

REVISED SCHEME OF DELEGATION

EXECUTIVE MEMBER: Cllr E Woodburn, Leader of the Council
LEAD OFFICER: Joanne Wagstaffe, Corporate Director Resources & Transformation
REPORT AUTHOR: Joanne Wagstaffe, Corporate Director Resources & Transformation

Summary:

Recommendation:	The Council agrees the revised Scheme of Delegation attached as Appendix 1
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1. INTRODUCTION

The Scheme of Delegation remains the major part of the Constitution requiring revision to reflect the Council's new management structure. The scheme has been revised following successful recruitment of the remaining 2 Heads of Service posts who will be commencing their duties in August.

2. CONCLUSIONS

The revised Scheme of Delegation has been considered by the Constitutional Working Group and the Council is invited to consider and agree the revised Scheme of Delegation.

List of Consultees:

Constitutional Working Group,
Corporate Leadership Team

Background Papers:

CHAPTER 12
EMPLOYEES OF THE COUNCIL
AND
SCHEME OF DELEGATION

Employees form an important part of the Council, and are responsible for advising on development of and the subsequent implementation of the strategies, policies and procedures the Council is responsible for delivering.

This Chapter, together with a range of procedures relating to the operation of their employment amended from time to time, set out the rules around which Employees carry out their terms and conditions of employment. In the event of a discrepancy between this chapter and those procedures this chapter shall take precedence.

The Confidential Reporting Code referred to in Chapter 3 Citizens and the Council is also available for Employees who may wish to raise concerns over the way in which the Council or its representatives which will be dealt with in confidence, and is available to all employees on the Council's website or from their Managers.

OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or of an existing Councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

- (ii) No Councillor will seek support for any person for any appointment with the Council. This shall not preclude a Councillor from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with the application for appointment.

Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint the Head of the Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) Draw up a statement specifying:
 - (i) The duties of the officer concerned; and
 - (ii) Any qualifications or qualities to be sought in the person to be appointed;
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) Make arrangements for a copy of the statement mentioned in paragraph 1 to be sent to any person on request.

Appointment of the Head of the Paid Service

- (a) The full Council must approve the appointment of the Head of Paid Service before an offer of appointment is made to him/her following the recommendation of such an appointment by the Personnel Panel.
- (b) The full Council may only make an offer of appointment as the Head of the Paid Service where;
 - (i) The Personnel Panel or the Appointments Panel selected by the Personnel Panel under paragraph 6.52 of the Scheme of Delegation has notified the Proper Officer of the name of the person the Panel wishes to appoint together with any other particulars which the Panel considers relevant to the appointment.
 - (ii) The Proper Officer has notified every Member of the Executive of the name of the person and any other particulars relevant to the appointment which the Panel has notified to the Proper Officer; and

- (iii) A period of 5 working days has elapsed since the notification referred in (ii) above and either
 - (1) The Leader of the Council has within the period of 5 working days referred to in (iii) above notified Full Council that neither he/she nor any other member of the Executive has any objection to the appointment.
 - (2) The Proper Officer has notified full Council that no objection was received by him within the period of 5 working days from the Leader of the Council; or
 - (3) Full Council is satisfied that any objection received from the Leader of the Council within the 5 working days is not material or is not well-founded.

Appointment of Chief Officers

- (a) The Personnel Panel or the Appointments Panel selected by the Personnel Panel under paragraph 6.52 of the Scheme of Delegation will appoint Chief Officers.
- (b) The Personnel Panel/Appointments Panel may only make an offer of appointment of Chief Officer where:
 - (i) The Personnel Panel/Appointments Panel has notified the Proper Officer of the name of the person the Panel wishes to appoint together with any other particulars which the Panel considers are relevant to the appointment.
 - (ii) The Proper Officer has notified every member of the Executive of the name of the person together with any other particulars relevant to the appointment which the Panel has notified to the Proper Officer and
 - (iii) A period of 5 working days has elapsed since the notification referred to in (ii) above and either
 - (1) The Leader of the Council has within the period of 5 working days referred to in (iii) above notified the Panel that neither he/she nor any member of the Executive has any objection to the appointment
 - (2) The Proper Officer has notified the Panel that no objection was received by him/her within the period of 5 working days from the Leader of the Council.
 - (3) The Panel is satisfied that any objection received by the Leader of the Council within the period of 5 working days is not material or is not well founded.

Procedure for Appointment of Certain Officers

- (a) An offer of appointment as a vice chief officer as defined in Section 2(8) of the Local Government Act 1989 or as a political assistant as defined in Section 9 of the Local Government Act 1989 shall not be made by the appointing officer until:
- (i) The appointing officer has notified the proper officer of the name of the person to whom the appointing officer wishes to make the offer of appointment and any other particulars which the appointing officer considers are relevant to the appointment.
 - (ii) The proper officer has notified every member of the Executive of:
 - the name of the person to whom the appointing officer wishes to make the offer
 - any other particulars relevant to the appointment which the appointing officer has notified to the proper officer
 - the period within which any objections to the making of the offer is to be made by the Executive to the proper officer; and
 - (iii) Either
 - the Leader has on behalf of the Executive, within the period specified in 4(a) (ii) above, notified the proper officer that no member of the Executive has any objection to the making of the offer;
 - the proper officer has notified the appointing officer that no objection has been received to the making of the offer; or
 - the appointing officer is satisfied that any objection received within the specified period is not material or not well-founded.

Other Appointments

Officers other than Chief Officers. Appointment of officers other than chief officers (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.

Disciplinary Action – Head of the Paid Service

- (a) The full Council must approve the dismissal of the Head of the Paid Service before notice of dismissal is given to him/her, following the recommendation of such dismissal by an Investigating Committee appointed by the full Council and including at least one member of the Executive.

(b) The full Council may only decide that notice of dismissal be given to the Head of Paid Service where: -

(i) The Investigating Committee notified the Proper Officer of the recommendation to dismiss the Head of the Paid Service together with any particulars the Committee considers are relevant to the dismissal.

(ii) The Proper Officer has notified every member of the Executive of the recommendation to dismiss the Head of Paid Service and any other particulars relevant to the recommendation to dismiss which the Committee has notified to the Proper Officer; and

(iii) A period of 5 working days has elapsed since the notification referred to in (iii) above and either

(1) The Leader of the Council has within the period of 5 working days referred to in (ii) above notified full Council that neither he/she nor any Member of the Executive has any objection to the dismissal, and the Proper Officer has notified full Council that no objection was received by him within the period of 5 working days from the Leader of the Council or

(2) Full Council is satisfied that any objection received from the Leader of the Council within the 5 working days is not material or is not well founded.

