



CORPORATE GOVERNANCE GROUP AGENDA

Wednesday 3rd March 2021 at 7:15pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Members of the Corporate Governance Group are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor P Euesden	Councillor R van Dulken (Chairman)
Councillor D Hume	Councillor D Wallace
Councillor H Johnson (Vice Chairman)	Councillor T Walsh
Councillor D Mann	Councillor Mrs L Walters
Councillor Miss V Santomauro	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 11am on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking:

In response to the Coronavirus the Council has implemented procedures for Public Question Time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for Public Question Time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register for Public Question Time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

The Chairman of the Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

Documents: Agendas, Reports, Minutes and Public Question Time questions and statements can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

Business Items:

1. Apologies for absence

2. Declarations of Interests

To declare the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests, or Non-Pecuniary Interests relating to items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advise where necessary before the meeting.

3. Minutes of the Previous meeting

To approve as a correct record the Minutes of the meeting of the Corporate Governance Group held on 20th and 26th January 2021 (previously circulated).

4. Constitution Review

This report covers the following parts of the Constitution:

- a. The Budget and Framework Procedural Rules
- b. The Overview and Scrutiny Procedural Rules
- c. Protocol on Member/Officer Relationships
- d. Members Scheme of Allowance
- e. Update on Chapter 3 Codes and Schemes and Code of Governance

Constitution Review		Agenda No: 4
Portfolio	Finance and Performance	
Corporate Outcome:	<p>A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers</p>	
Report presented by:	Kim Cole, Head of Governance and Monitoring Officer	
Report prepared by:	Kim Cole, Head of Governance and Monitoring Officer	
Appendix and Background Papers:	Public Report	
<p>(a) The Budget and Framework Procedure Rules (Appendix 1);</p> <p>(b) The Overview and Scrutiny Procedure Rules (Appendix 2);</p> <p>(c) Protocol on Member/Officer relationships (Appendix 3);</p> <p>(d) Members Scheme of Allowances (Appendix 4);</p>	Key Decision: No	
Executive Summary:		
<p>The Council is required to review its Constitution on an Annual basis. This would normally be reflective of changes made during the year and seek to ensure that it remains fit for purpose for the forthcoming 12 month period.</p> <p>However, the Constitution as a complete document has not been reviewed and substantially updated for a number of years. As the Council changes the way it works through virtual platforms and looks to strengthen its decision making, now an appropriate time for a full review to be carried out.</p>		

Recommended Decision:	
The Corporate Governance Group are asked:	
<ol style="list-style-type: none"> 1. To note the proposed changes; 2. To agree that comments and suggested amendments will be considered by the Monitoring Officer and incorporated where necessary ahead of approval by Full Council. 	
Purpose of Decision:	
To agree to the proposed changes of the Constitution, in order to ensure more efficient governance arrangements and bring certainty to its decision making and comply with the Council's Statutory requirements.	
Any Corporate implications in relation to the following should be explained in detail.	
Financial:	No matters arising out of this report
Legal:	<p>The Council is required to have in place a Constitution which sets out the councils Procedure rules, its Code of Conduct and any such information as the Council considers appropriate.</p> <p>The proposals set out in this report ensure that the Council complies with its statutory obligation and ensures that the Constitution remains a useable document for its Members, Officers and members of the Public.</p>
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	Equality Impact Assessment not necessary at this stage of considerations
Customer Impact:	No matters arising out of this report
Environment and Climate Change:	No matters arising out of this report
Consultation/Community Engagement:	No matters arising out of this report
Risks:	No matters arising out of this report
Officer Contact:	
Officer Contact:	Kim Cole
Designation:	Head of Governance and Monitoring Officer
Ext. No:	2629
E-mail:	Kim.cole@braintree.gov.uk

1. Introduction

- 1.1 This is a continuation of the Constitution and Governance review, and follows on from the review of Chapter 1: The Articles and Chapter 2: Part 1 and sees the commencement of the review of Chapter 2: Part 2 (Procedure Rules, Chapter 3 (The Codes and Schemes) and the new Chapter 4 (Responsibilities).
- 1.2 These are considered in further detail below as part of this report.

2. Chapter 2: the Procedure Rules

- 2.1 Chapter 2, contains eight procedure rules in total and in order to bring these forward for consideration these have been separated into 2 parts. The first part was considered at the last meeting. Accordingly this review is looking at :
- (a) The Budget and Framework Procedure Rules (Appendix 1);
 - (b) The Overview and Scrutiny Procedure Rules (Appendix 2);
 - (c) Protocol on Member/Officer relationships (Appendix 3); and
 - (d) Members Scheme of Allowances (Appendix 4)
- 2.2 Whilst Chapter 2, has for the purposes of the review been separated into two parts, this is solely to ensure that they are presented in manageable parts, and they will remain as a complete suite of rules within the final Chapter 2.

The Overview and Scrutiny Procedure Rules

- 2.3 The Overview and Scrutiny Procedure Rules set out the parameters through which scrutiny plays a role in the efficient delivery of public services and drives improvements within the Council. Through the legislative powers the Scrutiny Committees are responsible for scrutinising decisions the Cabinet is planning to take and those that it has already taken, thereby holding the Cabinet to account for its decisions and its actions. The Scrutiny Committees carry out the scrutiny function on behalf of the Council.
- 2.4 With regards to the Scrutiny Functions, and the reports arising out of the Scrutiny reviews, I have reflected on the practice that the Council currently undertaken, which was different to the practice outlined within the current Constitution. There has been high praise for the scrutiny reviews undertaken over the past 18 months and I am keen to ensure that the practice and process continues to support that going forward. Currently the practice is that the report is taken to Council before being formally accepted by Cabinet, and returned with Cabinet's response to Council. This means that the matters are considered on 3 separate occasions. This is far greater than any other matter under consideration by Council, and takes a significant amount of Officer and Member time.
- 2.5 The statutory requirements, only require the reports to be presented to Council if there are budget implications arising out of the recommendations made by the Scrutiny Committee and the responses from Cabinet. However, in light of the Council's desire to elevate the Council's Scrutiny function, it is proposed that the reports are in the first instance sent to Cabinet for consideration, and then the Scrutiny Report and Cabinet's formal response are sent to Council for consideration. Council would then be able to consider the matter and

recommendations from Cabinet (if there are any) and approval of any budget changes needed to implement them.

- 2.6 The Current Constitution also provides that if the Leader or Cabinet Member holds responsibility for the topic being scrutinised by the Committee, they may consider the scrutiny report and attend the Scrutiny Committee to deliver their response. In doing this, it means that the report is not considered by Cabinet, nor is there the ability of others to participate in that debate. It is therefore suggested that this paragraph is removed, and that the only option for the reviews is to be considered by Cabinet as a whole. For ease the relevant paragraph is highlighted in orange in the attached.
- 2.7 Whilst the Council hasn't used its Call In provisions for some time, it was important that the process was clear. As a result these have been updated so that the process and practice are reflected as a start to finish process, and clearly define the parameters of Call In.
- 2.8 There is a new section titled 'Councillors Call for Action'. This is an additional means for Councillors to raise issues of local community concern, for consideration by the Council's Scrutiny Committees, on behalf of residents. A Councillors Call for Action should only be raised where other means of resolving the matter have been exhausted.
- 2.9 Once the Councillors Call for Action is received, the matter would be considered by the relevant Scrutiny Committee, whose terms of reference the matter falls within, and they must endeavour to consider the matter within a reasonable timescale.
- 2.10 Where the matter falls within the terms of reference of more than one Scrutiny Committee, matter shall be considered by the Scrutiny Chairman Committee to will determine the which Scrutiny Committee will deal with the matter.
- 2.11 A Councillors Call for Action may be rejected by the Scrutiny Committee. In which case a written response will be sent to the Member concerned informing them of the reasons for this. Where the issue has been deemed not to be valid because other methods of resolution have not been exhausted, the Councillors Call for Action may be re-submitted, if necessary, once the Councillor concerned has pursued the matter further.

