agreement |
| Over £250,000 | Non-technical | Full Council |

### (b) Supplementary Budgets

The table below sets out the thresholds in relation to approval of supplementary budgets. These should only be for discrete purposes that emerge during the year that could not be factored into the annual budget setting process or to carry forward unspent approved budgets at the end of the financial year for specific purposes.

In all cases any new supplementary budgets during the financial year will be reported as part of the quarterly revenue and capital budget monitoring reports and approval sought from Full Council approval, where necessary.

| Supplementary Budget Value | Type | Authorised |
|---|---|---|
| **With identified source of finance:** | | |
| Unlimited | Technical (budget corrections e.g. recognition of expenditure with prior approval) | Head of Service, Finance |
| Up to £50,000 | Met from additional income | Strategic Director & Section 151 Officer, in consultation with SMB |
| Up to £100,000 | Met from earmarked reserve | Strategic Director & Section 151 Officer, in consultation with SMB |
| Up to £250,000 | Met from external grant funding | Strategic Director & Section 151 Officer, in consultation with SMB |
| Over the above thresholds | All | Full Council |
| **Without identified source of finance** | | |
| Up to £100,000 | Supplementary revenue budget | Full Council via quarterly budget monitoring report |
| Over £100,000 | Supplementary revenue budget | Full Council via separate committee report |
| Up to £250,000 | Supplementary capital budget | Full Council via quarterly budget monitoring report |
| Over £250,000 | Supplementary capital budget | Full Council via separate committee report |

## 7. Fixed Asset Register

(a) The Strategic Director for Corporate Resources shall maintain an asset register to include all land, buildings, plant and equipment or subject to a finance lease. The register shall accurately record acquisitions, disposals and revaluations.

(b) Single assets below £10,000 are excluded from the Asset Register, unless smaller items have been purchased with an aggregate value that exceeds £10,000

(c) Leased in assets with a value greater than £10,000 will be recognised as Right of Use assets, unless the lease term is for 12 months or less

## 8. 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 is 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.

## 9. Money Laundering Reporting Officer (MLRO)

(a) The Head of Service, Finance is appointed as the Money Laundering Reporting Officer and the Accountancy Services Manager is appointed as the Deputy Money Laundering Reporting Officer. They are responsible for notifying the National Crime Agency (NCA) of any suspected cases of money laundering

(b) All Council officers have a duty to report any suspicions or concerns that money laundering has occurred, or could occur, is report to the MLRO immediately; as soon as the suspicion arises.

(c) Cash receipt limit £5,000

## 10. Internal Audit

The Strategic Director for Corporate Resources shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the Accounts and Audit Regulations.

Internal audit evaluates and reports on the adequacy of the Council's control systems in securing the proper, economic, efficient and effective use of resources. Internal Audit is provided through South West Audit Partnership (SWAP).

(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 they consider necessary.

(b) All employees of the Council through their Strategic Director, 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, Strategic Director for Corporate Resources and the Monitoring Officer as appropriate.

(d) The audit arrangements of any shared service shall form part of the agreement for that shared service.

## 11. External Audit

Each financial year the Council is subject to an external audit of its statutory financial statements and arrangements for value for money. The external auditors must be satisfied that the statement of accounts present a true and fair view of the financial position of the Council and its income and expenditure for the year and complies with the statutory requirements as set out in the Code of Practice on Local Authority Accounting in the United Kingdom.

(a) The Strategic Director for Corporate Resources shall ensure there is effective liaison between external and internal audit

(b) The Strategic Directors and Heads of Service shall ensure external audit are given access at reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

## 12. 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:

(i) Be allocated to the correct financial and VAT code(s).
(ii) 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 Strategic Director for Corporate Resources 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) Strategic Directors and Heads of Service shall notify the Strategic Director for Corporate Resources 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

A limited number of order books are in use to expedite purchases. The arrangements for the ordering, receipt and issue of all order books shall be controlled by the Strategic Director for Corporate Resources.

## 13. 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 Strategic Director for Corporate Resources.and Strategic Directors 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.

(iiii) 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.

(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 Strategic Director for Corporate Resources 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.

**14. Credit Notes**

(a) Credit notes amend or correct previously issued invoices from suppliers. A credit note will be registered to offset against other unpaid invoices from the same supplier.

If credit notes cannot be offset against other unpaid invoices, within 6 months, then each Strategic Director shall be responsible for obtaining refunds pertaining to their service areas.

**15. Banking Arrangements**

(a) All banking arrangements shall be made by the Strategic Director for Corporate Resources.

(b) Only cheques for presentation purposes are issued and shall be ordered by the Strategic Director for Corporate Resources.

(c) The Strategic Director for Corporate Resources shall be authorised to open such bank accounts as considered necessary in consultation with the Executive member with relevant portfolio.

**16. Income**

(a) Arrangements for the collection and banking of all monies due to the Council shall be under the control of the Strategic Director for Corporate Resources.

(b) All official receipts shall be in a form approved by the Strategic Director for Corporate Resources

(iii) No employee shall give a receipt for money received on behalf of the Council on any form other than the official receipt.

(c) Every Strategic Director shall maintain a correct and chronological record of all monies received and of the date and amount of deposit.

(d) All monies received on behalf of the Council shall be paid over intact, either to the Strategic Director for Corporate Resources or, by arrangement with them, direct to the Council's bankers.

**17. Security of Cash**

Each Strategic Director shall be responsible for ensuring the safe custody of cash, including petty cash floats and documents having a cash value entrusted to their care.

**18. Imprest Accounts**

The Strategic Director for Corporate Resources in consultation with a Strategic Director may advance cash floats to employees for the purpose of defraying certain minor expenses and other items. Each Strategic Director shall be responsible for maintaining arrangements and records for the control of imprests.

**19. Debtors**

(a) Strategic Directors shall supply to the Strategic Director for Corporate Resources such information in connection with work done, goods supplied, or services rendered on behalf of the Council and of all other amounts accruing to ensure prompt recording and collection of all amounts due to the Council.

(i) The Strategic Director is responsible for ensuring that the invoice has been allocated the correct financial and VAT code(s)

(b) The Strategic Directors 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

If monies are outstanding after normal reminder letters have been issued, the Strategic Directors shall advise the Strategic Director for Corporate Resources of the details relating to the invoice and both shall agree what course of action should be taken, which may include:

- 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.

(c) Only invoices in excess of £10 will be raised, on the basis that invoices below this value are uneconomical, unless there is a valid reason.

(d) **Debtor Write-offs**
The table below sets out the thresholds in relation to writing off outstanding income, including, but not limited to; sundry debtors, housing rents, council tax (and Council Tax Support), business rates and overpaid housing benefits.

| **Write-off Value** | **Type** | **Authorised** |
|---|---|---|
| Unlimited | Irrecoverable debts due to bankruptcy, liquidation, insolvency, death, no trace, time bar, error | Head of Service, Finance |
| Up to £10,000 | General | Relevant Head of Service & Section 151 Officer * |
| £10,001 - £50,000 | General | Strategic Director & Section 151 Officer |
| £50,001 - £100,000 | General | Section 151 Officer, Strategic Director & Portfolio Holder |
| Over £100,000 | General | Full Council |

*Where the relevant Head of Service is the Head of Service, Finance, then the Section 151 Officer will approve

(e) Write-offs up to a value of £5 shall be treated as cancellations.

(f) Credit balances (overpayments) will be transferred to outstanding sundry debtor invoices pertaining to the same debtor, if no balance exists then the credit balance will refunded to the customer.

(g) Credit balances that cannot be transferred, due to no active account, or are unable to be refunded (unable to trace debtor, cease to exist) shall be credited to the respective service area.

(h) The Strategic Director for Corporate Resources shall present an annual report to the Relevant Committee outlining the number and detail of the decisions taken in respect of bad debts

**20. Fees and Charges**

(a) 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 Strategic Director in consultation with the relevant Portfolio Holder and can be varied throughout the year. The Strategic Director for Corporate Resources 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.

(b) Property rental income shall be reviewed in accordance with rent review dates except where statutory provisions apply.

**21. Internal Transactions**

(a) Internal transactions are transactions within the Council, which do not involve a third party and include internal recharges, cost apportionments or allocation (e.g. central support costs).

(b) Invoices are not raised for internal transactions, unless there is a valid reason.

(c) The Strategic Director for Corporate Resources is responsible for the ensuring that there is a transparent method of calculation for all internal recharges and that they are regularly reviewed.

(d) Central support costs are only charged to service recipients that are required to be maintained on a total cost basis, including the Housing Revenue Account.

**22. Disposal of Assets**

(a) In all cases, the Strategic Director for Corporate Resources shall be notified of any asset disposals.

(b) The disposal of land or buildings are covered in the scheme of officer delegations. Any disposals which fall outside the powers given to officers in the scheme of delegations shall require approval of the Executive.

(c) The table below sets out the thresholds in relation to the disposal of vehicles, plant and equipment only:

| Disposal Value | Method | Authorised |
|---|---|---|
| Up to £1,000 | Best price | Strategic Director |
| £1,001 - £5,000 | Best price | Strategic Director and Section 151 Officer |
| Over £5,000 | Competitive tender | Strategic Director, Section 151 Officer and relevant Portfolio Holder |

(d) 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.

(e) Any IT equipment (including laptops, printers, cameras, mobile devices and any other peripheral items) must be returned to Strata when no longer required.

**23. Leases**

(a) Each Strategic Director shall promptly notify the Strategic Director for Corporate Resources of any new leases entered into, as the Council (as lessee) is required to recognise assets and liabilities for all leases, unless the lease term is less than 12 months or the underlying asset is valued at less than £10,000.

(b) Unless an arrangement is exempt because it is short term or involves assets of low value, the Strategic Director for Corporate Resources will account for a lease by carrying in the balance sheet a right-of-use asset representing the economic benefits and service potential over which the authority has obtained control for the lease term, together with a liability for the payments it will make for the acquisition of those rights.

**24. 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 Strategic Director for Corporate Resources, 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 Customer Focus Scrutiny Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

**25. Insurance**

(a) The Strategic Director for Corporate Resources shall effect all insurance cover.

(b) Arrangements for the processing and negotiating claims shall be made by the Strategic Director for Corporate Resources.

(c) Each Strategic Director shall promptly notify the Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources.

(e) Each Strategic Director shall immediately notify the Strategic Director for Corporate Resources 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 Systems and Insurance Manager, to enable the Council to initiate an insurance claim, if sufficient losses are recorded in a year.

**26. Stock**

(a) The Strategic Director shall be responsible for the custody and control of stock and equipment in their unit and records.

(b) The Strategic Director shall carry out an annual stock-take of such items. Except where agreed with the Strategic Director for Corporate Resources, the stock-taking shall be carried out by some person independent of the stockholder concerned.

(c) Subject to Financial Regulation 12, each Strategic Director 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 the Strategic Director for Corporate Resources.

**27. Employees Records and Payments**

(a) The arrangements for the calculation of all salaries, wages, compensation and other benefits to employees or former employees of the Council shall be approved by the Head of Service, HR, Workforce Planning & OD.

(b) These arrangements shall include the maintenance of all necessary records concerning pay, superannuation, national insurance and taxation. Strategic Director shall ensure that sufficient information is provided to the Head of Service, HR, Workforce Planning & OD 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 benefits shall be under the direct control of the Chief Executive. It shall be the duty of the Head of Service, HR, Workforce Planning & OD to notify the Strategic Director for Corporate Resources 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, Strategic Directors shall notify the Head of Service, HR, Workforce Planning & OD promptly regarding sickness and absence from duty, other than paid leave in respect of all employees in their units.

(d) The Head of Service, HR, Workforce Planning & OD 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 the Head of Service, HR, Workforce Planning & OD, the amount outstanding is so substantial, that it would be unreasonable to deduct all monies owed from the employee's salary, then the Head of Service, HR, Workforce Planning & OD, shall in consultation with Strategic Director for Corporate Resources agree a repayment plan with the debtor to clear the outstanding balance in full within a reasonable period of time.

(e) The Chief Executive 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 Strategic Director concerned to notify the Strategic Director for Corporate Resources of the fact that a third-party claim may be made. The Head of Service, HR, Workforce Planning & OD shall follow up all such payments and ensure that, as appropriate, sickness pay is recovered from the employee.

(g) On the recommendation of the Strategic Director, the Strategic Director for Corporate Resources 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.

## 28. 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 Strategic Director for Corporate Resources shall ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must ensure that risks have been fully appraised before arrangements are entered into with external bodies.

(iv) The Strategic Director for Corporate Resources shall advise on effective controls that will ensure resources are not wasted.

(v) The Strategic Director for Corporate Resources 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

The Strategic Directors shall be responsible for promptly notifying the Strategic Director for Corporate Resources of all external funding awarded.

The Strategic Director for Corporate Resources 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.

**29. Corporate Credit Cards**

(a) The Chief Executive and the relevant Strategic Director may authorise the issue a corporate credit card to enable goods, works or services to be procured on behalf of the Council. Once notified, Strategic Director for Corporate Resources will arrange the credit card. the 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 agreeing to their responsibilities as a card holder. This includes ensuring the card and card details are held securely at all times.

**(c) The card must not be used for personal use or to avoid processing order through eProcurement.**

(d) 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) Checking that sufficient budget is in place to fund the purchase

(iii) 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
(iv) 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

(e) 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 Strategic Director for Corporate Resources promptly.

(f) 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 Strategic Director for Corporate Resources.

(g) 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 Strategic Director for Corporate Resources must be immediately notified so that arrangements may be made to restrict their ability to use the card after the termination/transfer date.

## 30. Urgency

Notwithstanding the foregoing regulations, in cases of urgency the appropriate Strategic Directors in consultation with the Executive member with Relevant Portfolio, Chair of relevant Scrutiny Committee, Strategic Director for Corporate Resources and Chief Executive 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.

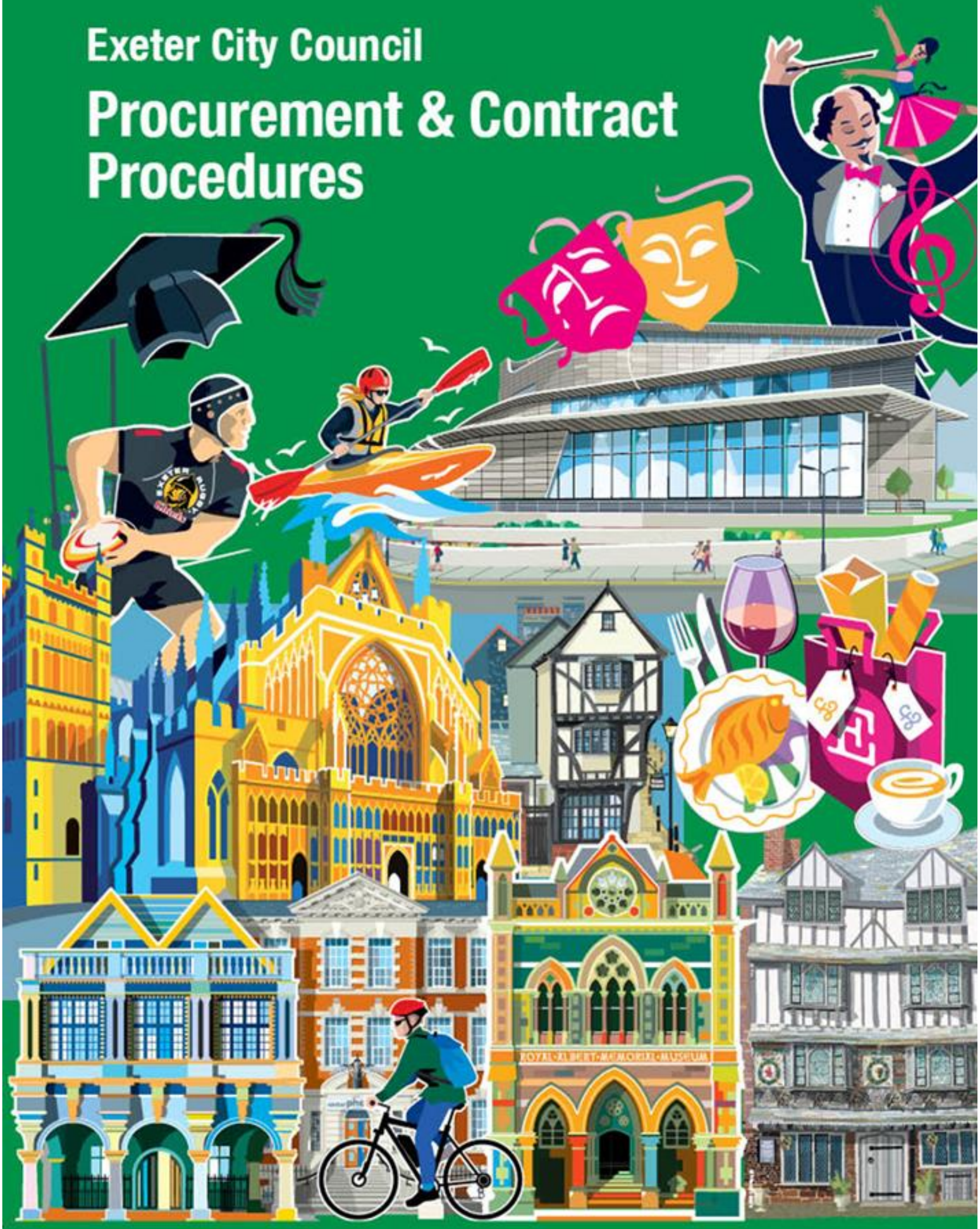
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# Report: Amendment to Procurement Contract Procedure Rules

## Appendix A – Procedural Note: ECC Procurement and Contract Procedures

Exeter City Council

# Procurement & Contract Procedures



Exeter City Council

# Version Control

| | |
|---|---|
| **Created** | 21/03/2018 |
| **Owner** | Procurement (Legal and Democratic Services) |
| **Review period** | 1 year |

| **Version** | **Date** | **Description** |
|---|---|---|
| V1 | March 2019 | Adoption of original |
| V2 | November 21 | Revised |
| V3 | April 2023 | Revised – thresholds updated. |
| V4 draft | February 2025 | Revised to reflect the Procurement Act 2023 |

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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') or any companies or organisations with the Council's control. They 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 Procurement Act 2023 is in force from 24 February 2025, and replaces the Public Contracts Regulations 2015. These Procurement and Contract Procedures were amended to reflect the 2023 Act (and Regulations made under the Act), which will apply to all procurements commencing after that date (other than where a Framework is used, and the agreement was entered into prior to 24th February 2025).

1.3. 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 Procurement Act 2023 ("the Act")

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.

1.4. 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 the Subsidy Control Act 2022 (formerly State Aid) .

## Exempted Contracts

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 as defined in Schedule 2 of the Act and include

i. Appointments outside of the control of the Council, e.g. appointment of external auditors;

ii. Membership/Subscriptions (not applicable to software licensing) where the Council makes an arrangement to receive goods or services regularly by paying in advance and competition is absent for technical reasons.

iii. Grant payments from the Council to third parties made in in accordance with the council's grants programme.

iv. Loan payments or loans from the Council to third parties provided on market terms (otherwise Subsidy Control Act 2022 considerations may apply);

v. Disposal of surplus Goods / Supplies;

vi. Financial dealings by the Section 151 Officer;

vii. Employment Contracts;

viii. Acquisition, purchase, leases (and / or disposal) in relation to land matters, existing buildings or immovable property, provided on market terms.

ix. Acquisitions for museum collections; collections related material; the work of specific artist(s) or themed exhibitions, all having unique qualities or attributes.

x. The acquisition, development, production or co-production of material intended for broadcast and a Contract for the broadcast to the public of material.

xi. Certain 'exempt legal services', including legal representation in judicial proceedings (such as a court) or in a dispute resolution process; pre-litigation advice by a lawyer; services provided by a notary to certify or authenticate documents where that is required legally; or any other legal service where that service is required to be performed by a court or tribunal or by law

xii. Certain 'quasi in-house awards, arising between the Council and an organization that is connected 'vertically' within the Council, i.e. with a body which has a separate legal personality but is under the Council, for example between a trading company set up by the

Council and the Council or a group of local authorities to fulfil a specific task

xiii. Certain qualifying 'horizontal' arrangements between the Council and one or more Contracting Authorities (acting together) where the Contract has the aim of achieving public function related objectives and is solely in the public interest.

xiv. Waivers from the requirement to comply with these Procedures, which may be granted for Below Threshold requirements only. Waivers cannot overcome any prevailing statutory requirements and are to be granted in exceptional circumstances only.