Disciplinary Action- Dismissal of Chief Officers

(a) An Investigating Committee will be responsible for the dismissal of Chief Officers. The Investigating Committee will be appointed by full Council and will include at least one member of the Executive.

(b) The Investigating Committee may only decide that notice of dismissal be given to a Chief Officer where: -

(i) The Investigating Committee has notified the Proper Officer of the name of the Chief Officer it proposes to dismiss and any other particulars which the Committee considers are relevant to the dismissal.

(ii) The Proper Officer has notified every Member of the Executive of the name of the Chief Officer it proposes to dismiss and any other particulars relevant to the dismissal which the Committee has notified to the Proper Officer, and,

(iii) The period of 5 working days has elapsed since the notification referred to in (ii) above and either

(1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified the Panel that neither he nor any other member of the Executive has any objection to the dismissal, and the Proper Officer has notified the Committee that no objection was received by him/her within the period of 5 working days from the Leader of the Council; or

(2) the Committee is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well-founded.

Disciplinary Action – Further Provisions

- (a) **Suspension.** The Head of the Paid Service, the Monitoring Officer (Democratic Services Manager) and Chief Financial Officer, Corporate Director Resources and Transformation may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent Person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person appointed under Regulation 7 of the Local Authorities (Standing Order) (England) Regulations 2001.

Other Dismissals and Disciplinary Action

- (a) **Officers below Service Heads:-** the dismissal of and taking disciplinary action against officers below Service Heads must be discharged on behalf of the Council by the Head of the Paid Service or his/her nominee.
- (b) Councillors will not be involved in any dismissal of any officer below Service Head except where such involvement is necessary for any investigation or inquiry into any matters under the Council's disciplinary, capability and related procedures, (as adopted from time to time) and where those procedures provide for, a right of appeal to members, and the subsequent determination of those matters the subject of appeal.

Definitions

For the purpose of these rules

- (a) A Chief Officer is either a statutory or non-statutory Chief Officer as defined in Section 2(6) and (7) of the Local Government Housing Act 1989; and
- (b) The Proper Officer is the Democratic Services Manager or where disciplinary action is being taken against him/her the Chief Executive.

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EMPLOYEE SCHEME OF DELEGATION

PART I

GUIDANCE FOR EMPLOYEES

1. Introduction

- 1.1. The Council has radically changed the way it operates. It has improved the level and quality of services to local people and will seek to continually improve in this regard.
- 1.2. This Scheme of Delegation has been agreed which will give greater empowerment to employees. This means that the Full Council and the Executive have delegated the day to day management of services to Officers unless otherwise stated.
- 1.3. The Chief Executive, Directors, Heads of Service and Service Managers shall be empowered to authorise employees in their Departments to exercise on their behalf the powers delegated under this Scheme. In accordance with Section 100 G (2) of the Local Government Act 1972 a list of authorised employees will be held by the Monitoring Officer and will be available for public inspection during normal office hours. Any decisions taken under this authority shall remain the responsibility of the Chief Executive, relevant Director, Head of Service and Service Manager and must be taken in the name of that Employee.
- 1.4. Decisions taken must clearly identify the Employee responsible for taking the decision.
- 1.5. These Guidance Notes set out the framework to decision making and establish a system to document decisions taken under the new Scheme.
- 1.6. These Guidance Notes are designed to assist Employees in avoiding the pitfalls in the decision making process. They are not a substitute for legal and other specialist advice which should always be sought in the case of doubt.

2. Background

- 2.1. Section 101 of the Local Government Act 1972 and section 15 of the Local Government Act 2000 set out the framework of delegation. They provide that a Full Council and an Executive can arrange for the discharge of functions through a Committee, Sub-Committee or Officer of the authority, or any other local authorities. Committees can delegate to Sub-Committees or to Officers, and Sub-Committees can delegate to Officers, unless expressly prohibited. Section 32 of the Local Government Act 2000 enables the Secretary of State through Regulations to provide for the discharge of functions by:
- a. Committees
 - b. Sub-Committees
 - c. An individual Member
 - d. Any Officer of the Authority.
- 2.2. Subject only to the very limited exceptions in Section 101 of the 1972 Act (for example, setting the council tax and considering certain reports from designated Officers), there are few limits on the extent of the delegation to Employees which local authorities are permitted to make.

3. Decision Making – The Process

- 3.1. Before taking any decision, an Employee must satisfy him or herself of the following matters when relevant:
- i. the facts upon which the decision must be based;
 - ii. any legislative requirements, including the need to secure Best Value and value for money;
 - iii. the strategies and policies of the Full Council including any plans, objectives relating to his or her Service or the Full Council;
 - iv. any relevant national or regional guidance;
 - v. the available options;
 - vi. the financial, staffing and legal implications, following consultations with the Director of Resources and Transformation, Head of Corporate Resources and the Head of Policy and Transformation, as appropriate;
 - vii. the views/advice of any appropriate Statutory Officer;
 - viii. any consultations undertaken, the views of any consultees and any other representations received;

- ix. any implications for any other areas of the Council's activities including the views of the Chief Executive or relevant Director or Service Head whose services may be affected and whether any consultation has taken place;
- x. the need to inform the appropriate Members such as the relevant Chair or Deputy Chair or the Leader or Deputy Leader or Ward Members;
- xi. the Constitution, including the Contract Procedure Rules and the Financial Procedure Rules.

3.2. Employees are responsible for determining when further consultation and public participation would be appropriate.

4. Decision Making - Accountability

4.1. Decisions are open to challenge and review in a number of ways and it is, therefore, important to be able to demonstrate that decisions have been taken in a proper manner that avoids challenge.

4.2. It is important to remember that decisions which are overturned will invariably have been successfully challenged not because they were 'wrong', but because they have been reached following a flawed process.

4.3. The principal avenues for challenging a decision are:

- i. Designated Officers – Head of Paid Service, Monitoring Officer and Section 151 Officer;
- ii. European Convention of Human Rights;
- iii. Central Government;
- iv. The Courts by way of Judicial Review;
- v. The Councils complaints system;
- vi. Overview and Scrutiny Commissions;
- vii. Local Government Ombudsman; and
- viii. The Auditor.

4.4. There are a number of areas of action and decision-making by local authorities which typically give rise to challenge. They include:

- (i) failure to take into account relevant considerations, either as required by law or such as would be taken into account by any reasonable person,
- (ii) taking into account irrelevant considerations,
- (iii) acting so unreasonably such that no reasonable body of persons could have so acted,
- (iv) failure to direct itself properly in law,
- (v) exercising a power for a purpose for which it was not conferred,
- (vi) acting in bad faith or for an improper motive,

- (vii) fettering or failing to exercise discretion,
- (viii) through improper delegation,
- (ix) failure to consult or to consult properly, either as a matter of statute or legitimate expectation,
- (x) failure to act fairly or observe procedural requirements

4.5. Officers are accountable to the Council for any day to day decisions they make, and may be required to report to, and to answer questions from, the Overview and Scrutiny Committees in respect of any decision which they make.

