Public Document Pack

Tameside Metropolitan Borough

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CONSTITUTION

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Item No.	AGENDA	Page No
1.	SUMMARY	1 - 2
2.	ARTICLES OF THE CONSTITUTION	3 - 34
3.	RESPONSIBILITY FOR FUNCTIONS	35 - 116
4.	PROCEDURAL RULES	117 - 258
5.	STANDARDS OF CONDUCT AND ETHICS	259 - 314
6.	MEMBERS ALLOWANCE SCHEME	315 - 322
7.	MANAGEMENT STRUCTURE	323 - 324

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon on 0161 342 2146 or robert.landon@tameside.gov.uk, to whom any apologies for absence should be notified.

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Council Constitution

Part 1 - Summary

Your Guide to the Council Constitution

What is the Constitution?

The Constitution provides the framework within which the Council conducts its business and makes decisions. It describes who is responsible for making decisions and how those decisions are taken.

What's in it?

The Constitution sets out the principles on which the Council will make decisions in an open, transparent and accountable way.

It also contains a lot of detailed information. There are detailed rules and procedures. It has statements about what is expected in respect of probity and standards of conduct.

It sets out what Tameside citizens can expect, in terms of access to information, decision making and the opportunity to comment. It also contains details of what the Council expects of citizens.

Why it is important?

It tells everyone how the Council makes decisions and explains the rules. Everyone in the Council must work to these rules. If the rules are to be changed, the Council must approve the changes.

Who has decided what is in it?

The Government requires the Council to put some important rules into the Constitution. It also expects certain ‘checks and balances’ to be included.

Much of the Constitution has been based on the expressed preferences of the public and stakeholders. The Council has also included some innovative features that suit Tameside as a forward looking authority.

The Council decides what the Constitution should contain.

Who can change it?

The Council can. Tameside citizens can ask the Council to change the Constitution by submitting a petition.

What are the main features?

The Council sets the policy, budget and Council Tax. Recommendations on these come from a small 'Executive' group of Councillors. This is known as the Executive Cabinet, headed by the Executive Leader . The Cabinet is also responsible for putting Council policy into action. Councillors who are not in the Cabinet meet as Scrutiny Panels and hold the Executive to account. All quasi-judicial matters are dealt with by Speakers Panels. A Standards Committee, made up of mainly independent people, makes sure the highest standards of conduct and probity are maintained by all parts of the Council. An Independent Remuneration Panel made

recommendations to the Council in respect of a Scheme of Allowances for Elected Councillors made pursuant to the Local Government Act 1989 and subsequent regulations.

APPENDIX 1

Article 1 - The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

The Constitution, and all its appendices, is the Constitution of the Tameside Metropolitan Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:-

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision making;
3. help Councillors represent their constituents effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a Council decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decision;
8. provide a means of continually improving the delivery of services to the community and achieving best value; and
9. ensure that high standards of probity and ethics are evident in decision-making and all activities of the Council.

1.4 Interpretation and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 20.

Article 2 - The Council

2.1 Composition and Eligibility

1. The Council will comprise 57 Members, otherwise called Councillors. Three Councillors will be elected by the voters of each Ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

2. Only registered voters of the Tameside Metropolitan Borough or those living or working in the Borough will be eligible to hold the office of Councillor.

2.2 Election and Terms of Office of Councillors

The ordinary Election of a third of all Councillors will be held on the first Thursday in May in each year. However, in 2025 and every fourth year after, there will be no regular election. The terms of office of Councillors will usually be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Roles and Functions of All Councillors

2.3.1 Key Roles

All Councillors will:-

1. collectively be the ultimate policy-makers, and carry out a number of strategic and corporate management functions;
2. represent their communities and bring their views into the Council's decision-making process, i.e. be the advocate of, and for, their communities;
3. deal with individual casework, and act as an advocate for constituents in resolving particular concerns or grievances;
4. balance different interests identified within the Ward and represent the Ward as a whole;
5. be involved in decision making;
6. be available to represent the Council on other bodies;
7. maintain the highest standards of conduct and ethics; and
8. take part in Member development and training.

2.3.2 Rights and Duties

1. Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
2. Councillors will not make public, information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it; and
3. for these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules. (Part 4(e) of this Constitution).

2.4 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations and comply with any reasonable request of the Council’s Standards Committee.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members Allowances Scheme as recommended by the Independent Remuneration Panel pursuant to the Local Government Act 1989 and regulations made there under.

Article 3 - Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights:-

3.1.1 Voting and Petitions

Citizens on the electoral roll for the area have the right to:-

1. vote;
2. sign a petition to request a referendum for an elected mayor form of Constitution.

All citizens of the Borough have a right to sign a petition to request the Council to consider or take action on a matter or issue.

Citizens are also able to ask questions as part of council meetings in accordance with the agreed procedure.

3.1.2 Information

Citizens have the right to:-

1. attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
2. attend meetings of the Executive when Key Decisions are being considered;
3. find out from the Forward Plan which Key Decisions will be taken by the Executive and when;
4. see reports and background papers, and any records of decisions made by the Council and the Executive; and
5. inspect the Council's accounts and make their views known to the external auditor.

3.1.3 Participation

Subject to the provisions set out below, Citizens will have a right to participate in meetings which are governed by the Access to Information Rules.

(i) General Principle

Citizens will only be allowed to address the meeting subject to the approval of the Chair.

Scrutiny Panels and Speakers Panels shall not consider any matter relating to standards of behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council.

Any such matter(s) shall be referred immediately, without debate, to the Monitoring Officer (and in the case of financial matters, also the Section 151 Officer). The Monitoring Officer, or his/her nominee, shall seek such information as s/he considers necessary to prepare a full report for consideration by the Standards Committee. S/he will submit, without delay, the report to the Standards Committee.

(ii) Speakers Panel (Planning)

Any person (or their representative) who submits a planning application, which is required to be considered by the Speakers Panel (Planning) will have the opportunity to address the Panel for a maximum of five minutes, subject to having given prior written notice to Planning Services.

One representative, on behalf of any objectors to a planning application being considered by the Speakers Panel, will have the facility to address the meeting, up to a maximum of five minutes, subject to having given prior written notice to Planning Services.

(iii) Scrutiny Panels

Any person called upon to give evidence to a Scrutiny Panel will be afforded the opportunity to address the Panel. They will be expected to do so in an appropriate manner and with regard to the Council's Procedural Rules.

(iv) Council Meetings

At each ordinary meeting of the Council, members of the public can submit a question in accordance with the agreed procedures laid down in the Council's Procedural Standing Orders.

3.1.4 Complaints

Citizens have the right to complain to:-

1. the Council itself under its complaints scheme;
2. the Local Government Ombudsman (www.lgo.org.uk) after using the Council's own complaints scheme;
3. the Council's Standards Committee about a breach of the Member's Code of Conduct.

3.1.6 Other Rights

Such other rights as may be prescribed by law.

3.2 Citizen's Responsibilities

Citizens are expected to behave in a manner that contributes to the wellbeing of the Borough.

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not willfully damage things owned by the Council, Councillors or Officers.

Citizens are required to register to vote and actively encouraged to exercise their vote, as part of their commitment to citizenship and local democracy.

Article 4 - The Full Council

4.1 Meanings

4.1.1 Policy Framework

The policy framework means the following plans and strategies:-

(i) those required by law.

- Annual Library Plan;
- Children and Young People's Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan;
- Youth Justice Plan;
- Medium Term Financial Strategy;
- Statement of Licensing Policy;
- Local Authority Policy Statement under the Gambling Act 2005.
- Pay Policy
- Housing Strategy

(ii) other plans and strategies which the Council may adopt as Pension Authority in respect of the Greater Manchester Pension Fund.

4.1.2 Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing, investments or formulation of a plan or strategy for the control of its capital expenditure.

4.2 Functions of the Full Council

Only the Council will exercise the following functions:-

1. adopting and changing the Constitution;
2. approving or adopting the policy framework, the budget and setting the Council Tax;
3. subject to the urgency procedure contained in the Access to Information Procedure Rules (Part 4(e)), making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the framework or contrary to/or not wholly in accordance with the budget;
4. appointing the Civic Mayor and Deputy Mayor under Article 5;
5. appointing the Executive Leader Article 6;
6. agreeing and/or amending the Terms of Reference for Panels and Standards Committee, deciding on their composition and making appointments to them;
7. appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
8. adopting Members Allowances Scheme under Article 2.5;
9. changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;

10. confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer;
11. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
12. all local choice functions which the Council decides should be undertaken by itself rather than the Executive;
13. to determine village green applications pursuant to the Commons Registration Act 1965; and
14. all other matters which, by law, must be reserved to Council.

4.3 Council Meetings

There are three types of Council meeting:

1. the Annual Meeting;
2. Business Meetings;
3. Extraordinary Meetings

and they will be conducted in accordance with the Council Procedure Rules.

4.4 Responsibility for Functions

The Council will maintain a record setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

Article 5 - Chairing the Council

5.1 Role and Function of the Civic Mayor

The Civic Mayor, and in his/her absence, the Deputy Mayor, will preside over the first and opening part of each Council meeting.

The Civic Mayor and Deputy Mayor will be appointed by the Council annually. The Civic Mayor will have the following responsibilities:-

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to promote public involvement in the Council's activities;
3. to be the conscience of the Council;
4. as the first citizen of Tameside to deal with his/her ambassadorial role both inside and outside the Borough;
5. To market Tameside in a positive manner; and
6. to attend such civic and ceremonial functions as the Council or s/he determines appropriate.

5.2 Role and Function of the Chair of Council Business

The Civic Mayor (or other person presiding over the first and opening part of each Council meeting) shall invite the Chair of Council Business to preside over the business aspects of the agenda.

The Chair of Council Business will have the following responsibilities:

1. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
2. to ensure that the Council meeting is a forum for the debate of matters or concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive to account;
3. to serve as a Member of the Overview Panel; and
4. to attend meetings of the Executive Board as appropriate.

Article 6 - The Executive

6.1 Role

The Executive will carry out all those functions that are not the responsibility of any other part of the local authority, as set out in law or under this Constitution.

6.2 Form and Composition

The Executive will consist of the Executive Leader together with at least two, but not more than nine, Councillors appointed to the Executive by the Council.

6.3 Executive Leader

The Leader will be a Councillor elected to the position by the Council. The Executive Leader will hold office until she/he:

1. resigns from the office;
2. is suspended from being a Councillor under Part III of the Local Government Act is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension);
3. is no longer a Councillor
4. is removed from office by resolution of the Council.

6.4 The Deputy Leader and Other Executive Members

The Leader will appoint one of the members of the Executive to act as a Deputy Leader. In addition to the Deputy Leader the Leader will appoint between one and eight further Executive Members to hold such Portfolios as the Leader shall determine.

They will hold office until they:-

1. resign from office;
2. are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
3. are no longer Councillors;
4. are removed from office, either individually or collectively, by the resolution of the Council.

The Leader may appoint other councilors to act as Assistants to those Executive members with a specific portfolio. Assistants to Executive Member are not members of the Executive.

6.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules.

6.6 Responsibility for Functions

The Warrants of Office and Scheme of Delegation set out in this Constitution will show which person or body is responsible for exercising particular Executive functions.

Article 7 - Scrutiny Panels

7.1 Terms of Reference

The Council will appoint the Panels set out in Section 7.7 below to discharge the functions conferred by Sections 21 of the Local Government Act 2000 and Regulations made under Section 32 of the Act and subsequent Acts and Regulations conferring additional or amended powers on Scrutiny Panel.

7.2 General Role

With the terms of reference, Scrutiny Panels will:-

1. review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's Executive functions;
2. make requests or recommendations to the Overview Panel in connection with the discharge of any Executive functions in accordance with the Council's Call In Procedure (Part 4(f));
3. consider any matter affecting the area or its inhabitants;
4. exercise the right to call in for reconsideration, executive decisions made but not yet implemented by the Executive; and
5. examine whether the Council is meeting its objectives set through the budget and policies and if this is not so suggest ways in which the Council may achieve this

Scrutiny Panels will not consider any matter relating to standards of behaviour conduct, ethics and probity, directly or indirectly involving any Member or Officer of the Council. Such matters are to be referred immediately to the Monitoring Officer, who will prepare a report for the Standards Committee where appropriate.

Scrutiny Panels cannot consider any matters that are the responsibility of the Speakers Panels, nor scrutinise any decision made by the Speakers Panels.

Any disputes about a Scrutiny Panel's right to consider a matter will be referred to the Monitoring Officer (see Article 9.1.3).

7.3 Specific Functions

These are set out in the Terms of Reference for each Panel.

7.4 Proceedings of Scrutiny Panels

Panels will conduct their proceedings in accordance with the Scrutiny Procedure Rules (Part 4(g)).

7.5 Whipping

The Whip will not apply from any of the political groups on their respective Members on the Panel while they are taking part in Panel business.

Each Member of the Panel will act in accord with protocols and guidance that the Council may determine.

7.6 Scrutiny Panels

The Council will appoint the following Panels;

- Health and Adult Social Care Scrutiny Panel;
- Place and External Relations Scrutiny Panel;
- Children's Services Scrutiny Panel.

The Place and External Relations Scrutiny Panel is the Council's Crime and Disorder Scrutiny Committee.

The Health and Social Care Panel is the Council's health scrutiny panel.

The Children's Services Scrutiny Panel is responsible for:

1. education matters set out in Section 499 of the Education Act 1996 (as amended by Section 9 of the Schools Standards and Framework Act 1998).
2. matters relating to the Children Act 2004 and 'Every Child Matters'

The Children's Services Scrutiny Panel will include up to six non-elected voting Members when dealing with Education Panel as follows:-

- Church of England representative
- Roman Catholic Church representative
- Two representatives appointed by The Third Coalition Interfaith Network (neither of whom shall be from the Church of England or Roman Catholic Church)
- Two parent governor representatives.

The Council will contribute to the work of the Pennine Health Joint Committee.

That pursuant to Section 8 of the Health and Social Care Act 2001, the Greater Manchester Health Joint Scrutiny Panel undertakes the scrutiny of strategic conurbation wide and cross-boundary health services in respect of the NHS North West; Greater Manchester Ambulance Service; Christies Hospital; Greater Manchester Workforce Federation; and Specialist Children's Services provided by the Greater Manchester Trust and any other Greater Manchester wide health activities which may be established in the future, and that the Council appoints one representative to serve as a Member of that Scrutiny Panel.

Article 8 - Overview Panel

8.1 Role

The Overview Panel shall act as a mechanism to allow for dialogue between Executive and Scrutiny to provide a constant rolling review (but not scrutiny) of Council activities and will have responsibility to overview the scrutiny review programme and budget. It will also provide an important role in forward business planning for the Council's agenda.

The Panel will also provide for agenda planning for future scrutiny programmes and provide important links for policy review and future policy development.

8.2 Membership

The Overview Panel shall comprise the Chairs of the Scrutiny Panels, the Executive Leader, and two other relevant Executive Members, the Chair of Council Business, two members of the Audit Panel, two front line Councillors (two of whom shall be the Chair and Deputy Chair of the Panel) and Members of the Opposition Groups, subject to the political balance rules.

The Main Opposition Group spokespersons shadowing the Executive Member Briefs will have the facility to attend and speak (but not vote) on agenda items relating to their brief.

8.3 Call In Panel

The non-Executive Members of the Overview Panel (i.e. the Chair and Deputy Chair of the Overview Panel, the Chairs of the Scrutiny Panels, the Chair of Council Business, one Front Line Member and Opposition Members, subject to the political balance rules) shall be responsible for giving consideration to 'call in' of decisions outside the budget or policy framework, in accordance with the procedures set out in Part 4(f) of the Constitution.

The Panel will also co-ordinate the scrutiny processes including co-ordination of scrutiny reviews involving more than one Scrutiny Panel.

Article 9 - Speakers Panel (Planning)

9.1 Regulatory and Non-Executive Functions

1. The Council will appoint the Speakers Panel (Planning) to discharge its quasi-judicial and regulatory functions, as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These include functions relating to Town and country planning and development control (strategic planning matters are within the terms of reference of the Strategic Planning and Capital Monitoring Panel).

9.2 Form, Composition and Function

1. The Council will appoint the Membership of the Speakers Panel (Planning), based on the rules of political balance and will consist of a maximum of 14 Members.

2. No Executive Member may be a Member of the Speakers Panel (Planning).

3. The Speakers Panel (Planning) will have one Chair and one Deputy Chair. The Chair and Deputy shall be from the majority group.

9.3 Whipping

1. The Whip will not apply to any of the political groups or their respective Members on the Panel while they are taking part in Panel business.

9.4 Basis of Decision Making

1. Decisions by the Panel will be taken, and seen to be taken, in a non-party political manner within the framework of the law, Council Policy and the Constitution.

2. No political meetings shall take place.

3. Each Member of the Panel will act in accord with protocols and guidance that the Council may determine.

9.5

The Speakers Panel (Planning) is not the subject of examination by Scrutiny Panels.

Article 10 - Speakers Panel (Licensing)

10.1 Regulatory and Non-Executive Functions

The Council will appoint a Speakers Panel (Licensing) to discharge its quasi-judicial and regulatory functions of Licensing pursuant to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

10.2 Forms, Composition and Function

1. The Council will appoint the Membership of the Panel, based on the rules of political balance and there will be a maximum of 9 Members.

2. No Executive Member may be a Member of the Speakers Panel.

3. The Speakers Panel will have one Chair and one Deputy, who shall be from the Controlling Group subject to the rules of political balance.

4. Members on the Speakers Panel (Planning) made under Article 9 and 11 shall not serve on the Speakers Panel (Licensing) in the same Municipal Year.

10.3 Whipping

The Whip will not apply to any of the political groups or their respective Members on the Panel while they are taking part in Panel business.

10.4 Basis of Decision Making

1. Decisions by the Panel will be taken, and seen to be taken, in a non-party political manner within the framework of the law, Council policy and the Constitution.

2. No political meetings shall take place.

3. Each Member of the Panel will act in accord with protocols and guidance that the Council may determine.

Article 11 - Speakers Panel (Liquor Licensing)

11.1 Regulatory and Non-Executive Functions

The Speakers Panel (Liquor Licensing), appointed by Council, shall have delegated powers within the Framework of Council Policy and pursuant to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as set out in the Licensing Act 2003 (as amended) and the Gambling Act 2005 to deal with the following:-

1. to determine, vary, review and transfer Premises Licences;
2. to review a Premises Licence following a Closure Order issued by the police and the exercise of powers by a Magistrates' Court;
3. to vary the details of an individual specified in a Premises Licence as the designated premises supervisor;
4. to determine applications for and renewal of Personal Licences;
5. to determine, vary and review Club Premises Certificates;
6. to determine a provisional statement;
7. the conversion of existing licences and Club Registration Certificates during the period of transition;
8. the grant of Personal Licences to the holder of an existing Justices' Licence during the period of transition;
9. the cancellation of an Interim Authority Notice following a police objection;
10. to review individual Personal Licences when convictions come to light after the grant or renewal of a Personal Licence;
11. to issue Counter Notices following a police objection to a Temporary Event Notice;
12. to determine Licences relating to the provision of pavement cafes within the Borough;
13. to determine applications for premises licences for the following activities: bingo; betting; adult gaming centres; family entertainment centres; casinos; horse racing and dog tracks;
14. to determine permits for: gaming machines in alcohol licensed premises; gamine machines for members clubs; other gaming activities in members clubs; category D machines in unlicensed family entertainment centres; and prize gaming; and
15. to register and issue: small society lotteries; occasional and temporary use notices; and provisional statements.

11.2 Forms, Composition and Function

1. The Council will appoint the Membership of the Panel, consisting of at least 10 and no more than 15 Members, based on the rules of political balance.
2. No Executive Members may be a Member of the Speakers Panel (Liquor Licensing).
3. The Speakers Panel (Liquor Licensing) will have one Chair and one Deputy.
4. Members on the Speakers Panel (Planning) made under Article 9 and 10 shall not serve on the Speakers Panel (Liquor Licensing) in the same Municipal Year

11.3 Whipping

The Whip will not apply to any of the political groups or their respective Members on the Panel while they are taking part in Panel business.

11.4 Basis of Decision Making

1. Decisions by the Panel will be taken, and seen to be taken, in a non-party political manner within the framework of the law, Council policy and the Constitution.

2. No political meetings shall take place.
3. Each Member of the Panel will act in accord with protocols and guidance that the Council may determine.

Article 12 - Standards Committee

12.1 Standards Committee

The Council will appoint a Standards Committee.

12.2 Composition

1. **Membership:** The Standards Committee will be appointed by the Council and comprise of up to eight Councillors based on political balance, up to three Independent Members and one elected Member of Mossley Town Parish Council and nominated substitute.
2. **Independent Members:** Independent Members will not be entitled to vote at meetings.
3. **Parish Members:** Parish Members must be present when matters relating to those Parish Councils or their Members are being considered.

12.3 Role and Function

The Standards Committee will have the following roles and functions:-

1. promoting and maintaining high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives;
2. assisting Councillors and Co-opted Members and Church and Parent Governor Representatives to observe the Members' Code of Conduct;
3. advising the Council on the adoption or revision of the Members' Code of Conduct;
4. monitoring the operation of the Members' Code of Conduct;
5. advising, training or arranging to train Councillors and Co-opted Members and Church and Parent Governor Representatives on matters relating to the Members' Code of Conduct;
6. To determine in accordance with the Council's arrangements whether a Council Member has failed to comply with the Council's Code of Conduct for Members and, if so, to determine what action (if any) to take in respect of the Council member.
7. To delegate such of the Council's powers as can be delegated to take decisions in respect of a Council Member who is found on a hearing in accordance with the Council's arrangement's to have failed to comply with the Council's Code of Conduct.

   For Members, such action to include -

- publication of the findings of the Standards (Hearing) Sub-Committee in respect of the Subject Member's Conduct;
- Reporting the findings of the Standards (Hearing) Sub-Committee to Council (or in the case of a complaint against a member of Mossley Town Parish Council, to the Parish Council), for information;
- Recommendation to Council (or in the case of a complaint against a member of Mossley Town Parish Council) that the Subject Member should be censured;
- Recommendation to the Subject Member's Group Leader (or in the case of ungrouped members of the Council) that the Subject Member should be removed from any or all committees or sub-committees of the Council;
- Recommendation to the Leader of the Council that the Subject Member should be removed from the Executive, or removed from their portfolio responsibilities;
- Instructing the Monitoring Offer to (or in the case of a complaint against a member of Mossley Town Council, recommending that Mossley Town Parish Council should) arrange training for the Subject member;

- Withdrawal (or in the case of a complaint against a member of Mossley Town Parish Council, recommendation to Mossley Town Parish Council, that it withdraws) facilities provided to the Subject member by the Council, such as a computer, website and/or email or internet access; or
- placing such restrictions (or in the case of a complaint against a Member of Mossley Town Parish Council, recommending to Mossley Town Parish Council that it places such restrictions) on the Subject Members access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances.

8. Dispensations: To grant dispensations from Section 31(4) of the Location Act 2011 (after consultation with the Independent Person); if having regard to all relevant circumstances, the Standards Committee:

   (a) Considers that Granting the dispensation is in the interests of persons living in the Council's area;

   (b) Considers that it is otherwise appropriate to grant a dispensation;

9. To determine appeals against the Monitoring Officer's decision on the grant of dispensation.

The Standards Committee will scrutinise Parish Council functions.

Article 13 - Audit Panel

13.1

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

13.2

The Panel shall comprise a membership of eight councilors and two independent members, and is subject to the rules of political balance.

13.3 Terms of Reference

1. To overview the arrangements for internal control (both financial and non financial);
2. Appointment of external auditors.
3. Consider the Annual Audit Letter from our External Auditors.
4. Approve (but not direct) both external and internal audit's strategy, annual plans and monitor performance.
5. Consider accounting policies and review of the statement of accounts (but not agreement).
6. Review summary internal audit reports and the main issues arising and seek assurance that management action has been taken where necessary.
7. Consider the reports of other regulators and inspectors.
8. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and ant- corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
9. Be satisfied that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
10. To review existing and proposed arrangements, recommend changes and receive assurance that the systems of corporate governance are operating effectively and in accordance with best practice.

Article 14 - Health

14.1 General Duties

The Authority must in exercising any functions, have regard to its:

- joint strategic needs assessment; and
- joint health and wellbeing strategy.

14.2 Health and Wellbeing Board

The Council will appoint a Health and Wellbeing Board as set out in Part 3 A (14) of this Constitution to discharge the functions described.

By law, the **minimum membership** of the Health and Wellbeing Board must include:

- At least one Councillor nominated by the leader;
- A representative of the Greater Manchester Integrated Care Board
- The Director of Population Health;
- The Director of Children's Services;
- The Director of Adult Social Services; and
- A representative of the local healthwatch organisation.

Membership may also include such other persons or representatives of such other persons as the local authority or the Health and Wellbeing Board thinks appropriate.

The current membership of the Tameside Health and Wellbeing Board is set out in Part 3 Section 2B of the constitution.

All members on the Health and Wellbeing Board shall be able to vote, unless full Council direct otherwise.

14.3 Director of Public Health

The authority acting jointly with the Secretary of State will appoint a Director of Public Health.

14.4 Health Scrutiny Functions

The authority has arranged for its health scrutiny functions to be discharged by the Health and Adult Social Care Scrutiny Panel.

Article 15 – Neighborhood Forums

15.1 Role and Functions

The Council has established and appointed Neighborhood Forums that focus on local input into the decision making process, with the Forums being the primary consultees on amongst other things:

1. **Highways Matters:** to identify and propose traffic calming schemes; to monitor road safety issues ; to make proposals within the area of the Forum relating to non-strategic highways matters;
2. **Highways Maintenance:** to be consulted on and receive updates relating to the maintenance of principal roads, to propose additions and amendments to the approved programme for the maintenance of local roads, footpaths and street lights and the provision of street furniture;
3. **Grounds Maintenance:** to be consulted on, receive update relating to and to make proposals relating to grounds maintenance activities;
4. **Parks, Gardens and Open Space:** to be consulted on, receive updates on and to make proposals regarding the maintenance and management of parks, gardens and open space;
5. **Street Cleansing:** to be consulted on, receive updates and to make proposals concerning the operation of street cleansing activities, including mechanical sweeping routes;
6. **Young People:** to make proposals and receive updates on the provision of facilities and services for young people other than education and Social Services;
7. **Community Safety:** To make proposals concerning community safety initiatives;
8. **Ward Scheme:** To allocate monies through ward budgets in accordance with ward monies scheme,
9. **Complaints:** to monitor and refer complaints regarding services in the local area;
10. **Environmental Improvements:** to be consulted on environmental improvement schemes
11. **Street Naming:** to be consulted on and have the facilities to make alternative suggestions in respect of the naming of streets.
12. **Entertainment and Events:** to be consulted on activities in the local area and the provision of entertainment and support of the arts.
13. **Regeneration Initiatives:** to be consulted with regard to regeneration initiatives as appropriate; and
14. **Markets:** to be consulted on the operation, management, development and other markets issues;
15. **Land Use –** to be consulted on, to receive updates on and to make proposals about the use of Council land and buildings in the area.

15.2 Membership and Areas

The Neighborhood Forums and the geographical areas covered by each Area are detailed in the table below.

Area Forum	Wards
North	Ashton Hurst, Ashton St Michael's, Ashton Waterloo and St Peters
South	Hyde Godley, Hyde Newton, Hyde Werneth and Longdendale
East	Mossley, Stalybridge North and Stalybridge South
West	Audenshaw, Denton North East, Denton South, Denton West, Droylsden East

Membership of each Forum consists of Councillors of the Wards in that area.

Article 16 - Joint Arrangements

16.1 Arrangements to Promote Well Being

In order to promote the economic, social or environmental well-being of its area, the Council or the Executive may:-

1. enter into arrangements or agreements with any person or body; and/or
2. exercise on behalf of that person or body any functions or activities of that person or body.

16.2 Joint Arrangements

The Council will make arrangements, as necessary, with one or more local authorities to carry out such functions as it considers appropriate. These arrangements may involve the appointment of a joint committee.

The Executive, as defined in **Article 6**, will make joint arrangements, as necessary, to carry out functions for which it is responsible. These arrangements may involve the appointment of a joint committee.

16.3 Appointments to a Joint Committee

The Executive may appoint non-Executive Members to a joint committee provided:-

1. the joint committee has functions for only part of the area of authority; and
2. that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint any Councillor who is a Member for a Ward that is wholly or partly contained within the area.

In all other cases, the Executive must appoint an Executive Member to a joint committee.

16.4 Information on Joint Arrangements

Details of any joint arrangements including any delegations to joint committees are set out in the Council's Scheme of Delegation. (Part 3(a)).

16.5 Delegation To and From Other Local Authorities

The decision whether or not to accept a delegation pursuant to Section 101 of the Local Government Act 1972, from another authority, shall be reserved to Council.

16.6 Contracting Out

Provided there is no delegation of the Council's discretionary decision making, the Executive may contract out to another body or organisation functions:-

- which may be exercised by an Officer and which are subject to an Order under Section 70 of the Delegation and Contracting Out Act 1994; or
- or under contracting arrangements where the contactor acts as the Council's agent under usual contracting principles.

Article 17 - Officers

17.1 Management Structure

General: The full Council may engage such staff as it considers necessary to carry out its functions.

Head of Paid Service, Monitoring Officer and Chief Finance Officer: The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Assistant Director (Legal Services)	Monitoring Officer
Director of Resources	Chief Finance Officer

Such posts will have the function described in Articles 17.2 to 17.4 below.

Structure: The Head of Paid Service will determine and publicise a description of the overall staff structure of the Council as set out in Part 7 of this Constitution and amend it as necessary.

17.2 Functions of the Head of Paid Service

Discharge of Functions by the Council: The Head of Paid Service will report to full Council on how the Council's functions are co-ordinated, and the organisation of staff required for these functions.

Restrictions on Functions: The Head of Paid Service may not be Monitoring Officer but may hold the post of Chief Finance Officer, if a qualified accountant.

The core role of Chief Executive is;

1. to have overall corporate management and operational responsibility (including overall management responsibility for all staff);
2. to provide professional advice to all parties in the decision making process (Executive, Overview and Scrutiny, Full Council and other committees);
3. together with the Monitoring Officer, to be responsible for a system of record keeping for all the local authority's decisions (Executive or otherwise); and
4. to represent the local authority on partnership and external bodies (as required by statute or the local authority).

17.3 Functions of the Monitoring Officer

The Monitoring Officer will:-

1. maintain an up-to-date version of the Constitution and ensure that it is widely available for consultation by Members, staff and the public;
2. after consulting with the Head of Paid Service and Chief Finance Officer, report to the Full Council or to the Executive in relation to an Executive function s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of

stopping the proposal or decision being implemented until the report has been considered;

3. contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee;
4. ensure that Executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible;
5. advise whether decisions of the Executive are in accordance with the budget and policy framework; and
6. provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

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

17.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:-

1. after consulting with the Head of Paid Service and the Monitoring Officer, report to the Full Council or to the Executive in relation to an Executive function – and the Council's external auditor if s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss of deficiency or if the Council is about to enter an item of account unlawfully;
2. have responsibility for the administration of the financial affairs of the Council;
3. contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
4. provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and staff in their respective roles; and
5. provide financial information to the media, Members of the public and the community.

17.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such staff, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

17.6 Conduct

All staff will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations.

17.7 Employment

The recruitment, selection and dismissal of staff will comply with the Officer Employment Rules (Part 4(d)).

17.8 Conflicts of Interest

1. If, having regard to the particular circumstances it appears that the Monitoring Officer has a clear and substantial conflict of interest, any reference to the Monitoring Officer in any guidance, protocol or procedure approved by the Council dealing with standards, conduct and the new ethical framework shall be substituted by reference to the Chief Finance Officer.

2. If, having regard to the particular circumstances it appears that the Chief Finance Officer has a clear and substantial conflict of interest, any reference to the Chief Finance Officer in any guidance, protocol or procedure approved by the Council dealing with standards, conduct and the new ethical framework shall be substituted by reference to the Monitoring Officer.

3. If, having regard to the particular circumstances it appears that the Chief Executive has a clear and substantial conflict of interest, any reference to the Chief Executive in any guidance, protocol or procedure approved by the Council dealing with standards, conduct and the new ethical framework shall be substituted by reference to the Monitoring Officer.

Article 18 - Decision Making

18.1 Principles of Decision Making

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

1. proportionally (i.e. the action must be proportionate to the desired outcome);
2. due consultation and the taking of appropriate advice from Officers;
3. respect for human rights (see below for further details);
4. a presumption in favour of openness;
5. clarity of aims and desired outcomes;
6. Wednesbury reasonableness, i.e. taking account of all relevant considerations and discounting all irrelevant considerations; and
7. explaining what options were considered and giving reasons for the decision.

18.2 Types of Decision

18.2.1 Decisions reserved to Full Council

Decisions relating to the functions listed in Article 4.2 will be made by the Full Council and not delegated.

18.2.2 Key Decisions

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 state that a Key Decision means an Executive decision which, is likely:-

1. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
2. to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority

subject to any guidance issued by the Secretary of State in relation to the meaning of 'significant'.

By way of defining 'significant' for the Council's purposes a Key Decision is:-

- Any Executive decision which requires a budget expenditure of £30,000 or more that is not in the budget presented to Council;
- Any Executive decision to vire £500,000 or more in the budget presented to Council;

A decision taker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules.

18.3 Decision Making by the Full Council

Subject to Article 17.7, the Council meeting will follow the Council Procedural Rules when considering any matter.

18.4 Decision Making by the Executive

Subject to Article 17.7, the Executive will follow the Executive Procedural Rules when considering any matter.

18.5 Decision Making by Scrutiny Panel

Scrutiny Panels will follow the Scrutiny Procedural Rules when considering any matter.

18.6 Decision Making by other Panels and Committees Established by the Council

Subject to Article 18.7**,** other Council Panels and Committees will follow those parts of the Council Procedural Rules as apply to them.

18.7 Decision Making by Council Bodies Acting as Tribunals

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

Article 19 - Finance, Contracts and Legal Matters

19.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules.

19.2 Contracts

Every contract made by the Council will comply with the Procurement Standing Orders (Part 4(c)).

19.3 Legal Proceedings

The Assistant Director (Legal Services) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any case where the Assistant Director (Legal Services) considers that such action is necessary to protect the Council's interests.

19.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Director (Legal Services) or other person authorised by her/him, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value as specified in Procurement Standing Orders entered into on behalf of the local authority in the course of the discharge of an Executive function shall be made in writing. Such contracts must either be signed by our authorised signatory of the authority or made under the common seal of the Council attested by at least one Officer.

19.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Director (Legal Services). A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Assistant Director (Legal Services) should be sealed. The affixing of the Common Seal will be attested by the Assistant Director (Legal Services) or an authorised signatory of the authority.

Article 20 - Review and Revision of the Constitution

20.1 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for Monitoring and Review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trial of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders;
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice; and
5. take such other action as s/he considers appropriate;

20.2 Changes to the Constitution

1. **Approval:** Changes to the Constitution will only be approved by the Full Council after consideration of the proposal by the Monitoring Officer. Amendments will be submitted and considered by the Annual Meeting of the Council, unless otherwise required by Monitoring Officer.

2. **Change from a Leader and Cabinet form of Executive to alternative arrangements:** The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 21 - Interpretation and Publication of the Constitution

21.1 Suspension of the Constitution

The Articles of the Constitution may not be suspended unless in accordance with the Council's Procedural Rules.

21.2 Interpretation

The ruling of the Civic Mayor/Chair of Council Business as to the proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

22.3 Publication

The Constitution will be available on the Council website. Copies of all or part of the Constitution will be provided in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

Council Constitution

Part 3 - Responsibility for Functions

1. Responsibility for Council Functions

These are set out in the Council's Terms of Reference and Scheme of Delegation.

2. Responsibility for Executive Functions

1. The Executive Cabinet, Executive Members and Officers will be authorised to determine Executive functions in accordance with the Council's Terms of Reference and Scheme of Delegation.
2. The Executive Leader will present to the Annual Business Meeting of the Council a written record of delegations made by him for inclusion in the Council's Scheme of Delegation at Part 3 of the Constitution.

3. Terms of Reference for the Executive Cabinet

1. The Executive Cabinet shall have delegated powers to determine all matters (other than those which are reserved for approval by the Full Council, the Speakers Panels or delegated to Officers) provided such matters are in accordance with the Council's approved budget and policy framework, and any Key Decisions are included in the Council's Forward Plan.
2. All such other matters shall be the subject of approval by the Full Council.

4. Quorum for Executive Cabinet

The quorum for public meetings of the Executive Cabinet shall be one quarter of its total Membership.

5. The Business

At each ordinary public meeting of the Executive Cabinet the following business will be conducted:-

1. consideration of the Minutes of the last meeting;
2. declarations of interest(s), if any;
3. matters referred to the Executive (whether by a Scrutiny Panel or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Council's Budget and Policy Framework;
4. consideration of reports from other bodies;
5. matters set out in the agenda for the meeting, and which shall indicate which items are Key Decisions and which are not, in accordance with the Access to Information Procedure Rules set out in the Constitution.

6. Consultation

All reports to the Executive Cabinet on proposals relating to the budget or policy framework must contain details of appropriate consultation with stakeholders and the relevant Scrutiny Panels and the outcome of that consultation. Reports on all other matters must set out the details of consultation as appropriate. The level of consultation required will be appropriate to the matter under consideration.

7. Who can put items on the Executive Cabinet agenda?

The Executive Leader and the Chief Executive shall determine the content of the business to be dealt with at the Executive Cabinet.

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Council Constitution

Part 3a - Terms of Reference and Scheme of Delegation

Terms of Reference

1. General Provisions (Including appointments/Staffing Matters)
2. Executive Cabinet
3. Board
4. Speakers Panel (Planning)
5. Speakers Panel (Employment Appeals)
6. Speakers Panel (Licensing)
7. Speakers Panel (Liquor Licensing)
8. Health and Adult Social Care Scrutiny Panel
9. Place and External Relation Scrutiny Panel
10. Children's Services Scrutiny Panel
11. Strategic Planning and Capital Monitoring Panel
12. Overview Panel
13. Audit Panel
14. Pension Fund Management Panel
15. Education Attainment Improvement Board
16. Health and Wellbeing Board
17. Asset Management Panel
18. Delegation to Executive Members
19. Delegation to Officers:
    a) Senior Leadership Team
    b) Chief Executive
    c) Governance
    d) Director (Resources)
    e) Director of Public Health
    f) Director (Adult's Services)
    g) Director (Place)
    h) Director (Children's Services)

Part 3a - Terms of Reference and Scheme of Delegation

1. GENERAL PROVISIONS

1. The Council has a Scheme of Delegation which comprises delegation to:-

    1. Executive Cabinet
    2. Speakers Panels
    3. Scrutiny Panels
    4. Overview Panel
    5. Audit Panel
    6. Health and Wellbeing Board
    7. Strategic Planning and Capital Monitoring Panel
    8. Greater Manchester Pension Fund Management Panel
    9. Executive Members
    10. Officers

2. Any matters referred to Panels shall be subject to confirmation by the Council unless it is specifically delegated to the Panel under these Terms of Reference or Standing Orders.

3. Where a decision cannot be taken by the Council or Panel because of time constraints, the Executive Leader, the Deputy Leader, the appropriate Executive Member, a Member of any Opposition Group and the Chair of the relevant Panel (if appropriate) constituted as the URGENT MATTERS PANEL are authorised to deal with the matter at a meeting to which they have been summoned to attend.

4. All Executive decisions (other than urgent matters) shall be subject to the Council's Call-In Procedure and cannot be implemented until the expiry of the five-day call-in period.

2. EXECUTIVE CABINET

1. The Cabinet shall comprise an Executive Leader and up to nine Executive Members with portfolios. The role of Cabinet shall be:-

   a) to translate and implement the wishes of the community into action and to provide a focus for community leadership in the Borough;
   b) to represent the Council and its community interests in discussions/dealings with the external, voluntary, business and public sectors.
   c) to ensure the effective delivery of its programme.
   d) to make recommendations as required, with regard to the Council's vision, policies, resources and priorities.
   e) to draw up the annual budget, including capital plans, for submission to the Council.
   f) together with Members of the Opposition Groups based on political proportionality, to interview and appoint the Chief Executive.

2. The Executive Cabinet shall have delegated powers to determine all matters (other than those which are reserved for approval by the Council or the Speakers Panels or delegated to Officers) provided such matters are in accordance with the Council's approved budget and policy framework, and any Key Decisions are included in the Council's Forward Plan.

3. All such other matters shall be the subject of approval by the Council (or the Urgent Matters Panel).

4. There shall be up to nine Assistant Executive Members who shall work for the Cabinet on appropriate projects and tasks to be allocated. They are not Members of the Executive Cabinet.

3. BOARD

1. Membership

The Board shall comprise the Members of the Executive Cabinet and the Chair of Council Business together with the Chief Executive and the Senior Leadership Team.

2. Terms of Reference

The Board has no decision-making powers but shall be used as a forum to provide for:-

a) the exchange of views between the Executive Management of the Council and the Executive Cabinet;
b) to be innovative in the pursuit of community leadership and the local delivery of services by the Council and its strategic partners.

4. SPEAKERS PANEL (PLANNING)

1. Membership

The Membership shall be comprised of up to 14 Members but for other appeals shall be a lesser number and convened as and when necessary.

2. Chairs

One Chair and one Deputy Chair shall be appointed from the Controlling Group.

3 Quorum

The quorum of the Speakers Panel (Planning) shall be three Members.

4 Terms of Reference

The Speakers Panel (Planning), appointed by the Council, and comprised of all its Members, shall have **delegated powers** to deal with the following:-

a) **Planning**

Within the framework of Council Policy, and having regard to the Development Plan, Local Development Documents, other planning guidance and development briefs approved by the Council, and other than those items which are within the terms of reference of the Strategic Planning and Capital Monitoring Panel the Speakers Panel (Planning) shall:-

(i) consider planning applications 'called in' by councillors but not contrary to the Development Plan policy;
(ii) consider planning applications made on behalf of members or their immediate families, or by senior officers;
(iii) consider planning applications made by (or on behalf of) the Council, except those of a minor or routine nature, as long as they are determined in accordance with the adopted policies of the Council;
(iv) consider any other planning applications that raise important issues which the Director or Head of Service considers should be determined by the Panel
(v) consider and determine applications for permission required under legislation relating to control of advertisements, tree and building preservation and conservation, hazardous substances consent, and Building Regulations, and to authorise the making of Orders and Agreements and the issue of Notices in connection with building control, trees and listed buildings. All significant applications which would depart from Green Belt policy shall be referred to Strategic Planning and Capital Monitoring Panel for determination. 'Significant' will be defined by Chair and Deputy of the Panel and the Head of Service for Planning, or in default of their agreement, by the Executive Leader and Chief Executive;
(vi) authorise in association with the granting of planning permission, the closure, diversion, creation or alteration of public highways and the making of Traffic Regulation Orders;
(vii) exercise, in association with the granting of planning permission, and whenever appropriate the Council's statutory powers, with specific regard to the making up of private streets to enable development to take place, at the expense of the developer, or the frontagers unless determined otherwise by the Full Council.

A Panel of Members drawn from the Membership of the Speakers Panel shall have delegated power to deal with the following:-

b) **Housing**

To determine requests from residents affected by Inspection Programmes to be included in a Renewal Area that the Council purchases their properties in advance of any Clearance Area, such determination to be within budgetary constraints and criteria agreed by the Cabinet;

c) **Education Services**

(i) The determination of appeals against the decisions of the Director (Children's Services) relating to educational visits in this country and abroad or where hazardous activities are involved;
(ii) the determination of appeals against the decision of the Director (Children's Services) to refuse an application for discretionary award to a student in further and higher education;
(iii) the determination of appeals against the decision of the Director (Children's Services) in respect of the level of financial assistance to be made to students in further and higher education.

d) **Highways Matters**

The determination of Orders relating to strategic matters which are the subject of objections received during the public consultation process.

e) **Adult Services**

(i) Together with the Executive Member with responsibility for Adult Social Care to hear and determine representations made under the Registered Homes Act 1984.
(ii) To hear and determine appeals against a decision of the Director (Adults Services) to withhold access to files.

5 SPEAKERS PANEL (EMPLOYMENT APPEALS)

1. Members

The Speakers Panel (Employment Appeals) shall be comprised of a maximum of six members.

2. Quorum

The quorum shall be three members.

3. Terms of Reference

The Speakers Panel (Employment Appeals) shall have delegated powers within the framework of the council policy as follows:

a) Non-teaching staff.
To determine appeals relating to dismissal by any employee of the Council (other than the Chief Executive whose right of appeal shall be to the Council);

b) Teaching Staff

To determine:-

a) appeals by teaching staff, not subject to the Local Management of schools against decisions of the Director (Children's Services) in respect of dismissal.
b) appeals by Headteachers, not subject to the Local Management of Schools, against disciplinary action by the Director (Children's Services).

6. SPEAKERS PANEL (LICENSING)

1. Membership

The Membership shall be comprised of a maximum of 15 Members.

2. Chair

One Chair from the Controlling Group and one Deputy from the Controlling Group.

3. Quorum

The quorum of Speakers Panel (Licensing) shall be three Members.

4. Terms of Reference

The Speakers Panel (Licensing) shall have delegated powers within the framework of Council Policy to deal with the following:-

a) issue, refuse, vary, suspend, revoke, make standard conditions and/or make specific conditions, with regard to all licences other than those which are the responsibility of the Speakers Panel (Liquor Licensing) and registrations and permits where the Director of Place has determined not to exercise her/his delegated powers;
b) vary licensing fees of individual applications;
c) on the application of an aggrieved party, to review any decision of the Director of Place acting in conjunction with the Proper Officer for the registration of births, deaths and marriages etc., in accordance with the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages (Approved Premises) Regulations 1995.

7. SPEAKERS PANEL (LIQUOR LICENSING)

1. Membership

The Membership shall be comprised of at least 10 and no more than 15 Members.

2. Chairs

The Speakers Panel (Liquor Licensing) will have one Chair and one Deputy.

3. Quorum

The quorum of Speakers Panel (Liquor Licensing) shall be three Members.

4. Terms of Reference

The Speakers Panel (Liquor Licensing) shall have delegated powers within the framework of Council Policy and pursuant to schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as set out in the Licensing Act 2003 (as amended), to deal with the following:-

a) to determine, vary, review and transfer Premises Licences;
b) to review a Premises Licence following a Closure Order issued by the police and the exercise of powers by a Magistrates' Court;
c) to vary the details of an individual specified in a Premises Licence as the designated Premises Supervisor;
d) to determine applications for, and renewal of, Personal Licences;
e) to determine, vary and review Club Premises Certificates;
f) to determine a Provisional Statement;
g) the conversion of existing Licences and Club Registration Certificates during the period of transition;
h) the grant of Personal Licences to the holder of an existing Justices' Licence during the period of transition;
i) the cancellation of an Interim Authority Notice following a police objection;
j) to review individual Personal Licences when convictions come to light after the grant or renewal of a Personal Licence;
k) to issue Counter Notices following a police objection to a Temporary Event Notice;
l) to determine Licences relating to the provision of pavement cafes within the Borough;
m) to determine applications for premises licences for the following activities: bingo; betting; adult gaming centres; family entertainment centres; casinos; horse racing and dog tracks;
n) to determine permits for: gaming machines in alcohol licensed premises; gamine machines for members clubs; other gaming activities in members clubs; category D machines in unlicensed family entertainment centres; and prize gaming; and
o) to register and issue: small society lotteries; occasional and temporary use notices; and provisional statements.

8. HEALTH AND ADULT SOCIAL CARE SCRUTINY PANEL

1, To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's or health sector's functions relating to health and wellbeing. This will include scrutiny of Tameside Health and Wellbeing Board, Social Care, Tameside Integrated Care Foundation Trust, Tameside Strategic Partnership Board, Greater Manchester Integrated Care Board (Tameside Locality), including public health function, key health service inspection results, and general health and wellbeing issues. Also, in accordance with the Health and Social Care Act 2001 and the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, the NHS Trust functions relating to Tameside.

2. The Council's scrutiny responsibilities in relation to the Pennine Care Mental Health NHS Trust will be undertaken by a Joint Committee set up under part 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, with Bury, Oldham, Rochdale and Stockport Metropolitan Borough Councils.

3. To make requests or recommendations to the Overview Panel in accordance with the discharge of any Executive functions in accordance with the Council's Call-In Procedure.

4. To consider any matter affecting the area or its inhabitants relating to Health and Wellbeing.

5. Within the Panel's terms of reference to exercise the right to call in for reconsideration executive decisions made but not yet implemented by the Executive or Panel.

6. Within the Panel's terms of reference to examine whether the Council is meeting its objectives set through the budget and policies and if this is not the case to suggest ways in which the Council may achieve this.

7. The Scrutiny Panel will receive decisions and relevant papers from the Executive. The Panel will have the right to question Executive Members and the Senior Management Team on the implementation of decisions, policies and the budget.

8. In the event of any dispute howsoever arising as to whether the Scrutiny Panel has authority to consider any matter, such dispute shall be referred to the Monitoring Officer who shall at her/his absolute discretion, either:-

   a) provide a decision on the matter; or
   b) refer the matter to the Overview Panel for a decision.

9. The Scrutiny Panel shall not consider any matter relating to standards or behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council. Any such matters shall, without debate, be immediately referred to the Monitoring Officer (and in the case of financial matters, also the Director of Resources who shall on receipt of such information, seek further information as the Monitoring Officer or her/his nominee considers necessary, to prepare a full report for consideration by the Standards Committee and thereafter the Monitoring Officer, or her/his nominee, shall submit a report for consideration, without delay, to the Standards Committee.

10. To present to Overview Panel the final report of all Scrutiny Reviews with the appropriate Executive Member being given the opportunity to make a formal response to the report.

11. To monitor and evaluate progress of recommendations of Scrutiny Reports, as appropriate.

12. To carry out an internal evaluation of the impact of individual Services Reviews within the remit of the Panel.

13. Scrutiny Panels cannot consider any matters that are the responsibility of the Speakers Panels nor scrutinise any of their decisions.

14. The Greater Manchester Joint Health Scrutiny Committee to undertake scrutiny functions in respect of the Greater Manchester Integrated Care Board , NHS North West, the North West Ambulance Trust, Christies Hospital, Greater Manchester Workforce Federation and Specialist Children's Services provided by the Central Manchester and Manchester Children's University Hospitals NHS Trust.

15. Regional and Sub-Regional Joint Scrutiny Committees to undertake the scrutiny function in respect of NHS consultations taking place on a regional or sub-regional basis that is not coterminous with Greater Manchester.

9. PLACE AND EXTERNAL RELATIONS SCRUTINY PANEL

1. To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's Executive functions relating to the Economy and Communities sectors. Including the Scrutiny of technical, economic and environmental matters such as utilities, refuse collection and planning; issues relating to sustainable communities; crime and disorder issues; the economy, and technical matters.

2. That in accordance with Section 19 of Part 3 of the Police and Justice Act 2006, this Scrutiny Panel be designated as the Council's 'Crime and Disorder Committee' with power to:

   a) review and scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
   b) to make reports or recommendations to the Council with respect to the discharge of these functions.