2.3 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 must seek advice on those other relevant rules and legislative regulations.

## Exceptions to these Procedures - Waivers

2.4 It should be the default position to follow these Procedures in all situations. However, it is recognised that there may sometimes be exceptional circumstances where it may not be possible or in the best interests of the Council to do so.

2.5 Where the Procedures cannot be followed, a Waiver must be applied for in accordance with the supporting Procedural Note considering the following:

i. Arrangements above £25k (ex VAT) shall require formal written authorisation as set out within the Waiver Procedure.

ii. Waiver requests 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 Waiver over £25k to ensure that there is consideration given to the appropriateness of a Waiver and / or alternative courses of actions.

iv. A formal Waiver 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 Waiver granted over the relevant UK Procurement thresholds approves only the anticipated non-compliance with the Council's Procedures and does not have the ability to overcome the statutory requirement of the Act or mitigate the risks associated with non-compliance with national laws and regulations. Should a waiver valued over the relevant UK procurement threshold be required, legal advice must be sought as to the applicability of Section 41 of the Procurement Act (2023) – Direct Award in Special Cases.

vi. Waivers shall be in line with the supporting 'Procedural Note: Waivers' and 'Delegation to Officers and Deputies' as detailed in the Councils Constitution.

2.6 Where an approved waiver request is at or above £25,000, Procurement shall update the Contracts Register and Find a Tender platform as necessary.

## Breaches and non-compliance

2.7 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.

2.8 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 recorded by procurement and reported to the Monitoring Officer.

2.9 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.

2.10 Means of reporting concerns can also be raised anonymously in line with the Council's Whistleblowing Policy.

2.11 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.

**Prevention of Corruption and Collusion**

2.12 Officers must only use Council approved budgets for the purchase of Works, Goods and Services which are for the express use of the Council in line with the Officers' Code of Conduct: Part 5 and Section 117 of the Local Government Act 1972: Local Government Act 1972. Elected Members, officers or others engaged with the Council must not use the Council's ordering or payments systems for personal use or benefit.

2.13 Members, Officers, and individuals engaged to work for the Council must declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. in accordance with these Rules, the Financial Regulations and the Officer's Code of Conduct

2.14 All Officers have a duty:

- in law to avoid any form of behaviour that might distort or restrict competition or call into question the award of a Contract:
- to avoid any form of behaviour that might be perceived to restrict competition or call into question the award of a Contract:
- Shall identify and investigate suspicious bidding patterns: and
- Shall keep notes of all discussions with candidates bidding for contracts.

**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 following principles of the Act and UK procurement law and policy:

Delivering value for money
Maximising public benefit
Transparency
Acting and being seen to act with integrity
Equal treatment

and have due regard to the National Procurement Policy Statement.

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. Have due regard for Council policy and objectives including consideration of how procurement and contract management can deliver relevant and proportionate social value, environment and sustainability opportunities;

xv. 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.

3.3 Officers shall comply with the Rules relating to Predecessor Legislation in relation to any procurement exercise, regardless of value that was commenced or awarded prior to 24th February 2025

3.4 **Conflicts of Interest**
All Officers, Members and key stakeholders involved in a procurement exercise of the management of the resulting Contract, must have due regard for the Officers' Code of Conduct Part 5 and declare any conflicts of interest, or perceived conflicts of interest relating to the procurement activity.

3.5 Where a conflict, or perceived conflict of interest exists, the procurement team, in consultation with legal services, shall consider any appropriate migration(s) required.

3.6 The procurement team shall maintain a Conflicts Assessment of all declarations of interest and mitigations in a procurement exercise that is covered by the Act.

**SECTION 4:**

**Roles and responsibilities**

Specific responsibilities.

4.1 Specific responsibilities as follows:

| Person | Responsibility |
|---|---|
| **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.<br><br>Applying the requirements of the Monitoring Officer role diligently in consideration of matters concerning the Procedures. |
| **Head of Legal and Democratic Services** | Ultimate point of authorisation in respect of Contract signatory and execution. |
| **Head of Service/ Director** | Authorisation in line with levels as set out in the Authorisation Process and Scheme of Delegation as set out in the Constitution.<br><br>Ensuring awareness and compliance within their respective areas of responsibility.<br><br>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. |
| **Procurement Manager** | Overall ownership of the Procedures and ensuring that the overall framework for commercial considerations is complied with robustly and effectively.<br><br>Ensuring compliance with the Council's overarching decision-making responsibilities and providing related guidance. On occasions will also have the same responsibilities at 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.<br><br>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.<br><br>Point of escalation in relation to formal challenges within procurement or Contract matters. |
| **Portfolio Holder** | Maintaining an ongoing awareness of exempted spend.<br><br>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. |

| Person | Responsibility |
|---|---|
| **Responsible Officer** | This will include the relevant Head of Service and officers carrying out any of the following activities, including:<br><br>Quoting, Tendering or Contract renewals in line with the Procedures<br>Engaging with the corporate Procurement Team in a timely manner where required (ideally a minimum 3 months prior to requirement to tender; longer for complex/high value requirements).<br><br>Seeking additional advice from procurement or legal where these Procedures may not apply.<br><br>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.<br><br>Ensuring that the appropriate Authorisations have been received in respect of committing spend.<br><br>Drafting fit for purpose specifications for each procurement which meet the requirements of the procurement and ensuring technical specifications are drafted in line with Government guidance where used<br><br>Providing justification for any deviation from the approved Sourcing Strategy.<br><br>Accurately estimating the total Contract value at the start of each procurement.<br><br>Conducting sourcing / procurement in line with the Authorisation Process.<br><br>Applying Waivers where appropriate. Implementing Contract management to ensure compliance with the terms and conditions of the Contract.<br><br>Informing the procurement team of any Below Threshold Contracts that are to be publicly advertised, including adverts published on social media.<br><br>Reporting matters of breach or non-compliance to Procurement and or the Legal team.<br>Ensuring that the procurement team is notified when a Public Contract is terminated or comes to a natural end through expiry so that a transparency notice can be published in line with the requirements of the Act.<br><br>Support the preparation of a Conflicts Assessment for procurement processes equal to or above the threshold amount for the type of Contract (unless an exempted Contract) prior to the publication of a tender or transparency notice.<br><br>Ensure that an appropriate and competent Contract manager is assigned (and named on the Council's Contracts register) to ensure that supplier performance is proactively managed (and reported (via the Procurement team) where required by the Act) throughout the entire Contract period.<br><br>Comply with these Procedures and the Financial Regulations |
| **Senior Management Board** | Maintaining a strategic overview of compliance with the Procedures and overall accountability for non-compliance with the Procedures in their respective areas of responsibility.<br><br>Instructing relevant changes to ensure compliance and controls remain effective.<br><br>Authorisation in line with levels as set out in the Authorisation Process. |

| Person | Responsibility |
|---|---|
| **Contract Manager** | Monitoring the overall performance of the Contract in line with the specification, agreed service levels and Contract terms<br><br>For diarising key dates within the lifecycle of a Contract including without limitation, the dates of reviews, insurance renewals, any Contractual ability to extend a Contract<br><br>For contacting and liaising with the Procurement team at least three months (and ideally six months) prior to the natural expiry of a Contract to a agree a procurement strategy for the extension or renewal of a Contract.<br><br>Responsible for seeking legal advice before assignments or novations are entered into.<br><br>For all Contracts at or above Threshold Value, Contract Managers shall, at least annually, consult with and provide to Procurement all relevant information for the publication of a 'Contract Performance Notice'.<br><br>For all Contracts at or above Threshold Value, the Contract Manager shall also consult with and provide details to Procurement of any changes to a Contract that trigger the need to publish a 'Contract Change notice'.<br><br>Responsible for updating the Conflicts Assessment for above threshold procurement during the Contract management period as necessary. |

# 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 Schedule 2 of the Act. ('Teckal Company');

**Step 2:** Purchasing via established compliant Value for Money Council Contract, Council framework or alternative Council compliant arrangement (e.g. Dynamic Market or 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 Market or 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 Market or 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: Approval to Procure/Award & Quality Assurance

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 Reference should be made to the procurement team in respect of whether there is an appropriate Council Contract in place on the Contracts Register, 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).

5.16 For procurement processes with a Total Contract Value above £100,000 (exc VAT), the Officer must conduct the procurement activity in conjunction with a Procurement Officer within the Council's Procurement team.

5.17 Prior to commencing procurement or Contracting activity, the Officer must:

- consider options for delivery of the required Goods, Services or Works
- ensure that there is appropriate Council authority to procure, and sufficient budgetary provision approved and in place

- identify the size, scope, terms and specification of the Goods, Services and Works required
- check whether the Council already has an available and appropriate Contract in place in the Contracts Register, or an appropriate national, regional or other collaborative Contract, Dynamic Market or Dynamic Purchasing System is available for use, by reference to the Procurement team
- check whether the goods, services or works to be supplied could be awarded in lots.
- check whether any employee, either of the Council or of a service provider, may be affected by any transfer arrangement and ensure that any Transfer of Undertaking (Protection of Employment) ("TUPE") issues are considered, and obtain legal and HR advice
- Prepare a conflicts assessment in relation to the procurement if the estimated Contract value is above the threshold amount for the type of Contract and the Contract is not exempted.
- Generate a risk register including, known risks, which need to be included within the Contract.
- Consider the Key Performance Indicators and measures required to ensure effective supplier performance.
- Consider the insurance the insurance requirements in relation the requirement and seek advice where required.
- Have due regard to the Council's relevant policy and duties.

**Other considerations**

5.18 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 The Total Contract Value is calculated as follows:

a. the maximum total amount payable as estimated by the Council and including any additional options, fees, commissions, lots, renewals and/or extensions together with any estimated costs of decommissioning, disposals or Contract exit, including any amounts already paid.

b. the estimated value of a Framework Agreement, Dynamic Market or Dynamic Purchasing System shall be the total value of all of the Contracts that may be awarded against that Framework Agreement, Dynamic Market or Dynamic Purchasing System

c. the value of a Concession Contract shall be the best estimate of the financial value to the Contractor that shall be made over the life of the arrangement.

6.2 The general rules when calculating the Total Contract Value are as follows:

a. purchases of the same or similar type must be aggregated wherever practicable. The value of the Contract shall not be calculated with the intention of excluding it from the scope of these Procedures.

b. where there is a common requirement across the Council, the Total Contract Value shall be the aggregate of all purchases across the Council.

c. a Contract shall not be sub-divided with the effect of preventing it from falling within the scope of these Procedures.

d. the estimated value shall be calculated as at the moment at which the advertisement is sent or when the Council commences the procurement procedure, whichever is the latter; unless

e. the estimated value at the point that a Concession Contract to which the Relevant Legislation applies is awarded is more than 20% higher than the previous estimate, in which case the higher value applies.

6.3 When calculating the estimated value of the Contract to determine whether the Regulations apply, the Contract value estimation should be inclusive of VAT irrespective of any VAT exemptions or recovery rates.

6.4 Where it is not possible to estimate the value of a Contract in accordance with the above, the value must be treated as being above the Threshold Value applicable to the Act.

**FIGURE 1 Value Thresholds for New Procurement Arrangements**

| Value of Contract (exc VAT) | How to procure | How to advertise | Form of Contract |
|---|---|---|---|
| Up to £25k | Min 1 Quotation (3 preferred) | Direct approach to supplier(s) | Purchase Order and standard T&Cs |
| Between £25k and £100k | Min 3 Quotations | Direct approach and / or advertising (formal tender may be run via the procurement team for complex requirements) | Purchase Order and standard T&Cs |
| Between £100k and the UK Procurement threshold | Formal tenders | Advertising via Council's Electronic Tendering System | Standard or Bespoke T&Cs |
| Over UK Procurement threshold | Formal tenders | Advertising via Council's Electronic Tendering System. | Standard or Bespoke T&Cs |

NOTE: 1. UK Procurement Thresholds for Supplies, Services and Works (Jan 24 – Jan 26) can be accessed via the following link: Procurement Policy Note 11/23 – New Thresholds (HTML) - GOV.UK (www.gov.uk) 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.

### 6.3 Procurement process for Goods, Services and Works Contracts below £25k

6.3.1 Where the Council has no suitable existing Contract then three written quotations should be sough where possible. The request for quotations must be accompanied by a basic specification outlining requirements, together with confirmation that the Council's Purchase Order Terms and conditions will apply a minimum of one written quotation must be obtained.

6.3.2 Acceptance will be notified to the successful supplier by issue of a Purchase Order. The Purchase Order must refer to the Council's standard terms and conditions of Contract, except for where the complexity of the Contract requires more bespoke terms, in which case the Purchase Order shall make separate reference to these.

6.3.3 The Officer must inform Procurement in a timely manner of the Contract details for any Contract made in excess of £5,000, such that a record can be made on the Council's Contract Register, in line with Local Government Transparency Code 2015.

### 6.4 Procurement process for Goods, Services and Works Contracts over £25k up to £100K.

6.4.1 Where the Council has no suitable existing Contract, then a minimum of three written quotations must be sought. The request for quotations must be accompanied by a specification outlining requirements, together with confirmation that the Council's Purchase Order Terms and conditions will apply. A minimum of three written quotation must be obtained which should be retained on file.

6.4.2 Acceptance will be notified to the successful supplier by issue of a Purchase Order. The Purchase Order must refer to the Council's standard terms and conditions of Contract, except for where the complexity of the Contract requires more bespoke terms, for example a specific stand-alone Contract in which case the Purchase Order shall make separate reference

to these

6.4.3 The Officer must inform Procurement in a timely manner of the Contract details for any Contract made in excess of £5,000, such that a record can be made on the Council's Contracts Register, in line with the Local Government Transparency Code 2015 and a Contract Details Notice posted by procurement where required.

**6.5 Procurement process for Goods, Services and Works Contracts over £100k up to Procurement Act Thresholds**

6.5.1 Where the Council has no suitable existing Contract, Framework Agreement, Dynamic Market or Dynamic Purchasing System is available the Officer is required by these Procedures to invite Tenders through a Competitive Process advertised via the Council's Electronic Tendering System.

The Procurement Documents shall include (but not limited to):

- instructions to candidates and Award Criteria
- the Council's standard terms and conditions of Contract, or bespoke terms unless replaced by Framework Terms and conditions
- form of tender
- the specification
- details of insurance requirements that must be in place at Contract award
- details of proposed Key Performance Indicators and Service Levels
- the pricing schedule
- commercially confidential information
- Conditions of Participation
- any other requirements as mandated by relevant legislation.

6.5.2 The successful supplier and unsuccessful candidates shall be notified in accordance with the Relevant Legislation and a Standstill Period observed in line with the requirements of the act.

6.5.3 A Purchase Order must be raised in line with the Financial Regulations.

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 Market or 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, a Waiver Form must be completed by the Responsible Officer and authorised by the appropriate Council officers as set out within the 'Procedural Note –Waivers '. All Waivers must be copied to the procurement team.

**TABLE 1 Authorisation Levels**

| Authorisation Levels - Goods, Works and Services | Authorisation Points |
|---|---|
| **Total Contract Value**<br>Below £100,000 | The Responsible Officer with budget responsibilities in the Service area with the agreement of the appropriate Head of Service, will be responsible for taking a proportional approach to justifying the spend and holding all supporting documentation for audit and reporting purposes.<br><br>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. |
| £100,000 to UK Procurement Threshold for Goods and Services<br><br>£100,000 to £499,999 for Works | Appropriate Head of Service / SMB Member in conjunction with the Procurement Manager |
| Above UK Procurement Threshold for Goods and Services<br><br>£500,000 and over for Works | SMB Member and Portfolio holder authorisation in conjunction with the Procurement Manager. |

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.

6.10 Records of authorisation approvals shall be captured on the Approval to Procure/Award Form (formerly called 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 6.14 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 (in line with Procedure Note: Signing and Sealing Contracts) 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. where required by the terms and conditions used, or

v. in any other circumstances where it is considered appropriate to do so in consultation with Head of Service - Legal and Democratic 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 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 Preliminary market engagement under the Act takes place before the publication of a tender or transparency notice and helps the Council and the market prepare for the procurement. However, this engagement must be conducted in a way that does not give a supplier an unfair advantage or distort competition.

7.4 Section 16(1) of the Act lists the permitted purposes of engagement. The permitted purposes are:

- developing the authority's requirements and approach to the procurement;
- designing a procedure, conditions of participation or award criteria;
- preparing the tender notice and associated tender documents;
- identifying suppliers that may be able to supply the goods, services or works required;
- identifying likely Contractual terms; and
- building capacity among suppliers in relation to the Contract being awarded.

7.5 All officers must take advice from Procurement for all procurement exercises over £100,000 (ex VAT) to ensure that the proposed method of engaging the market does not distort competition and to ensure an appropriate transparency notice is published by the procurement team in line with the requirements of the Act. Written records shall be kept by the officers of any pre-market engagement activity undertaken.

7.6 Suppliers consulted during market engagement activities shall only be excluded from the procurement process where there are no other means to ensure compliance with this section in its entirety. Potential candidates must be given the opportunity to prove that their involvement in market engagement activities is not capable of distorting competition.

## Due Diligence

7.7 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: Approval to Procure/Award & Quality Assurance).

## Advertising

7.8 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 the Council's Electronic Tendering System which will be used to support the posting of Contract opportunities and transparency notices (required under the Act) to a central digital platform known as Find a Tender.

7.9 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.

7.10 All documents related to the procurement shall be complete and ready as a formal Tender pack for suppliers at the time of advertising.

7.11 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

7.12 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. Clarification of tender responses is only permitted by a member of the procurement team.

7.13 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.

7.14 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

7.15 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 Contracts below £100k.

7.16 All Quotations and Tenders shall be submitted in accordance with requirements set out within in the Invitation to Tender.

7.17 All Quotations / Tenders received must be opened together at one time in a suitable place in line with the Authorisation Levels.

7.18 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.

## Missing, Omitted or late information

7.19 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.

## Conditions Of Participation

7.20 The Conditions of Participation shall be used to assess the Candidate's ability to meet the Council's requirements or minimum standards of suitability, legal status, or financial standing and will be included within procurement documentation for all Contracts over the value thresholds as stated within the Act.

7.21 Conditions of Participation must not include;

- Award criteria
- Non-commercial considerations
- Criteria that are not related and proportionate to the subject matter and value of the Contract.

7.22 Conditions of participation must not set or assess a supplier's suitability to perform the Contract for below-threshold procurements as a way of reducing the number of bidders invited to tender (previously known as 'selection stage' or 'pre-qualification' stage), except where the Contract is a works Contract and has an estimated value of not less than the UK Procurement threshold for Services.

7.23 The selection of candidates shall only be on the basis of the Conditions of Participation and the requirements of the Act. The Officer may reject candidates that fail against the mandatory and/or discretionary criteria as detailed within the Conditions of Participation only in conjunction with the Procurement Officer and Legal Services, where relevant.

## Evaluations

7.24 All submissions received for Contracts above the Total Contract Value of £100,000 shall be evaluated in accordance with the pre-determined Conditions of Participation and Award criteria, as set out in the Procurement Documents/Advertisement by an evaluation panel comprising of three or more appropriately experienced officers wherever possible. Procurement will arrange a moderation meeting for evaluators to agree consensus scores following individual assessment and scoring of submissions.

7.25 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 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

7.26 In selecting a preferred supplier, the Council must have due regard to delivering value for money, maximising public benefit, acting and being seen to act with integrity, and equal treatment. In doing so all Contract awards must be based on the Most Advantageous Tender (the "MAT").

7.27 In discussion with procurement team, Responsible Officers must ensure the approach used to achieve MAT is by the best means, using a methodology which is relevant and proportionate to the particular procurement being undertaken.