5. Decision Making – Recording the Decision

- 5.1. The significance of decisions taken under delegated powers will vary and the Chief Executive or relevant Director, Head of Service and Service Manager and those they empower to make decisions will need to exercise judgement in determining whether day to day decisions are significant enough to require formally recording. These decisions will be known as significant day to day decisions. To assist in this process, decisions are significant if they propose to incur revenue or capital expenditure in excess of £50,000 .
- 5.2. Other decisions which need to be recorded are those which:
- a) Relate to human resources matters as required
 - b) Require the acquisition of land or an interest in land in excess of £50,000 save where the value is equal to or below the Council Valuers valuation;
 - c) Require the disposal of land or an interest in land in excess of £50,000 save where the value is equal to or above that of the Council Valuers valuation;
 - d) Require a virement of funding within approved virement powers of Officers;
 - e) Are of such significance to the locality, the Council or the services which the Council provides that the Officer is of the opinion that it should be recorded.
- 5.3. On making a significant day to day decision, the Employee must provide their Head of Service, and the Monitoring Officer, with a completed Record of Decision Form within three clear working days of the date of taking the decision.

- 5.4. The Head of Service will maintain a record of all significant day to day decisions made by an Employee, including any information relied upon when the decision was made. The Head of Service will also ensure that the Record of Decisions is available for inspection during all normal office hours; the public has the right to copy or to be provided with a copy of any part of that Record, excluding any exempt or confidential information, upon payment of a reasonable copying and administrative charge. The Record of Decisions will also be made available for perusal by Members. The Record of Decisions will also be made available on the Councils website.
- 5.5. It is essential that the contents of the Record of Decision Form are clear in conveying the decision taken. The reasons for the decision must be set out.
- 5.6. It is now accepted in local authority decision-making that reasons have to be given. Generally, giving reasons is an accepted 'best practice' principle of good administration and the practice may be important in ensuring that controversial decisions are rooted in relevant considerations and with proper regard to available legal powers.
- 5.7. If a decision is challenged it is vital to be able to demonstrate that the proper processes were complied with. To be able to do this it is essential that adequate records are kept so they can be referred to and produced if necessary. These records should include written notes of all relevant meetings and discussions and copies of all papers considered in making a decision. It is best practice to keep a clear note of all considerations taken into account with reasons why they were considered relevant and why matters not considered were thought not to be relevant.
- 5.8. Services should maintain a central record of all delegated decisions with copies of the relevant documentation for a four year period.
- 5.9. It is important that where Employees involved in making decisions have a registrable interest this is declared on the Form to preserve the integrity of the process. Where Employees have a registrable interest they should seek the advice and approval of the Monitoring Officer prior to taking any decision in relation to that interest.
- 5.10. There is no requirement to maintain a record of decisions involving expenditure less than £25,000 for the purpose of Councillor or public access. However, Employees are responsible for ensuring that sufficient evidence is kept about the decision and the reasons for it. Evidence may be required for a Judicial Review, Employment Tribunal, Ombudsman, Audit Commission or other proceedings or investigation, and for ensuring that all those who need to know are informed promptly of the decision.
- 5.11. Employees are also responsible for ensuring that consultation is undertaken where appropriate, and especially when they are aware that the decision is likely to be controversial.

6. Referral

- 6.1. Whilst this Scheme is designed to encourage Employees to take responsibility for day to day decisions, an Employee may decide that a particular issue is such that it should be referred to the appropriate body or Committee for a decision to be taken. Such a referral must take place where the proposed decision is in conflict with existing Council Policy or the matter raises new issues of policy.

7. Interests

- 7.1. Employees are reminded of the requirement to register any interests they may have with the Head of Legal and Democratic Service, including in relation to contracts, and such record shall be open to inspection by Members.

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EMPLOYEE SCHEME OF DELEGATION

PART 2

DELEGATIONS

8. GENERAL DELEGATION

- 8.1. Service Heads may appoint and manage staff, including temporary staff, in posts which have been approved and are budgeted for (or are within assured contract income), and make changes to job designations and job profiles (subject to any necessary agreement with postholders and to appropriate notification to Members), except those posts where these matters are reserved for member-level decisions.
- 8.2. Officers may re-align budgets in accordance with Financial Regulations and Contract Standing Orders provided there is no change in Council policy, no overall effect on the budget in each year and no additional financial commitment for future years. These must be formally recorded as virements.
- 8.3. Unless otherwise stated, the officers identified in this document may delegate the powers to other employees, or to interim office-holders, who report to them. The delegation must be formally recorded.
- 8.4. Each Director shall have authority to act in the absence of the Chief Executive or any Chief Officer reporting to him/her, subject to Proper Officer requirements.

9. URGENT DECISIONS

- 9.1. Where a matter which would normally be referred to the Executive or a decision-making Panel requires an urgent decision and the Chair does not consider it appropriate to call an urgent meeting, all the powers and duties of the Committee may be exercised by the Chief Executive or appropriate Director or Chief Officer, in accordance with the provisions of General Standing Order 19 or the Urgent Business provisions of the Executive Procedure Rules in Part 4 D (3) of this Constitution, provided that decisions taken under such provisions shall only be taken in accordance with the Guidance Notes on Urgent Actions at Appendix "A" to this Scheme.
- 9.2. Under no circumstances shall officers exercise emergency powers of decision in relation to those matters which are reserved to the Council itself.

10. SPECIFIC DELEGATIONS

Chief Executive

- 10.1. To exercise any of the powers of a Director and/or Chief Officer in his or her absence, subject to Proper Officer requirements.
- 10.2. To hear and determine appeals from staff in accordance with the Council's grievance and disciplinary procedures.
- 10.3. To approve expenditure to cover situations in war or peacetime emergencies where other arrangements are impracticable, subject to the requirements of Contract Standing Orders.
- 10.4. To determine applications for early retirement except agreement to added years.
(Head of Communications)**
- 10.5. To approve, in consultation with the Executive where appropriate, Council publications, including press releases and the giving of live and recorded interviews by officers in accordance with the Council's approved Corporate Image and Media Relations Procedure.