3. To make requests or recommendations to the Overview Panel in connection with the discharge of any Executive functions in accordance with the Council's Call-In Procedure.

4. To consider any matter affecting the area or its inhabitants relating to the Economy and Communities section.

5. Scrutiny of corporate services and policies, resource planning and human resources.

6. To exercise the right to call in for reconsideration decisions made but not yet implemented by the Executive.

7. To examine whether the Council is meeting its objectives set through the budget and policies and if this is not the case to suggest ways in which the Council may achieve this.

8. The Scrutiny Panel will receive decisions and relevant papers from the Executive Cabinet. The Panel will have the right to question Executive Members and Senior Managers on the implementation of decisions, policies and the budget.

9. In the event of any dispute howsoever, arising as to whether the Scrutiny Panel has authority to consider any matter, such dispute shall be referred to the Monitoring Officer who shall at his/her absolute discretion either:-

   a) provide a decision on the matter; or
   b) refer the matter to the Overview Panel for a decision.

10. The Scrutiny Panel shall not consider any matter relating to standards of behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council. Any such matter(s) shall, without debate, be immediately referred to Monitoring Officer (and in the case of financial matters, also the Director of Resources who shall on receipt of such information, seek further information as the Monitoring Officer, or her/his nominee considers necessary, to prepare a full report for consideration by the Standards Committee and thereafter the Monitoring Officer or her/his nominee, shall submit a report for consideration, without delay, to the Standards Committee.

11. To present to the Overview Panel the final report of all Scrutiny Reviews with the appropriate Executive Member being given the opportunity to make a formal response to the report.

12. To monitor and evaluate progress of recommendations of Scrutiny Reports, as appropriate.

13. To carry out an internal evaluation of the impact of individual Service Reviews within the remit of the Panel.

14. Scrutiny Panels cannot consider any matters that are the responsibility of the Speakers Panels nor scrutinise any of their decisions.

10. CHILDREN'S SERVICES SCRUTINY PANEL

The Panel will be the main mechanism by which Scrutiny members will scrutinise and monitor the planning and performance of the Council's services to children and young people and the Council's Corporate Parenting role, including but not limited to the following key areas

- Children's Services Improvement
- Early years and childcare
- All aspects of education including schools and academies, school improvement, school/college transport, training and apprenticeships, behaviour and attendance, further education
- Special Educational Needs and Disabilities Improvement
- Transition Services
- Health Services for Children and Young People – including Mental Health Services
- Positive activities for young people
- Safeguarding and child protection (including exploitation)
- Corporate Parenting
- Looked After Children and Care Leavers
- Fostering and adoption
- Supported accommodation and lodgings
- Supported employment for young people
- Youth Services
- Youth Offending Service
- Youth unemployment, NEETs
- Family Support

16. To review and scrutinise those matters relating to the Children Act 2004 and "Every Child Matters".

17. To review and scrutinise the decisions made or actions taken in connection with any of the Council's Executive functions relating to educational matters, general children's health, looked after children, the Youth Service and Youth Offending Services.

18. To make requests or recommendations to the Overview Panel in accordance with the discharge of any Executive functions in accordance with the Council's Call-In Procedure.

19. Within the Panel's terms of reference to exercise the right to call in for reconsideration executive decisions made but not yet implemented by the Executive or Panel.

20. Within the Panel's terms of reference to examine whether the Council is meeting its objectives set through the budget and policies and if this is not the case to suggest ways in which the Council may achieve this.

21. The Scrutiny Panel will receive decisions and relevant papers from the Executive. The Panel will have the right to question Executive Members and the Senior Management Team on the implementation of decisions, policies and the budget.

22. In the event of any dispute howsoever arising as to whether the Scrutiny Panel has authority to consider any matter, such dispute shall be referred to the Monitoring Officer who shall at her/his absolute discretion, either:-

    a) provide a decision on the matter; or
    b) refer the matter to the Overview Panel for a decision.

23. The Scrutiny Panel shall not consider any matter relating to standards or behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council. Any such matters shall, without debate, be immediately referred to the Monitoring Officer) (and in the case of financial matters, also the Director of Resources who shall on receipt of such information, seek further information as the Monitoring Officer or her/his nominee considers necessary, to prepare a full report for consideration by the Standards Committee and thereafter the Monitoring Officer, or her/his nominee, shall submit a report for consideration, without delay, to the Standards Committee.

24. To present to Overview Panel the final report of all Scrutiny Reviews with the appropriate Executive Member being given the opportunity to make a formal response to the report.

25. To monitor and evaluate progress of recommendations of Scrutiny Reports, as appropriate.

26. To carry out an internal evaluation of the impact of individual Services Reviews within the remit of the Panel.

27. Scrutiny Panels cannot consider any matters that are the responsibility of the Speakers Panels nor scrutinise any of their decisions.

11. STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

1. Terms of Reference

The Strategic Planning and Capital Project Monitoring Panel shall have **delegated powers** to deal with the following:-

(i) Capital Project Monitoring

1. To be kept aware of the latest developments regarding the Council's capital programme;
2. To identify where intervention in schemes may be required to ensure best outcomes are achieved;
3. To receive regular monitoring reports on specific capital schemes;
4. To request attendance from budget holders (service managers and project managers) and Executive Members to explain variations;
5. To request that specifications for capital projects are brought to the group for scrutiny;
6. To recommend areas for further consideration; and
7. To make recommendations to Executive Cabinet and Council as to Capital projects and Capital expenditure

(ii) Planning

Within the framework of Council Policy, and having regard to the Development Plan, Local Development Documents, other planning guidance and development briefs approved by the Council, the Panel shall exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 (as amended). Most of these functions are delegated to the Speakers (Planning) committee and then onwards to the Director or Head of Planning but the following are reserved to the Strategic Planning and Capital Project Monitoring Panel

1. applications for Large Scale Major Development, defined from time to time by Department for Communities and Local Government. Currently this includes
    - residential developments of 200 dwellings or more, or 4 ha or more;
    - 10,000 square metres or more, or 2 ha or more of retail, commercial or industrial or other floorspace.
2. Smaller scale major applications contrary to Development Plan Policy;
3. All significant applications which would depart from Green Belt policy shall be referred to the Strategic Planning and Capital Monitoring Panel for determination. 'Significant' will be defined by the Executive Leader and Chief Executive or their nominees;
4. Planning applications for major minerals (mining/quarrying) development;
5. Planning applications for waste disposal development;
6. applications requiring Environmental Impact Assessments
7. applications involving a significant departure from policy which Planning Committee is minded to approve;
8. determination of Highway orders relating to strategic matters, which are the subject of objections received during the public consultation process.
9. applications referred from Planning Committee; or
10. any other matters which have strategic implications by reason of their scale, nature or location.
11. Any other applications that raise important issues which the Director or Head of Planning considers should be determined by the Panel; or
12. any other matters referred up to it at the discretion of the Director or Head of Planning.

(iii) The Executive Leader in consultation with the Chair of Council's Speakers Panel (Planning) and the Director of Place can at their absolute discretion refer such matters as would ordinarily fall within the delegation and scope of Strategic Planning and Capital Monitoring Panel to Speakers Panel (Planning) where considered expedient to do so.

12. OVERVIEW PANEL

1. Role

(i) The Overview Panel shall act as a mechanism to allow for a dialogue between the Executive and Scrutiny to provide a constant rolling review (but not scrutiny) of Council activities and will have responsibility to overview the Council's Improvement Programme and budget.
(ii) The Panel will also provide for agenda planning for future scrutiny programmes and provide important links for policy review and future policy development
(iii) The Panel will also co-ordinate the scrutiny processes including co-ordination of scrutiny reviews involving more than one Scrutiny Panel.
(iv) Receipt and consideration of final reports from Scrutiny Panels;
(v) To provide a facility for the main Opposition Spokespersons to be invited to attend meetings of the Panel (with speaking rights) in respect of items relating to their brief.

2 Call In Panel

The non-Executive Members of the Overview Panel (i.e. the Chair and Deputy Chair of the Overview Panel, the Chairs of the Scrutiny Panels, the Chair of Council Business, two Front Line Members and Opposition Members, subject to the political balance rules) shall be responsible for giving consideration to call in or decisions outside the budget or policy framework, in accordance with the procedures set out in Part 4(f) of the Constitution.

3 Scrutiny Dispute Resolution

To determine (following any dispute as to the authority of a Scrutiny Panel to consider a specific matter, and there the Monitoring Officer has exercised her/his absolute discretion in referring the dispute to this Panel whether the Scrutiny Panel referred to has authority to consider such matter.

13 AUDIT PANEL

1. Role

(i) To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.
(ii) To undertake the functions of an Audit Committee in accordance with the CIPFA Statement on Audit Committees in Local Authorities.
(iii) The Panel shall have a membership of seven Members.
(iv) The Panel shall be chaired by the Chair of the Overview Panel.

2 Terms of Reference

(i) To review the arrangements for internal control (both financial and non-financial);
(ii) Consider the Annual Audit Letter from The Council`s External Auditors;
(iii) Approve (but not direct) both external and internal audit's strategy, annual plans and monitor performance;
(iv) Review summary internal audit reports and the main issues arising and seek assurance that management action has been taken where necessary;
(v) Receive the annual report and Head of Internal Audit opinion on the Council's corporate governance, risk management and internal control arrangements.
(vi) Consider the reports of other regulators and inspectors;
(vii) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors;
(viii) Be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it; and
(ix) To review existing and proposed arrangements, recommend changes and receive assurance that the systems of corporate governance are operating effectively and in accordance with best practice.
(x) Review and approval of the annual Statement of Accounts, including the Annual Governance Statement and related matters. Approval of accounting policies and consideration of whether there are any concerns arising from the financial statements or external audit that need to be brought to the attention of Council.
(xi) Receive and consider the external auditor's report and opinion on the financial statements.
(xii) Monitor action taken in response to any matters raised in the external auditor's report.
(xiii) Monitor action taken in response to any matters raised in the Annual Governance Statement.
(xiv) To approve the audited statement of accounts.

14. GREATER MANCHESTER PENSION FUND

1. In accordance with the decision of the Association of Greater Manchester Authorities on 19th December 1986, the Council established a Committee to which are delegated the functions vested in the Council by virtue of the Order made by the Secretary of State for the Environment pursuant to Section 67 of the Local Government Act 1985.

2. The Committee, called the Pension Fund Management Panel, shall comprise up to 23 Members, of which up to 13 Members shall be Tameside Councillors, one will be a representative of the Ministry of Justice and nine will be councillors co-opted by Tameside on the recommendation of the remaining nine Districts acting through the Association of Greater Manchester Authorities.

3. Substitutes will not be appointed.

4. Every member of the Panel has one vote. A trustee member may not vote on behalf of another trustee member if they are unable to attend. The Chair has a casting vote.

5. The Chair will review the tenure of any representative who fails to regularly attend Panel meetings.

6. The Panel shall appoint a Pension Fund Advisory Panel comprising of up to 18 members of which up to 10 will be elected Members, appointed by each of the District Councils, up to six will be employee representatives; provided that any such employee representative shall not be an employee of the administering authority whose employment responsibilities involve any aspect of administration of the Greater Manchester Pension Fund and up to two will be independent observers.
7. The Pension Fund Advisory Panel will support the Pension Fund Management Panel to undertake its duties, and will do so in line with any terms of reference in place.

f) Scheme of Delegation to Officers

The Pension Fund Management Panel has approved a Scheme of Delegation to the Director of Pensions in respect of (a) administrative matters; (b) Investment Matters and (c) Property investments (set out in part 19(b) of the Constitution).

15. EDUCATION ATTAINMENT IMPROVEMENT BOARD

1. Membership

The Membership shall be comprised of:

- The Executive Member (Education, Achievement and Equalities)
- The Executive Member for Children's Services
- 5 x Frontline Councillors
- 1 x secondary head teacher (plus nominated substitute)
- 1 x primary head teacher (plus nominated substitute)
- 1 x member of Tameside Governors' Forum
- 1 x representative of Teachers' Consultative Committee

2. Chair

The Board will be chaired by the Executive Member (Education, Achievement and Equalities) who has delegated portfolio for dealing with schools.

3. Quorum

The quorum shall be three Members.

2. Terms of Reference

The Education Attainment Improvement Board, appointed by the Council, and comprised of all its Members, shall have responsibility via the Executive Member (Education, Achievement and Equalities) for ensuring that there is a co-ordinated approach ensuring the best possible progression for children and young people through the education system and on to higher education, training or employment. More specifically, it will discharge this remit by:-

- Shaping and testing educational policy and delivering the Council's priorities and the Community Strategy at a Borough and Greater Manchester level;
- Ensuring young people have the required skills to engage successfully in the new labour markets and through continuing improvements in attainment, achievement and attendance increase the numbers entering and succeeding in further and higher education, training and employment;
- Maximising economic growth and reducing dependency on public services through public sector reform, including reforming the early years and education and skills systems;
- Ensuring that academies and free schools that become established in the borough operate in a way that fully delivers the vision for our young people;
- Transforming the quality and effectiveness of school governance and leadership as a key lever of improvement;
- Supporting the Tameside family of schools to manage the national frameworks of curriculum, external inspection, changing standards and funding reform and determine their own governance arrangements in partnership with the Council;
- Addressing the on-going increased demand for school places driven by the growing and diverse Manchester population.

The Board will do this by:

- Providing a vision and direction for education in the Borough;
- Monitoring the performance of schools and other providers aimed at raising standards;

- Using the outcomes of inspections of data from all forms of assessment to keep under review the quality of education being delivered and facilitate access to improvement, support and attainment;
- Supporting integrated working for vulnerable children and young people to deliver a more holistic approach to supporting their educational attainment and progress including looked after children, pupils with special educational needs and those attending pupil referral units;
- To ensure the speedy admission and fair distribution of pupils with agreed additional needs through the fair access protocol and place planning.

16. HEALTH AND WELLBEING BOARD

1 Terms of Reference

(i) To encourage for the purpose of advancing the health and wellbeing of people in Tameside, persons who arrange for the provision of any health or school care services in Tameside to work in an integrated manner.

(ii) To provide such advice, assistance or other support as appropriate for the purpose of encouraging partnership arrangements under section 75 of the National Health Service Act 2006 between the Council and NHS bodies in connection with the provision of health and social care services.

(iii) To encourage persons who arrange for the provision of health-related services (i.e., services which are not health or social care services but which may have an effect on the health of individuals) to work closely with the Board and with persons providing health and social care services.

(iv) To exercise the functions of the Council and its partners in preparing a joint strategic needs assessment under section 116 of the Local Government and Public Involvement in Health Act 2007 and a joint health and wellbeing strategy under section 116A of the Act.

(v) To give the Council the opinion of the Board on whether the Council is discharging its duty to have regard to the joint strategic needs assessment and joint health and wellbeing strategy in discharging the Council's functions.

(vi) To exercise such other Council functions which as delegated to the Board by the Council or the Leader.

(vii) To appoint such sub-committees or joint sub-committees as the Board considers appropriate.

(viii) To receive from the Greater Manchester Integrated Care Board a joint forward plan setting out how it proposes to exercise its functions including steps the integrated care partnership proposes to take to implement the joint local health and wellbeing strategy to which it is required to have regard under section 116B(1) of the Local Government and Public Involvement in Health Act 2007, and an annual report explaining how the integrated care partnership has discharged its functions in the previous financial year.

2. Membership

The Health & Wellbeing Board is to consist of:

- At least one councillor of the local authority
- The Director of Adult Social Care
- The Director of Children’s Services
- The Director of Public Health
- A representative of the local Healthwatch organisation
- A representative of the Greater Manchester Integrated Care Board
- Such other persons, or representatives of such other persons, as the local authority thinks appropriate

17. ASSET MANAGEMENT PANEL

1. Terms of Reference

1.1 To advise the First Deputy (Finance, Resources and Transformation) as the Executive Member with decision-making powers.

1.2 The remit of the Asset Management Panel is to provide strategic oversight across organisational boundaries to support the optimal use of the property estate within Tameside.

1.3 Decisions that require oversight and input from Asset Management Panel include, but are not limited to, the following:-

- Disposals subject to S.123 requirements of the Local Government Act 1972 (i.e. freehold disposal and leasehold disposals over 7-years)
- Lease renewals (of more than 7-years)
- Routes to market
- Consideration of offers following marketing
- Community Asset Transfers
- Strategic asset reviews, including reviews of the Corporate Landlord Estate
- Disposals at less than best value as set out in Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003
- Items referred to Panel by the following
  - Director of Place
  - Chief Executive
  - Internal or external Audit
  - S151 officer
  - Monitoring officer

1.4 It is <u>not</u> the remit of Asset Management Panel to consider items that are regarded as "business as usual" or where no discretionary means are available to the Council to influence the decision, for example where it is statutory or legal obligation of the Council to adhere to the transaction. In such instances these decisions will dealt with via the authority delegated to the Director of Place as set out in the Council Constitution Part 3a (f) – Terms of Reference and Scheme of Delegation, and having proper regard for the Financial Regulations, Procedures and Guidance. Examples of decisions not to be considered by Asset Management Panel include (but not limited to):-

- Lease agreements (where the term 7-years or less providing not at an undervalue)
- Assignments of leases
- Rent reviews unless proposed to be at less than market value
- Licenses, Tenancies at Will etc., where no legal interest is conveyed to a third party
- disposals of residential freehold reversions in accordance with the Council's policy,

1.4 The Director of Place has discretion to refer any item to the Asset Management Panel for due consideration if it is felt appropriate and in the broader interests of the Council to do so.

2. Decision Making

2.1 Following consideration and input from Asset Management Panel, formal authority for the decision will to be sought in accordance with the Council's Constitution having regard for the Financial Regulations, Procedures and Guidance; and relevant prevailing policy documents such as the Council's Disposal Policy, Community Asset Transfer Policy and the policy

relating to the disposal of freehold reversionary interests and will therefore be an executive decision signed by the Chair of the Panel, or a recommendation to Cabinet.

2.2 Minutes of the meeting and decisions made by the Executive, following Asset Management Panel, will be reported to Board and Executive Cabinet.

3. Membership

3.1 Membership of Asset Management Panel will include the following, although authorised deputies may be permitted if agreed by the Chair:-

- First Deputy - Finance, Resources & Transformation (Chair)
- Executive Member – Inclusive Growth, Business & Employment
- Deputy Executive Leader – Children & Families
- Leader of the Opposition

3.2 Officers in attendance to include:-

- Chief Executive
- Director of Place
- Assistant Director - Strategic Property
- Assistant Director – Finance
- Head of Legal
- Democratic Services Officer

3.3 Other attendees may be invited to discuss specific individual agenda items as and when appropriate.

3.4 All attendees are expected to allocate to this meeting a high level of priority and 100% attendance is assumed. However, authorised deputies will be acceptable if agreed in advance by the Chair.

4. Frequency Of Meetings and Secretariat

4.1 The frequency of meetings shall be on a monthly basis and a formal agenda and associated papers will be circulated by Democratic Services to all attendees preferably 5 working days in advance of the meeting.

18. DELEGATION TO EXECUTIVE MEMBERS

1. In accordance with the framework of overall Council policy and resources allocated for that purpose, individual Executive Members shall have delegated powers to determine all such matters relating to those activities set out in their Warrant of Office subject to the following conditions:-

   a) to seek the advice of the Monitoring Officer (or her/his nominee) and the Section 151 Officer (or his/her nominee) and such other Officers as the Executive Member shall consider necessary to fully inform the decision-making process;
   b) such decisions to be recorded in a Decision Notice, which shall be open to public inspection in accordance with the provisions of the Local Government Act 2000;
   c) any general or specific legislation reserved to the Full Council or power delegated to a Speakers Panel or Officers.

2. Where further guidance is required on the execution of delegated powers the matter shall be referred to the Head of the Paid Service and the Executive Leader for resolution. If they are of the opinion it is a matter of policy it shall be referred to the appropriate decision making body.

3. Where the decision is a Key Decision, but is not included in the Council's Forward Plan, then the Chair of the appropriate Scrutiny Panel shall be notified in advance of the decision being taken.

4. Where a decision, which is not part of the Council's existing policy and budget framework, needs to be taken as a matter of urgency the approval of the Chair of the appropriate Scrutiny Panel (or the Chair of Council Business in their absence) will be required prior to the decision being taken by the Urgent Matters Panel – such decision to be reported to the next meeting of the Council.

19. DELEGATION TO OFFICERS

A. ALL OFFICERS OF THE SENIOR LEADERSHIP TEAM

The following delegations apply to all Senior Leadership Team which includes all officers above the level of Assistant Director.

1. In accordance with the Council's Constitution, the management and administration of the services for which they are responsible and the incurring of expenditure for such purposes within approved estimates and in accordance with Procurement Standing Orders and Financial Regulations. This shall include authorising the Officers of the Senior Leadership Team to take such action as is necessary, within approved budgets, procedures and business plans, to implement the decisions and policies of the Council, and ensure the timely progress of Service Reviews within their remit.
2. To dispose of surplus or obsolete stock and equipment at the best prices obtainable in accordance with the procedures agreed with the Director of Resources (per Financial Regulations 13.2 and 13.3 , Part 4(b)).
3. To serve requisitions for information as to the ownership of property under the various statutory provisions where necessary.
4. To sign and serve documents and notices on behalf of the Council.
5. To authorise staff possessing such qualifications as may be required by law or in accordance with the Council's policy, and in accordance with the Scheme of Authorisation made in accordance with Regulation of Investigatory Powers Act 2000 to carry out surveillance, to take samples, carry out inspections, enter premises, form opinions and generally perform the functions of a duly authorised Officer of the Council (however described) under the statutory codes relating to Public Health, Mental Health, Children and Young Persons, Social Services, Housing, Education, Town Planning, Rating, Licensing, Trading Standards and Consumer Services, Highways, Building Control, Shops, Food Safety, Health and Safety at Work, and under the provisions of the Greater Manchester Act 1981, to issue any necessary Certificates of Authority. In relation to any powers delegated to the Chief Executive which require to be dealt with by a Solicitor of the Supreme Court, his/her power shall in turn be delegated to the Borough Solicitor (Assistant Director (Legal Services) as necessary. Surveillance shall be authorised in advance of any such activity being undertaken by the relevant Officer.
6. To apply for planning permission for proposed development to be carried out by the Council or on land owned by the Council.
7. The appointment and operational management of all categories of staff, for whom they are responsible.
8. The authorisation of attendance or secondment of employees on courses or seminars etc., within the approved Training Plan.
9. The authorisation of carrying forward of annual leave from one year to the next where less than three days.
10. To determine an increase in fees and charges above the increases approved by the Council in the annual budget.
11. To make employing Authority determinations as required under the Local Government Pension Scheme Regulations 1997 (as amended), in respect of employees and ex-employees. This will include deciding benefits due following the cessation of an employment (including deaths in Membership), and determinations in respect of deferred Members.

In Consultation with:-

12. To take disciplinary action, including dismissal, in relation to staff for whom they are responsible (or other staff), with the consent of the Assistant Director (People and Workforce Development) in accordance with the Council's Disciplinary Procedure. Dismissal hearings cannot be delegated below the level of the Assistant Director, although the dismissing Officer

need not come from the same service (as the employee who is the subject of the disciplinary proceedings) and can be any Member of the Senior Management Team.

13. To write off bad debts and incorrect charges to a limit of £5,000 in any one case, following consultation with the Director of Resources and appropriate Executive Members for all other amounts.
14. To transfer revenue budget that is within the expenditure limit between service units within their area of responsibility, having informed the Director of Resources before actioning this. The transfer of capital programme provision between schemes requires the approval of the Director of Resources.
15. To amend the numbers, duties and grades of posts within their responsibility; to change vacant or new posts, within Council policies, priorities and budgets. Such changes to be subject to the prior approval of the Assistant Director (People and Workforce Development), Director of Resources and where such approval is not forthcoming the matter shall be referred to the Chief Executive. This does not cover the re-grading of existing post holders which shall be referred to the Assistant Director (People and Workforce Development).
16. To accept a quotation or tender which is other than the best value price or to waive procurement standing orders, subject to presenting a written report to the appropriate Executive Member, the Director of Resources and Monitoring Officer.
17. In consultation with the Deputy Executive Leader, to approve the attendance of Members and Officers at conferences/seminars, which are not included in the Standing List of Conferences.
18. Only the Chief Executive, Borough Solicitor (Assistant Director (Legal Services) and Director of Place can formally authorise action under RIPA 2000 (as amended) in accordance with the Council's Policy and Procedure and the relevant SMT Officer should be aware of any authorisations being requested in their service area.
19. To enter into compromise agreements with employees within their area or in another area (in the absence of that particular Senior Management) subject to approval of Director of Resources and Assistant Director (People and Workforce Development).

B. CHIEF EXECUTIVE

As Head of Paid Service:

1. To re-arrange dates and times of meetings, previously approved at the Annual Meeting of the Council, following consultation with the Leader of the Council and the Chair of the body concerned; such action being necessary in the interests of the efficient running of the Council.
2. All matters relating to staffing, employment, terms and conditions and industrial relations for the Council's workforce, save those matters specified elsewhere and appeals matters handled by the Speakers Panel (Employment Appeals).
3. In conjunction with the Assistant Director (People and Workforce Development) and the Director (Children's Services), to operate a system of appeals for all staffing matters in respect of teaching staff not subject to the Local Management of Schools.
4. Together with two Members of the Senior Leadership Team to act as the Investigatory Committee in respect of investigatory matters relating to the Senior Leadership Team except in relation to the three Statutory Officers: Chief Executive, Section 151 Officer and Monitoring Officer.
5. Together with the Executive Leader and Deputy Executive Leader, to act as the Investigating Committee in respect of disciplinary matters relating to Officers of the Senior Leadership Team.
6. To act on the Council's behalf and to commit the Council to such course of action as may be considered appropriate in order to respond to an event of chemical or biological terrorism or similar incident requiring concerted action.
7. In conjunction with the Director of Place to grant, refuse, revoke, renew, make conditions and administer the procedure relating to the use of premises as a venue for civil marriages under the appropriate Sections of the Marriage Act 1949 (as amended by the Marriage Act 1994), and the Marriages (Approved Premises) Regulations 1995.
8. The granting of appropriate increments in career grades and examination success schemes subject to the joint consent of the Director of Resources and Assistant Director (People and Workforce Development).
9. The granting of leave of absence without pay for periods not exceeding three months and special leave with pay on compassionate grounds.
10. In consultation with the Director of Resources the granting of awards to employees under the Long Service Award scheme.
11. The determination of car allowances in accordance with the criteria adopted by the Council in consultation with the Director of Resources.
12. The determination of ex-gratia payments in respect of damage to, or loss of, employees' personal property up to £200 and, in consultation with the appropriate Executive Member, for all other amounts.
13. To determine applications for extensions of sick pay subject to the agreement of the Director of Resources.
14. To determine applications for re-grading of existing occupied posts following evaluation and in consultation with the Director of Resources of applications for early retirement from employees, and all applications involving voluntary redundancy, and payment in lieu of notice, if appropriate, in accordance with the Council's agreed scheme, and the annual submission of a monitoring report to the Board, with regard to early retirement, ill health retirement and voluntary redundancies.
15. To approve changes in grading and other conditions for existing postholders
16. The administration of any schemes for awards to employees making suggestions which could affect economies and improve efficiency, etc.

As Director of Pensions

Pensions

All references below relate to matters prescribed by the:

- Local Government Pension Scheme Regulations 2013
- Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014, plus earlier Regulations to the extent that they remain in force.

a. Administrative Matters

To deal with the following benefits and contributions matters in relation to the Greater Manchester Pension Fund.

1. The making of admission agreements with relevant bodies.
2. The determination of the final pay period for deceased members, where the member could have elected for an earlier period to count but died before so electing.
3. Making elections on behalf of deceased members for Certificates of Protection of pension benefits.
4. The exercise of discretion regarding the payment of death grants in respect of deceased scheme members in accordance with the guidelines approved by the Pension Fund Management Panel.
5. The exercise of discretion in respect of breaks in education or training for the purposes of deciding if a person can be regarded as a child.

6. The exercise of discretion in the apportioning of a children's pension between more than one eligible child.

7. The exercise of discretion in the payment of the whole or part of a children's pension to a person other than an eligible child.

8. The commutation of certain small pension benefits within the statutory limits to single lump sum payments to discharge future liability for payments.

9. The commutation of pensions in exceptional circumstances of ill health.

10. The determination of whether a person wishing to purchase certain additional pension benefits has undergone a medical examination to the satisfaction of the administering authority.

11. Obtaining revisions to a rates and adjustments certificate (e.g., when it appears that liabilities are arising more than those previously assumed).

12. The determination of intervals for the payment of employee and employer pension contributions to the Fund.

13. Charging interest to employers or other administering authorities on late payments due to the Fund.

14. The determination of intervals for payment to the Fund of rechargeable pensions and pensions increase.

15. The determination of the amount of any benefit that may be payable to a person out the Fund.

16. The determination of various matters in relation to new contributors including what previous service may be considered.

17. The approval of medical practitioners to be used by Fund employers in making decisions on entitlement to ill-health retirement.

18. The payment of and terms of acceptance of transfer values.

19. The exercise of discretion on the extension of statutory time limits in respect of various applications made by employees and beneficiaries as provided in the regulations.

20. The waiving on compassionate grounds of overpayments of pension benefits.

21. The making and revision of a Pension Administration Strategy after consulting employers.

22. To make decisions regarding the payment of benefits in respect of members who are incapable of managing their own affairs through mental disorder or otherwise, in accordance with the guidelines approved by the Pension Fund Management Panel.

23. To decide whether to offer voluntary scheme pays facility to members who have an annual allowance tax charge and, if so, to decide the circumstances upon which it would do so.

24. To determine the amount of an exit credit payable to a scheme employer who ceases to participate in the scheme in accordance with the guidance approved by the Pension Fund Management Panel.

b. Investment Matters

25. In accordance with the policy guidelines and, subject to such consultations as the Director of Pensions may deem appropriate, the allocation of all monies accruing to the Pension Fund which are not required for payment of benefits for investment in the following categories of investment: -

    a) fixed interest securities managed by the Fund Managers;
    b) UK equities managed by the Fund Managers;
    c) overseas equities and bonds managed by the Fund Managers;
    d) local investment in the acquisition and development of property as part of the Property Venture Fund;
    e) UK and overseas unquoted investments via venture capital funds and other local arrangements;
    f) acquisition of land and premises and the development of such land and improvements, refurbishment and modernisation of such premises;
    g) indirect pooled property investments;
    h) Infrastructure funds;
    i) Investments that meet the criteria of the Special Opportunities Portfolio;
    j) designated index linked fund;
    k) other monies to be invested other than in categories (a) - (j) above.

26. In accordance with the policy guidelines and advice given by the Pension Fund Advisory Panel and the Pension Fund Management Panel and, in relation to land and premises in accordance with the terms recommended by the Assistant Director for Local Investments and Property or the Specialist Advisor, the investing of money allocated in accordance with the above for investment in categories 25 (d) to (j) above.

27. The placing on short term deposit until the Pension Fund Advisory Panel and the Pension Fund Management Panel have given consideration to the placing in long terms investments of any money which has not been allocated to and invested in categories 25 (a) to (i) above.
28. In accordance with policy guidelines given by the Pension Fund Management Panel, arranging the realisation of ongoing management of any specie distributions received in connection with holdings of UK and overseas unquoted investments, including the opening of accounts with any financial institution in order to facilitate the exercise of this power.
29. Subject to having consulted at least one of the professional advisors to the Pension Fund Advisory Panel and the Pension Fund Management Panel the handling of urgent matters arising in the management of the Pension Fund between meetings of the Pension Fund Advisory Panel/Pension Fund Management Panel and which fall within the predetermined strategy laid down by those Panels.
30. The incurring of due diligence expenditure in relation to prospective fund investments that fall within the approved investment strategy.

c. Property Investments

31. Responsibility for the management of the Pension Fund property portfolio in accordance with the policy guidelines of the Pension Fund Management Panel and the Pension Fund Advisory Panel, and subject to Procurement Standing Orders and Financial Regulations of the Authority, comprising:-

a) the negotiation and acceptance of terms for the acquisition, development and redevelopment and disposal of land and buildings;
b) the acquisition and disposal of incidental property vehicles;
c) the negotiation and acceptance of terms for the granting, renewing, reviewing, varying or assignment of leases, underleases, tenancies, licences and any other interest in Fund property;
d) the preparation and implementation of schemes of works of modernisation, improvement, maintenance and repair to Fund property together with the invitation and acceptance of tenders and the authorisation of expenditure on such works;
e) the appointment and supervision of managing agents and professional advisors necessary for the effective management of the Pension Fund Property Portfolio, within budget provision;
f) the collection of all rents, the setting of management and collection of service charges, insurance premiums and any other monies arising out of the Pension Fund Property Portfolio, together with the approval of any in-house systems established to achieve this;
g) the placing of insurance cover for Fund property to such value and for such risks as shall be considered appropriate.

C. DIRECTOR (GOVERNANCE)

Assistant Director (Legal Services) – Borough Solicitor

1. To institute and defend legal proceedings.
2. To settle disputes and litigious actions.
3. To apply for warrants to enter property.
4. To execute documents under Seal and to authorise the Head of Legal Services, Chief Executive, Head of Pension Fund (Legal) to do the same.
5. To authorise the appearance of non-admitted legal staff in the Magistrates Court in accordance with the provisions of Section 223 of the Local Government Act 1972.
6. In consultation with the Head of Planning to determine applications under Sections 191 and 192 of the Town and Country Planning Act 1990 for lawful development certificates.
7. To pay compensation approved by the District Valuer for Discontinuance and Revocation Orders provided such compensation is within the estimate previously approved.
8. To issue Enforcement Notices, Stop Notices and Temporary Stop Notices and take further enforcement action, following consultation with the Head of Planning.
9. To apply for injunctions, in appropriate cases, where there are any breaches of planning control, Tree Preservation Orders or Listed Building and Conservation legislation, and to give any undertakings as to damages in such cases.
10. To issue Breach of Condition Notices in consultation with the Head of Planning.
11. After consultation with appropriate officers, to enter into Agreements and Bonds with developers in accordance with planning and highways legislation.
12. In consultation with the appropriate Executive Member to authorise an appropriate Officer of the Senior Leadership Team to enter into negotiations for the supply of goods, materials or services, or the execution of work subject to the provisions contained in Paragraph C3.2 of Procurement Standing Orders.
13. In consultation with the appropriate Executive Member, the making of all relevant Compulsory Purchase Orders, and declaration of Clearance Areas.
14. To administer cautions on behalf of the Council and to authorise other appropriate Officers at his/her discretion to administer cautions on behalf of the Council.
15. To allow any exemptions to Procurement Standing Orders. following consideration of a written report, in consultation with the appropriate Executive Member.
16. To issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989 – Politically Restricted Post.

Assistant Director (People and Workforce Development)

17. To co-ordinate the authorities marketing campaigns.
18. To deal with matters relating to the development of the Customer Contract and care strategy.
19. To deal with matters relating to the Council's Media, Marketing and Communications Strategies.
20. Human resource matters shall be subject to the overall direction of the Chief Executive.
21. The administration and implementation, in consultation with the Senior Leadership Team, of the Council’s organisational, employee development and human resource plans.
22. The interpretation and application of pay scales and conditions of service for all employees, except employees in schools with delegated budgets and teaching staff employed by the Local Education Authority.
23. To approve applications, in consultation with the appropriate Officer of the Senior Leadership Team, for extensions of service.
24. To deal with matters relating to the development of the Community Strategy and Corporate Plan.

25. The provision of policy and research support as part of the policy development and corporate strategic planning processes.
26. To take necessary action to implement the Equality Framework for Local Government.
27. To determine, in accordance with the Council's approved policy, applications for car loans (including applications from new employees for the Transfer to this Authority of car loans approved by a previous authority).
28. To implement all national pay awards and local schemes of conditions of services.
29. To authorise the payment of additional sums in respect of pensions arising from the upgrading of non-contributing service in accordance with the policy of the Council.

D. DIRECTOR OF RESOURCES

1. Responsibility for delivery of the National Anti-Fraud Network which provides data and intelligence services to Local Authorities pursuant to Section 113 Local Government Act 1972.
2. Power is delegated to the Assistant Director (Finance) in consultation with the Senior Leadership Team, to arrange for the automatic adjustment of fees and charges in the event of changes in the level of Value Added Tax.
3. To approve supplementary votes not exceeding £50,000.
4. To approve the transfer of votes:-
   a) Revenue – transfer of votes not exceeding £100,000 for any single transfer between Services and any transfer involving capital financing costs and other demand led votes;
   b) Capital – amendments to the approved Capital Programme provided the projects have been approved by the Council.
5. To approve schemes involving no additional costs – the approval of the necessary votes (income and expenditure) - provided the proposals have been approved by the Council.
6. The authority to grant small loans (up to and including £20,000) and small grants (up to and including £1,000) to organisations and similar bodies, where the Senior Leadership Team do not already have this delegated power.
7. To administer a loans pool for all outstanding debt, including the management of the Council and Former Greater Manchester Council debt and cash investment activity, in accordance with the Council's policy and, subject to such direction as the Council may periodically issue, to determine the terms of borrowing money as authorised by legislation and the Council
8. To borrow money as required in order to satisfy (i) above and to vary such loans as necessary.
9. To authorise and carry out the investments of surplus funds in accordance with current legislation and vary such investments as necessary;
10. To approve, and where appropriate, to co-ordinate all finance or operating leases made for a period greater than one year, and to have oversight and monitoring of contracts for the leasing of all vehicles and plant.
11. To manage the monies held within the Council's Bank Account (apart from those under the Local Management of Schools Scheme) and to ensure that money is available to meet financial commitments and that surplus cash is utilised to its optimum
12. Determine and administer the Members Allowance Scheme made pursuant to the Local Government Act 2000.
13. Responsibility for delivery of the National Anti-Fraud Network which provides data and intelligence services to Local Authorities pursuant to Section 113 Local Government Act 1972.
14. To determine the Council's approach to information security

Exchequer Services

15. The assessment of applications for Housing Benefit and Council Tax Support in accordance with statutory requirements and the approved schemes.
16. To make, under Section 107 of the Local Government Act 1972, proposals for, and to determine and make amendments to, the Schedule of instalments payable to the relevant presenting authorities and Council itself with regard to the collection Fund (England) Regulations 1989.
17. The determination of appeals against empty rate assessments and of applications for relief from rates.
18. The power to serve notice in accordance with the Non-Domestic Rating (Alteration of lists and Appeals) Regulations 2005, and Council Tax (alteration of Lists and Appeals) (England) Regulations 2009 when such action is required to preserve the Authority's position on non-domestic rating and Council Tax valuation matters.
19. To grant relief from non-domestic rates, and council tax on the grounds of hardship and housing benefit in accordance with relevant legislation.

20. To issue council tax and business rates demand notices in accordance with legislation and to issue invoices for goods and services provided.
21. To award reliefs/exemptions and discounts in respect of Business Rates and Council Tax in accordance with legislation
22. To award Discretionary Housing Payments in accordance with Legislation and discretionary Council Tax Section 13A payments under legislation and policy.
23. To issue completion notices in respect of Council Tax and Business Rates in accordance with legislation
24. To review decisions regarding Housing Benefit /Council Tax Support awards and Council Tax liability in accordance with legislation and to preserve the Authority's position in relation to Housing Benefit Tribunal hearings.

E. DIRECTOR OF PUBLIC HEALTH

1. To be responsible for the effective use of the public health grant;
2. Delivery of the Council's duties as to the improvement of public health, health protection and taking appropriate steps to improve the health of the people in the authority's area; including:

   (a) providing information and advice;
   (b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way);
   (c) providing services or facilities for the prevention, diagnosis or treatment of illness.

3. Discharge of the statutory responsibilities of the Director of Public Health under section 73A(1) of the National Health Service Act 2006.
4. Principal adviser on public health matters.
5. Discharge any of the Secretary of State's public health protection or health improvement functions that s/he delegates to Tameside MBC, either by arrangement or under regulations, including those services mandated by regulations made under section 6C of the Health and the National Health Service Act 2006.
6. Responsibility for the management of the Council's public health services with professional responsibility and accountability for their effectiveness, availability and value for money.
7. Provision of expert, objective advice on public health matters to the Council and the Public; to include the Council's public health response as the responsible authority under the Licensing Act 2003.
8. Ensure plans are in place to protect the health of the local population from threats to health and prevent, as far as possible, threats to health arising.
9. Discharge the Council's functions in relation to dental public health.
10. Planning for, or responding to, emergencies involving a risk to public health
11. Discharge any functions of the Council in relation to joint working and work with a range of partners to foster improved health and well-being.
12. Commission mandatory public health services on behalf of the Secretary of State and other prevention and health improvement services that meet the needs of the Council's citizens; address the public health outcomes framework and tackle local priorities as set out in the Health and Well Being Strategy.
13. Contribute to and influence the work of partners and in particular NHS Commissioners to ensure a holistic approach across the public sector.
14. Be an active member of the Health and Well Being Board, advising and contributing to the Joint Strategic Needs Assessment.
15. Prepare the Annual Report on the health of the Council's citizens.
16. Responsibility for any of the Secretary of State's public health protection or health improvement functions that are delegated to the Council, either by arrangement or under regulations.
17. Discharge any functions imposed on Tameside MBC in relation to joint working with the prison service under section 249 of the National Health Service Act 2006.
18. To ensure that an effective Health and Wellbeing Board operates as a Committee of Tameside Council and fully meets statutory requirements of section 194 of the Health and Social Care Act 2012 and partnership aspirations.

F. DIRECTOR (ADULT'S SERVICES)

1. The investigation of cases, and in consultation with the Borough Solicitor (Assistant Director (Legal Services), the commencement of proceedings, appearances before a Court as appropriate, the making of applications and representations and the imposition of requirements in relation to any of the matters referred to the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity for information.
2. To take any action which is calculated to facilitate or is conducive or incidental to the discharge of Adult Services functions and to comply with requirements imposed by legislation.
3. To award Social Care contracts in consultation with the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity, appropriate Assistant Executive Member and one Opposition Group Member subject to ensure compliance with Procurement Standing Orders.
4. To deal with complaints under the NHS and Community Care Act 1990 subject to a report of the proceedings of any of the Complaints Review Panel being submitted to the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity for information.
5. The assessment and, if necessary, admission of persons to accommodation under the control of the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity for information (including their transfer as appropriate to other accommodation), the management of such accommodation, the recovery of charges therefore and the adjustment of liability with any other local authority liable to provide the accommodation.
6. The making of arrangements with, or contributions to, non-statutory organisations and other local authorities providing residential or temporary accommodation.
7. The burial or cremation of the dead where no suitable arrangements have been made.
8. The administration of services for the welfare of sight and hearing impaired people, with mental health problems, people with disabilities, older people and carers including, in particular, the recovery (in consultation with the Director of Resources and Borough Solicitor (Assistant Director (Legal Services) of such charges as may be determined from time to time by the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity.
9. The making of arrangements for the temporary protection of property for persons admitted to hospital, etc.
10. The power to make application (in consultation with the Borough Solicitor (Assistant Director (Legal Services) and to act as deputy for persons who, by reasons of mental health problems, are incapable of managing their own affairs.
11. The receipt into the Guardianship of the local authority of such people with mental health problems for whom this may be appropriate.
12. To administer the operation of an approved list of Residential Care and Nursing Homes and Home Support Providers to satisfy the Council's obligations under the NHS and Community Care Act 1990, in relation to the purchasing and contracting of residential care under that legislation.
13. To add or delete from the Adult Services approved list of independent/private housing suppliers for the provision of accommodation for people with learning disabilities and the approved list of home care providers.
14. To negotiate the supply of appropriate accommodation with suppliers on the approved list referred to in paragraph 13 above in accordance with Procurement Standing Orders.
15. To determine individual charges for each placement by another local authority for residential and day care services, based upon the facilities used and the actual costs of the services provided.
16. The discharge of the Council's functions relating to the discharge of patients under section 23 of the Mental Health Act 2003.

G. DIRECTOR OF PLACE

1. The purchase and acceptance of donations and loans of library materials and archival material of local interest, within the approved estimates.
2. The purchase of books, periodicals, records and similar material within the approved estimates.
3. The sale, donation or disposal of library stock no longer in use.
4. To determine the opening hours for public libraries within the Council.
5. To determine matters relating to the display of notices and posters on notice boards provided for public use in libraries.
6. To commission and make decisions in relation to matters of historical interest including archaeological matters.
7. The development and management of Customer Services and In Touch Tameside. The development and allocation of sport and Cultural facilities throughout the Borough.
8. The development of sport, heritage and cultural activities through all services including the determination of exhibition programmes.
9. To determine blue plaque applications in consultation with the Assistant Executive Member.
10. The reproduction of plans, pictures and museum and art specimens.
11. Seasonal arrangements for hours of opening and closure of museums and art galleries at holiday periods.
12. The allocation of sports facilities on parks and open spaces in consultation with Director of Public Health.
13. The letting and management of allotments.
14. To determine the opening hours of public parks under the ownership of the Council.
15. Maintenance and future applications in respect of Britain in Bloom.
16. Management and maintenance of play areas.
17. To determine applications to hold events in parks and open spaces.
18. to determine matters relating to the display of notices and posters in parks and open spaces
19. The serving and advertising of Notices, the granting of Privileges, Licences, Permits and Consents, relating to highways and public car parks within Council Policy.
20. To adopt highways on behalf of the Council.
21. To exercise the Council's powers and duties in relation to the safety of reservoirs.
22. To institute action in regard to dangerous excavations and dangerous trees on the highway.
23. The service of Notices and the executive of works under the appropriate sections of the Public Health Act 1961, the Building Act 1984, the Local Government (Miscellaneous Provisions) Acts 1976 and 1982, the Highways Act 1980, the New Roads and Street Works Act 1991, Housing Act 2004 and the Environmental Protection Act 1990.
24. To propose and advertise Orders under the provisions of the Road Traffic Regulation Act 1984 (as amended), following appropriate consultations and to make such Orders, where there are no objections, and to give Notices and make Orders under Section 14 of the 1984 Act and the Town Police Clauses Act 1847.
25. To determine requests for the erection of bollards to prevent ram raiding in accordance with Section 115(b) of the Highways Act 1980, providing there is no cost to the Council.
26. The removal, storage and disposal of abandoned vehicles under the refuse Disposal (Amenity) Act 1978.
27. To authorise Council enforcement officers (Who may be from any service area) to carry out enforcement powers in accordance with the Local Authorities (Function and responsibilities) England (Amendment No 2) Regulations 2006 and the Health Act 2006.
28. Management and letting of facilities management buildings in line with agreed protocols. This includes full responsibility for and control of servicing, maintenance, space management, cleaning and security.
29. The letting and use of Council land for fairgrounds and car boot sales and responsibility for public safety in connection with fairgrounds following consultation with the Executive Member

(Climate Emergency & Environmental Services) and appropriate Officers from the Senior Management Team.

30. Management and maintenance of public conveniences including the determination of opening hours.
31. To exercise the Council's powers under Section 10 of the Safety of Sports Grounds Act 1975, in respect of serious risks to spectators at sports grounds.
32. To determine matters relating to the display of notices and posters in parks and open spaces.
33. To approve the allocation of adopted local roads additional monies in consultation with the Executive Member (Climate Emergency & Environmental Services).
34. The grant or renewal of Licences relating to hackney carriages and private hire, and the refusal of such Licences where an application is made within 12 months of any suspension, revocation or refusal of such Licence in relation to the same applicant where circumstances remain unchanged, but otherwise not the refusal or revocation of such Licence.
35. The suspension of a hackney carriage or private hire driver's licence of any driver who appears to have falsely completed a Statutory Declaration or Driver's Application form, or where a driver fails a medical examination undertaken in accordance with the Council's licensing conditions, or where a serious breach of licensing conditions has occurred, such suspensions can be considered at the following ordinary meeting of the Speakers Panel (Licensing).
36. In consultation with the Chair of Speakers Panel (Licensing) or in his/her absence the Vice-Chair and the Borough Solicitor (Assistant Director (Legal Services), to suspend or revoke a Hackney Carriage or Private Hire Drivers Licence, of any driver who is in breach of the Council's Licensing Conditions, such decisions to be reported to the next meeting.
37. The issue of permits for minibuses and special events vehicles.
38. To submit following consultation with the Borough Solicitor (Assistant Director (Legal Services), objections in connection with applications relating to operators licenses where it appears that the grant or variation of such a licence would be prejudicial to the public interest on environmental, traffic or highway grounds.
39. The issue, renewal, variation and transfer of all individual licence applications in respect of those licences listed below in the absence of objections and subject to appropriate conditions:-

Betting and Gaming Permits including:-
Charitable Collection Permits including:-
Other Licences and Permits

1. Amusements with prizes
2. Small Lotteries
3. Pools Promoters
4. Betting Tracks
5. Gaming machines in alcohol licensed premised
6. Gaming machines for members clubs
7. Other gaming activities in members clubs
8. Category D machines in unlicensed family entertainment centres
9. Prize gaming
10. Premises licences for the following activities: bingo; betting; adult gaming centres; family entertainment centres; casinos; horse racing and dog tracks
11. Street Collections
12. House to House Collections
13. Highway Amenity Licences (Pavement Cafes)
14. Premises Licences
15. Personal Licences
16. Club Premises Certificates
17. Provisional Statements
18. Sports Stadia Licences
19. Indoor Sports Licences
20. Safety Certificates and Special Certificates pursuant to Fire Safety and Places of Sports Act 1987 Part III

21. Game Licences
22. Street Trading
23. Sex Establishment Licences in consultation with the Chair of Speakers Panel (Licensing)
24. The relaxation of the requirements for not less than 28 days notice, of an application for the grant of premises, personal, sports stadia and indoor licence and club premises certificate in appropriate cases, subject to consultation with the Police and Fire and Rescue Authorities.