7.28 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.

7.29 The award process to be followed will depend on the total Contract value.

**Award (Above £100k to below UK Procurement Threshold)**

7.30 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 characteristics of their bid

7.31 Following a voluntary standstill period of 8 working days., a Contract Details Notice shall be issued by the procurement team.

**Award (Contract over UK Procurement Threshold Values)**

7.32 For Contracts over the Threshold Values applicable to the Act the procurement team Officers must apply a mandatory minimum Standstill Period of eight (8) working Days from publication of a Contract Award Notice, before entering into a Contract.

7.33 All candidates must be notified simultaneously in writing of the intent to award via issue of an Assessment Summary, prior to publication of the Contract Award Notice which will begin the mandatory Standstill Period

7.34 Following the expiry of the Standstill Period, a Contract Details Notice will be published by the procurement team.

7.35 Where the value of the Contract is over £5million, a redacted version of the Contract will be published the procurement team in line with the requirements of the Act.

**Contract matters**

7.36 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.

7.37 No Contract will provide for payment by the Council in advance of satisfactory performance or delivery unless with the express approval of the Head of Service in consultation with the Chief Finance Officer.

7.38 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 Head of Legal and Democratic Services via negotiation with the Supplier.

7.39 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.

7.40 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.

7.41 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.

7.42 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.

7.43 Detailed guidance on sealing and signing of Contracts is available via the accompanying Procedural Note.

**7.44 Contract Modification**

7.45 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 the Head of Legal and Democratic Service 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.

7.46 For Contracts above UK Threshold value, advice should be sought from Legal and or Procurement before a modification is made. Where required by the Act, the Procurement team will publish a Contract Change Notice.

7.47 Officers shall take advice from the procurement team as to whether to apply a Standstill Period in order to allow the Council to notify the market of proposed Contract changes.

7.48 Where a Contract modification would take the value of the Contract over the relevant UK Procurement Threshold, advice must be sought from the Procurement and/or Legal team, before any action is taken.

7.49 Contracts may only be terminated after seeking advice from the Procurement Team and the Head of Legal and Democratic Services

7.50 Contracts procured under the PCR 2015 (and preceding rules) will be governed by Regulation 72, PCR 2015 where the need for a modification arises.

**7.51 Assignment and Novation**

7.52 In the event of the Responsible Officer or Contract Manager becoming aware that a Supplier is entering into a change of control, insolvency, bankruptcy, receivership or liquidation the Officer must inform Procurement and Legal Services immediately. The Supplier shall only be permitted to assign, novate or otherwise dispose of its rights and obligations under the Contract or any part thereof with the prior written consent of the Council. The Council reserves the right to decline a Supplier that is deemed to be not suitable. If a suitable alternative is not identified, the Contract must be re-Tendered.

7.53 **Contract Termination by Natural Expiry**

7.54 Where a Contract is due to expire naturally, the Contract Manager shall at least three months (ideally six months) in advance of the natural expiry date of the Contract, liaise with Procurement to:

- Ensure that a Contract Termination Notice is scheduled for publication by Procurement and
- Make arrangement for any future procurement exercise and relevant notices to be issued.

**7.55 Early Termination of Contract**

7.56 The events of default and consequences of breach must be clearly described within the Contract from the outset.

7.57 Early Termination of a Contract should be discussed in advance and agreed with both Procurement and Legal Services following consultation with the relevant Head of Service/Service Director

7.58 The Procurement team shall publish Contract Performance Notices and Contract Termination Notices as required by the Act.

7.59 **Contract Management and Performance**

7.60 Responsible Officers will ensure that a Contract manager with suitable skills, training or experience is appointed to take responsibility for the delivery of the obligations set out in the Contract.

7.61 Contract Managers should undertake regular supplier resilience checks for over threshold Contracts at least annually and include checks on the suppliers' operational, financial and reputational resilience including business continuity, insurance provision, financial credit rating, identifications and management of key risks.

7.62 If a Contract has a value of £5 million and is not a call-off through another organisation's framework agreement, performance management against agreed key performance indicators shall be reported by the Contract Manager to Procurement annually for publication on Find a Tender as required under the Act.

**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 UK Procurement Thresholds and the more conventional procedures referenced in the Act.

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

ii. **Competitive Flexible Procedure –** not an "open procedure" but any other such competitive tendering procedure as the Contract as the Council considers appropriate for the purpose of awarding the public Contract.

iii. **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 Ac 2022

iv. **Reservable/Light Touch Contracts**

**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 | Approval to Procure/Award & Quality Assurance |

**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 | Waivers |
| Procedural Note | Late Submissions |
| Procedural Note | Missing and Omitted Materials |
| Procedural Note | Concessions |
| Procedural Note | Sealing and Signing Contracts |

| Term | *Description* |
|---|---|
| **Act** | *The Procurement Act 2023 and any subsequent amendments* |
| **Approval to Procure/Award** | *Means the template used to approve the business case, award and Contract variation for a procurement.* |
| **Authorisation Process** | *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 Contract* |
| **Award Criteria** | *The criteria by which the Contract is to be awarded to the successful Supplier* |
| **Below Threshold Contract** | *A Contract with an estimated total Contract value (including VAT) of less than the threshold amount of the type of Contract which may be subject to the obligations in Part 6 of the Act.* |
| **Central Digital Platform /Find a Tender Service** | *The online system provided by the Cabinet Office on www.gov.uk for the publication of notices, documents and other information in relation to the Procurement Act 2023.* |
| **Concession Arrangement** | *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.* |
| **Conditions of Participation** | *The Council's minimum requirements for a procurement process, details of the proposed requirement and the criteria by which a Candidate is to be assessed as being suitable to deliver the requirements of the Contract.* |
| **Conflict of Interest** | *A personal, professional or financial interest which may be direct or indirect* |
| **Conflicts Assessment** | *An assessment that includes details of (a) conflicts or potential conflict of interest identified in accordance with Section 81 (duty to identify) and (b) any steps the Contracting authority has taken or will take for the purposes of Section 82 (duty to mitigate).* |
| **Constitution** | *The Council's formal constituted governance arrangements which can be found here:* Browse - Constitution - Exeter City Council |
| **Contract Award Notice** | *communicated at the outcome of a procurement and commences an 8 working day standstill period prior to awarding a Contract.* |
| **Contract Details Notice** | *Means the notice detailing the awarded Contract which must be published within 30 days of Contract signature (or 120 days under the light touch regime). The notice must also include a copy of the redacted Contract and KPI information, for any Contracts of £5m+.* |
| **Contract Performance Notice** | *Means the notice required to report (a) annual KPI scores for public Contracts exceeding £5m; and (b) poor supplier performance / breach of Contract (within 30 days of event).* |
| **Council** | *means Exeter City Council and any subsidiary parts* |
| **Dynamic Market** | *A market made of members who meet the conditions for membership* |
| **Dynamic Purchasing System (DPS) / Agreement** | *Means a system (established under the former Public Contract Regulations 2015) that remains open to any economic operator throughout the period of validity of the purchasing system that satisfies the selection criteria.* |
| **Electronic Tendering System** | *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* |

| Term | *Description* |
|---|---|
| **Find a Tender Service/Central digital platform** | *the web-based portal provided for the purpose of publicising Contract opportunities, issuing transparency notices and retaining supplier information.* |
| **Framework Agreement** | *An agreement or other arrangement between one or more Contracting authorities and one or more economic operator which established the terms under which the economic operator will enter into one or more Contracts with a Contracting authority in the period during which the framework agreement applies.* |
| **Grants** | *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.* |
| **Invitation to Tender (ITT)** | *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* |
| **Light Touch Contracts** | *The statutory procedure set out in Procurement Act 2023 Section 9 and defined in the Procurement Regulations 2024 at regulation 42 with the Common Procurement Vocabulary codes listed in Schedule 1.* |
| **Lots** | *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.* |
| **Most Advantageous Tender (MAT)** | *the tender that the Council considers satisfies their requirements, and best satisfies the award criteria including qualitative, technical and sustainable aspects of a Tender submission as well as price.* |
| **Monitoring Officer** | *Legally appointed officer 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 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.* |
| **Officers** | *Those employed members of staff (permanent or interim) representing the Council in official capacity.* |
| **Predecessor Legislation** | *Means the Public Contracts Regulation 2015, the Concession Regulations 2016, the Utilities Contracts Regulations 2016 and the Defence and Security Public Contracts Regulations 2011 that govern procurement exercises commenced prior to 24th February 2024 together and post award processes and procedures, for example Contract extension and variation* |
| **Procedures** | *Shall mean the Procurement and Contract Procedure themselves (encompassing the supporting Procedural Notes)* |
| **Procurement Manager** | *Means the most senior procurement officer within Legal and Democratic Services* |
| **Quotation** | *For the purposes of Quotation is deemed an estimate as opposed to Tender when it is deemed as a formal offer requiring acceptance.* |
| **Responsible Officer:** | *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.* |
| **Scheme of Delegation (Delegation to Officers & Deputies)** | *Delegated authorities as defined under the Council's Constitution, and in particular part 3(d) the Delegation to Officers and Deputies; (No.3d)* |

| Term | *Description* |
|---|---|
| **Senior Management Board (SMB)** | *The overall Senior Management Team for the Council, including the Chief Executive and Directors.* |
| **Services** | *Contracts, or Tenders for Contracts, which have as their object the provision of services.* |
| **Service Level Agreement** | *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* |
| **Sourcing Strategy** | *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.* |
| **Standstill** | *the minimum 8 working day period commencing on the publishing of the Contract Award notice and the date of Contract award* |
| **Supplies** | *Contracts, or Tenders for Contracts, which have as their object the provision of supply of goods.* |
| **Supplier** | *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.* |
| **Tender** | *Formal process in which the Council seeks the supply of supplies, works or services from third party suppliers (inc. voluntary organisations)* |
| **Teckal** | *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).* |
| **Tenderer** | *A third party supplier who is engaged in providing a response to the Council's requirements via a Quotation / Tender process.* |
| **Threshold (UK Procurement Threshold)** | *The financial value of a proposed requirement based on the Total Contract Value which if met or exceeded required the procurement exercise to be undertaken in accordance with the Act, or such other relevant legislation as may apply.* |
| **Total Contract Value** | *The calculation of the overall estimated value of a requirement, inclusive of VAT where applicable, any proposed extensions to a proposed Contract, recurring requirements and any directly associated requirement, for example, the ongoing maintenance and/or support for a proposed requirement.* |
| **Value for Money** | *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:*<br>• *Economy: minimising the cost of resources used or required (inputs) – spending less;*<br>• *Efficiency: the relationship between the output from goods or services and the resources to produce them – spending well; and*<br>• *Effectiveness: the relationship between the intended and actual results of public spending (outcomes) – spending wisely.* |
| **Works** | *Contracts, or Tenders for Contracts, which have as their object the provision of Works (e.g. construction / demolition).* |

**Appendix A – One Page Summary of the Procurement and Contract Procedures**

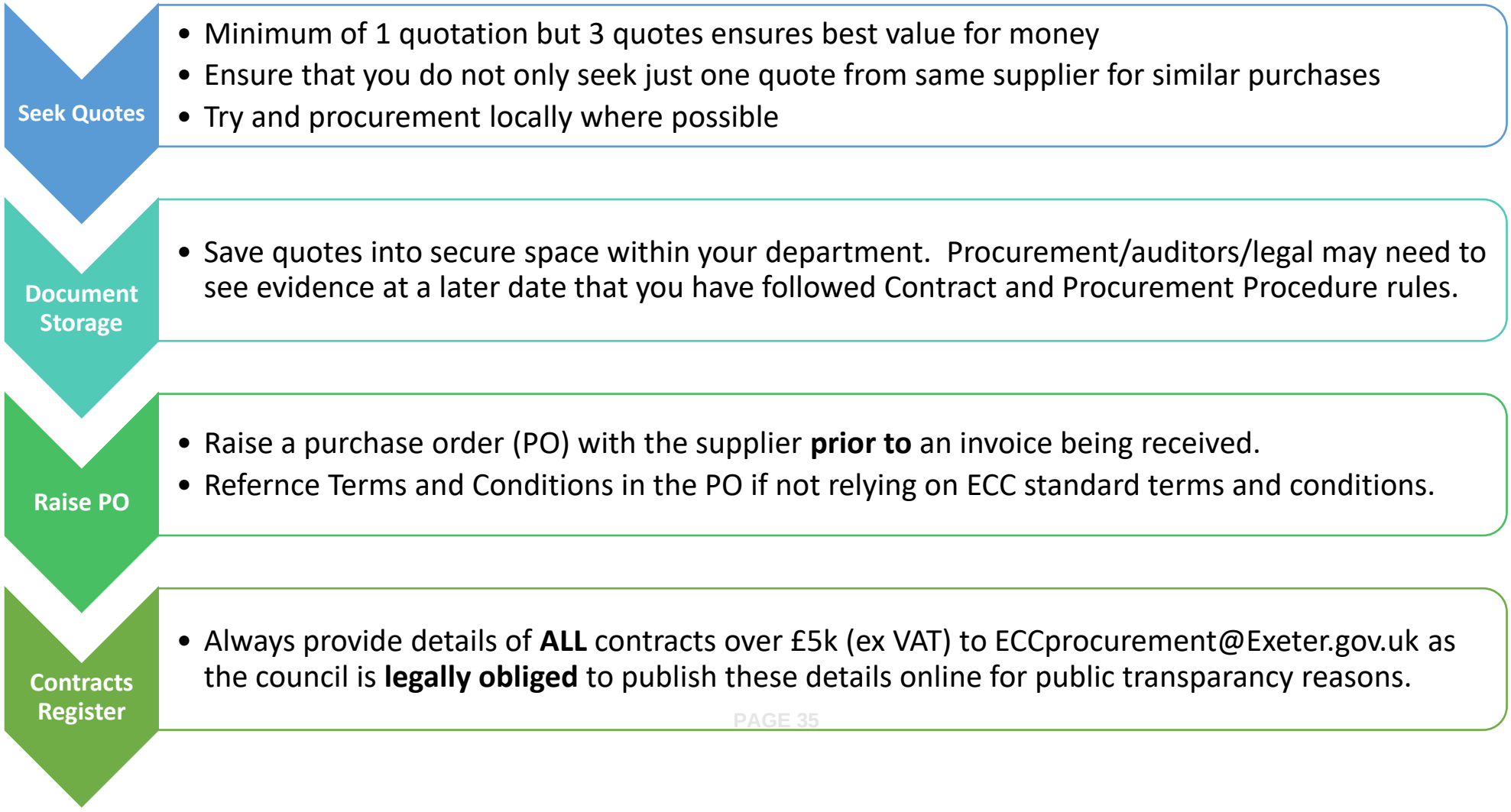
Details of all contracts awarded over £5,000 (ex VAT) **must be reported to procurement** for inclusion on the Council's Contracts Register (the Council is legally required to make this information publicly available).

| Value of Contract (Ex VAT) | How to procure | How to advertise | Form of Contract | Documentation | Sign Off | Application of Waivers |
|---|---|---|---|---|---|---|
| Up to £25k | Min 1 Quotation (3 preferred) | Direct approach to supplier(s) | Purchase Order and standard T&Cs | N/a | N/a | No formal Waiver form required (although Responsible Officer (RO) required to have suitable evidence to justify decision for audit / transparency purposes). |
| Between £25k and £100k | Min 3 Quotations (formal tender can be considered for complex requirements) | Direct approach and / or advertising (consult procurement if advertising). | Purchase Order and standard T&Cs | N/A | Head of Service – responsible for taking a proportional approach to justifying the spend and holding all supporting documentation for audit and reporting purposes. | Waiver form required - RO and Head of Service / SMB representative for the Service area sign off. **Completed form MUST be forwarded to:** ECCprocurement @Exeter.gov.uk to be logged on the Council's Waivers Register. |
| Between £100k and the UK Procurement threshold for **Goods and Services**<br><br>Between £100,000 and £499,999 for **Works**. | Formal tenders | Advertising on Find a Tender | Standard or Bespoke T&Cs<br><br><£1million – signed (normally)<br><br>>£1million – sealed | Approval to Procure/Award | Appropriate Head of Service/ SMB Member in conjunction with the Procurement Manager | Waiver form required (including direct award via framework) - Up to UK threshold for Goods and Services and value stated for works – Authorised by Head of Service/ relevant SMB member, and Procurement Manager |
| Over UK Procurement threshold for **Good and Services**<br><br>**£500,000** and over for **Works** | Formal tenders | Advertising on Find a Tender | Standard or Bespoke T&Cs<br><br>>£1million - sealed | Approval to Procure/Award | SMB Member and Portfolio holder authorisation in conjunction with the Procurement Manager<br><br>SMB will advise if a report needs to be presented to Executive/Council for approval. | Waiver form required – Authorised by Director / SMB member for the Service area, Portfolio Holder and Procurement Manager |

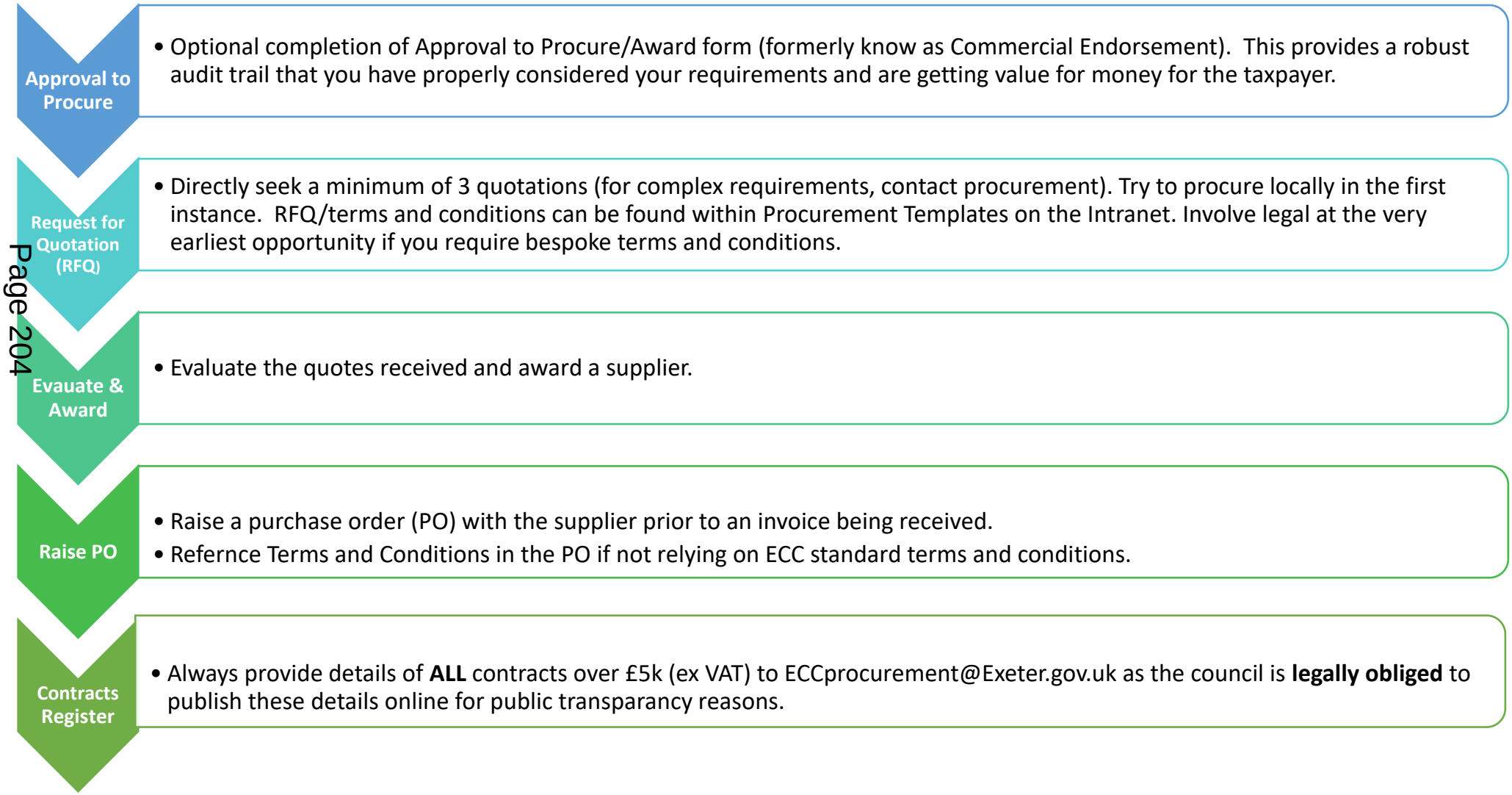
**Appendix B – High level summary of procurement process by contract value**

**Note –** officers must **not** disaggregate expenditure to avoid "getting around" any spend threshold e.g. raising multiple orders to the same supplier for what is fundamentally the same requirement.