Corporate Director Resources and Transformation

- 10.6. To open and operate accounts with the Council's bankers including signing cheques and authorising other cheque signatories.
- 10.7. To invest and borrow funds in accordance with the Council's appropriate resolution, including by way of overdraft, bank loan, Public Works Loans Board loan or other institutional loan arrangements
- 10.8. To negotiate the Council's insurance premiums with the Council's insurers.
- 10.9. To vary the rate of interest for loans for house purchase and improvement.
- 10.10. To adjust any financial limits in this document, Financial Regulations and Contract Standing Orders at the commencement of each municipal..
- 10.11. To write off debts due to the Council, up to the value of £25,000
- 10.12. Administration of Treasury Management in accordance with procedures and working arrangements determined by the Executive.
- 10.13. Administration of the Council's insurances in accordance with procedures and working arrangements determined by the Executive.

10.14. To take action as client officer for the measured term contract for public buildings, reactive repairs to public buildings, minor works and planned maintenance.

Head of Corporate Resources

10.15. To deal with all, Council Tax Benefits and NNDR administration matters including collection recovery and implementation of discretionary relief

10.16. To appoint professional bailiffs to execute distress warrants for non payment of rates and notices of distress for non-payment of National Non-Domestic Rates, and Council Tax.

10.17. To exercise the powers of the Council in respect of rents and sundry debts.

10.18. To write off debts due to the Council not exceeding £5,000

10.19. To exercise the powers of the Council (the charging authority) including the institution of legal proceedings and all steps necessary to prosecute them and enforce judgements in relation to:

- a. The assessment of rateable values of properties;
- b. The billing/demand, collection, recovery and refund, including the determination of interest payable, of national non-domestic rates;
- c. The assessment of applications for charitable reliefs and remissions on the grounds of hardship.

10.20. To exercise the powers of the Council (the Billing Authority) including the institution of legal proceedings and all steps necessary to prosecute and enforce judgements in respect of:-

- a. The billing/demand, collection, recovery and refund of Council Tax and any Council Tax penalties;
- b. The determination of reliefs, discounts and exemptions on such grounds as are provided for in the Local Government Finance Act 1992 (as amended).

10.21. To deal with all matters relating to the collection of monies due to the Council and payment of monies by the Council in accordance with limits set out in Financial Regulations.

10.22. To approve, in consultation with the appropriate Chief Officer, individual Terms and Conditions of employment in accordance with National and Local agreements and with the Council's approved Personnel policies and procedures.

10.23. To approve the Councils Corporate Training Programme.

- 10.24. To consult and negotiate with employees and recognised trade unions on behalf of the Council, in consultation with the Chief Executive, Directors and Chief Officers, on all matters concerning pay and conditions of employment for employees.
- 10.25. Implementation of the Council's Health and Safety Policy.
- 10.26. To pay all salaries and wages.
- 10.27. To deal with all matters relating to the administration of payroll, wages and salaries and other exchequer matters, in consultation with the Corporate Director Resources and Transformation.
- 10.28. In consultation with service heads, to grade posts (except the Chief Executive and Chief Officer posts) in accordance with the Council's job evaluation scheme.
- 10.29. To approve leasehold and freehold land and property acquisitions for approved schemes, leasehold and freehold disposals of land and property and easements in accordance with Contract Standing Orders.
- 10.30. In consultation with the appropriate Chief Officer, to approve wayleaves, licences and landlords' consents.
- 10.31. To approve rent reviews in relation to Council land and property (other than Housing Revenue Account houses and garages).
- 10.32. To manage the Council's total capital programme, within the policies and guidelines and overall resources set by Council, in accordance with Financial Regulations and Contract Standing Orders
- 10.33. Identifying the maintenance requirements for all land and property determining priorities and monitoring performance.
- 10.34. To be responsible for implementing the operational maintenance programme in respect of land and property in accordance with policy and resources allocated by the Council.
- 10.35. To act as Client Officer for contracts let for building maintenance.

Legal Services Manager (also Chapter 9 of the Constitution – Licensing)

- 10.36. To serve legal notices and to institute and defend proceedings in relation to matters authorised by the Council, or contained within this document.
- 10.37. To engage the services of external solicitors, counsel, and enquiry agents where necessary.
- 10.38. To authorise the service of requisitions for information as to interests in land or property where necessary in relation to the exercise of any functions of the Council.
- 10.39. Subject to the rights of applicants to be heard before the Taxi and General Licensing Panel, and except in the case of those applications specifically reserved to the Licensing Panel, to determine applications for hackney carriage driver and vehicles licences (and to determine applications for the renewal of licences for hackney carriage vehicles where the licence has failed to be renewed in accordance with the policy relating to the restriction on the number of hackney carriage vehicles) private hire driver, vehicle and operator licences, public entertainment licences, theatre licences, cinema licences, street collection permits, house to house collection permits, gaming permits, bingo permits, registration as a lottery, amusements with prizes permits, and registration as a doorman;
- 10.40. To make observations, on behalf of the Council, in respect of applications made to the Licensing Justices;
- 10.41. To sign discharges on behalf of the Council signifying repayment of a mortgage or discount.
- 10.42. To give effect to the statutory assistance for private owners of designated houses in accordance with Part XVI of the Housing Act 1985.
- 10.43. To make on behalf of the Council, following consultation with the Head of Regeneration, provisional Tree Preservation Orders under Section 201 of the Town and Country Planning Act 1990 in respect of any trees in the Council's area.
- 10.44. Where no objections are received within the statutory period of service of a Tree Preservation Order made under Section 198 or Section 201 of the Town and Country Planning Act 1990, to confirm the orders as unopposed.

Head of Policy and Transformation

10.45. Implementation of policies for the Performance management framework

Corporate Director People and Places

10.46. Implementation of policies for employment and economic development.

10.47. The implementation of a programme to meet identified land and property needs.

10.48. Implementation of policies for promotion and marketing of the Borough as a location for new investment, business tourism and leisure tourism.

10.49. Implementation of policies for assisting and encouraging the development of new businesses including cooperative and community enterprise and joint partnership initiatives and providing and promoting accommodation for businesses.

10.50. Implementation of policies for assisting existing business expand and create and conserve jobs.

10.51. Implementation of policies for equipping unemployed and disadvantaged with skills necessary to compete in the labour market, the support of job creation/placement initiatives.

10.52. Implementation of policies for the promotion of equality of access to job opportunities by all sections of the community.

10.53. Implementation of policies for Urban and rural area regeneration.

10.54. Implementation of policies for supporting environmental improvements in areas important to economic regeneration, including derelict land reclamation.

10.55. to determine, in conjunction with the Corporate Director Resources and Transformation, whether an individual should repay a charge on a property relating to a Disabled Facility Grant when a property is sold within ten years of the grant being applied.