The Budget and Policy Framework

- 2.12 These govern the process for the approval of the Budget and Policy Framework, providing a clear distinction between Council owning the Budget and Policy Framework and Cabinet being responsible for its implementation.
- 2.13 In the main the changes to this document have been in order to bring the terminology in line with the changes being carried out as part of this review.
- 2.14 However, there is one change to the deadline under which a Council meeting must be called where the Leader of the Council disagrees with any changes made in its adoption of the Budget and Policy framework. Currently the Constitution requires Council to be convened within 6 working days. This is an extremely tight deadline, and would in effect only allow Officers and Members

24 hours to prepare the necessary reports ahead of the publication of the agenda. As a result it is proposed that this is increased to 10 working days.

3. Chapter 3 – The Codes and Schemes

3.1 Chapter 3 of the Constitution contains all the Council's Codes and Scheme applicable to the management of its Members and includes:

- (a) Member Code of Conduct
- (b) Officer Code of Conduct
- (c) Protocol on Member/Officer Relationships
- (d) Code of Practice for Councillors and Officers engaged in Planning Applications
- (e) Gifts and Hospitality Guidance
- (f) Members Allowance Scheme

3.2 Each of these is further discussed below.

Member Code of Conduct

3.3 Members will be aware that the Model Code of Conduct gained approval from the LGA Board in early December 2020 and was circulated to Local Authorities on 23 December 2020.

3.4 The intention by the LGA is that each Authority will be free to adopt the new Model Code, and are free to make local tweaks to it if they require. Accordingly it had been the intention to capture the new model Code as part of this Constitution review, and for the Council to consider whether local tweaks would be required as it passes through its considerations at Developing Democracy Group and at Corporate Governance Group.

3.5 In addition there have been consultation undertaken with the local authorities within Essex, and there is a combined desire for all the authorities in Essex to use this as an opportunity to agree one Code for the County. This would mean that County, Districts/Boroughs and Parish Members would all be working under the same Code. This has significant benefits, not only to twin hatted Members, but also to members of the public, making it easier to understand which Code apply and how to all Members across Essex. As a result it has been agreed, in principle, that a single Code should be considered across all Essex authorities.

3.6 However, having reviewed the Model Code, there was a unanimous view that some of the Model Code Appendix B, which deals with the declaring of interests, was currently poorly drafted.

3.7 The Code, together with the DPI provisions in the Localism Act 2011, result in the following types of interest:

- (a) Matters where a Member has a DPI;
- (b) Matters directly relating to an 'other registrable interest';
- (c) Matters directly relating to a 'non-registrable interest';
- (d) Matters affecting a non registrable interest where two tests are met;
- (e) Matters affecting a non registrable interest where one or more tests are not met; and

(f) Personal interests in an executive decision taken by a Member.

- 3.8 Accordingly it was felt that by creating 6 types of interests this was rather too complicated and the wording was too confusing and that this went against the intention of a single Code. Further areas of concern relate to the amount of duplication within each of the interests.
- 3.9 Accordingly the LGA have been approached to invite them to reconsider the wording, and issue a revised version of the Model Code. However, if they are not minded to do so, the intention is for the Essex Authorities to agree an Essex Code that could be adopted by all the Essex authorities.
- 3.10 As a result, until the position has been clarified, or a new Essex Code has been drafted, it would not seem sensible to review the current Member Code of Conduct at this time. Accordingly the recommendation is to keep the current Member Code of Conduct and include it as is, within the new Constitution, and for the New Code to be brought forward for adoption by Council at the appropriate time later this year.

Officer Code of Conduct

- 3.11 The current Constitution contains an Officer Code of Conduct. This sets out the expectations in place for Officers behaviours and sets the principles around gifts and hospitality, political neutrality, and the link to the Nolan Principles.
- 3.12 Consultation has taken place with the Council's HR team, who have confirmed that the information contained within this section is also captured as part of a full and detailed suite of HR Policy documents.
- 3.13 The risk of having this information contained within the Constitution is that were updates take place, there is a potential for all documents and information to be updated, which would led to discrepancies between the two sources of information.
- 3.14 Most local authorities have already removed this from their own Constitution, and it is proposed that the Council do the same, on the basis that the HR Policy documentation is the first port of call in terms of Officer Management, and that these are the in much more detail and provide greater clarity on the issues than that which could be captured within the Constitution.

Protocol on Member/Officer relationships

- 3.15 The Success of the Council is greatly dependent upon the positive working relationship between Members and Officers. The purpose of the Protocol is to enhance the working relationships between Members and Officers of the Council. Whilst the Protocol cannot be comprehensive it sets out guidance on some of the key issues that arise during the course of those relationships.
- 3.16 The Protocol reflects the principles underlying the Member Code of Conduct and the Principles of Public Life. The shared objective is to enhance and maintain the integrity of local government, therefore demanding very high

standards of personal conduct.

3.17 The Protocol, is there to provide clarification on some key aspects, but should not duplicate the provisions already contained elsewhere in the Constitution. As part of the review, where the provisions are duplications, these have been removed, the terminology has been updated and ambiguities removed.

3.18 As part of providing clarification:

- i. additional provisions around Member and Officers roles has been included,
- ii. Members access to information has been revised to remove duplication; and
- iii. Provisions relevant to decision making and taking officer advice have been included.

Gifts and Hospitality Guidance

3.19 The current Constitution contains the Gifts and Hospitality Guidance. This section is designed to support the corresponding provisions as set out in the Member Code of Conduct. In light of the requirement to retain the current Member code of Conduct, the proposal would be to also keep the current Gift and Hospitality Guidance.

3.20 Once the new Member Code of Conduct is approved, the Monitoring Officer will consider this guidance, and where necessary bring back proposals on any revision's required.

Members Allowance Scheme

3.21 The Member Allowance Scheme is governed by the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations). These Regulations set out that no amendment can be made to the Member Allowance Scheme without prior consultation with the Councils Independent Remuneration Panel.

3.22 The Member Allowance Scheme is required to be reviewed at least every four years. The current Scheme was reviewed by an Independent Remuneration Panel in 2019, and the current Scheme reflects the recommendations arising out of that review.

3.23 The Council has been required to focus on the pandemic, and as a result it has not been possible to convene an Independent Remuneration to undertake a review during this municipal year. However, it is felt that the Scheme remains valid and relevant and therefore there has been now significant changes as part of the wider Constitution review. The only changes have been to reflect the provisions within the Regulations or update the terminology in order to continue with the consistent approach throughout the Constitution. For ease these are highlighted in Appendix 4.

4. Additional Items to note

Code of Practice for Cllrs and Officers engaged in Planning Applications

- 4.1 Currently the Constitution contains the Code of Practice for Cllrs and Officers engaged in Planning Applications. This document aims to support those involved as part of the planning process, and therefore seeks to enhance the provisions in to Constitution under the terms of reference for the Planning Committee and the delegations contained within Chapter 4.
- 4.2 Officers are reviewing its content to see if it still remains relevant to the practices within the Council, and whether in light of the changes to the Planning Delegations approved at Council on 7 December 2020, and the forthcoming considerations around the Member Forum, whether this needs to be updated or removed completely.
- 4.3 However, the provisions of it as they stand are about supporting the governance process defined in the Constitution. As a result it is proposed that this would be better placed outside the Constitution as a standalone document, if it is considered relevant going forward.