40. In conjunction with the Proper Officer for the registration of births, deaths and marriages etc., to grant, refuse, revoke, renew, make conditions and administer the procedure relating to the use of premises as a venue for civil marriages under the appropriate sections of the Marriage Act 1949 (as amended by the Marriage Act 1994), and the Marriages (Approved Premises) Regulations 1995.
41. The service of Notices under the appropriate Sections of the Public Health Act 1936, the Public Health Act 1961, the Public Health (Recurring Nuisances) Act 1969, the Prevention of Damage by Pests Act 1949, the Control of Pollution Act 1974, Health and Safety at Work Act 1974, the Poisons Act 1972, the Building Act 1984, the Environmental Protection Act 1990, Food Safety Act 1990, the Environment Act 1995, the Noise and Statutory Nuisance Act 1993, Housing Act 2004, Animal Welfare Act 2006, Sunbeds (Regulation) Act 2010 and any other relevant legislation, and legislation relating to trading standards and consumer safety, and Notices requiring the provision of sanitary appliances at places of entertainment together with any designated Air Quality Management Areas designated under the Environment Act 1995.
42. The issue or renewal of licences and registrations of, and for, persons, premises and vehicles in connection with second hand goods, scrap metal, riding establishments, rag flock, pet shops, food, animal breeding and boarding, hairdressers, barbers, ear piercing, motor salvage operators, acupuncture, tattooing, electrolysis, game dealers, dangerous wild animals, guard dogs, animal health, street trading, poisons, offensive trades, pleasure boats and boatmen, or any other licences or registration as may be issued by the Council from time to time
43. To investigate and take enforcement action in accordance with Schedule 2 of the Sunday Trading Act 1994.
44. Approvals and acceptances and the making of prescribed grants under the Clean Air Act 1993, where the requirements of grant have been complied with in all aspects, and the making of 100% grants where merited.
45. The service of Notices and the issue of prior consents in connection with Sections 60 and 61 of the Control of Pollution Act 1974.
46. The making of representations to the Environment Agency following consultation with the Chair and Deputy Chair of the Speakers Panel (Licensing) on any applications for Environmental Permits subject to Ward Members being informed of such applications.
47. The compilation of a Register of Noise Levels in connection with Sections 60 and 61 of the Control of Pollution Act 1974, and the issue of consent for variance of recorded noise levels under Section 65 of that Act.
48. The making of arrangements with the Health and Safety Executive under the Health and Safety (Enforcing Authority) Regulations 1998.
49. To negotiate, vary and amend charges in respect of all areas of service provision falling within his/her remit within the maximum set by the Council.
50. The removal, storage and disposal of other refuse under the Refuse Disposal (Amenity) Act 1978, the Control of Pollution Act 1974 and the Environmental Protection Act 1990, as appropriate.
51. In accordance with arrangements agreed with the Borough Solicitor (Assistant Director (Legal Services), the grant of exclusive rights of burial or the issue of other documents or grants and the keeping or records in connection with the management of cemeteries and the crematorium.
52. To appoint a Public and Agricultural Analyst under the Food Safety Act 1990 Section and Agriculture Act 1970.

53. The operation and management of indoor and outdoor markets including:-

    (i) the letting of indoor and outdoor market stalls/spaces;
    (ii) the general administration of markets throughout the Borough;
    (iii) occasional sales events, including car boot sales, tabletop sales and fairs;
    (iv) the cleanliness of market grounds and the taking of appropriate action against stall holders breaching these conditions.

54. To exercise the Council's powers under Section 10 of the Safety of Sports Grounds Act 1975, in respect of serious risks to spectators at sports grounds.

55. To exercise all powers granted to the Local Authority under the Anti-social Behaviour, Crime and Policing Act 2014

56. To determine planning, Listed Building, Conservation Area Consent and advertisement applications except where the application:-

    a) is a major development as defined in the Town and Country Planning (General Development Procedure) Order 1995;
    b) is a departure from the Development Plan and is recommended for approval;
    c) is by a Member or Officer of the Council;
    d) is by an Officer of the Council employed in the Planning and Building Control Services or who has an involvement in the planning process;
    e) is one where a Member considers that delegated powers should not be exercised by the Head of Planning, in which case the Member must notify the Head of Planning in writing, stating the reasons why s/he should not determine the application;
    f) is a non-householder an application on which a Member, objector or applicant wishes to address the Speakers Panel (Planning). At least one week's notice of such an intention shall be provided in writing to the Head of Planning, who shall also invite a representative of any opposing point of view to the Panel. This does not apply to householder applications or applications for advertising consent.

57. To determine applications to fell, lop or prune individual trees or groups of trees, or hedgerows, and to approve applications to fell woodlands where they are subject to Tree Preservation Orders, and to impose conditions in granting approvals.
58. To determine all Building Regulations applications.
59. To arrange for the discharge of the Council's functions relating to local land charges.
60. To institute action in respect of dangerous, defective or unsightly places, buildings or structures and trees.
61. To institute any action necessary to secure unoccupied houses against unauthorised entry where there is a danger or potential danger.
62. To institute action and carry out work in default under the Building Act 1984, and the Fire Safety at Places of Sport Act 1987.
63. To exercise the Council's powers for control of demolition, in accordance with the provisions of Sections 80 and 81 of the Building Act 1984.
64. To determine whether prior approval is required under the Town and Country Planning Act 1990 in respect of agricultural buildings and development.
65. To serve Planning Contravention Notices where it appears that a contravention of planning control has taken place.
66. To determine whether prior approval is required for the demolition of a building, and to determine any consequent request for approval of the detailed proposals for demolition and restoration of the site.
67. To determine whether prior approval is required for the erection of radio masts or towers, radio equipment housing, call boxes or other telecommunications equipment.
68. To make provisional Tree Preservation Orders and to confirm them when they are unopposed.

69. The production and implementation of the Corporate Asset Management Plan for the Council's land and buildings in conjunction with services which manage buildings and land
70. To issue Breach of Condition Notices, Planning Enforcement Notices, Stop Notices and Temporary Stop Notices, in consultation with the Borough Solicitor.
71. To determine whether proposed variations to proposals and detailed matters after planning permission has been granted, require the submission of a fresh planning application.
72. To exercise the Council's powers under Section 70 (a) of the Town and Country Planning Act 1990, by declining to determine an application for planning permission for the development of any land where, within a period of two years, ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Head of Planning, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.
73. The consideration, approval and payment of grants in respect of Listed Buildings and Conservation Areas.
74. To review, monitor and where appropriate adopt the designation of Sites of Biological Importance and bring to the attention of the Speakers Panel (Planning) any revisions to such designations.
75. To approve, in consultation with the appropriate Executive Member, the Derelict Land Programme on an annual basis.
76. To determine the need for an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Land and Property

57. All land and property matters to be considered by Asset Management Panel in accordance with its terms of reference (see section 17 above). Land and Property matters within the remit of the Asset Management Panel to be subject of decision by Executive Member (Finance, Resources and Transformation).

(i) The negotiation and acceptance of terms for the granting, renewing, reviewing, varying or assignment of leases, underleases, tenancies, licences and any other interest in Council property.
(ii) The service of Notices to Quit.
(iii) In conjunction with the Borough Solicitor, to deal with all elements of the implementation of Compulsory Purchase Orders.
(iv) The acquisition of land and buildings within confirmed Compulsory Purchase Orders and also the purchase in advance of such compulsory acquisition where the authority has resolved to make a Compulsory Purchase Order providing the payments do not exceed the assessed entitlement to compensation.
(v) Discretionary advance payments of compensation in respect of purchases of land or premises where compensation is assessed as if there was a confirmed Compulsory Purchase Order.
(vi) The payment of statutory compensation arising out of decisions and activities of the Council, including payment of home loss and disturbance payments.
(vii) The acquisition of land or buildings.
(viii) The approval of the sale or exchange of land and buildings.
(ix) The approval of Surrender of Agreement made with the Council.
(x) To discharge the functions of the Council including any necessary advertisements in relation to the disposal/appropriation of land, in consultation with the Borough Solicitor in accordance with Section 122 and/or 123 of the Local Government Act 1972, and/or Section 232 of the Town and Country Planning Act 1990.
(xi) To make minor amendments to the Terms of Transactions in land and property already approved by the Council.
(xii) The acquisition of easements, licences, rights or leases.

(xiii) The purchase of ground rent and chief rents secured on land held by the Council.

(xiv) The making of proposals for amendment of the Valuation List where it is considered an assessment of a Council owned hereditament to be incorrect or excessive.

(xv) The approval or alteration to demised premises or details of development on demised land subject to consultation with the Head of Planning where the Council's consent is so required under the provisions of a lease.

(xvi) The sale of acquired properties and mortgage repossessions.

(xvii) In circumstances where remedial work has been undertaken by the Council to the exposed gable of property, following the demolition of adjacent property, the sale, for a nominal consideration, of the land used for the construction of the new gable wall, to the adjacent Property owners.

58. To exercise the Council's powers in respect of high hedges as provided by the Anti-Social Behaviour Act 2003. To assess and approve applications for cultural events on Council land in consultation with the Director of Public Health

59. The developing of sports coaching in schools and the development of sport and physical activity in the Borough.

60. The development of sport and physical activity in the Borough.

H. DIRECTOR (CHILDREN'S SERVICES)

1. The appointment, in consultation with the Head Teacher, of members of the teaching staff not subject to the Local Management of Schools Regulations (other than Headteachers or Deputy Headteachers).
2. The administration and enforcement of legislation governing the employment of children and young persons in entertainment, part-time employment and street trading.
3. The assessment of, making and maintenance of statements of the special educational needs of children, and the approval and making of arrangements for special education and for home tuition or other provision for pupils.
4. In consultation with the Executive Member (Education, Achievement and Equalities), the appointment of Local Education Authority Governors.
5. To take the necessary action to ensure the safeguarding of children in all educational provision, whether pre-school day care, primary, secondary or residential schools, or out of school activities, youth work, play, childcare and family learning.
6. To take the necessary action to ensure all schools and educational services have policies and procedures for child protection and to ensure the Local Education Authority is a core Member of the Local Safeguarding Children Board and that maintained schools, staff and governors and other direct educational provision are fully integrated in and familiar with, child protection procedures.
7. To take the necessary action to ensure measures are in place to promote good attendance; to provide effective personal, social and health education; support for family learning; opportunities for personal and social development, and support for the voice of young people and children, with specific attention given to groups at risk of low achievement, including children in public care, with special needs, and particular ethnic groups; the attendance, behaviour and provision for pupils out of school, within the context of a general approach to educational inclusion.
8. The assessment and payment of mandatory awards to students in further and higher education.
9. The assessment and payment with approved schemes and discretionary awards to students in further and higher education.
10. The control of visits to and contact with children in the Children's homes, provided by the Council and the giving of all necessary consents in relation to the education, religious and cultural education, emigration, medical treatment (including operations), absence abroad on holiday, adoption of careers, marriage, termination of pregnancy in respect of children under the age of 16 and subject to Care Orders, and all other similar matters relating to children looked after by the Council.
11. The review of the welfare, health, education, conduct and progress of Children Looked After by the Council under the Children Act 1989.
12. The making of grants to children or their relatives, foster carers and prospective adoptive parents, according to the special needs involved to a maximum to be decided from time to time by the Council.
13. The giving of approval to residence at their homes of children subject to Care Orders to the local authority for trial periods, the giving of approval of the placement of children with the agreement of the child's family, the residence of children elsewhere on holiday and their placement in accommodation to meet their special needs (including authority to apply for Secure Accommodation Orders as necessary).
14. The investigation of cases, and in consultation with the Borough Solicitor (Assistant Director (Legal Services), the commencement of proceedings, appearances before a Court as appropriate, the making of applications and representations and the imposition of requirements in relation to any of the matters within the warrant of Executive Member (Education, Achievement and Equalities).

15. To take any action which is calculated to facilitate or is conducive or incidental to the discharge of functions in accordance with the Children Act 2004 and to comply with requirements imposed by legislation.
16. The making of arrangements with, or contributions to, non-statutory organisation and other local authorities providing residential or temporary accommodation to children or young people.
17. The administration of services for the welfare of sight and hearing impaired children/young people, with mental health problems, with disabilities, and carers including, in particular, the recovery (in consultation with the Director of Resources and the Borough Solicitor (Assistant Director (Legal Services) of such charges as may be determined from time to time by the Executive Member (Education, Achievement and Equalities).
18. The management of the youth service including the development and allocation of youth facilities and youth provision.

Council Constitution

Part 3b - Cabinet Positions - Portfolios

The council has a Cabinet as part of its constitution.

Each member of the Cabinet has a portfolio setting out their role and responsibilities. Job descriptions have also been drawn up for Councillors who support the Cabinet.

There are up to ten members of the Cabinet which is chaired by the Executive Leader. The Cabinet is supported by up to 9 Assistant Executive Members.

Portfolios for these posts are set out below.

Cabinet

- Executive Leader
- Deputy Executive Leader (Children's Services)
- First Deputy - Finance, Resources and Transformation
- Executive Member – Adult Social Care, Homelessness and Inclusivity
- Executive Member – Climate Emergency and Environmental Services
- Executive Member – Education, Achievement and Equalities
- Executive Member – Inclusive Growth, Business and Employment
- Executive Member – Planning, Transport and Connectivity
- Executive Member – Population Health and Wellbeing
- Executive Member – Towns and Communities

Support to the Cabinet

- **Lead Members**
  - Chair of Council Business
- **Assistant Executive Members**
  - Children's Engagement, Corporate Parenting and Care Leavers
  - Cleaner Streets
  - Transport and Parking
  - Armed Forces and Enforcement
  - First Deputy
  - Culture, Heritage and Digital Inclusivity
  - Housing, Housing Standards and Social Inclusion
  - Transport Connectivity

Responsibilities of all Executive Members

Preamble

There are occasions when matters affect more than one portfolio, on such occasions, the Executive Members concerned shall act in conjunction with one another.

In discharging any functions that have been delegated, the Executive Member must act lawfully. This means that the Executive Member must act within the scope of the authority that is delegated to him or her in accordance with any limits within the delegation, this Constitution, Council policies, procedure rules and the Members' Code of Conduct, taking advice of the Statutory Monitoring Officers - the Monitoring Officer and Section 151 Officer.

Each Executive Member is responsible for:-

1. The proper administration of the Council's services.
2. Ensuring adequate staffing, premises and other resources to secure agreed standards and target outcomes in the area of each portfolio.
3. The efficient use and day to day maintenance of Council premises insofar as it relates to their portfolio, subject to the overall strategy agreed by the Executive Leader.
4. Ensuring budget control.
5. Approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding.
6. The continuous improvement of the Council's services through a programme of work.
7. Liaising with the relevant Council Scrutiny Panel.
8. All decisions proposed and made within the Portfolio.
9. The promotion of the Council's policies and communication with the public as appropriate through local and other media, ensuring always that publications are compliant with the Council's publications, guidelines and/or any advice provided by the Director (Governance and Pensions).
10. The promotion of the Council's existing policies.
11. Speaking up on matters of local concern and acting as the main Council spokesperson on issues within their Portfolio.
12. Approving exemptions to Procurement Standing Orders in conjunction with the Director (Governance and Pensions) and Director (Resources).
13. Giving approval to proceed to advertisement or other method of securing competition by procurement procedure rules; and for inviting and accepting tenders and quotations related to matters within their portfolio in excess of £60,000 and approving all specifications/tender documentation.
14. Applying for planning permission; conservation area consent; listed building consent or any other permissions or consents necessary to progress the Council's own development schemes.
15. In conjunction with the Senior Management Officer, setting new external charges and revisiting current ones.
16. In consultation with the Executive Leader, to represent and act as an ambassador for the Authority.

17. To represent the Council's views on matters of corporate or strategic policy and any other matters which are within the Executive Members' Terms of Reference.

18. To request or commission research and other studies on any matters of policy or service provision within these Terms of Reference.

19. To take up corporate Membership of any appropriate body or organisation whose objectives are considered to be beneficial to the pursuit of the Authority's own activities.

20. To take urgent decisions on matters which fall within the Executive Members' Terms of Reference.

21. To work with other Executive Members on matters, as directed by the Executive Leader.

22. To submit to the Executive Cabinet:-

    - Proposals on how to agree annual budget allocations between services covered by these Terms of Reference
    - Recommendations in respect of strategic policy concerning matters covered by these Terms of Reference
    - All responses to consultation papers, relating to these Terms of Reference, issued by the Government and outside organisations
    - Annual estimates of expenditure and income in respect of services covered by these Terms of Reference
    - All policy and/or operational matters which have corporate implications or which cross the remits of other individual Executive Members.

23. To oversee the timely progress of Service Reviews within the remit of the Executive Member.

Part 3b - Cabinet Positions - Portfolio

Executive Leader

The Executive Leader is the head of the Council's Executive Cabinet.

The Executive Leader has strategic oversight of all the Council's affairs. The Executive Leader chairs Executive Cabinet meetings and exercises responsibilities in conjunction with the designated Executive Members. The Executive Leader acts as Chair of the Greater Manchester Pension Fund. The Executive Leader is also the Council's representative at Association of Greater Manchester Authorities (AGMA) and GM Combined Authority.

Terms of Reference

1. To have strategic oversight of the Council's affairs.

2. To represent the Council and furthering the Council's interests within Greater Manchester, North West Region and nationally.

3. To be the principal political spokesperson for the Council.

4. To have oversight of annual budget including overall control of revenue and capital functions

5. To have oversight of strategic economic functions

6. To make recommendations concerning strategic policy areas and issues of concern to the authority as a whole and areas that are not the responsibility of any other designated Executive Member.

7. To lead, monitor, have oversight and, where necessary, to take decisions about policy/strategy and provision regarding all functions of the Council and the portfolios of Executive Members.

8. To lead, monitor, have oversight and, where necessary, to take decisions about external relationships and partnerships.

9. To Chair and lead the Greater Manchester Pension Fund.

10. To lead on Tameside Strategic Partnership

11. To lead, monitor, have oversight and, where necessary, to take decisions about strategic housing.

12. The promotion of good governance and democratic services including member support and civic matters

13. To appoint or nominate the Authorities representatives on outside bodies/organisations.

Part 3b - Cabinet Positions - Portfolio

Deputy Executive Leader (Children's Services)

The Deputy Executive Leader is Deputy Chair of the Executive and, as such deputises for the Executive Leader in respect of all the Council's affairs.

The Deputy Executive Leader is also responsible for the Children's Services portfolio.

The Executive Member is responsible for all matters relating to the Council's affairs in respect of the Children's Services brief. As such, the Executive Member is responsible for liaising with other Members of the Executive Cabinet, particularly where matters within the brief that affect other aspects of Council business or affect the Borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the children and families brief.

Terms of Reference

The Executive Member for Children's Services is Lead Member for the following service areas:

1. Children's Services in accordance with the Children Act 2004 and associated statutory guidance.
2. Child protection and Children in Need including:
   - Social Work Service including safeguarding;
   - Child Sexual Exploitation
   - Out of hours service
   - Children's Hub.
3. Safeguarding and Quality Assurance including:
   - Independent Review and Child Protection;
   - Family Group Conferencing Quality Assurance
4. Integrated Services for Children with Additional Needs, including Portage;
   - Behavioural Therapist Social Work;
   - Boyd's Walk;
   - Children with Disabilities;
   - Children's Commissioning;
   - Young Carers;
   - Children's Homes
   - Children with Disabilities
5. Looked after Children.
6. Children leaving care;
7. Transition Support;
8. Fostering services;
9. Adoption services.
10. Childrens Health and Wellbeing
11. Youth Service
12. Early Years
13. Corporate Parenting

Part 3b - Cabinet Positions - Portfolio

First Deputy (Finance, Resources and Transformation)

The Executive Member is responsible for all matters relating to the Council's affairs in respect of finance, resources and transformation. As such the Executive Member is responsible for liaising with other Members of the Executive Cabinet particularly where matters within the brief, affect other aspects of the Council Business or affect the borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the finance and performance portfolio.

Terms of Reference

The Executive Member is Lead Member for the following service areas:

1. Strategic oversight of annual budget including overall control and monitoring of revenue and capital (including delivery of programme functions)

2. Workforce and Organisational Development including:
   - Organisational development;
   - HR Operations and Strategy;
   - Corporate Systems, registrars and recruitment;
   - Payroll

3. Transformation

4. Digital First Tameside/Information and Communications Technology

5. Marketing and Communications

6. Corporate Performance, efficiency and value for money

7. Consultation and engagement

8. Corporate business planning and business intelligence

9. Procurement

10. Exchequer Services

11. Corporate Property and Assets

12. Legal Services

13. Executive Support

14. Internal Audit, risk management and insurance

Part 3b - Cabinet Positions - Portfolio

Adult Social Care, Homelessness and Inclusivity

The Executive Member is responsible for all matters relating to the Council's affairs in respect of Adult Social Care, Homelessness and Inclusivity. As such, the Executive Member is responsible for liaising with other Members of the Executive Cabinet, particularly where matters within the brief affect other aspects of Council business or affect the Borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the Adult Social Care, Homelessness and Inclusivity brief.

Terms of Reference

1. Lead Member for commissioning and performance management of Adult Social Care.

2. To lead, monitor and have oversight and, where necessary, to take decisions about Health and Care integration.

3. To lead, monitor and have oversight and, where necessary, to take decisions about Adult Operations, including
   - Long Term Support;
   - Mental Health;
   - Community Response;
   - Shared Lives and Housing Support;
   - CCTV;
   - Local Community Care Teams;
   - Supported Employment;
   - 24 Hour Control;
   - Early Intervention;
   - Reablement.
   - Adult Safeguarding
   - Disability Services and Adaptation
   - Early intervention and prevention

4. To lead, monitoring and have oversight and, where necessary take decisions about operational aspects of housing and homelessness

5. To lead, monitor and where necessary take decisions about sports and leisure.

Part 3b - Cabinet Positions - Portfolio

Climate Emergency and Environmental Services

The Executive Member is responsible for all matters relating to the Council's affairs in respect of climate emergency and environmental services. As such, the Executive Member is responsible for liaising with other Members of the Executive Cabinet, particularly where matters within the brief, affect other aspects of Council business or affect the Borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the climate emergency and environmental services portfolio.

Terms of Reference

The Executive Member for Climate Emergency and Environmental Services is Lead Member for the following service areas:

1. Waste management including recycling and fly tipping

2. Environmental Services (public protection)
   - Neighbourhood areas (North, South, East and West);
   - Housing
   - Enforcement including planning and housing
   - Licensing;
   - Trading standards;
   - Environmental protection;
   - Health and safety;
   - Public health;
   - Food safety
   - Private water supplies;
   - Infectious disease control.

3. Environmental Services operations
   - Street cleansing;
   - Graffiti removal;
   - Grounds maintenance;
   - Arboriculture unit;
   - Playground maintenance;
   - Football pitch renovations;
   - Central nursery;
   - Parks and land
   - Countryside;
   - Bereavement services;
   - Pest control;
   - Emergency planning;
   - Markets
   - Dog warded;

4. Carbon reduction/climate emergency

Part 3b - Cabinet Positions - Portfolio

Executive Member – Education, Achievement and Equalities

The Executive Member is responsible for all matters relating to education, achievement and equalities services. As such, the Executive Member is responsible for liaising with other Members of the Executive Cabinet, particularly where matters within the brief affect other aspects of Council business or affect the Borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the portfolio.

Terms of Reference

The Executive Member for Education, Achievement and Equalities is the Lead Member for the following service areas:

1 Education Attainment and achievement

2 Access and inclusion, including:
- School Organisation;
- Admissions;
- Home to School Transport;
- Education Welfare;
- Education Psychology;
- Special Educational Needs;
- Post 16

3. Pupil Support Services including:
- Behaviour for Learning and Inclusion (BLIS);
- Communication;
- Language and Autism Support (CLAS);
- Multicultural Access;
- Learning Support;
- Sensory Support;
- Strategy and Early Intervention

4. The functions of the Council as Local Education Authority as they relate to schools;

5. To have oversight of the operation of school admissions and transfer arrangements.

6. Matters arising from meetings of school governors;

7. Lifelong learning

8. School Place Planning

9. Looked After Children – Educational Performance

10. Transition to Adulthood

11. Schools Capital Programme

12. Traded Services and self-sustaining school support including music, governor services, HR and finance

13. Lead Member for Equalities

Part 3b - Cabinet Positions - Portfolio

Executive Member – Inclusive Growth, Business and Employment

The Executive Member is responsible for all matters relating to Inclusive Growth, Business and Employment functions. As such, the Executive Member is responsible for liaising with other Members of the Executive Cabinet, particularly where matters within the brief affect other aspects of Council business or affect the Borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the brief.

Terms of Reference

The Executive Member for Inclusive Growth, Business and Employment is Lead Member for the following service areas:

1. Strategic economic functions, regeneration and funding bids
2. Levelling Up policy and response
3. Youth Skills and post 16 strategy and delivery
4. Apprenticeships
5. Employer Engagement
6. Tameside Working and Working Well
7. Inward Investment
8. Commercial Investments and strategic sites
9. Enterprise activity
10. Business Support
11. Supporting voluntary and social enterprise sector

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Part 3b - Cabinet Positions - Portfolio

Executive Member – Planning, Transport and Connectivity

The Executive Member is responsible for all matters relating to the Council's affairs in respect of planning, transport and connectivity. As such, the Executive Member is responsible for liaising with other Members of the Executive Cabinet, particularly where matters within the brief, affect other aspects of Council business or affect the Borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the planning, transport and connectivity portfolio.

Terms of Reference

The Executive Member for Planning, Transport and Connectivity is Lead Member for the following service areas:

1. Highways and Transport including:

    - Traffic and utility controls;
    - Strategic parking arrangements;
    - Engineering asset management;
    - Engineering Risk Management;
    - Transport

2. Strategic Infrastructure including:

    - Transport strategy;
    - Transport infrastructure;
    - Development;
    - Broadband;
    - Ecology

3. Planning and Planning Enforcement (not matters which are non-executive functions)

4. Walking and cycling

Part 3b - Cabinet Positions - Portfolio

Executive Member – Population Health and Wellbeing

The Executive Member is responsible for all matters relating to population health and wellbeing. As such, the Executive Member is responsible for liaising with other Members of the Executive Cabinet, particularly where matters within the brief affect other aspects of Council business or affect the Borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the portfolio.

Terms of Reference

The Executive Member for Lifelong Learning is Lead Member for the following service areas:

1. The development and implementation of the integration care model, including chairing Health and Wellbeing Board

2. Response to changing nation health policy and reform

3. Population health, including health improvement services

4. Mental health improvement

5. Domestic abuse

6. Isolation

7. Poverty strategy

Part 3b - Cabinet Positions - Portfolio

Towns and Communities

The Executive Member is responsible for all matters relating to towns and communities. As such, the Executive Member is responsible for liaising with other Members of the Executive Cabinet, particularly where matters within the brief affect other aspects of Council business or affect the Borough.

The Executive Member is responsible for ensuring appropriate consultation with partners and the community on matters within the portfolio.

Terms of Reference

The Executive Member for Towns and Communities is Lead Member for the following service areas:

1. Development of town centres and market strategy

2. Delivery of levelling up grant funding in towns

3. Development of strategic neighbourhood forums

4. Community cohesion and social inclusion

5. Crime and anti-social behaviour

6. Community wellbeing and social value

Part 3b - Cabinet Positions - Warrants of Office

Lead Members and Assistant Executive Members

The Assistant Executive Members will support the Executive Leader and Executive Members and will be assigned specific areas of responsibility by the Executive Leader in conjunction with the appropriate Executive Member and report to that Executive Member in relation to such tasks. This will include the opportunity for an Assistant Executive Member to work solely for one Executive Member or for several.

Lead Members

Chair of Council Business Councillor J Kitchen

Assistant Executive Members

- Children's Engagement, Corporate Parenting and Care Leavers
- Cleaner Streets
- Transport and Parking
- Armed Forces and Enforcement
- First Deputy
- Culture, Heritage and Digital Inclusivity
- Housing, Housing Standards and Social Inclusion
- Transport Connectivity

Council Constitution

Part 3c – Job Profiles

The Council has a comprehensive set of job profiles for Council Members as part of modern Local Government. These are set out in a way that reflects the Council's political management arrangements, based on the Leader with Cabinet model of Constitution. Tameside has had job profiles for Councillors for several years and those with Executive responsibilities have "Warrants of Office". Members produce annual reports of their activities. The job profiles and annual reports are published on our website.
All Councillors have a job profile. The following job profiles are included in this section:

Speakers Panels

- Chair
- Deputy Chairs

Scrutiny Panels

- Chair
- Deputy Chair

Council

- Civic Mayor
- Chair of Council

Overview Panel

- Chair

Frontline Councillors

Part 3c - Job Profiles

Civic Mayor

The Civic Mayor, and in his/her absence, the Deputy Mayor, shall preside over the first and opening part of each Council meeting.

The Civic Mayor and Deputy Mayor will be elected by the Council annually in accordance with the agreed criteria. The Civic Mayor will act in accordance with the Mayoral protocol and will have the following responsibilities:

1. To promote public involvement in the Council's activities;

2. To be the conscience of the Council;

3. As the First Citizen of Tameside to deal with his/her ambassadorial role both inside and outside the Borough;

4. To market Tameside in a positive manner.

5. To attend such civic and ceremonial functions as the Council or she/he determines appropriate.

Chair of Council Business

The Chair of Council Business is responsible for the effective management and running of the business agenda at Council meetings.

1. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.

2. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members, who are not on the Executive, are able to hold the Executive to account.

3. To serve as a Member of the Overview Panel.

4. To attend meetings of the Executive Board as appropriate.

5. To receive decisions and relevant papers from the Cabinet.

6. To receive decisions and relevant papers from Scrutiny Panels.

7. To carry out the duties identified in the job profile for Frontline Councillors.

Part 3c - Job Profiles

Frontline Councillors

Purpose

1. To participate constructively in the good government of the area.

2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.

3. To represent effectively the interests of the Ward for which the Councillor was elected and deal with the constituent's enquiries and representations.

4. To champion the causes which best relate to the interest and sustainability of the community and campaign for improvement in the quality of life of the community in terms of equity, economy and environment.

5. To represent the Council on an outside body, such as a neighbourhood association, governing body or charitable trust.

Key Tasks

1. To fulfil the statutory and locally determined requirements of an elected Member of a local authority and the authority itself, including compliance with all relevant codes of conduct and participation in those decisions and activities reserved to Full Council (e.g. setting budget, overall priorities, strategy).

2. To participate effectively as a Member of any, panel or forum to which the Councillor is appointed.

3. To participate in the activities of an outside body to which the Councillor is appointed, providing two-way communication between organisations; and to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and function.

4. To participate, as appointed, in the scrutiny of the services and policies of the authority and their effectiveness in meeting the strategic objectives of the authority and the needs of its residents.

5. To participate in the consultative processes with the community and other organisations.

6. To represent the Authority to the community and the community to the authority, through the various forum available.

7. To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties and constraints and to develop good working relationships with relevant Officers of the Authority.

8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's wellbeing and identity.

9. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.

10. To participate in the activities of any political group of which the Councillor is a Member.

11. To uphold the Council's Constitution and ethical standards.

12. To be aware of how and when to refer child welfare concerns to Children's Services/Police and how, after the referral has been registered, that there are subsequent constraints on staff sharing information as set out in the Council's Political Conventions.

13. To be aware of their responsibilities as "corporate parents" of Looked After Children.

Part 3c - Job Profiles

Chair of Overview Panel

The Chair has the responsibility to bring the Executive and non-Executive elements of the Council together, to ensure there is proper consideration of the Council's future agenda and deliberation of issues that affect both elements.

1. To chair meetings of the Overview Panel and the Audit Panel.

2. To receive decisions and relevant papers from the Cabinet.

3. To receive decisions and relevant papers from Scrutiny Panels.

4. In conjunction with the Executive Leader, to draw up an annual work programme for the Overview Panel to be approved by the Council.

5. To carry out the duties identified in the job profile for Frontline Councillors.

6. In the absence of the Chair of Council Business to chair the business part of the Council Meeting.

7. To examine all requests received for the convening of a meeting of the Call In Panel, such action not to over-ride the ability of a Scrutiny Panel Chair to make a statement at a relevant Council Meeting or the ability of five Members to call for an Extraordinary Council Meeting to discuss a particular subject matter in accordance with Standing Orders.

Part 3c - Job Profiles

Chair of Scrutiny Panel

The Chair of a Scrutiny Panel is responsible for the effective management and running of the Panel's business. This involves directing the Panel's business agenda and the effective management of Panel deliberations and maintaining a public image of effective scrutiny of the Council's business and other matters brought before it.

The Chair is expected to identify areas for inclusion in the Panel's work programme and ensure that Scrutiny Panel Members are taking part at all stages in deliberations.

The Chair of each Panel shall have responsibility for the agenda preparation of their Scrutiny Panel which shall be based upon their annual work programme submitted to Council for approval

1. To chair meetings of the Scrutiny Panel.

2. To serve as a Member of the Overview Panel.

3. To present to the Overview Panel reports of individual scrutiny reviews following the completion of such reviews.

4. To present and monitor progress in respect of the Scrutiny Panel's work programme.

5. To receive decisions and relevant papers from the Cabinet.

6. In conjunction with the Scrutiny Support Officers, to lead Members in drawing up terms of reference for individual scrutiny reviews.

7. In conjunction with the Deputy Chair to give initial consideration to first draft reports of the Panel's Scrutiny Review.

8. In conjunction with the Deputy Chair to determine appropriate means of inviting and involving public comment and representations on matters under scrutiny.

9. In conjunction with the Deputy Chair to ensure appropriate expert and specialist advice is made available to the Scrutiny Panel, including the use of advisory groups.

10. To commission appropriate research based on Scrutiny Panel decisions.

11. To determine, in accordance with the Council Constitution, arrangements for special meetings of the Scrutiny Panel.

12. To ensure Panel Members benefit from appropriate training and development to deal effectively with the Panel's business.

13. In conjunction with Scrutiny Support Officers, to monitor the budget of the Scrutiny Panel and authorise such expenditure.

14. To focus on external bodies in accordance with Government Guidance.

15. To carry out the duties identified in the job profile for Frontline Councillors.

16. The Chair of the Scrutiny Panel dealing with Children`s Service together with other Members of the Scrutiny Panel to take all necessary steps to scrutinise the Council's arrangements for safeguarding children with particular reference to:-
    - the adequacy of funding
    - staff levels and morale

- the Department's performance, including unallocated cases
- the care, education, health and achievements of Looked After Children
- that protection is accessible to all communities

Deputy Chair of Scrutiny Panel

The Deputy Chair of a Scrutiny Panel is responsible for supporting the Chair in the effective management and running of the Panel's business. In the absence of the Chair, the Deputy Chair will chair Panel meetings and conduct its business. This involves directing the Panel's business agenda and the effective management of Panel deliberations and maintaining a public image of effective scrutiny of the Council's business and other matters brought before it.

The Deputy Chair is expected to support the Chair in identifying areas for scrutiny and ensuring that Scrutiny Panel Members are taking part at all stages in deliberations

1. To support the Chair of the Scrutiny Panel and, in the absence of the Chair, chair meetings, conduct the Panel's business and present scrutiny reports to Council.

2. To receive decisions and relevant papers from the Cabinet.

3. In conjunction with the Chair and Scrutiny Support Officers, to lead Members in drawing up terms of reference for individual scrutiny reviews for submission to the Scrutiny Panel.

4. In conjunction with the Chair, to determine appropriate means of inviting and involving public comment and representations on matters under scrutiny.

5. In conjunction with the Chair, to give initial consideration to first draft reports of the Panel's Scrutiny Review

6. In conjunction with the Chair, to ensure appropriate expert and specialist advice is made available to the Scrutiny Panel, including the use of advisory groups.

7. In conjunction with the Chair, to commission appropriate research based on Scrutiny Panel decisions

8. To carry out the duties identified in the job profile for Frontline Councillors.

Part 3c - Job Profiles

Chair of Speakers' Panel

The Chair of a Speakers' Panel is responsible for the effective management and running of the Panel's business. This involves directing the Panel's business agenda, the effective management of Panel deliberations and maintaining a public image of non-party political consideration of matters brought before it..

1. To chair meetings of the Speakers' Panel.

2. To have access to all relevant papers and necessary supporting documents and have the opportunity, with Members of the Speakers' Panel, to intervene on procedural issues.

3. To determine, in conjunction with the Democratic Services Unit, arrangements for special meetings of the Speakers' Panel and specific appeals hearings within the jurisdiction of the Panel.

4. To ensure Panel Members work in a co-operative and supportive manner.

5. To ensure Panel Members benefit from appropriate training and development to deal effectively with the Panel's business.

6. To ensure the Panel conducts its business in a manner consistent with the requirements of the Council and the Standards Committee.

7. To carry out the duties identified in the job profile for Frontline Councillor.

Deputy Chair of Speakers' Panel

The Deputy Chair of a Speakers' Panel is responsible for supporting the Chair in the effective management and running of the Panel's business. In the absence of the Chair, the Deputy will chair Panel meetings and conduct its business. This involves directing the Panel's business agenda and the effective management of Panel deliberations and maintaining a public image of non-party political consideration of matters brought before it.

1. To support the Chair of Speakers' Panel.

2. To have access to all relevant papers and supporting documents and have the opportunity with Members of the Speakers' Panel to intervene on procedural issues.

3. To ensure Panel Members work in a co-operative and supportive manner.

4. To ensure Panel Members benefit from appropriate training and development to deal effectively with the Panel's business.

5. To ensure the Panel conducts its business in a manner consistent with the requirements of the Council and the Standards Committee.

6. To carry out the duties identified in the job profile for frontline Councillor.

Council Constitution

Part 3d - Appointment of Statutory and Proper Officers

1. In this Constitution the posts set out below shall be the designated Statutory and Proper Officer for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Statutory and Proper Officer.

2. In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his or her absence, the Monitoring Officer, and in the absence of both, the Section 151 Officer, shall nominate an Officer to act in their stead.

3. Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.

Statutory Officers

Legislation	Section	Statutory Officer	Allocated To
Local Authority Social Services Act 1970	S6	Director of Social Services (Adult Services only)	Director (Adult's Services)
Local Government Act 1972	S151	Chief Finance Officer	Director (Resources)
Local Government and Housing Act 1989	S4	Head of Paid Service	Chief Executive
Local Government and Housing Act 1989	S5	Monitoring Officer	Assistant Director (Legal Services)
Education Act 1996	S532	Chief Education Officer	Director (Children's Services)
Children Act 2004	S18	Director of Children's Services	Director (Children's Services)
National Health Service Act 2006	S73	Director of Public Health	Director of Population Health

Proper Officers

Legislation	Section	Provision	Proper Officer
Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
National Assistance Act 1948	All	Public Health (misc)	Head of the Greater Manchester Health

			Protection Unit and/or his/her duly authorised nominees
National Assistance (Amendment) Act 1951	All	Public Health (misc)	Head of the Greater Manchester Health Protection Unit
Registration Services Act 1953	S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Director (Governance and Pensions)
		Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Director (Governance and Pensions)
Local Government Act 1972	S13(3)	Parish Trustee	Chief Executive
	S83(1)-(4)	Witness and receipt of declaration of acceptance of office	Chief Executive
	S84	Receipt of declaration of resignation of office	Chief Executive
	S88(2)	Convening of meeting of Council to fill casual vacancy in office of Chair/Mayor	Chief Executive
	S89(1)(b)	Receipt of notice of casual vacancy from two local government electors	Chief Executive
	S96(1)	Receipt of notices of pecuniary interests	Chief Executive
	S94 & 96(2)	Keeping of record of disclosures and notice of pecuniary interests	Chief Executive
	S100(B)(2)	Circulation of reports and agendas	Chief Executive
	S100(B)(7)	Supply of papers to press	Chief Executive
	S100(C)(2)	Summary of minutes	Chief Executive
	S100(D)(1)(a)	Compilation of background papers	Chief Executive
	S100(D)(5)(a)	Identification of background papers	Chief Executive
	S100(F)	Identification of confidential documents not open to Members	Chief Executive
	S115(2)	Receipt of money due from Officers	Director (Governance and Pensions)
	S146(1) (a) & (b)	Declarations and certificates with regard to securities	Director (Governance and Pensions)

	S191	Functions in respect of Ordnance Survey	Director (Place)
	S204(3)	Receipt of application for licence under Licensing Act 1964	Director (Place)
	S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or if there is no such office, to the Proper Officer	Director (Governance and Pensions)
	S225(1)	Deposit of documents	Chief Executive
	S228(3)	Accounts - to be open for inspection	Director (Resources)
	S229(5)	Deposit of documents - certification	Director (Governance and Pensions)
	S234	Authentication of documents	Director (Governance and Pensions)
	S234(2)	Statutory Notices under various Public Health and associated legislation	Director (Place)
	S236(9) & (10)	Service of Byelaws on other Authorities	Director (Governance and Pensions)
	S238	Certification of Byelaws	Director (Governance and Pensions)
	Schedule 14 Para 25(7)	Certification of resolutions - Para 25	Director (Governance and Pensions)
	S248 (2)	Keeping roll of Freeman	Chief Executive
	Schedule 12 Para 4(2)(b)	Signature of summons to Council	Chief Executive
	Schedule 12 Para 4 (3)	Receipt of notices regarding addresses which Summons to meeting are to be sent	Chief Executive
	Schedule 16 Para 28	Receipt of deposit lists of protected buildings	Director (Place)
	N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference	Director (Resources)

		to the Proper Officer of the Council	
	N/A	Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council	Director (Resources)
Local Government Act 1974	S30(5)	Notice of Local Government Ombudsman report	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	S41	Certification of copies of resolutions, Minutes, other documents	Chief Executive
Rent (Agriculture) Act 1976	All	Provision of alternative accommodation Regeneration and Architecture	Director (Place)
Local Authorities Cemeteries Order 1977	All	Officer of the burial authority	Director (Place)
	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Director (Place)
Cremation Regulations	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Director (Place)
Rent Act 1977	S15	Certificates of provision of suitable alternative Regeneration and Architecture Part IV accommodation	Director (Place)
Highways Act 1980	S37(5)	Deposit of Certificate of Dedication or copy order	Director (Place)
	S205(3)	Preparation of specification estimate and provisional appointment	Director (Place)
	S205(3)	Certification of copies of resolution and approved documents	Director (Place)
	S210(2)	Certifications of document giving details of estimate and consequential amendment of provisional appointment	Director (Place)

	S211(1)	Making final appointment	Director (Place)
	S216(2) & (3)	Settlement of proportion of amount	Director (Place)
Greater Manchester Act 1981	S60(5)(a)	Receipt of objections to proposals to designate places for touting, hawking, photographing etc.	Director (Governance and Pensions)
Rates Act 1984	S7	Certification of rate	Director (Resources)
Building Act 1984	S61(2)	Repair etc., of drain	Director (Place)
	S78	To act as "the surveyor" empowered to take and authorise emergency action in respect of damage to dangerous buildings, walls etc. To order the demolition of buildings rendered dangerous by damage, without prior authorisation of the Council	Director (Place)
Public Health (Control of Diseases) Act 1984	S11(1) S11(3) S18(1) S20(1) S21(1) S22(1) S23(2) S24(1) S26(2) S29(4) S30(2) S31(1) S32(1) S34(3), (5) S35(1) S36(1) S37(1) S38(1) S39(1), (3) S40 S41(1) S42(1) S43(1) S48(1) S50(2)(b) S51(1)	Control of Diseases (various)	Head of Greater Manchester Health Protection Unit his/her duly authorised nominees and the Director of Population Health
Weights and Measures Act 1985	S72	Chief Inspector (Weights and Measures)	Director (Place)
Local Elections (Principal Areas) Rule 1986	Rule 44	Receipt from Returning Officer of names of persons elected to Council	Chief Executive

	Rule 46, 47	Receipt from Returning Officer of election documents	Chief Executive
	Rule 48, 49, 51	Retention of election documents and making them available for public inspection	Chief Executive
Elections	N/A	Registration Officer for any constituency or part of a constituency coterminous with or contained in the Tameside Metropolitan Borough	Chief Executive
	N/A	Returning Officer for the election of Councillors for the Tameside Metropolitan Borough	Chief Executive
	N/A	Officers who in the event of the Chief Executive being for any reason unable to act or in his absence authorised to undertake the full range of duties	Director (Governance and Pensions) and Head of Democratic Services
The Public Health (Infectious Diseases) Regulations 1988	Regs 6 Regs 8 Regs 9 Regs 10 Regs 11 Regs 12 Regs 13 Schedule 3 & 4	Infectious Diseases	Head of the Greater Manchester Health Protection Unit
Milk and Dairies (General) Regulations 1988	Part VII (Regulations 18 to 20)	Statutory Provision Pasteurisation Orders	Head of the Greater Manchester Health Protection Unit and his/her duly authorised nominees
Local Government and Housing Act 1989	S2	Receipt of list of Politically Restricted Posts	Chief Executive
	S19	Members interests - notification	Chief Executive
	S15, 16, 17	Receipt of notices relating to Political Groups	Chief Executive
Environmental Protection Act 1990	S149	Stray dogs	Director (Place)
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Director (Governance and Pensions)
The Local Authorities (Executive Arrangements) (Access to	Regs 3 and 4	Recording of collective Executive Decisions Verification etc. of Mayoral Petitions	Chief Executive

Information (England) Regulations 2000			
The Local Authorities (Standing Orders) (England) Regulations 2000	Regs 3 and 4 and Schedule 1	Provision relating to the appointment and dismissal of staff	Chief Executive

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Council Constitution

Part 4a – Procedural Standing Orders

1. Interpretation and Chair's Ruling

1. These Standing Orders are the rules which apply to the Council's Constitution and in particular to Council, Executive Cabinet and Panel meetings.

2. Standing Orders which relate specifically to Council meetings are identified as such.

3. References in these Standing Orders to the Civic Mayor, Chair of Council Business, Executive Leader or Chair, include the appointed Deputy (Deputies) or any other Member acting in their absence.

4. Any reference in these Standing Orders to "Panels" shall apply to the Executive Cabinet, and Standards Committee where appropriate.

5. References in these Standing Orders to the Civic Mayor shall include the Chair of any meeting where appropriate.

6. Any Standing Orders which refer to the Civic Mayor are also intended to refer to the Chair of Council Business where appropriate.

7. These Standing Orders should be read in conjunction with the following Corporate Documents:-

   (i) Budget and Policy Framework
   (ii) Call in of decisions outside the Budget and Policy Framework
   (iii) Terms of Reference and Scheme of Delegation
   (iv) Contracts Standing Orders and Financial Regulations
   (v) Ethical Framework
   (vi) Members Allowances Scheme

8. There are some other Council documents, which are also part of the Council's Constitution, which need to be taken into account to help understand these Standing Orders.

9. The ruling of the Civic Mayor or Chair of Council Business on the application and interpretation of Standing Orders is final.

2. Suspension and Amendment of Standing Orders

1. With the exception of the Standing Orders marked by an asterisk (*), any Standing Order may be suspended at Council Meetings either by a Motion included on the Agenda or by a Motion put to the meeting without notice and passed by a majority of those present and voting.

2. Standing Orders may be changed by Council either on a proposal of the Cabinet or by a Motion made at Council.

3. Civic Mayor and Deputy Civic Mayor

1. * The Civic Mayor will be elected, and the Deputy Civic Mayor will be appointed at the Annual Meeting of the Council.

2. * If the Office of Civic Mayor becomes vacant during a Municipal Year it will be filled at the next Council Meeting, or, if a vacancy arises less than 14 days before that meeting, it will be filled at the next but one meeting.

3. If the office of Deputy Civic Mayor becomes vacant during a Municipal Year it will be filled at the next meeting.

4. The Civic Mayor will preside over the first and opening part of each Council Meeting (and in his/her absence the Deputy Civic Mayor). In the absence of both the Civic Mayor and Deputy Civic Mayor, the Council will appoint a Member to preside over this part of the meeting.

4. Chair of Council Business

1. Following any announcements or Special Business (including the submission of any urgent business) introduced by the Civic Mayor (or his/her nominee), the Civic Mayor (or other person presiding) shall retire from the Chair and invite the Chair of Council Business to assume the Chair for the remaining business.

2. If the Council Meeting is a Civic Meeting then Standing Order 4.1 shall not apply and the Civic Mayor (or other person presiding) shall remain in the Chair for the whole of the meeting.

3. In the absence of the Chair of Council Business, the Chair of the Overview (Audit) Panel shall chair this part of the meeting. In the absence of both the Chair of Council Business and Chair of the Overview (Audit) Panel, the Council will appoint another Member to chair the remainder of the meeting.

5. Annual Meeting of the Council

1. The Annual Meeting of the Council shall be held within 21 calendar days after the retirement of Councillors in election year and in March, April or May in any other year.

2. The Annual Meeting of the Council shall comprise both a Civic and Business element.

3. The Annual Civic Meeting will appoint:-

   (i) a person to preside if the Civic Mayor is not present;
   (ii) * the Civic Mayor of the Council;
   (iii) * the Deputy Mayor of the Council;
   (iv) the Chair of Council Business.

4. The Annual Business Meeting will:-

   (i) appoint a person to preside over the first part of the proceedings if the Civic Mayor (or Deputy Civic Mayor) are not present;
   (ii) receive any announcements from the Civic Mayor (or his/her nominee) and the Chief Executive;
   (iii) at this juncture, the Civic Mayor (or other person presiding) shall retire from the Chair and the Chair of Council Business shall assume the Chair for the remaining business; (In the absence of the Chair of Council Business, the Chair of the Overview (Audit) Panel shall chair the meeting. In the absence of both the Chair of Council Business and the Chair of the Overview (Audit) Panel, the Council will appoint another Member to chair the remainder of the meeting);
   (iv) approve any amendments to the Council's Constitution;
   (v) appoint the Executive Leader;
   (vi) receive an address from the Executive Leader on the Council's work programme for the next year;
   (vii) agree the number of Members to be appointed to the Executive Cabinet and support groups and appoint the Executive Cabinet;
   (viii) appoint Speakers Panels;
   (ix) agree the number and size of Scrutiny Panels and such other Panels as the Council considers appropriate and appoint the membership of these Panels (including co-optees)

in accordance with the political balance rules; (Only non-Executive Members may vote on the number and membership of the Scrutiny Panels).

(x) appoint a Standards Committee;
(xi) agree the Terms of Reference and Scheme of Delegation;
(xii) approve a programme of Civic and Business meetings of the Council for the year, together with a calendar of meetings for the Cabinet and Panels;
(xiii) consider any business set out in the notice convening the meeting; and
(xiv) make appointments to outside bodies.

6. Political Groups and Leaders

1. A Political Group will be treated as constituted when the Chief Executive has received a notice in writing signed by two or more Members of the Council stating:-

   (i) that the Members who have signed it wish to be treated as a Political Group;
   (ii) the name of the Group;
   (iii) the name of one Member of the Group who has signed the notice and who is to act as its Leader; and
   (iv) the name of one Member of the Group who has signed the notice and who is to act as its Secretary.

2. The notice may specify the name of one other Member of the Group who has signed the notice and who is authorised to act in the place of the Leader. (This authorised Member is referred to as “the representative”).

3. Each Political Group shall present to the Chief Executive, each Municipal Year, a statement which demonstrates the necessary freedom of its Members from the Whipping process on Speakers and Scrutiny Panels.

4. * The Leader may be changed by a further notice in writing to the Chief Executive signed by a majority of the Members of the Group.

5. * The name of the Group and of "the representative" (see also **Standing Order 6.2**) may be changed by a further notice in writing to the Chief Executive signed by the Leader of the Group or a majority of the Members of the Group.

6. *A Member of the Council is to be treated as a Member of a Political Group if s/he had:-

   (i) signed a notice in accordance with **Standing Order 6.1, or**
   (ii) given the Chief Executive a notice in writing, signed by her/him and by the Executive Leader (or representative) of the Group or by a majority of Members of the Group, stating that s/he wishes to join the Group.

7. A person is to be treated as having ceased to be a Member of a Political Group when:-

   (i) she/he has ceased to be a Member of the authority;
   (ii) she/he has notified the Chief Executive in writing that she/he no longer wishes to be treated as a Member of the Group;
   (iii) she/he joins another Political Group;
   (iv) the Chief Executive receives a notice in writing signed by a majority of Members of the Group stating that they no longer wish her/him to be treated as a Member of it.