Head of Regeneration and Communities

10.56. Giving appropriate grants financial or other assistance where appropriate to agencies and bodies creating or assisting the creation of employment in the Borough.

10.57. The promotion and marketing of tourism in accordance with Council policies.

10.58. In consultation with the Legal Services Manager to agree representation at public inquiries and planning appeals

- 10.59. To exercise the functions of the Council under Part VIII of the Housing Grants Construction and Regeneration Act 1996 in respect of improvement grants and implementation in Council policy in respect of Renewal Areas, and of the Housing Act 1985 in respect of the private sector housing.
- 10.60. To authorise the determination of hardship cases where improvement grant applicants have proved to be in receipt of housing benefit and or income support.
- 10.61. Implementation of the Authority's statutory homelessness functions under Part VII of the Housing Act 1996.
- 10.62. Entering into leases and agreements in connection with the Private Sector Leasing Scheme.
- 10.63. Authority to sign notices in respect of unfit properties and closing orders.
- 10.64. To implement procedures for making grants for the repair improvement and conversion and adaptation of houses, houses in multiple occupation, and flats.
- 10.65. To implement procedures on all matters relating to the Housing Strategy, Housing Capital Programme and the Supporting People regime.
- 10.66. To implement procedures on the provisions of the Housing Act 1985 relating to defective housing.
- 10.67. To implement procedure on acquisitions of dwellings and land for dwellings.
- 10.68. To manage and administer the contract for a Careline service
- 10.69. In the absence of the Head of Regeneration and Communities the signatory for statutory notices, approval notices and other documents will be the Strategic Planning Manager
- 10.70. Operation of the Tourist Information Centres.
- 10.71. To deal with dangerous structures under relevant legislation including Service of Notice, implementation of works in default and legal proceedings.
- 10.72. Receive and process notifications of intended demolitions including the service of Notices requiring adherence to appropriate conditions, and including proceedings in respect of breaches of Notices served.
- 10.73. To take such action as is necessary under the Building Act to serve notice and make safe ruinous and dilapidated buildings. This includes legal proceedings in respect of breaches of notices served.

- 10.74. To determine applications under the Building Regulations, with the exception of relaxations and to enforce the regulations as necessary.
- 10.75. To consider and submit for Planning Panel approval, street naming and the naming or numbering of buildings.
- 10.76. To determine applications for Certificates of Lawfulness of existing or proposed use or development under Sections 191 and 192 of the Town and Country Planning Act 1990.
- 10.77. To serve Planning Contravention Notices in respect of suspected breaches of planning control.
- 10.78. In consultation with the Legal Services Manager, to agree heads of terms for planning obligations and Agreements under Section 106 of the Town and Country Planning Act 1990.
- 10.79. In consultation with the Legal Services Manager to agree representation at public inquiries and planning appeals.
- 10.80. In the absence of the Head of Community and Regeneration the signatory for statutory notices, approval notices and other documents will be the Development Management Manager or Building Control Manager as appropriate
- 10.81. To authorise under the Council's powers (whether in its own right or as agents for another authority) relating to planning and development, or buildings
- (a) The issue and service of such notices, certificates and documents as is deemed appropriate to the circumstances; and
 - (b) Appropriate action (including legal proceedings other than in the High Court) in respect of complaints and offences.
- 10.82. To exercise the following functions in connection with Development Control Scheme:
- 10.83. To determine applications in the following categories:-
- (a) "Household" developments e.g. extensions; LPG tanks, satellite dishes etc.
 - (b) Minor operations e.g. erection of walls and fences; construction of vehicular accesses
 - (c) Change of use
 - (d) Temporary building and uses e.g. pigeon lofts; stables; garages etc.
 - (e) Agricultural building operations

Comment [p1]: Wrong section

Comment [p2]: Neighbourhoods now I think

- (f) Minor residential development viz not more than 5 dwellings or on land not exceeding 0.4 ha (1 acre) where such development is in accordance with Local Plan policies
 - (g) Minor commercial development viz buildings not exceeding 465m² (5000ft²) or on land not exceeding 0.4ha (1 acre) where such development is in accordance with Local Plan policies
 - (h) Reserved matters viz following the grant of outline planning permission
 - (i) Advertisement
 - (j) Notice of intention to carry out development in relation to agriculture and telecommunications
 - (k) Overhead power lines
 - (l) Listed building consent
 - (m) Conservation area consent
 - (n) Temporary buildings/structures and renewals of temporary planning permissions within the Sellafield site
- 10.84. To determine applications submitted under section 65 of the Town and Country Planning Act 1990 (whether planning permission is necessary).
- 10.85. To submit comments to the Lake District National Park Authority on applications which would otherwise be outside the 28 days consultation period, and on those applications which the Authority has delegated to its officers for determination.
- 10.86. To determine applications to fell, lop, top carry out other minor works to trees subject to Tree Preservation Order or within a Conservation Area.
- 10.87. To approve or disapprove any of the following matters when reserved, or made the subject of conditions in planning consent:-
- a) materials to be used externally on buildings
 - b) landscaping and tree planting proposals and tree replacements
 - c) minor alterations in the siting of development
 - d) minor modifications to plans or previously approved material
 - e) provision of vehicular access
 - f) construction of finish of boundary walls and fences
 - g) construction to finish of parking areas.

- 10.88. To make orders for stopping – up and diversion of footpaths and bridleways in accordance with the granting of planning permission under the provisions of sector 257 of the Town and Country Planning Act 1990
- 10.89. Applications to be referred to the Planning Panel for determination in the following circumstances:-
- a) where a Member asks for the application to be referred to the Panel for decision. Such a request should be made to the Head of Regeneration, in writing, within 21 days of the publication of the weekly list of applications received. Any such request may also be withdrawn, in writing, by the Member at any time prior to the publication of the agenda in which the proposal is included.
 - b) where there is an unresolved objection from any source received within a period of 21 days from the date of notification of the application (other than (a) where written objections have been received solely on grounds which are not material to determination of planning applications; or (b) where written objections have been received based on material planning considerations but where such considerations are not deemed to warrant refusal of the application having due regard to relevant policies of the extant development plan and all other material planning considerations.)
 - c) ALL applications relating to proposed developments which are departures from national planning policy guidelines and/or Council's adopted Local Plan Policies will be referred to the panel for determination.
 - d) ALL applications recommended for refusal will be placed before the Panel for decision.
 - e) where the Officers are of the view that the application or matter should be referred to the panel for determination.