Code of Governance

- 4.4 The Council are committed to the seven principles of Good Governance as agreed by the Chartered Institute of Public Finance Accountancy and the Society of Local Authority Chief Executives. In order to support these, it is proposed that alongside the Councils Constitution there is a Code of Governance that underpin those principles and is comprised of a framework of policies, procedures, behaviours and values by which the Council is controlled and governed.
- 4.5 The seven principles of Good Governance are:
- (i) Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rules of law.
 - (ii) Ensuring openness and comprehensive stakeholder engagement.
 - (iii) Defining outcomes in terms of sustainable economic, social and environmental benefits.
 - (iv) Determining the interventions necessary to optimize the achievement of the intended outcomes.
 - (v) Developing the entity's capacity, including the capability of its leadership and the individuals within it.
 - (vi) Managing risks and performance through robust internal control and strong public financial management.
 - (vii) Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.
- 4.6 The documents that make up this framework provide the structures and guidance that the Members and Officers require in order to ensure effective governance across the Council.
- 4.7 Currently the proposal is to have the following documents sitting within the Code of Governance:

- (i) Annual Governance Statement, within Statement of Accounts
- (ii) Contract and Procurement Procedure Rules
- (iii) Virtual Meeting Standing Orders
- (iv) Virtual Meeting Handbook
- (v) Anti bribery and corruption policy
- (vi) Code of Conduct Complaints Procedure
- (vii) The complaint's, Comments and Compliments Procedure
- (viii) External Audit findings
- (ix) Decision Planner
- (x) Member Register of Interests, within individual Councillor profiles
- (xi) Modern slavery and human trafficking statement
- (xii) Organisation Strategy 2017-21
- (xiii) Organisational Plan 2018-19
- (xiv) Petitions Policy
- (xv) Statement of Accounts
- (xvi) Whistleblowing Policy
- (xvii) Your right to know, how to request information from us

4.8 However, additional Policy documents could be further added if it was relevant to do so.

5. Conclusion

5.1 The changes proposed as part of the Chapter Two are the second part of the Governance and Constitution review. These changes are necessary to bring to Constitution up to date, and to remove ambiguity and duplication. Through standardising the language and bringing in key definitions, the Constitution will become a useable document which can be understood by everyone.

Budget and Policy Framework Procedure Rules

1. The Framework for Cabinet Decisions

- 1.1. The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 5 of this Constitution. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the Policy Framework

- 2.1. The Budget and Policy Framework shall be developed in accordance with the process set out below.
- 2.2. The Cabinet will publish its initial proposals for the adoption of any plan, strategy and budget that forms part of the Budget and Policy Framework at least two months before its submission to Council for adoption.
- 2.3. Prior to publication, the Cabinet will first consult and seek the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Cabinet's consultation process shall be included in the Forward Plan. Any representations made to the Cabinet 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 Cabinet and considered in the preparation of initial proposals.
- 2.4. The Cabinet's initial proposals shall be referred to the Performance Management Scrutiny Committee as part of the consultation process. The Performance Management Scrutiny Committee shall canvass the views of local stakeholders and shall have particular regard not to duplicate any consultation carried out by the Cabinet. The Performance Management Scrutiny Committee consultation shall take place by way of a meeting to which all Members of Council shall be invited to attend and ask questions of the Cabinet on the proposals being put forward.
- 2.5. Following which a report to Cabinet on the outcome of its deliberations will be prepared and submitted. The Performance Management Scrutiny Committee shall have at least four weeks to respond to the initial proposals of the Cabinet unless the Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Performance Management Scrutiny Committee of the time for response when the proposals are referred to it.
- 2.6. Having considered the report of the Performance Management Scrutiny Committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration.

- 2.7 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.
- 2.8 In considering the matter, the Council shall have before it the Cabinet's proposals and any report from the Performance Management Scrutiny Committee.
- 2.9 The Council's decision will be publicised in accordance with this Constitution and a copy shall be given to the Leader of the Council. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, (where amendments have made), unless the Leader of the Council objects to it during that period.
- 2.10 If the Leader of the Council objects to the decision of the Council, they shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- 2.11 The Council meeting must take place within 10 working days of the receipt of the Leader's full and measured written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- 2.12 The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with the Constitution, and shall be implemented immediately.

3 Decisions outside the Budget or Policy Framework

- 3.1 Subject to the provisions of the Financial Procedure Rules, the Cabinet, committees of the Cabinet, Cabinet Members and any Officer, Area Committees or joint arrangements discharging Executive Functions may only take decisions which are in line with the Budget and Policy Framework.
- 3.2 If any of these bodies or persons wishes to make a decision which is contrary to the Budget and Policy Framework approved by the Council, then they shall take advice from the Monitoring Officer and the Section 151 Officer, as to whether the decision they want to make would be contrary to the Budget and Policy Framework.
- 3.3 If the advice of either of those officers is that the decision would not be in line with the existing Budget and Policy Framework; then that decision may only be taken by the Council, subject to paragraph 4 below.

4 Urgent decisions outside the Budget or Policy Framework

- 4.1 The Cabinet, a committee of the Cabinet, Cabinet Member or officer, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Budget and Policy Framework if the decision is a matter of urgency.
- 4.2 Such an urgent decision may only be taken if;
- (i) it is not practical to convene a quorate meeting of the Council; and
 - (ii) the Chairman of the Performance Management Scrutiny Committee agrees that the decision is a matter of urgency.
- 4.3 The decision notice must specify the reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Performance Management Scrutiny Committees consent to the decision being taken as a matter for urgency.
- 4.4 In the absence of the Chairman of the Performance Management Scrutiny Committee, the consent of the Chairman of the Council and in the absence of both the consent of the vice-Chairman of the Council will be sufficient.
- 4.5 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.

5 In-year changes to Budget and Policy Framework

- 5.1 No changes to any policy and strategy which make up the Budget and Policy Framework may be made by the Cabinet, a committee of the Cabinet, Cabinet Member or Officer, Area Committees or joint arrangements discharging Executive Functions, except where those changes are:
- (i) necessary to ensure compliance with the law, ministerial direction or government guidance; or
 - (ii) 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.

6 Call-in of decisions by reasons of being outside the Budget and Policy Framework

- 6.1 Where the Performance Management Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the Budget and Policy Framework, then it shall seek advice from the Monitoring Officer and/or the Section 151 Officer.
- 6.2 In respect of functions which are the responsibility of the Cabinet, the

Monitoring Officer's and/or Section 151 Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report.

- 6.3 The Cabinet must prepare a report:
- (i) to Council in the event that the Monitoring Officer and/or the Section 151 Officer conclude that the decision was a departure, or
 - (ii) to the Performance Management Scrutiny Committee if the Monitoring Officer and/or the Section 151 Officer conclude that the decision was not a departure.
- 6.4 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the Budget and Policy Framework, the Performance Management 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.
- 6.5 The Council shall meet within 10 working days of the request by the Performance Management 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 Section 151 Officer.
- 6.6 The Council may either:
- (i) endorse a decision or proposal of the 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 Procedure Rules or the 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 Budget and Policy Framework and does not amend the existing Budget and Policy Framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

Overview and Scrutiny Procedure Rules

1. Introduction

- 1.1 Overview and Scrutiny arrangements play an important role in securing the efficient delivery of public services and drives improvements within the Council. Through the legislative powers the Scrutiny Committees are responsible for scrutinising decisions the Cabinet is planning to take and those that it has already taken, thereby holding the Cabinet to account for its decisions and its actions. The Scrutiny Committees carry out the scrutiny function on behalf of the Council.

2. The Scrutiny Arrangements

- 2.1. The Council will have in place the Scrutiny arrangements as set out in Article 9 of this Constitution. The Scrutiny Committees may appoint sub-committees usually known as Task and Finish Groups, reference to the Scrutiny Committee will (unless otherwise stated) include reference to the Task and Finish Group. The Scrutiny Committee may be appointed for a fixed period or to undertake a specific task, on the expiry of which they shall cease to exist.

3. Meetings of the Scrutiny Committees

- 3.1. In addition to the ordinary meetings scheduled at the start of the municipal year, extraordinary meetings may be called from time to time as and when appropriate. Extraordinary meetings may be called by:
- 3.1.1. the Chairmen of the relevant Scrutiny Committee,
 - 3.1.2. any 5 members of the relevant Scrutiny Committee or
 - 3.1.3. the proper officer if they consider it necessary or appropriate.

4. Membership

- 4.1. All Members are eligible to be members of a Scrutiny Committee, subject to the number of places available and the political proportionality rules.
- 4.2. No Member may be involved in scrutinising a decision in which they have been directly involved in making.
- 4.3. No Cabinet Members are not entitled to be a member of a Scrutiny Committee or its Task and Finish Group.
- 4.4. A Deputy Cabinet Member may not be involved in scrutinising a decision undertaken by that Cabinet Member.
- 4.5. The Task and Finish Group may consist of Councillors who are not a member of the Scrutiny Committee and will hold voting rights on any

question which falls to be determined at the meeting of the Task and Finish Group.