8. No person shall be treated as a Member of more than one Political Group at any given time.

9. The Chief Executive will keep and maintain a record of the current membership of each Political Group.

10. The Council shall appoint the Executive Cabinet from the Political Group holding the majority of seats on the Council.

11. The Leader of the second largest Political Group or combination of Groups (as chosen by the Members of the Group(s)), will be known as the Leader of the Opposition.

12. The name of the Leader of the Opposition should be notified to the Chief Executive who will report the name to the Council.

7. Establishment of Cabinet, Panels and Committees

1. **Executive Cabinet**

The Council shall establish an Executive Cabinet. The Executive Cabinet shall consist of:

- The Executive Leader
- Deputy Leader
- Up to Eight Executive Members

The Cabinet shall be supported by up to eight Lead Members/Assistant Executive Members.

2. **Overview Panel**

The Overview Panel shall comprise of the Chairs of the Scrutiny Panels, the Executive Leader, the Deputy Leader and two other relevant Executive Members, the Chair of Council Business, two Front Line Councillors (who shall be Chair and Deputy Chair of the Panel) and one Opposition Group Member (subject to the political balance rules).

3. **Speakers Panels**

The Council shall establish Speakers Panels to deal with various planning and regulatory matters, no Member of which shall be a Member of the Executive Cabinet.

4. **Scrutiny Panels**

The Council shall establish the following Scrutiny Panels, each consisting of a maximum of twelve Members (none of whom shall be a Member of the Executive Cabinet):-

- Children's Services
- Health and Adult Social Care
- Place and External Relations.

The Place and External Relations Scrutiny Panel will include up to six non-elected **voting** members as follows:-

- Church of England representative
- Roman Catholic representative
- Two representatives appointed by The Third Coalition's Interfaith Network (neither of whom shall be from the Church of England or Roman Catholic Church)
- Two parent governor representatives

That pursuant to Section 8 of the Health and Social Care Act 2001 the Greater Manchester Health Joint Scrutiny Panel undertakes the scrutiny of strategic conurbation-wide and cross-boundary health services in respect of the Greater Manchester Strategic Health Authority, Greater Manchester Ambulance Service, Christie Hospital, Greater Manchester Workforce Federation and Specialist Children's Services provided by the Greater Manchester Trust and any other Greater Manchester

wide health activities which may be established in the future and that the Council appoints one representative to serve as a Member of that Scrutiny Panel.

5. **Panels**

Subject to **Standing Orders 7.8 and 7.9** where a matter is referred to a Panel, the decision of the Panel must be approved by the Council before it becomes effective.

6. Except in relation to those decisions which by statute must only be taken by the Full Council (or other specific body), the Council may delegate powers to Panels or Officers. Decisions taken by a Panel or Committee exercising delegated powers in accordance with **Standing Order 8.8** will become valid decisions of the Authority with immediate effect, unless the delegation has been previously withdrawn in relation to the particular item.

7. The Constitution will set out the Terms of Reference and Scheme of Delegations to Cabinet Members, Panels and Officers and will be reviewed annually.

8. No Panel may establish Sub-Committees

8. Urgent Matters Panel

1. In accordance with the Council Constitution and Terms of Reference an Urgent Matters Panel shall be established to determine those urgent decisions outside the budget and policy framework when it is not practical to convene a quorate meeting of the Council and if the Chair of the relevant Scrutiny Panel agrees that the matter is urgent.

2. All records of decision of Urgent Matters Panels must detail the reasons why a quorate meeting cannot be convened, together with the consent of the appropriate Scrutiny Panel Chair. In the absence of the relevant Scrutiny Panel Chair the consent of the Chair of Council Business will be sufficient.

3. Following a meeting of the Urgent Matters Panel, a full report of the meeting will be submitted to the next available Council Meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

9. Membership of Panels

1. In relation to Panels the Annual Business Meeting of the Council will:-

   (i) subject to **Standing Order 7** above, determine the number of Members to serve on them;
   (ii) allocate seats on them to the Political Groups in accordance with the principles of political balance; and
   (iii) appoint named Members to them giving effect to the wishes (where expressed) of each Political Group.

2. Where the Council is entitled to seats on a joint authority or on a joint committee with another local authority or local authorities, appointments to such seats will be made by the Council.

3. Where the Council is entitled to three or more seats on a joint authority or joint committee (“relevant joint authority/joint committee”), the Council in making appointments will:-
   (i) allocate seats on them to the Political Groups in accordance with "principles of political balance"; and
   (ii) appoint Members to them giving effect to the wishes (where expressed) of the relevant Political Group.

4. "The principles of political balance" are:-

(i) that not all seats on the Panel, or relevant joint authority or joint committee, are allocated to the same Political Group;
(ii) that the majority of seats on the Panel, or relevant joint authority or joint committee, are allocated to a Political Group holding the majority of seats on the Council;
(iii) that, subject to (a) and (b) above, the total number of seats held by each Political Group on all Panels of the Council taken as a whole is proportionate to that Group's membership of the authority;
(iv) that, subject to (a) and (c) above, the total number of seats held by each Political Group on individual bodies is proportionate to that Group's membership of the Council;

5. Where a Political Group wishes to change one of its appointed Members on a Panel or Committee the Council shall give effect to that Group's wishes.

6. * Where there is a change in the political balance of the Council, the allocation of seats on Panels and Committees will be reviewed and changes will be made to reflect the new political balance.

10. Executive Members

1. The Executive Cabinet shall comprise the Executive Leader, Deputy Leader and up to eight Executive Members appointed by the Council.

2. The six Members, nominated under **Standing Order 6.10** will have one of the following briefs:-

- Children's Services
- Finance, Resources and Transformation
- Adult Social Care, Homelessness and Inclusivity
- Climate Emergency and Environmental Services
- Education, Achievement and Equalities
- Inclusive Growth, Business and Employment
- Planning, Transport and Connectivity
- Population Health and Wellbeing
- Towns and Communities

11. Chairs and Deputy Chairs

1. The Executive Leader and Deputy Leader will be the Chair and the Deputy Chair of the Executive Cabinet respectively.

2. Chairs and where required Deputies of all Panels will be appointed at the Annual Business Meeting of the Council or, whenever a vacancy occurs.

3. The Council may at any time remove a Chair or Deputy Chair of a Panel.

4. Where there is a vacancy for Chair, the Deputy Chair will act as Chair until the Council fills the vacancy.

5. Where there are vacancies for both Chair and Deputy Chair, the Panel will appoint one of its Members to be temporary Chair until the vacancy is filled by the Council.

6. Written notice of the resignation of a Chair or Deputy Chair will be effective on receipt by the Chief Executive.

7. If the Chair and Deputy Chair of a meeting are disqualified from acting, are absent, or decline to act as Chair, the meeting will appoint another Member to chair the meeting. If that Member has to leave, another Member should be appointed.

8. A joint meeting should appoint a Member to chair the meeting.

12. Convening Meetings

1. The Chief Executive is responsible for convening all meetings (including the Executive Cabinet).

2. Dates and time of meetings will be agreed by the Council.

3. In addition to the scheduled meetings of the Executive Cabinet, Panels and other meetings may be convened by the Chief Executive in consultation with the Chair.

4. * The Annual Meetings of the Council will take place on a date and time agreed by the Council subject to the provisions of **Standing Order 5.1.**

5. * A meeting of the Council will take place each year in order to calculate the budget requirement and set the Council Tax.

6. Special meetings of the Council may be convened at other times as decided by the Chair of Council Business, Monitoring Officer or by resolution of the Council. The time and place of the meeting will be determined by the Chief Executive, as Proper Officer, and notified in the summons.

7. Council meetings will start at 5.00pm unless otherwise determined by the Chair of Council Business.

8. Any five Members may give notice in writing to the Chair of Council Business to call an Extraordinary Meeting of the Council. This will take place at a time and date to be decided by the Chair of Council Business.

9. If the Chair of Council Business refuses or fails to call an Extra-Ordinary Meeting within seven days of the receipt of such a notice, then those five Members may call the Meeting.

10. Members of the Opposition Groups will be afforded the opportunity to present their alternative budget proposals to the meeting of the Council which will calculate the budget requirement and set the Council Tax.

12. Cancelling Meetings

1. The Chief Executive may cancel or postpone any meeting, in consultation with the appropriate Chair, or the Chair of Council Business in the case of Council meetings, prior to the issue of the Agenda or subsequently if there is no business to be transacted – such cancellation to be notified in writing to Members.

14. Order Of Business

1. The Agenda and order of business for meetings will be determined by the Chief Executive in consultation with the Chair of Council Business. Items may be withdrawn from an Agenda with the consent of the meeting.

2. The order of business may be altered at the meeting.

3. The first items of business at the Annual Meeting will be to appoint the Civic Mayor and appoint a Deputy Mayor for the Municipal Year.

4. Subject to **Standing Order 13.3** the business at Council meetings will be dealt with in the following order unless the Chair of Council Business in consultation with Chief Executive decides otherwise, or after a Motion has been passed (without discussion) under **Standing Order 13.2** :-

5. if the Civic Mayor and Deputy Mayor are absent, to appoint a person to preside over the first and opening part of each Council Meeting;

6. any announcements, or special business (including the submission of any urgent business) introduced by the Chair of Council Business (or his/her nominee).

7. At this juncture in any Business Meeting of the Council, the Civic Mayor (or other person presiding) shall retire from the Chair and invite the Chair of Council Business to assume the Chair for the remaining business.

8. In the absence of the Chair of Council Business, the Chair of the Overview (Audit) Panel shall chair this part of the meeting. In the absence of both the Chair of Council Business and Chair of the Overview (Audit) Panel, the Council will appoint another Member to chair the remainder of the meeting;

9. approval of the Minutes of the last meeting as a correct record;

   (The Chair of Council Business will move that the Minutes be approved and, if so approved, sign them as a correct record. There will be no discussion on the Minutes except as to their accuracy.)

10. any business remaining from previous meetings;

11. to receive any declarations of interest from Members;

12. to receive any announcements or communications from the Chair of Council Business, the Executive Leader, Members of the Cabinet or the Chief Executive, including the submission of petitions, which shall be presented without discussion by the Ward Member, where it relates to a Ward issue;

13. reports presented by the Cabinet and/or Members of the Executive Cabinet and to have an open debate on such matters;

14. * to receive reports on decisions taken by the Urgent Matters Panel;

15. Scrutiny Panel reports;

16. to receive reports from the Standards Committee;

17. to receive reports from the Overview (Audit) Panel;

18. to receive reports from Council representatives on Outside Bodies;

19. to consider any other business on the summons to the meeting;

20. notices of Motion submitted under **Standing Order 14.1** (to be dealt with in their order of receipt by the Chief Executive);

21. to answer questions asked under **Standing Order 15.2**;

22. appointments to Outside Bodies.

15. Notices of Motions to Council

1. Except for the Motions listed in **Standing Order 19.1** written notice of every Motion must be received by the Chief Executive no later than 12.00 noon on the fifth working day before the meeting (e.g. the Monday in the week preceding the Council meeting to be held on the Tuesday, unless that falls on a Public Holiday in which case the notice must be received by noon on the sixth working day before the meeting).

2. Motions must be signed by the Proposer and two other Members.

3. The Proposer of the Motion will be taken as being the first signature on the Notice of Motion, unless otherwise indicated on the Notice.

4. The Motion will be withdrawn from the Agenda if the Proposer is not present at the time that it is due to be considered.

5. The Chief Executive will keep any Motion received, together with a record of the time and date of receipt, in a register available for public inspection.

6. Motions must be about either:-

   a. matters for which the Council has a responsibility; and/or,
   b. matters which directly affect Tameside.

7. Following consultation with the Chief Executive, the Chair of Council Business may:-

   a. exclude from the Council Agenda any Motion which she/he considers to be out of order; or
   b. amend any Motion subject to the agreement of the Proposer.

8. Motions will be listed on the Council Agenda in the order received.

9. The Proposer may withdraw a Motion at any time prior to its consideration. Such a withdrawal must be put in writing to the Chief Executive.

10. When the Proposer of a Motion is unable to attend the Council meeting s/he may write to the Chair of Council Business authorising another Member who signed the Motion to move it. If no such authority has been given, the Motion fails.

11. The Proposer of a Motion may withdraw a Motion at the meeting only with the approval of the meeting.

12. Motions containing proposals which would:-

    a. increase the Capital and/or, Revenue Expenditure; and/or
    b. reduce the income of any Service must first be referred to the relevant Executive Member.

13. Prior to consideration of a Motion, the Chair of Council Business will invite the meeting to decide whether it should be referred to the appropriate Executive Member (or Executive Team) for a report.

16. Questions

1. A Member of the Council may ask the Executive Leader, an Executive Member, a Chair of a Panel any question without notice upon an item set out in the Agenda, except in so far as questions relate to the content of delegated decisions taken by a Speakers Panel.

2. A Member of the Council may, if three clear days' notice in writing is given to the Chief Executive setting out the question, ask the Executive Leader, An Executive Member, the Chair of any Panel, Main Opposition Spokesperson or the Chief Executive, any question on any matter in relation to which the Council has powers or duties or which affect the Borough.

3. Every question shall be put by the Member and answered without discussion, but the person to whom the question has been put may decline to answer.

4. When the Member, who has submitted the question, is unable to attend the meeting, s/he may write to the Chair of Council Business authorising another Member to put the question on their behalf at the meeting. In the absence of such authorisation the question shall be withdrawn.

5. An answer may take the form of:-

   a. a direct oral answer;
   b. where the desired information is contained in a publication of the Council, a reference to that publication; or
   c. where the reply to the question cannot be conveniently given orally, a written answer circulated to Members of the Council within a period of 14 calendar days from the date of the Council Meeting.

6. Member asking a question under **Standing Order 15.2** may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise out of the original question or the reply.

17. Quorum

1. * The quorum for meetings of Council will be one quarter of it's membership.

   [In determining that a Quorum for a joint meeting is present, a Member who sits on more than one of the Panels involved shall be counted towards each individual Quorum].

2. There must be a Quorum within fifteen minutes of the scheduled start time of a meeting, otherwise it cannot take place.

3. If, during the course of the meeting, the number of Members present falls below the Quorum the meeting cannot continue and any outstanding business will be carried forward to the next meeting.

18. Minutes of Meetings

1. * The Chief Executive will prepare the Minutes of every meeting.

2. * The Minutes will be submitted for approval and signed as a correct record at the following meeting, unless that meeting is an Extraordinary meeting in which case they may be submitted to the next Ordinary meeting subject to **Standing Order 17.3** below.

3. * Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of Schedule 12 of the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) of Schedule 12 relating to signing of Minutes.

4. * The names of Members present at a meeting will be recorded in the Minutes.

19. Minutes Submitted to Council

1. When moving approval of Minutes of Council, Executive Cabinet, Overview (Audit) Panel and Standards Committee, the appropriate Chair may:-

a. correct any factual inaccuracy; and/or

b. following an explanation, seek the consent of Council to take back any item for reconsideration by the Executive Cabinet, Overview Panel or Standards Committee;

c. amend the Minutes without notice (with the exception of the Minutes of the Standards Committee).

2. If a Chair declares a prejudicial interest in part of any Minutes under consideration at the Council Meeting, s/he must move them with the exception of that item, such Minutes to be moved by the Deputy Chair (or another Member).

20. Motions which may be Moved without Notice at Council

1. The following Motions may be moved without notice:-

(a) to appoint a Member to chair the meeting;
(b) to approve or correct the Minutes of the previous meeting;
(c) to change the order of business on the Agenda;
(d) to refer something to an appropriate body or individual;
(e) to combine debates on items on the Agenda;
(f) to appoint a Panel or Member arising from an item on the summons for the meeting;
(g) to withdraw an item on the Agenda;
(h) to move Panel Minutes/proceedings and reports;
(i) to withdraw or amend any Motion or Amendment (by the mover);
(j) to not hear a Member further;
(k) to require a named Member to leave the meeting;
(l) to extend the time limit on speeches;
(m) to suspend particular Standing Orders (see **Standing Order 2.1**);
(n) to exclude the public during consideration of confidential business;
(o) to go to the next business. If seconded, the vote will then be taken, if carried, the item under discussion will be treated as withdrawn;
(p) to put the question immediately to the vote. If seconded, the vote will then be taken. If carried, the Mover of the original Motion shall have a right of reply;
(q) to adjourn the debate. If seconded, the vote will then be taken, and if carried, there are no rights of reply. On resuming the debate, the Member who moved the original Motion will have the right to speak first;
(r) to adjourn the meeting. If seconded and before taking the vote, the Chair will deal with any unopposed business (i.e. against which no amendment has been notified in accordance with **Standing Orders)**. If the Motion to adjourn is carried there is no right of reply allowed;
(s) to invite a Member to remain under **Standing Order 35 (Prejudicial Interest)** .

(**Note**: During the course of a debate Motions (m) to (r) may only be moved by Members who have not already spoken in the debate).

20. A Member may not move any of the Motions in **Standing Order 19.1** more than once at a meeting. If a Motion under that Standing Order is not carried, it cannot be moved again on the same item unless the Chair decides the circumstances have changed significantly.

21. Submission of Motions and Amendments

1. Motions and Amendments must relate to items included on the Agenda accepted by the meeting as urgent business.

2. An Amendment must be relevant to the Motion. Amendments may:-

   a. refer the Motion to the Executive Cabinet, Executive Member, Panel for further consideration; or
   b. add and/or delete words, but such omission, insertion or addition of words shall not have the effect of negating the Motion before the Council.

3. order in which Amendments are taken will be determined by the Chair.

4. An Amendment cannot be considered if it is inconsistent with an Amendment previously adopted or repeats an Amendment previously rejected.

5. The Mover of a Motion may, with the consent of the Mover of an Amendment, incorporate an Amendment into the Motion. If this happens, the Mover of the Amendment will have the same speaking rights as if the Amendment had been debated separately.

6. Motions and Amendments cannot be debated until they have been moved and seconded.

7. When seconding a Motion, a Member may reserve their speech until later in the debate.

8. Only one Amendment may be moved at a time. No further Amendments can be moved until the previous Amendment has been dealt with.

9. Each Amendment must be voted on separately.

10. If an Amendment is carried, the amended Motion becomes the Substantive Motion to which further Amendments may be moved.

11. The mover may withdraw an Amendment at any time in which case no debate will be allowed.

12. A Member may only move one Amendment on an item.

13. A Member may withdraw a Motion which s/he has moved with the consent of both the meeting and the seconder. No Member may speak on the Motion after the mover has asked permission to withdraw it unless permission to withdraw is refused.

22. Speeches at Council

1. Speeches on Motions and Amendments will be in the following order:-

   a. Mover then Seconder of a Motion;
   b. Mover then Seconder of any Amendment;
   c. any other Member including those who have reserved the right to speak;
   d. right of reply of Mover of the original Motion.

2. A Member may rise during a debate and request the Member speaking to “Give Way” to him/her. If the speaker is so willing then s/he shall take their seat and allow the other Member to speak on the matter.

3. The right of reply is to enable points made in the debate to be answered. New matters must not be introduced.

4. A Member moving a motion may nominate another Member (with the exception of the Mover of a defeated Amendment) to exercise the right of reply.

5. A Member may only speak once on a Motion or Amendment except;

   a. when exercising a right of reply;

   b. when raising a point of order (this is a request for the Chair to rule on an alleged irregularity in either the Constitution or conduct of the meeting) the procedure set out below will be followed:-
      (i) the Member raising the point of order must refer to either the Standing Order or the Procedural Rule in question and state how it has been breached;
      (ii) a ruling must be given by the Chair on the point of order before the debate continues;
      (iii) the ruling of the Chair on the matter will be final and there will be no discussion on the ruling.

   c. when giving a personal explanation (i.e. when a Member believes that a later speaker has misunderstood or misquoted him/her);-
      (i) the Member must ask the permission of the Chair to interrupt the speaker;
      (ii) the ruling of the Chair on the matter will be final and there will be no discussion on the Chair's decision;

   d. when exercising a reserved right to speak:-
      (i) the right to speak later in the debate must be reserved when seconding a Motion or Amendment;
      (ii) this right is subject to the Member being called upon by the Chair to speak.

   e. a Shadow Spokesperson will be allowed to speak more than once in any debate at a Council Meeting in respect of the Executive Member brief for which they are Shadow Spokesperson.

   f. the Executive Leader and Leader of the Main Opposition Group will be allowed to speak more than once on any debate at meetings of the Council.

6. A Member may only speak about the matter under debate except when raising a point of order or giving a personal explanation. A personal explanation shall be continued to some material part of a former speech by the Member which may appear to have been misunderstood in the present debate.

7. Subject to **Standing Order 21.8** speeches must be no longer than ten minutes.

8. An automatic five minute extension will be granted to the mover and the seconder of a Motion or Amendment calculating the budget requirement and/or setting the Council Tax at the meeting referred to in **Standing Order 11.5**.

9. Members should address the meeting through the Chair.

10. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

11. Whenever the Chair rises during a debate, the Member then standing shall resume his/her seat and the Council shall be silent.

12. If any question arises at a meeting of the Council, Executive Cabinet, Panel or Committee as to the appointment, promotion, dismissal, salary, pension or conditions of service, or to the conduct or any person employed by the Council, or such other matters which relate to exempt information, such question shall not be the subject of discussion until the meeting has decided whether or not the power of exclusion of the public under Section 100(A) (4) of the Local

Government Act 1972 shall be exercised, in view of the likely disclosure of exempt information as defined in Section 100(1) of the Act.

13. The Chair of Council Business (or other person presiding) shall have the right to determine that there has been appropriate debate on any item under consideration and shall call on the appropriate Executive Member to give a final response on the item.

23. Voting

1. Members will vote by show of hands.

2. * At Council:-

   a. six Members may demand, before the vote is taken, that the names of those voting be recorded in the Minutes;
   b. Members may not vote unless they are in the meeting when the matter is put to the vote.

3. A Member may demand that his/her vote or abstention from voting be recorded in the Minutes, immediately after a vote is taken, at a meeting of the Council, Cabinet or Panel.

4. Subject to the provisions of any enactment and **Standing Order 22.6 and 22.7** all questions will be decided by a majority of Members present and voting.

5. Where there is an equality of votes, the Chair may exercise a second or casting vote.

6. * A decision to promote or oppose a local or personal Bill in Parliament under Section 239 of the Local Government Act 1972 or to [apply for or] oppose an order under the Transport and Works Act 1992 will require to be passed or by a majority of the whole number of the Council (i.e. 29 affirmative votes are required).

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

24. Changing Decisions (Six Months Rule)

1. * A motion or Amendment to rescind a decision made out at a meeting of the Council made within the last six months may not be moved unless a Notice of Motion to rescind the decision is submitted and signed by at least 30 Members and subsequently approved by the Council.

2. * A Motion or Amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the Notice of Motion or Amendment is signed by at least 30 Members. Once the Motion or Amendment is dealt with, no one can propose a similar motion or amendment for six months.

25. Conduct at Meetings

1. If the Chair calls the meeting to order or rises during a debate, Members shall be silent and any Member then standing, shall resume their seat and the Council shall be silent.

2. If a Member behaves improperly or offensively or deliberately obstructs business, the Chair may direct the Member to be silent.

3. If the Member continues such behaviour the Chair may direct either that the Member leave the meeting or that the meeting be adjourned for a specified period.

4. If a member of the public interrupts the proceedings, the Chair will warn the person concerned. If the interruption continues, the Chair may order his/her removal from the meeting.

5. If there is a disturbance which, in the opinion of the Chair interrupts proceedings, or makes business impossible, the Chair may call for the room (or any part of it) to be cleared and may adjourn the meeting for as long as necessary.

26. Recording and Filming of Meetings

1. *Recording and filming of meetings of the council held in public can be filmed and recording in accordance with the provisions of the* Openness of Local Government Bodies Regulations 2014

27. Public Notice of Meetings and Availability of Documents

1. At least five clear working days before a meeting i.e. not including the day of despatch, the day of the meeting, Sundays or any other days which the Council Offices are normally closed (Bank Holidays and during the Christmas period):-

a. notice of the date, time and place must be displayed at the venue for the meeting;
b. the Agenda and reports (except confidential reports) must be made available for public inspection when issued to Members. The public may also inspect any non-confidential background documents used in the preparation of, and listed in, each report.

2. A Meeting may be called at shorter notice in exceptional circumstances, but the Agenda and reports must be made available for public inspection when issued to Members.

3. * An item of urgent business which has not been available in accordance with **Standing Order 261** may be considered at a meeting, on the recommendation of the Chair, and the reason(s) for urgency must be recorded in the Minutes. Any non-confidential report relating to such an item must be made available for public inspection once it has been added to the Agenda.

4. * The public may make a copy of any Agenda, reports and background documents available on payment of a reasonable fee.

5. * At a meeting, a number of copies of the Agenda and non-confidential reports will be made available for public use free of charge.

28. Rights of Members

1. A Member has the right to inspect any document which is in the possession, or under the control, of the Executive and contains material relating to any business to be transacted at a public meeting subject to the provisions of **Standing Orders 27. 3 and 27.4**.

2. * Any document which contains material relating to a matter where the matter contains material relating to:-
   a. any business transacted at a private meeting;
   b. any decision made by an individual member in accordance with executive arrangements; or
   c. any key decision made by an officer in accordance with executive arrangements;

   shall be available for inspection by any Member of the Council when the meeting concludes or, where an executive decision is made by an individual Member or a Key Decision made by an officer, immediately after the Decision has been made.

3. Where it appears to the Proper Officer that compliance with **Standing Orders 27.1** in relation to a document or part of a document would involve the disclosure of exempt information as set

out within paragraphs 1, 2, 4, 5 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 then that document or part shall be exempt from inspection by a Member.

4. * Members of a Scrutiny Panel shall be entitled to a document or part of a document which contains exempt or confidential information when it is relevant to an action or decision that s/he is reviewing or scrutinising, or which is relevant to any review contained in any programme of work of such a Panel.

29. Public Admission to Meetings

1. * All meetings are open to the public subject to **Standing Order 28.2**.

2. * Members of the public and press may only be excluded from a meeting of the Council, public meeting of the Cabinet or a Panel either in accordance with the **Access to Information Rules or Standing Order 24.5 (Disturbance by the Public).**

30. Public Participation

General Principles

1. Citizens will only be allowed to address the meeting subject to the approval of the Chair.

2. Scrutiny Panels shall not consider any matter relating to standards of behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council.

3. Any such matter(s) shall, without debate, be immediately referred to the Monitoring Officer (and in the case of financial matters also the Assistant Executive Director (Finance)).

Speakers Panel (Planning) and Strategic Planning and Capital Monitoring Panel (when considering Planning Applications)

4. Any person (or their representative) who submits a planning application, which is to be considered by the Speakers Panel (Planning) or the Strategic Planning and Capital Monitoring Panel will have the opportunity to address the Panel for a maximum of five minutes, subject to them having given prior written notice to the Head of Planning.

5. One representative on behalf of any objectors to a planning application being considered by the Speakers Panel (Planning) or the Strategic Planning and Capital Monitoring Panel will have the opportunity to address the meeting, for a maximum of five minutes, subject to having given prior written notice to the Head of Planning.

Scrutiny Panels

6. Any person called upon to give evidence to a Scrutiny Panel will be afforded the opportunity to address the Panel. They will be expected to do so in an appropriate manner and with regard to the Council's Procedural Rules. Such persons will be given due notice of the date of the Scrutiny Panel and those matters that they will be questioned upon.

7. Members of the public are expected to act and behave in a manner consistent with the citizen responsibilities set out in **Article 3.2** of the Council's Constitution.

Council Meetings

8. At ordinary meetings of the Council members of the public can raise questions in accordance with the procedure laid down in **Standing Order 29.12** below.

9. At Ordinary Meetings of the Council, members of the public can submit a question to be asked on their behalf by the Chair of Council Business on matters that are relevant to the Council. The procedure for submitting and dealing with questions is set out below:
   a) There will be a maximum of 30 minutes for public question time;
   b) There will be a maximum of one question per individual or organisation at each Council meeting.
   c) All questions must be submitted in writing at least three clear working days in advance of the meeting (i.e. for a meeting on Tuesday all questions must be submitted by the Wednesday before the meeting).
   d) questions must be about a matter for which the Council is responsible;
   e) Only residents of the Borough can raise questions;
   f) A question can be rejected if it:

      (i) requires or is likely to lead to the disclosure of exempt or confidential information;
      (ii) is defamatory, frivolous, offensive or factually incorrect;
      (iii) relates to a quasi-judicial matter;
      (iv) is substantially the same as a question that has been asked at a Council meeting in the previous six months;
      (v) is formed to make a statement rather than to receive information.

   g) All questions which meet the criteria will be read out by the Chair of Council Business and responses will be made by the Executive Leader or other Member of the Executive Cabinet or their nominee.
   h) Where it is not possible due to time constraints to respond verbally at the Council meeting the response will be made in writing.

31. Agenda and Reports

1. The Agenda for meetings will be prepared by the Chief Executive where appropriate in consultation with the Chair of Council Business (or appropriate Chair) and appropriate officers of the Executive Team.

2. The Agenda will indicate any items which are likely to be treated as confidential together with the reasons for confidentiality given by the Proper Officer (as advised by the relevant officer within the Executive Team).

3. Any reports relating to such items will be marked to show that they should be treated as confidential and will give reasons for confidentiality.

32. Executive Leaders Annual Keynote Address

1. The Chair of Council Business shall chair a Civic Meeting of the Council in November/December each year to which the Executive Leader will present a State of the Area address.

2. The Leader of the Main Opposition Group will be entitled to respond to the contents of the address with a final right of reply being reserved for the Executive Leader.

33. Disciplinary Action

1. * No disciplinary action within the meaning of regulation 2 of the Local Authorities (England) (Standing Orders) Regulations 2001 (as amended) except as described in **Standing Order 32.2,** may be taken by or on behalf of the Council against the Head of Authority's Paid Service or its Chief Finance Officer or Monitoring Officer other than in accordance with a recommendation made by a designated independent person under regulation 7 of those regulations.

2. * The action mentioned in **Standing Order 32.1** is suspension of the Officer on full pay for a period not exceeding two months for the purpose of investigating the alleged misconduct.

34. Visits and Conferences

1. Representation at externally arranged visits and Conferences etc., will be determined in accordance with the Terms of Reference and Scheme of Delegation.

35. Personal Interests

35.1

1. A Member must regard him/herself as having a personal interest in any business if

a) it relates to or is likely to affect:

(i) any body of which s/he is member or in a position of general control or management and to which s/he is appointed or nominated by the authority;

(ii) any body-

- exercising functions of a public nature;
- directed to charitable purposes; or
- one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which s/he a member or in a position of general control or management;

(iii) any employment or business carried on by them;

(iv) any person or body who employs or has appointed them;

(v) any person or body, other than a relevant authority, who has made a payment to them in respect of their election or any expenses incurred by them in carrying out their duties;

(vi) any person or body who has a place of business or land in the authority's area, and in whom s/he has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between the authority and them or a firm in which s/he is a partner, a company of which s/he is a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom s/he has received a gift or hospitality with an estimated value of at least £25;

(ix) any land in the authority's area in which s/he has a beneficial interest;

(x) any land where the landlord is their authority and they are, or a firm in which they are a partner, a company of which they are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which s/he has a licence (alone or jointly with others) to occupy for 28 days or longer; or

b) a decision in relation to that business might reasonably be regarded as affecting their well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

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

a) a member of their family or any person with whom they have a close association; or

b) any person or body who employs or has appointed such persons, any firm in which s/he is a partner, or any company of which s/he is a director;

c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

35.2

1. Subject to sub-paragraphs (2) to (7), where s/he has a personal interest in any business of their authority and s/he attends a meeting of their authority at which the business is considered, s/he must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

2. Where s/he has a personal interest in any business of the authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), s/he need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.

3. Where s/he has a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), s/he need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

4. Sub-paragraph (1) only applies where s/he is aware or ought reasonably to be aware of the existence of the personal interest.

5. Where s/he has a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in the authority's register of members' interests, s/he must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.

6. Subject to paragraph 12(1)(b), where s/he has a personal interest in any business of their authority and s/he has made an executive decision in relation to that business, s/he must ensure that any written statement of that decision records the existence and nature of that interest.

7. In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

36. Prejudicial Interests

36.1

1. Subject to sub-paragraph (2), where a member has a personal interest in any business of the authority s/he also has a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member’s judgement of the public interest.

2. A member does not have a prejudicial interest in any business of the authority where that business –

   a) does not affect their financial position or the financial position of a person or body described in paragraph 8;
   b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to s/he or any person or body described in paragraph 8; or
   c) relates to the functions of the authority in respect of -
      i. housing, where s/he is a tenant of the authority provided that those functions do not relate particularly to their tenancy or lease;
      ii. school meals or school transport and travelling expenses, where s/he is a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
      iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where s/he is in receipt of, or are entitled to the receipt of, such pay;
      iv. an allowance, payment or indemnity given to members;
      v. any ceremonial honour given to members; and

vi. setting council tax or a precept under the Local Government Finance Act 1992

36.2 A Member also has a prejudicial interest in any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where –

a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
b) at the time the decision was made or action was taken, s/he was a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and s/he was present when that decision was made or action was taken.

35.3

1. Subject to sub-paragraph (2), where a member has a prejudicial interest in any business of the authority –

a) s/he must withdraw from the room or chamber where a meeting considering the business is being held –

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

37. Membership of Secret Organisations

1. Every Member of the Council and Members of the Standards Committee will be required to declare whether or not s/he is a member of a secret organisation, including the Freemasons. Secret means that the objects of the organisation or the duties, obligations or secrets imposed upon or accepted by its members, or details of the membership itself of the organisation, are protected in any way by penalties which may be imposed upon its members.

2. Such declarations shall be recorded in the Members' Register of Interests which shall be available for public inspection.

38. Sealing of Documents

1. The Common Seal of the Council shall be kept in the custody of the Director (Governance and Pensions).

2. The Common Seal shall not be impressed upon any document except under the direction of an Officer of the Council duly authorised by the Director (Governance and Pensions) and every impression of the seal shall subsequently be certified upon the document by the Director (Governance and Pensions) or an officer authorised by the Director (Governance and Pensions) for the purposes of this Standing Order.

3. Every impression of the seal shall be recorded in a book containing particulars about the document upon which the seal has been impressed.

4. Where the implementation of any decision of the Council, or of the Executive, a Panel, or Officer exercising delegated powers, requires the affixing of the Common Seal to a document, such decision shall be deemed to authorise the affixing of the Common Seal to that document.

39. Officers

1. For the purposes of Section 4 of the Local Government and Housing Act 1989, the Head of the Paid Service shall be the Chief Executive.

2. For the purposes of Section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall be the Director (Governance,and Pensions).

3. For the purposes of Section 151 of the Local Government Act 1972, the officer with responsibility for the administration of the financial affairs of the Council ("the Chief Finance Officer") shall be the Director of Resources.

4. Where the appointment of a "Proper Officer" is required for any purpose of the Local Government Act 1972, or any other enactment, the Proper Officer in relation to that purpose shall be the Chief Executive, unless the Council has resolved to appoint another officer for that particular purpose.

5. Except in relation to those decisions which must by statute be taken by the full Council, the Executive , Panel, or Committee, the Council (or, unless the Council otherwise direct, a Panel with delegated powers in relation to the matter) may further delegate powers to individual officers. Where a matter is so delegated, the decision of the officer does not require approval by the Council (or Panel) unless the delegation has previously been withdrawn in relation to the particular item.

6. The Scheme of Delegation will specify those powers of the Council which for the time being are delegated to officers, stating the title of the officer by whom each power is exercised. This does not apply if the delegation is made for a period not exceeding six months.

40. Political Assistants

1. *The making of an appointment of a Political Assistant to a political group shall be prohibited until such posts have been allocated to all groups qualifying for one.

2. * The allocation of a Political Assistant post to a group which does not quality for one shall be prohibited.

3. * The allocation of more than one Political Assistant to any political group shall be prohibited.

41. Officer Appointments

1. The involvement of Members in the appointment of officers be restricted to that of the Head of the Paid Service and the Senior Management Team (which consists of all officers more senior than Service Unit Manager) together with the appointment of Political Assistants made under **Standing Order 39.1** .

42. Interest of Officers in Contracts and Other Matters

1. The Chief Executive shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Council under Section 81(1) of the Local Government Act 2000, of a prejudicial interest in a contract, and the book shall be open during office hours to the inspection of any Member of the Council.

2. Every Senior Officer of the Council, (defined as all Officers above Service Unit Manager), shall declare whether or not s/he is a member of an organisation, including the Freemasons, which is secret in the objects of the organisation of the duties, obligations or secrets imposed upon, or accepted by, its members, or details of the membership itself of the organisation, are protected in any way, by penalties, which may be imposed upon its members, and any such membership and the organisation shall be recorded in a book, to be kept for this purpose by the Chief Executive, and such a book shall be open during office hours to the inspection of any Member or employee of the Council.

3. For the purpose of this **Standing Order 41,** Senior Officer" includes the Senior Management Team and all Service Unit Managers and Lead Officer(s) for a procurement process (as defined in Procurement Standing Orders), and persons shall be deemed to be related if they are a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons.

43. Relatives or Members of Officers

1. A candidate for any appointment under the Council who knows that s/he is related to any Member or Officer of the Council shall when making application declare that relationship. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and Senior Officer of the Council (as defined in **Standing Order 41.2)** shall disclose to the Chief Executive any relationship known to him/her to exist between themselves and any person whom they know is a candidate for an appointment under the Council. Any such disclosures shall be reported to the Council or to the appropriate Panel by the officer to whom they have been made.

2. The purport of the Standing Order shall be included in any form of application.

3. Any officer related to an applicant for a post with the Authority shall sign a declaration that s/he has not been involved with the appointment to such post.

44. Restrictions on Voting

1. * A Member will not be permitted to vote on any matter concerning rents of local authority housing at any time when any rent which has become payable by the Member in respect of his/her tenancy where the local authority remains unpaid for two months or more after becoming payable.

2. * A Member will not be permitted to vote on certain financial matters where the Member concerned is two months or more in arrears in the payment of Council Tax.

3. * In the event of a Member being in such arrears referred to in (1) or (2) above s/he must disclose the fact and shall not vote on any question with respect to the financial matter.

45. Canvassing of a Recommendation By Members

1. Canvassing of Members or officers of the Council or any Panel of the Council directly or indirectly for any appointment (either of an employment or contractual nature) under the Council shall disqualify the applicant concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application

2. A Member of the Council shall not solicit for any person for any appointment under the Council, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment/contract.

46. Member and Officer Conduct

1. Member and Officer behaviour and conduct will be in accordance with the provisions set out in the Council's Ethical Framework.

47. Prohibition of Smoking at Council Meetings

1. There will be a prohibition of smoking in meetings of the Council and all Panel/Committee meetings.

48. Opposition Spokespersons

1. The Leader of the Main Opposition Group shall nominate individuals (from within his/her own Group) to act as the “Shadow Opposition Spokesperson” to Executive Members.

2. The Shadow Opposition Spokesperson will be permitted to speak more than once in any debate at meetings of the Council in respect of the Executive Member brief they “shadow”.

3. The Leader of the Main Opposition Group will also be afforded the facility to speak more than once on any debate at a meeting to the Council. This facility is also extended to the Executive Leader.

49. Scrutiny Panel Reports

1. Scrutiny Panel Reports should normally be presented to the Overview Panel, however, when presented to Council: The Chair of the appropriate Scrutiny Panel (or Deputy Chair in the absence of the Chair) shall present the Scrutiny Panel’s report and a response shall be given by the Executive Member on the report.

2. The Chair of Council Business (or other person presiding) shall then invite other Members to speak on the content of the report and the Executive Member to respond where appropriate.

3. The Chair of the Scrutiny Panel (or Deputy Chair in the absence of the Chair) will be invited to conclude the debate.

FINANCIAL REGULATIONS, PROCEDURES AND GUIDANCE

June 2021

Contents

1. Introduction to Tameside MBC's Financial Regulations and Procedures 3
2. Key Decisions and the Financial Regulations 5
3. The Medium Term Financial Strategy 17
4. Annual Revenue Budget 18
5. Capital Programme 20
6. Budget Guidance and the Budget Timetable 22
7. Budget Control and Monitoring 24
8. Scheme of Virement 26
9. Grant Funding 28
10. Treatment of Year End Balances 30
11. Accounting Policies 31
12. Accounting Records and Returns ..... **Error! Bookmark not defined.**
13. Annual Statement of Accounts 34
14. Maintenance of Reserves 36
15. Internal Controls 38
16. Risk Management 40
17. Insurance 42
18. Treasury Management 44
19. Bank Accounts 46
20. Value for Money 47
21. Internal Audit 48
22. External Audit 50
23. Preventing and detecting Fraud, Bribery and Corruption 51
24. Anti-Money Laundering 53
25. Gifts, Hospitality and Register of Interests 54
26. Asset Management 55
27. Financial Systems 58
28. Income Collection and Management 60
29. Ordering and Payment of Works, Goods and Services 63
30. Purchase Cards 65
31. Payments to Employees, Members and Pensioners 66
32. Taxation 68
33. Petty Cash 70
34. Funds Held on Behalf of Third Parties 72

1. INTRODUCTION TO TAMESIDE MBC'S FINANCIAL REGULATIONS AND PROCEDURES

1.1 Financial Regulations provide the internal framework for managing the Council's financial affairs. They apply to every Member and officer of Tameside MBC and anyone in the public or private sector who acts on behalf of the Council.

1.2 The Council's governance structure is laid down in its Constitution, which sets out how the Council operates, how decisions are made and the procedures that are to be followed. These Finance Regulations and Procedures form part of the Constitution and are in put in place to ensure the Council has sound financial management policies underpinning the conduct of its business.

1.3 Under Section 151 of the Local Government Act 1972 each local council shall make arrangements for the proper administration of the Council's financial affairs and arrange for one of their officers (the Chief Finance Officer) to be responsible for the administration of those affairs. For Tameside MBC this officer is the Director of Finance.

1.4 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989 with a statutory duty to report to the Council in any case where they are of the opinion that any proposal, decision or omission of the Council, its committees or subcommittees or anyone employed by the Council is, or is likely to be, illegal or to constitute maladministration. If the Monitoring Officer makes such a report to the Council, it will be sent to every Councillor and the proposal, decision, or omission referred to in the report is suspended. Council must consider the report and decide, within 21 days on the steps it is taking in response to the report.

1.5 These Financial Regulations and Procedures must be followed by all Members and officers of the Council, and extend to others acting on behalf of the Council. Failure to follow the Financial Regulations and Procedures or financial instructions issued by the Chief Finance Officer may result in action under the Council's disciplinary procedures.

1.6 It is the responsibility of Directors to ensure that all officers in their Service are aware of the existence and content of the Council's Financial Regulations, as well as other internal regulatory documents, and also to confirm that they comply with them.

1.7 Any person charged with the use or safekeeping of the Council's resources and assets should inform themselves of the Council's requirements under the Financial Regulations and Procedures, with any queries being referred to the Chief Finance Officer.

1.8 It is the responsibility of the Chief Finance Officer and/or the Monitoring Officer to provide advice, guidance or any interpretation /clarification to reinforce the Financial Regulations that Members, officers and others acting on behalf of the Council are required to follow. The Chief Finance Officer is also responsible for maintaining a continuous review of the Financial Regulations and Procedures and submitting any additions or changes necessary to the Council for approval.

1.9 The Chief Finance Officer shall be authorised to temporarily suspend application of the Financial Regulations and Procedures in exceptional circumstances.

1.10 These Financial Regulations and Procedures do not apply to schools. Financial Procedure Rules are detailed in a separate document, which has been provided to all maintained schools.

1.11 In line with good practice, each section of the Financial Regulations and Procedures follows the following format:

- Why is this important?
- Key Controls, which must be followed;
- Responsibilities of the Chief Finance Officer;
- Responsibilities of Directors.

1.12 This is intended to allow easy navigation of the regulations so that quick reference can be made and so that the reader can fully understand the important and reason for the regulations in safeguarding the finances of the Council.

1.13 Where there is any ambiguity and/or conflict in relation to the interpretation of these regulations the Chief Financial Officer together with the Monitoring Officer's decision shall be final.

2. DECISIONS AND THE FINANCIAL REGULATIONS

2.1 The rules of the Council (known as the Constitution, which includes these Financial Regulations define who can make a decision. The decision maker can be the executive sitting as the Cabinet, joint committees for example Strategic Commissioning Board, individual Executive Members, and officers who have delegated responsibility from the Executive to make executive decisions.

2.2 An "**executive decision**" means a decision made or to be made by a decision maker in connection with the discharge of a function, which is the responsibility of the executive of a local authority. A written notice must be produced, which reflects the decision along with the following information:

- details of the decision and the date it was made;
- reasons for the decision;
- any other options considered and why those options were rejected;
- details of any conflict of interest of an executive member of the decision-making body; and
- a note of dispensation granted by the Head of Paid Service in respect of any declared conflict of interest.

2.3 A "**key decision"** is defined in law as an executive decision which, is likely—

(a) to result in the relevant local authority incurring expenditure which is, or the making of savings, which are significant having regard to the local authority's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

Key' Decisions in Tameside

2.4 By way of defining 'significant' for the Council's purposes a Key Decision is:-

(a) Any executive decision which requires expenditure of £30k or more in a financial year that is not in the budget presented to Council;

(b) Any executive decision to spend and/or vire £500k or more in the budget presented to Council;

(c) Any executive decision where the outcomes will have a significant impact on a significant number of people living or working in two or more wards.

The Regulations and Guidance

2.5 The Openness of Local Government Bodies Regulations 2014 (legislation.gov.uk) 2014 Regulations came into force on 6 August 2014 build on the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (legislation.gov.uk) (the 2012 Regulations) which sought to provide greater openness and transparency in decision making at Executive level meetings, including Cabinet and individual Executive Member decisions.

2.6 Principally the 2012 Regulations required key decisions and items taken at meetings in private session to be advertised 28 days in advance and for all executive decisions to be recorded as soon as reasonably practicable. This included executive decisions taken by officers. The 2014 Regulations impose additional requirements for local authorities to require written records to be published of certain decisions taken by officers.

2.7 The Secretary of State has released a plain English guide to the regulations which provides some further guidance for the public. This is available to view at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf

2.8 The national rules require a council to publish its intention to make a key decision at least 28 clear days prior to when the decision is intended to be made. The notice has to include details of the individual or executive body who will make the decision, the matter that is subject to a decision, other documents to be considered, and where these other documents are available. This notice

must be available at the council's website before the decision is made. This allows interested parties to have sufficient knowledge in advance of those decisions that will be of genuine concern to local communities.

2.9 A key decision be made without giving the 28 days' notice provided:

- the relevant Overview and Scrutiny Committee Chairman is informed in advance and in writing (or all the members of the Overview and Scrutiny Committee) about what the decision is concerning;
- a notice/ and report about the key decision to be made is made available for inspection at the council's offices and published on the website; and
- 5 clear days elapse following the day a notice/report is published about the key decision to be made.

2.10 If there is a case of special urgency, for example an urgent decision on a negotiation, expenditure or contract, the decision must only be made if the agreement of the Overview and Scrutiny Committee Chairman is received. In the absence of the Overview and Scrutiny Committee Chairman, the permission of the Council Chair must be obtained. If agreement is given, a notice explaining why the decision is urgent and cannot reasonably be deferred, must be published and should be available at the council's offices and on its website as soon as reasonably practicable.

What is an Officer Executive Decision

2.11 Regulation 7 of the 2014 Regulations provides that a decision making officer must produce a written record of any decision which would otherwise have been taken by the relevant Local Government body (in this case Tameside Metropolitan Borough Council), or a committee, or joint committee, but it has been delegated to an officer either:- (a) Under a specific express authorisation; or (b) Under a general authorisation to officers set out in the Constitution to take such decisions and, the effect of the decision is to – (i) Grant a permission or licence; (ii) Affect the rights of an individual; or (iii) Award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

2.12 Decisions which are taken by officers under specific delegations from a meeting of their council's executive are clearly executive decisions where officers have been empowered to act on behalf of their council's executive, either following a specific decision or through the delegated powers set out in the constitution. The guidance provides a non-exhaustive list of examples of decisions that should be recorded:

- decisions about awarding contracts above specified individual/total values;
- decisions to exercise powers of Compulsory Purchase;
- decisions on disposal of and/or provision of land, allotment land and green spaces;
- decision to purchase new ICT systems;
- the opening hours of local libraries;
- the holding of car boot sales/markets on council-owned land;
- the operating hours of off-street car parks;
- a decision to close a school;
- a decision to carry out major road works;
- awarding of Discretionary Rate Relief

Recording Executive Decisions

2.13 When a member or officer takes a decision on matters that are the responsibility of the council's executive, this must be recorded in writing. The form of the written record is for the council to decide, but Regulation 7 goes on to specify the information which must be included in the written record of the decision and in particular:

(a) details of the decision made
(b) the date it was made;
(c) the individual executive member or officer by whom the decision was made
(d) reasons for the decision;
(e) Details of alternative options, if any (taking into account status quo or doing nothing), considered and rejected and why those options were rejected;

(f) details of any conflict of interest declared by any executive member consulted in relation to the decision noting that anyone with a conflict cannot make the decision unless they have a dispensation; and
(g) a note of dispensation granted in respect of any declared conflict of interest.

2.14 The requirement to record decisions extends only to "executive decisions". The existing template used by the Council for recording individual Member Executive Decisions has been adapted for the recording of officer decisions that are not already routinely published. It removes the requirement for legal and financial advice which elected members are required to demonstrate they have had. The template can be completed by decision making officers on a web-form on the intranet site. These decisions will be published on the Council's website by Democratic Services using the modern.gov software application:
https://tamesideintranet.moderngov.co.uk/mgDelegatedDecisions.aspx?bcr=1

2.15 If there is a separate statutory requirement to record the decision together with the date taken and reasons for the decision, then this will be sufficient to satisfy the requirement and in particular planning and building control decisions made by officers under delegated powers are publically available through the minutes of those meetings.

2.16 Where decisions are delegated to officers under specific express authorisation, for example expressly stated in Cabinet decisions, the relevant officer should complete the decision record as soon as practicable after the decision is made

Administrative & Operational decisions

2.17 The plain English guide states that "many administrative and operational decisions officers take on how they go about their day to day work will be delegated within the council's rules and do not fall within the "executive decisions" category; as such they do not need to be recorded." Such administrative and operational decisions decisions might include the following examples:

- decisions to allocate social carers or walking aids to particular individuals,
- decisions to allocate a social housing unit to an applicant or to send someone to carry out repairs;
- decisions to give business relief to individual traders;
- decisions to review the benefit claims of an individual applicant;
- decisions to allocate market stalls to individual traders;
- a decision to instruct certain staff within the council to appear in court in connection with proceedings relating environmental issues.

2.18 This is not intended to be an exhaustive list, rather a series of examples to illustrate that, in the interests of maximum transparency, the regulations require more than just key decisions to be recorded.

2.19 In essence the category of decisions that "*affect the rights of an individual*" will be limited to such decisions that have a direct impact by changing the nature of an individual's legal rights (setting a policy) will be a Key or executive decision. Where a decision is simply implementing an existing framework of legal rights (policy), it will not fall within the rules. In addition, information regarding individuals will often be classed as exempt information and would not be published. The law sets out that it is the importance of decsions rather than the decision maker that determines whether it needs to be on notice 28 days before and made in public and/or whether it needs to be recorded at all.