Head of Neighbourhoods

- 10.90. To submit tenders or estimates for work to be carried out by the unit.
- 10.91. To monitor performance of contracts.
- 10.92. To determine applications for professional side-shows and amusements in public spaces and enter into agreements for the adoption of amenity areas. To issue notices etc and initiate appropriate action (other than in the High Court) in respect of complaints and offences about public spaces
- 10.93. To take action in relation to breaches of licensing requirements, including instituting proceedings or suspending or revoking licences under relevant legislation in respect of the licences referred to in paragraph 3.3.4 hereof.

- 10.94. To manage the car parking responsibilities of the Council with respect to serving requisitions for information in relation to breaches of car parking regulations, to institute enforcement action and determine excess charge notice appeals. To carry out duties in connection with abandoned vehicle notices under Section 13(5) of the Refuse Disposal Amenity Act 1978 and arrange for the disposal of abandoned vehicles.
- 10.95. To manage duties with respect to Section 2 of the Parish Council's and Burial; Authorities (Miscellaneous Provisions) Act 1970 in connection with exclusive rights of burial and the arrangement for burial or cremation where no other arrangements can be made and for applications for reduced charges.
- 10.96. To take action as necessary to ensure the provision and maintenance of public amenities.
- 10.97. To take action under the Public Health Acts, Environmental Protection Acts, Environment Act, Water Industry Act, Clean Air Act, the Prevention of Damage by Pests Act, the Caravan Sites and Control of Development Act and other legislation relating to:-
- (a) drainage
 - (b) statutory nuisances
 - (c) noise nuisance
 - (d) public drinking water quality
 - (e) dog control
 - (f) pest control
 - (g) air quality
 - (h) contaminated land
 - (i) caravan and camping sites
- 10.98. This includes inspection of premises, issue of notices as required and institution of legal proceedings.
- 10.99. In accordance with various statutes maintain a Public Register of environmental information available for public inspection during normal office hours.
- 10.100. In accordance with Part 1 (Schedule B) of the 1990 Environmental Protection Act receive and process applications regarding 'authorised processes'. This includes inspection of premises, service of Notices and if necessary institution of legal proceedings.

- 10.101. To take action under the Food Safety Act, the Health and Safety at Work etc Act, the Public Health (Control of Disease) Act and associated legislation relating to:-
- (a) food safety and food premises
 - (b) health and safety at work
 - (c) infectious disease control
 - (d) private drinking water quality
- 10.102. This includes inspection of premises, issue of Notices and institution of legal proceedings if necessary.
- 10.103. Receive and process applications in respect of applications for :-
- (a) riding establishments
 - (b) zoos
 - (c) dangerous wild animals
 - (d) dog breeding establishments
 - (e) animal boarding establishments
 - (f) milk dairies and ice cream
 - (g) ear/body piercing and tattooists
 - (h) pet shops
- 10.104. This includes inspection of premises issue of licences with conditions and if necessary institution of legal proceedings.
- 10.105. To authorise under the Council's powers (whether in its own right or as agents for another authority) relating to highways, streets and public health:-
- (a) the issue and service of such notices, certificates and documents as is deemed appropriate to the circumstances; and
 - (b) appropriate action (including legal proceedings other than in the High Court) in respect of complaints and offences.
- 10.106. To serve abatement notices under Section 80(1) of the Environmental Protection Act 1990
- 10.107. To carry out inspections to detect statutory nuisances
- 10.108. To investigate complaints as to the existence of statutory nuisances

- 10.109. To maintain a register of scrap metal dealers and to determine applications for such registration
- 10.110. To authorise officers to act under legislation which relates to the functions of his/her department
- 10.111. In the absence of the Head of Neighbourhoods the signatory for statutory notices, approval notices and other documents will be:-

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APPOINTMENT OF PROPER OFFICERS

"Proper Officer" is the term used in legislation where it is intended that functions shall be the responsibility of a particular officer of the Council.

The following are the Proper Officers of the Council under the enactments shown below. The alternative Proper Officer is authorised to act when the Proper Officer is absent or otherwise unable to act.

Ref No.	Function	Proper Officer	Alternative Proper Officer
Local Government Act 1972			
1.	Section 13(3) – the officer to act as a parish trustee in parishes having no parish council.	Chief Executive	Democratic Services Manager
2.	Section 83(1) to (4) - the officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office.	Chief Executive	Democratic Services Manager
3.	Section 84 - the officer to whom written notice of resignation of elected office shall be delivered.	Chief Executive	Democratic Services Manager
4.	Section 88(2) - the officer by whom a meeting of the Council for the election of the vacant office of Mayor may be convened.	Chief Executive	Democratic Services Manager
5.	Section 89(1)(b) - the officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough.	Chief Executive	Democratic Services Manager
6.	Section 115(2) - the officer who shall receive all money due from every officer employed by the Council.	Corporate Director Resources and Transformation	Accountancy Services Manager

7.	Section 146 - the officer who shall in the case of the Council changing its name, make a statutory declaration specifying the securities standing in the books of various companies in the name of the Council and verifying the change and identity of the Council.	Corporate Director Resources and Transformation	Accountancy Services Manager
8.	Section 151 - the officer who shall have responsibility for the proper administration of the Council's financial affairs.	Corporate Director Resources and Transformation	Accountancy Services Manager
9.	Section 210 (6) and (7) – the officer who shall exercise the charity functions of office holders with a predecessor authority where there is no equivalent office holder in the successor authority.	Chief Executive	Head of Corporate Resources
10.	Section 212(1) - Local Registrar for Land Charges Act 1975	Head of Corporate Resources	Legal Services Manager
11.	Section 225(1) - the officer with whom a document of any description is deposited pursuant to the standing orders of either House of Parliament or to any enactment or instrument, and who shall receive and retain documents in the manner and for the purposes directed by the standing orders or enactments or instrument, and shall make notes or endorsements on, and give such acknowledgements and receipts, in respect of, the documents as may be so directed	Head of Corporate Resources	Legal Services Manager
12.	Section 229(5) - the officer who shall certify a photographic copy of a document in the custody of the Council or of a document which has been destroyed or in the custody of the Council, or of any part of such document.	Legal Services Manager	Democratic Services Manager
13.	Section 234 - the officer who may, except as otherwise provided, sign on behalf of the Council any notice, or order or other document which the Council is authorised or required to give make or issue, by or under any enactment (including any enactment in the Local Government Act 1972).	Head of Corporate Resources	Legal Services Manager