- 4.6. Substitutes will be permitted provided they are in accordance with the provisions set out above, and should wherever possible be named for the duration of the review being undertaken by the Scrutiny Committee.

5. Co-opted Members

- 5.1. The Scrutiny Committees shall be entitled to recommend to the Council the appointment of additional individuals who are not Members of the Council. Such individuals will be known as 'Co-opted Members' and will be entitled to participate in the review but will not hold voting rights on any question which falls to be determined at a meeting of the Scrutiny Committee.

6. Chairman

- 6.1. The Chairman of each of the Scrutiny Committees will be appointed at the Annual Meeting of the Council.
- 6.2. The Chairman of the Performance Management Scrutiny Committee may not be a member of the Majority Group, unless there are no such other persons available.

7. Work programme

- 7.1. The Scrutiny Committees will be responsible for setting their own work programme which exercises the functions as conferred by section 21 of the Local Government Act 2000 and set out in Article 9 of this Constitution.
- 7.2. In doing so they shall review the suggestions provided as part of the annual call for topics, and will take into account the views of the Chief Officers.
- 7.3. The work programme shall be considered by the Scrutiny Chairman Committee in order to coordinate the work undertaken by each of the Scrutiny Committees. They may consult Group Leaders, the Cabinet, any Member and any other person or group they consider relevant to inform their considerations.

8. Agenda items

- 8.1. Any member of the Scrutiny Committee shall be entitled to give notice to the Head of Governance that they wish an item relevant to the functions of the Scrutiny Committee to be included on the agenda for the next available meeting of the Scrutiny Committee. Where such a request has been received on later than midday seven working days before the meeting the Head of Governance will ensure that it is included on the next available agenda. Otherwise the item will be included in the next agenda of the Scrutiny Committee.

9. A Councillors Call for Action

- 9.1 The Councillors Call for Action is an additional means for Councillors to raise issues of local community concern, for consideration by the Council's Scrutiny Committees, on behalf of residents. A Councillors Call for Action should only be raised where other means of resolving the matter have been exhausted.
- 9.2 Any Member of the Council may raise a Councillors Call for Action, which should be sent to the Head of Governance in accordance with the deadlines set out in paragraph 8 above.
- 9.3 Once the Councillors Call for Action is received, the matter must be considered by the relevant Scrutiny Committee, whose terms of reference the matter falls within, and they must endeavour to consider the matter within a reasonable timescale.
- 9.4 Where the matter falls within the terms of reference of more than one Scrutiny Committee, matter shall be considered by the Scrutiny Chairman Committee to will determine the which Scrutiny Committee will deal with the matter.
- 9.5 If a Councillors Call for Action may be rejected by the Scrutiny Committee. In which case a written response will be sent to the Member concerned informing them of the reasons for this. Where the issue has been deemed not to be valid because other methods of resolution have not been exhausted, the Councillors Call for Action may be re-submitted, if necessary, once the Councillor concerned has pursued the matter further.

10. Order of Business

- 10.1. The Scrutiny Committees shall consider the following business:
 - 10.1.1. minutes of the last meeting, where available;
 - 10.1.2. declarations of interest;
 - 10.1.3. consideration of any matter referred to it for a decision in relation to call in of a decision;
 - 10.1.4. responses of the Cabinet to reports of the Scrutiny Committee; and
 - 10.1.5. any other business as set out on the agenda for the meeting.

11. Policy Review and Development

- 11.1. The role of the Performance Management Board in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 11.2. In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, the Scrutiny Committees may make recommendations or act as a consultee for the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 11.3. The Scrutiny Committees may hold enquiries and investigate the available

options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may (within resources deemed available by the proper officer) go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may (within resources deemed available by the proper officer) pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

- 11.4. Where the Scrutiny Committees conducts investigations (e.g. with a view to policy development), it may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
 - 11.4.1. that the investigations be conducted fairly and all members of the Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - 11.4.2. that those giving evidence be treated with respect and courtesy; and
 - 11.4.3. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 11.5. Following any investigation or review, the Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

12. Reports from Scrutiny Committees

- 12.1. Once it has formed recommendations, the Scrutiny Committee will prepare a formal report and submit it to the proper officer for consideration by the Cabinet.
- 12.2. The Cabinet shall consider the report from the Scrutiny Committee at the next meeting of Cabinet for which the agenda has not yet been published.
- 12.3. The Cabinet will normally consider the Report within two months of it being submitted to Cabinet. However, the relevant Cabinet Member and the Chairman of the Scrutiny Committee may agree a longer period.
- 12.4. Having considered the Report, Cabinet will provide a response. That response will be reported to Council, together with the original Scrutiny Committees Report, setting out details of Cabinets considerations, and set out any recommendations to the Council, including recommendations for a departure from or a change to the agreed Budget and Policy Framework.
- 12.5. If a Scrutiny Committee cannot agree on one single final report to Cabinet then up to one minority report may be prepared and submitted for consideration by Cabinet with the majority report.

13. Reports to Cabinet Members

- 13.1. Where the Scrutiny committees prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to Cabinet Member, then the Scrutiny Committee will submit a copy of its report to the Cabinet Member for consideration.

13.2. At the time of doing so, the Scrutiny Committee shall serve a copy on the proper officer. The Cabinet Member with delegated decision making power must consider the report and respond in writing to the Scrutiny Committee within six weeks of receiving it.

13.3. A copy of the Cabinet Members written response to the report shall be sent to the proper officer and the Leader. The Cabinet Member will also be invited attend a future meeting of the Scrutiny Committees to present their response.

14. Rights of Scrutiny Committees Members to documents

14.1. In addition to their rights as Councillors, members of the Scrutiny Committees in fulfilling their functions have additional rights to documents as set out in the Access to Information Procedure Rules in this Constitution.

14.2. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Committees as appropriate depending on the particular matter under consideration.

15. Members and officers giving account

15.1. The Scrutiny Committees may require any Cabinet Member, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit: any particular decision or series of decisions; and the extent to which the actions taken implement Council policy. It is the duty of those persons to attend if so required.

15.2. Where any Cabinet Member or officer is required to attend a Scrutiny Committee under this provision, the Chairman will inform the proper officer. The proper officer shall inform the Cabinet Member or officer in writing giving at least 5 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for Scrutiny Committees consideration. Where the account to be given to Scrutiny Committee will require the production of a report, then the Cabinet Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

15.3. Where, in exceptional circumstances, the Cabinet Member or officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the Cabinet Member or officer arrange an alternative date for attendance to take as soon as reasonably practicable.

16. Attendance by others

16.1. The Scrutiny Committees may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance by those invited under this provision is entirely optional but encouraged in the spirit of partnership working and community engagement.

17. Call-in

What can be called in and how

17.1. When a key decision is made by:

- i. the Cabinet,
- ii. a Cabinet Member
- iii. a committee of the Cabinet,
- iv. an officer with delegated authority from the Cabinet, or
- v. under joint arrangements,

the decision shall be published on the Council's website, and shall be made available at the main offices (Causeway House) of the Council normally within 3 working days of being made. Copies of all such decisions will be made available to all Councillors within the same timescale, by the person responsible for publishing the decision.

17.2. The notice publishing the decision shall bear the date on which it is published and will specify the date that the decision will come into force and may then be implemented on the expiry of five working days after the publication of the decision, unless the decision is called-in.

17.3 A decision taking in accordance with paragraph 17.1 above, may be called in to the Scrutiny Committee whose remit includes the subject matter of the decisions.

17.4 Individual decisions taken by Non-Executive Committees (Planning, Licensing, Standards and Audit Committees) cannot be the subject of call-in.

17.5 Any decision can only be called-in once.

17.6 A decision may be called in by:

- i. the Chairman of the relevant Scrutiny Committee; or
- ii. any five Non-Cabinet Councillors.

17.7 All valid call-in notices will be referred to the relevant Scrutiny Committee for determination and the decision maker will be notified of the call-in.

17.8 The submission of a call-in notice shall have the effect of suspending the implementation of the decision pending consideration of the matter by the relevant Scrutiny Committee.