**Flow Chart for Purchases £0 - £25K (ex VAT)**



## Flow Chart for Purchases £25K - £100K (ex VAT)



## Flow Chart for Purchases £100,000 + (ensure requirement is on the procurement forward plan)

**Authorisation**

- Completion of Approval to Procure/Award form (formerly know as Commercial Endorsement)

**Pre-tender**

- While not mandatory, always consider preliminary market engagement to get better outcomes from procurement. Procurement can support you with this.
- Always contact procurement to ensure they publish a **preliminary market engagement notice** when preliminary market engagement is undertaken.

**Tender**

- Develop ITT docuementation with your procurement lead. The preparation of a specification/quality questions is the responsibility of stakeholders.
- Check what terms and conditions you are using. If the contract documents are not our standard terms (goods, services, JCT, NEC) then you will need to refer to Legal as early as possible. Check whether your contract needs to be sealed. Procurement to publish opportunity/relevant notices on ProContract.

**Evaluation**

- Complete a conflicts of interest declatation provided, then evaluate the tenders individually in line with training notes provided by your procurement lead. Send evaluation spreadsheets to your procurement lead who will arrange a moderation meeting to agree consensus scores for each question for every supplier.

**Due Diligence**

- Procurement will arrange a financial check on your preferred supplier and seek confirmation of insurance and seek confirmation of other requirements e.g. health and safety/accreditations.
- Procurement will summarise the procurement outcome on the Approval to Procure/Award form and **stakeholder will get the form signed before award**.

**Contract Award Notice**

- Procurement will prepare Assessment Summaries for issue to all suppliers
- Procurement will publish a **Contract Award Notice** which triggers 8 working day standstill period

**Contract completion**

- Stakeholder to complete contract docuementation with support from procurement as necessary. Signed/sealed contracts must be copied to procurement.
- Procurement will issue a **Contract Details Notice** once the contract is signed and enter details on the Council's Contracts register. Stakeholder to raise a PO. The designated Contract Manager should pro-actively manage contract following award in line with the requirements of the Act and internal rules.

# Flow Chart for Competitive Flexible Procedure, an optional procedure to be used for procurements above UK Procurement Threshold

**Authorisation**

- Completion of Approval to Procure/Award form (formerly know as Commercial Endorsement)

**Pre tender**

- While not mandatory, always consider preliminary market engagement to get better outcomes from procurement. Procurement can support you with this.
- Always contact procurement to ensure they publish a **preliminary market engagement notice** when preliminary market engagement is undertaken.
- Desgin the ITT process with your procurement lead taking account of preliminary market engagement inteligence.
- Support your Procurement Lead to complete a Conflicts Assessment (which must be maintained through the contract lifecycle)

**Tender/ Tender Docs**

- Develop ITT docuementation with your procurement lead who will publish on ProContract. The preparation of a specification/quality questions is the responsibility of stakeholders.
- Check what terms and conditions you are using. If the contract documents are not our standard terms (goods, services, JCT, NEC) then you will need to refer to Legal as early as possible. Check whether your contract needs to be sealed. Procurement will publish relevant notices on ProContract required by the Act.

**Evaluation**

- Evaluate the tenders individually. Send evaluation spreadsheets to the Corporate Procurement Officer who will arrange moderation meeting(s) to agree consensus scores. With the Competitive Flexible Procedure there could be several evaluation/assement stages. You must ensure you have allowed sufficient time to support all stages throughout the tender process which could take several months, depending upon the complexity of process.

**Due Diligence**

- Procurement will arrange a financial check on your preferred supplier and seek confirmation of insurance and seek confirmation of other requirements e.g. health and safety/accreditations.
- Procurement will summarise the procurement outcome on the Approval to Procure/Award form and stakeholder will get the form signed before award.

**Contract Award**

- Procurement will prepare Assessment Summaries for issue to all suppliers
- Procurement will publish **a Contract Award Notice** which triggers 8 working day standstill period

**Contract completion**

- Stakeholder to complete contract docuementation with support from procurement as necessary. Signed/sealed contracts must be copied to procurement.
- Procurement will issue a **Contract Details Notice** once the contract is signed and enter details on the Council's Contracts register. Stakeholder to raise a PO. The designated Contract Manager should pro-actively manage contract following award in line with the requirements of the Act and internal rules. Addtional requirements apply where contracts are £5million +

# Report: Amendment to Procurement Contract Procedure Rules

## Appendix B – Procedural Note: ECC Procurement and Contract Procedures

# Procedural Note: Approval to Procure/Award and Quality Assurance

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

**Background**

1) The purpose of this Procedural Note sets out the Approvals and Quality Assurance Procedure related to third party spend, e.g. what due diligence is necessary and proportional and how contractual spend decisions are to be authorised.
2) This Procedural Note does not negate the requirement to follow the Council's formal decision making process. The required decision making process shall be determined in advance.
3) All parties involved in the Approvals and Quality Assurance and Procedure shall give due regard to the Council's Constitution in particular "Delegation to Officers and Deputies" to ensure they have appropriate responsibilities to authorise.
4) Approval and Assurance and is required only at the establishment of the formal overarching contractual arrangements, hence in the case of a framework agreement it would be required to confirm the setting up of the framework but not for the intended subsequent call off's from that framework.

**Approvals and Quality Assurance and Procedure**

**Authorisation**

5) Authorisation will be required at three key stages;
   i. Firstly, when signing off on the business case stage which is the decision for the Council to self-deliver or purchase via a third party and if purchasing via a third party, the chosen procurement route) the form to be used is Approval to Procure/Award – "Stage 1". The Quality Assurance section (4.3) should be used for all procurements at £100,000 (ex VAT) or over. Under this value, use of the Approval to Procure/Award form is optional unless a formal tender exercise is being run.
   ii. The second stage is at contract award (e.g. decision to appoint preferred supplier and;
   iii. Contract variation – variation requirements should be set out in the Contract Variation section of the relevant Approval to Procure/Award form.

6) As part of the Authorisation process consideration shall be made around relevant areas of due diligence. The areas of assurance required will vary depending on the subject matter of the contract.

7) The Responsible Officer shall be responsible for carrying out appropriate due diligence to understand proportional risks related to the spend and ensure relevant and proportional means of mitigation are considered. This is to be done in conjunction with relevant Specialist Subject Matter Officers to consider risks and mitigations relevant to their area of expertise. This may include representatives from relevant functional areas of the Council and may include, as appropriate: legal, HR, finance, health and safety, ICT, asset management and others.

8) Due diligence outcomes shall be documented on the Quality Assurance (section 4.3)section of the Approval to Procure/Award form.
For higher value contracts, including all those valued at £5million and over, the Responsible Officer shall ensure that relevant Key Performance Indicators (KPI's) for the contract are recorded at section 4.2 of the Approval to Procure/Award form. The Responsible Officer will be responsible for ensuring that a named Contract Manager is appointed to monitor contract performance through the term of the contract.

**TABLE 1 – Summary of minimum Authorisation Requirements**

| Authorisation Levels - Supplies, Works and Services | Authorisation Points | Completion of Approval to Procure/Award Form required? |
|---|---|---|
| **Total Contract Value** Below £25,000 | 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. | Not required |
| **£25,000-£100,000** | 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. | Optional (except for complex requirements where a tender exercise is required). |
| Between £100k and the UK Procurement threshold for **Goods and Services**<br><br>Between £100,000 and £499,999 for **Works**. | Appropriate Head of Service / SMB Member in conjunction with the Procurement Manager | Required |
| Over UK Procurement threshold for **Good and Services**<br><br>**£500,000** and over for **Works** | SMB Member/ portfolio holder /Procurement Manager authorisation<br><br>SMB will advise if a report needs to be presented to Executive/Council for further approval. | Yes<br>Required |

**Authorisation Sign off**

9) Authorisation sign off shall be made using the Approval to Procure/Award form and shall be endorsed by the responsible authorised officers as outlined in Table 1. Where authorisation is via formal board sign off (e.g. Senior Management Board sign off or Executive Committee) then this shall be a record of the date when discussed and any minute reference. Details of the formal decision to be captured in the appropriate minutes.

10) In exceptional circumstances, a senior Officer without direct responsibility for the contract may endorse on behalf of the Responsible Officer (e.g. because of absence or logistical urgency). In such cases where endorsing on behalf of the Responsible Officer, then the Responsible Officer with direct responsibility for the contract shall be notified that this has happened. Notification shall be made within 5 working days and shall include a justification for their actions.

11) In the case of query or dispute, a then it will be a case of escalating the matter to next Authorisation level point shall be made.

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# Report: Amendment to Procurement Contract Procedure Rules

## Appendix C – Procedural Note: Concession arrangements

## Procedural Note: Concession arrangements

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

### Background

1 This Procedural Note shall apply in all situations where Concession arrangements are to be considered.

2 In the consideration of Concessions the Council will be the "grantor" granting a person or supplier (the concessionaire) the right to operate - usually as the sole seller of certain goods or services – as a business within a premises or other asset belonging to the grantor in return for an appropriate fee. The concessionaire pays the grantor.

3 What could be considered as a Concession arrangement:

i. A concession contract is a mutually binding contract for buying works or services by the Grantor entrust the delivering of outcomes to one or more concessionaire.

ii. Consideration in a Concession arrangement consists in the right to exploit the work, or services, that are the subject of the contract, or that right to exploit together with a payment.

iii. The transfer to the concessionaire of the right to exploit the works or services shall always imply an operating risk of economic nature involving the possibility that it will not recoup the investments made and the costs incurred in operating those works or services. This means that under the contract, the concessionaire should not enjoy a guarantee of breaking even on investments and costs incurred.

iv. Under the contract the supplier is exposed to a real operating risk, An operating risk is a risk that the supplier will not be able to recover its costs in connection with the supply and operation of the works or services, where the factors fiving rise to that risk are reasonably foreseeable at the time of awards and arise from matters outside the control of the contracting authority and the supplier.

v. Concession arrangement may involve a transfer of ownership to the Council.

vi. The Council will always obtain the benefits of the works or services in question rather than the concessionaire.

4 What is not a concession?

i. Activities covered by other legislation for example the Public Contracts Regulations or Utilities Regulations.

ii. An outsourcing contract or privatisation.

iii. A land lease contract.

iv. The financing for works or services i.e. a grant.

v. If customers have a choice between providers that are delivering the same service.

vi. Licenses where Government or public authorities (not contracting authorities) establish conditions and an economic operator can withdraw from provision of that service, are not concessions but would fall under Directive 2006/123/EC Service Directive.

vii. When an economic operator has a right to exploit public domains such as maritime, inland ports or the airport sector. These involve general conditions for their use without the procurement of specific works and services.

viii. An agreement that grants the right of way covering the utilisation of public immovable property, fixed lines or networks.

ix. Where no payments are made but the contract is remunerated on the basis of regulated tariffs calculated to cover all costs and investments borne by the concessionaire for providing the service.

x. A contract is not a concession if the contracting authority or utility relieves the concessionaire of any loss by guaranteeing minimal revenue equal or higher to the investment made and the costs the economic operator has to incur.

5 There are several commercial drivers behind concessions considerations:

i. To seek or generate future commercial income or revenue for the Council.

ii. To derive community benefit or contribute to the quality of life for the people living in, or visitors.

iii. To sustain business and employment.

iv. To improve well-being by enabling people to use public open space.

v. To improve security of assets through public presence.

6 Examples of Concession arrangements are but not limited to catering (cafés, kiosks, restaurants, mobile catering) sports (water sports, tennis coaching, fitness classes, cycle speedway) play (miniature railway, crazy-golf,) and clubs (bowling, surf lifesaving, rowing, etc).

## General

7 In consideration around whether to pursue a Concession arrangement relevant due diligence shall be undertaken to establish the scale of any opportunity and value of any possible concession, and as such this should include any relevant market research.

8 The Council shall:

i. Have regard to the importance of delivering value for money, maximising public benefit, sharing information for the purpose of allowing suppliers and others to understand the authority's procurement policies and decisions as well as acting with integrity and in doing so assessing and managing any conflicts of interests.

ii. Maintain confidentiality in respect of consideration of potential concessionaire proposals and any resulting concession awarded, but in doing so not to prejudice wider requirements of disclosure of information, for example in provision of Notice of award in the case of the case of above threshold concessions, Transparency Agenda requirement to publish contract details and wider Freedom of Information (FOI) requirements.

iii. Seek to openly and proportionally advertise any proposed concession arrangement – and allow suitable time for potential concessionaires to submit any proposals taking into account complexities and risks.

iv. Whilst no duty on the Council to advertise outcomes of below threshold awards the Council shall seek to apply an approach where details are advertised, and captured onto the Contract Register.

v. Undertake all necessary due diligence that it has the authority and jurisdiction to enter into a concession – in doing so consideration of the Council's Commercial Assurance Summary should also be applied, seeking to ensure that all relevant subject matter experts are engaged in the overall process.

9 At the time of advertising a Concession arrangement all required information is provided to enable due consideration by potential concessionaries to undertake related to any proposed submission, to include:

i. Clearly setting out the subject matter of any proposed concession.

ii. Setting out any proposed conditions and caveats on potential concessionaires – including setting out any mandatory exclusion grounds related to entities looking to make a submission.

iii. Timeframes around any award, including options to extend.

iv. Details on the process to be followed and how concession submissions are to be considered and evaluated. The award criteria shall be proportional to the subject matter of the Concession arrangement.

v. Setting out risks and liabilities related to any resulting concession and where and how these are to be aligned in the granting of any concession.

10 Ensure that where a concession is granted that it is supported by a formal contract. The contract shall include:

i. Capture details set out in the concession pack and the submission (and any resulting clarifications) from the concessionaire.

ii. Details on term of the concession and termination including any grounds for early termination.

iii. Grounds and procedure to be followed in consideration of any moderation or variation under the contract – noting that any variation beyond 10% of the commercial value shall be deemed as a material change and not permitted under the current contract.

iv. Consideration of risks and liabilities seeking to reduce risk exposure for both parties.

v. Contract management arrangements need to be proportional.

11 If a concession opportunity does not require investment from the concessionaire then the recommended maximum duration of the concession contract shall be no longer than 5 years.

12 For concession contracts lasting more than 5 years, the maximum duration of the concession contract shall not exceed the time that a concessionaire could reasonably be expected to take to recoup the investments made in operating the service together with a return on invested capital taking into account the investments required to achieve the specific contractual objectives.

13 The investments taken into account for the purposes of the calculation of the time period include both initial investments and investments during the life of the concession contract.

## Value of Concession at or above threshold

14 The Council shall observe and apply the Procurement Act 2023 where the values applies to concession contracts with a value greater than the threshold set out and calculated (inclusive of VAT) in line with Schedule 1 and Schedule 3 (3) of the Act, regardless of categorisation (works or services).Procurement Act 2023 (legislation.gov.uk)

## Below Threshold Concessions

15 The principles set out in this Procedural Note shall apply for Concession arrangements not covered by the Procurement Act 2023 , with proportional consideration of Procurement Act 2023 requirements taken into account.

## Other Points of Consideration

16 In the context of business premises, the key issue is whether or not the business occupation might attract the protection of the Landlord and Tenant Act 1954 (“LTA 1954”), either utilizing a protected or unprotected lease.

17 Matters related to occupancy, leases and any implications on Tenancy and considerations on any Licencing matters shall be referred to Property Services.

18 Concession arrangements shall be considered in conjunction with both the Council’s Procedural Note: Commercial and Assurance Procedure.

19 To minimise risks and benefits for the Council, the Responsible Officer is responsible for consulting and seeking specialist support, the following service areas as a minimum are required to be consulted at the outset of any work in relation to Concession arrangements:

i. Procurement Team

ii. Property Team

iii. Legal Services

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# Report: Amendment to Procurement Contract Procedure Rules

## Appendix D – Procedural Note: Late Quotation / Tender Submissions

## Procedural Note: Late Quotation / Tender Submissions

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

**Background**

1) This Procedural Note outlines the steps to be taken where a quotation or tender is submitted late (i.e. beyond the published specified time or date for submission).

**General**

2) Where a Quotation or Tender is received late, the default position will be for the tender not to be evaluated or taken further in the procurement process.

3) In such cases it will be necessary to carry out the following actions to establish the reasons why this may be the case to ensure as far as possible from the information to hand that the cause of the Quotation or Tender being late was not as an error on the part of the Council:

   i. Establish when the documentation was received by the Council (including whether submitted or attempted submission via e-tendering, or email accounts / email filters, or physically and the key entry points such as building receptions, dispatch / post room, plus colleagues likely to deputise for receipt of mail / documents in event of absence).

   ii. If appropriate, obtain further information from the supplier who submitted the quotation / tender to confirm when they submitted, how submission was made and to whom.

   iii. The evaluation process shall be put on hold until it is possible to make a determination on whether or not the Quotation / Tender is deemed to have been submitted late.

4) If, following identification of reasons around a suspected late submission, on the balance of probabilities it is considered that the Quotation / Tender would have been in the Council's possession at the required specified time and date, then the Responsible Officer / Procurement Team shall record justification for this position before taking forward the Quotation / Tender for evaluation.

5) In the event of issues arising from electronic submissions, an understanding of the reasons will be critical around this. For example, in particular late submissions due to technical issues reasonably expected to be beyond the control of the supplier such as issues with the electronic system or wider network issues by service providers, as opposed to matters which could otherwise have been avoided (e.g. supplier attempting to upload large volumes of data near to or their bid submission on or near to the closing time of the Quotation / Tender submission.

6) Considerations around Late Submissions shall be carried out in the most expedient manner possible, and seek to consider a resolution as efficiently as possible within four working days.

7) Where, following investigation, it is deemed that the Quotation/Tender was not received by the required submission deadline and is confirmed as having been submitted late, the following procedures apply:

    i. The Responsible Officer / Procurement Team lead shall inform the supplier as soon as practically possible as to the decision (and justification) to exclude their Quotation / Tender from further consideration in the process.

    ii. In any such communication the supplier shall be informed of their right to appeal the decision using the Appeals Process detailed in Sections 8 and 9 of this Procedural Note.

**Appeals Process around Late Submission**

8) Where a Quotation / Tender is deemed as received late then it shall not be accepted or considered for evaluation, however the supplier who's quotation / tender is deemed to have been late shall have the right to appeal the initial decision, and the following process shall be followed in relation to the Appeals Process:

    i. Where a supplier considers that their quotation / tender was not late (or there are reasonable and justifiable grounds for it to be considered not late, they shall notify the Responsible Officer leading on the procurement process as to the wish to exercise the Appeals Process and provide all necessary supporting information in writing within 3 working days of being notified of the decision.

    ii. Where an appeal is sought this shall be notified to the Procurement Manager who shall seek to determine the circumstances behind the late receipt.

    iii. Where the Procurement Manager is satisfied that the grounds are exceptional, that could not reasonably have been otherwise avoided, and there is no chance of the information within the response being unfairly disclosed or made available, then the response may be taken forward for evaluation where following all considerations it is appropriate to do so.

    iv. Where the Procurement Manager upholds the decision to exclude the tender then the response shall not be considered further, and the supplier concerned shall be informed of the Council's decision not to further consider their response.

    v. The justification for the Procurement Manager decision shall be recorded and available for disclosure on request.

9) Any further appeal from the supplier should be considered a formal complaint and conducted using the Council's Complaint process.