2.20 Ultimately, individual directors are responsible for ensuring their and their Directorate's compliance with the national rules.

Access to information

2.21 A councillor can inspect any document that contains material to be discussed at least 5 days before a public meeting is held. In case of a private meeting or decision made by an individual executive member or officer, you can inspect the document within 24 hours of the conclusion of

the meeting or the decision being made. In addition, if you are a member of an overview and scrutiny committee, you can ask for any document that contains business transacted at a meeting of the executive, its committees or sub-committees or officer of the authority. The executive must provide the document within 10 days after it (the executive) receives the request.

2.22 It is a criminal offence if, without a reasonable excuse, a person who has in his or her custody a document, which the national rules require to be made available to the public, refuses to supply the whole or part of the document or intentionally obstructs any other person/s from disclosing such a document. If a person is found guilty of such a criminal offence, he/she can be fined up to £200. A document can be the agenda and connected reports for public meetings, documents relating to executive decisions made by an individual member or officer, or any other background papers.

2.23 The relevant legislation relating to access to information regarding decisions made by council executives, and their committees/subcommittees and joint committees is Part 1A of the Local Government Act 2000 – see sections 9G and 9GA. It was inserted as a result of amendments made by the Localism Act 2011 and the relevant provisions are available at the following link: http://www.legislation.gov.uk/ukpga/2011/20/schedule/2/part/1 The detailed provisions are contained in the secondary legislation made under the 2000 Act, that is the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which can be found at: http://www.legislation.gov.uk/uksi/2012/2089/contents/made

Financial Decisions

2.24 The vast majority of financial key and non-key decisions can be reported through the regular finance update report presented to Executive Cabinet and SCB. For some more complex decisions a separate report may be required in order to provide the transparency necessary to adhere to the principles of good governance.

2.25 The majority of financial decisions will be through either the annual budget or the respective regular revenue and capital budget monitoring reporting process. Full Council is responsible for the setting of the annual revenue budget and 5 year capital programme. The budget is the financial plan that enables the objectives set by Full Council to be achieved.

2.26 It is important that the Council operates to these approved budgets. However, from time to time, the activities of the Council may mean that expenditure and income may vary from the original plan, and as a result it is important that safeguards are put in place to ensure the Council effectively records and reports the activity and decisions that have been made that cause these changes.

2.27 It is incumbent on budget holders, as those people with delegated authority to spend within the approved budget, to take action wherever possible to mitigate any adverse spend or shortfall income as part of a proactive plan. Actions that are being taken should be reported to Cabinet as part of the regular budget monitoring report and authorisation sought as part of that reporting mechanism if spend or income is likely to fall outside the delegation limits set out as part of these financial regulations and the constitution.

2.28 In respect of officer decisions, the following decisions will be recorded, where not already published elsewhere:

a) Decisions under a specific express authorisation;

b) Decisions under a general authorisation to officers to take such decisions and, the effect of the decision is to – (i) Grant a permission or licence; (ii) Affect the rights of an individual; or (iii) Award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position." An officer decision will be reported under part (iii) if it meets the financial thresholds as set out as defined below:

- a decision to spend £50,000 or more from an approved budget,
- a decision to vire more than £10,000 from one budget to another,
- a decision which would result in a saving of £10,000 or more to any budget head,

- a decision to dispose or acquire any interest in land or buildings with a value of £50,000 or more,
- a decision to propose the closure of, or reduction by more than ten (10%) percent in the level of service (for example in terms of funding, staffing or hours of operation) provided from any facility from which Council services are supplied.

The constitution sets out a scheme of delegation which is summarised below:

FINANCIAL DELEGATIONS

1) Expenditure, Saving or Income Generation Decisions

The annual budget is set in February of each year by Full Council, where the funding envelope is set by confirming the level of government grant and business rates that will be received and the level of Council tax to be drawn from the Council Tax collection fund, as well as the drawdown of reserves to fund expenditure (if applicable).

The funding available for the Council is therefore relatively stable and the Council effectively sets a budget control total for the year.

Any new expenditure within the overall control total, approved by Full Council, will be subject to the virement rules and delegations, whereby funding can be moved between budget lines within the overall control total.

Any decision to increase the overall expenditure budget outside of the budget process, can therefore only be funded from reserves and must be approved by Full Council - usually on the recommendation of Cabinet.

a) *New Expenditure*

Any in-year drawdown from general reserves to fund new expenditure will therefore need the approval of Council following a recommendation from Executive Cabinet. This will usually be part of the regular budget monitoring report as a specific request, or if significant as a separate report to the Executive Cabinet/Council.

NEW EXPENDITURE GENERATION DECISIONS OUTSIDE OF EXISTING BUDGET PROVISION		
Amount	**Who**	**Decision Type**
Any amount above £0 (Nil)	Council on recommendation of Executive Cabinet	Council

Examples, may include a contribution to a new initiative with partners, or agreeing matched funding where additional income is attracted to the authority.

b) Savings and Income Generation Decisions

The majority of savings and income generation decisions are made during the budget setting process and once approved, it is expected that the appropriate plans and action are taken to deliver these. This includes the annual review of fees and charges which are reported and approved by Full Council. Any variations from the approved plans are reported as part of the monthly budget monitoring process.

From time to time, new savings and/or income generation opportunities may arise, and if it is for more than £30,000 and affects two wards or more then the following delegation apply.

SAVING OR INCOME GENERATION DECISIONS AFFECTING TWO OR MORE WARDS		
Amount	**Who**	**Decision Type**
More than £30,000 and affecting two or more wards	Executive Cabinet	Key Decision

For savings or income generation decisions that do not affect two wards or more, the following delegations apply.

SAVING OR INCOME GENERATION DECISIONS NOT AFFECTING TWO WARDS OR MORE		
Amount	**Who**	**Decision Type**
More than £100,000	Executive Cabinet	Key Decision
£50,000 to £100,000	Director in conjunction with Executive Member	Executive Decision
Up to £50,000	Director	Executive Decision (officer)

Examples may include an in-year restructure, where the normal HR processes and considerations need apply. Savings arising from normal day to day activities, for example, following a procurement should be reported through the normal budget monitoring process. However, if it fundamentally changes the nature of service delivery a separate report outlining the changes, why they are needed and their impact will be required.

2) Virement

A virement is the transfer of budget from one specific activity area to another and is the result of a proactive decision. This can either be a transfer within revenue budgets or within capital budgets but not between revenue and capital budgets.

Virements can only take place if there is sufficient budget from the donating budget area, and does not create an expenditure pressure or income shortfall against the donating budget area.

All virements are summarised and reported in a separate annex in the regular finance update report considered by Executive Cabinet.

If a virement is for more than £30,000 and affects two or more wards a key decision taken through Executive Cabinet will be required.

The majority of virements along with appropriate approval can and should take place as part of the regular financial reporting presented to cabinet and there should be no need for separate decision papers.

There are five main categories of virement:

a) *Virements between Directorates* – This is where a decision is made to change the priority of spend across Directorates by reducing the available budget in one Directorate to increase in another one. This may be because one Directorate is better placed to deliver a particular activity, or a simple change of priority and the need to increase the resources of a particular Directorate at the expense of others.
b) *Virements within Directorates* – Directorates may wish to reprioritise resources between the services which they deliver. Directorates can deliver a diverse range of services and as such the virement rules still need to be observed. For example, a decision to reallocate and vire resources between the Library Service and Passenger Transport is a clear move away from the budget set by Council, who agreed a certain spend on Libraries and Passenger Transport. A change in these spend priorities needs to be recorded appropriately within the virement limits.
c) *Virements between Pay and Non-Pay Lines* – Staffing is one of our most expensive and valuable resources. Decisions to move budget either to or from pay budgets can be politically sensitive and impact on the way the service is delivered and therefore needs to be approved and recorded. For example, the decision to buy in a service rather than deliver with employees may have employment implications through TUPE and a proper and transparent decision needs to be made in approving a virement of this nature.
d) *Virements to and from contingency budgets* – the Council holds contingency budgets to smooth the impact of any adverse conditions or events which either cause income to reduce or expenditure to increase. The majority of budget variances are recorded and monitored on a monthly basis. However, from time to time, it may be necessary to establish a new budget to

be funded from contingency. Approval for the virement is therefore necessary.

e) *Virements between schemes in the approved capital programme.*

Note for finance – the correct alignment of budgets to enable effective budget management may mean that it is necessary to move budgets through the virement mechanism within Agresso. This is permitted providing it does not fundamentally change the nature of the service activity being funded. Examples include budget corrections where budgets are fundamentally in the wrong place. This should be demonstrable through previous years spend activities etc. It is important that budgets are correctly aligned for financial control purposes.

The authorised limits for both Revenue and Capital virements that do not affect two wards or more and subject to principles established under the key controls are set out as:

Budget Virements **(a) Between Directorates** **(b) Between Services Within Directorates** **(c) Between pay and non-pay**		
Amount	**Who**	**Governance required to facilitate - Decision Type**
More than £500,000	Executive Cabinet	Key Decision
£250,000 to £500,000	Executive Member for Finance & relevant Executive Member	Executive Decision
£100,000 to £250,000	Director	Executive Decision (officer)
£50,000 to £100,000	Assistant Director	Executive Decision (officer)
Less than £50,000	Budget Manager	Operational recorded through Agresso

Budget Virements – From Corporate Contingency		
Amount	**Who**	**Governance required to facilitate - Decision Type**
More than £50,000	Executive Cabinet	Key Decision
Less than £50,000	Chief Finance Officer	Executive Decision (officer)

Any decision taken under these delegated limits still needs to be recorded and documented in the form of a report that sets out the background, options considered and rationale for the decision. This can be addressed as part of the regular Finance Update to Executive Cabinet and any changes to Capital Programme should be reported to Strategic Planning and Capital Monitoring.

Budget Virements – Capital Programme[1]		
Amount	**Who**	**Governance required to facilitate - Decision Type**
More than £500,000[2]	Executive Cabinet	Key Decision
£500,000	Chief Finance in consultation with Executive Member for Finance	Executive Decision (officer)
Up to £250K	Chief Finance Officer	Executive Decision (officer)

Any decision taken under these delegated limits will be included in the regular Finance Update to the Strategic Planning and Capital Monitoring Panel.

[1] This only covers transferring budget from one approved capital scheme to another approved capital scheme noting that all schemes over £500K must be originally approved by a Key Decision.

[2] This is the aggregate amount for whole project over lifetime of the project - not each individual request.

3) Grants from External Bodies

After Council Tax and Business Rates the Council receives the majority of its funding through grants which have to be accounted for correctly, and spent in the appropriate areas.

There are two main forms of grant, formulaic and non-formulaic. In general the formulaic grants are provided by central government under the Section 31 legislation (Local Government Act 2003).

However, in a number of cases grants have terms and conditions with detailed grant claims being required in order to draw down funding. The acceptance and spending of some grants place legally binding obligations on the Council. It is therefore necessary for any new grants to be to the Council's budget and reported on in accordance with normal budget monitoring practices.

In order to accept and add new grants to the Council's budget the following limits apply. In each case a decision note is required.

APPLICATION FOR AND ACCEPTANCE OF GRANTS		
Amount	**Who**	**Governance required to facilitate - Decision Type**
Over £500,000	Executive Member for Finance & relevant Executive Member	Key Decision
Between £50,000 to £500,000	Executive Member for Finance & relevant Executive Member	Executive Decision
Up to £50,000	Chief Finance Officer and Relevant Assistant Director	Executive Decision (officer)

4) Procurement Decisions

The procurement standing orders also include financial limits which are summarised below. The authorisation to proceed to procurement is determined by the availability of the budget, which is set by Council. If as the result of the procurement process there is insufficient budget then the key decision criteria applies and any request for additional funding, whether by virement or drawdown from reserves will have to be made in accordance with the financial limits.

PROCUREMENT - SUPPLIES AND SERVICES		
Amount	**Procurement Activity**	**Advertising of Opportunity**
Above £180,000 *	Most appropriate procedure permitted by the Regulations	OJEU Notice or equivalent
£25,000 to £180,000*	Minimum 3 quotes subject to risk based sourcing	The Chest[3]
£5,000 to £25,000	Minimum 3 quotes	n/a
Less than £5,000	Minimum 1 quote	n/a

PROCUREMENT - WORKS AND PUBLIC WORKS CONCESSION		
Amount	**Procurement Activity**	**Advertising of Opportunity**
Above £4,500,000	Most appropriate procedure permitted by the Regulations	OJEU Notice
£25,000 to £4,500,000	Minimum 3 quotes subject to risk based sourcing	The Chest[4]
£5,000 to £25,000	Minimum 3 quotes	n/a
less than 5,000	Minimum 1 quote	n/a

[3] Not a requirement for the Pension Fund who will use such methods appropriate to the nature of procurement
[4] Not a requirement for the Pension Fund who will use such methods appropriate to the nature of procurement

Many contracts have annual adjustments that reflect changes to general prices or volume adjustments. Such adjustments will only require a key decision if it is in excess of the approved budget or results in a significant change to contractual outcomes.

Non-contractual transactions may occasionally occur where there is no procurement process required. These are common in relation to the Health and Social Care agenda. Any transaction which fall outside the standard procurement regulations or employment of staff will still be an expenditure, saving or income generation decision and therefore the key decision criteria and financial limits outlined in section 2 will apply.

Awarding of New Contracts
Following a procurement, a contract is entered into. For transparency purposes it is important to record this contract on the contract register. The contracts register is updated and published quarterly on the Council Transparency page on the Council's website.

AWARDING OF CONTRACTS – FOR EXISTING SERVICES, WITHIN BUDGET FOLLOWING PROCUREMENT RULES		
Amount	**Who**	**Decision Type**
More than >£5,000,000	Executive Cabinet and/or Strategic Commissioning Board	Key Decision
£100,000 to £5,000,000	Director and Monitoring Officer and Chief Finance Officer	Executive Decision (officer)
£50,000 to £100,000	Assistant Director	Executive Decision (officer)
Up to £50,000	Budget Holder	

For any new contract, for which a service is not currently provided under contract, or additional budget is required to fund the contract, an Executive Key Decision is required for any contracts entered into for more than £500,000. These type of contracts are usually for capital schemes which are unique in nature and non-routine. Any new service or regeneration project requires the approval of Cabinet together with allocation of budget.

Some existing contracts for example the Tameside Additional Sevices set out the limits for the nature of the contract for example for any contracts less than £250K the Council has sufficient contractual protections for any construction work under the Tameside Additional Services Contracts for any capital work over £250,000 the Design and Build contract must be used to provide adequate contractual protection to the Council. However, determining the Governance rather than contractual route requires compliance with the above.

Large contracts of greater than £5,000,000, whether revenue or capital, will require a separate Executive Key Decision, which clearly states when the budget was approved, the amount of budget that was approved and the details of the contract entered into.

Day to day expenditure approvals (Normal business within approved budget)
Day to day spending approvals on services within the approved budget are not key decisions, but approval limits are in place within the financial system to ensure that only authorised officers are able to approve requisitions and invoices.

EXPENDITURE REQUISITIONS AND APPROVALS (WITHIN APPROVED BUDGETS)		
Amount	**Who**	**Decision Type**
Above £500,000	Director in consultation with Executive Member	record of consultation
Between £250,000 and £500K	Assistant Director	n/a
Between £100,000 to £250,000	Head of Service	n/a
<£100,000	Budget Manager	n/a

Agreement of Care Packages
The cost of care packages for individuals can be significant and it is therefore important that appropriate approval is granted at the appropriate level.

PACKAGES OF CARE		
Amount per annum[5]	**Who**	**Decision Type**
Above £500,000	Director in consultation with Executive Member	Executive Decision (officer)
Between £250,000 and £500,000	Director	n/a
Between £100,000 and £250,000	Assistant Director	n/a
<£100,000	Budget Holder	n/a

5) Acquisition and Disposal of Assets

The Council's Asset Management Strategy sets out the vision, core values and objectives that form the context for the preparation of the Corporate Asset Management Plan and Service Asset Management Plans. The Council has adopted a Corporate Landlord approach to the ownership and management of its property assets. This means that the ownership of property assets and the responsibility for their management and maintenance is transferred from service directorates to the Corporate Landlord, which is a centralised corporate function. In this way the Corporate Landlord approach:

- enables the Council to utilise its assets to deliver better, more efficient services to our communities.
- unlocks the value of assets, seeks efficiencies through joint arrangements with our public sector partners and maximises private sector investment.
- ensures the provision of a consistent, corporate and strategic approach to the management of the Council's property portfolio, consolidating resources, eliminating duplication, improving efficiency, procurement and the establishment of corporate property standards
- supports the delivery of the Council's Corporate Plan.

The Corporate Landlord's responsibility extends to the acquisition, development and disposal of land and property. This means that the Corporate Landlord is responsible for asset review, feasibility and options appraisal across all services.

The acquisition of assets is only possible if there is sufficient approved budget and falls within the key decision expenditure rules.

The sale of capital assets is an important element of the funding of the Council's capital programme. A disposals strategy should be outlined and refreshed annually as part of the Capital Programme budget setting process that sets the capital receipts target for the following 5 years.

The Council has the duty to secure best consideration for all asset disposals and therefore all disposals must be recorded as an Executive Decision with any disposal worth more than £30,000 should be reported as an Executive decision, which will demonstrate how the consideration was arrived at.

Declaration that Asset is surplus to requirements[6]		
Amount	**Who**	**Decision Type**
All property assets	Executive Cabinet	Key Decision

[5] This is the predicted cost if the placement was calculated for 52 weeks even if that is not the proposed length of time intended for placement
[6] Disposal of Council owned Land and property Cabinet 30.09.2020
https://tameside.moderngov.co.uk/documents/s88476/ITEM%2010%20-%20Disposals%20Policy%20FINAL.pdf

Sale or Disposal of Land or Buildings where best consideration is not achieved and the potential loss to the Council is advised by a RICS Surveyor to be likely to be as follows:		
Amount	**Who**	**Decision Type**
More than £30,000	Executive Cabinet	Key Decision
Less than £30,000	Executive Member with responsibility for Finance	Executive Decision
Disposal of Reversionary Title		
In compliance with Reversionary Title Policy	Director of Place	Executive Decision (officer)

Any ad hoc investment or disposal opportunities are likely to be a key decision and therefore will need to be reported within these guidelines. All purchases of land or the taking on of a lease liability on behalf of the Council will require the approval of the Cabinet.

6) The Raising and Writing off of Debts

The Council raises debts for services provided including the collection of Council tax and business rates and are covered by income budgets.

Where work is ordered from the Council and there is a standard charge as per the fees and charges schedule, wherever possible payment should be taken in advance of the provision of the service. This reduces the need to raise invoices and collect debts.

From time to time debts become uncollectable because they are statute barred or the debtor is bankrupt or insolvent and therefore need to be written off. The limits of delegation in relation to debt write offs are set out in the table below.

DEBT WRITE OFFS		
Amount	**Who**	**Decision Type**
More than £30,000	Executive Cabinet	Key Decision
up to £30,000	Deputy S151, Monitoring Officer in conjunction with Executive Member for Finance	Executive Decision
Up to £5,000	Assistant Director – Exchequer	Executive Decision (officer)

7) The Use of Reserves

Category	**Description**	**Approval Required to spend**
Accounting reserves	This will include two sub categories: 1) Unusable reserves - those reserves required by proper accounting practice that are not resource backed. 2) General Accounting Reserves - reserves established as good accounting practice for specific accounting purposes (such as the PFI smoothing reserves and Leasing reserves)	Director of Finance
Grants and Contributions	Reserves to hold unspent grants and contributions received from external sources.	1) For the purposes intended by the original contribution - **Director of Finance** 2) For an alternative purpose - **Executive Cabinet**

Liabilities and Risk	Reserves held to mitigate against known and anticipated liabilities and risks. This will include for example self-insurance reserves.	Director of Finance
Capital Reserves	Capital Receipts, Capital Grants and Reserves earmarked for capital purposes. These reserves are used to finance the capital programme.	Director of Finance
Schools Reserves	Reserves for Schools and Education expenditure, including the ring fenced schools balances.	Director of Finance
Budget Resilience Reserves	Reserves held for planned revenue investment in services, for example reserves set aside for planned investment in Children's Services, and to provide resilience for specific services not covered by general fund balances such as the waste levy reserve.	Less than £50,000 - Director of Finance More than £50,000 - Executive Cabinet
Strategic Priorities Reserves	Reserves held for planned or intended investment in Strategic Priorities. This will include reserves such as the Care Together Reserve.	Less than £50,000 - Director of Finance More than £50,000 - Executive Cabinet

3. THE MEDIUM TERM FINANCIAL PLAN

What is the Medium Term Financial Plan?
The Medium Term Financial Plan demonstrates how the Council's forecast level of resources will be deployed over the next five years to deliver our declared aims and priorities.

It sets out the overall shape of the Council's budget by determining the level of resources that will likely be available and how they will be allocated between services. This provides a framework to enable Members and officers to develop detailed annual budget plans.

It provides details on:
- How much it will cost to deliver Council Services
- The level of expected funding to pay for these services
- How we will manage our resources to meet our spending plans
- How the Council will achieve good value for money services

Why is the Medium Term Financial Plan important?
The Plan helps us to meet our statutory responsibilities in respect of financial planning. The Council legally has to set a balanced budget, whereby its spending is funded from its income and reserves, and is critical to ensuring that the Council has a clear understanding of the level of available resources, the costs of delivering existing services and plans for new services. Financial planning facilitates strategic choices around service delivery, efficiency and service reductions.

The Plan is approved by Full Council, and includes information on the spending plans of all services, and the indicative levels of Council tax.

Key Controls
The strategy runs for five years on a rolling basis, and is refreshed each year in line with the processes for reviewing and updating the Council's Corporate Plan. It is finalised each year to enable the setting of the annual budget by Full Council, usually in February before the start of the new financial year, which commences on 1 April each year. It is refreshed to make sure it reflects:

a) the most recent estimate of resources available;
b) the budget requirement – which may change as a result of updating estimated resources;
c) updated operational plans for each Council Service;
d) any changes in the National Framework for Local Government Finance.

The Plan covers the following areas:
- The Council's Aims & Objectives
- Key assumptions
- The Corporate Plan
- Internal Control
- Risk Management
- The National Context
- Treasury Management Strategy
- Capital Strategy & Plan
- Linked Strategies

Responsibilities of Chief Finance Officer
- In conjunction with the Single Leadership Team (SLT) to develop a five year Medium Term Financial Plan.
- To undertake a formal review of the plan on an annual basis and update where necessary.

Responsibilities of Directors
- To provide information that may be requested by the Chief Finance Officer in respect of the medium term financial plan.

4. ANNUAL REVENUE BUDGET

What is the Annual Revenue Budget?
The Council's budget is an annual detailed income and expenditure plan. It details all known expected expenditure and income from the delivering of Council Services and compares these requirements to the funding available. The budget focuses on the priorities detailed within the Corporate Plan.

Why is the Annual Budget important?
The budget helps us to meet our statutory responsibilities for financial planning. All local authorities are required to prepare a budget annually which is then approved by Full Council. This is supported by a statement by the Chief Finance Officer regarding the robustness of the budget as proposed and the adequacy of general balances and reserves.

The plan also helps us ensure, at a more detailed level, that resources are allocated towards the delivery of Council priorities. The process of developing the budget helps us to assess and balance any gaps between what we estimate it will cost us to deliver plans, and the money available to do this.

Failure to agree and set a balanced budget will require the Chief Finance Officer to issue a Section 114 notice. The authority that gives the Chief Finance Officer power to issue a Section 114 notice comes from Section 151 of the Local Government Act 1972. According to the Act the Chief Finance Officer can also be the Section 151 Officer. If the Chief Finance Officer judges that the Council is unable to set or maintain a balanced budget they must consider the possibility of a Section 114 notice. Such a notice is only given in the gravest of circumstances. The process is governed under legislation and once issued the Council has 21 days to consider a response. However, during that time spending and other financial activity is suspended.

To reach this point would suggest that:

- the authority has failed to heed previous warnings from the Chief Finance Officer about the financial risks to the authority
- the Council has failed to appreciate the seriousness of the budgetary position
- the Chief Finance Officer has failed to warn of the risks.

It may also suggest that there may be a breakdown in the relationship between the Chief Executive and the Chief Finance Officer as warnings and conversations should have been taking place at the very highest level of the organisation.

While issuing a Section 114 notice should not be seen as a failure, it will result in the loss of financial control by the leadership team and the process should be seen as the action of last resort.

External audit will become involved during the process. From past experience the Ministry of Housing Communities and Local Government (MHCLG) would also be made aware of the financial crisis being experienced by the local authority and become involved.

Key Controls
Budget planning begins in June/July of the preceding financial year and the annual revenue budget is presented to Members in February at Full Council.

Detailed estimates of costs and income are developed for each service.

Responsibilities of Chief Finance Officer

- To develop the budget plan on an annual basis and to ensure a balanced budget is approved.
- To present the budget to Members for approval in February prior to the start of each financial year.
- To undertake the budget plan consistent with proper accounting practice and statutory

guidance.

Responsibilities of Directors

- To provide information that may be requested by the Chief Finance Officer in relation to the budget plan.
- To support and actively participate in the Budget setting process.

5. CAPITAL PROGRAMME

What is the Capital Programme?
The Capital Programme is the budgeted plan of the capital schemes that the Council is undertaking or planning to undertake. Capital Expenditure is defined as any expenditure, which produces an asset which the Council will benefit from for more than one year, it includes investment in buildings, vehicles and IT equipment. The Capital Programme will normally cover a three year period, and is subject to review on at least an annual basis.

No expenditure may be incurred on a capital project unless the scheme has been approved by Executive Cabinet. Each year Directors consider capital schemes to be included in the Capital Programme, which are then scrutinised through a capital programme prioritisation process before being presented for consideration by Executive Cabinet and ultimately Full Council. All changes to the Capital Programme must be approved by Executive Cabinet.

Once approved the capital programme is monitored through the Strategic Planning and Capital Monitoring Panel.

Why is the Capital Programme important?
Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. It is important that the 'Whole Life Cost' of any capital schemes are considered before approval is given, to ensure adequate funding has been identified. This is an integral part of the budget setting process.

The Government places strict controls on the financing capacity of the Council. This means that expenditure should form part of a capital investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Having a structured approach which reviews all capital scheme proposals helps ensure that the Capital Programme links into the Council's priorities.

The Capital Programme ensures the Council takes a structured approach to the management of its assets.

Key Controls
As part of the overall process for the Council's decision making where capital investment is required, officers are required to follow a clearly defined business case process. Schemes in excess of £500,000 must follow the full 6 stages, for investment decisions below £500,000 a full business case (stage 4) is required.

- **Stage 1 – Initial Idea** - Initial discussion and scoping of investment proposal with finance.
- **Stage 2 – Approval in Principle** – An outline summary 'business case' for investment will need to be developed and approval in principle for the project obtained from Directors, Executive Board before approval by Executive Cabinet (or Single Commissioning Board for monies within the Section 75). A template for approval in principle will be provided. Where officers anticipate that expenditure will be involved in developing a full business case for the project, the stage 2 approval in principle report should seek approval to spend from reserves if this cannot be covered within existing Directorate resources.
- **Stage 3 – Scoping and Design** - Once approval in principle has been obtained from Executive Cabinet, the project can be fully scoped, developed and costed. This will inform the full business case at stage 4.
- **Stage 4 – Full Business Case** – A full business case will need to be presented to Directors, Board and Cabinet (or Single Commissioning Board for monies within the Section 75) to obtain full approval to proceed with the project. A template for the full business case will be provided.
- **Stage 5 – Project Delivery and Monitoring** – Templates for financial planning and monitoring will be developed to support consistent reporting formats including key milestones for delivery. Monitoring of Capital Projects will be to Strategic Planning and Capital

Monitoring Panel.

- **Stage 6 – Project Evaluation** – On project completion, SLT, Board and Cabinet (or Single Commissioning Board for monies within the Section 75) should be provided with a project completion and evaluation report, confirming that the project has been delivered as planned and has delivered the intended objectives

Financial Management will provide templates and guidance to assist officers in the development of reports for Cabinet approval. All investment proposals will need to cover the five areas set out in the guidance, but the level of detail required will vary according the size, scale and complexity of the proposed investment.

- The business case will cover:
  - The strategic case – why is the project needed and what options have been considered;
  - The economic case – why the project represents value for money
  - The financial case – why the proposed project is deliverable within the available resources;
  - The commercial case – why the project is deliverable within existing technologies or market capacity
  - The management case – how the project will be delivered
- Accountability for each proposal is accepted by a named officer;
- Variations in the cost of individual projects are reported to the Strategic Planning and Capital Monitoring Panel and the Executive Cabinet.

Responsibilities of Chief Finance Officer

- To develop the capital programme on an annual basis for approval.
- To present the budget to Council for approval in February prior to the start of each financial year.
- To identify the funding sources of the proposed Capital Programme ensuring any revenue consequences are taken account of in the overall budget setting process.
- To determine the definition of 'capital' having regard to government regulations and proper accounting practice.
- To report on the financial progress of capital projects against budget to the Executive Cabinet and Strategic Planning and Capital Monitoring Panel four times a year.

Responsibilities of Directors

- Where a capital scheme is required to be included in or added to the Capital Programme, the responsible officer shall submit a capital business case for the scheme, including possible alternatives with up-to-date estimates of capital and revenue costs
- To comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer.
- To ensure that adequate records are maintained for all capital contracts.
- Ensure that no capital expenditure is incurred on any scheme unless:
  - it is within the approved budget for that scheme;
  - the nature of the spend is in line with the original purpose approved for the scheme;
  - government approval to the scheme has, where appropriate, been obtained;
  - the source of funding has been identified;
  - any revenue consequential expenditure which arises from the proposed capital expenditure has been accepted as a commitment by the Council;
  - it has been procured within Public Procurement Regulations.
- To report on the progress of capital projects to the Strategic Planning and Capital Monitoring Panel four times a year
- To provide the Chief Finance Officer any information required to compile the regular monitoring report to Executive Cabinet and the Strategic Planning and Capital Monitoring Panel.
- To ensure budget holders notify the Chief Finance Officer:
  - if a significant alteration of the nature of works is recommended;
  - any extension of time is granted or a delay has arisen;
  - a contractor or other body has submitted a claim which would result in the final account sum

of £50,000 or more above the original contract sum;
- the contractor has ceased trading or is in liquidation.

- To explain any variances from the approved gross budget which are in excess of £50,000 or 5% of the capital scheme budget (whichever is lower).

Financial Limits

Notify the Chief Financial Officer:

- If a contractor or other body has submitted a claim which would result in the final account sum of £50,000 or more above the original contract sum;

- To explain any variances from the approved gross budget which are in excess of £50,000 or 5% of the capital scheme budget (whichever is lower).

6. BUDGET GUIDANCE AND THE BUDGET TIMETABLE

What is Budget Guidance and the Budget Timetable?
Budget Guidance sets out what we need to do in order to prepare the Council's annual budget. The Budget Timetable outlines the timeframe against activities which will take place, including the key deadlines we ask all involved in budget preparation to follow.

Why is Budget Guidance and the Budget Timetable important?
The guidance ensures that budgets are produced accurately and consistently in line with financial procedures. It also ensures that the level of detail and what is included meets legal requirements.

The timetable ensures that the budgets are produced and approved by Full Council within the dates set out in legislation.

Key Controls

- The budget guidance and timetable are produced on an annual basis
- The guidance and timetable will focus on the following:
  - The full year effect of previous year's decisions
  - Consequences of the approved capital programme
  - Adjustments in relation to specific 'one year only' allocations and other time expired funding
  - Other specific Council decisions
  - Budget assumptions on:
    - Levels of pay and the price inflation which is to be applied
    - Council Tax increase
    - Funding allocations from Central Government
    - Pension contribution rates
    - Levels of Discretionary fees and charges
    - Levels of Levies
- Ensuring approval of budget by Full Council
- Ensuring Council Tax is set by statutory dates
- The format complies with legal requirements and reflects the accountabilities of Service Delivery

Responsibilities of Chief Finance Officer

- To determine the format of the budget that is approved by Full Council
- To set a balanced budget in order to meet the Section 151 Officer's responsibilities
- To produce and distribute the guidance and timetable on an annual basis to officers and Members
- To ensure returns are made to central government in line with their requirements

Responsibilities of Directors

- To comply with the accounting guidelines and timetable provided by the Chief Finance Officer

7. BUDGET CONTROL AND MONITORING

What is Budget Monitoring and Control?
A budget is a plan expressed financially, which sets out the anticipated income and expenditure for a service area or cost centre. Budgetary control and monitoring is the process used by budget managers, supported by officers within the Financial Management Service, to review revenue and capital expenditure against their budgets, and project estimated spending to the end of the financial year. Accountability is achieved through formal reporting of the budget position, carried out at agreed times.

Why is Budget Monitoring and Control important?
Budget monitoring ensures that once the budget has been approved by the Council, resources allocated are used for their intended purposes and are properly accounted for.

Budgetary control is the process of monitoring financial activity against the financial plan and, where necessary, taking the appropriate action in a timely manner to address any movement from the plan.

Budget monitoring and control also provides the mechanism that calls to account managers responsible for defined elements of the budget. It is therefore important that effective processes for monitoring of budgets are in place and adhered to.

To assist with the above it is essential that quality information is available to budget managers to ensure that sound financial decisions can be made, especially where spending may differ from planned expenditure.

To ensure that the Council in total does not overspend, each Service is required to manage its own expenditure within the budget allocated to it.

Key Controls
- Budget managers should be responsible only for income and expenditure that they can influence.
- There is a nominated budget manager for each cost centre heading.
- Budget managers accept accountability for their budgets, the level of service to be delivered and understand their financial responsibilities.
- Budget managers have access to the Council's financial management system (Agresso) and should receive training on how to use it, run reports and should access it regularly.
- Budget managers have named Finance contact from the Financial Management Service and are expected to engage with them for support and advice.
- Budget managers follow an approved certification process for all expenditure.
- Income and expenditure are properly budgeted, recorded and accounted for. This means that all budgets should be shown gross alongside any income funding it.
- Performance levels / levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget. An annual budget monitoring timetable is produced at the start of the year.
- Budget managers may not incur expenditure in excess of budget (taken as an aggregate amount across all areas of the revenue budget in their control) without a robust plan, agreed with the Chief Finance Officer, to recover such overspending (or under achievement of income) during the financial year. Any expenditure in excess of the budget must be included in the revenue budget monitoring reports to the Executive Cabinet.

Responsibilities of Chief Finance Officer
- To establish an appropriate framework of budgetary management and control that ensures that:
  - budget management is exercised within approved limits unless the Council agrees otherwise;
  - each Director has available timely information on income and expenditure which is

sufficiently detailed to enable managers to fulfil their budgetary responsibilities.

- To ensure compliance with the agreed virement procedures.
- To prepare and submit reports on the Council's projected income and expenditure compared to budget on a regular basis and to make recommendations to Members regarding changes to the budget.
- To submit reports to the Executive Cabinet, in consultation with the relevant Director, where a Director is unable to balance expenditure and resources within existing approved budgets under his or her control.

Responsibilities of Directors

- To maintain budgetary control within their service, as outlined above and to ensure that all income and expenditure is properly recorded and accounted for.
- To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Director, grouped together in a series of cost centres. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits and/or controls expenditure.
- To ensure that budget spending remains within the service's overall budget, and that individual budget heads are not overspent. This may require appropriate corrective action to be taken where significant variations from the approved budget are forecast.
- To ensure that a monitoring process is in place to review performance levels/ levels of service in conjunction with the budget and that it is operating effectively.
- To prepare and submit to Cabinet, reports on the Service's projected expenditure and income compared with its budget, in consultation with the Chief Finance Officer.
- To report and obtain prior approval by Council and Cabinet, where appropriate, before incurring expenditure on schemes of whatever amounts, that:
    - create financial commitments in future years above the budget level – this includes indemnities;
    - change existing policies, initiate new policies or cease existing policies; or
    - materially extend or reduce the Council's services.
- Emergency expenditure – no proposal should be submitted to Executive Cabinet / Council involving expenditure during a financial year where no provision has been made in the current budget. Only in the case of either urgency or on a matter in which the Council is under a legal obligation, the Chief Executive and Chief Finance Officer, after consultation with the Executive Member for Finance, shall have power to agree that the expenditure will be met subject to the action being reported to Executive Cabinet and the necessary governance being undertaken
- To ensure compliance with the scheme of virement.
- To consult with the relevant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area.

Financial Limits

- All actual and forecast budget variances of greater than £30,000 under the control of a single budget manager reported to Executive Cabinet

8. SCHEME OF VIREMENT

What is a Virement?
A virement is the transfer of budget from one specific activity area to another. This can either be a transfer within revenue budgets or capital budgets but not between revenue and capital.

Why is the Scheme of Virement important?
The scheme of Virement, is intended to enable the Directors and their officers to manage budgets with a degree of flexibility within the overall framework determined by the Council, and therefore optimise the use of resources.

The key controls are:

Revenue and Capital
- Virement into a receiving budget may only occur provided that the donating cost centre will not subsequently become overspent during the budget period;
- Virements, which involve a key decision should be subject to an Executive Cabinet Report and the Council's decision making process in line with the Council's Constitution; and
- A record of all virements must be kept.

Revenue
- Permanent virements can only be processed if the donating cost centre has permanent budget provision to fund the requested virement;
- Only in year virements can be agreed for Employee budgets unless the virement is linked to a structural change that has received the necessary approvals; and
- All virements must be authorised in line with the delegated Council approvals.

Capital
- Provisional budget allocations into subsequent projects require Executive Cabinet approval;
- Virements between schemes must be authorised in line with the delegated Council approvals; and
- Capital Schemes must have a matching expenditure and financing budget.

Responsibilities of Chief Finance Officer
- To prepare virement procedures for approval by Full Council; and
- To monitor compliance with the agreed virement procedures.

Responsibilities of Directors
- To ensure compliance with the agreed virement procedures;
- No virement relating to a specific financial year should be made after 31 March in that year;
- To ensure that virements are authorised as per the delegated powers approved by Full Council; and
- A virement that is likely to impact on the level or service activity of another Director should be progressed only after agreement with the relevant Director.

Financial Limits
The majority of virements along with appropriate approval can and should take place as part of the regular financial reporting presented to cabinet and there should be no need for separate decision reports. The authorised limits for both Revenue and Capital virements subject to principles established under the key controls are set out below – noting that any decision can be taken to Executive Cabinet if there are any concerns or additional factors that would warrant that oversight:

Budget Virements **(a) Between Directorates** **(b) Between Services Within Directorates** **(c) Between pay and non-pay**		
Amount	**Who**	**Governance required to facilitate - Decision Type**
More than £500,000	Executive Cabinet	Key Decision
£250,000 to £500,000	Executive Member for Finance & relevant Executive Member	Executive Decision
£100,000 to £250,000	Director	Executive Decision (officer)
£50,000 to £100,000	Assistant Director	Executive Decision (officer)
Less than £50,000	Budget Manager	Operational recorded through Agresso

Budget Virements – From Corporate Contingency		
Amount	**Who**	**Governance required to facilitate - Decision Type**
More than £50,000	Executive Cabinet	Key Decision
Less than £50,000	Chief Finance Officer	Executive Decision (officer)

Any decision taken under these delegated limits still needs to be recorded and documented in the form of a report that sets out the background, options considered and rationale for the decision. This can be addressed as part of the regular Finance Update to Executive Cabinet and any changes to Capital Programme should be reported to Strategic Planning and Capital Monitoring.

Budget Virements – Capital Programme[7]		
Amount	**Who**	**Governance required to facilitate - Decision Type**
More than £500,000[8]	Executive Cabinet	Key Decision
£500,000	Chief Finance in consultation with Executive Member for Finance	Executive Decision (officer)
Up to £250K	Chief Finance Officer	Executive Decision (officer)

Any decision taken under these delegated limits will be included in the regular Finance Update to the Strategic Planning and Capital Monitoring Panel.

[7] This only covers transferring budget frim one approved capital scheme to anotherapproved capital scheme noting that all schemes over £500K must be approved by a Key Decision

[8] This is the aggregate amount for whole project over lifetime of the project - not each individual request

9. GRANT FUNDING

What is Grant Funding?

Local Authorities receive a number of grants as a method of funding, usually from other Government Grant giving bodies. There are different types of grant:

- Formula Grants are where recipients receive an amount calculated by formula. The department divides up a finite pot of available grant funds (which is determined in the spending reviews) between those organisations satisfying the formula criteria. Additionally:
  - the formula is set by legislation and regulations and funds are awarded per that formula;
  - Formula Grants are awarded to local government / authorities and local government public bodies, for example, grant funding provided by Central Government to Local Authorities which is determined by factors such as population.
  - by their nature Formula Grants are non-competitive.

  Some of these grants are specific and can only be spent on the purpose for which it is intended, such as the Dedicated Schools Grant, which can only be spent on the Education of Children and Schools otherwise known as 'ring fencing'. Some are more general, such as the Revenue Support Grant, which is intended to fund Council General Expenditure and can be spent in line with the Council's own priorities.

- General Grants – Are defined by Government as a relatively flexible means of funding activities for the public good and/or in support of government departmental policy. The department provides the funds, and can remain at arm's length to the recipient and the outputs whilst still being able to maintain sensible performance management and financial control over the use of the grant funds. These types of grants are subdivided into:
  - competed awards – where the Council bids for funds
  - direct awards that are uncompleted,
  - criteria grants – not usually competed but when an Authority meets a certain criteria, for example grants to assist those affected by flooding,

Certain grants may require the Council to contribute an amount of matched funding from its own resources, and the acceptance of a grant may result in the Council accepting a commitment to deliver certain schemes or services, and therefore accept a liability to deliver.

Why is Grant Funding important?

The Council receives a significant proportion of its funding through grants, which have to be accounted for correctly, and spent in the appropriate areas. In a number of cases detailed grant claims should be completed in order to draw down funding, it is therefore important that any new grants are added to the Council's budget and reported on in line with normal budget monitoring practices.

Key Controls

- All bids for grant funding require approval under the scheme of delegation as outlined in the financial limits section below.
- The signing of Grant Funding Agreements require approval under the scheme of delegation.
- All grants must be budgeted for on the Council's Agresso system following approval under the scheme of delegation.
- All grant income will be assigned a separate account code to assist with subsequent grant claims and monitoring

Responsibilities of Chief Finance Officer

- To sign off Grant Funding Agreements
- To ensure grant returns are submitted under the terms of the Grant Funding Agreement
- To monitor spend against the available funding in line with the budget monitoring requirements

Responsibilities of Directors

- To update Executive Cabinet on any new grants entered into and regularly inform them of progress made against the delivery of the grant outcomes..

Financial Delegations

Application for and Acceptance of Grants		
Amount	**Who**	**Governance required to facilitate Decision Type**
>£500,000	Executive Cabinet	Key Decision
£250,000 to £500,000	Executive Member for Finance & relevant Executive Member	Executive Decision
£100,000 to £250,000	Chief Finance Officer and Relevant Service Director	Executive Decision (officer)
£50,000 to £100,000	Chief Finance Officer and Relevant Assistant Director	Executive Decision (officer)

10. TREATMENT OF YEAR END BALANCES

What are Year End Balances?
Despite the requirement for Services to limit expenditure to the level of their budget, for a variety of reasons, there may be overspends and in-year savings of expenditure against service budgets at the year end.

The normal arrangement is that all year end balances, both underspends and overspends, are transferred to (in the case of an underspend) or from (in the case of an overspend) general reserves.

If there is a need to carry forward an individual budget that has underspent, or bring forward a budget to fund an overspend, ultimately, it is the decision of Executive Cabinet to approve the carry forward of any under or overspends. This should take account of the overall financial position of the Council and the recommendations of the Chief Finance Officer.

Why are Year End Balances important?
The Council has a scheme in place which covers arrangements for the transfer of resources between accounting years, i.e. a carry forward. It is important that the amounts involved in the transfer of these resources are known to inform the overall financial position of the Council. This then allows for sound future financial decisions being made going forward.

Key Controls
- All requests for carry forwards in both revenue and capital budgets will be made to Executive Cabinet as part of the final outturn report.
- An assessment of in-year savings and overspends in relation to Capital Schemes will be made at year end to determine the appropriate treatment.

Responsibilities of Chief Finance Officer
- To recommend to Executive Cabinet the treatment of year end balances.
- To monitor compliance with the agreed scheme of carry forward

Responsibilities of Directors
- To ensure compliance with the agreed scheme.

11. ACCOUNTING POLICIES

What are Accounting Policies?

Accounting policies are the accounting principles, rules and procedures selected and consistently followed by the Council, which dictate what and how financial information is accounted for and presented in the Council's Annual Statement of Accounts.

The key accounting policy guidelines adopted by the Council are the *CIPFA Code of Practice on Local Council Accounting* and *Service Reporting Code of Practice.* These interpret International Financial Reporting Standards for local authorities.

Why are Accounting Policies important?
They are important as they provide:

- a clear and open view of the financial affairs of the Council;
- a level of disclosure which is considered to be relevant, informative and appropriate;
- a consistent standard in the process of preparation and presentation of financial statements;
- an ability to compare between local authorities.

Key Controls

- Systems of internal control are in place to ensure that financial transactions are lawful.
- Accounting policies are reviewed annually to ensure they comply with the latest developments in the CIPFA Code of Practice.
- Suitable accounting policies are selected and applied consistently and approved by the Audit Panel.
- Proper accounting records are maintained and to the required standard.
- Financial statements are prepared which present fairly the financial position of the Council and its expenditure and income.
- Inspection of accounts by External Audit.

Responsibilities of Chief Finance Officer

- To select suitable accounting policies and to ensure that they are applied consistently.
- To ensure the accounting policies are reviewed annually and are set out in the Annual Statement of Accounts, which is prepared in line with legislative requirements.
- To present any amendments to the accounting policies to the Audit Panel.

Responsibilities of Directors

- To comply with the accounting policies and guidelines approved by the Chief Finance Officer and to supply the Chief Finance Officer with the information when required.
- To keep proper accounting records that are in line with accounting policies.

12. ACCOUNTING RECORDS AND RETURNS

What are Accounting Records and Returns?
All of the Council's transactions, commitments, contracts and other essential accounting information must be recorded fully, accurately and on a timely basis. Accounting Records must also provide an audit trail leading from the source of income or expenditure through to the accounting statements.

The Council's accounting records in the financial information system, Agresso, is the main system in which financial information is held. The Revenue and Capital accounts, balance sheet, and other financial records, are held within the General Ledger, and its sub-systems including Debtors and Creditors and e-Procurement. Together they form the Council's financial records, from which, along with the Council Tax and Business Rates Systems and the Asset register, the financial statements and financial returns are produced.

Why are Accounting Records and Returns important?
During the financial year, the Council completes financial returns relating to the Council either as a whole or for certain individual services. These can be for a variety of reasons and to different audiences including Central Government Departments, Members, Auditors and the general public. The information is mainly required by legislation.

Maintaining proper accounting records is one of the ways in which the Council discharges its responsibilities for stewardship of public resources. The Council also has to comply with legislation and statute, International Financial Reporting Standards, grant conditions and discharge its duties in line with Her Majesty's Revenue and Customs (HMRC) requirements.

The Council has a statutory responsibility to prepare its annual accounts to present fairly the results of its operations during the year. These are subject to external audit which provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that arrangements have been made for securing value for money in the use of the Council's resources. The auditors do this by examining the accounting records of the Council.

Key Controls
- The key controls for accounting records and returns are:
  - all Directors, Budget Managers and Finance Officers operate within the required accounting standards and timetables as outlined within the guidance issued;
  - all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
  - all sub-systems that generate a financial activity are correctly interfaced with the Council's finance systems (Agresso) and procedures are in place to ensure that these interfaces are regularly and routinely reconciled to ensure the accuracy of the accounting records;
  - procedures are in place to enable accounting records to be reconstructed in the event of systems failure;
  - reconciliation procedures are carried out to ensure transactions are correctly recorded; and
  - prime documents are retained in accordance with legislative and other requirements;
  - The Agresso system is documented in a systems map which is maintained for new systems and interfaces.

Responsibilities of Chief Finance Officer
- To issue instructions considered necessary for carrying out the daily financial work of the Council, after consulting with Directors where needed.
- To determine the accounting procedures and records for the Council.
- To arrange for the compilation of all accounts and accounting records under his or her direction.
- To ensure the proper retention of financial documents in accordance with the requirements set out in the Council's document retention schedule.
- To stipulate the date by which all financial records for any financial year shall be completed.

- To prepare and publish the audited Statement of Accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Council to approve the Statement of Accounts before the statutory deadline.
- To make proper arrangements for the audit of the Council's Annual Statement of Accounts in accordance with the Accounts and Audit Regulations.
- To administer the Council's arrangements for under and overspendings to be carried forward to the following financial year.
- To comply with the following principles when allocating accounting duties:
  - separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them; and
  - officers with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- To certify financial returns, grant claims and other periodic financial reports required of the Council.
- Approve grant applications and any financial arrangement, which could impose a financial liability on the Council.

Responsibilities of Directors

- To comply with the principles outlined above when allocating accounting duties.
- To ensure that all claims for funds, including grants, are completed and passed in sufficient time to the Chief Finance Officer for certification to be completed by the due date.
- To ensure any conditions attached to funds, including grants, are complied with.
- To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- To be responsible for all receipts and claims in relation to salary expenses and disbursements made by staff in their service.
- To supply information required to enable the Statement of Accounts to be completed in accordance with the guidelines issued by the Chief Finance Officer.
- To maintain an effective and appropriate control environment for staff with finance responsibilities as advised by the Chief Finance Officer.
- To report changes to operational procedures or circumstances, including new IT systems, which affects the control environment to the Chief Finance Officer.

13. ANNUAL STATEMENT OF ACCOUNTS

What is the Annual Statement of Accounts?
The Annual Statement of Accounts, also known as the Annual Report, is a financial summary of the state of the financial affairs of the Council over the course of a year. It includes:

- Regulations and Introduction
- Statement of Accounting Policies
- The Financial Statements, including:
  - Movement in Reserves
  - Comprehensive Income and Expenditure;
  - Balance Sheet;
  - Cash Flow; and
  - Collection Fund Accounts
  - Pension Fund Accounts

- Notes to the accounts
- Glossary.

The Council is required to follow the CIPFA Code of Practice on Local Council Accounting in the United Kingdom, supported by International Financial Reporting Standards (IFRS). The Accounts and Audit Regulations, as amended from time to time, set out the statutory dates for approval and publication of the Annual Statement of Accounts. The Statement of Accounts is made available for inspection by interested parties, and is subject to external audit to ensure that it presents a fair view of the financial position of the Council.

Why is the Annual Statement of Accounts important?
By legislation, the Council is required to produce an Annual Statement of Accounts each financial year. The Statement of Accounts shows not only a snapshot of the financial position as at the 31 March each year, but also provides the reader with an understanding on how the Council has performed financially during that financial year.