17.9 The Chairman of the relevant Scrutiny Committee is under an obligation to ensure that the meeting is held within the 10 working days. If the relevant Scrutiny Committee does not meet the required period, the decision shall take effect on the expiry of the 10 working day period.

17.10 If the relevant Scrutiny Committee has already commented or made

recommendations on the specific matter which has been called-in prior to the decision being made then it will be deemed to be pre-determined on the matter and the call-in will be considered by another Scrutiny Committee.

Call-in Procedure

17.11 A notice of call-in must be made direct to the Head of Governance, and must be received within five working days of the date of publication of the decision. The Call In notice must set out the details of the decision being called in and state clearly the reasons why the decision needs to be scrutinised based on one or more of the following seven assessment criteria. These seven criteria are as follows:

- (i) The decision-maker has failed to consult relevant people, or bodies, in contravention of defined Council policies or procedures;
- (ii) The decision is contrary to the Council's Budget or Policy Framework;
- (iii) The decision is not consistent with Council policy;
- (iv) The decision-maker did not take into account relevant considerations or other material factors and therefore, the decision is unreasonable;
- (v) The decision is contrary to a previously agreed decision made in Full Council, which has not been superseded by a subsequent decision;
- (vi) The decision is inconsistent with a previous Overview and Scrutiny recommendation that has been accepted by Cabinet or Council and that recommendation has not been superseded by a subsequent decision; or
- (vii) The decision was not taken in accordance with the principles set out in Article 7 (Decision-Making) of the Constitution.

17.12 On receipt of the notice for call-in, the Scrutiny Officer will:

- i. acknowledge receipt of the Notice;
- ii. Notify the decision maker in writing of the Call-in; and
- iii. Notify the Chairman of the relevant Scrutiny Committee.

17.13 The Head of Governance shall call a meeting of the relevant Scrutiny Committee on such date as they may determine, where possible after consultation with the Chairman of the Scrutiny Committee, and in any case within 10 working days of request to call-in.

Informal Meeting

17.14 Prior to the meeting of the Scrutiny Committee arranged under 17.10 above, the Chairman of the Scrutiny Committee may, in agreement with those calling the decision in, call an informal meeting too be attended by the Chairman of the Scrutiny Committee, the Members calling in the decision, and the Decision Maker. The purpose of that meeting will be to discuss the issues and to see if the matter can be resolved.

- 17.15 The Scrutiny Officer will attend the informal meeting and will within 24 hours produce a note of the discussion and the outcome, for circulation to all parties for approval.
- 17.16 Once the note and the outcome have been agreed, by all parties then the call-in will be treated as having been dealt with and any further required action in relation to the decision will be undertaken in accordance with the Council's Constitution. A report of any call ins that are dealt with by way of an informal meeting will be included on the Agenda for the next meeting of the Scrutiny Committee.

Meeting of the Scrutiny Committee

- 17.17 If the call-in is not withdrawn as a result of the informal meeting, or an informal meeting is not held, the call in will be presented to the Scrutiny Committee for consideration, The Scrutiny Committee will meet within 10 working days of the notice of call-in. Wherever possible scheduled meetings of the Scrutiny Committee will be used. Where this is not possible the Scrutiny Officer will liaise with the parties concerned and arrange a special meeting.
- 17.18 At the meeting to consider the call-in notice, the Scrutiny Committee shall limit its consideration to the reasons stated in the call-in notice.
- 17.19 The meeting shall be conducted in the following way:
- (i) The Members requesting the call-in shall attend and explain their objections to the decision and the reasons for the call-in against the stated criteria.
 - (ii) the decision-maker shall establish the reasons behind the decision;
 - (iii) Questions can be asked by:
 - a. Those calling in the decision;
 - b. The relevant Cabinet Member or relevant Officer; and
 - c. The Scrutiny Committee.

All questions will be at the discretion of the Chairman, taking account of relevance to the subject matter.

- 17.20 Both those calling in the decision and the decision maker are permitted to stay at the meeting whilst the Scrutiny Committee debates and decides what action to take at the discretion of the relevant Scrutiny Committee Chairman. However, they will not be able to participate in the general debate. The Chairman may allow them to answer questions or points of clarification arising through the debate.

Decisions referred back to the Decision maker

- 17.21 On considering the matter, the Scrutiny Committee will decide whether or not to ask the decision-maker to reconsider its decision.

- 17.22 If, having had regard to the advice of the Monitoring Officer, which will be summarised within the Report, the Scrutiny Committee considers the executive decision is contrary to the Budget or Policy Framework; the Committee may refer the matter to the next practicable meeting of the Council.
- 17.23 If the relevant Scrutiny Committee decides to ask the decision-maker to reconsider their decision, the decision-maker shall be required to do so within 10 working days following the meeting of the relevant Scrutiny Committee, unless the decision maker was an Officer in which case it will be referred back to the Leader of the Council or relevant Cabinet Member for consideration. In that circumstance the Leader of the Council or relevant Cabinet Member shall be required to reconsider the decision within 10 working days.
- 17.24 If the Scrutiny Committee decides that it does not wish to refer the matter back to the decision-maker or to Council, the decision shall be confirmed and shall take effect at the conclusion of the meeting of the Scrutiny Committee.
- 17.25 If the matter is referred to Council, who do not object to the decision the subject of call-in, no further action is necessary and the decision will be effective on the date of the Council meeting. If Council does object to the decision the subject of call-in, it only has authority to make decisions where it is considered contrary to the Budget and Policy Framework. The Council must refer any decision relating to Cabinet Functions, to which it objects, back to the decision-maker, together with the Council's views on the decision. The decision-maker shall, within a further 10 working days, choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet or a committee of it, the next meeting of the Cabinet will consider the request of the Council. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- 17.26 It should be noted that, although a decision may be deemed to meet the criteria for call-in, this does not automatically mean the matter should be referred back to the decision-maker. There may be compelling reasons for the decision being made and all evidence should be heard before determining what action should be taken.
- 17.27 If the Council does not meet, or if it does but does not refer the key decision back to the decision making body or person, the key 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.

18 Exceptions to Call-In

- 18.1 The call-in procedure set out above shall not apply in respect of Cabinet decisions regarding the following:

Urgent Decisions

- 18.2 A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person, or body, the decision is an urgent one and why, and therefore not subject to call-in.
- 18.3 The Chairman of the relevant Scrutiny Committee must agree that the proposed decision is reasonable in all its circumstances and that it should be treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required.
- 18.4 Decisions taken as a matter of urgency must be reported by the Leader to the next practicable ordinary meeting of the Council, together with the reasons for urgency in accordance with the provision of this Constitution.

Other Exceptions

- 18.5 The following will not be subject to Call-in:
- (i) "Provisional" or "in principle" decisions where the issue is to be referred to an Scrutiny Committee for comment.
 - (ii) Recommendations from Cabinet to Council.
 - (iii) Decisions by the Cabinet where the issue has been referred to them by the Council or an Scrutiny Committee for their view or comment
- 18.6 Unless the decision has taken into account new material considerations arising since the original consultation with the Council or an Scrutiny Committee a decision by the Cabinet in response to such consultation shall not be subject to call-in.
- 18.7 Where the Council has delegated to the Cabinet the ability to approve additional information in respect of the Corporate Plan to ensure that statutory publishing deadlines are met, such decisions shall be construed as urgent for the purposes of Rule 18(i) above. In such circumstances the Chairman of the relevant Scrutiny Committee, or Vice-Chairman so authorised to act in their absence, will only be required to agree that the proposed decision is reasonable in all the circumstances.
- 18.8 The operation of the provisions relating to call-in and urgency shall be monitored in accordance with Article 1 of this Constitution and a report submitted to Council with proposals for review if necessary.

x. Protocol on Member/Officer Relations

x.1 Introduction

The Success of the Council is greatly dependent upon the positive working relationship between Members and Officers. It is important that there should be a close working relationship between a Cabinet Member and the Chief Officers, Heads of Service and other appropriate senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, that the Officer's ability to deal impartially with other Members and party groups is brought into question.

It is important that dealings between Members and Officers should observe normal standards of courtesy, there should be mutual trust and respect, and neither party should seek to take unfair advantage of their position.