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# Report: Amendment to Procurement Contract Procedure Rules

## Appendix E – Procedural Note: Missing and Omitted Materials

## Procedural Note: Missing and Omitted Materials in a Quotation / Tender

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

**Background**

1) This Procedural Note outlines the steps to be taken if there appears to be an error in the information provided within a Quotation or Tender.

2) The process outlined relates to Quotations /Tenders above £100k, but where such situations occur for spend below that then a proportional application of the process is recommended to be followed.

**General**

3) Where it appears that there is an error in the information submitted within the Quotation / Tender, including missing or omitted material, the relevant supplier shall be made aware of the apparent error.

4) The supplier shall be asked to confirm acceptance as to this position or highlight that the information required is actually included in their original response.

5) Considerations and resolutions around missing or omitted material shall be carried out in the most expedient manner possible, usually within 3 working days.

**Overall process – over £100k**

6) On becoming aware of missing / omitted material, the Procurement Team shall contact the supplier clearly highlighting what information is considered missing / omitted.

7) The supplier shall be given the opportunity to provide the information typically by return and no later than within one working day of the contact being made.

8) When contacting the supplier the following information shall be provided to them:
    i. What information is considered missing / omitted.
    ii. The time limit within which a response is required, e.g. by return and no later than one working day.

9) The following two statements shall also be included:
    i. “The advertised submission deadline has now elapsed; any delays in responding to this request for further information may render your tender non-compliant and result in your exclusion from the procurement process.”
    ii. “No assurance can be given as to whether any information provided would be eligible to include within any evaluation of tender / quote.”

10) If, following the response from the supplier, it is deemed a genuine error / omission has occurred, and that the information has not in any way been compromised, the Procurement Manager may agree to include the information and take the tender / quote from the supplier forward for evaluation.

11) Where the information latterly submitted is not in a format that would have been ready and available at the time of the submission, then the Procurement Manager shall deem the submission incomplete and it shall then be evaluated on that basis, or if necessary disqualified, accordingly.

12) In making the decision to include information received, it shall consider the significance of the missing / omitted information, and the risks its inclusion could pose to the overall process.

13) If it is deemed inappropriate to include the information latterly submitted then it shall not be accepted or considered in the evaluation and the following process shall be followed:

    i. The supplier shall be informed as soon as practically possible as to the decision (and justification) not to consider the additional information.
    ii. Where the missing or omitted information has resulted in the suppliers exclusion from the procurement process this shall be clearly articulated.
    iii. In any such communication the supplier shall be informed of their right to appeal the decision.
    iv. In the event of an appeal, this shall be referred to the relevant Director to review.

14) The justification around decisions to include or not information missing or omitted in the original tender / quote submission shall be recorded in the evaluation and available for legal and audit purposes on request.

**Appeals process**

15) On receipt of the formal appeal, the relevant Service Director shall seek to decide and communicate this within 5 working days.

16) In considering the appeal, the Service Director shall obtain all additional evidence or relevant information they require.

17) In making the formal decision the Service Director shall be required to assess the proportionality of upholding the original decision.

18) In concluding an appeal the Service Director shall formally notify the Responsible Officer and Procurement Manager who shall, in turn, notify all other relevant parties of the reasons as to why a decision has been made.

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# Report: Amendment to Procurement Contract Procedure Rules

## Appendix F – Procedural Note: Sealing and Signing Contracts

## Procedural Note: Sealing and Signing Contracts

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

### Background

1 This Procedural Note outlines the steps to be undertaken in respect of formalising contracts.

2 All contracts will be in writing or other approved electronic format.

3 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.

4 A contract shall be sealed as a deed 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 the Head of Service – Legal & Democratic Services

5 Where it is not required to be sealed, the contract will be signed either by digital or ink signature.

**TABLE 1 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 | |

### Overview of the Process

Please contact legal services should you require clarification on whether a contract should be a deed or not.

The Council's Constitution requires that all contracts entered into as a deed are signed/executed by way of attesting the Council's seal.

All contracts that require the Council's seal must be prepared in hard copy, in duplicate and provided to Legal Services together with the confirmation of the authority to seal in the form of the Approval to Procure Award Form and/or the Committee Resolution.

For both signed and sealed contracts, all contract documents must be collated including;

- A copy of the contract
- The suppliers completed tender submission including appendices specific to the contact deliver and pricing schedules

- All plans and drawings. Where it is not possible to print plans and drawings they may be added to the contract by way of Memory Stick accompanied by a clear list of contents. All Memory Sticks must be tested by IT/Strata and the client officer who must retain an electronic file as back up.

- Where standard forms of contract are used for example JCT & NEC, the client must purchase 2 copies to be attached to the final contracts.

Large volume printing should be requested by the Client via the Councils preferred printing arrangement at the time.

**SEALING**

The client must provide to Legal Services;

- All the contract documents in order with a contents page
- Authority to enter into the contract

The contract will then be bound together and issued by post to the Supplier for signature.

Once the document is returned, it will be sealed by the Council, then dated.

**SIGNING**

All contract documents must be collated.

The document will be issued electronically to the Supplier for signature.

1. Once the document is returned, it will be signed by the Council, then dated.

2. The date of the signature will not necessarily be the same as the contract start date.

**Storage of Contracts**

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.

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.

**TABLE 2 Timescales for Sealing Contracts following Contract Award**

| Action | Who | Timescale |
|---|---|---|
| Provide Contract Documents to Legal Services | Client | Within 5 working days after contract award. |
| Check Contract Documents are in order and ready for signature/seal. | Legal | Within 10 working days of receiving all Contract Documents. |
| Respond to any queries from Legal | Client | Within 5 working days of query. |
| Sending contract out to Supplier for signature/execution including binding the document where necessary | Legal | 10 working days from clients' response. *Note completion date depends on the return of the contract by the Supplier.* |
| Have contracts signed/ sealed in readiness for completion. | Legal | Within 5 working days after receiving signed contract from the Supplier. |
| Complete (date) contract. | Legal | Within 5 working days of the Council sealing the contract. |
| Send Responsible Officer and Procurement confirmation that contract has been completed | Legal | Within 5 working days of completing the contract. |

| | | |
|---|---|---|
| Pass completed contract to Property Records. | | |

# Report: Amendment to Procurement Contract Procedure Rules

## Appendix G – Procedural Note: Waivers

## Procedural Note – Waivers

**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 Procedural are not able to be followed for a specific reason.

2. Where this is the case, this Waiver Procedural Note is intended as a means of providing formal authorisation for "waiver" from specific elements of the Procedures.

3. The approval of a Waiver does not remove the requirement for procurements to follow the Council's formal decision-making processes.

4. Any Waiver granted over the UK procurement 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 Procurement Law and Regulations.

5. The principles of non-discrimination, equal treatment, transparency and proportionality are paramount in determining any application for a waiver.

## Overview of the process

## General

6. 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.

7. Having relevant contract management arrangements and/or forward plans in place identifying future needs will help to minimise the need for Waivers.

8. In the majority of cases, Waivers shall only be considered for periods of 12 months or less. If arrangements are required beyond 12 months this shall be justified in the Waiver Form for consideration and will be subject to an annual review should the Waiver be approved.

9. In all cases Waivers shall be completed in advance of committing spend. Where this is not the case then the Procurement Manager shall be informed.

10. Where the Waiver relates to a significant and serious failure to comply with the Procedures then a breach of the Procedures shall be considered.

11. Every effort shall be taken to ensure that the details included and signed off within the Waiver

are accurate and sufficient for the intended purposes. If during the Waiver period there is any change, this should be updated as part of the recording process.

12. Waivers shall be completed using the most recent template which is available on the Intranet page.

13. Waivers should not be used to overcome poor planning of activities leading to the procurement.

14. Waivers 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 or Dynamic Market:** In order to ensure that direct awards are suitably approved, captured and recorded, an Waiver will also be required for those procurements where a direct award is made via a framework.

## Procedure and Approval

15. The Responsible Officer within the Service shall be required to explore the suitability of the use of an Waiver, giving due consideration to:

    i. Options and alternatives
    ii. Risks, and associated mitigating actions
    iii. The rationale for the Waiver and what will happen to avoid the need to seek further Waivers on expiry

16. The Responsible Officer shall complete the relevant up to date Waiver Approval Form and will send it to the Procurement Team for review and comment.

17. In completing the Waiver Form, the Responsible Officer shall be responsible for providing the relevant factual and supporting information.

18. On completion of the Waiver Form, the Responsible Officer seeks the appropriate authorisation sign off dependent on the value of the Waiver as explained below.

| Waiver value | Required Service approval signed in this order; |
|---|---|
| **£25k and under** | No formal Waiver Form required (although Responsible Officer will be required to have suitable evidence to justify decision for audit / transparency purposes). |
| **Over £25k up to £100k** | Responsible Officer and Head of Service / SMB representative for the Service area Completed form to be forwarded to the Procurement Team to be logged on the Council's Waivers Register. |
| Between £100k and the UK Procurement threshold for **Goods and Services**<br><br>Between £100,000 and £499,999 for **Works**. | Head of Service / SMB member for the Service area, and Procurement Manager. |
| Over UK Procurement threshold for **Good and Services**<br><br>**£500,000** and over for **Works** | Director / SMB member for the Service area, Portfolio Holder and Procurement Manager |

19. If the Procurement Manager considers the grounds for the Waiver not suitable then they shall seek to resolve this directly with the Responsible Officer/Head of Service, clearly stating what steps they consider necessary to either make the sign off appropriate or what alternative actions would need to be undertaken.

20. Where this cannot be resolved then the matter shall refer the matter to the Monitoring Officer and S151 Officer who shall consult with the Service Director, consider the financial , contractual and reputational risks associated with the proposed course of action set out in the waiver request.

21. In the event of a conflict between the Monitoring Officer and the Service Director, Finance and Procurement, the decision of the Monitoring Officer shall prevail.

22. Once signed off and approved all Waiver forms shall be forwarded to Procurement Team for retention and registration of relevant details on the Waiver Register.

23. Following approval of the Waiver 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

24. Waivers (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 Waiver Approval Form.

| SIGNATORIES | ROLES AND RESPONSIBILITIES |
|---|---|
| **Director** | • Acknowledgement and acceptance of the existence and details as set out in the Waiver form.<br>• Understanding the position as set out within the Waiver form and being satisfied that the recommendation is appropriate and that suitable due diligence has taken place in the development of the Waiver (and any supporting information). Where relevant this may also include challenging the position as outlined.<br>• Taking ultimate accountability and ownership of the recommended course of action outlined in the Waiver. |
| **Procurement Manager** | • Providing relevant and proportional scrutiny and due diligence around the procedural matters.<br>• Providing relevant, proportional and constructive challenge with respect to commercial matters related to the Waiver.<br>• 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.<br>• Signing off the Waiver form alongside the other identified parties and in doing so enabling the recommended course of action to be implemented. The Head of Service – Legal and Democratic Services, may sign off the Waiver in the absence of the Procurement Manager.<br>• Considering whether the Waiver is appropriate and whether suitable due diligence has taken place in the development of the Waiver (and any supporting information). Where relevant this may also include challenging the position as outlined.<br>• Ensuring that the Waiver 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. |

| SIGNATORIES | ROLES AND RESPONSIBILITIES |
|---|---|
| **Portfolio Holder** | • Maintaining a strategic overview of Waivers which have been signed off within their Portfolio.<br>• Reviewing approved Waivers on a quarterly basis to ensure they are satisfied that suitable due diligence has taken place in the development of the Waivers. Where relevant this may also include challenging the position, and setting out recommendations to improve the overall process in the future.<br>• Signatory on the Waiver Approval Form for contracts over the applicable UK Procurement threshold. |
| **Procurement Team** | • Scanning and storing the signed Waiver Forms electronically in a central file and sending a link to that file for the relevant Commercial Manager to attach any supporting information.<br>• Recording the Waiver and relevant details on the central register.<br>• Issuing 6 month reminders prior to expiry of signed off Waivers 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).<br>• Compiling and distributing of the Quarterly reports under the direction of the Procurement Manager |

| SIGNATORIES | ROLES AND RESPONSIBILITIES |
|---|---|
| **Responsible Officer** | • Ensuring the Waiver process is complied with and adhered to.<br>• Obtaining and completing the latest version of the Waiver form and providing any necessary supporting evidence and information.<br>• Clearly and concisely outlining the "what, why, when, who" in completing the Waiver form.<br>• Taking ownership that the details put forward are relevant, accurate and factual.<br>• Ensuring risks are identified, considered and any necessary mitigation measures put in place.<br>• 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).<br>• 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.<br>• For over £50k Waivers ensuring that the Procurement Team is involved prior to obtaining signatories.<br>• 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 Waiver sign off, plus plans outlined for the period following the Waiver expiry) at the point when any Waiver forms are 'Signed Off'<br>• Ensuring that all signed off Waivers are provided to Procurement Team for formal registration in a timely manner |
| **Section 151/Monitoring Officer** | • Reviewing any matters referred to them by the Procurement Manager with regards to Waivers considered outside of the recognised procedures and taking what actions they consider necessary.<br>• On occasions acting as arbiter when Waivers are referred to them by the Procurement Manager. |

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# Procedural Note: Breach of Procurement and Contract Procedure Rules

**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 taken to monitor compliance with Procurement and Contract Procedures and the steps taken to address potential non-compliance with the Procedures.

2) The Steps to be taken to investigate in the event of a suspected breach will be proportionate to value, risk and taking into relevance to significance and seriousness of the issue.

4) An awareness of any failure to comply with the Procurement and Contract Procedure Rules and procurement legislation is essential for the Council to appropriately manage and mitigate any resultant risks.

## General

5) The Procurement Manager will implement and oversee a random sampling and monitoring process of spend on a quarterly basis to identify potential Breaches. The sampling and reporting process is summarised in Appendix A below. Breaches will be reported to Audit and Governance Committee each quarter alongside approved waivers.

6) Where a suspected breach of the Procurement and Contract Procedure Rules has taken place, or an individual has become aware that they themselves have breached the Procurement and Contract Procedure Rules, initial referral must be made to the Procurement Manager as soon as practically possible. They may be directed to complete a retrospective Waiver application.

7) Where a suspected breach of the Procurement and Contract Procedure Rules is raised by an individual, sufficient information shall be provided to enable the allegations to be suitably investigated, an opinion formed around the seriousness of the breach, and a decision taken as to the actions which shall be taken.

8) Suspected breaches of the Procurement and Contract Procedure Rules can be raised by anyone, either internal or external to the Council.

9) When notified of a suspected breach, the Procurement Manager shall instigate an initial investigation into the matter in conjunction with the Head of Service for Legal and Democratic Services. The intent, the individual circumstances and the impact of the alleged breach shall be considered.

10) The Procurement Manager and Head of Service for Legal and Democratic Services shall endeavour to reach a formal decision around the investigation within 20 working days from initially being bought to their attention.

11) The Procurement Manager shall record the overall findings from any investigation, and report actual breaches to the Strategic Director for Corporate Resources and Audit and Governance Committee on a quarterly basis.

## Findings of Initial Investigations

12) Where the Procurement Manager considers the matter to be a significant and serious failure to comply with the Procurement and Contract Procedure Rules, then the matter shall be referred to the Head of Service of the Officer responsible for the breach for further consideration. In the case for persistent non-compliance, the relevant, Director will be notified and decide on the appropriate action to be taken.

13) Where it is suspected that fraud, corruption and / or financial irregularity have taken place, Internal Audit shall be notified immediately.

14) The Head of Service of the Officer who was responsible for the breach shall be required to inform the Procurement Manager as to any and all actions taken to rectify the breach.

## Appendix A - Sampling and monitoring process for compliance with Contract Procedure Rules

The Procurement Manager will complete this sampling approach on a quarterly basis (10 days after quarter end):

| Goods and Services estimated value limit (net VAT) | Works estimated value limit | Sampling approach | Responsibility for Addressing Breach |
|---|---|---|---|
| Below £25k | Below £25k | The procurement team will sample 2 goods & services and 2 works transactions in quarterly spend reports to check that lower levels are spend are once off purchases, in order to ensure there has not been any disaggregation of spend. | Officer Concerned/Relevant Head of Service |
| £25k - £100k | £25k - £100k | The procurement team will sample 2 goods & services and 2 works transactions in quarterly spend reports for compliance with quotation procedure. The team will also monitor daily and query any requisitions raised that do not appear to relate to a compliantly procured contract. | Officer Concerned/Relevant Head of Service |
| £100k – UK threshold | £100k - £499,999 | The procurement team will sample 2 goods & services and 2 works transactions for compliance with tender procedure, The team will also monitor daily and query any requisitions raised that do not appear to related to a compliantly procured contract. | Relevant Head of Service |
| >UK Procurement threshold | >UK Procurement threshold | Any transaction >UK procurement threshold will be tested for compliance procedure. The team will also monitor daily and query any requisitions raised that do not appear to related to a compliantly procured contract. | Relevant Head of Service/Service Director |

Breaches will be recorded on a register and reported to Audit and Governance Committee quarterly.

The Procurement Manager shall report all breaches over the UK Procurement Threshold

to the Monitoring Officer and Section 151 Officer as soon as they are identified. The Procurement Manager shall also inform Directors of all breaches in their Directorate.

# 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.

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.

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 un the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act

## 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 Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources officer.

(b) In respect of functions which are the responsibility of the Executive, the monitoring officer's report and/or Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources report. It shall prepare a report to Council in the event that the Monitoring Officer or the Strategic Director for Corporate Resources conclude that the decision was a departure, or to the scrutiny committee if the Monitoring Officer or the Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources 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 Strategic Director for Corporate Resources. 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/ Strategic Director for Corporate Resources.

# 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.

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**

(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**

(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

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.

**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.

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**Joint Consultation and Negotiation Committee (JCNC) - Terms of Reference**

1. Purpose and Objectives

The purpose of the Joint Consultation and Negotiation Committee (JCNC) is to provide a formal forum for dialogue, consultation, and negotiation between Senior Management and union representatives on matters that impact the workforce. The objectives of the JCNC are to:

- Promote effective communication and foster a collaborative work environment.
- Ensure that management and union representatives can discuss and negotiate issues related to employment terms, working conditions, and policies.
- Address and resolve potential conflicts in a structured manner.
- Facilitate fair decision-making processes that consider both Exeter City Council objectives and employee interests.

2. Scope

The JCNC will address issues relevant to:

- Employment terms and conditions;
- Health, safety, and well-being;
- Policy changes that impact employees;
- Training and development;
- Organisational restructuring or changes in working practices;
- Other significant workplace issues as agreed upon by the committee.

3. Membership

The JCNC will consist of representatives from both Senior Management and unions (staff)

Senior Management Representatives:
- Five representatives appointed by Exeter City Council

Staff Representatives:
- Three members appointed by UNISON, with a minimum of two of these being employees of Exeter City Council.
- One member appointed by GMB.
- One member appointed by UNITE.

The Leader of the Council will have a standing invitation to attend JCNC meetings

The ratio of Staff Representatives from each of the 3 recognised unions will be reviewed annually to ensure these ratios reflect the union membership of the staff in the Council.

Substitutes: there will be two named substitutes for each side, to be decided at the same time as the main committee members. Management side representatives will always be at Senior Management level. The members of the JCNC shall retire annually but shall be eligible for re-appointment.

- Both management and staff side shall have power at any time to remove any of their representatives and to appoint replacements.
- Chair: A chair and vice chair will be appointed at their first meeting.

- For the first year a member of the management side shall be chair, and a member of the staff side shall be vice-chair and thereafter the position shall be reversed annually.
- Secretary: A designated secretary will maintain meeting records and distribute minutes to all committee members.

4. Frequency of Meetings

The JCNC will meet quarterly, with additional meetings as required which can be called by either management or staff side. Meeting dates and frequency will be set in advance and may be adjusted by mutual agreement.

5. Agenda and Meeting Preparation

- An agenda will be circulated to all members at least one week before the meeting.
- Members may propose items for the agenda, which must be submitted two weeks before the agenda is finalised.
- Relevant documents and reports will be shared with committee members in advance to facilitate informed discussion.