14.	Section 234 - the officer authorised to sign forms of notice to give effect to planning applications.	Corporate Director People and Places	Development Control Manager
15.	Section 236 (9) and (10) – the officer who shall send copies of byelaws to parish councils and the proper officers of the County Council.	Head of Corporate Resources	Legal Services Manager
16.	Section 238 - the officer who shall certify a printed copy of a byelaw of the Council	Legal Services Manager	Head of Corporate Resources
17.	Schedule 12 paragraph 4 (2) (b) -the officer who shall sign summonses to attend meetings of the Council.	Chief Executive	Corporate Director Resources and Transformation
18.	Section 248 – the officer who shall keep a role of freemen.	Head of Corporate Resources	Democratic Services Manager
19.	Schedule 12 Paragraph 4(3) -the officer to whom a member of the Council shall give notice in writing requesting summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.	Head of Corporate Resources	Democratic Services Manager
20.	Schedule 14 Paragraph 25(7) - the officer who shall certify a resolution of the Council under this paragraph (resolutions applying or disapplying provisions of the Public Health Acts 1875-1961).	Legal Services Manager	Head of Corporate Resources
21.	Section 100 B(2) - the officer who shall determine the withholding of reports from public inspection on the basis of the existence of exempt information.	Corporate Director Resources and Transformation	Democratic Services Manager
22.	Section 100 B (7) (C) – the officer who shall supply information to the press	Head of Corporate Resources	Democratic Services Manager

23.	Section 100C(2) – the officer who shall supply information to the press	Head of Corporate Resources	Democratic Services Manager
24.	Section 100C(2) – the officer who shall supply summaries of proceedings of meetings considering reports containing exempt information	Head of Corporate Resources	Democratic Services Manager
25.	Section 100(F) (2) – the officer who shall determine the withholding of exempt information from Members	Chief Executive	Democratic Services Manager
Other Acts			
26.	Section 8 Representation of the People Act 1983 – The Registration Officer for the purpose of the registration of electors	Chief Executive	Democratic Services Manager
27.	Section 35 Representation of the People Act 1983 – the Returning Officer at an election of Copeland Borough Councillors.	Chief Executive	Democratic Services Manager
28.	Section 41 Local Government (Miscellaneous Provisions) Act 1976 the officer to certify true copies of resolutions and Minutes of proceedings etc.	Head of Corporate Resources	Democratic Services Manager
29.	Section 30, Local Government Act, 1974 – the Officer who shall give public notice of receipt of reports of the Local Commissioner.	Head of Corporate Resources	Democratic Services Manager
30.	Section 4, Local Government and Housing Act 1989 – the officer designated as the Head of the Paid Service	Chief Executive	None
31.	Section 2, Local Government and Housing Act 1989. Proper Officer for establishment and maintenance of politically restricted posts.	Chief Executive	Corporate Director Resources and Transformation

32.	Section 5, Local Government and Housing Act 1989 – the officer designated as the Monitoring Officer	Democratic Services Manager	Legal Services Manager
33.	Sections 15 and 16, Local Government and Housing Act 1989 – the officer who shall give and receive notices of constitution of wishes of political groups and to undertake matters relating to the form and establishment of political groups within the membership of the Council.	Head of Corporate Resources	Democratic Services Manager
34.	Sections 28 and 29, Regulation of Investigatory Powers Act, 2000 – the officer who is designated for the purposes of granting and authorisations and who shall maintain and keep under review a register of authorisations.	Head of Corporate Resources	Legal Services Manager
35.	Section 38, Local Government Finance Act 1992 - the officer who shall give notice of the amounts of Council Tax set	Corporate Director Resources and Transformation	Accountancy Services Manager
36.	The Local Authority (Stocks and Bonds) Regulations 1974 – the officer who shall act as registrar for maintenance of the stocks and bonds register and signing of certificates.	Corporate Director Resources and Transformation	Accountancy Services Manager
37.	Section 321(3) Highways Act 1980 - the officer who shall certify copies of the approved documents	Head of Neighbourhoods	Open Spaces Manager
38.	Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990 - the officer with whom shall be deposited lists of protected buildings.	Head of Regeneration and Community	Strategic Planning Manager
39.	Section 5 Food Safety Act 1990 – the officer who is authorised to act in matters under the Act.	Environmental Health Manager	Team Leader (Food and Health Safety)

40.	Section 19 Health & Safety Etc Act 1974 – the officer who shall Institute proceedings	Environmental Health Manager	Team Leader (Food and Health Safety)
41.	The Proper Officer in relation to any reference in any enactment passed before 1 April 1974 (other than the Local Government Act 1972) relating to:-		
	a) The Clerk of a Council or the Town Clerk of a Borough	Chief Executive	Corporate Director Resources and Transformation
	b) Copeland Borough Council Constitution - Parts 4B 4D and 4E	Chief Executive	Corporate Director Resources and Transformation
	c) The Proper Officer for any reference in any enactment not specified in this constitution	Chief Executive	Corporate Director Resources and Transformation

MANAGEMENT STRUCTURE

Management Structure

- (a) **General.** The full Council may engage staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated Chief Officers:-
 - Chief Executive (Head of Paid Service)
 - Corporate Director – Resources and Transformation (\$151 officer)
 - Corporate Director – People and Places
 - Head of Corporate Resources
 - Head of Policy and Transformation
 - Head of Neighbourhoods
 - Head of Regeneration and Communities
- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate the following posts as shown:
 - Head of Paid Service - Chief Executive
 - Monitoring Officer - Democratic Services Manager
 - Section 151 Officer (Chief Financial Officer) – Corporate Director Resources & Transformation

Functions of the Chief Executive as Head of Paid Service

- (a) **Discharge of functions by the Council.** The Chief Executive will report to full Council on the manner in which the discharge of the Council's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a member of a specified accountancy body.

Functions of the Democratic Services Manager as Monitoring Officer

- (a) **Maintaining the Constitution.** The Democratic Services Manager will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Chief Executive and the Corporate Director Resources & Transformation, the Democratic Services Manager will report to the full Council (or to the Executive in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Democratic Services Manager will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Democratic Services Manager will receive and act on reports made by ethical standards officers and decisions of the case tribunals in cases of alleged breaches of the Council's Code of Conduct.
- (e) **Conducting investigations.** The Democratic Services Manager will conduct investigations into matters referred by ethical standards officers and/or the Standards Board for England, and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The Democratic Services Manager will 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.
- (g) **Advising whether executive decisions are within the budget and policy framework.**
The Democratic Services Manager in consultation with the S151 Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Democratic Services Manager will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

Functions of the Corporate Director Resources & Transformation as S151 Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Chief Executive and the Democratic Services Manager, the S151 Officer will report to the Full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully, or if there is or is likely to be an unbalanced budget.
- (b) **Administration of financial affairs.** The S151 Officer will have responsibility for the proper administration of the financial affairs of the Council, and will take the responsibilities imposed by the Accountancy Audit Regulations 1996 relating to accounting records and control systems (including internal audit) and the statement of accounts. The S151 Officer as the responsible Financial Officer must by virtue of Section 113(4) of the Local Government Finance Act 1988 in England and Wales be a member of a specified accountancy body.
- (c) **Providing advice.** The S151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (d) **Give financial information.** The S151 Officer will provide financial information to the media, members of the public and the community.