After audit, the Statement of Accounts give assurance to key stakeholders that the financial affairs of the Council have been conducted properly and appropriately, and that they give what is considered to be a 'true and fair' view of the financial position of the Council.

Key Controls
The key controls for the Annual Statement of Accounts are:

- The Council is required to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Chief Finance Officer;
- To manage the Council's affairs to secure economic, efficient and effective use of resources and safeguard its assets; and
- The Council's Statement of Accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Council Accounting in Great Britain: "the Code of Practice" (as amended from time to time).

Responsibilities of Chief Finance Officer

- To comply with the Code of Practice.
- To comply with statute and regulations.
- To draw up the timetable and guidance notes for financial accounts preparation and to advise staff and external auditors accordingly.
- To sign and date the Statement of Accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the financial year ended 31 March.
- To ensure that the Statement of Accounts are approved by the Overview (Audit) Panel.

Responsibilities of Directors

- To comply with accounting guidance provided by the Chief Finance Officer and to supply the Chief Finance Officer with the information when required.
- To keep proper accounting records that are up to date.

14. MAINTENANCE OF RESERVES

What are Reserves?
Reserves are amounts of funding that have been raised but not yet spent, and are usually set aside to fund specific or unexpected expenditure. There are different reserves held by the Council, analysed into 'usable reserves' (i.e. those that can be applied to fund expenditure or reduce local taxation) and 'unusable reserves' which are used for accounting purposes.

Usable reserves are analysed into those that are earmarked for specific purposes and those that are held to ensure that the Council can continue to provide services if an unexpected event occurs, also known as 'general' reserves.

The majority of reserves are earmarked to specific areas of activity and allow the management of expenditure and risks across financial years.

Why is the Maintenance of Reserves important?
By legislation (Local Government Act 2003), the Chief Finance Officer must report to Full Council, immediately prior to setting the Budget and Council Tax, on the robustness of the budget as proposed and the adequacy of general reserves and earmarked reserves. The Council then agrees on the level of reserves it will maintain before it then decides on the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes are also maintained with full details provided in the Annual Statement of Accounts.

Reserves can only be used for the purpose for which they were created. The Executive Cabinet can change the use of the earmarked reserve if it so wishes or move funds between reserves, providing this is not contrary to proper accounting practice. The Director of Finance will make recommendations to Executive Cabinet as part of the annual review of reserves. Reserves are categorised to aid understanding and decision making for reserves.

Key Controls
- Reserves are reviewed on an annual basis to ensure compliance with the Local Government Act 2003.
- To maintain reserves in accordance with the CIPFA Code of Practice on Local Council Accounting in the United Kingdom, supported by International Financial Reporting Standards (IFRS).
- For each reserve clearly establish its purpose, usage and amount to be set aside.
- Authorisation to establish and add to a reserve is by the Chief Finance Officer, subject to the financial limits below.
- Authorisation to incur expenditure against the reserve is set out below.
- All movements to and from reserves are reported to Executive Cabinet as part of the routine monitoring cycle.

Responsibilities of Chief Finance Officer
- To advise the Council on prudent levels of balances for the Council.
- To authorise the establishment of new reserves.
- To agree expenditure to be used against each reserve.

Responsibilities of Directors
- To comply with guidance provided by the Chief Finance Officer and ensure that reserves are used only for the purpose for which they were intended.

Financial Limits

Category	Description	Approval Required to spend
Accounting reserves	This will include two sub categories: 1) Unusable reserves - those reserves required by proper accounting practice that are not resource backed. 2) General Accounting Reserves - reserves established as good accounting practice for specific accounting purposes (such as the PFI smoothing reserves and Leasing reserves)	Chief Finance Officer
Grants and Contributions	Reserves to hold unspent grants and contributions received from external sources.	1) For the purposes intended by the original contribution – **Chief Finance Officer** 2) For an alternative purpose - **Executive Cabinet**
Liabilities and Risk	Reserves held to mitigate against known and anticipated liabilities and risks. This will include for example self-insurance reserves.	Chief Finance Officer
Capital Reserves	Capital Receipts, Capital Grants and Reserves earmarked for capital purposes. These reserves are used to finance the capital programme.	Chief Finance Officer
Schools Reserves	Reserves for Schools and Education expenditure, including the ring fenced schools balances.	Chief Finance Officer
Budget Resilience Reserves	Reserves held for planned revenue investment in services, for example reserves set aside for planned investment in Children's Services, and to provide resilience for specific services not covered by general fund balances such as the waste levy reserve.	Less than £50,000 – Chief Finance Officer More than £50,000 - Executive Cabinet
Strategic Priorities Reserves	Reserves held for planned or intended investment in Strategic Priorities. This will include reserves such as the Care Together Reserve.	Less than £50,000 – Chief Finance Officer More than £50,000 - Executive Cabinet

15. INTERNAL CONTROLS

What are Internal Controls?
Internal Controls include the policies, processes, tasks, behaviours and other areas of the Council that taken together:

- enable it to react to significant risks in achieving its objectives. This includes protecting anything which is considered valuable to the organisation from misuse or loss and fraud;
- help ensure the quality of internal and external reporting. This requires the maintenance of proper records, and processes which create a flow of timely, relevant and reliable information from both within and outside the organisation; and
- help ensure relevant laws and regulations are followed, as well as internal policies with respect to the conducting of the business.

Why are Internal Controls important?
The Council is complex and beyond the direct control of individuals. As such it requires internal controls to manage and monitor progress towards strategic objectives;

The Council has statutory obligations, including those set out within the Local Government Act 1972 and Accounts and Audit (England) Regulations 2015, which require internal controls to be established to ensure compliance with these obligations;

The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks;

The system of internal controls is established in order to provide measurable achievement of:

- efficient and effective operations;
- reliable financial information and reporting;
- compliance with laws and regulations; and
- risk management.

Key Controls

- Key controls should be reviewed on a regular basis and the Council should make a formal statement annually to the effect that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk.
- Managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
- Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.
- An effective Internal Audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guidelines Guidance for Internal Auditors, the Public Sector Internal Audit Standards (PSIAS) and with any other statutory obligations and regulations.

Responsibilities of Chief Finance Officer

- To direct and assist the Council to put into place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations. This will ensure compliance with Section 151 of the Local Government Act 1972, which requires every local Council to make arrangements for the proper administration of its financial affairs and to ensure that one of the officers (the Chief Finance Officer) has responsibility for the administration of those affairs.

Responsibilities of Directors

- To establish and maintain controls as well as processes which ensure such controls are being adhered to and evaluated, in order to be confident in the proper use of resources, achievement of objectives and management of risks on an ongoing basis.
- To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Chief Finance Officer.
- Ensure that officers have a clear understanding of the consequences of a lack of control or not adhering to agreed processes.
- To maintain an effective and appropriate control environment for staff with finance responsibilities as advised by the Chief Finance Officer.
- To report changes to operational procedures or circumstances which affects the control environment to the Chief Finance Officer.

16. RISK MANAGEMENT

What is Risk Management?
All organisations face risks to people, property and the day-to-day running of the business. Risk is the chance of something going wrong, and the possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted action or event, which we have no control over. Risk can impact upon all officers within the Council as well as the Council's partners, businesses and residents.

Risk Management is a planned and methodical way of identifying areas of risk, evaluating them and taking a look at how the risks can be controlled or mitigated. Risk Management looks at the measures which an organisation already has in place to deal with identified risks, the adequacy of these measures and the actions required to control these risks effectively to a level that the Council can tolerate.

It is the overall responsibility of the Audit Panel to approve the Council's Risk Management Strategy, and to promote a culture of risk management awareness throughout the Council.

Why is Risk Management important?
The challenges that the Council faces, and the rate of change, puts the organisation under increasing pressure to improve the quality of management at all levels. This means that the Council needs to make sure that risk management processes are structured, as well as being instinctive and intuitive. If management are to meet these challenges, high quality risk management needs to be at the core of decision making at all levels of the Council.

There is an ongoing requirement from the Accounts and Audit Regulations to produce an Annual Governance Statement (AGS) which is attached to the Annual Accounts, setting out the processes in place for managing the most significant risks to the achievement of objectives. Risk management processes are an integral part of the AGS.

All local authorities are increasingly being held to account by external assessors for the way in which risk management has been implemented. The Council needs to continue to demonstrate that all Services have a structured approach, which is embedded into planning and reporting cycles and decision making processes at all levels.

Key Controls
The key controls for Risk Management are:

- The Council has adopted a Risk Management Strategy which has been approved by Audit Panel and is regularly updated.
- The Council maintains and reviews a register of its corporate risks and assigns named individuals to lead on the actions identified to mitigate each risk.
- Procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Council.
- The Audit Panel receives reports on a regular basis, and takes appropriate action to ensure that corporate business risks are being identified and effectively managed.
- A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls.
- Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives.
- All reports to support strategic policy decisions must include reference to the risks associated along with the decisions being taken, in both a positive and negative scenario (i.e. the risks of taking the decision as recommended and the risks of doing nothing).
- Documents for all major projects include a risk assessment which must be completed.
- The risk management process specifically considers risks in relation to significant partnerships, and provides for assurances to be obtained concerning the management of those risks.
- Business Continuity Plans are in place in the event of a disaster or major incident that results

in significant loss or damage to resources and dependencies.

Responsibilities of Chief Finance Officer

- To prepare and promote the Council's Risk Management Strategy.
- To prepare and promote the Council's Business Continuity Management System.
- To develop risk management controls in conjunction with other Directors.
- To regularly report to Members of Audit Panel on the effectiveness of the risk management process.
- To report to Members of the Audit Panel and Overview (Audit) Panel on the effectiveness of the risk management process and any changes to it in the Annual Governance Statement.

Responsibilities of Directors

- To take responsibility for risk management, having regard to advice from the Chief Finance Officer and other specialist officers.
- The Risk Management Strategy requires Directors to:
  - Identify corporate and operational risks;
  - Maintain a risk register;
  - Assess the risks for likelihood and impact;
  - Prioritise risks;
  - Identify mitigating controls; and
  - Allocate responsibility for the mitigating controls.
- To ensure that there are regular reviews of all risks within Services.
- To ensure that Business Continuity Plans are updated at least annually.

17. INSURANCE

What is Insurance?

Insurance for the Council is, in many ways, similar to the insurance that private individuals take out to protect items that they either:

- cannot replace easily; or
- are required to insure as a condition of purchase e.g. a house purchased via a mortgage etc.
- the decision to insure an item or not is based on:
    - its replacement cost; or
    - the likelihood of it needing to be replaced.

The Council has to go through a similar process for the various risks it faces, e.g. the security of physical assets or the work carried out by its officers. Where the Council believes it is not able to manage risks internally, it will take out insurance in the same way a private individual would, e.g. the Council insures its buildings, its officers (employee liability), and cover for members of the public when using Council facilities (public liability) etc.

Why is Insurance important?

Insurance is a major area within risk management, enabling risks from unfortunate events to have less of a negative effect due to taking out cover policies. However, insurance is not without a cost, and risk prevention is always preferable to paying higher premiums, where this is possible.

Key Controls

- Adequate insurance is in place to cover assets and liabilities of the organisation.
- Policies are reviewed on an annual basis to ensure that they continue to provide adequate cover for the Council in line with current risk management strategies and to confirm exclusion clauses are being complied with.
- Procedures are in place to investigate claims within required timescales.
- Acceptable levels of risk are determined and insured against where appropriate.
- The Council has an Insurance Manual which provides details of the Council's insurance cover and procedures for claims.

Responsibilities of Chief Finance Officer

- To ensure that the Council has the appropriate insurance cover in place.
- To include all appropriate officers of the Council in a suitable fidelity guarantee insurance.
- To arrange all insurance cover through external insurance and internal funding and negotiate any claims in consultation with appropriate Directors and outside claims agencies.
- To inform Directors of any conditions affecting insured risks.
- To review all insurances in consultation with appropriate Directors either annually or when necessary.
- To administer any self-funding arrangement set up to run alongside or replace conventional externally provided insurance.
- Any failure by the Council's appointed insurers to carry out inspections of engineering plant and equipment will be notified to immediately to the appropriate Director.
- To offer insurance cover to maintained schools as per the Tameside Support for Schools arrangement.

Responsibilities of Directors

- To ensure that all officers are aware of their responsibilities with regard to the use of insurance policies.
- To identify and report to the Chief Finance Officer and Monitoring Officer any amendments which could be required for the insurance of the Council.
- To notify the Chief Finance Officer and Monitoring Officer immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Chief Finance Officer or the Council's insurers.
- To ensure that any conditions affecting insured risks are met and that their actions do not

invalidate any claims.

- To notify the Chief Finance Officer and Monitoring Officer promptly of all new risks, properties or vehicles that require insurance and any alterations affecting existing insurances.
- To seek approval from the Monitoring Officer on the terms of any indemnity that the Council is requested to give.
- To keep suitable records to ensure that inspections of engineering plant/equipment under their control are duly carried out by the appointed Insurance Company within the periods prescribed and that any necessary action arising from them is addressed in a timely manner.
- Not to admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

18. TREASURY MANAGEMENT

What is Treasury Management?
CIPFA defines Treasury Management as:

"The management of the Council's investments, borrowing and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the Treasury Management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.

The second main function of the Treasury Management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. Any debt previously drawn may be restructured to meet Council risk or cost objectives.

Why is Treasury Management Important?
Millions of pounds pass through the Council's books each year. It is critical that these resources are properly managed in a way that balances risk with return whilst ensuring the Council can meet its financial obligations .The scale of borrowing, the inter-relationship between capital and revenue cash management and the fact that the Council may have surplus funds for investment require the development of sound borrowing and investment strategies that encompass all of these activities in a safe, efficient and consistent manner.

The main objectives of the Treasury Management function are:

- To effectively manage and control risks;
- To ensure that sufficient cash is available to enable the Council to discharge its financial obligations when they become due;
- To undertake all borrowing at or below budgeted rates on the basis of best value, and also seek opportunities to reduce the cost of servicing existing debt;
- To plan cash flows and minimise the cost of any temporary borrowing (which is required for day to day cash flow reasons);
- To invest prudently having regard to the security and liquidity of investments and the predictability of returns; and
- To aim to achieve the optimum return on investments commensurate with the proper levels of security and liquidity.

Key Controls
The Council has adopted the recommendations of CIPFA's Code of Practice on Treasury Management and the Prudential Code. The Council has developed its own Treasury Management Strategy in accordance with these documents. The Strategy outlines the Council's

- Key Treasury Management Principles;
- Scheme of Delegation and Reporting Requirements;
- Key Prudential Indicators – covering financing requirements, borrowing limits, debt maturity / type, cost of borrowing and investment income; and
- Policy for both borrowing and investments.

Responsibilities of the Chief Finance Officer

- To prepare the Council's Treasury Management Strategy Statement in accordance with the CIPFA Code of Practice on Treasury Management in Local Authorities for approval by Cabinet

and Full Council at the Annual Budget Meeting.

- To arrange for all Council borrowing and investment in such a manner as to comply with this Statement / Strategy.
- To borrow on behalf of the Council under powers contained in the Local Government Act 1972 and subsequent legislation in accordance with the agreed proactive borrowing strategy.
- To arrange for the investment or utilisation for the Council's own purposes of surplus funds in accordance with agreed creditworthiness criteria.
- To ensure that all investments of money are made in the name of the Council or in the name of nominees approved by Cabinet.
- To maintain a scheme of delegation for the operation of the treasury management function to ensure a satisfactory separation of duties.
- To ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the appropriate officer.
- To effect all borrowings in the name of the Council.
- To hold in safe custody all stock certificates and other documents substantiating any investments which may from time to time be made and to maintain records of all borrowing of money by the Council.
- To ensure that there is adequate monitoring of Treasury Management activities, involving both Members and senior Finance officers.
- To report to Executive Cabinet at regular intervals on Treasury Management activities

Responsibilities of the Monitoring Officer

- To act as the Council's registrar of stocks, bonds and mortgages.

Responsibilities of Directors

- To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Council following consultation with the Chief Finance Officer and the Monitoring Officer.
- To inform officers with responsibility for Treasury Management of significant movements and changes in the Council's anticipated cash flows.

Financial Limits

The decision to borrow and make investments are day to day are delegated to the Chief Finance Officer within the limits set by the Treasury Management Strategy and the Prudential Code. All routine investment decisions are reported in retrospect as part of the statutory reporting requirements that require Executive Cabinet to receive a minimum of three reports per annum.

Any long term borrowing that is undertaken an Executive Decision is required to be signed by the Chief Finance Officer and the Executive Member for Finance.

19. BANK ACCOUNTS

What are Bank Accounts?
Bank accounts are financial accounts between the Council and a Financial Institution. The Council has a number of bank accounts for which money is receipted to and from our stakeholders. The Council banks with Barclays Bank.

Why are Bank Accounts Important?
Failure to adhere to proper banking arrangements will present a number of unacceptable risks for the Council:

- theft, fraud or other loss; and
- reputational risk.

In order to mitigate these risks, proper procedures must be developed and strictly adhered to.

Key Controls
The key controls for bank accounts and foreign currencies are that:

- All Bank Accounts held shall be in the name of "Tameside Metropolitan Borough Council"
- All banking arrangements, including opening or closure of bank accounts, shall require the approval of the Chief Finance Officer;
- Only the Council's banker(s) as appointed by the Chief Finance Officer can be used by the Council, excluding investment accounts used for Treasury Management purposes;
- Main bank accounts must be reconciled to the Council's financial accounts on a regular basis;
- Segregation of payroll expenditure account, general payment account and income account to enhance control and transparency;
- Proper arrangements are made for the secure printing, secure retention and issue of cheques; and
- All appropriate income documents relating to banking are retained and stored for the defined period in accordance with the document retention guidelines.

Responsibilities of the Chief Finance Officer

- To specify arrangements for the operation of the Council's bank accounts, prescribing rules concerning the number, amount and type of transactions which are to be passed through an account and the extent of any permitted overdraft on the Council's aggregated accounts.
- To ensure that main bank accounts are regularly reconciled with the Council's accounts.
- To make secure arrangements for the design, printing, storage and issue of cheques.
- To ensure that every cheque drawn on the main bank accounts of the Council shall bear the facsimile signature of the Chief Finance Officer or an employee designated by them for this purpose . Every cheque for above an amount to be determined by the Chief Finance Officer (currently £10,000) shall be countersigned by such employees designated by the Chief Finance Officer for this purpose.
- To approve delegation to named officers for the transmission of payments from the Council bank accounts.
- To be responsible for the Council's banking and security service contracts.

Responsibilities of Directors

- To make arrangements for the proper operation of approved subsidiary bank accounts, including the security and issue of cheques, and prevention of overdrafts on such accounts.
- To ensure that all money received on behalf of the Council is paid promptly into the Council's accounts or is available for collection in accordance with arrangements approved by the Chief Finance Officer.
- To ensure that all payments to be made by the Council shall be made from bank accounts opened or approved by the Chief Finance Officer.
- To ensure income or other monies held are not used to cash personal cheques or other payments.
- To make secure arrangements for the receipt of income.

20. VALUE FOR MONEY

What is Value for Money?
Value for money has long been described as the relationship between economy, efficiency and effectiveness. It is sometimes known as the 'value chain' where:

- 'Economy' is the price paid for what goes into providing a service;
- 'Efficiency' is a measure of productivity – how much you get out compared to what is put in; and
- 'Effectiveness' is a measure of the outcome achieved, and can be measurable in terms of quantity or assessed in terms of Quality.

'Value for money' or the best value is high when there is an equal balance between all three sections of the chain; relatively low costs; high productivity, and successful outcomes.

Why is Value for Money important?
If we as a Council, are to improve overall performance by improving our services, achieving greater value for money must be a significant factor. In addition, research indicates that Councils which deliver high quality services that demonstrate value for money are likely to have the highest level of customer satisfaction.

Public money should be spent wisely and follow the Council's procedure rules. With reduced funding for Council services and service user expectations increasing, it is essential that the Council looks at ways to provide and show value for money.

The Council's procedures should also help to ensure that services receive value for money from their procurement and purchasing arrangements.

Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government and Public Involvement in Health Act 2007) places a duty on local authorities to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Key Controls

- Value for money must always be considered when committing to spend money on behalf of the Council.
- Value for money should be embedded into all aspects of performance, planning and service delivery.
- Value for money should also be assessed in services delivered by partners or through contractual arrangements.
- Value for money is a key feature of the Council's business case process.

Responsibilities of Chief Finance Officer

- To ensure that value for money is achieved in all transactions undertaken on behalf of the Council.
- To provide guidance on how to achieve value for money to both Members and officers.

Responsibilities of Directors

- To gather and analyse performance data, to ensure that Services provided are value for money.
- To provide the Chief Finance Officer with any evidence as requested to demonstrate that value for money is achieved in services.
- To consider value for money when presenting options for decision, in line with the delegation of decisions as approved within the Council's Constitution.

21. INTERNAL AUDIT

What is Internal Audit?
Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

The Council is required to have an effective Internal Audit function in order to comply with section 5 of the Accounts and Audit (England) Regulations 2015 which requires the Council to "undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control". Section 151 of the Local Government Act 1972 also requires every local Council to make arrangements for the proper administration of its financial affairs.

All Internal Audit reviews are reported to and discussed by the Audit Panel as the body charged with overall responsibility for governance within the Council.

Why is Internal Audit important?
Internal Audit is a key element of the overall governance structure of the Council which is designed to ensure that appropriate controls are in place throughout the organisation. Through the provision of a high quality independent appraisal of all of the activities of the Council, Internal Audit aims to improve operational efficiency, risk management and internal control systems, and also provide reliable and effective support to management to ensure that their objectives are achieved.

Key Controls
The key controls for Internal Audit are:

a) that it is independent in its planning and operation and determines its own priorities in providing unrestricted coverage of the Council's operations;
b) The Head of Risk Management and Audit Services has direct access to the Chief Executive and all levels of management and Members; and
c) The internal auditors comply with the Public Sector Internal Audit Standards (PSIAS).

Responsibilities of Chief Finance Officer

- To ensure that internal auditors have the authority to:
  - access premises/land when required;
  - access all assets, records, documents, correspondence and control systems;
  - require and receive information and explanation considered necessary concerning any matter under consideration;
  - require any employee of the Council to account for cash, stores and any other Council asset
  - under the employee's control;
  - access records belonging to third parties, such as contractors, when required;
  - directly access the Chief Executive.
- To approve the strategic and annual audit plans prepared by the Head of Risk Management and Audit Services, which take account of the current risk profile of all activities undertaken by the Council, prior to approval by the Audit Panel.
- To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.
- When initial evidence suggests that a criminal offence has been committed, to consult with the appropriate Director about involving the Police, in accordance with the Council's Anti-Fraud, Bribery and Corruption Statement of Intent.

Responsibilities of Directors

- To ensure that Internal Audit are granted access to premises/land when required;
- To ensure that Internal Audit are provided with any documents, information and explanations they require during the course of their work;

- To consider and respond to recommendations in audit reports within one month;
- Any agreed actions arising from audit recommendations are carried out as per the agreed timetable;
- New systems for maintaining financial records, records of assets, or changes to such systems, are discussed with, and agreed by, the Head of Risk Management and Audit Services before implementation; and
- To notify the Head of Risk Management and Audit Services immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources.

22. EXTERNAL AUDIT

What is External Audit?
External Audit provides an important contribution to the stewardship of public resources and corporate governance of public services by:

a) Giving an independent opinion on whether the public bodies financial statements fairly present its financial position and its expenditure and income for the year in question; and
b) Reviewing and reporting on aspects of the arrangements which are put in place by public bodies to ensure the proper conduct of their financial affairs, and for securing economy, efficiency and effectiveness in its use of resources.

The responsibilities and powers of the external auditor are derived from the Local Audit and Accountability Act 2014.

Why is External Audit important?
Independent external audit is a key process of evaluation of governance processes which seek to protect the management of public money. It is, however, the responsibility of management to put arrangements in place to ensure proper governance and to regularly review the adequacy and effectiveness of these arrangements.

The Council's financial statements are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the Council and its income and expenditure for the year in question and complies with all relevant legal requirements.

Key Controls
- External auditors must follow the National Audit Office (NAO) Code of Audit Practice when carrying out their audits.

Responsibilities of Chief Finance Officer
- To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- To ensure there is effective liaison between External and Internal Audit.
- To work with the External Auditor and advise the Council, Executive Cabinet and Officers on their responsibilities in relation to External Audit.

Responsibilities of Directors
- To ensure that External Auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- To ensure that all records and systems are up to date and available for inspection.

23. PREVENTING AND DETECTING FRAUD, BRIBERY AND CORRUPTION

What is Fraud, Bribery and Corruption?
The Fraud Act 2006 defines three separate ways of committing fraud:

- Fraud by false representation;
- Fraud by failing to disclose information; and
- Fraud by abuse of position.

"Dishonesty" and "intent to make gain or cause loss" are core themes involved in the committing of fraud. Bribery can be described as giving someone a financial inducement or other form of advantage to encourage that person to perform their functions or activities improperly, or to reward that person for having already done so, in order to gain a personal, commercial, regulatory or contractual advantage. It is an offence under the Bribery Act 2010.

Corruption is 'the offering, giving, soliciting, or acceptance of an inducement or reward, or showing any favour or disfavour which may influence any person to act improperly.' It is an offence under the Prevention of Corruption Acts 1889 – 1916, as amended, and Section 117(3) of the Local Government Act 1972.

Why is Fraud, Bribery and Corruption important?
There is an expectation and requirement that all Members, officers, consultants, contractors, and service users be fair, honest and act with the utmost integrity at all times.

The Council is resolute that the culture and tone of the Council is one of honesty and opposition to fraud, bribery and corruption.

There is an expectation and requirement that all individuals, businesses and organisations dealing in any way with the Council will act with high standards of probity, openness and integrity and that Council officers or its agent(s) at all levels will lead by example in these matters.

The Council's Codes of Conduct for Members and Officers set out an approach to work that is honest, fair, accountable and, as far as possible, transparent. Members and officers must act in line with the codes at all times.

Key Controls

- The Council should maintain an effective Anti-Fraud, Bribery and Corruption Statement of Intent and a culture of zero tolerance to fraud, bribery and corruption.
- All Members and officers should act with integrity and lead by example.
- Officers should raise any concerns that they may have about fraud, bribery and corruption preferably with their line manager or another senior manager identified in the Anti-Fraud, Bribery and Corruption Strategy.
- Any information reported by officers will be dealt with fairly and confidentially.
- Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council, commit a bribery offence or who are corrupt.
- High standards of conduct should be promoted amongst Members.
- The maintenance of a register of interests and a record of gifts and hospitality received in accordance with the officers' and Members' Codes of Conduct and the gifts and hospitality policy..
- Whistle blowing procedures should be in place and operating effectively.
- All relevant legislation should be complied with including the Fraud Act 2006, the Bribery Act 2010 and the Public Interest Disclosure Act 1998.
- The Council should maintain an adequate internal control framework.

Responsibilities of Chief Finance Officer

- To develop and maintain an effective Anti-Fraud, Bribery and Corruption Statement of Intent.
- To develop and maintain effective Anti-Bribery Guidance.

- To maintain adequate and effective internal control arrangements.
- To take advice and support from relevant parts of the Council before referring matters to the Police for cases where it is apparent that a criminal offence may have been committed.

Responsibilities of Directors

- To ensure that all suspected irregularities are reported to the Head of Risk Management and Audit Services without delay.
- To instigate the Council's disciplinary procedures where the outcome of an investigation into suspected fraud or corruption indicates that improper behaviour has taken place.
- To ensure that where financial impropriety is discovered, the Chief Finance Officer is informed.

24. ANTI-MONEY LAUNDERING

What is Money Laundering?
Money laundering means:

- Concealing disguising, converting or transferring criminal property or removing it from the UK;
- Entering into, or becoming concerned in, an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person;
- Acquiring, using or possessing criminal property; and
- Becoming concerned in an arrangement facilitating concealment, removal from the jurisdiction, transfer of nominees, or any other retention or control of terrorist property.

These are the primary money laundering offences and prohibited acts under legislation.

Why is Money Laundering important?
Although the risk to the Council of contravening the legislation is low, it is extremely important that all officers and Members are familiar with the legislation and their legal responsibility as serious criminal sanctions may be imposed for breaches of the legislation. Potentially any officers could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way or do nothing about it.

The Anti-Money Laundering Policy applies to all employees of the Council, and aims to maintain the high standards of conduct which currently exist within the Council by preventing criminal activity through money laundering. The Policy sets out the procedures which must be followed to enable the Council to comply with its legal obligations.

Key Controls

- A Money Laundering Reporting Officer (MLRO) is appointed to receive disclosures from officers concerning money laundering activity.
- Implement a procedure to enable the reporting of suspicions of money laundering.
- Maintain client identification procedures in certain circumstances.
- Maintain record keeping procedures.

Responsibilities of Chief Finance Officer

- Appoint a Money Laundering Reporting Officer (MLRO) who is to receive disclosures from officers concerning money laundering activity.
- Implement a procedure to enable the reporting of suspicions of money laundering.
- Maintain client identification procedures in certain circumstances.
- Maintain record-keeping procedures.

Responsibilities of Directors

- Be aware of their roles and responsibilities in respect of Anti Money Laundering.
- Ensure they and officers within their service are aware of who is the MLRO.

25. GIFTS, HOSPITALITY AND REGISTER OF INTERESTS

What are gifts, hospitality and a register of Interests?
During day to day work, there may be times when officers or Members are offered gifts and/or hospitality; for example, a meal, a 'thank you' present or gift or a trip to a sporting event.

A register of interests means that arrangements are in place for officers and Members to declare any interests that they have which may be seen to cause a conflict during the course of their work, or when making decisions in Committee meetings. For example:

- an officer or Member being related to a Director of a company that the Council trades or deals with;
- a committee where a Member serves is being asked to make a decision that would affect the Member, either personally or in relation to a project s/he is supporting.

Why are the receipt of Gifts and Hospitality and the Register of Interests important?
In order to safeguard officers and Members in terms of independence (and therefore that of the Council) it is necessary for clear rules to be in place and adhered to.

In relation to Register of Interest, there is the possibility of criminal liability in relation to corrupt practises by officers and Members. Under the Bribery Act 2010 it is an offence:

(a) to request or accept an advantage or reward intending personally, or through another, to perform improperly a public function or business activity;
(b) request or accept such advantage when the request or acceptance would constitute improper performance of a public function or business activity;
(c) to improperly perform such a function or activity in anticipation of receiving such an advantage.

To quote from the judgment in a 1970s corruption case:

> *"People who take you to Wimbledon or to watch the Rugby are not doing it because they like you, it is because they want you to like them. It is because when you go to make a decision on a contract it is going to be based on friendship".*

Key Controls
Employees and Councillors should usually refuse gifts offered to them or to a member of their immediate family by any person or body who has or seeks to have dealings with the Authority. Councillors must record all offers of gifts and hospitality received with a value of £25 or more but are encouraged to register all gifts, even those under £25. Employees must record all offers of gifts and hospitality regardless of value or whether accepted or not. Full guidance of what is and is not acceptable is provided in this link
https://intranet2.tameside.gov.uk/TamesideIntranet/media/HR/protocol.doc

Responsibilities of Monitoring Officer

- To produce and maintain a register of gifts and hospitability received by officers and Members.
- To produce and maintain a register of interests received by officers and Members.

Responsibilities of Directors

- To comply with the guidance as provided by the Monitoring Officer.
- To maintain an up to date list of gifts, hospitality and interests within their Service in adherence with the principles in the guidance.

Financial Limits

- Councillors Items over £25 should record items over £25 within 28 days of the receipt of the gift or hospitality. Written notification must be provided to the Monitoring Officer of the existence and nature of that gift or hospitality.
- Officers must refuse all gifts or hospitality except with approval from the Monitoring Officer.

26. ASSET MANAGEMENT

What is Asset Management?
Asset Management is the system of monitoring and maintaining items of value to the Council. Asset management is a systematic process of operating, maintaining, upgrading and disposing of assets cost- effectively.

Asset Management relates to land and buildings; furniture, vehicles and equipment; and stocks and stores and it covers their acquisition, disposal, security and recording.

Why is Asset Management important?
The Council owns a diverse portfolio of assets in the form of property, vehicles, equipment, furniture and other items. It is important that these assets are safeguarded and used efficiently and effectively in supporting the delivery of services. The development of a comprehensive and effective approach to asset management is key to ensuring that:

- utilisation of assets is maximised;
- maintenance expenditure is prioritised;
- major capital investment requirements are identified and quantified;
- appropriate insurance is in place; and
- surplus property and other assets are identified for rationalisation and/or disposal.

Key Controls

- A corporate asset management strategy is in place.
- Asset Registers/inventories are in place to record all assets.
- Accounting policies are in place to control asset classification, capitalisation, depreciation and disposal.
- Assets are disposed of at the most appropriate time and only when it is in the best interests of the Council and that the best price is obtained.
- Managers are responsible for the care, protection and security of assets within their control.
- Insurance covers are in place to protect the Council from catastrophic loss by sharing the risk with the private sector.
- Land and Buildings are acquired in accordance with the Asset Management Strategy.
- Land and Buildings are purchased only following appropriate authorisation and approval.
- A terrier of all land and buildings owned is maintained, with assets recorded when they are acquired (including the reinstatement value) and this record is updated as changes occur.

Responsibilities of Chief Finance Officer

- To maintain an Asset Register, which contains details of all assets owned by the Council which exceed the capital de-minimums levels.
- To ensure appropriate accounting entries are made for the addition and depreciation of assets into the Council's records.
- To ensure that assets are valued in accordance with the *Code of Practice on Local Council Accounting in the United Kingdom: A Statement of Recommended Practice*.
- Ensuring that all acquisitions are properly recorded within accounting records
- To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

Responsibilities of Directors - General

- To maintain proper security, care and protection of all building, equipment, vehicles, stocks, stores and cash under their control.
- To inform the Chief Finance Officer and Head of Risk Management and Audit Services of any missing equipment or significant shortfalls in stock as soon as possible after discovery, together with explanations for the loss, if known.
- To ensure the Chief Finance Officer and the Head of Risk Management and Audit is provided with the appropriate information requested annually for insurance renewal purposes.

Responsibilities of Directors – Building and Land

- The Director of Growth shall maintain a terrier of all land and buildings owned by the Council. The terrier will record the holding Service, purpose for which each property/site is held, location and purchase details and reinstatement values for insurance purposes.
- The Director of Growth shall arrange for condition surveys to be carried out to inform the asset management plan;
- Arranging for the valuation of land and buildings as necessary to meet the accounting requirements and insurance requirements of the Chief Finance Officer.
- To inform the Chief Finance Officer of all building acquisitions so that the insurance portfolio reflects the correct properties to be insured by the Council
- To ensure the proper security of all land and buildings under their control.

Responsibilities of Directors - Furniture, Equipment and Vehicles

- The Director of Operations and Neighbourhoods will maintain appropriate records of the vehicles held by the Council.
- The Assistant Director, Digital Tameside, will maintain appropriate records of the IT equipment held by the Council.
- Directors will maintain appropriate records of all other furniture and equipment held or deployed by their service. This will include maintaining an up to date inventory of all individual items with a purchase value in excess of £200.
- Directors should arrange for the accuracy of the inventory to be verified periodically at a frequency appropriate to the risk of loss of the individual items recorded.
- To ensure that Council property (owned or hired) should not be removed other than in the ordinary course of the Council's business except in accordance with directions issued by the Director concerned.
- To ensure the safe custody of furniture, equipment & vehicles.

Responsibilities of Directors - Stocks and Stores

- To make arrangements for the maintenance of reasonable levels of stocks and stores in their control.
- To ensure that appropriate up to date records of the level and value of stocks and stores held are maintained.
- To ensure periodical physical examinations of stocks and stores held, against the stock records, should be carried out at a frequency based on the value and vulnerability of the stock.
- To ensure proper security is maintained at all times for all stocks and stores.

Responsibilities of Directors – Disposal of Assets

- Once land, buildings or equipment have been declared surplus to requirements, to arrange for the disposal of these assets in accordance with the Council's strategy.
- Details of any vehicles which are deemed surplus to requirements shall be advised to Director of Operations and Neighbourhoods. Where the vehicle is considered no longer suitable for use within the Council, the Director of Operations and Neighbourhoods shall arrange for its suitable disposal.
- Details of any ICT equipment which a Director deems surplus to requirements shall be advised to the Assistant Director, Digital Tameside. ICT equipment can only be disposed of by ICT Services, and if it is considered redundant in accordance with the ICT Strategy.
- The Assistant Director, Digital Tameside, is responsible for ensuring that the standards, policies and guidelines of decommissioning of IT equipment are well defined and communicated to all staff within the Council. The Data Protection Act must be a key consideration in the decommissioning of IT equipment.
- To identify assets which are deemed obsolete and surplus to requirements.
- To secure the best price obtainable for the sale of assets.
- To record all disposals of assets.
- To ensure that income received for the disposal of an asset is properly banked and coded.
- To consult with the Chief Finance Officer to ensure all financial implications, including accounting for Value Added Tax, are fully considered.
- To inform the Chief Finance Officer of all building disposals so that the insurance portfolio

reflects the correct properties to be insured by the Council.

Financial Limits

The following limits apply to the purchase and disposal of assets.

Declaration that Asset is surplus to requirements[9]		
Amount	**Who**	**Decision Type**
All property assets	Executive Cabinet	Key Decision

Sale or Disposal of Land or Buildings where best consideration is not achieved and the potential loss to the Council is advised by a RICS Surveyor to be likely to be as follows:		
Amount	**Who**	**Decision Type**
More than £30,000	Executive Cabinet	Key Decision
Less than £30,000	Executive Member with responsibility for Finance	Executive Decision
Disposal of Reversionary Title		
In compliance with Reversionary Title Policy	Director of Place	Executive Decision (officer)

Any ad hoc investment or disposal opportunities are likely to be a key decision and therefore will need to be reported within these guidelines. All purchases of land or the taking on of a lease liability on behalf of the Council will require the approval of the Cabinet.

All disposal of non-land and building assets greater than £10k must be accompanied by a decision notice, this includes purchases or disposals made in aggregate, for example, the disposal of 100 laptops that in aggregate are valued at more than £10k.

[9] Disposal of Council owned Land and property Cabinet 30.09.2020 https://tameside.moderngov.co.uk/documents/s88476/ITEM%2010%20-%20Disposals%20Policy%20FINAL.pdf

27. FINANCIAL SYSTEMS

What are Financial Systems?
Financial systems are the key systems of the Council which perform the following actions:

- recording, in an organised way, the Council's financial transactions (General Ledger – Agresso)
- facilitating payments to people or organisations that the Council owes money to, and a record of what has been paid (Creditors and e-Procurement)
- recording invoices sent to people or organisations who owe the Council money, and recording payments received (Debtors)
- other payment systems (e.g. Payroll (iTrent) and Council Tax/Business Rates (Capita))
- other receipting systems
- other information systems which involve finance, e.g.
  - job costing systems; and
  - asset register/database; and
  - certain financial management improvement systems.

Why are Financial Systems important?
Robust and effective financial information systems are essential to the overall aim of quality financial management. Quality financial information will only be available where input is created from a trusted source, with good controls over the inputting and processing of information, and the output generated.

This can only be achieved if there are effective methods in place to document and control such tasks. In particular, internal controls need to be built into the system and manual processes which support the electronic systems need to be well managed and controlled.

Key Controls

- Basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated.
- Performance is communicated to the appropriate managers on an accurate, complete and timely basis.
- Early warning is provided of deviations from target, plans and budgets that require management attention.
- Operational systems are secure.
- Developments and upgrades to systems are managed and controlled. Any computer system that is used to maintain, produce or access financial information or accounting systems shall require the written approval of the Chief Finance Officer before being implemented.
- Systems are compliant with Data Protection Legislation

Responsibilities of Chief Finance Officer

- To make arrangements for the proper administration of the Council's financial affairs including to:
  - issue advice, guidance and procedures for officers and others acting on the Council's behalf;
  - determine the accounting systems, form of accounts and supporting financial records;
  - establish arrangements for audit of the financial affairs of the Council;
  - approve any new financial systems to be introduced;
  - approve any changes to be made to existing financial systems;
  - arrange training and produce procedural guidance for users of the Council's Financial and E- procurement Systems;
  - develop, maintain and arrange distribution of management reports form the main Accounting systems;
  - ensure integrity of the Agresso and E-procurement databases;
  - liaise with and assist users in all aspects of database maintenance;
  - develop a chart of account which is fit for purpose;
  - arrange for both the Finance and E-procurement systems to be upgraded to ensure the applications are kept up to date;

- ensure documents are retained in accordance with the Council's document retention policy;
- liaise with the Council's IT service/ software provider, as appropriate, to ensure any problems/ issues are dealt with in a speedy manner;
- ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained for the Council's financial and E-procurement systems.

- To be responsible for the development, maintenance and security of the Council's main Financial and E-procurement Systems.
- To ensure Due Diligence checks are undertaken on all proposed changes to existing systems or where a new system is being introduced, before approval is given for the system to be implemented.
- To provide advice and guidance in relation to Data Protection Legislation

Responsibilities of Directors

- To ensure that accounting records are properly maintained and held securely;
- To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Finance Officer.
- To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- To incorporate appropriate controls to ensure that, where relevant:
  - all input is genuine, complete, accurate, timely and not previously input;
  - all processing is carried out in an accurate, complete and timely manner;
  - output from the system is complete, accurate and timely.
- To ensure that an appropriate segregation of duties is in place to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- To ensure that systems are documented and all officers are trained to use the system.
- To consult with the Chief Finance Officer in a timely manner at the outset of any development project (before changing any existing system or introducing new financial systems), so that appropriate due diligence checks can be undertaken before any changes are implemented.
- To undertake Data Protection Impact Assessments (DPIA) where personal data is involved as the General Data Protection Regulations (GDPR) make DPIAs mandatory for certain classes of personal data. Privacy by design is advocated.
- To establish a scheme of delegation identifying officers authorised to act upon the Director's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their Council.
- To supply lists of authorised officers, with specimen signatures and delegated limits to the Chief Finance Officer, together with any subsequent variations.
- To ensure that effective contingency arrangements, including back up procedures, exist for computer systems. Wherever possible, back up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that officers are aware of their responsibilities under the legislation.
- To ensure that relevant standards and guidelines for computer systems issued by the Director are observed.
- To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
  - only software legally acquired and installed by the Council is used on its computers;
  - officers are aware of legislative provisions;
  - in developing systems, due regard is given to the issue of intellectual property rights.

28. INCOME COLLECTION AND MANAGEMENT

What is Income Collection and Management?
Some Services have the facility to charge for the services provided as part of their day to day operations. All charges must ensure compliance with the relevant statutes governing local Council activities. Charges may be levied in advance when a service is booked, at the point of sale or by the raising of a debtors invoice after the service has been delivered. Examples of these include:

Charges at point of sale:
- entrance fees;
- school meals;
- car parking; and
- professional fees e.g. Local Search Fees and Planning Permission Fees.

Debtor Invoices
- -sundry debtors.

The Council also collects income arising from local taxation, namely Council Tax and Business Rates, and income from fixed penalty notices, for example, parking fines.

Why is Income Collection and Management important?
The collection of income is a significant part of the Council's business and is a vulnerable asset. Effective revenue collection systems are necessary to ensure that all revenue due is identified, collected, receipted and banked securely and effectively. It is preferable to obtain revenue in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering debts.

In order to ensure that cash flow is maximised and costs are minimised, it is essential that income is collected in as complete and timely manner as is possible. This would normally be at the point of sale or service.

Key Controls
- All debtor invoices must be raised via the corporate debtors system, or other collection system authorised by the Chief Finance Officer. Invoices raised need to be appropriate and legitimate and are calculated correctly.
- All income due to the Council is legitimate, recorded and charged correctly, in accordance with an approved charging policy, which is regularly reviewed.
- Value Added Tax (VAT) at the appropriate rate must be levied and collected in line with VAT guidance.
- All income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery. Appropriate supporting documentation is retained in the event of debt recovery procedures being invoked.
- All money received by an employee on behalf of the Council is banked, or handed to the Council's appointed cash collection contractor in a timely manner and is properly recorded in the Council's financial system.
- There is adequate separation in duties in identifying amounts due and the responsibility for collection, as far as is practicable.
- Effective action is taken to pursue non-payment within defined timescales.
- Formal approval in accordance with the scheme of delegation, for debt write-off is obtained.
- Appropriate accounting adjustments are made following write-off action.
- All appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule.
- Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of Chief Finance Officer
- To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection and accounting for VAT.

- To approve the design of controlled stationery and arrangements for its control and security.
- To agree the write-off of bad debts in accordance with the Scheme of Delegation. To develop and maintain a Corporate Debt Management Policy.
- To develop and maintain up to date procedural guidance for the collection of income due to the Council.
- To ensure that appropriate accounting adjustments are made following write off action.
- To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- To seek approval from Executive Cabinet on an annual basis for discretionary fees which will apply to transactions in the following financial year.
- To provide guidance on the retention and storage of income related documents.

Responsibilities of Monitoring Officer

- To provide guidance to ensure compliance with the relevant statutes governing local Council activities.

Responsibilities of Directors

- To establish a charging policy for the supply of goods or services for approval by Executive C, including the appropriate charging of VAT, and to review it annually, in line with corporate policies.
- To determine where charges can be made in advance or at point of sale without the need to offer credit facilities.
- To determine where charges can be made in advance and where there is a need to raise a debtor's invoice.
- To establish adequate procedures and controls to ensure that all staff entrusted with Council money are properly accountable.
- To comply with cash and card handling procedures issued by Financial Management
- To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable and ensure staff are clear of their roles and responsibilities.
- To issue official receipts or to maintain other documentation for income collection. Officers must issue machine printed or official receipt forms or tickets when receiving all monies due to the Council. All official receipt forms (miscellaneous receipt books) shall be pre-printed, and Officers must sign all such receipts when issued.
- To ensure that at least two employees are present when post is opened so that money is received by post is properly identified and recorded under arrangements agreed with the Chief Finance Officer.
- To hold securely receipts, tickets and other records of income for the appropriate period.
- To order and issue all controlled stationery (receipt forms, books or tickets and similar items). The design of controlled stationery and arrangements for its control and security should be approved by the Chief Finance Officer.
- To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- To ensure that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received. Paying in slips shall contain a reference to the related debt (such as the receipt number or name of debtor) or otherwise indicate the origin of payment. On the back of each cheque shall be entered the name of the Service or establishment receiving the payment and the receipt number.
- To reconcile monies collected to evidence of bankings in accordance with procedures determined by the Chief Finance Officer.
- To keep a record of all unders and overs so that any necessary adjustments can be made by arrangement with the Chief Finance Officer.
- To ensure income is not used to cash personal cheques or other payments.
- To supply the Assistant Director, Exchequer, with details relating to work done, goods supplied, services rendered or other amounts due, to enable a sundry debtor invoice to be raised in a form approved by the Chief Finance Officer.
- To ensure that sundry debtor invoices are raised promptly and within seven calendar days of supply and the debt is supported by sufficient documentary evidence.

- To ensure that VAT is appropriately applied and the correct VAT category is used.
- Directors have a responsibility to assist the Director of Governance and Pensions in collecting debts that they have originated, by providing any further information that may be requested by the debtor or by Legal Services in the event of Court action.
- If a debt remains unpaid the Council will cease to provide services to that debtor except in circumstances agreed by a Director and the Chief Finance Officer.
- To ensure that cash held on premises does not exceed approved safe/ security limits and adequate insurance coverage has been obtained.
- To keep a record of every transfer of money between employees of the Council. The receiving officer must sign for the transfer and the transferor must retain a copy.

- To recommend to the Assistant Director, Exchequer, all debts to be written off and to keep a record of all sums written off up to the approved limits. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note can only be issued in relation to a debt in order to correct a factual inaccuracy or administration error in the calculation and/ or billing of the original debt.
  - To notify the Chief Finance Officer of outstanding revenue relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Finance Officer.

29. ORDERING AND PAYMENT OF WORKS, GOODS AND SERVICES

What is Ordering and Payment for Goods and Services?
Every day officers within the Council will order and/or authorise payments for goods and services. An order is a formal instruction requesting goods and services for which a payment will be given. An order should be electronic, represent a commitment on behalf of the Council, and form a contract with suppliers.

The Council has Procurement Standing Orders in place which aim to achieve value for money in the purchase of goods and services. These rules set the framework to ensure that procurement delivers value for money across all services and directly contributes to the achievement of our corporate priorities.

Why is ordering and payment important?
Public money should be spent with demonstrable probity and in accordance with the Council's policies. Councils have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Procurement Standing Orders.

Key Controls
- All goods and services are ordered only by appropriate persons and are correctly recorded.
- Goods and services received are checked to ensure they are in accordance with the order.
- Goods should not be received by the persons who placed the order.
- Payments are not made unless goods received have been received by the Council to the correct prices, quantity and quality standards unless in exceptional circumstances as agreed by the Chief Finance Officer.
- All payments are made to the correct supplier, for the correct amount and are properly recorded, regardless of payment method.
- Normal method for all payments is via BACs.
- All appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention guidelines.
- All expenditure, including VAT is accurately recorded against the right budget and any exceptions are corrected. If VAT is being re-claimed there is a need to ensure that it is appropriate to do so and a VAT invoice is provided.
- All invoices with Construction Industry Tax liability are accurately processed in accordance with the scheme.
- All invoices are addressed to Tameside MBC.
- In addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of Chief Finance Officer
- To ensure that the Council's main financial systems and procedures are sound and properly administered.
- To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- To make payments from the Council's funds on the authorisation of officers in line with the Scheme of Delegation that the expenditure has been duly incurred in accordance with financial regulations.
- To ensure the security, safe keeping and maintenance of blank cheques.
- To ensure that payments are authorised in accordance with the bank mandate.
- To ensure payments are processed for the correct amount.
- To make payments, whether or not provision exists within the estimate, where the payment is specifically required by statute or is made under a court order.
- To make payments to contractors based on the certification of the appropriate Director or nominated representative which must include details of the value of work, retention money,

amount previously certified and amounts now certified.

- To provide advice and encouragement on making payments by the most economical means.

Responsibilities of Directors

- The form of official orders and associated terms and conditions are approved by the Director of Governance and Pensions
- To ensure that officers use e-procurement for the raising of purchase orders and details of goods/services receipted are recorded in the system unless there are exceptional circumstances as approved by the Chief Finance Officer.
- To ensure that goods and services are purchased in accordance with the Council's Contract Procedure Rules.
- To ensure orders for goods and services are correctly addressed.
- To ensure individuals do not use official orders to obtain goods or services for their private use.
- Each order sent to a supplier must include the contract price or quotation obtained as well as the contract/ quotation reference.
- All invoices are in the name of Tameside MBC and contain accurate information in line with the order.
- To ensure the adequate controls are in place to ensure that undisputed payments are:
  - promptly processed;
  - made for the correct amount;
  - correctly coded
  - paid within the relevant time period i.e. complies with regulation and any internal target.
- To ensure that a proper scheme of delegation has been established within their area and is in effective operation. The Scheme of Delegation should identify officers authorised to act on the Directors behalf, or on behalf of the Cabinet, in respect of payments and placing orders, and be clear of their approval limits. A copy should be provided to the Chief Finance Officer.