6. Decision-Making and Consensus

Decisions will ideally be made by consensus. Where consensus cannot be reached, decisions may be made by a majority vote, with a clear record of differing opinions. The JCNC is a consultative body; recommendations may be forwarded to the Senior Management Board for final approval as needed.

7. Confidentiality

All JCNC members are expected to maintain confidentiality regarding sensitive or proprietary information discussed in committee meetings. A protocol for the release of information to employees and other stakeholders will be established.

8. Reporting and Communication

The outcomes of JCNC meetings will be documented in minutes, which will be distributed to all members within one week. A summary of agreed-upon actions will be shared with all employees through the Staff Newsletter, and any other appropriate communication channels, as agreed at JCNC.

9. Dispute Resolution

Where agreement cannot be reached within the JCNC, an escalation process will be followed. This may include:

- Mediation by an external party such as South West Councils
- Referral to the Senior Management Board

10. Amendments to the Terms of Reference

The Terms of Reference will be reviewed annually to ensure they remain relevant and effective.
Amendments may be proposed by any JCNC member and must be agreed upon by both management and employee representatives.

# 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 them.

(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 (Chief Executive, Strategic Director for Corporate Resources and Strategic Directors 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 Strategic Directors, Strategic Director for Corporate Resources 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 Seconder'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;

(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**

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 Seconder'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.

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;

(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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# Sport England Exeter & Cranbrook Local Delivery Pilot Programme: Governance Structure and Terms of Reference

## 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.

## Governance Framework

The Governance Framework below illustrates the various formal and informal mechanisms through which the Live and Move Programme will make decisions, report on progress, mitigate risks, manage budgets and share the learning and impacts from the programme.

It describes the relationships and partnerships with a number of external bodies and how the programme will engage with key stakeholders across Exeter and Cranbrook in future.

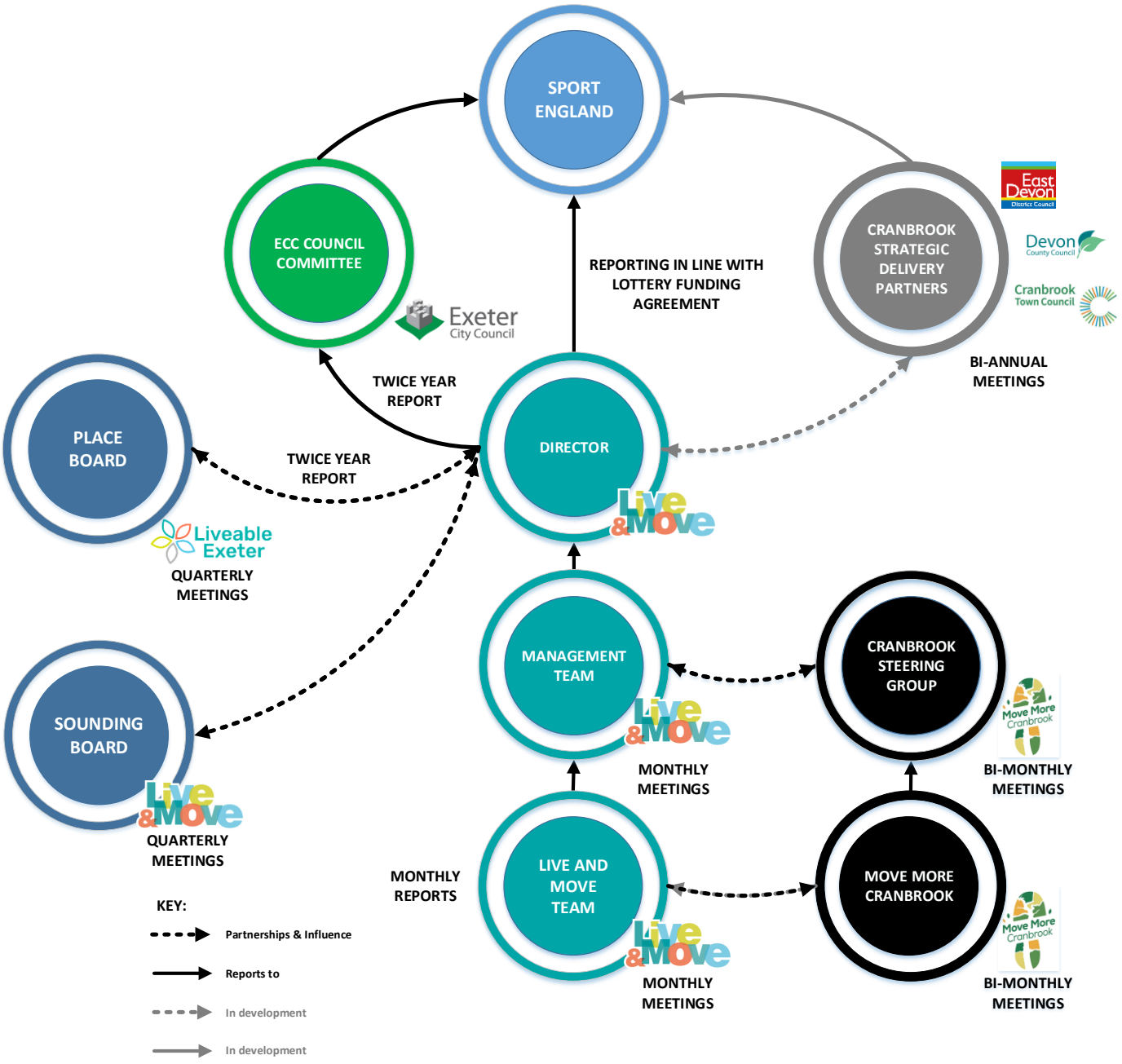



Diagram V.1

## 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 Heath
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 – 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) - LINK

https://democracy.eastdevon.gov.uk/documents/s12375/Cranbrook%20Strategic%20Delivery%20Board%20-%20Revised%20TOR%20final.pdf

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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.

Contents

# Exeter City Council - Code of Conduct for Members and Co-opted Members

## Together with:

## The Rules on Registration and Declaration of Pecuniary Interests

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# 1. 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.

# 2. 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.

# 3. 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.

**Appendix B** of this code of conduct 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.

# 4. 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.

# 5. 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:

- 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.

## Monitoring Officer

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.

# 6. 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.

# 7. 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 relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## 2. Bullying, harassment and discrimination:

**As a councillor:**

**2.1 I do not bully any person.**
**2.2 I do not harass any person.**
**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## 3. Impartiality of officers of the council:

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## 4. Confidentiality and access to information:

**As a councillor:**

**4.1 I do not disclose information:**

a. **given to me in confidence by anyone.**
b. **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:**
    - **I have received the consent of a person authorised to give it;**
    - **I am required by law to do so;**
    - **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**
    - **the disclosure is:**
        - **reasonable and in the public interest;**
        - **made in good faith and in compliance with the reasonable requirements of the local authority; and**
        - **I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## 5. Disrepute:

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/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; or
- 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.**

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.

**Appendix B** sets out the detailed provisions on Registering and Declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

You should note that failure to register or declare a Disclosable Pecuniary Interest (DPI) as set out in **Table 1 of Appendix B** is a criminal offence under the Localism Act 2011.

## 10. Gifts and hospitality:

**As a councillor:**

**10.1 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.

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.

- **The form for Declaration of Gifts and Hospitality is located on the Councillor Hub.**

# Nil Returns

**Where Members have received no gifts and/or hospitality a nil return must be made on an annual basis no later than 30 April.**

# Appendix A - The Seven Principles of Public Life

The principles are:

## 1. Selflessness

Holders of public office should act solely in terms of the public interest.

## 2. 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.

## 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## 4. 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.

## 5. 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.

## 6. Honesty

Holders of public office should be truthful.

## 7. 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.

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# Appendix B – Registering Interests

## 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 no take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## Disclosure of Other Registrable Interests

9. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registerable 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.

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.

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# 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 be located on the Councillor Hub.

**General Dispensations:** Members will note the General Dispensations granted by the Monitoring Officer to all members as set out in this constitution.

## 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.<br>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| **Contracts** | Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —<br>) under which goods or services are to be provided or works are to be executed; and<br>) which has not been fully discharged. |

| | |
|---|---|
| **Land and Property** | Any beneficial interest in land which is within the area of the council.<br>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income. |
| **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)—<br>(a) the landlord is the council; and<br>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest. |
| **Securities** | Any beneficial interest in securities* of a body where—<br>) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and<br>) either—<br>the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>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 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:

1. Exercising functions of a public nature;
2. Directed to Charitable Purposes; or
3. 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 (Head of Legal & Democratic 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 for guidance.

- Where Members have received no gifts and/or hospitality a nil return must be made on an annual basis no later than 30 April.

The form for gifts and hospitality is located on the **Councillor Hub**.

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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.

B. AL-Nafaji.....
(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 Strategic Director. If contacted by the media for information, an officer should refer the journalist to the Chief Executive and/or relevant Strategic Director in conjunction with the Strategic Director responsible for the Council's Communications.

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.

## 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 in writing using the digital form located on Council Intranet page - 'Internal apps & forms' – 'forms' - 'Officer's Declaration of Interests.'
The form will also be 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 digital form located on Council Intranet page - 'Internal apps & forms' – 'forms' - 'Officer's Declaration of Interests.

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.

(Amended April 2026– Minor Amendment form location)

Employees must not seek or receive any gift or personal inducement in connection with the procurement of works, goods or services.

## 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 him or her have 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 Strategic Director.

## 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 Strategic Director.

## 7. Personal Interests

7.1 Employees must declare to their line manager and in writing to the Monitoring Officer any non-financial interests that they consider could bring about conflict

with the Authority's interests, using the digital form located on Council Intranet page - 'Internal apps & forms' – 'forms' - 'Officer's Declaration of Interests.

7.2 Employees must declare to their line manager and in writing to the Monitoring Officer any financial interests which could conflict with the Authority's interests, using the digital form located on Council Intranet page - 'Internal apps & forms' – 'forms' - 'Officer's Declaration of Interests

7.3 Employees should declare to their line manager and in writing to the Monitoring Officer using the digital form located on Council Intranet page, of any membership of any organisation does 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, informed the appropriate manager and withdrawn 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.

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.

11. **Declaration of Interests**

11.1 In the case of Senior Council Officers (Chief Executive, Strategic Directors, and Heads of Service), 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.

**12. Use of Financial Resources**

12.1 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.

**13. Acceptance of Gifts and Hospitality**

13.1 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.

13.2 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."

13.3 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.

13.4 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 the offer of any gifts or hospitality. If possible, gifts which are accepted should be pooled. The digital form can be located on Council Intranet page - 'Internal apps & forms' – 'forms' - 'Officer's Declaration of Gifts and Hospitality.

13.5 The guidance also applies to spouses and other close members of the family.

**Gifts**

13.6 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).

13.7 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).

**Hospitality**

13.8 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.

13.9 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.

13.10 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.

13.11 The following checklist of questions should help in deciding whether a gift or an offer of hospitality should be accepted or tactfully rejected:

- 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?

13.12 **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 digital form (located on the Council Intranet page - 'Internal apps & forms' – 'forms' - 'Officer's Declaration of Gifts and Hospitality, 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, Strategic Directors and Heads of Service), 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.

## 14. Sponsorship - Giving and Receiving

14.1 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.

(Amended April 2026– Minor Amendment form location)

14.2 Where the Authority wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest.

14.3 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.

**15. Online Forms**

15.1 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.

(Amended April 2026– Minor Amendment form location)

**Appendix 1**

**Indemnity Policy for Officers and Members**

## 1. Indemnity

An indemnity ("**the Indemnity**") is granted by Exeter City Council ("**the Council**") to any elected member or officer ("**the Individual**"), subject to the conditions and administration set out in this policy against any:

a) claim, liability, loss, damage, and/or award of damages; or
b) reasonable costs for legal advice or representation, where they are subject to civil or criminal proceedings

arising from actions or failures to act through their official duties as an elected member or officer.

The Indemnity is subject to the limitations and conditions contained within this document.

## 2. Extent of the Indemnity

The Indemnity shall only cover instances where the Individual has acted in good faith and reasonably believed that they were acting within their authority. To determine this, the Council shall consider any advice the Individual had received in respect of their authority or generally about their powers.

The Indemnity shall cover the actual cost or expense incurred by the Individual. Evidence of the actual cost or expense must be provided by the Individual to the satisfaction of the Council's Monitoring Officer.

The Indemnity shall cover criminal defence costs, unless a conviction results, in which case the Individual shall be liable to repay the costs in full to the Council. Any fine payable due to a criminal conviction will not be covered by the Indemnity.

The Indemnity shall extend to where an Individual has been appointed to an external body or organisation or to a regulatory role on behalf of the Council, such appointment having been made at the request of the Council and through the course of the Individual's official duties.

## 3. Limit of the Indemnity

The Indemnity will not cover:

a) any act or failure to act which constitutes a criminal offence (including matters that may give rise to a civil claim which also constitutes a criminal offence).
b) any act or failure to act which arises as a result of fraud or other deliberate wrongdoing or recklessness;
c) the cost of pursuing a defamation claim;
d) any loss or expense of which reimbursement could be sought from another source, including a policy of insurance;
e) civil action brought by an officer arising out of their employment with the Council, unless agreed with the Council's Monitoring Officer;
f) any legal fees incurred by an elected member following a complaint against them for failing to comply with the Code of Conduct for Councillors/Members;

g) any acts, or omissions, of a member as a result of a position they have in their personal capacity with an outside body, which was not an appointment by the Council;
h) any instance where the Individual has attempted to negotiate, or negotiated a settlement or admitted liability for a claim within the scope of this Indemnity, without the consent of the Council's Monitoring Officer.

**4. Conditions**

The Council's Monitoring Officer shall determine the application of this Indemnity in individual cases and may attach reasonable conditions to its operation, including but not limited to the following:

a) The Individual must notify the Council's Monitoring Officer promptly of any claim or liability for which the Indemnity is sought;
b) The Individual must provide the Council's Monitoring Officer and insurers with information requested, including any legal advice they have received in relation to the claim;
c) The Individual must not agree any settlement of all or part of the claim without first obtaining the consent of the Council's Monitoring Officer;
d) Any amount payable to the Individual under this indemnity may be limited to a set amount, a specific act of legal representation, legal advice on a specific issue or a particular stage in proceedings;
e) Any payment for legal fees may be limited to the rates under National Band 2 of the Government's Guideline Hourly Rates available at: < Solicitors' guideline hourly rates - GOV.UK > ;
f) Should a payment made under this Indemnity relate to a criminal investigation or proceedings against the Individual, it shall be repaid to the Council if the Individual is convicted of an offence;
g) The Council may require the Individual to provide security—such as a legal charge over property owned by the Individual—where it is reasonably anticipated that the Individual may become liable to repay any amount paid by the Council under this Indemnity;
h) The Individual shall exhaust any other means available to them for meeting legal costs (such as a policy of insurance they may hold); and
i) Any other reasonable conditions.

**5. Obligations of Officers and Members**

Any Individual who intends to rely upon this Indemnity must notify the Council's Monitoring Officer as soon as they become aware of any claim—whether against the Council or them as an Individual—that could result in a financial loss to the Council.

Following notification to the Council's Monitoring Officer, the Individual must provide any information and/or assistance to the Council throughout the relevant legal proceedings. This information and/or assistance may include the provision of written witness statements and appearing in Court to give oral evidence.

**6. Insurance**

The Council will have in place a policy of Insurance to provide cover for the Indemnity. In any case where a liability or loss is not covered by the Council's insurance arrangements, the Council may, at its discretion, agree to meet the cost of any indemnity from its own

resources with any such decision based on the principles and conditions contained in this policy.

**7. Monitoring Officer Decision**

The Council's Monitoring Officer is responsible for determining the application and operation of this policy to individual cases. In the event of a dispute concerning the decision of the Monitoring Officer in applying this policy, the matter shall be referred to the Chief Executive for determination.

Should the dispute be brought by the Chief Executive, the matter will be referred to the Section 151 Officer for determination.

Simon Copper
Monitoring Officer
21 October 2025

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# 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

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.

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 Strategic Director, the Strategic Director for Corporate Resources may have a duty to report on particular matters. In some situations, 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. Strategic Directors and the Strategic Director for Corporate Resources 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 Strategic Director the Strategic Director for Corporate Resources 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 Strategic Director, the Strategic Director for Corporate Resources, 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.

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 Strategic Director or the Strategic Director for Corporate Resources, 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

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 Head of Legal and Democratic 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 Strategic Director/ Strategic Director for Corporate Resources, 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.

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 Strategic Director/ Strategic Director for Corporate Resources 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).

## 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 Strategic Director/Strategic Director for Corporate Resources 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 Strategic Director/Strategic Director for Corporate Resources 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 codes 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

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.

## 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; or
- 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 Head of Service or Strategic Director first, either orally or in writing.

6.2 If, for whatever reason, you do not wish to raise the concern with your Head of Service or Strategic Director please contact either:

**The Council's Monitoring Officer, Simon Copper**
Head of Legal and Democratic Services
Civic Centre, Paris Street, Exeter, EX1 1JN or
Telephone: (01392) 265609 or

**SWAP Internal Audit Services**
**Confidential Reporting Line: 020 8142 8462 or**
**Email: confidential@swapaudit.co.uk**
**www.swapaudit.co.uk**

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.

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)

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.

**Appendix A**

## 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 Strategic Director.

### 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 – Head of Legal and Democratic 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 Strategic Director;
- 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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# 1.0 Introduction

1.1 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.

1.2 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.

1.3 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.

1.4 The table at the end of this document provides a simple reference of dos and don'ts should you suspect a fraud.

# 2.0 Definitions

2.1 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

2.2 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.

2.3 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.

# 3.0 Key principles

3.1 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

# 4.0 Corporate framework

4.1 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.

4.2 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.

4.3 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.

4.4 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
- procurement and contract procedures
- 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
- Local Planning Code of Conduct
- The Council's Constitution

# 5.0 Roles and responsibilities

The corporate framework can only be effective in prevention or detection if the policies, procedures and arrangement are complied with, and there are clear lines of accountability and responsibility which are:

## 5.1 Management responsibilities

5.1.2 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

5.1.3 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.

5.1.4 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

## 5.2 Employees' responsibilities

5.2.1 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)

## 5.3 Councillors' responsibilities

5.3.1 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

## 5.4 Role of the responsible officer

5.4.1 Section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations make the 'responsible officer' Strategic Director for Corporate Resources responsible for ensuring the Council has adequate control systems and measures in place

## 5.5 Role of internal audit

5.5.1 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.

5.5.2 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.

5.5.3 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

5.5.4 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

## 5.6 Role of the external auditor

5.6.1 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.

## 5.7 Culture

5.7.1 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

5.7.2 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

5.7.3 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.

5.7.4 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

5.7.5 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.

5.7.6 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

5.7.7 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.

## 6.0 Prevention Strategy

6.1 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

6.2 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

## 7.0 Detection Strategy

7.1 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

## 8.0 Fraud Response Plan

8.1 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.

## 9.0 Review

9.1 This policy will be reviewed by Internal Audit, in consultation with other relevant persons, and approved by the Audit and Governance Committee, at least biennially.

Last reviewed: September 2022

# The Members Planning Code of Good Practice

## Introduction

**The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest**. Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place**.

## 1. Relationship to the Members' Code of Conduct

1.1 **Do** apply the rules in the Authority's Code of Conduct first, which must always be complied with. This is both the rules on disclosable pecuniary interests (and other interests if included in your authority's code) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1.2 **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning and development control. If you do not abide by this Members' Planning Code, you may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision; and
- yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

1.3 **Do** be aware that, like the Authority's Code of Conduct, this Planning Code is a reflection and summary of the law on decision making and not a direct replication of it. If in doubt, seek the advice of your monitoring officer or their staff advising at the meeting.

## 2. Development Proposals and Interests under the Members' Code

2.1 **Do** disclose the existence and nature of your interest as required by your members Code of Conduct.