Duty to provide sufficient resources to the Democratic Services Manager as Monitoring Officer and the S151 Officer

The Council will provide the Democratic Services Manager and the S151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

Conduct

Officers will comply with any Officers' Code of Conduct and Protocol on member/Employee Relations as may from time to time be determined by the Council.

Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in this Chapter

EMPLOYEES' CODE OF CONDUCT

1. Standards

Honesty, Integrity, Impartiality and Objectivity

- 1.1. Employees must perform their duties with honesty, integrity, impartiality and objectivity.
- 1.2. As holders of public office, employees should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands this.
- 1.3. Employees are expected to give the highest possible standard of service to the public.
- 1.4. Employees should bring to the attention of management any deficiency in the provision of service and must report any impropriety or breach of procedure. Where a contravention of any enactment or rule of law is suspected the matter must be reported to the Monitoring Officer. Where financial impropriety is suspected, the matter must be reported to the Section 151 Officer.
- 1.5. Employees who are members of professional associations are expected to adhere to all codes of conduct, ethics and standards of the relevant body.
- 1.6. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Council.
- 1.7. Employees serve the Council as a whole. They must therefore serve all Members, not just members of any controlling group, and must ensure that the individual rights of all Members are respected.
- 1.8. Some senior employees are expected, within the Council's guidelines, to advise political groups and have a duty to advise minority groups as well as any controlling group.

- 1.9. Some employees (normally those in more senior positions) are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. These employees will be made aware of any such restriction and of the rules for claiming exemption. Any employee who is in doubt about their position should contact the Human Resources Manager.
- 1.10. Employees, whether politically restricted or not, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

2. Accountability

- 2.1. Employees must be accountable to the Council for their actions.

3. Respect for Others

- 3.1. Employees must treat others with respect; not discriminate unlawfully against any person; treat members and co-opted members of the Council professionally; and abide by the Council's Dignity at Work Policy.
- 3.2. Relationships between employees should be based on mutual trust and respect and on a spirit of teamwork. Maintaining effective working relationships is everyone's responsibility but particularly that of managers at all levels. In cases of serious breakdowns in working relationships, the Council's established Grievance and Disciplinary Procedures may have a role to play.
- 3.3. Employees should follow the guidance set out in the Council's Protocol on
- 3.4. Member/Employee Relations in Chapter 16 of the Constitution.

4. Stewardship

- 4.1. Employees must use any public funds entrusted to or handled by them in a responsible and lawful manner, and must not make personal use of the property or facilities of the Council unless properly authorised to do so.
- 4.2. All relationships with suppliers or potential suppliers must be made known to the employee's manager, who will formally record the relevant information. Orders and contracts must be awarded on merit by fair competition, and no favouritism should be shown to businesses run by, for example, friends, partners or relatives. No part of the community must be discriminated against.

5. Personal Interests

- 5.1. Employees must not in their official or personal capacity allow their personal interests to conflict with the Council's requirements; or use their position improperly to confer an advantage or disadvantage on any person.
- 5.2. Employees must declare to their Head of Service, and record in the Register of Interests held by the Monitoring Officer, any financial interests which could conflict with the Council's interests.
- 5.3. Employees must similarly declare non-financial interests that they consider could bring about conflict with the Council's interests – for example, involvement with an organisation receiving grant aid from the Council; membership of an NHS Trust Board; or involvement with an organisation or pressure group which may seek to influence the Council's policies.
- 5.4. Employees must declare to their Head of Service membership of any
- 5.5. organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about its rules, membership or conduct (e.g. Freemasons)
- 5.6. Employees who have an interest, financial or non-financial, must not involve themselves in any decision on allocation of Council services or resources from which they, organisations with which they are involved, or their friends or family, might benefit, and must ensure that the matter is referred immediately to their Head of Service
- 5.7. Employees who engage, supervise or work with contractors and have previously had or currently have a relationship with the contractor in a private capacity must declare that relationship to their Head of Service who will formally record the relationship and determine what steps, if any, are necessary to protect against actual or perceived conflicts of interest.
- 5.8. Employees' off-duty hours are their personal concern, but they must not
- 5.9. subordinate their duty to their private interests or put themselves in a position where duty and private interests conflict.

6. Registration of Interests

- 6.1. Employees must comply with any requirement of the Council to register or declare interests and declare hospitality, benefits or gifts received as a consequence of their employment in accordance with the relevant guidance. Such gifts or hospitality to the value of twenty five pounds or more must be registered. The Register of Gifts and Hospitality is held by the Chief Executive's Administrative Support Officer.
- 6.2. Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the above rule concerning acceptance of gifts or hospitality applies. Particular care must be taken when dealing with contractors or potential contractors. Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative of the employee must benefit from such sponsorship in a direct way without there being full disclosure to the employee's Head of Service of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

7. Reporting Procedures

- 7.1. An employee must not treat another employee of the Council less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing, anything under or by reference to, any procedure the Council has for reporting misconduct.

8. Openness

- 8.1. Employees must not disclose information given to them in confidence by
- 8.2. anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so.
- 8.3. Employees must not prevent another person from gaining access to information to which that person is entitled by law.
- 8.4. Employees must not use any information obtained in the course of their
- 8.5. employment for personal gain or benefit, nor must they pass it on to others who might use it in such a way.

- 8.6. Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorized party or organisation.
- 8.7. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

9. Appointment of Staff

- 9.1. Employees must not be involved in the appointment or any other decision
- 9.2. relating to the discipline, promotion, pay or conditions of another employee or prospective employee who is a relative or friend.
- 9.3. In paragraph 9.1 above, “relative” means 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; and “partner” means a member of a couple who live together.

10. Other Employment

- 10.1. Employees must not undertake additional work outside their employment with the Council if that work conflicts with or detrimentally affects the Council’s interests, or in any way weakens public confidence in the conduct of the Council’s business.
- 10.2. Employees whose post is graded above Scale 6 are expected to devote the whole of their service to the work of the Council and must not engage in any other business or take up any other additional appointment for financial gain without the agreement in advance of their Head of Service. If agreement is given, employees must not undertake outside work on the Council’s premises, or using Council facilities (telephones, photocopying, computers, etc.)

11. Duty of Trust

- 11.1. Employees must at all times act in accordance with the trust that the public is entitled to place in them.