This Protocol seeks to enhance the working relationships between Members and Officers of the Council. Whilst the Protocol cannot be comprehensive it sets out guidance on some of the key issues that arise in those relationships. The Protocol reflects the principles underlying the Member Code of Conduct and the Principles of Public Life. The shared objective is to enhance and maintain the integrity of local government, therefore demanding very high standards of personal conduct.

x.2 The Roles of Members and Officers:

In fulfilling their roles, the elected Members and Officers are both jointly responsible for:

- (i) acting honestly, with integrity and in the public interest; and
- (ii) open and transparent objective decision making.

In addition to the requirements set out in Article 2 and Article 6 of the Constitution, the Members' role is to:

- (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) Represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate for their communities;
- (iii) Effectively represent the interests of their ward and of individual residents;
- (iv) Respond to residents' enquiries and representations, fairly and impartially and assist in the resolution of concerns and grievances;
- (v) Be involved in decision-making for the people of the District as a whole;
- (vi) Be available to represent the Council on other bodies; and

- (vii) Contribute to the governance and effective management of the Council's business at meetings of the Council, Cabinet and other Committees and Sub-Committees, maintaining the highest standards of conduct and ethics.

In addition to the requirements set out in Article 3 of the Constitution, Officers are responsible for:

- (i) providing professional and technical advice that Members must have before them when formulating policy and when taking decisions;
- (ii) lawfully implementing Members' decisions;
- (iii) day-to-day administration, including staffing matters;
- (iv) taking managerial and operational decisions in accordance with the Council's Scheme of Delegation;
- (v) the provision of information regarding Council services; and
- (vi) undertaking public consultation.

Underlining Principles for the Working Relationships

The following principles apply to both Members and Officers during the course of their working relationship and in fulfilling their duties and are designed to foster the good working relationships between Officers and Members that are essential to effective decision making and the delivery of services.

- (i) Mutual respect and courtesy between Officers and Members;
- (ii) An awareness of each other's responsibilities and duties;
- (iii) No inappropriate criticism, intimidating behaviour or the creation of a threatening work environment of any kind;
- (iv) Any appropriate challenges are to be conducted in a professional and respectful manner;
- (v) Equal treatment, regardless of personal or political opinion (actual or perceived);
- (vi) An adherence to the law and the lawful instructions and advice of others; and
- (vii) An avoidance of close personal familiarity.

Alleged breaches of the Members' Code of Conduct are dealt with through the Council's Standards Committee, breaches of the Officer Code of Conduct as contained in the Council's HR Policies are dealt with the Head of Paid Service, in accordance with the Council's Human Resources Policies and Procedures.

If an Officer is concerned about the conduct of a Member, they should report this to their senior manager, who will notify both the Head of Paid Service and the Monitoring Officer. These concerns could include public criticism of an Officer by a Member or unreasonable, frivolous or vexatious requests for information.

x.3 Officer Appointments, Performance And Political Neutrality:

The appointment of the Chief Officers and Statutory Officers will be made in accordance with the Officer Employment Procedure Rules. All other appointments are made at the appropriate Officer level.

The main functions and areas of responsibility of Officers are set out in Article 3 and Chapter 4 of the Constitution. The position of the Head of Paid Service is to have overall corporate management and operational responsibility (including overall management responsibility for all officers).

Staffing matters (including discipline, training, setting and monitoring targets) are dealt with by the relevant managers.

Members may wish to comment on an individual Officer's performance and/or deficiencies. In such instances these are expected to be raised with the relevant Chief Officer in the first instance. Thereafter to the Chief Executive if unresolved.

Officers are politically neutral, serve the whole Council and must avoid being identified with any political group. In order to safeguard this neutrality, Officers must avoid involvement in party political matters, such as campaigns in the political arena. This assumes particular significance in the run up to Elections. In their lives outside work, all politically restricted posts, which includes the Chief Officers and Statutory Officers and many Senior Officers, are prevented from active political involvement.

x.4 Officer Advice to Party Groups

There is statutory recognition for Party Groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body. Officers may properly be called upon to support and contribute to such deliberations by Party Groups provided that this is first agreed between the relevant Group Leader and the Chief Executive.

The support provided by Officers can take many forms, ranging from a briefing meeting with a Chairman, a Cabinet Member or a Group (either jointly or individually) to a presentation to a full Party Group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- (i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of Party business. The observance of this distinction will be assisted if Officers are not expected

to be present at meetings, or parts of meetings, when matters of party business are to be discussed;

- (ii) Party Group meetings, whilst they inform part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
- (iii) where Officers provide information and advice to a Party Group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered; and
- (iv) the attendance of Officers at a Party Group meeting does not confer on that meeting any official standing.

Special care needs to be exercised whenever Officers are involved in providing information and advice to a Party Group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Code (in particular, the provisions concerning the declaration of interest and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

Officers must respect the confidentiality of any Party Group discussions at which they are present in the sense that they should not relay any confidential information to another Party Group.

Any particular cases of difficulty or uncertainty with providing advice to Party Groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

x.5 Support Services to Members

The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with Party Political or Campaigning activity or for private purposes or for purposes not directly related to Council business. A similar restriction applies to the Public Relations Officers.

x.6 Members' Access to Information and to Council Documents

Both Members and Officers must adhere to the Access to Information Procedure Rules as set out in the Constitution.

Disclosure of confidential information by either a Member or Officer will constitute a breach of their relevant Code of Conduct and the appropriate action will be taken. In addition, the Council could be exposed to a damages or compensation claim as a result of the disclosure.

Members are able to approach any Council Service with a request to provide them (within a reasonable period) with such information, explanation and advice (about that Service's functions), as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent.

Members entitlement to information from Officers is linked to their role as a Member of the Council, a Ward Councillors, decision makers and performing functions, such as overview and scrutiny (*this is referred to as the common law 'need to know' principle*). Under common law principles Members have the right to access information held by the Council where it is reasonably necessary to enable the Member to properly perform their duties as a councillor.

However, if the Member's motive for seeing documents is indirect, improper or ulterior this may be raised as a bar to their entitlement. Members are not, therefore, allowed to go off on a 'fishing expedition' through the Council's documents.

If a councillor is a member of a particular committee or sub-committee, then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the Councillor would have to show good cause why sight of them is necessary to perform their duties.

In such instances, the Chief Officers may request a Member to demonstrate their 'need to know'.

All requests for information from members should normally be directed to the relevant Head of Service or Chief Officer. It must be remembered, however, that Officers within a Service are accountable to their Head of Service and whilst Officers should always seek to assist Members they must not, in doing so, go beyond the bounds of the authority they have been given by their Head of Service. Individual Members (except Cabinet Members acting under delegated authority) do not have the power or authority to instruct Officers to provide information, explanations, advice or to carry out any specific task or tasks.

Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting. This right applies irrespective of whether the member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to relevant background papers. This right does not, however, apply to documents relating to certain items which may appear on the private agenda for meetings in accordance with the provisions of the Access to Information Procedure Rules..

Finally, any Council information provided to a Member must only be used by

the Member for the purpose for which it was provided and in connection with the proper performance of the Member's duties as a Member of the Council.

x.7 Correspondence

Correspondence between an individual Member and an Officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed.

Official letters on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a Member, but this should be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council should never be sent over the name of the Member.

x.8 Decision Making

Decision making by the Council is closely regulated by law. The taking of a decision by the wrong person or body or taken in the wrong way can invalidate the decision from the beginning or leave it vulnerable to being overturned by a court at a later date.

The law does not interfere with the merits of a decision which is normally left to the discretion of the Council. The law is concerned with process and any failure to follow lawful process will be addressed by the courts, sometimes with severe consequences as to the liability of an authority to others.

All Members and senior officers must understand the parameters of the authority they exercise and recognise that acting outside those parameters leaves the Council open to legal liability and/or public criticism. For Members, such actions are likely to amount to a breach of the Member Code of Conduct and for Officers, may lead to disciplinary proceedings.

x.9 Officer Advice

Any Cabinet Member taking decisions individually must take advice from the relevant officer(s). In taking Officer advice, Cabinet Members must consider what advice they require from the relevant service areas in respect of the particular issue to be addressed.