2.2 **Do take into account when approaching a decision that** the Principle of integrity is defined, by the Committee on Standards in Public Life in 2013, in terms that "*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends.* ***They must declare and resolve any interests and relationships***".

It is therefore advisable that you:

a) **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

b) **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that the Members' Code of Conduct may place additional limitations on you in representing that proposal.

c) **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest, other or non-registrable interest and note that:

(i) you should send the notification no later than submission of that application where you can;

(ii) an application submitted by, or on behalf of a councillor cannot be dealt with by officers under delegated powers;

(iii) you must not get involved in the processing of the application; and

(iv) it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

**3. Fettering Discretion in the Planning Process** (natural justice, predisposition and predetermination)

3.1 **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

3.2 **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the law. Your prior observations, apparent favouring or objections in respect of a particular outcome will not on their own normally suffice to make a decision unlawful and have it quashed, but you must never come to make a decision with a closed mind.

3.3 **Do** keep at the front of your mind that, when you come to make the decision, you:

a) must keep an open mind and hear all of the evidence before you, both the officers'
presentation of the facts and their advice and the arguments from all sides;

b) are not required to cast aside views on planning policy you held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;

c) are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and

d) are to come to a decision after giving what you feel is the right weight to those material considerations.

3.4 **Do** be aware that you can be biased where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

3.5 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are a Exeter City councillor and Devon County councillor for example), provided:

a) the proposal does not substantially effect the well being or financial standing of the consultee body;
b) you make it clear to the consultee body that:
(i) your views are expressed on the limited information before you only;
(ii) you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area or ward, as and when it comes before the Committee and you hear all of the relevant information; and
(iii) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

3.6 **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.)*

3.7 **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (*where you have registered to do so in accordance with the Council's standing orders*) where you have represented your views or those of local electors and fettered your discretion.

3.8 **Don't** exercise separate speaking rights as a Ward/Local Member where you have an other, or non-registrable interest unless you have:

a) advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
b) left the room after having done so; and
c) ensured that your actions are recorded in accordance with the Authority's committee procedures.

3.9 **Don't** remain in the room, or exercise separate speaking rights whilst a matter in which you have a disclosable pecuniary interest is being decided.

## 4. Contact with Applicants, Developers and Objectors

4.1 **Do** refer those who approach you for planning, procedural or technical advice to officers.

4.2 **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Head of City Development to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

4.3 **Do** otherwise:

a) follow the rules on lobbying;
b) consider whether or not it would be prudent in the circumstances to make notes when contacted; and
c) report to the Head of City Development any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

4.4 In respect of presentations by applicants/developers:

a) **Don't** attend a planning presentation without requesting an officer to be present.

b) **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

c) **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.

d) **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

4.5 **Do** be aware that Pre-application discussions between a potential applicant and the Council can benefit both parties and are encouraged, but that it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant. Therefore:

a) **Do** feel able to participate in pre-application discussions, when invited to do so (such as participating in Planning Member Working Group) by officers and share local knowledge, expertise, and community views.
b) **Do** identify issues early in the process to try and avoid issues coming to light for the first time at Committee.
c) **Don't** give the impression to anyone that a particular course of action will result in a specific outcome for an application.
d) **Do** be aware and make clear that any advice given does not bind the Council to make a particular discussion.

## 5. Lobbying of Councillors

5.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to express an intention to vote one way or

another or such a firm point of view that it amounts to the same thing.

5.2 **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

5.3 **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.

5.4 **Do** copy or pass on any lobbying correspondence you receive to the Head of City Development at the earliest opportunity.

5.5 **Do** promptly refer to the Head of City Development any offers made to you of planning gain or constraint of development, through a proposed s106 Planning Obligation or otherwise.

5.6 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

5.7 **Do** note that, unless you have a disclosable pecuniary interest, other or non-registrable interest, you will not have fettered your discretion or breached this Planning Code through:

a) listening or receiving viewpoints from residents or other interested parties;
b) making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind);
c) seeking information through appropriate channels; or
d) being a vehicle for the expression of opinion of others in your role as a Ward Member.

## 6. Lobbying by Councillors

6.1 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will be seen to have fettered your discretion on the grounds of bias.

6.2 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but you should normally disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal

6.3 **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken

6.4 **Do** be aware of the power of social media posts or re-posting and be careful to not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.

6.5 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. Site Visits/Inspections

7.1 **Do** try to attend site visits organised by the Council (requested in accordance with the relevant Site Visit Protocol) where possible.

7.2 **Don't** request a site visit unless you feel it is strictly necessary because:

a) particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
b) there are significant policy or precedent implications and specific site factors need to be carefully addressed.

7.3 **Do** comply with the relevant Site Visit Protocol and in particular that you at all times:

a) **Do** treat the site visit only as an opportunity to seek information and to observe the site.
b) **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
c) **Don't** express opinions or views.
d) **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
e) **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee.

7.8 **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:

a) you feel it is essential for you to visit the site other than through attending the official site visit,
b) you have first spoken to the Head of City Development about your intention to do so and why (which will be recorded on the file) and
c) you can ensure you will comply with these good practice rules on site visits.

## 8. Public Speaking at Meetings

8.1 **Don't** allow members of the public, or other ward councillors present who are not committee members, to communicate with you during the Committee's proceedings (orally, in writing or by social media) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

8.2 **Don't** participate in social media or exchanges by texting as a member of the committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.

8.3 **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

9.1 **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of City Development, which may be incorporated into any committee report).

9.2 **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Director or those officers who are authorised by their Director to deal with the proposal at a Member level.

9.3 **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

**10. Decision Making**

10.1 **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.

10.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.

10.3 **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

10.4 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

10.5 **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter. (Where a matter is deferred and its consideration recommences at a subsequent meeting, only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be considered afresh and this would include public speaking rights being triggered again).

10.6 **Do** have recorded the reasons for Committee's decision to defer any proposal.

10.7 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded (it will help to take advice from officers when and where necessary to do this and, if there are no indications allowing you to do this in advance of the meeting, it may be helpful to request a short adjournment for these purposes). Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

**11. Training**

11.1 **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

11.2 **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

11.3 **Do** participate in any reviews of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

# Exeter City Council Planning Committee's Site Visit Protocol

**Purpose of the Site Visit**

1. **Familiarisation**: Members of the Planning Committee are expected to familiarise themselves with the location and context of applications to be considered, to the extent possible from adjacent roads, public spaces and the relevant officer report.

2. **Exceptional Cases**: A site visit may be deemed necessary in instances where:
   (i) particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
   (ii) there are significant policy or precedent implications and specific site factors need to be carefully addressed.

**Requesting a Site Visit**

3. **Pre-Planning Committee Meeting Requests:** If members consider a site visit necessary before the Committee meeting, requests should be made to Democratic Services prior to the Chair's briefing. The Chair will decide whenever a request is received prior to a planning committee meeting, in consultation with officers, if the visit is necessary or if additional visual information from officers will suffice.

4. **During Planning Committee Meetings:** If a site visit was not identified beforehand, members can propose an adjournment or deferral during the debate to arrange a visit. Justifications must be provided, explaining why the visit is necessary and whether additional information could negate the need for a visit.

**Arranging the Visit**

5. **Timing of the Site Visit:** Site visits will be scheduled before the next Planning Committee meeting. The Chair and officers will determine the timetable and invitees.

6. **Attendees:** All Planning Committee members and Ward Councillors will be invited, and, if necessary, officers from other services or Authorities (such as the Highway Authority) may attend to clarify factual matters.

7. **Notification:** Planning Officers will inform the applicant or their agent about the site visit and seek permission for the Planning Committee, Ward Councillors and officers to access the site if it is on private land. The applicant or agent will facilitate access without engaging in discussions about the proposal.

8. **Private Land**: Councillors must wait until an officer has contacted the landowner before entering private land. If permission is not granted, the site will be viewed from public highways or adjacent land with permission.

**Pre-Visit**

9. **Objective:** The site visit aims to help Committee members understand the site and its surroundings to make an informed decision at the meeting. Members should review the location and context beforehand as much as possible.

10. **Members Planning Code of Good Practice:** Committee members should review and be familiar with the Council's Members Planning Code of Good Practice prior to undertaking the site visit and in particular the principles relating to site visits/inspections.

11. **Health and Safety:** Officers will identify relevant health and safety issues in advance of a site visit. All issued instructions must be strictly followed. Protective clothing will be provided if necessary. Councillors should be prepared to wear appropriate footwear and clothing during the visit.

12. **Sustainability:** Car-sharing is encouraged for sustainability and safety. Councillors with special access requirements should notify the case officer early to make necessary arrangements.

**Conduct of the Visit**

13. **Chair's Role:** The visit is chaired by the Chair, who will formally open and close the visit. The planning officer will describe the application and indicate material facts. Questions should be factual and directed to the planning officer.

14. **Unified Movement:** Committee members should stay together and avoid lobbying or discussions about the application during the visit.

15. **Interaction:** While the applicant or agent may be present for access or safety reasons, discussions with them or any third party should be avoided. Lobbying during the visit is unacceptable, and presentations by applicants are not allowed.

16. **Non-Debate:** Councillors should not debate or comment on the merits of the proposal during the visit. Ward Councillors can however highlight site features relevant to the understanding of the site but not discuss the merits of the application.

17. **Public Attendance:** Members of the public can attend with the landowner's permission but are not allowed to lobby or present during the visit.

18. **Comprehensive Viewing:** Members should ensure they have seen all aspects suggested by the officer or Chair.

**Post-Visit**

19. **Documentation:** An officer will document the visit, including the timetable, attendees, observed features and retain the record in the planning application file.

20. **Agenda Priority:** The application will typically be among the first items on the following Planning Committee meeting's agenda.

21. **Reporting Back:** Share any information gained from the site visit with the Committee that you feel would benefit all Members of the Committee.

**General**

22. **No Formal Decisions:** No formal decisions are made during the site visit.

23. **Chair's Authority:** The Chair's decisions regarding questions regarding this site visit protocol and which have been made in consultation with the planning officer are final.

# 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 acknowledgement 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 Councilor's 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 councilors 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.

**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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## MEMBERS' ALLOWANCES SCHEME 2026/27

**Allowances payable to Members of Exeter City Council were agreed by Council on 13 January 2026 for the 2026/27 period.**

**Please see below the Allowance payable to Members with effect 1 April 2026.**

| **Basic Allowance** | **£** |
|---|---|
| All Members | 7,296 |

| ***Special Responsibility Allowances:-** | **£** |
|---|---|
| Leader (basic x 325%) | 23,714 |
| Deputy Leader uplift (Portfolio Holder + Basic x 25%) | 1,344 |
| Leader of an Opposition Group | (See ** below) |
| Other Executive Members with Portfolios (basic x 175%) (up to x 9) | 12,769 |
| Other Executive Member without Portfolio (if appointed) | 1,824 |

| ***Special Responsibility Allowances:-** | **£** |
|---|---|
| Chairs of Scrutiny Committees (basic x 100%) (x 2) | 7,296 |
| Deputy Chair of Scrutiny Committee(basic x 50%)(x 2) | 3,648 |
| Chair of Planning Committee (basic x 100%) (x 1) | 7,296 |
| Deputy Chair of Planning Committee (basic x 50%) (x1) | 3,648 |
| Chair of Licensing Committee (basic x 75%) (x 1) | 5,472 |
| Chair of Audit and Governance Committee (basic x 50%) (x 1) | 3,648 |
| Deputy Chair Audit and Governance (basic x 25%) | 1,824 |
| Chair of Council Housing and Development Advisory Board (basic x 50%) (x1) from the HRA | 3,648 |
| *Chair of Exeter Harbour Board (basic x 25% (x1) | 1,824 |
| Member Champions (basic x 25% (x2) | 1,824 |
| Chair of Scrutiny Programme Board | 1,824 |

| **Lord Mayor and Deputy Lord Mayor Allowances** | **£** |
|---|---|
| Lord Mayor's Expenses Allowances | 7,296 |
| Deputy Lord Mayor Mayor's Allowances | 1,824 |

* Any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only

** The Leader of an Opposition group will receive an allowance based on the size of the political group:

- A Group of **two** to receive an allowance equivalent to 20% of the basic allowance
- A Group of **between three and five** to receive an allowance equivalent to 50% of the basic allowance
- A Group of **six or more**, to receive an allowance equivalent to 60% of the basic allowance

(Amended April 2026)

**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 2026**

(Amended April 2026)

# 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.

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.

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

(Amended June 2019)

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# STRATEGIC MANAGEMENT BOARD (SMB) STRUCTURE

ONE EXETER
ONE COUNCIL · ONE TEAM



**Bindu Arjoon**
**Chief Executive**



**Dave Hodgson**
**Strategic Director**
**Corporate Resources**



**Jo Yelland**
**LGR Programme**
**Director**



**Adrian Pengelly**
**Strategic Director**
**Operations**



**Ian Collinson**
**Strategic Director**
**Place**

# CHIEF EXECUTIVE AND THE EXECUTIVE OFFICE

ONE EXETER
ONE COUNCIL · ONE TEAM



**Bindu Arjoon**
**Chief Executive**

**Key Services:**

- Lead council advisor to Councillors
- Chief Officer: design, delivery, coordination and performance management of council functions
- Resource Management: People, Property, Finances
- Elections
- Emergencies: preparing and leading response and recovery from civil emergencies



**Lorraine Betts**
**Executive Office Manager**

**Key Services:**

- Support to the Leader, Chief Executive and SMB
- Strategic Partnerships
- Strategic Communications
- Policy and Research
- Performance and Risk
- Corporate initiatives and projects



**Stephen Clayton**
**Head of Customers & Communities**

**Key Services:**

- Customer Service Centre
- Customer Insight/CRM
- Complaints
- Consultation/ Community Engagement
- Community Grants
- Wellbeing Exeter

# EXTENDED LEADERSHIP TEAM (ELT) STRUCTURE

Exeter City Council

**ONE EXETER**
ONE COUNCIL · ONE TEAM



**Bindu Arjoon**
Chief Executive



**Dave Hodgson**
Strategic Director
Corporate Resources



**Jo Yelland**
LGR Programme Director



**Adrian Pengelly**
Strategic Director
Operations



**Ian Collinson**
Strategic Director
Place



Lorraine Betts
**Executive Office Manager**



Michelle White
**Head of Finance**



Andrew Hopkins
**Head of Digital & Data**



Simon Lane
**Head of Environment & Waste**

Vacant
**Head of Culture and Leisure**



Stephen Clayton
**Head of Customers & Communities**



Simon Copper
**Head of Legal and Democratic Services**



Lydia Wilson
**Head of HR, Workforce Planning & OD**



Cat Chambers
**Head of Operations**



Roger Clotworthy
**Head of City Development**



Ben Colman
**Head of Commercial Assets**



Michelle Davidson
**Head of Asset Maintenance**



Victoria Hatfield
**Head of City Centre & Net Zero**



James Turner
**Interim Head of Housing**



**Dave Hodgson**
**Strategic Director**
**Corporate Resources**



## Michelle White
**Head of Finance**

**Key Services:**

- Accountancy
- Revenues and Benefits
- Exchequer
- Internal Audit Client
- Sundry Debt Collection



## Simon Copper
**Head of Legal and Democratic Services**

**Key Services:**

- Legal Services
- Democratic Services
- Corporate Governance
- Procurement
- Elections/Electoral Registration



## Ben Colman
**Head of Commercial Assets**

**Key Services:**

- Surveying
- Commercial Property
- Matford Centre and Markets
- Car Parks



**Jo Yelland**
**LGR Programme Director**



**Andrew Hopkins**
**Head of Digital & Data**

**Key Services:**

- Digitalisation & Website
- Data Governance (Protection) & Systems
- Performance Framework & Business Intelligence
- IT Client



**Lydia Wilson**
**Head of HR, Workforce Planning & OD**

**Key Services:**

- HR & OD
- HRIS & Payroll
- H&S at Work
- EDI & Safeguarding
- Wellbeing



**Adrian Pengelly**
**Strategic Director**
**Operations**



## Simon Lane
**Head of Environment & Waste**

**Key Services:**

- Environmental Health
- Public Health
- Waste Management
- Emergency Planning
- Business Continuity
- Air Quality
- Licensing



## Cat Chambers
**Head of Operations**

**Key Services:**

- Parks & Grounds Maintenance
- Cleansing
- Engineering
- Fleet
- Cemeteries
- Harbour & Waterways



## Michelle Davidson
**Head of Asset Maintenance**

**Key Services:**

- HRA, Retrofit and Maintenance
- General Fund Asset Maintenance
- Capital EX
- Facilities Management
- Health and Safety (external)



## James Turner
**Interim Head of Housing**

**Key Services:**

- Housing Needs & Homelessness
- Private Sector Housing
- Disabled Facilities Grants
- Empty Homes Strategy
- Tenancy Services and Rent



**Ian Collinson**
**Strategic Director**
**Place**



**Vacant**
**Head of Culture and Leisure**

**Key Services:**

- Leisure Services
- Mayoralty
- RAMM
- Historical Guildhall
- Underground Passages
- Custom House
- Tourism/Visit Exeter & Red Coats
- Corn Exchange
- Arts & Events



**Roger Clotworthy**
**Head of City Development**

**Key Services:**

- Planning Policy
- Development Management
- Development Delivery
- Building Control
- Land Charges



**Victoria Hatfield**
**Head of City Centre & Net Zero**

**Key Services:**

- Net Zero (City)
- Net Zero (Operations)
- City Centre & Business Engagement
- Control Room/Homecall
- Community Safety & Anti Social Behaviour

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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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# List of Amendments made to the Constitution

| Date of Amendment | Ref | Amendment | Comments |
|---|---|---|---|
| 13 October 2025 | Article 1 | Expanded. | Council Approval on 2 September 2025 |
| 13 October 2025 | Article 2 | Provides clearer procedures. | Council Approval on 2 September 2025 |
| 13 October 2025 | Article 3 | Expanded. | Council Approval on 2 September 2025 |
| 13 October 2025 | Article 4 | More clearly sets out what a full council meeting is, its role and functions | Council Approval on 2 September 2025 |
| 13 October 2025 | Article 5 | Includes a more detailed explanation of the role of the Lord and Deputy Lord Mayor | Council Approval on 2 September 2025 |
| 13 October 2025 | Article 14 | Introduced formalised annual reviews, clearer processes for stakeholder engagement, explicit criteria for amendments, a defined role for the Chief Finance Officer and the removal of the Executive's ability to propose changes to the Constitution. | Council Approval on 2 September 2025 |
| 13 October 2025 | Standing Orders | Inclusion of Standing Order No. 36A for the provision for substitutes. | Council Approval on 2 September 2025 and Monitoring Officers power under Article 14 |
| | Standing Orders | Amendment of Standing Order No. 36A (1) to introduce the timing of midday for the notification of the use of substitutes. | Monitoring Officers power under Article 14, (14.02) |
| | Standing Orders | Amendment of Standing Order No. 36A (4) to include Audit and Governance Committee. | Monitoring Officers power under Article 14, (14.02) |
| 15 October 2025 | Delegations to Officers and Deputies | Addition to the delegated authority for the Head of Service Legal and Democratic Services and Monitoring officer for:<br><br>In consultation with the Group Leaders to appoint representatives to outside bodies during the course of the Municipal Year. | Council Approval on 14 October 2025 |
| 15 October 2025 | Financial Regulations | Overall update to the financial regulations, following recommendations from Audit and Governance Committee. | Council Approval on 14 October 2025 |