30. CREDIT CARDS

What are Credit Cards?
Credit cards allow goods and services to be procured where normal procurement and purchasing routes are not practical or reasonable. Credit cards are issued directly to employees of the Council subject to approval by service Directors and Financial Management.

Why are Credit Cards important?
Credit cards provide the Council with another method of payment for goods and services and reduce the need for cash within the Council. credit cards also provide the Council with greater visibility of ad-hoc transactions.

Key Controls
- All Credit card transactions must be logged on the Council's financial systems.
- Cards must be held securely.
- Credit Cards must not be used for personal transactions.
- Credit Cards must only be used by the individual who it is assigned to.
- Credit Cards will only be issued to individuals who have received appropriate training.
- Individual transaction and monthly limits must be agreed by the Chief Finance Officer.

Responsibilities of Chief Finance Officer
- To provide guidance to all officers on the use of Credit Cards within the Council.
- To ensure that appropriate accounting guidelines are in place for transactions where the Credit card is used, including the accounting for VAT.
- To approve Credit cards to be issued to individual officers and approve individual and monthly transaction limits.
- To arrange cancellation of the Credit Cards when an officer leaves the Council.
- To provide guidance on receipt retention.
- To set the individual and monthly transaction limits.

Responsibilities of Directors
- To comply with the rules and guidance provided by the Chief Finance Officer.
- To ensure that officers who are allocated Credit Cards and their Managers are aware of their responsibilities regarding this.
- To ensure that the card is returned to the Financial Management Team, in person, in the event the cardholder leaves the Council.
- To ensure that VAT receipts are retained for the appropriate period.

31. PAYMENTS TO EMPLOYEES, MEMBERS AND PENSIONERS

What are Payments to Employees, Members and Pensioners?
As part of main Council business, the Council has to pay officers their salaries. in addition, payments can be made for other expenses which they have occurred in carrying out their duties.

Salaries and wages are paid in accordance with employment contracts entered into by the Council. Salaries are paid on the same date of each month, partly in advance and partly in arrears. All payments are made by BACS.

Payment of contractors affected by HMRC IR35 regulations are paid through the payroll system.

Members' allowances are paid monthly through the payroll system.

Pensions and pension benefits from the Greater Manchester Pension Fund are paid on agreed dates throughout the month, some in advance and others in arrears.

Why are Payments to Employees, Members and Pensioners important?
Officer costs are a significant item of expenditure for most Council services. Pension benefits represent the largest cost of the GM Pension Fund. It is important therefore that payments are made accurately, timely, made only when they are due and that payments accord with individuals' conditions of services.

It is also important that all payments are made accurately, recorded and accounted for and that Members allowances are authorised in accordance with the scheme adopted.

Key Controls
Key controls are:

a) Proper authorisation procedures are in place and that there is adherence to corporate timetables and procedures in relation to the prompt notification of all changes including:
   - Starters;
   - Leavers;
   - Variations; and
   - Enhancements.

b) All payments are made in accordance with the terms and conditions of employment, and approved timesheets and claims where appropriate;

c) Frequent reconciliation of payroll expenditure against approved budget and bank account;

d) All appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule; and

e) HMRC regulations are complied with.

Responsibilities of Chief Finance Officer
- To agree the procedures and control environment for the secure and reliable payment of salaries, wages, pensions, compensation or other emoluments.

Responsibilities of Director of Governance and Pensions
- To arrange and control secure and reliable payment of salaries, wages, pensions, compensation or other emoluments to existing and former officers, and to determine and approve the associated procedures.
- To record and make arrangements for the accurate and timely payment of tax, pension and other deductions complying with statutory requirements.
- To make arrangements for payment of all travel and subsistence claims or financial loss allowance in accordance with the Council's Travel and Subsistence Procedures.
- To make arrangements for paying Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- To provide advice to secure payment of salaries and wages by the most economical means.
- To ensure that there are adequate arrangements for administering Pension matters on a day-

to-day basis.

Responsibilities of Directors

- To ensure appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.
- To notify the HR Service of all matters affecting payments as soon as possible and in the required manner. In particular:
  - appointments, resignations, dismissals, suspensions, secondments and transfers;
  - absences for sickness or other reason, apart from approved leave;
  - changes in pay rates, other than pay awards and agreements of general application; and
  - information necessary to maintain records of service for pensions, income tax and national insurance.
- To ensure that adequate and effective systems and procedures are operated so that:
  - payments are authorised to bona fide officers only;
  - payments are only made where there is a valid entitlement;
  - conditions and contracts of employments are correctly applied; and
  - officer's names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- To ensure all officers' expenses are paid via payroll.
- To certify travel and subsistence claims and other allowances in accordance with the Council's Travel and Subsistence Procedures. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Chief Finance Officer is informed where appropriate.
- Officers' claims submitted more than three months after the expenses were incurred will be assessed and determined, for payment or otherwise, by the Director of Governance and Pensions. The Chief Finance Officer will provide guidance on which the assessments and determination can be made.
- To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention guidelines and schedule.

32. TAXATION

What is Taxation?
In addition to taxes that the Council levies, Council Tax and National Non-Domestic Rates (Business Rates), there are five types of taxation which the Council will be aware of and take account of when it carries out its business. These are:

- Value Added Tax (VAT);
- Income Tax and National Insurance;
- Construction Industry Scheme (CIS) Tax;
- Insurance Premium Tax; and
- Stamp Duty Land Tax (SDLT).

Each has its own rules and relates to different areas of the Council's business.

Why is Taxation important?
Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all Officers to be aware of their role.

Detailed consideration of future spending is required to ensure that the Council can continue to recover all the VAT it incurs, both on new schemes and on its existing expenditure. It is therefore important for all officers to be aware of their role in ensuring the Council's compliance with and adherence to HMRC's VAT Regulations and the requirements of the Council's VAT guidance.

It is important that the Council does not waste resources through under recovery of VAT, failing to identify taxable transactions and account for VAT due at the correct time, unnecessarily incurring non-UK VAT that is generally unrecoverable, or by making poor decisions due to inadequate information.

Key Controls

- Budget Managers are provided with the relevant information and kept up to date on tax issues.
- Budget managers are instructed on required record keeping.
- All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.
- Records are maintained in accordance with instructions.
- Returns are made to the appropriate Authorities within the stipulated timescale.

Responsibilities of Chief Finance Officer

- To ensure that there are proper arrangements in place for the administration and accounting of the four areas of taxation.
- To ensure that all arrangements comply with the Council's statutory responsibilities.
- To complete a monthly return of VAT input and outputs to HMRC.
- To maintain up-to-date guidance for officers on taxation issues in the taxation manual on the Intranet with updates on significant changes.
- Complete a forecast of the Council's annual partial exemption calculation prior to the start of the financial year and ensure that the 5% threshold is not exceeded.
- Provide VAT advice, both strategically and operationally.

Responsibility of Director of Governance and Pensions

- To complete all HMRC returns regarding PAYE and National Insurance on a timely basis.
- To provide details to HMRC regarding the CIS Tax deduction scheme.

Responsibilities of Directors

- To ensure that the correct VAT liability is attached to all income due.
- To ensure that all VAT recoverable on purchases complies with HMRC regulations.
- To ensure that all capital work and revenue development is notified to the Council's VAT

Officer at the earliest opportunity where any of the following apply:

- significant VAT is incurred;
- any VAT-exempt income is generated; or
- there are non-cash benefits, e.g. land swap or provision of services at below market price.

- To fund any interest charges or penalties falling upon the Council from HMRC that result from their Directorate's failure to account for the correct VAT at the correct time.
- To retain all VAT-related documents in accordance with the Council's document retention guidance and schedule.
- To ensure that, as far is possible, tax is accounted for in the correct tax accounting period.
- To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- To ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are assessed under HMRC IR35 regulations as self-employed or are employed by a recognised agency .
- To ensure officers are aware of and follow the guidance on taxation issued by the Chief Finance Officer or Director of Governance and Pensions in the Council's Tax manual.

33. PETTY CASH

What is Petty Cash?
Petty cash accounts are small amounts of cash maintained on site to make small purchases where the formal ordering process is not appropriate for the purchase being made. Use of petty cash is facilitated by reimbursement of personal monies spent for business use, on production of proof of the expenditure and should only be used in exceptional circumstances.

Why is Petty Cash important?
The e-procurement system is the corporate ordering system adopted by the Council through which all purchases should be made, alongside purchase cards where these are in use. However, occasionally the Finance Service, on the request of Service Managers, may consider it appropriate to create small Petty Cash accounts for the purpose of settling small value transactions. Often, small value supplies are required urgently and it makes business sense if the officer requiring the goods simply buys them him or herself, without having to go through the formal ordering and receipt process.

The majority of Petty Cash transactions are indeed for low-value items where it is not possible (rather than convenient) to go through the e-procurement system, iTrent (the Council's HR and Payroll System for reimbursement of car mileage and expenses), or via a Purchase or Prepaid Card.

Internal Audit provides an independent check that individual petty cash accounts are properly managed and reconciled.

Key Controls
The key controls which must be adhered to are as follows:
- The maximum limit for one transaction is £30. Only minor items may be purchased.
- Petty cash must not be used to avoid alternative methods of payment.
- Goods that are subject to a corporate contract must not be purchased through Petty Cash.
- Employee expenses must not be claimed via petty cash. These should be claimed via the iTrent system.
- No income should be paid into a petty cash float;
- All petty cash floats should be securely held and in line with the insurance arrangements of the Council.
- All payments must be supported by a receipt and a claim form which must be signed by a manager.
- VAT must be accurately recorded and a VAT receipt kept to support the claim.
- All petty cash floats should be reconciled to the accounting records on a regular basis.
- Records of all petty cash floats are held and verified by the Financial Management Service.
- Petty cash should not, under any circumstances, be used to pay suppliers or contractors cash in hand.

Responsibilities of Chief Finance Officer
- To provide each Service of the Council with appropriate cash imprests or (exceptionally) bank imprest accounts to meet minor expenditure on behalf of the Council and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.
- To determine the petty cash limit for individual minor items.
- To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of Directors
- To obtain and retain vouchers to support each payment from the imprest account. Where appropriate an official receipted VAT invoice must be obtained.
- To ensure no payment is above £30.
- To make adequate arrangements for the safe custody of the cash.

- To designate an officer who is personally responsible for the administration and security of the petty cash imprest account.
- To produce upon request from the Chief Finance Officer cash and all vouchers to the total value of the imprest amount.
- To accurately account for VAT on all petty cash transactions.
- To record all petty cash transactions promptly.
- To reconcile and balance the account at least monthly. Reconciliations sheets to be signed and retained by the imprest holder.
- To provide the Chief Finance Officer with a certificate of the value of the account held at 31 March each year.
- To ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made.
- To ensure on leaving the Council's employment or otherwise ceasing to be entitled to hold an imprest advance, an officer shall account to the Director for the amount advanced to him or her.
- To maintain a list of all officers who are responsible for authorising petty cash claims.
- To ensure all claims are consecutively numbered. A simple system should be established to record paid vouchers. Details of the expenditure, cost code, employee signature together with the net, VAT and gross amounts should be recorded separately.

34. FUNDS HELD ON BEHALF OF THIRD PARTIES

What are Funds Held on Behalf of Third Parties?
Funds held on behalf of third parties comprise any financial assets held or managed by Council Officers on behalf of others which are not for the direct benefit of the Council. Such funds may comprise funds held in trust for the benefit of another person, monies held and managed on behalf of clients who are not necessarily able to manage such funds for themselves (often under appointeeship arrangements) or any other funds which may be held voluntarily on behalf of others by Council staff.

Why are Funds held on behalf of third parties important?
It is essential that good management and control is exercised over funds held on behalf of third parties because the Council has assumed financial responsibility for the funds and therefore any issues that may arise may impact upon the Council's reputation.

Key Controls
- All funds held on behalf of third parties should be managed and controlled using the same standards of financial probity that are applied to any financial asset of the Council.
- All such funds should be separately identifiable and reportable on from other Council funds.
- All expenditure should have some form of independent approval.
- Any income should be promptly recorded and banked.
- Cash and bank balances should be regularly reconciled and independently verified.
- Any trust funds should be held in the name of the Council wherever possible and managed in accordance with relevant legislation and trust fund conditions.
- All financial assets, documents and records should be held securely.

Responsibilities of Chief Finance Officer
- To make officers aware of the expectations placed upon them for managing funds held on behalf of third parties, specifically in terms of financial controls.
- To ensure there is appropriate guidance in place to support the management and control of appointeeship arrangements in conjunction with any relevant legislation or regulations.
- Be informed of any funds left in trust to the Council or to be administered by its officers.
- Ensure any trust funds are managed in line with any relevant legislation, regulations, guidance or trust conditions and annual audited accounts and annual returns are prepared where appropriate.

Responsibilities of Directors
- To notify the Chief Finance Officer of any trust funds within their Services.
- Ensure they are aware of all funds being held and managed on behalf of third parties.
- To administer all such funds in accordance with guidance issued by the Chief Finance Officer and ensure appropriate financial controls are maintained.

CPRs including local rules listed under Schedule One

Contents

1. Introduction 3

2. Interpretations and Definitions 4

3. Basic Principles and Responsibilities 4

4. Contracts to which these Rules do not apply 5

5. Preparation Steps 6

5.1 **Governance Requirements: Approval Process** 6

5.2 **Appraisal of the Procurement Options** 6

5.3 **Framework Agreements and DPS** 7

5.4 **Market Research, Engagement and Consultation** 7

5.5 **Estimating the Total Value of a Contract** 7

5.6 **Standards and Award Criteria** 10

6. Quotes 10

6.1 **Requests for Quotes** 10

6.2 **Submission and Receipt of Quotes** 10

6.3 **Amendments to Quotes** 11

6.4 **Evaluation of Quotes** 11

6.5 **Contract Award – through a Quotation Process** 11

7. Tenders 12

7.1 **Invitations to Tender** 12

7.3 **Submission and Receipt of Tenders** 13

7.4 **Verifying and Opening Tenders** 13

7.5 **Amendments to Tenders** 13

7.6 **Evaluation of Tenders** 13

7.7 **Contract Award – through a Tender process** 13

7.8 **Enquiries about the Tender process** 14

8. Contract Provisions and Contract Formalities 14

8.1 **Contract Provisions** 14

8.2 **Contract Formalities** 15

8.3 **Contracts under Seal** 15

8.4 **Transfer of Contracts** 16

9. Exemptions and Modifications 16

9.1 **Exemptions** 16

9.2 **Procedure for Exemptions** 17

9.3 **Modifications to a Contract or Framework Agreement** 17

9.4 **Procedure for Modifications** 19

10. Declarations of Interest and Anti-Bribery and Corruption 19

11. Contract Management 20

12. Retaining Relevant Documents 20

SCHEDULE 1 22

1. Introduction

1.1 These Contract Procedure Rules ("Rules") are standing orders made pursuant to Section 135 of the Local Government Act 1972. Compliance with the Rules and observance of all relevant legislation from which they emanate in particular, but not limited to: the Public Procurement (Amendments, Repeals and Revocations) Regulations 2016; the Public Contracts Regulations 2015; Concession Contracts Regulations 2016; Equality Act 2010; Public Services (Social Value) Act 2012; the Local Government (Transparency Requirements) (England) Regulations 2015 (As amended from time to time); and the associated principles relating to non-discrimination, equal treatment and transparency, is mandatory for all Officers and Members.

1.2 Stockport Metropolitan Borough Council, Tameside Metropolitan Borough Council, Trafford Borough Council and Rochdale Metropolitan Borough Council (individually referred to as the "Council" and collectively referred to as the "STAR Authorities") have agreed, through an Inter Authority Agreement ("IAA") to facilitate the joint delivery of Procurement Functions with a view to the attainment of a more economical, efficient and effective discharge of its Procurement Functions via a shared procurement service to be identified as "STAR". Other authorities may, from time to time, join the IAA.

1.3 Each of the STAR Authorities have agreed to establish and participate in a joint committee (the "Joint Committee") and have agreed to delegate their Executive and to the extent that the activities of the Joint Committee are not executive functions the STAR Authorities delegates to the joint committee the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the Procurement Functions delegated to it.

1.4 The Rules ensure that Procurement Functions are undertaken in a legally compliant, transparent, fair and competitive manner. These Rules shall apply to all procurement activity where the Council is to procure any Supplies, Services or the execution of Works, or enters into a Concessions Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).

1.5 These Rules allow for Joint Procurement activity to be undertaken by STAR Procurement on behalf of some or all of the STAR Authorities and any other Contracting Authorities (together the Participating Authorities) who may, from time to time opt to participate in the Joint Procurement. The Participating Authorities will select one of their number to act as lead in the process (Lead Authority). The Lead Authority will draft a Memorandum of Understanding (MOU) to be agreed and signed by the Participating Authorities. The MOU will set out the commitment of resources, and other considerations that each will dedicate to the Joint Procurement activity. The Participating Authorities and Officers must follow their own governance procedures and these Contract Procedure Rules as appropriate.

1.6 The Joint Committee shall monitor compliance with the Rules and undertake an annual review of the Rules. The Joint Committee may present recommendations for amendments to the Rules to the Council from time to time and any such amendments shall be subject to the Council's own ratification procedures.

1.7 Officers and elected Members involved in procurement activity must comply with these Rules, the Council's Financial Procedure Rules/Regulations and the Council's Employees Code of Conduct/Members Code of Conduct. Officers must ensure that any agents, consultants and contractual partners acting on their behalf, also comply with these Rules. They must also have due regard to any guidance provided by STAR, STAR Legal and their own legal teams. Any failure to comply with any of the provisions of these Rules must be

reported immediately to the SRO for Legal. Failure by any Officer or Member to comply with the provisions of these Rules may lead to disciplinary action being taken against them.

1.8 These Rules must be read in conjunction with the Council's Constitution and in particular the Financial Procedure Rules, the Procurement Handbook, any relevant guidance documents endorsed by the Council and the Council's local Rules as contained in Schedule 1.

1.9 A number of local Rules can be found in the attached Schedule 1 and which form part of these Rules.

2. Interpretations and Definitions

2.1 In the event of any conflict between English law and these Rules and Council Policy, the requirements of English law shall prevail over these Rules and Council Policy.

2.2 Any reference to legislation, primary or secondary, shall include any amendments/replacements made from time to time.

2.3 All figures specified in these Rules are exclusive of VAT.

2.4 In the event of any doubt as to the interpretation of these Rules, or as to proper procedure to be followed, advice should be sought from STAR in the first instance.

2.5 In these Rules the words and phrases below have the meanings detailed at Schedule 2

3. Basic Principles and Responsibilities

3.1 Value for money is fundamental to the procurement activity carried out by the Council. This should be achieved through competition, unless there are compelling reasons to the contrary.

3.2 In addition to these Rules, above set financial Regulation Thresholds, procurement undertaken by the Council is subject to a legal framework which encourages free and open competition and value for money, to ensure that the public procurement market is open and competitive and that suppliers are treated equally and fairly. The legislative rules cover aspects such as advertising of contracts, procedures for assessing company credentials, awarding the contracts and remedies (penalties) when these rules are breached.

3.3 When procurement activity is not subject to the Public Contracts Regulations because the estimated value of a contract falls below the relevant financial Regulations Threshold, Officers and elected Members must adhere to these Rules.

3.4 In all procurement activity, Officers and elected Members must comply with the following overriding principles of procurement:

a. non-discrimination;
b. openness/transparency;
c. equal treatment for all;
d. mutual recognition; and
e. proportionality

Advice and guidance around the application of these principles in respect of procurement activity can either be accessed via the Procurement Handbook or from STAR Procurement or legal officers.

3.5 All procurement activity must be compliant with all relevant legislation, the Council's Constitution, the Procurement Handbook and the local policies in Schedule 1, and as a minimum have regard to:

a. **The need to achieve accountability** through sound governance mechanisms, with informed decisions which facilitates procurement activity which demonstrates the highest standards of integrity, transparency and fairness and enables the Council to discharge its responsibility in respect of expenditure of public money;
b. **The need to provide consistent procurement policy to suppliers and achieve competitive supply**;
c. **The need to meet commercial, regulatory and corporate priorities of the Council**;
d. **The need to procure responsibly** by considering how what is to be procured may improve social, environmental and economic well-being of the Council's relevant area;
e. **The need to ensure Value for Money, Best Value** and achieve efficiencies by administering procurement processes which are cost effective
f. **The need to ensure fair-dealing** by ensuring that suppliers are treated fairly and without unfair discrimination, including protection of commercial confidentiality where compatible with the Council's obligations under FOIA and EIR;
g. **The need to ensure legislative compliance** in procurement processes and award of contracts;
h. **The need to promote responsiveness** by endeavouring to meet the aspirations, expectations and needs of the community served by the procurement processes;
i. **The need to provide transparency** by ensuring that there is openness and clarity on the Council's procurement policy and its delivery and a clear audit trail in relation to procurement activity.
j. **The need to Social Value** by considering and evaluating Social Value as part of the procurement process including the use of the Social Value Portal for all over £50,000 contracts.

3.6 The Procurement Handbook contains further detailed practical guidance and information on the above requirements and process steps which Officers and elected Members must refer to when undertaking procurement activities.

4. Contracts to which these Rules do not apply

4.1 Where there is any doubt regarding the application of these Rules, Officers and elected Members must seek guidance from STAR, STAR Legal or their own legal team.

4.2 These Rules **do not** apply to the following:

a. employment contracts for Officers engaged on a PAYE basis;

b. Contracts relating solely to the disposal or acquisition of securities;

c. Contracts for the acquisition of an interest in land and property;

d. Contracts for the appointment of Counsel or the appointment of experts for the purpose of legal, or potential legal proceedings by the SRO for Legal Services;

e. Grant funding agreements;

f. Certain Qualifying Contracts between entities within the public sector; and

g. Any contracts specifically excluded by relevant legislation

5. Preparation Steps

Officers and elected Members must refer to the Procurement Handbook before undertaking any activity in connection with procurement.

5.1 Governance Requirements: Approval Process

5.1.1 The ASO must ensure that they are aware of what decisions must be made at each stage of the procurement process:

- The approval process is fundamental to determine the timescales within which a procurement exercise can be completed. Approval requirements involving decisions which must be taken by the Council's cabinet or Council is likely to extend the overall procurement timescales;
- The ASO must refer to the Council's Constitution, Scheme of Delegation and/or seek confirmation from its legal team in order to determine the correct and appropriate approval process before any procurement activity is initiated.

5.1.2 The ASO must submit a PID to STAR prior to undertaking any procurement activity. By submitting the PID the ASO confirms that they have the authority to initiate the procurement activity. The PID must also determine where there are further approval steps which must be taken throughout the procurement process:

- The ASO will be required to provide evidence of any decisions made and/or approvals obtained in respect of the relevant procurement activity.

5.2 Appraisal of the Procurement Options

5.2.1 Once the PID has been received, the ASO, together with the APO, must conduct an options appraisal of the procurement options and will determine, as a minimum:

- Contract value;
- the most viable route to market;
- procurement process requirements and associated documentation;
- market research, engagement and consultation requirements;
- associated implications;
- key actions;
- procurement timescales against approval requirements;
- Specification or Quotation Specification as appropriate;
- Social Value and the economic, social and environmental wellbeing of the borough and the benefit which the procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value.

Further information on the above can be found in the Procurement Handbook.

5.2.2 The ASO and APO must determine if procurement activity will result in either the employees of the Council or its Contractor transferring to a new employer and they must consult STAR Legal and/or their own legal teams to ensure compliance with TUPE, and other related legislation, and to assess the implications in respect of pension arrangements.

5.2.3 The ASO and APO will seek advice and guidance from STAR Legal and/or from colleagues on a wider basis where necessary or desirable.

5.2.4 The ASO will liaise with STAR to develop either a Specification or a quotation request commensurate to the scope of the Supplies, Services, execution of Works, or Concessions Contract.

5.3 **Framework Agreements and DPS**

5.3.1 For the avoidance of doubt, a Framework Agreement or DPS is generally considered suitable where it has either been entered into by:

a. the Council in compliance with these Rules; or

b. another local authority, a local authority purchasing consortium or central government where the Framework Agreement or DPS has been tendered and awarded in accordance with procurement legislation, and the Council is identified as a contracting authority.

5.3.2 Where, following an options appraisal as required by Rule 5.2, a suitable Framework Agreement or DPS is identified, the requirements of Rule 5.5.4, Rule 6 (Quotes) and Rule 7 (Tenders) will not be applicable and the ASO and APO must ensure that:

a. An order is placed or a contract is awarded in accordance with the terms and conditions set out in the relevant Framework Agreement or DPS; and

b. Where applicable, a mini-competition (the tender process required by the Framework Agreement) is held in accordance with rules of the Framework Agreement or DPS; and

c. The correct contractual documentation is entered into in accordance with approval requirements.

5.3.3 Framework Agreements must not be for more than four years (including options to extend) unless otherwise authorised by the SRO for Legal.

5.4 **Market Research, Engagement and Consultation**

5.4.1 The ASO and APO will determine market research, engagement and consultation requirements and where relevant the APO will determine where an ASO may consult potential Bidders or Tenderers in general terms prior to a request for a Quote or an Invitation to Tender provided this does not prejudice any potential Bidders or Tenderers.

5.4.2 The ASO and APO must not seek or accept technical advice on the preparation of a quotation request or an Invitation to Tender from anyone who may have a commercial interest in the Quote or Tender, as this may prejudice the equal treatment of all potential Bidders and Tenderers and/or distort competition.

5.5 **Estimating the Total Value of a Contract**

5.5.1 Rule 5.5 is applicable to the procurement of all contracts where an existing Framework Agreement or DPS is not being used to make an award of contract.

5.5.2 Officers must calculate the total value of the Contract in order to determine which procurement activities should be commenced in accordance with these Rules. The procurement activity that must be followed is prescribed in Table 1 below.

5.5.3 The Council must not split Contracts in order to avoid public procurement rules or calculate the value of the Contract in such a way as to deliberately avoid exceeding the Regulation Thresholds or any threshold identified in these Rules. The value of a Contract should be calculated as follows and applies to the aggregate value of the Contract Agreement:

Yearly potential contract value X Contract Period in years (including any option to extend) = Total value.

5.5.4 The value of a Framework Agreement or DPS means the maximum estimated amount payable by the users of the Framework Agreement or DPS for the Supplies, Services or execution of

Works (excluding VAT) under Call-off Contracts entered into over the entire possible duration of the Framework Agreement or DPS.

5.5.5 The value of the Contract will determine which procurement activity to follow in accordance with Table 1 below subject to Rules 5.5.6 and 5.5.7:

Table 1: Procurement Activities

Supplies, Services and Concessions

Value Band	**Value**	**Procurement Activity**	**Minimum Requirement for advertising the opportunity**
A	£0 - £9,999.99	Minimum one Quote in accordance with Rule 6 – Quotes	N/A*
B	£10,000 - £24,999.99	Minimum three Quotes in accordance with Rule 6 – Quotes – following consultation with STAR	N/A*
C	£25,000 and up to the Regulation Thresholds	Minimum three Quotes in accordance with Rule 6 – Quotes and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	Electronic procurement portal
		In accordance with Rule 7 – Tenders and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	Electronic procurement portal and Contracts Finder
D	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	Find a Tender Service Notice and Contracts Finder

Works and Public Works Concessions

Value Band	Value	Procurement Activity	Minimum Requirement for advertising the opportunity
A	£0 - £9,999.99	Minimum one Quote in accordance with Rule 6 – Quotes	N/A*
B	£10,000 - £24,999.99	Minimum three Quotes in accordance with Rule 6 – Quotes following consultation with STAR	N/A*
C	£25,000 up to the Regulation Threshold	Minimum three Quotes in accordance with Rule 6 – Quotes following consultation with STAR	Electronic procurement portal
		In accordance with Rule 7 – Tenders and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	Electronic procurement portal and Contracts Finder
D	Not Required		
E	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	Find a Tender Service notice and Contracts Finder

***WHERE ANY OPPORTUNITY OVER £25K IS OPENLY ADVERTISED, IT MUST BE PLACED ON CONTRACTS FINDER**

5.5.6 Where the Contract value falls within Value B or D for Supplies, Services and Concession Contracts or Value Band C or E for Works and Public Works Concession Contracts, the ASO shall determine which procurement activities should be undertaken by reference to the Procurement Handbook.

5.5.7 Where the value of the Contract is above the Regulation Thresholds, the ASO and the APO will determine which procurement activity to follow in accordance with the Regulations.

5.5.8 Irrespective of the value in Rule 5.5.5 Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF-GN-1-004) as amended from time to time.

5.6 Standards and Award Criteria

5.6.1 The ASO must define award criteria that is appropriate to the procurement activity and designed to secure an outcome giving Value for Money for the Council. The basic award criteria shall include one of the following:

a. Most economically advantageous tender ("MEAT") - where considerations other than price also apply;

b. Lowest price - where payment is to be made by the Council;

c. Highest price - if payment is to be received.

If MEAT is the chosen award criteria, advice must be obtained from STAR to ensure that it is compatible with the Regulations.

5.6.2 The ASO must seek advice from STAR and/or STAR Legal to ensure any award criteria is compliant with relevant legislation and best practice.

6. Quotes

6.1 Requests for Quotes

6.1.1 When requesting a Quote, a Quotation Specification must be provided to prospective Bidders to enable the submission of competitive Quotes.

6.1.2 The request for a Quote shall also make reference to or include the following as a minimum:

a. the terms and conditions of Contract that will apply; and
b. notification that Quotes are submitted to the Council on the basis that they are compiled at the Bidder's expense; and
c. a description of the award criteria as appropriate and in accordance with Rule 5.6; and
d. the date and time by which a Quote is to be submitted by; and
e. that the Council is not bound to accept any Quotes submitted.

6.1.3 The proposed form of Contract must comply with Rule 8 and the standard terms and conditions of Contract, as determined and made available by STAR Procurement must be used. Advice and approval must be obtained from a STAR Legal Officer where alternative terms and conditions are proposed.

6.1.4 Where requests for a Quote are sought from more than one prospective Bidder, where possible, the request must be sent to each Bidder at the same time and contain the same conditions. Any supplementary information must be given on the same basis.

6.2 Submission and Receipt of Quotes

6.2.1 Bidders must be given a reasonable period in which to prepare and submit a proper Quote, consistent with the complexity of the Contract requirement.

6.2.2 STAR and the ASO will together identify whether any of the Quotes received are abnormally low and where it is determined that a Quote is abnormally low, the ASO must take advice from STAR on how to proceed.

6.2.3 Where there is a deadline for quotes, any Quote (including all associated documents) submitted after the specified date and time for submission of Quotes shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.

6.2.4 If fewer than the minimum number of Quotes is received as stipulated in Table 1 in Rule 5.5, then advice must be sought from the Director of Procurement (STAR) as to whether to proceed. Any decision must be recorded in writing and stored on the electronic procurement portal..

6.3 **Amendments to Quotes**

6.3.1 The Council may accept amendments to Quotes, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions. In such circumstances, any alterations must be made by resubmitting a new Quote and clearly highlighting which Quote (and associated documents) is correct and which should be considered as part of the procurement activity.

6.3.2 Approval for any amendments after the closing date (whether to submissions by bidders or to requirements by the Council) must be sought from the Director of Procurement (STAR) in consultation with STAR Legal. An example where a Quote may be amended after the closing date for submission would be if the amendment is made only in order to correct an arithmetical error.

6.4 **Evaluation of Quotes**

6.4.1 All compliant Quotes, including those in mini-competitions under Framework Agreements and DPS, must be checked by the ASO to ensure they are arithmetically correct. The ASO may seek advice from STAR if there is any doubt. If any errors are found they should be notified to STAR for advice.

6.4.2 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on the electronic procurement portal. The ASO must then confirm to STAR that the Contract can be awarded in accordance with Rule 6.5 by updating the PID.

6.5 **Contract Award – through a Quotation Process**

6.5.1 All Quotes, including those in mini-competitions under Framework Agreements, must be confirmed in writing before a decision to award can be made and all Quotes must be stored on the electronic procurement portal.

6.5.2 All awards of contracts must be:

a. in accordance with Council's Scheme of Delegation;
b. in accordance with Finance Procedure Rules/Regulations; and
c. recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service.

6.5.3 Once the decision has been made and the approval given to award the Contract, the ASO must send a Contract award letter to the winning Bidder(s).

6.5.4 Prior to commencement of the Contract, the Contract must be completed in accordance with Rule 8.2 unless Rule 8.2.2 applies.

6.5.5 STAR will, in consultation with STAR Legal where necessary, advise on the formalities for completion of the contract.

7. Tenders

7.1 Invitations to Tender

7.1.1 All Tender opportunities must be advertised on the electronic procurement portal and, where appropriate, Contracts Finder in accordance with Table 1 at Rule 5.5.

7.1.2 The Invitation to Tender, shall include the following where appropriate, as determined/advised by STAR:

a. A form upon which the Tenderer can provide details of its bid ("Form of Tender");

b. A reference to the Council's ability to award in whole, in part or not at all;

c. A Specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;

d. the terms and conditions of Contract that will apply;

e. A requirement for Tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the Tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose);

f. A requirement for Tenderers to fully complete and sign all Tender documents including the Form of Tender and certificates relating to canvassing and non-collusion;

g. Notification that Tenders are submitted to the Council on the basis that they are compiled at the Tenderer's expense;

h. A description of the award procedure and the evaluation criteria to be used to assess Tenders including any weightings as considered appropriate and in accordance with Rule 5.6. The evaluation criteria must be clear, concise and unambiguous and must be approved by the APO in consultation with the ASO. The evaluation criteria cannot be amended once published in the Invitation to Tender;

i. The method by which any arithmetical errors discovered in the submitted Tenders are to be dealt with and in particular, whether the overall price prevails over the rates in the Tender or vice versa;

j. Whether the Council is of the view that TUPE will be applicable in relation to the procurement activities;

k. Whether additional arrangements will be required in relation to pension provision;

l. Provisions relating to the Council's termination rights in the event that corruption is discovered;

m. The relevance and application of any parent company guarantees and/or bonds;

n. That the Council is not bound to accept Tenders; and

o. Any matters required by local polices in Schedule 1.

7.1.3 The proposed form of Contract must comply with Rule 8 and the standard terms and conditions of Contract, as determined and made available by STAR Procurement, must be used. Advice and approval must be sought from a STAR Legal Officer where alternative terms and conditions are proposed.

7.1.4 All communications relating to Tenders must be via the electronic procurement portal for reasons of transparency and in order that a record can be maintained.

7.2 **Pre and Post Tender Clarification Procedures**

7.2.1 Any pre and/or post Tender clarification activity may only be undertaken in accordance with the procedure set out in the Procurement Handbook. The ASO must seek guidance from STAR.

7.3 **Submission and Receipt of Tenders**

7.3.1 Tenderers must be given a reasonable period in which to prepare and submit a proper Tender, consistent with the complexity of the Contract requirement and in accordance with the Regulations.

7.3.2 Any Tender (including all associated documents) submitted after the specified date and time for submission of Tenders shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.

7.3.3 All Tenders received, including those in mini-competitions under Framework Agreements, must remain unopened until the date and time specified by STAR has passed.

7.3.4 If less than three Tenders are received then advice must be sought from the Director of Procurement (STAR) on how to proceed. Any decision must be recorded in writing and stored on the electronic procurement portal.

7.4 **Verifying and Opening Tenders**

7.4.1 Tenders are to be verified and opened in accordance with the procedures set out in the Procurement Handbook.

7.5 **Amendments to Tenders**

7.5.1 The Council may accept amendments to Tender submissions, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions.

7.5.2 A Tender may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error. Such amendments may only be made with the prior approval of the Director of Procurement (STAR) in consultation with STAR Legal.

7.6 **Evaluation of Tenders**

7.6.1 If a SQ or an expression of interest prior to SQ was used, all those Tenderers must be given feedback at the relevant stage.

7.6.2 STAR and the ASO will together identify whether any of the Quotes received are abnormally low and where it is determined that a Quote is abnormally low, the ASO must take advice from STAR on how to proceed.

7.6.3 All compliant Tenders, including those in mini-competitions under Framework Agreements, must be checked by the ASO and the APO to ensure they are arithmetically correct. If any errors are found they should referred to STAR for advice.

7.6.4 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on the electronic procurement portal. The ASO must then confirm to STAR that the Contract can be awarded by updating the PID.

7.6.5 In accordance with the Council's risk-based sourcing policy, the APO may require a best and final offer from more than one Tenderer.

7.7 **Contract Award – through a Tender process**

7.7.1 The winning Tender shall be awarded the Contract in accordance with the award criteria used.

7.7.2 Where the Tender is not within the relevant approved budget but additional budgetary provision is available, the relevant ASO, with the approval of the SRO for Finance, may accept the Tender ensuring compliance with the Financial Procedure Rules/Regulations.

7.7.3 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.

7.7.4 All award decisions must be recorded in the PID, signed and dated by the ASO,the APO and the SRO for the relevant service.

7.7.5 A Contract which has a contract value above the Regulation Thresholds, can only be awarded after a notice of the proposed award has been given to all unsuccessful Tenderers and the 10 day standstill period has elapsed from the date the notice was given. If the 10 days expire on a non-working day, then the notice period will be deemed to have lapsed on the next working day.

7.7.6 Once the decision to award a Contract is made, each Tenderer must be notified by either the ASO or the APO in writing of the outcome. All Tenderers must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Tenderer(s) and this should be done via the electronic procurement portal. The letters must include a description of the relative advantages of the successful Tenderer.

7.7.7 Prior to commencement of the Contract, the Contract must be completed in accordance with Rule 8.2 unless Rule 8.2.2 applies.

7.7.8 The APO must publish a contract award notice in the Find a Tender Service and on the Council's website no later than 48 days after the date of award of the Contract where a Contract value exceeds the Regulation Threshold and has been tendered pursuant to the Regulations or is subject to the relevant provision of the Regulations relating to Contract award.

7.7.9 Contract award letters, feedback to Tenderers and, including any incidental documentation must be approved by the APO prior to sending and STAR Legal will advise on the contract Terms and Conditions where the value of the Contract is over the Regulation Thresholds.

7.8 **Enquiries about the Tender process**

7.8.1 The confidentiality of Tenders and the identity of Tenderers must be preserved at all times insofar as this is compatible with the Councils' obligations under FOIA and EIR.

7.8.2 If the Council receives a request for information under the FOIA as a result of the de-briefing process, the request must be referred to both the Director of Procurement (STAR) and the relevant Officer of the Council who deals with such requests. The Council will be responsible for responding to the request.

7.8.3 Any challenges, complaints or requests for feedback, clarification or further information must be referred to the Director of Procurement (STAR) who will advise on how to respond and notify the SRO for Legal.

8. Contract Provisions and Contract Formalities

8.1 **Contract Provisions**

8.1.1 All Contracts must be in writing and must set out the parties' obligations, rights and risk allocations. Advice must be sought from STAR as to the appropriate form of Contract to be used and must be on the standard terms and conditions, as determined and made available by STAR Procurement. Advice and approval must be

obtained from a STAR Legal Officer where alternative terms and conditions are proposed.

8.1.2 All Contracts, irrespective of value, shall, where appropriate, clearly specify as a minimum:

a. What is to be supplied (i.e. the Works, materials, services, matters or things to be furnished, had or done)

b. The provisions for payment (i.e. the price to be paid and when)

c. The time, or times, within which the contract is to be performed

d. The provisions for the Council to terminate the Contract and break clauses.

e. The provision for collateral warranties from sub-contractors.

f. Standards of performance

g. Limitations on liability

8.2 **Contract Formalities**

8.2.1 Once a decision to award has been made in accordance with Rule 6.5.3 or 7.7.3, the Contract must be signed or sealed in accordance with Rule 8.3 and the procedures set out in the Procurement Handbook.

8.2.2 All Contracts which are to be formally completed in writing must be completed before the Supplies are supplied, or the Service, execution of Works or Concessions Contract begins, except in exceptional circumstances, and then only with the prior approval from the SRO for Legal.

8.2.3 A purchase order must be raised in the appropriate eProcurement system for all Supplies, Services and Works requirements to be acquired through an EPS and for all Contracts. The purchase order must refer to the terms and conditions of Contract between the Council and the Contractor.

8.2.4 The ASO must ensure that the person signing on behalf of the Contractor has requisite legal authority to bind the Contractor. Where there is any doubt, the ASO must seek advice from the STAR Legal Officer or the Council's own legal team.

8.3 **Contracts under Seal**

8.3.1 A Contract must be sealed where:

a. The Council wishes to extend the liability period under the Contract and enforce its terms for up to 12 years; or

b. The price to be paid or received under the Contract is a nominal price and does not reflect the value of the supplies or services; or

c. There is any doubt about the authority of the person signing for the other contracting party; or

d. The Contract value is £250,000 or above.

8.3.2 The seal must be affixed in accordance with the provisions of the Council's Constitution.

8.4 **Transfer of Contracts**

8.4.1 Unless Rule 9.3.1(d) applies, no Contract should be transferred from one Contractor to another without first consulting STAR. Contracts can only be transferred if approved in accordance with the table below:

Value of Contract/Quote	**Decision Maker**
All values	SRO for Finance and SRO for Legal or their nominees in accordance with the Council's Scheme of Delegation and consultation in with the Director of Procurement (STAR)

9. Exemptions and Modifications

9.1 **Exemptions**

9.1.1 In limited circumstances, it may be necessary to seek an Exemption from the Rules and guidance from STAR must be sought before any procurement activity commences.

9.1.2 An Exemption is an exemption to the requirements under these CPRs only and cannot be considered where the Contract value is above the relevant Regulation Threshold.

9.1.3 Exemptions will only be considered in exceptional circumstances. Examples of circumstances which may be considered exceptional could include the following:

a. The arrangement is a permitted exemption from the requirement for competition contained in European or domestic legislation;

b. To comply with legal requirements;

c. The Contract is for Supplies, Services or the execution of Works which are required in circumstances of extreme urgency or unforeseeable emergency involving risks to persons, property or serious disruption to Council services;

d. Repairs or parts — if the only option is to repair or buy new parts for existing equipment or buildings, and there is only one supplier;

e. Where a Service review includes the intention to co-terminate relevant Contracts;

f. Proprietary or patented supplies or services are proposed to be purchased which, in the opinion of the ASO, are only obtainable from one person, and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented supplies is available; or

g. The ASO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Supplies, Services or execution of Works; or

h. The ASO is satisfied that the Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or

i. Supplies are proposed to be purchased by or on behalf of the Council at a public auction; or

j. Supplies or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist); or

k. Any other exceptional circumstances.

9.2 **Procedure for Exemptions**

9.2.1 To apply for an Exemption the ASO must fill in the Exemption Form and follow the process as set out in the Procurement Handbook.

9.2.2 For the avoidance of doubt, in circumstances where either Rule 6.2.4 or Rule 7.3.4 applies, then an Exemption Form should not be completed.

9.2.3 No commitment should be made to a potential Contractor prior to completion of the exemption procedure.

9.2.4 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Exemptions. A record of the decision approving an Exemption and the reasons for it must be stored on the electronic procurement portal.

9.3 **Modifications to a Contract or Framework Agreement**

9.3.1 Contracts and Framework Agreements may be modified during their term without a new procurement procedure in accordance with this Rule 9.3 in any of the following cases:

(a) where the Modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses

(i) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and

(ii) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework agreement;

(b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor:

(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or

(ii) would cause significant inconvenience or substantial duplication of costs for the Council,

provided that any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement;

(c) where all of the following conditions are fulfilled:

(i) the need for Modification has been brought about by circumstances which a diligent Council could not have foreseen;

(ii) the modification does not alter the overall nature of the Contract or Framework Agreement;

(iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.

(d) where a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement as a consequence of:

(i) an unequivocal review clause or option in conformity with sub-paragraph (a), or

(ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of the Regulations;

(e) where the Modifications, irrespective of their value, are not substantial within the meaning of Rule 9.3.5;

(f) where Rule 9.3.3 applies; or

(g) where the Contract Value is below the relevant Regulation Threshold, any other exceptional circumstances as agreed by the SRO for Legal.

9.3.2 Where several successive Modifications are made:—

(a) the limitations imposed by the proviso at the end of Rule 9.3.1 (b) and by Rule 9.3.1 (c)(iii) shall apply to the value of each Modification; and

(b) such successive Modifications shall not be aimed at circumventing the Regulations.

9.3.3 This Rule 9.3.3 applies where the value of the Modification is below both of the following values:

(a) the relevant Regulation Threshold and

(b) 10% of the initial Contract or Framework Agreement value for service and supply Contract or Framework Agreement and 15% of the initial Contract or Framework Agreement value for works contracts,

provided that the Modification does not alter the overall nature of the Contract or Framework Agreement

9.3.4 For the purposes of Rule 9.3.3 where several successive Modifications are made, the value shall be the net cumulative value of the successive modifications.

9.3.5 A Modification of a Contract or a Framework agreement during its term shall be considered substantial for the purposes of Rule 9.3.1(e) where one or more of the following conditions is met:

(a) the Modification renders the Contract or Framework Agreement materially different in character from the one initially concluded;

(b) the Modification introduces conditions which, had they been part of the initial procurement procedure, would have:

(i) allowed for the admission of other Tenderer than those initially selected,

(ii) allowed for the acceptance of a Tender other than that originally accepted, or

(iii) attracted additional participants in the procurement procedure;

(c) the Modification changes the economic balance of the Contract or Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement; or

(d) the Modification extends the scope of the Contract or Framework Agreement considerably;

(e) a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement in cases other than those provided for in paragraph Rule 9.3.1(d).

9.3.6 Where 9.3.1(a) applies, and the Framework Agreement or Contract provides in writing for an extension to the length of the Framework Agreement or Contract's term and the following conditions are met:

a. The extension is for substantially the same works, supplies and/or services provided in the original Framework Agreement or Contract;

b. The financial terms for the extension are as agreed in the original Framework Agreement or Contract and deliver Best Value to the Council;

c. The OJEU/FTS notice or other advertisements for the Framework Agreement or Contract stated that an extension Contract may be awarded;

d. The estimated value of the Framework Agreement or Contract in the OJEU/FTS notice or other advertisements took account of the potential extension; and

e. The length of the extension is no longer than that permitted by the original Framework Agreement or Contract;

the decision to award the extension may be taken by the SRO for the relevant service and the Director of Procurement (STAR).

9.4 **Procedure for Modifications**

9.4.1 To apply for a Modification the ASO must provide a copy of the original signed contract, fill in the Modification Form and follow the process as set out in the Procurement Handbook.

9.4.2 No commitment should be made to a potential Contractor prior to completion of modification procedure.

9.4.3 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Modifications is kept and a record of the decision approving a Modification and the reasons for it must be submitted to STAR to be stored on the electronic procurement portal.

10. Declarations of Interest and Anti-Bribery and Corruption

10.1 The Council's reputation with regards to procurement activity is important and should be safeguarded from any imputation of dishonesty or corruption. All elected Members of the Council and Officers are reminded of their responsibilities in relation to gifts, hospitality and any conflicts of interest and should ensure they comply with the obligations set out in the Council's Members' Code of Conduct and the Officers' Code of Conduct respectively and any other relevant policies, guidance or strategies relating to bribery, fraud and corruption issued or endorsed by the Council from time to time

10.2 Any Officer or Member must declare any interest which could influence their judgement in relation to procurement activity in accordance with the Council's Codes of Conduct.

10.3 No gifts or hospitality should be accepted from any Bidders or Tenderers involved in procurement activity except in accordance with the Council's Codes of Conduct.

11. Contract Management

11.1 All Contracts must have a Council Contract Manager ("Contract Manager") for the entirety of the Contract. In the event that there is no named Contract Manager the ASO will fulfil the role of Contract Manager.

11.2 The Contract Manager will be responsible for reviewing monitoring and evaluating the contract to ensure that its provisions and the services within it are being followed and performed as they should be.

11.3 During the life of the Contract, the Contract Manager should monitor the Contract in respect to the following:

a. Performance (against agreed KPIs where relevant);

b. Compliance with specification and contract;

c. Cost;

d. Any Best Value duties ;

e. Continuous Improvement;

f. User satisfaction; and

g. Risk management.

11.4 Before the end of the Contract, the Contract Manager will work with STAR to give adequate time to prepare for the end of the Contract, and where appropriate, plan for the preparatory steps of the pre-procurement stage.

11.5 STAR can provide advice and support on good practice in performance management of Contracts.

11.6 All Contracts must be included and published on the Contracts Register maintained by STAR in line with the Local Government Transparency Code 2014. This is a mandatory requirement and it is the responsibility of the SRO for each Service to ensure that they have informed STAR of the Contracts they are responsible for and provided them with the information necessary to update the Contracts Register accordingly.

12. Retaining Relevant Documents

12.1 All records in relation to the award of Contracts and the associated procurement process, including supporting documentation, shall be stored by STAR in an electronic filing system to be available for inspection by the Council's internal and external auditors, or Officer, immediately upon request. Records will be retained in accordance with relevant regulations applicable to electronic record retention.

12.2 All contracts shall be returned to the Council by STAR and must be retained as follows:

Contracts not under seal and with a value between £5,000 and £249,999.99	for six years after the end of the Contract

all sealed Contracts and Contracts with a value of £250,000 and above	for twelve years after the end of the Contract
Contracts that are grant funded regardless of value	Must comply with retention period above or the terms and conditions of the grant, whichever is the longer

12.3 If legislation related to any individual Contract stipulates a longer retention period than this, then the legislation requirements takes precedence over the Council's minimum periods.

12.4 Once executed, the Council shall retain one original of the complete Contract documents in line with the timescales in the table above and one copy of the complete Contract documents shall be provided to the Contractor.

SCHEDULE 1

Local arrangements for Trafford Council

There are no local arrangements.