A Cabinet Member must always have the advice of the Monitoring Officer and Section 151 Officer when taking decisions.

The Cabinet Member must give officers adequate opportunity to provide them with the advice on the issue prior to them taking the decision.

If the Chief Executive and/or the Monitoring Officer agree that a decision is unlawful or in breach of existing Council policy or procedure, they will refer the

matter back to the relevant Cabinet Member asking them to reconsider. Ultimately, and in a case of serious disagreement, the Monitoring Officer is under a legal duty to report any likely breach of the law to full Cabinet.

Members' Allowance Scheme

1. Scheme and Commencement

- 1.1. This Members' Allowances Scheme is set further to the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations) and takes effect from the 11 May 2015 and supersedes previous schemes.
- 1.2. The scheme will continue until reviewed, either in accordance with the terms of the scheme or by way of amendment by Council.
- 1.3. This Scheme may be amended at any time by the Council but may only be revoked with effect from the beginning of a Civic Year.
- 1.4. No amendments can be made to the Scheme without prior consultation with the Council's Independent Remuneration Panel and any amendments must have regard to any recommendations of the Independent Remuneration Panel.
- 1.5. This Scheme shall be reviewed at least every four years.

2. Basic Allowance

- 2.1. With effect from 1 April 2020, all Councillors will be entitled to receive a Basic Allowance of £5,064.00 per annum, subject to the provisions of this Scheme.

3. Special Responsibility Allowance

- 3.1. A Special Responsibility Allowance shall be paid to those Councillors who hold positions with additional special responsibilities as specified in Table 1, and is paid in recognition of the extra duties which the Member is expected to perform. The amount of the Special Responsibility Allowance payable will vary according to the position held, the duties undertaken and the level of responsibility involved.
- 3.2. Subject to Paragraph 6, the amount of each such Special Responsibilities Allowances are set out in Table 1.
- 3.3. Councillors are not able to claim more than one Special Responsibility Allowance, and are only entitled to whichever is highest.

Table 1:

Special Responsibility	Basic Allowance Multiplier	Additional Allowance
Council		
Chairman of the Council	x 1	£5,064
Leader of the Council	x 3	£15,192

Deputy Leader of the Council	x 2.5	£12,660
Cabinet		
Member of the Cabinet	x 2	£10,128
Deputy Cabinet Members	x 1	£5,064
Committees		
Chairman of the Planning Committee	x 1.75	£8,862
Vice-Chairman of the Planning Committee	x 0.875	£4,431
Members of the Planning Committee (excluding Chairman and Vice-Chairman) provided the Member attend at least 75% of all called meetings of the Planning Committee	x 0.25	£1,266
Chairman of the Local Plan Sub-Committee	x 1	£5,064
Chairman of the Licensing Committee	x 1	£5,064
Vice-Chairman of the Licensing Committee	x 0.5	£2,532
Scrutiny Committees		
Chairman of the Performance Management Board	x 1.5	£7,596
Vice-Chairman of the Performance Management Board	x 0.75	£3,798
Chairman of the Corporate Governance Group	x 1	£5,064
Vice-Chairman of the Corporate Governance Group	x 0.5	£2,532
Chairman of the Community Development Group	x 1	£5,064
Vice-Chairman of the Community Development Group	x 0.5	£2,532
Chairman of the Partnership Development Group	x 1	£5,064
Vice-Chairman of the Partnership Development Group	x 0.5	£2,532
Political Groups		
Leader of the Largest Opposition Group	x 1	£5,064

Leader of Other Opposition Groups of more than 5 members (Note no SRA is payable to Leaders of groups of less than 5 Members)	x 0.25	£1,266
Chairman of the Independent Remuneration Panel	x 0.125	£633

4. **Communications Allowance**

- 4.1. All Members (excluding Members with a Council provided device) shall be entitled to a fixed sum of £40 per month to support their communication costs, including the cost of providing computer equipment.
- 4.2. A Councillor can by agreement with the Head of Governance claim in advance up to two years of this element of the allowance in a single lump sum to support capital purchases, provided that the Councillor agrees to repay any overpayment if they cease to be a Councillor.

5. **Member Development Allowance**

- 5.1. All Members are entitled to receive a Member Development Allowance up to £400 per year, payable at the end of the Civic Year. Payment of the Member Development Allowance is directly linked to Member's actual attendance at Member Development Evening Programme events on a percentage threshold. The table below sets out the qualifying attendance and the amount payable.

% annual attendance	Less than 10%	Over 10%	Over 25%	Over 50%	Over 75%
% of Allowance	0%	25%	50%	75%	100%
Value of Allowance	£0	£100	£200	£300	£400

- 5.2. Attendance will be reviewed based on attendance of the Councillor at all relevant Member Development Evening Programme Events that take place within the financial year, with any payment due being made in the March of that financial year.
- 5.3. Absences on long term medical grounds or other accepted exceptional circumstances, or required attendance at a meeting of an outside body (as appointed by Council or Cabinet only) on the same date as a training session may be approved in advance of the meeting by the Monitoring Officer as a permitted absence.

6. Renunciation

- 6.1. A Councillor may, by notice in writing to the Head of Governance, elect to forego any part of their entitlement to any allowance under this Scheme.

7. Increases in Entitlements

- 7.1. The Basic Allowance and the Special Responsibility Allowances shall be increased in line with the Local Government Staff Annual Pay Award, and in line with its provisions as to payment.

8. Part-year Entitlements

- 8.1. The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended, or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- 8.2. In respect of a Basic Allowance, where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a civic year, the entitlement shall be proportioned to the number of days during which the term of office as a Councillor bears to the number of days in that civic year, taken together with the Member Development Link in the same relative proportions.
- 8.3. Where a Councillor has during part of, but not throughout, a whole year such special responsibilities as entitle them to a Special Responsibility Allowance, that Councillor's entitlement shall be proportioned as the number of days during which they held the special responsibilities and which bears to the number of days in that civic year.
- 8.4. Where an amendment to this Scheme is made which affects an allowance payable for the civic year in which an amendment is made, the entitlement to such allowance, as amended, may apply with effect from the beginning of the civic year in which the amendment is made.

9. Claims and Payments

- 9.1. Any and all claims for travelling expense reimbursement and/or subsistence payment under this Scheme shall be made via the Council's online payroll system not later than two months following the date of the approved duty in respect of which the entitlement to the payment arises.
- 9.2. Except, where the approved duty is undertaken in March in any year then all claims shall be submitted no later than the following 1st May. No reimbursement or payment under this Scheme shall be made where these time limits have not been complied with unless there are extenuating circumstances.
- 9.3. A claim for travelling expense reimbursement and/or subsistence payment under this Scheme shall include, or be accompanied by, a statement by the Councillor claiming the payment, that they are not

entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under this Scheme.

- 9.4. Payments shall be made by bank transfer on the 20th day in each month or before 20th day in the event if it falls at a weekend/bank holiday.
- 9.5. Basic, Special Responsibility and Communication Allowances are paid in twelve equal instalments and apportioned for part-year entitlement where applicable.
- 9.6. Allowances and claims will be taxed according to the prevailing taxation rules including for PAYE and National Insurance. Councillors are responsible for meeting any tax liabilities which relate to their circumstances.

10. Membership of another Authority

- 10.1. Where a Councillor is also a Member of another Authority, that Councillor may not claim expenses from more than one Authority in respect of the same duties.

11. Childcare Allowance

- 11.1. The Council has agreed that a Childcare Allowance shall be paid.
- 11.2. An Allowance may be claimed for costs incurred when a carer for a child has been engaged to enable a Councillor to undertake an approved duty. The actual cost of care will be reimbursed up to a maximum of £10 per hour provided that no Councillor may claim for more than two meetings per week up to a maximum of 8 hours.
- 11.3. An Allowance will be payable in respect of any child being cared for who normally lives with the Councillor as part of that Councillor's family and who should not be left unsupervised.
- 11.4. The carer must not be an immediate member of the Councillor's family or be someone who normally lives with the Councillor as part of that Councillor's family.
- 11.5. Councillors who claim a Childcare Allowance are required to certify that the amounts claimed have actually been incurred and that neither the Councillor nor the person being cared for has received an allowance for care from any other source.