# List of Amendments made to the Constitution

| | | | |
|---|---|---|---|
| 17 October | Whistleblowing Policy | Update to Auditors entry | Monitoring Officers power under Article 14, (14.02) |
| 31 October 2025 | Scheme of Delegation | The following was returned to the Head of Service Commercial Assets for:<br><br>Powers relating to property. | Monitoring Officers power under Article 14, (14.02) |
| 31 October 2025 | Standing Orders | Removed duplicate entries to deputies for Standing Orders 32 and 33. | Monitoring Officers power under Article 14, (14.02) |
| 3 November 2025 | Glossary | Inclusion of Glossary at the back of the Constitution | Monitoring Officers power under Article 14, (14.02) |
| 3 Feb 2026 | Scheme of Delegation | Amendment to Head of Service Legal and Democratic Services ability to make changes to the Constitution as per Article 14 (agreed at 2 September 2025 Council and enacted on 13 October 2025). | Monitoring Officers power under Article 14, (14.02) |
| 3 Feb 2026 | Scheme of Delegation | Inclusion of the Delegated power to the Head of Service Legal and Democratic Services to make any minor amendments to the Procurement and Contract Procedures and Procurement Procedure Notes in consultation with the Portfolio holder.<br><br>(Delegation was agreed by full Council on 18 February 2025). | Monitoring Officers power under Article 14, (14.02). |
| 3 Feb 2026 | Procurement and Contract Procedures | Inclusion of Procedural Note for Breach of Procurement and Contract Procedure Rules (3c8). | Monitoring Officers power under scheme of delegation and Article 14, (14.02). |
| 3 Feb 2026 | Scheme of Delegation | Inclusion of the standing delegated authority to the Monitoring Officer, in consultation with the s151 Officer and the Leader of the Council to:<br><br>determine whether to meet the cost of any officer or member liability or loss from the Council's own resources where the Council's own insurance policy does not cover such a liability or loss. | Granted under Council Approval on 9 December 2025. |

# List of Amendments made to the Constitution

| | | | |
|---|---|---|---|
| 3 Feb 2026 | Scheme of Delegation | Inclusion of the standing delegated authority to the Monitoring Officer, in consultation with the s151 Officer and the Leader of the Council to:<br><br>to agree and implement any necessary amendments to the indemnity policy where such amendments are required to reflect changes in legislation, insurance arrangements or best practice, provided that any substantive policy changes are reported to Council for approval. | Granted under Council Approval on 9 December 2025. |
| 3 Feb 2026 | Indemnity Policy for Officers and Members | Inclusion of the Indemnity Policy for Officers and Members into in Part IV (Codes and Protocols) of the Council's constitution. | Granted under Council Approval on 9 December 2025. |
| 3 March 2026 | Standing Orders | Updates to Standing Orders 32, 33 and 55 to reflect the new job roles in Legal Services. | Monitoring Officers power under scheme of delegation and Article 14, (14.02). |
| 3 March 2026 | Scheme of Delegation | Updates to Scheme to reflect revised Legal Services job roles. | Monitoring Officers power under scheme of delegation and Article 14, (14.02). |
| 1 April 2026 | Members Allowances | Updated to reflect Council approved changes for 2026/27 - with effect from 1 April 2026. | New Allowances granted under Council Approval on 13 January 2026 and constitution update under Monitoring Officers power under scheme of delegation and Article 14, (14.02). |
| 1 April 2026 | Officer Code of Conduct | Updated to remove references to old form and to advice officers the location of the digital gifts and hospitality and declarations of interest forms. | Monitoring Officers power under scheme of delegation and Article 14, (14.02). |

# List of Amendments made to the Constitution

| | | | |
|---|---|---|---|
| 1 April 2026 | Management Structure | Updated Management Structure Chart to match the current Management structure as of April 2026. | Monitoring Officers power under scheme of delegation and Article 14, (14.02). |
| 20 April 2026 | Member Code of Conduct | Minor changes to layout and formatting, confirmation of location of councillor forms (Councillor Hub), provision of requirement of nil returns, removal of appendix D and E (reference to report by Committee on Standards in public life, as Government has now responded to the above committee). | Monitoring Officers power under scheme of delegation and Article 14, (14.02). |
| 28 April 2026 | Scheme of Delegation | Minor changes. Incorporating changes to job titles and reporting lines and removal of redundant delegations. | Monitoring Officers power under scheme of delegation and Article 14, (14.02). |

# 1. Part 1: Glossary of Terms

This glossary is intended to function as a guide only, to assist the reader and user in navigating and understanding terminology used in the Constitution.

| Term | Definition |
|---|---|
| Abstain | When a Councillor chooses not to vote on a motion. |
| Access to Information | By law, the public must be given reasonable notice of matters to be discussed at a Council, Committee or Sub Committee meeting. |
| Access To Information Rules | The legislative framework giving public access to information held by the Council (see also Confidential and Exempt information). |
| Adjourn | When a meeting is briefly suspended. |
| Adjourned | To suspend (e.g. a meeting) with the intention to resume it later. |
| Advisory Groups | Informal meetings which may involve non-councillors and may, or may not, be open to the public. No decisions can be taken by such groups (see also Task Groups). |
| Affirmation of the Meeting | When something is agreed by general consensus of the members present. |
| Agenda | A document setting out the business to be considered at formal meetings of the Council and Committees. Agendas are published five clear working days before a meeting and are available for inspection before each meeting at the Council's main offices and on the Council's website. |
| Amendment | A Motion to either insert or alter or omit words in the resolution under discussion. A direct negative is not an amendment. |
| Annual Governance Statement | A public statement which reviews how well the Council has kept to its governance rules. |
| Annual Meeting | The annual meeting of the Council which elects the Lord Mayor, the Leader of the Council, and Committee Chairs and Councillors. |
| Annual Statement of Accounts | A technical publication that includes all financial statements (e.g. Income & Expenditure Account, Balance Sheet, Movement in Reserves, Cashflow) and disclosures required by law. |
| Articles | The basic rules governing the Council’s business. |
| Audit and Governance Committee | A committee of councillors responsible for overseeing the Council’s governance framework, risk management, financial reporting, and internal control processes. |
| Background Papers | Any document which has been relied upon by an Officer in the preparation of a report for one of the Council’s meetings. Background papers must be retained and available for inspection for 4 years beginning with the date on which the decision was made. |
| Benefits | Financial support provided by the Council to eligible residents, including housing benefit and council tax reduction schemes. |
| Best Value | The duty imposed on the Council by the Local Government Act 1999 to secure ‘continuo.’ improvement in the way in |

| | |
|---|---|
| | which functions are exercised having regard to economy, efficiency and effectiveness'. |
| Budget | The Council's plan for allocating financial resources to deliver services and projects, including setting the Council Tax, managing reserves, and controlling capital and revenue expenditure. |
| Budget and Policy Framework | The plans and strategies adopted by Full Council within which the Executive must operate and sets out the Council's key plans and strategies and agreed budget for each year. |
| Budget Holder | An Officer with responsibility for managing, monitoring, authorising and reporting on spend within specified council budgets. |
| Budget Meeting of Council | The Ordinary Meeting of the Council taking place in February/March each year which considers the Budget. |
| Cabinet | The Councillors who, together with the Leader, form the Executive. |
| Cabinet Member | Those Councillors appointed by the Leader to the Cabinet. Also called Portfolio Holders who are responsible for a Portfolio allocated to them by the Leader. |
| Calendar Days | All days in the month, including weekends and public holidays. |
| Calendar of Meetings | The timetable of Meetings for the year. |
| Call-In | A mechanism which allows Scrutiny to examine and challenge an Executive decision before it is implemented. |
| Capital Expenditure | Spending on assets such as buildings or major infrastructure where the benefits extend over more than one financial year. |
| Carried | When a motion is carried, it is agreed. |
| Casting Vote | The Chairman has a casting vote which decides the matter when votes are equally divided. |
| Chair | Councillor who presides over a meeting of Council, a Committee or any Sub-Committee. |
| Chair of Council | Lord Mayor who is elected annually. |
| Charging Schedule | The document published by a local authority that sets out the CIL rates for different development types or areas. |
| Chief Executive | The most senior officer, with overall responsibility for the management and implementation of the Council's policies and decisions. Also known as the Head of Paid Service. |
| Chief Finance Officer (Section 151 Officer) | The statutory officer responsible for ensuring proper administration of the Council's financial affairs, as required by the Local Government Act 1972. |
| Clear Days | All agendas and papers for decisions in public must be available 5 clear days before the meeting. Clear days do not include weekends; the day agenda is published or the day of the meeting. E.g. if a meeting is taking place on a Tuesday, the agenda must be published on the Monday in the week before the meeting. |
| Closure Motion | When a member moves that a vote is taken immediately to decide a question under consideration, without further debate. |
| Code of Conduct (Member Code of Conduct / Officer Code of Conduct) | A set of rules which elected and co-opted Councillors and Officers must follow. |

| | |
|---|---|
| Committees | A formally constituted group of councillors delegated to make decisions or recommendations on particular areas of Council business (e.g. Planning Committee, Licensing Committee). |
| Community Infrastructure Levy (CIL) | A charge that local authorities can levy on new developments to help fund infrastructure such as transport, schools, and community facilities needed to support growth. It applies based on the size and type of development and is governed by the CIL Regulations 2010 (as amended). |
| Confidential Information | 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. (see also Exempt Information). |
| Constitution | The document that sets out how Exeter City Council operates, how decisions are made, and the roles of councillors, officers and committees. |
| Co-Optee | A person who is not elected but is appointed to serve on a Committee or Sub-Committee in a participatory capacity. Co-optees do not normally have voting rights on Committees. |
| Corporate Complaints Procedure | Formal process to investigate and resolve complaints. |
| Corporate Plan | The Council's overarching strategy setting out its priorities, objectives and vision for Exeter's future. |
| Council | A legal entity created by law to administer certain functions within a local area. Within this Constitution it means Exeter City Council. |
| Council Tax | A local tax collected by Exeter City Council to fund local services. The amount is based on property valuation bands set by the Valuation Office Agency. |
| Councillor | An elected member representing one of Exeter's wards, responsible for decision-making, community leadership, and representing residents' interests. Also referred to as a Member. |
| Debate | A discussion on an issue in which different views are put forward. |
| Decisions | Decision of a of relevant Council Body or Officer. |
| Declaration of Interest | Councillors must declare interests within 28 days from becoming a member and 28 days from becoming aware of the interest. Declarations of interest should be made at all meetings where relevant to the business on the agenda. |
| Deferral | When an issue is put off or postponed until a future time. |
| Delegated Powers | Formal authorisation for a committee, portfolio holder or officer to take an action which is the ultimate responsibility of the Council or Executive. |
| Deputation | A group of people appointed to take part in a formal process on behalf of a larger group or to represent the views of that group. |
| Deputy Chair | The person appointed to preside in the absence of the Chair. |
| Deputy Leader | The Councillor elected to the position of Deputy Leader of the Council. |
| Deputy Lord Mayor | The Deputy Lord Mayor supports the Lord Mayor and stands in when the Lord Mayor is unavailable. Unlike the |

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| | Lord Mayor, the Deputy remains politically active during their term. The Deputy also assists in attending civic functions and supporting community events alongside the Lord Mayor. |
| Disclosable Pecuniary Interest (DPI) | A financial interest that must be declared by councillors under the Localism Act 2011. Councillors must not participate in decisions where they have a DPI. |
| Dispensation | A dispensation allows an individual Member to take part in Council business where they would otherwise not be permitted. Members must follow an agreed procedure to request a dispensation. |
| District | The geographical area of Exeter City Council. |
| Earmarked Reserves | These reserves represent monies set aside that can only be used for a specific use or purpose. |
| Exclusion of the Public | The public are excluded from meetings when exempt or confidential information is being considered. |
| Executive | The Leader and the Cabinet; responsible for carrying out almost all of the local authority's functions, implementing policies and making key decisions within the Council's approved Budget and Policy Framework. |
| Executive Decisions | Decisions which can be made by the Cabinet, a member or committee of the Cabinet, or an officer. |
| Executive Members | The Councillors in the Executive each have responsibility for areas of the Council's work allocated to them by the Leader. Each area of responsibility is known as an Executive Member portfolio and each portfolio is given a title. |
| Exempt Information | Information that the Council may not be required to publish because it falls within specific categories defined in Schedule 12A of the Local Government Act 1972. |
| Extraordinary Meeting | A meeting of the Full Council, convened for a specific purpose. |
| Financial Procedure Rules | The rules and procedures which govern financial management and control within the Council. |
| Financial Year | The financial year for the Council is different from the calendar year or the tax year. Our financial year starts on 1 April and ends on 31 March. |
| Forward Plan | The plan of future key decisions. The Forward Plan must be published 28 days before the decision is made unless an urgent decision is required. |
| Freedom of the City | An honorary distinction awarded to individuals, military units, or organizations in recognition of their outstanding service or contributions to the city. |
| Full Council | A meeting that all 39 elected Councillors are entitled to attend. |
| General Fund | Used to pay for items of everyday expenditure such as salaries. |
| Group Leader | The person appointed by a Political Group to act as the leader of that group of Councillors. |
| Head of Paid Service | The most senior officer, with overall responsibility for the management and operation of the Council; also known as the Chief Executive. |
| Head of Service | An officer with responsibility for a specific service area who reports to a Director. |

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| Honorary Alderman | A title awarded to former councillors who have rendered eminent service but who no longer hold council office. Aldermen support ceremonial duties and council functions alongside roles like the Lord Mayor and Deputy Lord Mayor. |
| Independent Member | A Councillor who is not a member of a recognised political party. |
| Independent Person (Audit) | An individual that is separate from and not influenced or controlled by those providing the information. |
| Infrastructure Funding Statement | The list (required under earlier CIL rules) of projects or types of infrastructure that the local authority intends to fund through CIL requiring contributions via S106. |
| Joint Arrangements | Services provided in partnership with other Councils or by or on behalf of those Councils. |
| Key Decision | An Executive decision which involves either a significant expenditure or savings, and/or has a significant impact on two or more wards. |
| Leader | The Councillor who heads the largest political group and is elected by the full Council to the position of Leader of the Council. The Leader chairs the Executive. |
| Licensing Committees | The Statutory Licensing and Gambling Committee and the General Purposes and Licensing Committee. |
| Licensing Sub-committee | Councillors trained in licensing matters appointed to hear licensing applications. |
| Local Choice Functions | Those functions which by law the Council can choose to be either an Executive Function or a Non-Executive Function. |
| Local Code of Corporate Governance | The framework through which the Council meets its commitment to good corporate governance. |
| Lord Mayor | The ceremonial head and representative of Exeter City Council and "first citizen." The role is non-political during the term and the role includes chairing council meetings and representing the city at official events. The Lord Mayor is elected annually from the 39 city councillors. |
| Meetings | Formally constituted meetings convened in accordance with the LGA 1972 with due notice, formal agenda, open to the public and with minutes taken forming the legal record of the discussion. |
| Members | Elected Councillors, or a person co-opted to the Council's Committees. |
| Members' Allowance Scheme | The scheme under which Councillors are entitled to receive allowances in respect of carrying out their duties and for fulfilling any special responsibilities allocated to them. |
| Minutes | Notes taken at meeting, approved at subsequent meeting as a formal written record of a meeting . |
| Monitoring Officer | The statutory officer responsible for ensuring the lawfulness and fairness of Council decision-making and for maintaining the ethical standards framework. The Monitoring Officer is currently the Head of Service for Legal and Democratic Services. |
| Motion | Formal proposal from a Councillor at a meeting to be voted on. |
| Move (a Motion) | A motion is moved when a formal proposal is made by a Councillor. |

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| Municipal Year | The period between the Annual Meetings of the Council, which are usually held in May. |
| Officer | A paid employee of the Council, working under the direction of elected members to deliver services and implement policy. |
| Opposition Group(s) | This Political Group(s) who have a minority in terms of the number of Councillors who form that Political Group when compared to the total number of elected Councillors. |
| Ordinary Meeting | Council Meetings held in accordance with a programme of meetings decided by the Council. |
| Outside Bodies | Organisations with whom the Council works in partnership, appoints councillors to but over whom the Council has no direct control. |
| Petitions | A formal written request appealing to the Council in respect of a particular cause or question. |
| Planning Obligation | Another term for S106 agreements, requiring developers to mitigate the specific impact of their developments. |
| Point of Order | A question raised to clarify whether the procedural rules are being adhered to. |
| Political Balance | The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and Local Government Regulations 1990. |
| Political Group | Two or more Councillors who notify the Head of Paid Service that they have formed a group. |
| Portfolio | The responsibilities or roles allocated to a Cabinet Member by the Leader. |
| Portfolio Holder | An Executive member with responsibility for a specific area of Council business, such as Housing, Climate or Finance. |
| Precept | A proportion of Council Tax which is paid to other authorities such as the County Council and Police. |
| Procedural Motions | Motions that can be moved without notice. |
| Procedure Rules | Rules governing how the Council operates and how decisions are taken. |
| Proper Officer | A senior officer of the Council who is given a set of responsibilities by statute. |
| Protocols | Codes of Practice which set out how various elements of the Council are expected to interact with each other |
| Prudential Borrowing Limits | The maximum amount of borrowing that the Council can enter into at any one point in time during the year. |
| Public Questions | Written questions submitted by the public to Council |
| Quasi-Judicial | A process of decision-making which is similar to a court of law, in that each party with an interest in the matter under consideration has an opportunity to make their case, following which a decision on the facts and representations is made. |
| Quorum | The minimum number of people who have to be present before a meeting can take place. |
| Recommendations | May be moved on notice at a particular meeting (often contained within a report to that meeting). |
| Recorded Vote | A vote in which the names of those voting for and against are recorded |
| Register of Interests | The record of all interests declared by Councillors. |

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| Regulatory Committees | The Committees of the Council that are charged with regulatory functions, such as Planning and Licensing Committee. |
| Relevant Officer | A person designated as being responsible for a particular function or range of functions. This can be the Chief Executive, S151 Finance Officer or Monitoring Officer. |
| Reports | Written items prepared by officers for consideration by Councillors. |
| Resolution | A motion/decision agreed by a meeting is subsequently referred to as a resolution. |
| Returning Officer | The person who is responsible for arranging and overseeing the election process and who formally announces the results. |
| Right of Reply | The mover of a motion has a right to reply at the close of debate on a motion or amendment. |
| Risk Management | The process by which the Council identifies, evaluates, and manages potential risks to achieving its objectives. |
| Rules of Debate | These set out how meetings of the Council, the Executive, the Scrutiny Commission, other Committees and other bodies will be conducted. |
| S.151 Officer | The statutory officer responsible for ensuring proper administration of the Council's financial affairs and Chief Finance Officer. |
| Scheme of Delegation | Sets out which committee, Councillor or officer is responsible for particular functions of the Council. |
| Scrutiny | Scrutiny is a role fulfilled by all Councillors who are not Members of the Executive. It is a statutory function under the Local Government Act 2000. |
| Second | When a motion is endorsed by another member, it is 'seconded' and can then be voted upon. |
| Secretary of State | The head of a major government department. |
| Section 106 Agreement (S106) | A legal agreement between a developer and the local authority, negotiated as part of a planning permission, to secure site-specific mitigation measures and developer contributions such as affordable housing or open spaces. |
| Special Urgency | A procedure which must be followed when an Executive/ Key Decision needs to be taken urgently. |
| Stakeholder | A person or group that may be affected by a matter. |
| Statutory | Required by law. |
| Statutory Officers | The Council is required by law to appoint Officers in certain key roles. The Statutory Officers are the Head of Paid Service, Section 151 Officer and Monitoring Officer. |
| Strategic Directors | The officers in charge of the Council Directorates. |
| Strategic Management Board (SMB) | The Council's senior management team, comprising the Chief Executive and Directors, responsible for corporate leadership and coordination. |
| Sub-Committee | A formal decision-making body with functions referred or delegated to it by a Committee. |
| Substantive Motion | The term used to refer to a motion which has been amended by agreement of the meeting. |
| Substitute Member | Named Councillors appointed as Substitutes to attend a meeting, when the ordinary Members are not able to attend |
| Summons | Formal notification of a meeting setting out the agenda for business it is proposed will be considered at the meeting. |

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| Task and Finish Groups and Working Parties | Informal meetings which may involve non-Councillors and may, or may not, be open to the public. No decisions can be taken by such groups. |
| Tendering | The making of an offer by a contractor to carry out work. |
| Terms of Reference | The description of what a committee, sub-committee or panel may concern itself with. |
| Treasury Management Strategy | The way in which the Council manages its cash, borrowing, lending and investments, and associated risks. |
| Virement | Moving budget funds from one area of expenditure to another within a financial year. |
| Ward | A defined geographical area of Exeter represented by three elected councillors. |