SCHEDULE 2

Definitions

APO	means Authorised Procurement Officer and is the relevant STAR Officer who is responsible for the Goods, Services, execution of Works or Concessions Contract for which the Specification relates.
ASO	means Authorised Service Officer and is any Officer, within a directorate of the Council, who has delegated authority to undertake initiate and oversee procurement activity via STAR and whom is responsible for decisions connected to the award of a contract in connection with these Rules.
Best Value	has the same meaning as that defined in the Local Government Act 1999 as amended from time to time.
Bidder	means any Economic Operator that submits a Quote.
Call-Off Contract	means an order placed or a contract awarded in accordance with an established Framework Agreement or DPS and which are subject to the application of Rule 5.1.
CM	means the procurement Category Manager or similar role with equivalent experience and seniority within STAR
Concessions	means the granting of a right (exclusive or otherwise) to an economic operator to exploit works or services provided for their own gain with or without payment. Further guidance on Concession Contracts can be found in the Procurement Handbook
Contract	means a legally binding agreement between the Council and the Contractor for the procurement by the Council of all Goods, Services, the execution of Works and which incorporates the terms and conditions under which the Goods, Services, execution of Works and Concessions will be provided.
Contracting Authority	means any body which meets the definition of the same in the Public Contracts Regulations 2015
Contractor	shall mean the Bidder or Tenderer who the Council enters into a Contract with following the submission of a Quote or Tender and who is appointed by the Council to provide the Goods, Services, execution of Works or Concessions Contract. They may also be referred to as 'suppliers', 'providers' or 'service providers' within certain Council departments.
Contracts Finder	means the web-based portal provided for the purposes of Part 4 of the Regulations by or on behalf of the Cabinet Office.
DPS	Means Dynamic Purchasing System which is an electronic system procured using the restricted procedure for the purchase of commonly used goods services or works which are generally available on the market and objectively defined to which all bidders who meet the requirements of the selection criteria must be admitted during the entire period of the validity of the system
Economic Operator	means any natural or legal person or public entity or group of such persons and/or entities, including any temporary association of undertakings, which offers the execution of Works and/or a work, the supply of Goods or the provision of Services on the market
EIR	means the Environmental Information Regulations 2004, as amended from time to time
Electronic Purchasing System	means purchases made online or via a telephone system
Exemption	means the release of the obligation to comply with these Rules
Financial Procedure Rules/Regulations	means the written code of procedures forming part of the Council's constitution which provide a framework for proper financial management and which set out the rules on accounting, audit, administrative procedures and budgeting systems

Find a Tender Service	Means the e-procurement portal by which above Regulation Threshold tenders are advertised.
FOI	means the Freedom of Information Act 2000
Framework Agreement	means an agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing Call-off Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Invitation to Tender	means an invitation issued by the Council to Tenderers to submit a Tender or a quote for the provision of Goods, Services, the execution of Works or a Concessions Contract in accordance with the Specification or request for those Goods, Services, execution of Works or Concessions Contract.
Joint Procurement	means the combined procurement actions of two or more of the STAR Authorities with one authority acting as the lead in the process and only one request for Quote or Tender published on behalf of all participating authorities.
Key Decision	has the same meaning as set out in the Council's constitution
Modification	means any variation to a Contract, DPS or Framework Agreement, including an extension.
Modification Form	means the form supplied by STAR for the purpose of recording the authorisation of a Modification.
Officer	means any employee of the Council which shall include any person engaged by the Council to act as an agent or consultant on its behalf
PID	means a Procurement Initiation Document providing details of the procurement activity and the authority to commence it as required in accordance with Rule 6.1.
Post Tender Report	means a summary of the outcomes delivered by the procurement activity
Procurement Functions	means the procurement operations of the Councils except for any procurement activity carried on by each Council that is specifically excluded by each Council from being dealt with by the STAR on its behalf.
Procurement Handbook	means the document which STAR Procurement may issue after having obtained the consent of the SRO Legal of each authority from time to time to set out the procedure to achieve the Council's procurement objectives
Procurement Policy	means the document which the Council may issue from time to time to set out how it will achieve its procurement objectives
Qualifying Contract	means any contract awarded to a legal person where the conditions under Regulation 12 of the Public Contracts Regulations 2015 are fulfilled.
Quotation Specification	means an appropriate description of the Goods, Services, execution of Works or Concessions (commensurate with the value of the Contract) setting out the Council's requirements in respect of Requests for Quotes
Quote	means a formal offer submitted by a Bidder to supply Goods, Services, execute Works or operate a Concessions Contract at a defined price
Regulations	means the Public Contracts Regulations 2015 SI2015/102, the Concessions Contracts Regulations 2016 SI2016/273 as amended or replaced from time to time.
Regulations Threshold	means the financial threshold as amended from time to time, and where applicable, requires the procurement activity to be subject to the Regulations.
Scheme of Delegation	means the scheme identified within the Council's constitution which delegates powers and duties of the Council to Officers under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation necessary for the discharge of the Council's functions.
Services	means the time, effort and expertise required by the Council, from time to time, and supplied by a Contractor.
Specification	means the outputs, outcomes and the scope and nature of Goods, Services, execution of Works or Concessions Contract required by the Council from a procurement activity.
SQ	means "Selection Questionnaire" and is the document used by the Council to screen potential tenderers in accordance with the Regulations.

SRO	means “Senior Responsible Officer” and is the Officer delegated in the Council’s Scheme of Delegation for the relevant service with the responsibility for the award of the Contract.
SRO For Legal	means the “Senior Responsible Officer for Legal” and is the most senior Officer delegated in the Council’s Scheme of Delegation for Legal Services or in default of such delegation, the Council’s Monitoring Officer.
SRO for Finance	means the “Senior Responsible Officer for Finance” and is the most senior Officer delegated in the Council’s Scheme of Delegation for the Finance Services or in default of such delegation, the Officer appointed by the Council pursuant to s151 of the Local Government Act 1972.
STAR Legal	means an officer of Trafford Council’s legal team which provides a legal service to STAR and STAR Authorities, in connection with and to facilitate discharge of the Procurement Functions by STAR.
STAR Legal Officer	means a member of the legal team jointly funded by all participating Council’s in accordance with the IAA, whose role is to provide legal support to STAR.
Supplies	means an inherently useful tangible item required by the Council, from time to time.
Tender	means a formal offer submitted by a Tenderer to the Council at a stated price in response to a Specification to supply Goods, Services, execute Works or operate a Concessions Contract.
Tenderer	means any Economic Operator that submits a Tender.
The Chest	means the Council’s eProcurement system.
TUPE	means the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended from time to time .
Value for Money	means the optimum combination of whole-life costs, price, quality and benefits to meet the Council‘s requirement. Such a term equates to the requirement in the Regulations of most economically advantageous offer as well as the duty of Best Value as defined by the Local Government Act 1999 as amended from time to time.
Work	means the provision of physical activity which is directed toward the production or accomplishment of something by the Contractor, from time to time.
Writing	the requirement that any document should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it is created and transmitted by electronic means, in legible form, and capable of being used for subsequent reference.

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Council Constitution

Part 4d - Officers Employment Procedure Rules

1. Recruitment and Appointment

Declarations

1. A candidate for any appointment under the Council who knows that s/he is related to any Member or Officer of the Council shall when making the application declare that relationship.

2. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.

3. Every Member and Senior Officer of the Council (as defined in Standing Order 43.3 – Part 4(a) of the Constitution) shall disclose to the Chief Executive any relationship known to him/her to exist between themselves and any person whom they know is a candidate for an appointment under the Council. Any such disclosure shall be reported to the Council or to the appropriate Panel by the Officer to whom they have been made.

4. The purport of the above rules shall be included in any form of application.

5. Any officer related to an applicant for a post with the Authority shall sign a declaration that he/she has not been involved with the appointment to such post.

2. Recruitment of Head of Paid Service and Senior Management Team

Where the Council proposes to appoint the Head of the Paid Service or an Officer of the Senior Management Team and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will, arrange for:-

1. a statement to be drawn up specifying:-

    1. the duties of the officer concerned; and
    2. any qualifications or qualities to be sought in the person to be appointed;

2. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

3. make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Appointment of Head of Paid Service

The Full Council will approve the appointment of the Head of Paid Service following the recommendations of such an appointment by a Panel comprising the Executive Cabinet and three Members of the Opposition.

4. Appointment of Officers of the Senior Management Team

This process will be subject to proposed mandatory Standing Orders regulations.

1. The Executive Leader, an Officer, Deputy Executive Leader and the appropriate Executive Member (or substitutes) together with a Member of the Opposition shall be empowered to

appoint an Officer of the Senior Management Team except for the Head of Paid Service. Where the Senior Management Team includes all officers more senior than Service Unit Manager.

2. There shall be a Panel called the Senior Staffing Panel comprising the Executive Leader, Deputy Executive Leader, Chair of Council Business and a Member of the Opposition (or substitutes), subject to political balance rules, with power to deal with matters relating to the remuneration and terms of conditions of employment for the Chief Executive, or the appointment of an Officer of the Senior Management Team.

5. Other Appointments

1. Appointment of all other posts (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

2. Appointment of an Assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary Action

1. **Suspension:** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

2. The suspension of the Head of the Paid Service shall be made by the Executive Leader and Deputy Executive Leader together with the Chair of the Standards Committee.

3. **Independent Person:** : No other disciplinary action may be taken in respect of any of those officers (referred to in Rule 6(a) above) except in accordance with a recommendation in a report made by a designated independent person.

4. The Executive Leader together with the Deputy Executive Leader and Head of the Paid Service will have the power to be involved in disciplinary action against an Officer of the Senior Management Team.

5. Councillors will not be involved in the disciplinary action against any officer below the Senior Management Team except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

6. The Head of Paid Service, the Monitoring Officer and the Section 151 Officer shall only be dismissed or other disciplinary action taken by full Council and only then following receipt of advice, views or recommendations in respect of dismissal or disciplinary action by the Senior Staffing Panel. The Senior Staffing Panel in these circumstances to comprise the Executive Leader, Deputy Executive Leader, Chair of the Council Business, a member of the opposition and two independent persons. Before the taking of a vote at the relevant meeting of the Council on whether not to approve dismissal, the Council must take into account, in particular:

   (a) Any advice, views or recommendations of the Senior Staffing Panel;
   (b) The conclusion of any investigation into the proposed dismissal;
   (c) Any representations from the officer subject to the disciplinary action

Council Constitution

Part 4e - Access to Information Procedure Rules

1. Scope
2. Additional Rights to Information
3. Rights to Attend Meetings
4. Notices of Meeting
5. Access to Agenda and Reports Before the Meeting
6. Supply of Copies
7. Access to Minutes and Records of Decisions
8. Background Papers
9. Summary of Public's Rights
10. Exclusion of Access by the Public
11. Exclusion of Access by the Public Reports
12. Application of Rules to the Executive
13. Procedure before taking Key Decisions
14. The Forward Plan
15. General Exception
16. Special Urgency
17. Report to Council
18. Record of Decisions
19. Executive Meetings Relating To Matters Which Are Not Key Decisions
20. Notice of Private Meeting of the Executive
21. Attendance at Private Meetings of the Executive
22. Officers

1. Scope

These Rules apply to all meetings of the Council, Scrutiny Panels, Neighbourhood Forums, the Standards Committee and Speakers Panels (regulatory committees) and public meetings of the Executive (together called meetings).

2. Additional Rights to Information

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

3. Rights to Attend Meetings

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

4. Notices of Meeting

The Council will give at least five clear working days before a meeting (i.e. not including the day of despatch, the day of the meeting, Sundays or any other days which the Council Offices are normally closed (Bank Holidays and during the Christmas period)) notice of any meeting by posting details of the meeting in the designated office.

5. Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meetings. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the

designated officer shall make each such report available to the public as soon as the report is complete and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

A meeting may be called at shorter notice in exceptional circumstances, but the agenda and reports must be made available for public inspection when issued to Members.

6. Supply of Copies

The Council will supply copies of the following documents to any person on payment of a charge for postage and any other costs:-

1. any agenda and reports which are open to public inspection;
2. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
3. if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.

7. Access to Minutes and Records of Decisions

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

1. the Minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive – excluding any part of the Minutes of proceedings when the meeting was not open to the public or which disclose exempt information
2. a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
3. the agenda for the meeting; and
4. reports relating to items when the meeting was open to the public;

8. Background Papers

8.1 List of Background Papers

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:-

1. disclose any facts or matters on which the report or an important part of the report is based; and
2. which have been relied on to a material extent in preparing the report;

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

8.2 Public Inspection of Background Papers

The Council will make available for public inspection for six years after the date of the meeting one copy each of the documents on the list of background papers subject to Rule 10 below.

9. Summary of Public's Rights

A written summary of the public’s rights to attend meetings and to inspect any copy documents must be kept at and available to the public at the Dukinfield Town Hall, King Street, Dukinfield.

These Rules constitute the written summary of the Public’s Rights required under legislation.

10. Exclusion of Access by the Public

10.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meetings will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.2 Meaning of Confidential Information

Confidential information means:-

1. information given to the Council by a Government Department upon terms (however expressed) which forbid the disclosure of information to the public; or
2. information the disclosure of which to the public is prohibited by or under enactment or by Order of a Court.

10.3 Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to any condition):

Category	**Qualification**
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is **not** exempt information if it is required to be registered under:- 1. the Companies Act 1985; 2. the Friendly Societies Act 1974; 3. the Friendly Societies Act 1992; 4. the Industrial and Provident Societies Acts 1965 to 1978; 5. the Building Societies Act 1986; or 6. the Charities Act 1993. "Financial or business affairs" includes contemplated, as well as past or current activities. "Registered" in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	"Employee" means a person employed under a contract of service. "Labour relations matter" means –

	1. any of the matters specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or 2. any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority; "Office-holder", in relation to the authority, means the holder of any paid office appointments to which are, or may be made, or confirmed, by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes:- 1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or 2. to make an order or direction under any enactment.	Child means a person under 18 and anyone who is 18 and is still registered as a school pupil, or is the subject of a Care Order, within the meaning of Section 31 Children Act 1989
7. Information relation to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
7A. Information which is subject to any Obligation of confidentiality.	Applies to Standards Committee only.
7B.Information which relates in any way to matters concerning national security	Applies to Standards Committee only.
7C. The deliberations of a Standards Committee or of a sub-committee of a Standards Committee, established under the provisions of Part 3 of the Local Government Act 2000, in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 72(2) of that Act.	Applies to Standards Committee only.

Public Interest Test - Paragraph 10

The above information is only exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Town and Country Planning

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Members' Access

All Members of the Council (but not members of the public or media) are entitled to access to documents which are 'exempt' under new paragraph 3 (unless the information relates to terms proposed or to be proposed in relation to a Council contract), and to any documents which are 'exempt' under new paragraph 6, if they so request. **Members should bear in mind that disclosure of that exempt report to the public or press could be a breach of the Statutory Code of Conduct and could result in serious sanctions being imposed.**

11. Exclusion of Access by the Public Reports

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not be open to the public. Such reports will be marked "Not for publication: This report contains exempt information relating to paragraph (xx) and Rule 10 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended). It would not, on balance, be in the public interest to disclose this information to the public because (justification to be included)".

Examples of Justification

- Disclosure of the personal information contained in the report would not be fair to (xxx) and would therefore be in breach of Data Protection principles.
- Disclosure would be likely to jeopardise the Council's law enforcement activities by (state in what way they would be jeopardised).
- Disclosure would be likely to prejudice the Council's position in forthcoming legal proceedings by (state in what way it would be prejudiced).
- Disclosure would be likely to put the Council at a significant disadvantage during the negotiations for (xxxx) by (state why the Council would be disadvantaged).

12. Application of Rules to the Executive

Rules 13-24 apply to the Executive and its Committees. If the Executive meets to take a Key Decision then it must also comply with **Rules 1-11** unless **Rule 15** (General Exception) or **Rule 16** (Special Urgency) apply. A Key Decision is as defined in **Article 14.3** of this Constitution.

If the Executive or its Committees meet to discuss a Key Decision included in the current Forward Plan, with an Officer other than a political assistant present, within 28 days of the date when the decision is expected to be made at, then it must also comply with **Rules 1-11** unless **Rule 15** (General Exception) or **Rule 16** (Special Urgency) apply.

This requirement does not include meetings, whose sole purpose is for Officers to brief Members

13. Procedure before taking Key Decisions

Subject to **Rule 15** (General Exception) and **Rule 16** (Special Urgency), a Key Decision may **not** be taken unless:-

1. a notice (called here a Forward Plan) has been published in connection with the matter in question:
2. at least five clear days have elapsed since the publication of the Forward Plan; and
3. where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with **Rule 4** (Notice of Meetings).

14. The Forward Plan

14.1 Period of Forward Plan

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

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Executive Leader has reason to believe will be the subject of a Key Decision to be taken by the Executive, a Committee of the Executive, individual Members of the Executive, Officers or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:-

1. the matter in respect of which a decision is to be made;
2. where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
3. the date on which or the period within which, the decision will be taken;
4. the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
5. the means by which any such consultation is proposed to be undertaken;
6. the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in which the decision is to be made, and the date by which those steps must be taken; and
7. a list of the documents submitted to the decision taker for consideration in relation to the matter.

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

1. that Key Decisions are to be taken on behalf of the Council;
2. that a Forward Plan containing particulars of the matter on which decisions are to be taken will be prepared on a monthly basis;
3. that the Plan will contain details of the Key Decisions to be made for the four month period following its publication;
4. that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
5. that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the Plan;
6. the address from which, subject to any prohibition or restriction on their disclosure, copied of, or extracts from, any document listed in the Forward Plan is available;
7. that other documents may be submitted to decision takers;
8. the procedure for requesting details of documents (if any) as they become available; and

9. the dates on each month in the following year on which each Forward Plan will be published and available to the public at Dukinfield Town Hall, King Street, Dukinfield

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

14.3 All new entries on the Council's Forward Plan will be referred for consideration to the appropriate Scrutiny Panel to which the proposed decision taker(s), together with appropriate officers, will be invited to attend the meeting of the Scrutiny Panel to afford the Scrutiny Panel Members the opportunity to discuss the proposed Key Decision as part of the consultation process.

14.4 The monthly up-dated version of the Forward Plan shall be published on the Council's web site, the Members' Portal and supplied to all Members of the Council.

15. General Exception

If a matter which is likely to be a Key Decision has not been included in the Forward Plan; then subject to Rule 16 (Special Urgency), the decision may still be taken if:-

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

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

16. Special Urgency

If by virtue of the date by which a decision must be taken Rule 15 (General Exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of a relevant Scrutiny Panel that the taking of the decision cannot be reasonably deferred. If there is no Chair of a relevant Scrutiny Panel or, if the Chair of each relevant Scrutiny Panel is unable to act, then the agreement of the Chair of Council Business.

17. Report to Council

17.1 When a Scrutiny Panel Can Require a Report

If a Scrutiny Panel considers that a Key Decision has been taken which was not:-

1. included in the Forward Plan; or
2. the subject of the general exception procedure; or
3. the subject of an agreement with a relevant Scrutiny Panel Chair, or the Chair of Council Business under Rule 16;

the Panel may require the Executive to submit a report to the Council within such reasonable time as the Panel specifies. The power to require a report rests with the Panel, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Panel when so requested by the Chair. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Panel.

17.2 Executive's Report to Council

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

17.3 Quarterly Reports on Special Urgency Decisions

In any event the Executive Leader will submit quarterly reports to the Council on the Executive Decisions taken in the circumstances set out in Rule 16 (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. Record of Decisions

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

19. Executive Meetings Relating To Matters Which Are Not Key Decisions

The Executive will decide whether meetings relating to matters which are not Key Decisions will be held in public or private.

20. Notice of Private Meeting of the Executive

Members of the Executive Cabinet will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened as shorter notice as a matter of urgency

21. Attendance at Private Meetings of the Executive

1. Only Members of the Executive Cabinet will receive notice of a private meeting of the Executive Cabinet.
2. Only Members of the Executive Cabinet are entitled to attend the Executive Cabinet unless otherwise invited by the Executive Leader. Only Members of the Executive Cabinet may vote.
3. All Members of the Executive Cabinet are entitled to attend a private meeting of the Executive Cabinet.
4. Private meetings of the Executive Cabinet will be convened on Executive Cabinet Agenda letter headed paper.

22. Officers

1. The Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive Cabinet. The Executive Cabinet may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.
2. A private Executive Cabinet meeting may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

There is no requirement for the Executive Cabinet to meet in the presence of an Officer.

The provisions of Rule 18 (Recording and Publicising Decisions) will apply in respect of private meetings of the Executive Cabinet.

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Council Constitution

Part 4f - Budget and Policy Framework

Call In of Decisions Outside the Budget and Policy Framework

1. Budget and Policy Framework

1. The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4 of the Council's Constitution.

2. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

3. The Executive will publicise by including in the Council's Forward Plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of such initial proposals.

4. The Chairs of the Scrutiny Panels will be notified of such proposals referred to in **Paragraph 1.3** above.

5. The consultation period shall in each instance be not less than two weeks and the appropriate Scrutiny Panel(s) must be consulted on such proposals.

6. At the end of the consultation period, the Executive will draw up firm proposals, having regard to the responses to that consultation.

7. If a relevant Scrutiny Panel wishes to respond to the Executive in that consultation process then it may do so.

8. As the Scrutiny Panels have responsibility for fixing their own work programme, it is open to the Scrutiny Panels to investigate, research and report in detail with policy recommendations before the end of the consultation period.

9. The Executive will take any response from a Scrutiny Panel into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.

10. Once the Executive has approved the firm proposal the Proper Officer will refer them at the earliest opportunity to the Council for decision.

11. In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or in principle, substitute its own proposals in their place.

12. If it accepts the recommendation of the Executive without amendment, the Council make a decision which has immediate effect. Otherwise, it may only make an in principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

13. The decision will be publicised in accordance with Article 4 of the Council's Constitution and a copy shall be given to the Executive Leader.

14. An "in principle" decision will automatically become effective five days from the date of the Council decision, unless the Executive Leader informs the Proper Officer, in writing within three days, that she/he object to the decision becoming effective and provides reasons why.

15. In the event the Executive Leader objects to an "in principle" decision, in accordance with Standing Order 13.6, then the Proper Officer will call a Council Meeting within a further five days, when the Council will be required to reconsider its decision and the Executive Leader's written submission within five days.

16. A Council Meeting convened under **Paragraph 1.15** may either:-

    1. approve the Executive's recommendation by a simple majority of votes cast at the meeting, or
    2. approve a different decision which does not accord with the recommendation of the Executive by a simple majority.

17. The decision shall then be made public in accordance with Article 4 of the Council's Constitution, and shall be implemented immediately.

18. The Executive Cabinet, an individual Cabinet Member or Officers or joint arrangements discharging executive functions, may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:-

    1. if it is not practical to convene a quorate meeting of the Full Council; and
    2. if the Chair of a relevant Scrutiny Panel agrees that the decision is a matter of urgency.

19. The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Scrutiny Panel's consent to the decision being taken as a matter of urgency, must be noted on the record of the decision.

20. In the absence of the relevant Scrutiny Panel Chair the consent of the Chair of Council Business will be sufficient.

21. Following the decision, the decision taken will prove 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.

2. Call-In Procedure

This procedure should only be used in exceptional circumstances where Members have evidence that decisions made by any of the following were not taken in accordance with the principles of Article 16, or in breach of Council policy or budget framework:-

- the Executive Cabinet
- the individual Executive Member
- an officer when making a Key Decision

1. A decision of the Executive Cabinet, an individual Executive Member, or a Key Decision by an officer shall be published, where possible electronically, and shall be available at the Council Offices within two days of being made. Chairs of all Scrutiny Panels will be sent copies of the record of all such decisions within the same period by the person responsible for publishing the decision.

2. The decision notice will give the date of publication and the date five working days later when the decision will be effective unless it has been called-in in accordance with this procedure.

3. During the call-in period, any five Members of the appropriate Scrutiny Panel (including Members from at least two political groups) may request the Chief Executive, in writing, to arrange a meeting of the Call-in Panel if they are of the opinion that the decision made but not implemented, is in contravention of the principles of Article 16 or in breach of Council policy or budget framework.

4. The written request must specify the reasons for requesting the decision to be called in.

5. The Chief Executive will notify the decision taker(s) of the call-in request. The Chief Executive will call a meeting of the Call-in Panel, where possible after consultation with the Chair of the Call-in Panel, and the Call-in Panel meeting will take place within five days of receipt of the written request.

6. The Chief Executive will notify the Members who requested the call-in and the decision taker(s) of the date of the Call-in Panel and invite them to attend the meeting of the Call-in Panel.

7. The Call-in Panel shall not include any Member who has requested the call-in. The Chair of the Overview Panel will chair the Call-in Panel. The quorum for the Call-in Panel will be three Members.

8. The Chief Executive, Monitoring Officer and Section 151 Officer shall give initial consideration to the item called in and report in writing to the Call-in Panel on this matter.

9. the Call-in Panel will consider the following:-

    1. the initial decision notice and relevant reports
    2. the written request for call-in
    3. the report of the Chief Executive, Monitoring Officer and Section 151 Officer

10. The Call-in Panel may ask questions of those persons who have submitted written documents to clarify any issues.

11. The Call-in Panel may either:-

    1. decide that the original decision has been made in accordance with principles of Article 14 and the Council policy or budget framework; or
    2. refer the decision back to the original decision taker for reconsideration.

12. The Call-in Panel should give reasons for its decision.

13. If the Call-in Panel decides that the original decision has been made in accordance with the principles of Article 16 and Council policy or budget framework, the decision is immediately effective.

14. If the decision is referred back to the original decision taker, the decision taker must consider:-

    1. whether the policy or budgetary framework needs to be amended; or
    2. whether there are any principles of Article 14 which need to be addressed.

15. If the original decision maker decides that the policy or budgetary framework needs to be amended then the matter should be referred to the Executive Cabinet or Council as appropriate.

16. If the decision taker does not agree with the decision of the Call-in Panel and wishes to implement the original decision, then the matter shall be referred to the next appropriate Council meeting. The Chief Executive in consultation with Chair of Council Business shall decide whether it is necessary to convene an Extraordinary Meeting of the Council. The decision of the Council meeting shall be final and binding.

17. The decision taker shall consider whether s/he can address the concerns of the Call-in Panel about the principles of Article 16 and shall consult the Chief Executive, Monitoring Officer and Section 151 Officer in respect of this matter.

18. If the Call-in Panel is unable to or fails to meet within the specified five days, the Chief Executive, Monitoring Officer and Section 151 Officer shall consider the reasons for this and if appropriate may either uphold the original decision or arrange another meeting date within a further period of five days.

19. The Call-in Procedure above shall not apply where the decision being taken is urgent.

    The decision will be urgent if taken in accordance with the urgency requirements set out in Article 16 and will require the consent of the Chair of the relevant Scrutiny Panel or the Chair of Council Business, that the decision is urgent and cannot reasonably be deferred without seriously prejudicing the Council or the public interest.

20. The operation of the Call-in Procedure and urgency provisions shall be monitored annually and a report submitted to Council with proposals for review if necessary.

Council Constitution

Part 4g - Scrutiny Procedure Rules

1. **General**
2. **Co-optees**
3. **Meetings of Scrutiny Panels**
4. **Quorum**
5. **Work Programme**
6. **Co-ordination of Scrutiny**
7. **Policy and Review and Development**
8. **Reports from Scrutiny Panels**
9. **Rights of Scrutiny Panel Member to Documents**
10. **Members and Officers Giving Account**
11. **Attendance by Others**
12. **Call In and Urgency**
13. **The Party Whip**

1. General

1. The Council will have the Scrutiny Panels set out in Article 7 of the Constitution and will appoint to them at the Annual Business Meeting of the Council, and will have the facility to amend the membership as it considers appropriate, from time to time, in accordance with the Council's Procedural Standing Orders.

2. All Councillors, except members of the Executive Cabinet, may be members of a Scrutiny Panel. However, no Member may be involved in scrutinising a decision she/he has been directly involved.

2. Co-optees

1. The Children's Services Scrutiny Panel will include up to six non-elected **voting** members as follows:

    - Church of England representative
    - Roman Catholic Church representative
    - Two representatives appointed by The Third Coalition Interfaith Network (neither of whom shall be from the Church of England or Roman Catholic Church)
    - Two parent governor representatives

3. Meetings of Scrutiny Panels

The Scrutiny Panels will meet in accordance with the calendar of meetings agreed at the Annual Business Meeting of the Council and have the facility to convene Special Meetings (or amend the dates of ordinary meetings) in accordance with the Council's Procedural Standing Orders.

4. Quorum

The quorum for a Scrutiny Panel shall be as set out in the Council's Procedural Standing Orders.

5. Work Programme

The Chair of each Scrutiny Panel shall have responsibility for the agenda preparation of their Scrutiny Panel which shall be based upon the annual work programme submitted to Council for approval. The work programme may be amended, from time to time.

6. Co-ordination of Scrutiny

The co-ordination of the Scrutiny Panel will be exercised through the Overview Panel with the non-executive Members of the Panel to comprise the membership of the Call-in Panel, whose procedure is set out in the Council's Budget and Policy Framework and Call-in Procedure.

7. Policy and Review and Development

The Scrutiny Panels will have a key role in policy review and development:-

1. the role of the Scrutiny Panels 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;
2. in relation to the development of the Council's approach on other matters not forming part of its policy and budget framework, Scrutiny Panels may make proposals to the Executive for developments in so far as they relate to matters within their Terms of Reference;
3. Scrutiny Panels may hold enquiries and investigate the available options for further direction in policy development and may appoint advisers and assessors to assist them in this process. They may also go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that are reasonably considered necessary to inform their deliberations. They may ask witnesses to address them on any matter under consideration and may pay advisers, assessors and witnesses a reasonable fee and expenses for doing so.

8. Reports from Scrutiny Panels

Once it has formed recommendations on proposals for development, the Scrutiny Panel will prepare a formal report in accordance with the Scrutiny Reporting Protocol, which may be amended from time to time.

9. Rights of Scrutiny Panel Member to Documents

1. In addition to their rights as Councillors, members of Scrutiny Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules.

2. Nothing in this paragraph prevents more detailed liaison between the Executive Cabinet and Scrutiny Panels, as appropriate, depending on the particular matter under consideration.

10. Members and Officers Giving Account

1. Any Scrutiny Panel may scrutinise and review decisions made or actions taken into consideration with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive Cabinet, the Head of Paid Service and/or any senior officer (on the service of reasonable notice) to attend before it to explain in relation to matters within their remit as follows:-

    - Any particular decision or series of decisions;
    - The extent to which the actions taken implement Council policy, and/or their performance.

2. The arrangements in respect of Members and Officers giving evidence is set out in the Scrutiny Protocol for People Giving Evidence.

11. Attendance by Others

A Scrutiny Panel may invite people other than those referred to in the previous paragraph to address it, discuss issues of local concern and/or answer questions in accordance with the Scrutiny Protocol for people attending a Panel meeting to provide evidence.

12. Call In and Urgency

1. The Call In Procedure shall not apply where the decision being taken by the Executive is urgent. 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 publics' 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 therefore not subject to call in.

2. The Chair of the appropriate Scrutiny Panel must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Scrutiny Panel Chair, the consent of the Chair of the Overview Panel shall be required. In the absence of both, the consent of the Chair of Council Business shall be required.

3. Decisions taken as a matter of urgency, must be reported to the next available meeting of the Council, together with the reason for urgency.

4. The operation of the provisions relating to call in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

13. The Party Whip

1. The Whip will not apply from any political groups on their respective Members on the Panel whilst they are taking part in Panel business.

2. Each political group shall present to the Chief Executive, each Municipal Year, a statement that demonstrates the necessary freedom of its members from the whipping process on Scrutiny Panels.

3. No political meetings of Scrutiny Panel Members shall take place.

4. Each member of the Panel will act in accord with protocols and guidance that the Council may determine.

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Councillor Code of Conduct 2020

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

As a councillor:

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

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

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

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

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

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

3. Impartiality of officers of the council

As a councillor:

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

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

4. Confidentiality and access to information

4.1 I do not disclose information:

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - **i. I have received the consent of a person authorised to give it;**
  - **ii. I am required by law to do so;**
  - **iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - **iv. the disclosure is:**
    1. **reasonable and in the public interest; and**
    2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
    3. **I have consulted the Monitoring Officer prior to its release.**

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

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

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

5. Disrepute

As a councillor:

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

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

As a councillor:

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

a. act in accordance with the local authority's requirements; and
b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

As a councillor:

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:
- office support
- stationery
- equipment such as phones and computers
- transport
- access and use of local authority buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use

8. Complying with the Code of Conduct

8.1 I undertake Code of Conduct training provided by my local authority.
8.2 I cooperate with any Code of Conduct investigation and/or determination.
8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

As a councillor:

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

9.1 I register and declare my interests.

As a councillor:
You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

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

10. Gifts and hospitality

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

As a councillor:

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

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

Integrity
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

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

Accountability
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty
Holders of public office should be truthful.

Leadership
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.

2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.

7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
   a. your own financial interest or well-being;
   b. a financial interest or well-being of a friend, relative, close associate; or
   c. a body included in those you need to declare under Disclosable Pecuniary Interests

   you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
   a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Council Constitution

Part 5(b) - Whistleblowing Policy

Introduction

1. In a large organisation like Tameside MBC, employees and Councillors are often the first to be aware when something is seriously wrong. However, there can be a number of reasons why they might not report what they suspect; they may not know how to report a concern; they may be concerned about reprisals or they may feel that making a report would be a betrayal of confidence. If someone knows about wrongdoing and doesn't report it then the Council loses an opportunity to deal with a potentially damaging situation and gives rise to an even greater risk of financial loss, regulatory breach, higher insurance premiums and damaged reputation.

2. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage anyone with serious concerns about any wrongdoing in any aspect of the Council's work to come forward with these concerns. Tameside MBC will not tolerate malpractice or wrongdoing and is determined that all instances of malpractice will be fully investigated and the appropriate action taken against all those concerned.

3. Any disclosures made by employees which are made to their employer and which are intended to shed light on fraud, bribery, corruption or malpractice are in general protected under the Public Interest Disclosure Act 1998. Any employee raising concerns through this policy will be protected from reprisals or victimisation, so long as the employee is not acting maliciously or for personal gain.

4. Internal systems and procedures must seek to prevent fraud, bribery and corruption but also protect individual Councillors and employees against malicious or unfounded allegations of impropriety. Internal controls are the first line of defence against fraud, bribery, corruption and malpractice and national experience shows it is often the case that where fraud , bribery, corruption and malpractice does occur the controls were circumvented or ignored.

5. Tameside already has in place documented procedures to ensure that there are proper controls in place, these procedures can be found in the TMBC Constitution. In addition, each Service Unit has their own procedural manuals on how the various duties should be carried out to ensure that there are efficient and effective controls which include separation of duties.

6. This policy has been discussed with all political groups, the relevant trade unions and professional organisations.

Aims of the Policy

7. This policy aims to:
   - Provide avenues for you to raise genuine concerns,
   - Allow you to take the matter forward if you are dissatisfied with the Council's response,
   - Reassure you that you will be protected from reprisals or victimisation for speaking up in good faith.

Scope of the Policy

8. This policy applies to everyone with a concern about wrong doing in the council's activities, whether they are a Councillor, a council employee, a contractor, an associated party or a concerned member of the public.

9. There are existing and separate procedures in place to enable staff to lodge a grievance relating to their own employment. Likewise recipients of a council service can use the complaints procedure about the services they have received.

10. This policy is intended to cover concerns that fall outside the scope of the procedures mentioned above. That concern may be about something that:

- is unlawful (for example theft, fraud, bribery and corruption); or
- breaks the Council's constitution; or
- falls below established standards or practice; or
- amounts to improper conduct; or
- anything that makes you feel uncomfortable or that you think is wrong.

11. If you are in doubt then raise it, you will not be criticised for raising concerns in good faith.

Safeguards

Harassment or Victimisation

12. The Council recognises that the decision to report a concern can be difficult, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, the Council will take action against anyone who maliciously makes an accusation of malpractice or wrongdoing.

13. This does not mean that if, for example, you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of you reporting a concern.

Confidentiality

14. The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation and/or disciplinary process may reveal the source of the information and a statement by you may be required as part of the evidence.

Raising concerns anonymously

15. You are encouraged to put your name to your allegations so we can take the necessary steps to protect you from victimisation should that be necessary. Anonymous allegations are more difficult to investigate as we cannot know if the allegation is made in good faith or is malicious. When an allegation is made anonymously it is also impossible to come to you for more information, and to keep you informed as to the progress of the investigation where possible. From a practical point of view it is impossible to provide protection if we do not know who you are.

16. For these reasons, anonymous allegations will not normally be investigated.

Allegations which are not found to be proven on investigation

17. If you provide information in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary, or other appropriate, action will be taken against you.

How to raise a concern

To whom should a concern be raised

18. As a first step, employees should normally raise concerns with their immediate manager. Councillors should raise concerns with the Leader of their Group. Your concern will then be passed to the Assistant Director (Legal Services) who is the Council's statutory monitoring officer who will conduct certain enquiries to help decide on the appropriate response.

19. Contractors, associated parties and members of the public, and employees or Councillors who do not wish to raise a concern as set out in paragraph 18 above, may raise the issue direct to any of the following individuals:

- Chief Executive 0161 342 3500
- Assistant Director (Legal Services) (Monitoring Officer) 0161 342 4239
- Director of Resources 0161 342 3201
- Head of Risk Management and Audit Services 0161 342 3126 or email internalAudit@tameisde.gov.uk

Raising a Concern

20. Concerns should be confirmed in writing. You should, as far as possible, set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not initially feel able to put your concern in writing, you can telephone or meet the appropriate officer. Even in this case a record will be made of your discussions for the sake of ensuring an accurate record is held, and you will be asked to confirm this account.

How the Council will respond

21. Wherever you raise your concern the information will be shared with the Director (Governance and Pensions) who will be asked to decide on the appropriate level of response to the situation, the action taken will depend on the circumstances of each investigation. The matters raised may:
    - be investigated internally (this could be by Internal Audit)
    - be referred to the Police
    - be referred to the External Auditor
    - form the subject of an independent inquiry
    - be dealt with under the ethical framework for Councillors under the direction of the Monitoring Officer

22. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

23. The Council will write to you within five working days of a concern being received, acknowledging that the concern has been received and initial enquiries are being made.

24. Within ten working days of a concern being received, the Council will write to you indicating how it proposes to deal with the matter, telling you whether any initial enquiries have been made, and telling you whether further investigations will take place, and if not, why not.

25. The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

26. When any meeting is arranged with you, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

27. The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. The Council will take all reasonably practicable steps to ensure that you receive no detriment as a result of your actions. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

28. The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

How the concern could be taken further

29. This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, you may feel it is right to take the matter to a law enforcement agency outside the Council. If employees take matters outside the council they may still be protected, but it is advisable to take advice about this, for example via the charity “Protect” who operate a helpline (telephone 020 3117 2520).

30. Before doing this you may wish to discuss matters further with any member of the Standards Panel or Internal Audit.

31. If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. You should consider taking advice about that.

Responsible Officer

32. The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer receives all concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

33. The Monitoring Officer is – Assistant Director (Legal Services).

Council Constitution

Part 5(c) – Anti Fraud, Bribery and Corruption Strategy: Statement of Intent

The consequences of fraud, bribery and corruption affect all employees, service users and council tax payers as every pound lost results in fewer jobs, reduced services and higher council tax bills and can impact upon the Council's reputation and its ability to achieve its corporate objectives.

The Council's aim is to foster a culture where fraud, bribery and corruption within our organisation is never acceptable, therefore it has formally decided that:

1. We will not tolerate malpractice or wrongdoing. We are determined that all instances of malpractice will be fully investigated and will ensure that appropriate action is taken against all those concerned.
2. We believe that members of the public, Councillors, employees, contractors or any other interested party should feel able to report any cases of malpractice or wrongdoing without fear of recrimination.
3. All Councillors and employees are asked to exercise proper stewardship of public money, carry out all business fairly, honestly and openly, and put in place appropriate systems and procedures, incorporating efficient and effective internal controls, to prevent and detect fraud, bribery and corruption.

Definitions of Fraud, Bribery and Corruption

- The Chartered Institute of Public Finance and Accountancy (CIPFA) defines Fraud as the "intentional distortion of financial statements or other records by persons internal or external to the organisation, which is carried out to conceal the misappropriation of assets or otherwise for gain"

- CIPFA defines Corruption as the "offering, giving, soliciting or acceptance of any inducement or reward which may properly influence the action of any person"

- The Theft Act 1968 defines Theft as "a person shall be guilty of theft is he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it"

- CIPFA defines Bribery as "an inducement or reward offered, promised or provided to gain personal, commercial regulatory or contractual advantage"

The internal controls to assist in the prevention of Fraud, Bribery and Corruption include:-

1. Detailed policy and guidance documents

These include:
- The Audit and Accounts Regulations
- The Constitution
  - Code of Conduct for Councillors
  - Procurement Standing Orders
  - Terms of Reference of Committees
  - Scheme of delegation

    - Protocol on accepting Gifts and Hospitality
    - Standards of Conduct and Ethics (incorporating Code of Conduct for Tameside MBC Employees)
- Corporate Information Technology and Email Security Policy.
- Whistle Blowing policy
- Each Service Unit's procedural manuals

2. Training

We will ensure that employees are informed and trained on policies and procedures which apply to their role.

3. Recruitment

We will take steps to establish the previous record of potential employees to ensure that we minimise the risk of employing those who are likely to engage in fraud or corrupt practices. Particular due diligence will be applied to positions that are considered to be of a high risk nature.

4. Culture

We will promote an anti-fraud culture by promotion and publicity on anti-fraud issues that is led and supported by all Senior Managers of the organisation. However, we expect all managers to be responsible for promoting an anti-fraud culture in their service. Whilst being led by the Senior Management Team, maintenance of a zero tolerance approach to fraud, bribery and corruption requires the efforts of every member and officer of the Council.

5. Contractors/Associated Parties

We will ensure that contractors and any parties associated with the Council are informed about the policies and procedures and take rigorous action against any fraud, bribery or corruption identified by contractors/associated parties.

6. Partnership working

We will work in partnership with others to prevent and detect fraud. Tameside is at the forefront of this by hosting the National Anti-Fraud Network. We will also continue to work with our partner councils across Greater Manchester, with the Department of Work and Pensions and the Audit Commission.

7. Deterring Fraudulent Activity

There are a number of ways to deter potential fraudsters from committing or attempting fraudulent or corrupt acts, whether they are inside and/or outside of the Council, and these include: -

- Publicising the fact that the Council if firmly set against fraud, bribery and corruption and states this at every appropriate opportunity.
- Including appropriate anti-corruption/bribery clauses in contracts.
- Acting robustly and decisively when fraud, bribery and corruption are suspected and proven.
- Taking action to effect the maximum recoveries for the Council.
- Having sound internal control systems, that still allow for innovation, but at the same time do not provide the opportunity for fraud, bribery and corruption.
- The operation and advertising of a fraud hotline in the Housing Benefits Unit and a dedicated internal audit email address for reporting any suspected incidents of fraud, bribery and corruption.

TAMESIDE METROPOLITAN BOROUGH COUNCIL

PLANNING CODE FOR MEMBERS

Tameside Council's Planning Code for Members should be read alongside 'Tameside Council's Code of Conduct', adopted by the Council in January 2021, together with 'Probity in Planning for councillors and officers', produced in April 2013 by the Local Government Association and the Planning Advisory Service.

If you have any doubts about the application of the Codes to your own circumstances, or have concerns about how any publications, case law, legislation or guidance affects you, you should seek advice early from the Borough Solicitor or one of her staff, and preferably well before any meeting takes place.

1. INTRODUCTION

1.1 **The aim of this Code:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who has been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

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

2. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

2.1 **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on all interests, Disclosable Pecuniary Interests Personal Interests and Personal and Prejudicial Interests, and the general rules giving effect to the seven principles of public life: **selflessness, integrity, objectivity, accountability, openness, honesty and leadership.**

2.2 **Do** then apply the rules in this Planning Code for Members, which seeks to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Members' Planning Code, you may put:

- The Council at risk of proceedings on the legality of the related decision or maladministration; and

- Yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

3. DEVELOPMENT PROPOSALS AND PERSONAL INTERESTS

3.1 **Do** disclose the existence and nature of your interest as required by Tameside Council's Member Code of Conduct.

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

It is therefore advisable that you:

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

- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest in a planning application and note that:

  * you should send the notification no later than submission of that application where you can;
  * the application will always be reported to the Speakers Panel and not dealt with by officers under delegated powers:
  * you must not get involved in the processing of the application; and
  * it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

4. FETTERING, DISCRETION IN THE PLANNING PROCESS
(natural justice, predisposition and predetermination)

4.1 **Don't** fetter your discretion by approaching the decision with a closed mind.

4.2 **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

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

- Are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;

- Must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;

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

- Are only entitled to take into account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and

- Are to come to a decision after giving what you feel is the right weight to those material considerations.

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

4.5 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, or for example, a councillor representative on Transport for Greater Manchester), provided:

- The proposal does not substantially affect the well-being or financial standing of the consultee body;

- You make it clear to the consultee body that:

  * your views are expressed on the limited information before you only;
  * you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Panel and you hear all of the relevant information; and

- You will not in any way commit yourself as to how you or others may vote when the proposal comes before the Panel.

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

4.7 **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member at the Panel where you have represented your views or those of local electors and fettered your discretion but do not have a disclosable or other personal conflict of interest. Where you do:

- Advise the Democratic Services Officer or Chair that you wish to speak in this capacity before commencement of the item;

- Remove yourself from the seating area for members of the Panel for the duration of that item; and

- Ensure that your actions are recorded.

5. CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

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

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

5.3 **Do** otherwise:

- Follow the Authority's rules on lobbying;

- Consider whether or not it would be prudent in the circumstances to make notes when contacted, and

- Report to the Head of Planning or in his absence his manager or authorised representative any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ask them to ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

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

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

5.6 **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Speakers Panel.

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

6. LOBBYING OF COUNCILLORS

6.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Panel's decision making, to make any sort of promise to vote one way or another or to express such a firm point of view that it amounts to the same thing.

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

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

6.4 **Do** copy or pass on any lobbying correspondence you receive to the Head of Planning at the earliest opportunity.

6.5 **Do** promptly refer to the Head of Planning or in his absence his manager or authorised representative any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

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

6.7 **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:

- Listening or receiving viewpoints from residents or other interested parties:
- Making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
- Seeking information through appropriate channels;
- Receiving circulated material from applicants or objectors;
- Being a vehicle for the expression of opinion of others in your role as a Ward Member.

7. LOBBYING BY COUNCILLORS

7.1 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby or promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Panel when it comes to make its decision.

7.2 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

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

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

8. SITE VISITS / INSPECTIONS

8.1 **Do** try to attend any site visits organised by the Council where possible.

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

- Particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- There are significant policy or precedent implications and specific site factors need to be carefully addressed

8.3 **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee.

8.4 **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

8.5 **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

8.6 **Don't** hear representations from any party. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.

8.7 **Don't** express opinions or views.

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

- You feel it is essential for you to visit the site other than through attending the official site visit,

- You have first spoken to the Head of Planning or in his absence his manager or authorised representative about your intention to do so and why (which will be recorded in the file) and

- You can ensure you will comply with these good practice rules on site visits.

9. PUBLIC SPEAKING AT MEETINGS

9.1 **Don't** allow members of the public to communicate with you during the Panel's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

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

10. OFFICERS

10.1 **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning or in his absence his manager or authorised representative, which may be incorporated into any committee report).

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

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

11. DECISION MAKING

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

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

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

11.4 **Do** come to your decision only after consideration of all of the information reasonably required upon which to base a decision. If you feel there is not sufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

11.5 **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

11.6 **Do** have recorded the reasons for Panel's decision to defer any proposal and that this is in accordance with the Council's protocol on deferrals.

11.7 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion / decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11.8 **Do** note that the Chair of the Committee is entitled to vote as any other member on the merits of the application and has a second or casting vote in the event of an equality of votes cast.

12. TRAINING

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

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

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

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Part 5 -(F) Monitoring Officer Protocol

A. General Introduction to Statutory Responsibilities

1. The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Tameside Borough Council.

2. The current responsibilities of the Monitoring Officer role rests with the Assistant Director (Legal Services) who undertakes to discharge their statutory responsibilities in a manner that enhances the overall reputation of the Council. In doing so they will also safeguard, so far as is possible, Members and Officers who are acting in their official capacities from legal difficulties and/or criminal sanctions.

3. The main functions of the Monitoring Officer at Tameside Borough Council are:

   a) To report to the Council and to the Cabinet in any case where they are of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989 (LGHA 89);

   b) To investigate any matter which they have reason to believe may constitute, or where they have received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;

   c) To act as the principal adviser to the authority's Standards Committee in respect of standards and conduct issues;

   d) To act as the principal adviser to the authority's Hearings Sub-Committee;

   e) To maintain the register of members' interests;

   g) To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures

4. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:

   a) Complying with the law (including any relevant Codes of Conduct);

   b) Complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;

   c) Making lawful and proportionate decisions;

   d) Complying with the Council's Constitution and Procedure Rules

   e) Generally, not taking action that would bring the Council, their offices or professions into disrepute

   f) Communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters

5. The main statutory references for the Monitoring Officer's functions are set out in the Appendix.

B. Working Arrangements

1. It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital, therefore, that Members and Officers work with the Monitoring Officer (and their staff) to enable them to discharge their statutory responsibilities and other duties.

2. The following arrangements and understandings between the Monitoring Officer, Members and Senior Managers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:

   a) Be alerted by Members and Officers to any issue(s) that may become of concern to the Council including, in particular, issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

   b) Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet or Committee meetings;

   c) Have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings;

   d) In carrying out any investigation(s) have unqualified access to any information held by the Council and to any member or officer who can assist in the discharge of their functions;

   e) Ensure the other statutory officers (the Head of Paid Service and the Chief Finance Officer, otherwise known as the Section 151 Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

   f) Meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

   g) Report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader of the Council, the Head of Paid Service and the Chief Finance Officer;

   h) In accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources they require to discharge their statutory functions;

   i) Have an appropriate relationship with the Executive Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;

   j) Develop effective working liaison and relationship with the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Head of Paid Service and the appropriate Director;

k) Maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;

l) Give informal advice and undertake relevant enquiries into allegations of misconduct;

m) In consultation, as necessary, with the Leader of the Council, Cabinet and the Standards Committee, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;

n) Subject to the approval of the Standards Committee, be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;

o) Oversee the implementation and monitor the operation of the Code of Corporate Governance and report annually to the Cabinet on compliance with the Code;

p) Advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator;

q) Appoint one or more deputies and keep them briefed on any relevant issues that they may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

3. To ensure the effective and efficient discharge of the arrangements set out above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

4. The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

5. Where the Monitoring Officer receives a complaint of a potential reportable incident, they will in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

6. In appropriate cases, the Monitoring Officer may rely upon existing processes within the Authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

7. In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add their written advice to the report of any other Officer of the Authority.

8. Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Head of Paid Service and the Chief Finance Officer, they are of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

9. The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (for example, Procedure Rules, policy framework, terms of reference, scheme of delegation etc).

10. To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

C. Sanctions for Breach of Council's Code of Conduct for Members and this Protocol

1. Complaints about any breach of the Council's Code of Conduct for Elected Members must be referred to the Monitoring Officer. Complaints about any breach of this Protocol by a Member will be referred to the Standards Committee and to the relevant Leader of the Political Group. Complaints about any breach of this Protocol by an Officer may be referred to the relevant Director and/or the Chief Executive.

Appendix

Monitoring Officer Protocol

Summary of Main Monitoring Officer Functions

Summary of Main Monitoring Officer Functions

Description	Source
Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
Appointment of Deputy	Section 5 Local Government and Housing Act 1989
Report on resources	Section 5 Local Government and Housing Act 1989
Exercising responsibilities in respect of submitted complaints against elected members and voting co- opted members	Code of Conduct for Elected Members and Voting Co-Opted Members
Establish and maintain registers of members interests and gifts and hospitality	Section 81 LGA 2000 and Code of Conduct for Elected Members and Voting Co-opted Members
Advice to members on interpretation of the Code of Conduct for Members.	Code of Conduct for Elected Members and Voting Co-opted Members
Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Statutory Guidance paragraph 8.20.
Compensation for maladministration	Section 92 LGA 2000
Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	Department for Communities & Local Government, Local Government Ombudsman guidance

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