12. Dependent Carer's Allowance

- 12.1. The Council has agreed that a Dependent Carer's Allowance shall be paid.
- 12.2. An Allowance may be claimed for costs incurred when a carer for a dependent person has been engaged to enable a Councillor to undertake an approved duty. The actual cost of care will be reimbursed at a reasonable cost of provision in the circumstances provided that no Councillor may claim for more than two meetings per week up to a

maximum of 8 hours.

- 12.3. An allowance will be payable in respect of any dependent being cared for who normally lives with the Councillor as part of that Councillor's family and who should not be left unsupervised.
- 12.4. The carer must not be an immediate member of the Councillor's family or be someone who normally lives with the Councillor as part of that Councillor's family.
- 12.5. Members who claim a Dependent Carer's Allowance are required to certify that the amounts claimed have actually been incurred and that neither the Councillor nor the person being cared for has received an allowance for care from any other source.

13. Travelling Expenses/Subsistence Allowance Claims

- 13.1. For travelling expense reimbursement and subsistence allowance purposes, any claim for payment must be in respect of the previous undertaking of an Approved Duty as set out in Section 14.
- 13.2. Expenditure must have been incurred in the performance of duties that were designated as approved before the duty was performed.
- 13.3. Any claim will be paid for actual expenditure up to the limits set out in this scheme. Any sum expended over this is not recoverable. Receipts must be submitted for all expenditure, including any parking, tolls or other fees.
- 13.4. When booking public transport where any low cost or reduced travel fare is available, it must be used. Standard class accommodation should be used.
- 13.5. Councillors would not normally be expected to use their own vehicles for journeys outside the District boundary unless it can be demonstrated that the cost to the Council would be less than travel by train, e.g. where a number of Councillors are going to the same destination and will be travelling in the same car. There may also be cases where it would be more practical to use a Councillor's own vehicle. In such cases a claim may be made equivalent to the cost of the most economic method of travel.
- 13.6. Where Councillors and Officers are travelling to the same destination the least number of cars necessary to safely undertake the journey shall be used. Where any one or more of the officers has a lease car then a lease car must be used for the journey. Where this is not the case but an Officer has a car purchased with the benefit of a loan from the Council then this car must be used. If there is no lease car or car purchased with the benefit of a loan available then agreement shall be reached between all those travelling as to the car which will be used.
- 13.7. Any penalty charges for failure to pay for sufficient parking, tolls or other charges are the responsibility of the Councillor and may not be claimed

for.

14. Approved Duties

- 14.1. The attendance at a meeting of the Council, or of any Committee or Sub-Committee of the Council, or of any other body to which the Council makes appointments or nominations and for which the Councillor making the claim is the appointed nominee, or any Committee or Sub-Committee of such a body.
- 14.2. The attendance at any other meeting, the holding of which is authorised by the Council, or a Committee or Sub-Committee of the Council, or a Joint Committee of the Council and one or more Authorities within the meaning of Section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee provided that:-
 - a) Where the Council is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited; or
 - b) If the Council is not so divided, it is a meeting to which at least two members of the Council have been invited.
 - c) The attendance at a meeting of any association of authorities of which the Council is a member.
- 14.3. The attendance at a meeting of the Cabinet or any of its Committees.
- 14.4. Duties undertaken on behalf of the Council:-
 - a) In pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a Member to be present while tender documents are opened;
 - b) In connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises
- 14.5. Pre-agenda briefings.
- 14.6. Training authorised under the Members' Training Programme which has been pre- booked through the Council's Training Administrator.
- 14.7. Attendance at Parish Council meetings within a Councillor's ward for the sole purpose of representing the District Council.
- 14.8. Previously arranged meetings with Officers of the Council at Council premises regarding constituency or relevant Council matters.
- 14.9. Site meetings at any location detailed in the agenda/minutes of a Committee with or without the attendance of a Council Officer.
- 14.10. Non-social public relations events.
- 14.11. Any other duty approved by the Authority, or any duty of a class so

approved for the purpose of, or in connection with, the discharge of the functions of the Authority, or any of its Committees or Sub-Committees.

14.12. Attendance at meetings of organisations (e.g. the Local Government Association) are approved by the Council for travel and subsistence claims SUBJECT to approval by the relevant Member's Political Group Leader (if any); and appropriate arrangements being in place for reporting back from the relevant meeting

14.13. Attendance at conferences has been approved under Section 175 of the Local Government Act 1972 for the payment of travel and expenses claims subject to approval by the relevant Member's Political Group Leader (if any), completion in advance of the appropriate Member Nomination Form (obtained from the OD&L or Human Resources); and appropriate arrangements being in place for reporting back from the relevant conference

15. Exclusions to Approved Duties

15.1. The Council excludes the following activities from being Approved Duties even if they may also fit within a relevant definition:-

- a) Political meetings whether National, Local, Group or Parish
- b) Ward visits including research except in accordance with paragraph 9 of this Scheme;
- c) Civic hospitality, social events, funerals and functions (receptions, official openings, sporting occasions) where invitations are personal and not as a representative of the Council;
- d) Conferences and seminars of interest where the Member attends on a personal basis rather than as a representative of the Council;
- e) Visits by Members to the Council offices except in accordance with paragraph 14.8 of this Scheme; and
- f) Surgeries

16. Approved Millage rates

16.1. For Motor cars 45p a mile

16.2. For Motorcycles 24p a mile

16.3. Pedal cycles 20p a mile

16.4. The rates specified for Motor Cars and Motorcycles shall be increased by 5p per mile for each additional passenger, who would be able to claim mileage under this scheme

17. Taxis

17.1. The use of taxis or mini-cabs should be kept to a minimum. They should only be used when public transport operations in the area visited are unknown, not reasonably available or in cases of urgency. In these cases the actual fare will be reimbursed.

- 17.2. Where public transport is available but the Member chooses to use a taxi or mini- cab, reimbursement will be limited to the equivalent public transport ordinary second class fare.
- 17.3. In limited circumstances, a Member may be reimbursed for the actual cost of a taxi within the District. Except for Members with a disability which prevents them from using public transport, travel from home to council offices (or vice versa) is excluded from this arrangement.
- 17.4. The limited circumstances are:-
- a) If there is insufficient time for a Member to travel from one approved duty to another in the District and the use of other forms of transport would result in the Member arriving late to the second approved duty;
 - b) For reasons of safety; and
 - c) Where a Member has a disability which prevents them from using public transport

18 Air Travel

- 18.1 Air travel is only to be approved where there are no reasonable alternatives taking into account availability and cost. The rate of travel by air shall in each case be individually considered by the Chief Executive and the Leader of the Council and if approved, booked by the office of the Chief Executive.

19 Subsistence Allowances

- 19.1 The payment of Subsistence Allowances is subject to the principle that expenditure on meals/accommodation has actually been incurred. Members will be reimbursed the actual expenditure incurred up to the maximum rates set out in the scheme. All claims must be supported by receipts or third party documentation.
- 19.2 No claim for subsistence is permitted where refreshments are provided, either by the venue or through the Council.
- 19.3 In the case of an absence, not involving absence overnight from the usual place of residence:
- a) Breakfast allowance (more than 4 hours away from normal place of residence) - £6.68
 - b) Lunch allowance (more than 4 hours away from normal place of residence, including the lunchtime between 12 noon and 2 p.m.) £9.22
 - c) Tea allowance (more than 4 hours away from normal place of residence, including 3-6 p.m.) - £3.64
 - d) Evening meal allowance (more than 4 hours away from the normal place of residence, ending after 7 p.m.) - £11.42
- 19.4 In the case of an absence overnight from the usual place of residence, the

reasonable expenses that are incurred up to a maximum of £90.61 and for such an absence overnight in London, £103.35. If this is claimed, no claim can be made in respect of 19.3.

- 19.5 For the purpose of this scheme, London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.
- 19.6 Notwithstanding the provisions of section 19.4, where accommodation is booked directly by the Council the full cost of the accommodation will be funded by the Council, although subsistence may only be claimed to the stated limits including the cost of the accommodation.